

Agenda Item	5.1
Report No	PLN/030/24

HIGHLAND COUNCIL

Committee: North Planning Applications Committee

Date: 16 April 2024

Report Title: 24/00363/PAN: Scottish Power Energy Retail Ltd
Land 250M East Of Newmore Mains Farmhouse,
Newmore, Invergordon

Report By: Area Planning Manager – North

Purpose/Executive Summary

Description: Installation of 20.5km water supply main, primary pump station, 2 intermediate pump stations and balancing tanks

Ward: 06 – Cromarty Firth

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 31 February 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 of 2
 - Location Plan 2 of 2
- 1.4 In October 2022, The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 were amended by The Town and Country Planning (Pre-Application Consultation) (Scotland) Amendment Regulations 2021. This changed some of the consultation activities required by the applicant for PANs submitted after 1 October 2022. The previous arrangements associated with the Covid-19 public health advice and previous modifications to the regulations, are now superseded. In line with the current regulations, the developer proposes to undertake two in person public consultation events at the Ardross Community Hall, scheduled as follows:
- Event 1: Tuesday 27 February 2024, between 3pm - 7.30pm
 - Event 2: End March to Mid April 2024 avoiding Easter holidays
- 1.5 The consultation was publicised and advertised in accordance with the appropriate statutory requirements, with adverts scheduled to be placed within the Ross-shire Journal at least 7 days in advance of each public event. An invitation maildrop will be undertaken in advance of the public events making local residents within 2.5km aware of the proposed development and the consultation events. The PAN form also indicates that the Invergordon, Ardross, Kilmuir and Logie East, and Edderton Community Councils were notified, as well as local ward Members, MSP and MP, in line with the statutory requirements.
- 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 proposed scheme is for the installation of 20.5km water supply main, primary pump station, 2 intermediate pump stations and balancing tanks. The route of the water main is between Scottish Water's water treatment works raw water reservoir at Newmore, Alness, connecting to supply the proposed hydrogen electrolyser plant east of Beinn Tharsuinn Wind Farm (planning application reference 23/05242/FUL which is currently pending consideration). The intended water supply source is from

Loch Glass, with the proposal seeking to use an existing Controlled Activities Regulations (CAR) licence to abstract water from the River Glass, with this previously serving the former Invergordon Alluminium smelter.

2.2 The developer has sought formal pre-application advice from the Planning Authority, through the Pre-Application Advice Service for Major Developments.

2.3 The developer will submit an EIA screening request in respect of the proposals.

3.0 SITE DESCRIPTION

3.1 The PAN boundary comprises the proposed routing of the intended water supply, including areas for the development of the proposed pumping stations and balancing tanks. For the majority of the route the supply pipe is intended to be located within or adjacent to the public road. The route however passes through or immediately adjacent to trees covered by preservation orders, as well as mapped native and ancient woodland. Other nearby natural and built heritage designations and features adjacent to the application site boundary include:

- Morangie Forest Special Protection Area (SPA)
- Struie Channels Site of Scientific Special Interest (SSSI)
- Loch Achnacloich SSSI
- Loch Achnacloich Special Area of Conservation (SAC)
- Gardens and Designed Landscapes: Ardross Castle (GDL00023)
- Achnacloich Castle
- Various other built heritage features: cairns, millpond, drove stance, and hut circle.

3.2 The site is also located close to, but situated outwith, Novar SPA and Kinrive – Strathroy SSSI.

3.3 There are no national or local landscape designations within the application site boundary. Other potential development environmental constraints include the presence and need for watercourse crossings.

4.0 DEVELOPMENT PLAN

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

4.1 National Planning Framework (NPF) 4 (2023)

Policy 1 - Tackling the climate and nature crises

Policy 3 - Biodiversity

Policy 4 - Natural Places

Policy 6 - Forestry, woodland and trees

Policy 7 - Historic assets and places

Policy 11 - Energy

Policy 18 - Infrastructure first

Policy 20 - Blue and green infrastructure

Policy 22 - Flood risk and water management

Policy 23 - Health and Safety

Policy 25 - Community Wealth Building

Policy 29 - Rural Development

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

Policy 28 - Sustainable Design

Policy 36 - Development in the Wider Countryside

Policy 51 - Trees and Development

Policy 52 - Principle of Development in Woodland

Policy 55 - Peat and Soils

Policy 56 - Travel

Policy 57 - Natural, Built and Cultural Heritage

Policy 58 - Protected Species

Policy 59 - Other Important Species

Policy 60 - Other Important Habitats

Policy 61 - Landscape

Policy 63 - Water Environment

Policy 64 - Flood Risk

Policy 65 - Waste Water Treatment

Policy 66 - Surface Water Drainage

Policy 67 - Renewable Energy Developments

Policy 77 - Public Access

Inner Moray Firth Local Development Plan (IMFLDP) (Adopted 2015) and Caithness and Sutherland Local Development Plan (CaSPlan) (2022)

4.2 The site is located within two local development plan areas. No site specific policies in either area plan apply.

4.3 **Highland Council Supplementary Guidance**

- Flood Risk and Drainage Impact Assessment (Jan 2013)
- Green Networks (Jan 2013)
- Highland Historic Environment Strategy (Jan 2013)
- Highland's Statutorily Protected Species (March 2013)
- Physical Constraints (March 2013)
- Roads and Transport Guidelines for New Developments (May 2013)
- Standards for Archaeological Work (March 2012)
- Trees, Woodlands and Development (Jan 2013)

4.5 **Scottish Government Policy and Other Guidance**

- Scottish Energy Strategy (2017) and The Draft Energy Strategy and Just Transition Plan (2023)
- Historic Environment Policy for Scotland (2019)
- Scheduled Monuments Consents Policy (2019)
- PAN 1/2011 - Planning and Noise (2011)
- Construction Environmental Management Process for Large Scale Projects (2010)
- PAN 60 – Planning for Natural Heritage (Jan 2008)

5.0 **POTENTIAL MATERIAL PLANNING CONSIDERATIONS**

- a) Development Plan and other planning policy;
- b) Design and layout;

- c) Infrastructure capacity / adequacy of water supplies;
- d) Water environment (including flood risk, drainage, private water supplies, raw water treatment, and wastewater);
- e) Roads, access and parking;
- f) Wider access (impact upon the Core Path network);
- g) Amenity impacts (including construction noise, operational noise, dust, and lighting);
- h) Natural heritage (including ecology, habitats, peat, protected species and impact upon trees);
- i) Cultural heritage impact;
- j) Landscape and visual impact; and
- k) 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. Summarised are the policy considerations against which any future planning application will be considered 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: Peter Wheelan
 Background Papers: Documents referred to in report and in case file.
 Relevant Plans: Plan 1 - Proposal of Application Notice
 Plan 2 - Location Plan 1 of 2
 Plan 3 - Location Plan 2 of 2

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	Scottish Power Energy Retail Ltd	Agent	Catherine Souter Bell per Scottish Water Horizons
Address	320 St Vincent Street Glasgow G2 5AD	Address	31-33 Henderson Drive Inverness Scotland IV1 1TR
Phone		Phone	
Email	lisa.moir@scottishpower.com	Email	Catherine.souter-bell@scottishwater.co.uk

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.

ROUTE BETWEEN SCOTTISH WATER'S WATER TREATMENT WORKS (WTW) RAW WATER RESERVOIR AT NEWMORE ALNESS AND A PROPOSED HYDROGEN ELECTROLYSER PLANT EAST OF BEINN THARSUINN WIND FARM EDDERTON, HIGHLAND

Approximate **Start** Location Easting 268958 Northing 872359 To **End** Easting 264225 Northing 881469 (See OS Plan)

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.

INSTALLATION OF APPROXIMATELY 20.5KM OF BURIED SMALL DIAMETER RAW WATER SUPPLY MAIN WITH ANCILLARIES INCLUDING PRIMARY PUMP STATION AND TWO INTERMEDIATE PUMP STATIONS/ BALANCING TANKS.

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
Invergordon Community Council Ardross Community Council Kilmuir and Logie East Community Council Edderton Community Council	31/01/2024
Local Elected Members	Date Notice Served
Cllr Tamala Collier Cllr Pauline Munro Cllr Molly Nolan Cllr Maxine Smith Cllr Richard Gale Cllr Jim McGillivray Cllr Leslie-Anne Niven	31/01/2024
Members of Scottish Parliament and Members of Parliament	Date Notice Served
Maree Todd MSP Jamie Stone MP	31/01/2024
Names / details of other parties	Date Notice Served
Cromarty Firth Fishery Board Port of Cromarty Firth	31/01/2024

Details of Proposed Consultation		
Proposed Public Event 1	Venue	Date and Time
In person drop in.	Ardross Community Hall Ardross IV17 0XW	Tuesday 27th February, 3pm-7:30pm
Proposed Public Event 2 <i>(at least 14 days after Public Event 1)</i>	Venue	Date and Time
In person drop in.	Ardross Community Hall Ardross IV17 0XW	End-March to Mid-April 2024 avoiding Easter holidays.

Publication of Event		
Newspaper Advert	Name of Newspaper	Advert Date
TBA	Ross-shire Journal	At least 7 days in advance of each public event.

Details of any other consultation methods (date, time and with whom)
<p>Planning Authority/Agency consultation arranged using Highland Councils Major Planning Application Pre-Application Service (meeting held 17th Jan 2024) ongoing engagement to follow as directed by feedback.</p> <p>Dedicated webpage with access to development information and means of feedback to be created.</p> <p>Telephone contact to be provided.</p> <p>Postcard/letter drop to all properties within 2.5km of the proposed development in advance of the public events.</p>

Signed	<i>Catherine Souter Bell</i> for Scottish Water Horizons	Date	31 January 2024
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