

Agenda Item	5.3
Report No	PLN/041/24

HIGHLAND COUNCIL

Committee: North Planning Applications Committee
Date: 04 June 2024
Report Title: 24/01312/PAN: Bettyhill 2 Wind Ltd.
Land 2375M SE Of Cairnview, Bettyhill
Report By: Area Planning Manager – North

Purpose/Executive Summary

Description: Laying of underground cabling to link Bettyhill Wind Farm Phase 2 and Dounreay substation
Ward: 01 - North, West And Central Sutherland

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 28 March 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 Forms)
 - Location Plan
- 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arrangements associated with the Covid-19 public health advice and previous modifications to the regulations, are now superseded. The developer has held one in person public consultation events on Wednesday 17 April 2024, between 14:30-18:30, at Bettyhill Village Hall; however, the applicant has disputed whether the requirement to hold a second physical public event, as set out in the Planning circular 3/2022: development management procedures, is statutory. The regulations stipulate however that two in person events are required and we are awaiting confirmation of the second event.
- 1.5 A virtual online public consultation event was also held via a Zoom webinar on Wednesday 01 May 2024 between 18:30 and 19:30. The first consultation was publicised and advertised in accordance with the appropriate statutory requirements, with advert published in The Press and Journal on Wednesday 03 April 2024. An invitation maildrop advertising the first event was undertaken to all properties within 2.5 km from the proposal site and with this area extended to include all properties up to the north coast, north of the A836. The PAN form also advises that the Bettyhill, Strathnaver and Altnaharra, the Strathy and Armadale, the Melvich, and Caithness West Community Councils were notified, in line with the statutory requirements.
- 1.6 A dedicated project page on the applicant's website (www.edenrenewables.com) has been made available and includes copies of information presented at the public consultation events, as well as a recording of the webinar will. The page provides opportunities for the public to send feedback to the applicant on the proposals.
- 1.7 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 laying of approximately 31 km of underground cabling to link the recently approved Bettyhill Wind Farm Phase 2 (THC ref. 23/00142/FUL) to the Dounreay Substation. It is anticipated that cabling will predominantly be within the verge of the A836 using either existing bridges to cross watercourses or be tunnelled beneath them. The developer has advised that the route will be refined following further survey works and that construction would be phased to minimise disruption to road users.
- 2.2 The developer has not at this stage sought formal pre-application advice from the Planning Authority through the Pre-Application Advice Service for Major Developments however has been in discussions with the Local Roads Office who has advised that appropriate signage, banksman provision and traffic lights will be required where appropriate to ensure road and worker safety.

3.0 SITE DESCRIPTION

- 3.1 The PAN boundary encompasses the section of A836 between the Bettyhill and Bettyhill Phase 2 wind farms site entrance and Dounreay up to Dounreay substation. The site includes both the north and south verges along with occasional widened areas at water crossings, settlements, and the field connecting to the Dounreay substation to take account of search areas for additional undergrounding options. The PAN area covers 274.24 ha and comprises road verge, agricultural fields and rough grazing, and some forestry and woodland. It is west of the Kyle of Tongue National Scenic Area (NSA), crosses southern sections of the Farr Bay, Strathy and Portskerra Special Landscape Area (SLA), and borders the Lochan Buidhe Mires, and, the Sandside Bay Sites of Special Scientific Interest (SSSI). West Halladale and East Halladale SSSIs are to the south of the site, as is the East Halladale Flows Wild Land Area (WLA – 39), while the north Caithness Cliffs Special Protection Area (SPA) is north of the application site.
- 3.2 Parts of the route are subject to known fluvial, pluvial, and coastal flood risk. The Knock Urray, broch 400m NNE of Gunnscroft Scheduled Ancient Monument is partially within the PAN boundary at the connecting field to Dounreay substation and there are several Listed Buildings along the route including the Category A Listed Reay Parish Church and the Category B Listed Reayburn House. There are no Conservation Areas.

4.0 DEVELOPMENT PLAN

It is understood that the proposal may be permitted development under The Town and Country Planning (General Permitted Development) (Scotland) Act 1992 and / or as amended by the forthcoming The Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2024. Article 17 of the latter amends class 40 in Part 13 of schedule 1 of the 1992 Order in respect of the grant of permitted development rights for development by statutory undertakers who are licence holders under the Electricity Act 1989 for the purpose of their undertaking. Nevertheless, the following policies would otherwise be relevant to the assessment of the proposal:

4.1 **National Planning Framework (NPF) 4 (2023)**

National Development 3 – Strategic Renewable Electricity generation and Transmission Infrastructure

1 - Tackling the Climate and Nature Crises

2 - Climate Mitigation and Adaptation

3 - Biodiversity

4 - Natural Places

5 - Soils

6 - Forestry, Woodland and Trees

7 - Historic Assets and Places

11 - Energy

18 - Infrastructure First

20 - Blue and Green Infrastructure

22 - Flood Risk and Water Management

23 - Health and Safety

25 - Community Wealth Building

29 - Rural Development

33 - Minerals

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

28 - Sustainable Design

29 - Design Quality and Place-making

30 - Physical Constraints

31 - Developer Contributions

36 - Development in the Wider Countryside

55 - Peat and Soils

56 - Travel

57 - Natural, Built and Cultural Heritage

58 - Protected Species

59 - Other important Species

60 - Other Importance Habitats

61 - Landscape

63 - Water Environment

64 - Flood Risk

66 - Surface Water Drainage

69 - Electricity Transmission Infrastructure

72 - Pollution

73 - Air Quality

74 - Green Networks

77 - Public Access

Caithness and Sutherland Local Development Plan (CaSPlan) (2022)

4.2 The site is located within the wider countryside and passes through the Growing Settlement of Reay, which engages Policy 3: Growing Settlements. The substation at Dounreay is outwith the boundary of the Dounreay Economic Development Area as defined in the CaSPlan.

4.3 Highland Council Supplementary Guidance

- Construction Environmental Management Process for Large Scale Projects (Aug 2010)
- Developer Contributions (Nov 2018)
- Flood Risk & Drainage Impact Assessment (Jan 2013)
- Highland Historic Environment Strategy (Jan 2013)
- Highland's Statutorily Protected Species (Mar 2013)
- 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)
- Sustainable Design Guide (Jan 2013)
- Trees, Woodlands and Development (Jan 2013)

4.5 Scottish Government Policy and Other Guidance

- Scotland's Energy Strategy 2017
- Draft Energy Strategy and Just Transition Plan (2023)
- Historic Environment Policy for Scotland (Apr 2019)
- PAN 1/2011 – Planning and Noise (Mar 2011)
- PAN 60 – Planning for Natural Heritage (Jan 2008)
- PAN 61 – Sustainable Drainage Systems (Jul 2001)
- PAN 68 – Design Statements (Aug 2003)
- PAN 75 – Planning for Transport (Aug 2005)
- PAN 77 – Designing for Safer Places (Mar 2006)

5.0 POTENTIAL MATERIAL PLANNING CONSIDERATIONS

- a) Compliance with the development plan and other planning policy
- b) Construction impacts;
- c) Transport and access (including wider public access);
- d) Soils and peat;
- e) Water Environment including Flood Risk and Drainage;
- f) Natural heritage (including ornithology and impact upon trees);
- g) Built and cultural heritage;
- h) Design, landscape and visual impact (including cumulative impacts)
- i) Noise;
- j) Decommissioning, and,
- k) Other material considerations including matters 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: Mark Fitzpatrick
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 - Proposal of Application Notice
Plan 2 - 000001 - Location Plan

PROPOSAL OF APPLICATION NOTICE

MOLADH BRATH IARRTAIS

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	Bettyhill 2 Wind Ltd	Agent	N/A
Address	The Barn Ford Farm Aldbourn Marlborough SN8 2DP	Address	
Phone	07423 639 976	Phone	
Email	owen.pike@edenrenewables.com	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.

Land between Bettyhill Wind Farm Phase 2 in the west and Dounraey Substation to the east.

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.

Laying of an underground cable linking Bettyhill Wind Farm Phase 2 in the west to Dounraey Substation to the east. The route is approximately 31 km long and the cable will be predominantly in the road verge of the A836. Where possible, existing bridges will be used to cross watercourses or the route will be directionally drilled under watercourses.

The proposed route is currently indicative (including wide verges and directional drilling launch pits) because site surveys have not yet been completed. The results will inform the applicant which verges and bridges (negating the need for launch pits) will be used.

Construction would be phased along the route to minimise disruption to road users, as suggested by Jonathan Gunn (THC, Senior Engineer – Infrastructure, Environment and Economy Roads & Infrastructure) in virtual meeting on 1 February 2024. Signage, banksman and traffic lights will be used where appropriate to ensure safety.

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 (a Screening Opinion will be sought shortly)

Community Consultation

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

Community Council/s	Date Notice Served
Bettyhill, Stratnaver and Altnaharra Strathy and Armadale Melvich Caithness West	Week commencing 1 April 2024
Local Elected Members	Date Notice Served
Members of Scottish Parliament and Members of Parliament	Date Notice Served
Names / details of other parties	Date Notice Served

Farr North Community Development Trust	Week commencing 1 April 2024
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Details of Proposed Consultation		
Proposed Public Event 1	Venue	Date and Time
An in-person public consultation event	Bettyhill Village Hall, Thurso, KW14 7SS	Wednesday 17 April 2024 between 14:30 and 18:30
Proposed Public Event 2 <i>(at least 14 days after Public Event 1)</i>	Venue	Date and Time
A virtual online public consultation event	Using the Zoom webinar platform	Wednesday 1 May 2024 between 18:30 and 19:30

Publication of Event		
Newspaper Advert	Name of Newspaper	Advert Date
Advert 1	The Press and Journal	Wednesday 3 April 2024

Details of any other consultation methods (date, time and with whom)
<ul style="list-style-type: none"> • There will be a letter/postcard drop to all residents living within 2.5km of the proposed development site boundary. The area has been extended to the north to include all residential properties along the coastline. • A dedicated project page on the applicant's website (www.edenrenewables.com) will be available, which will include copies of information presented at the two public consultation events, a recording of the webinar and will provide opportunities to send feedback on the proposals.

Signed	Owen Pike, Eden Renewables (Bettyhill 2 Wind Ltd is a company owned by Eden Renewables)	Date	28 March 2024
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