

Agenda Item	5.3
Report No	PLN/022/24

HIGHLAND COUNCIL

Committee: North Planning Applications Committee

Date: 5th March 2024

Report Title: 24/00292/PAN: Muirhall Energy
Land 460M South Of Seacliff House, Caroy, Struan, Skye

Report By: Area Planning Manager – North

Purpose/Executive Summary

Description: Glen Ullinish Coastal Delivery - Proposed new quay on the eastern shore of Loch Caroy, the Proposal will also be subject to a Marine Licence(s) for parts of the development below the mean high water spring tide level under the Marine (Scotland) Act 2010

Ward: 10 - Eilean A' Cheò

Recommendation

Members are asked to note the submission of the PAN and highlight any material issues they wish to be brought to the attention of the applicant before the submission of an application for planning permission.

1.0 BACKGROUND

- 1.1 This report informs the Planning Applications Committee of the submission of the attached Proposal of Application Notice (PAN).
- 1.2 The submission of the PAN accords with the provisions of the Planning etc. (Scotland) Act 2006 and was made valid on 26 January 2024. The PAN is a statutory requirement for planning applications for major or national developments and must be lodged at least 12 weeks prior to the submission of a planning application. Members are asked to note this may form the basis of a subsequent planning application.
- 1.3 The submitted information attached includes:
- Proposal of Application Notice (Application Form)
 - Location Plan.
- 1.4 There have been two in-person consultation events, the first took place on
- Tuesday 20th February 2024 between 11:30am and 7:30pm at the former Struan Primary School, and the second
 - on Wednesday 21st February 2024 consisting of two sessions 8:00am to 11:00am and 4:00pm to 7:00pm at Dunvegan Community Hall.

Further to these events, the applicant is committing to hold a second set of events at the same venues during May/June 2024 and prior to the school holidays

The first two events were advertised on 8th & 15 October 2024 in the West Highland Free Press, 12 days prior to the public consultation dates and within the required statutory period. The advert for the next events will be placed in West Highland Free Press two weeks prior to the event dates.

- 1.5 Details of all notified parties are contained in the PAN form and include Struan and Dunvegan Community Councils, as well as local Members. The applicant undertook a letter drop to advise the public of the consultation events to properties over a large geographical area (2.5km radius). Flyers were sent out to interested parties directing to project information on the company's website and providing guidance for online feedback.
- 1.6 Any forthcoming application will be accompanied by a Pre-Application Consultation (PAC) report explaining the consultation undertaken, feedback received, and any resultant amendments made to the planning application.

2.0 DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1 The proposal is for the construction of a quay, with associated infrastructure, on the eastern shore of Loch Caroy, Skye. The intended use of the facility is to deliver components related to wind farm development and minimise disruption on the local road network. There are three options for the exact location of the quay but all are within the 7 Ose Croft landholding

The final form of the proposal has yet to be finalised, but is likely to feature the following elements;

- A quay structure measuring 94m long x 40m wide with an infilled or open piled concrete deck involving land reclamation from the sea and up to 120 piles
- A laydown area cut into the land for turbine components storage, buildings and other services
- An access track to the public road with potential floating sections and watercourse crossings
- Measures for habitat management and enhancement
- Landscaping
- Pontoons/slipway for smaller vessels

A Marine Licence will also be required

The proposal is EIA development (Schedule 1) in respect of both its terrestrial and marine components.

2.2 The developer sought formal pre-application advice from the Planning Authority through the Pre-Application Advice Service for Major Developments in 2023 (HC ref. 23/03892/PREMAJ).

3.0 SITE DESCRIPTION

3.1 The PAN boundary covers approximately of 10 hectares of rough grazing croftland which slopes down to the eastern shore of the southern part of Loch Caroy. To the west the land is bordered by the A863 road. The eastern shore of the loch is formed by the western shore of the Harlosh peninsula

3.2 There are residential properties immediately to the north of the site and on the opposite shore. There are historic assets around the Loch Caroy coastline. The site is partly within the Inner Hebrides and the Minches Special Area of Conservation (SAC) designated for Harbour Porpoise. There is peat across the site.

3.5 Inevitably much of the site is at 1:200 year plus climate risk of coastal flooding, according to SEPA's Flood Risk Mapping.

4.0 DEVELOPMENT PLAN

The following policies are relevant to the assessment of the proposal:

4.1 National Planning Framework 4 (2023)

Policy 1 - Tackling the Climate and Nature Crises

Policy 2 - Climate Mitigation and Adaptation

Policy 3 - Biodiversity

Policy 4 - Natural Places

Policy 5 - Soils

Policy 7 - Historic Assets and Places

Policy 10 - Coastal Development

Policy 11 - Energy

Policy 12 - Zero Waste

Policy 13 - Sustainable Transport

Policy 20 - Blue and Green Infrastructure
Policy 22 - Flood Risk and Water Management
Policy 26 - Business and Industry
Policy 29 - Rural Development

4.2 **Highland Wide Local Development Plan (2012):**

28 - Sustainable Design
29 - Design Quality & Place-making
30 – Physical Constraints
31 – Developer Contributions
36 - Development in the Wider Countryside
47 – Safeguarding Inbye/Appportioned Croftland
49 - Coastal Development
55 – Peat and Soils
56 - Travel
57 - Natural, Built & Cultural Heritage
58 - Protected Species
59 – Other important Species
60 – Other Importance Habitats
61 – Landscape
62 – Geodiversity
63 – Water Environment
64 - Flood Risk
65 - Waste Water Treatment
66 - Surface Water Drainage
67 - Renewable Energy Developments

4.3 **West Highland and Islands Local Development Plan (2019) (WestPlan)**

No site specific policies apply

4.3 **Highland Council Supplementary Guidance**

- Flood Risk & Drainage Impact Assessment (Jan 2013)
- Highland Historic Environment Strategy (Jan 2013)
- Highland's Statutorily Protected Species (March 2013)
- Construction Environmental Management Process for Large Scale Projects (Aug 2010)
- Managing Waste in New Developments (Mar 2013)
- Physical Constraints (Mar 2013)
- Roads and Transport Guidelines for New Developments (May 2013)

- Standards for Archaeological Work (Mar 2012)
- Trees, Woodlands and Development (Jan 2013)
- Special Landscape Area Citations (June 2011)

4.4 **Scottish Government Policy and Other Guidance**

- Historic Environment Policy for Scotland (HEPS, 2019)

5.0 **POTENTIAL MATERIAL PLANNING CONSIDERATIONS**

- Development Plan and other planning policy;
- Community amenity including operational noise impacts;
- Construction impacts;
- Peat
- Roads and transport;
- Flood risk and drainage impacts;
- Design, landscape, and visual impact (including cumulative impacts);
- Natural heritage including protected species and habitats;
- Built and cultural heritage;
- Economic impact and tourism;
- Construction impacts;
- Pollution;
- Decommissioning and restoration;
- Outdoor access; and,
- Any Other Material Considerations Raised within Representations.

6.0 **CONCLUSION**

6.1 The report presents the information submitted to date as part of the PAN. The policy considerations against which any future planning application will be considered have been summarised as well as the potential material planning considerations and key issues based on the information available to date. The list is not exhaustive and further matters may arise as and when a planning application is received and in the light of public representations and consultation responses.

7.0 **IMPLICATIONS**

7.1 Not applicable.

8.0 **RECOMMENDATION**

8.1 It is recommended the Committee notes the submission of the PAN and advises of any material issues it wishes to be brought to the applicant's attention.

Designation: Area Planning Manager – North
 Author: Mark Harvey
 Background Papers: Documents referred to in report and in case file.
 Relevant Plans: Plan 1 – Proposal of Application Notice (Application Form)
 Plan 2 – Location Plan

The Town and Country Planning (Scotland) Act 1997 as amended by the Planning Etc. (Scotland) Act 2006 and Planning (Scotland) Act 2019

Town and Country Planning (Pre-Application Consultation) (Scotland) Regulations 2021

The Council will respond within 21 days of validation the Notice. It will advise whether the proposed Pre-application Consultation is satisfactory or if additional notification and consultation above the statutory minimum is required.

Please note that a planning application for this proposed development cannot be submitted less than 12 weeks from the date the Proposal of Application Notice is received by the Council and without the statutory consultation requirements having been undertaken. The planning application must be accompanied by a Pre-application consultation report.

The Proposal of Application Notice will be valid for a period of 18 months from the date of validation of the notice by the Council.

Data Protection

Your personal data will be managed in compliance with the Data Protection legislation. You can read our privacy notice for planning related certificates on the Council's website at: https://www.highland.gov.uk/directory_record/1052173/planning_applications_consents_and_notice_of_review

I have read and understood the privacy notice.

Contact Details

Applicant	Muirhall Energy Limited	Agent	/
Address	Muirhall Farm, Auchengray, Carnwath, South Lanarkshire ML11 8LL	Address	/
Phone	01501 785088	Phone	/
Email	andrew.marshall@muirhallenergy.co.uk	Email	/

Address or Location of Proposed Development

Please state the postal address of the prospective development site. If there is no postal address, please describe its location. Please outline the site in red on a base plan to a recognised metric scale and attach it to this completed Notice.

Easting: 130551 - Northing: 842009

Land to the west of the A863, on the eastern shore of Loch Caroy, in the north west of Skye.

The land forms part of the 7 Ose Croft.

Description of Development

Please include detail where appropriate – eg the number of residential units; the gross floorspace in m² of any buildings not for residential use; the capacity of any electricity generation or waste management facility; and the length of any infrastructure project. Please attach any additional supporting information.

The Proposal is for the construction of a quay, with associated infrastructure, on the eastern shore of Loch Caroy, Skye. The intended use of the facility is to deliver components related to wind farm development and minimise disruption on the local road network.

Three indicative locations for the Proposal are currently identified within the 7 Ose Croft landholding. Outcomes of the survey work and design iterations will help inform the preferred option as the project progresses.

The Proposal is expected to consist of the following elements, which may be subject to change through the design and consultation process:

- Quay structure:
 - 94m long x 40 m wide;
 - Infilled or open piled concrete deck;
 - Up to 120 piles (660 X 25.4 mm steel tubular); and
 - Land reclamation to facilitate structure.
- Laydown Area:
 - For turbine components and associated equipment storage;
 - Storage and welfare buildings; and
 - Associated lighting, security fencing, drainage and other services.
- Access track to public road, with potential floating sections and watercourse crossings;
- Habitat management and enhancement;
- Landscaping; and
- Pontoons and/or slipway for use by smaller vessels.

The Proposal will also be subject to a Marine Licence(s) for parts of the development below the mean high water spring tide level under the Marine (Scotland) Act 2010.

The Proposal will accommodate vessels in excess of 1,350 tonnes and is therefore a 'Schedule 1' development in terms of Section 8(2) of Schedule 1 of both the Marine Works (Environmental Impact Assessment) (Scotland) 2017 and the Town and Country Planning (Environmental Impact Assessment) (Scotland) 2017. A request for a Scoping Opinion will be submitted to The Highland Council and Marine Scotland in the coming weeks.

Pre-application Screening Notice

Has a Screening Opinion been issued on the need for a Proposal of Application notice by the Highland Council in respect of the proposed development?
If yes, please provide a copy of this Opinion.

 Yes No**Community Consultation**

State which other parties have received a copy of this Proposal of Application Notice.

Community Council/s	Date Notice Served
Struan Community Council Dunvegan Community Council	24 January 2024
Local Elected Members	Date Notice Served
John Finlayson: Eilean a' Cheo Drew Millar: Eilean a' Cheo Calum Munro: Eilean a' Cheo Ruraidh Stewart: Eilean a' Cheo	24 January 2024
Members of Scottish Parliament and Members of Parliament	Date Notice Served
Kate Forbes: Skye, Lochaber and Badenoch Ian Blackford: Ross, Skye and Lochaber	24 January 2024
Names / details of other parties	Date Notice Served
Struan Community Trust Struan Community Development Group Dunvegan Community Trust The Struan and Caroy Mooring Association Neighbouring properties within 2.5km of site.	24 January 2024

Details of Proposed Consultation		
Proposed Public Event 1	Venue	Date and Time
Struan	Former Struan Primary School	20/02/24 (11:30 am – 7:30 pm)
Dunvegan	Dunvegan Community Hall	21/02/24 (8:00 am – 11:00 am & 4:00 pm – 7:00 pm)
Proposed Public Event 2 <i>(at least 14 days after Public Event 1)</i>	Venue	Date and Time
Struan	Former Struan Primary School	May/June 24' prior to school holidays (TBC with Council)
Dunvegan	Dunvegan Community Hall	

Publication of Event		
Newspaper Advert	Name of Newspaper	Advert Date

First Events	West Highland Free Press	8 th & 15 th February 2024
Second Events	West Highland Free Press	Two consecutive weeks prior.

Details of any other consultation methods (date, time and with whom)

Flyers with information on the above consultation events will be sent out to interested parties in advance.

Project information will be made available on the company's website and feedback can be submitted electronically.

Letters are to be sent to properties within 2.5 km of the site, offering a meeting/discussion.

Attendance at other community council/group meetings with interest in the Proposal via MS Teams or Zoom (as requested).

Subject to feedback from the first events, the form of the second statutory events may be adjusted (subject to agreement with The Highland Council).

Signed	Andrew Marshall	Date	24 January 2024
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