

**THE HIGHLAND COUNCIL**

**SOUTH PLANNING APPLICATIONS COMMITTEE  
19 May 2015**

Agenda Item	5.7
Report No	PLS/030/15

**15/01404/PAN: Nanclach Ltd  
Tom Nan Clach Wind Farm, Glenferness, Nairn**

**Report by Head of Planning and Building Standards**

**Proposal of Application Notice**

**Description :** Extend time duration of Tom Nan Clach Wind Farm from 3 to 5 years.

**Ward :** 19 - Nairn

**1.0 BACKGROUND**

- 1.1 To inform 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 lodged on 13 April 2015. Members are asked to note this may form the basis of a subsequent planning application.
- 1.3 The following information was submitted in support of the Proposal of Application Notice:
- Site Location Plan
  - Layout Plan; and
  - Application Notice which includes:
    - Description of Development; and
    - Details of Proposed Consultation

**2.0 DESCRIPTION OF PROPOSED DEVELOPMENT**

- 2.1 The development comprises of:
- 17 wind turbines with tip-height of 110m;
  - Access tracks;
  - Turbine foundations and transformer plinths and enclosures;
  - Electrical substation;
  - Borrow pits;
  - Permanent anemometer mast; and
  - Temporary site construction compound.

- 2.2 The proposal is an application to preserve the current planning permission on the site for a 17 wind turbine development that was granted on Appeal on 14 June 2013 (09/00439/FULIN). No development has commenced.
- 2.3 It is unusual to receive a PAN for an application such as this, which is limited to consideration of time limits only, since most applications will have by now gone through the formal pre-application process introduced by the 2006 Act. The Tom Nan Clach scheme was however submitted just before the introduction of this formal process.

### **3.0 SITE DESCRIPTION**

- 3.1 The wind farm site lies approximately 8km to the north-east of the nearest settlement of Tomatin, 14km south of Cawdor and 16km north-west of Grantown-on-Spey (Figure 1.1). The application site forms part of the upland land holdings of Cawdor Estate, an area used principally for grouse shooting, although part of the application site, required for the access track, is owned by the neighbouring Lethan Estate.
- 3.2 The proposed wind farm and access track lie within the catchment of the River Findhorn. The wind farm site includes several small watercourses; Allt a Choire Buidhe, Caochan a Ghibhais and Allt a Choire that 1.5km flow north-west to the Findhorn and the Allt Carn an t-Sean Liathanaich and Allt an t-Slugain Mhoir, tributaries of the Rhilean Burn, that flow north to the Findhorn 8km upstream. The access track crosses the Rhilean Burn, Leonach Burn and the Tomlachan Burn which all drain to the north. The predominant habitat on the site is blanket bog, a priority habitat under the EC 'Habitats' Directive.
- 3.3 There are no statutory natural heritage designations on the site. However, parts of the site, for example those adjacent to the principal watercourses, are likely to support otter which is a European Protected Species (EPS). In addition, the habitat is likely to support breeding peregrine, golden plover and merlin, which are protected under the EC Birds Directive, as well as providing foraging for hen harrier.
- 3.4 There are a number of statutory designated sites in the wider area (i.e. within 10 km of the proposed wind farm):

Carn nan Tri-Tighearnan Sits of Special Scientific Interest (SSSI)/Special Area of Conservation (SAC) (NH 83292 38819) is the nearest statutory designated site for nature conservation and is approximately 1.3 km to the north-east of proposed wind farm and 2 km to the north-east of the proposed access track. The qualifying interests of the site are Blanket Bog and upland habitats including sub-alpine dry heaths;

Slochd SAC (NH 82159 27049) is approximately 7.5 km south of the wind farm and 9 km south of the access track. The qualifying interests of the site are European Dry Heath;

Kinveachy Forest SSSI, Special Protection Area (SPA) and SAC (NH 85744 17432) (NH849 169) is approximately 12 km to the south of the wind farm and

13.5 km south of the access track. The qualifying interests of the site is Capercaillie;

Cawdor Wood SSSI (NH84882 48667) is situated approximately 12 km to the north of the wind farm and 10.5 km north of the access track;

Moidach More SSSI/SAC (NJ 03452 41634) is approximately 16 km north-east of the wind farm and 8 km northeast of the access track;

The Allt A'Choire SSSI lies approximately 500m from the access track. This has been designated for its geomorphology value;

Findhorn Terraces SSSI, the highest set of river terraces in Scotland, is approximately 1 km from the nearest wind turbine and approximately 1.4 km from the proposed access track.

- 3.5 The site lies within the Drynachan, Lochindorb and Dava Moor Special Landscape Area (SLA).
- 3.6 There are five scheduled monuments within 10km of the development that the proposed turbines would be visible from; Edinchat (Cairn) 4.5km to the south-west, Soilsean (township and hut circle) 7.5km south south-west and Alltlaigh (farmstead) 6.5km to the south-east, Burnside Bridge approximately 8km to the north-east and Lochindorb Castle situated within Lochindorb approximately 8km to the south-east. There are three Inventory garden and design landscapes sites with 35km; Cawdor Castle, Leys Castle and Castle Grant.
- 3.7 The boundary of the National Park is approximately 6 km south-east of the site.

#### **4.0 DEVELOPMENT PLAN POLICY**

- 4.1 The following policies, while relevant, have not changed since the grant of planning permission and are therefore unlikely to be a major influence on the assessment of the proposal when submitted:

##### **Highland-wide Local Development Plan 2012**

- 4.2 

Policy 28	Sustainable Development
Policy 29	Design, Quality and Place Making
Policy 31	Developer Contributions
Policy 51	Trees and Development
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 67	Renewable Energy Developments

- Natural, Built and Cultural Heritage
- Other Species and Habitat Interests
- Landscape and Visual Impact
- Amenity at Sensitive Locations
- Safety and Amenity of Individuals and Individual Properties
- The Water Environment
- Safety of Airport, Defence and Emergency Service Operations
- The Operational Efficiency of Other Communications
- The Quantity and Quality of Public Access
- Other Tourism and Recreation Interests
- Traffic and Transport Interests

Policy 72

Pollution

Policy 77

Public Access

### **Inverness Local Plan (As Continued in Force) April 2012**

- 4.3 The general policies and land allocations of the Local Plan pertinent to this application have been superseded by the policies of the Highland-wide Local Development Plan.

#### **Adopted Supplementary Planning Guidance**

- 4.4
- Flood Risk and Drainage Impact Assessment: Supplementary Guidance (January 2013);
  - Highland Historic Environment Strategy: Supplementary Guidance (March 2013);
  - Sustainable Design Guide: Supplementary Guidance (January 2013);
  - Trees, Woodlands and Development: Supplementary Guidance (January 2013); and
  - Highland Statutorily Protected Species: Supplementary Guidance (March 2013).

## **5.0 POTENTIAL MATERIAL PLANNING CONSIDERATIONS**

- 5.1
- Planning History;
  - Highland Renewable Energy Strategy;
  - National Policy;
  - Roads and Transport;
  - Water (including private water supplies), Flood Risk, Drainage and Peat;
  - Natural Heritage;
  - Built and Cultural Heritage;
  - Design, Landscape and Visual Impact (including Cumulative impacts), Wild Land;
  - Access and Recreation;
  - Economic Impact and Tourism;
  - Noise and Shadow Flicker;
  - Telecommunications;
  - Aviation;

- Construction;
- Other Relevant Planning Documents including but not limited to:
  - Onshore Wind Energy: Interim Supplementary Guidance (March 2012);
  - Highland Renewable Energy Strategy (HRES) (May 2006);
  - Scottish Government Planning Policy (June 2014);
  - National Planning Framework for Scotland 3 (June 2014);
  - PAN 56 – Planning and Noise;
  - PAN 58 – Environmental Impact Assessment;
  - PAN 60 – Planning for Natural Heritage;
  - 2020 Routemap for Renewable Energy;
  - Onshore Wind Turbines; and
  - Wind Farm developments on Peat Lands.
- Any other material considerations within representations.

5.2 Again, however, it is worth noting that the majority of these material considerations will have been taken into account in the original assessment and will not have changed significantly. The principal changes will likely be confined to the topics of the Council's Interim Supplementary Guidance, Wild Land and Peat.

## **6.0 CONCLUSION**

6.1 The report sets out the information submitted with the PAN. Summarised are the policy considerations and material planning considerations that the extant planning permission has been assessed against. While further matters may arise during the processing of the proposed application, in the light of public representations and consultation responses, Members should be aware that the level of assessment required for this proposal is likely to be limited specifically to any changes in policy (statutory and non-statutory) since the original grant of planning permission.

## **7.0 RECOMMENDATION**

7.1 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, notwithstanding the limited nature of issues that may be most relevant in this case.

Designation: Head of Planning and Building Standards  
 Author: David Mudie, Team Leader - Development Management  
 Background Papers: Documents referred to in report and in case file.  
 Relevant Plans: Plan 1 - Location Plan  
                   Plan 2 – Site Layout (SITE LAYOUT\01)

## PROPOSAL OF APPLICATION NOTICE MOLADH BRATH IARRTAIS

The Town and Country Planning (Scotland) Act 1997 as amended by the Planning Etc. (Scotland) Act 2006  
Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008

**The Council will respond within 21 days of receiving 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.**

Applicant: Nanclach Ltd	Agent:
Address: 16 West Borough	Address:
Wimborne	
Dorset, BH21 1NG	
Phone No. [REDACTED]	Phone
E-mail [REDACTED]	E-mail

**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

**Tom nan Clach Wind Farm is located approximately 8 km north-east of Tomatin, on the Cawdor Estate in Nairnshire.**

**Description of Development** Please include detail where appropriate – eg the number of residential units; the gross floorspace in m<sup>2</sup> 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.

**Proposal to extend the duration of the existing Tom nan Clach Wind Farm consent (a wind farm development of 17 x 2.3MW turbines 110m tip height and associated infrastructure) from 3 to 5 years.**

## 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, attached.**

## Community Consultation

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

Community Council/s

- Cawdor and West Nairnshire CC
- East Nairnshire CC
- Strathdearn CC
- Carrbridge CC
- Dulnain Bridge CC
- Grantown on Spey CC

Date Notice Served: **Same date as issue to The Highland Council**

Other Parties: The Dava Residents Association

## Please give details of proposed consultation

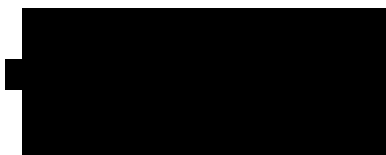
<b>Proposed public event</b>	<b>Venue</b>	<b>Date and time</b>
Community Open Days:	Strathdearn Old Hall, Tomatin	9 June 2015, 2-7pm
	The Mound, Cawdor	10 June 2015, 2-7pm
	Carrbridge Village Hall	11 June 2015, 2-7pm

<b>Newspaper Advert – name of newspaper</b>	<b>Advert date (where known)</b>
Inverness Courier	29 May/ 5 June 2015
Strathspey and Badenoch Herald	28 May/ 4 June 2015
Nairnshire Telegraph	26 May/ 2 June 2015

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

- Newsletter outlining plans comprising Community Open Days invitation and comment card circulated to 850 households within the community council areas up to one month prior to the open days;
- Project website with feedback mechanism; and
- Ongoing attendance at Community Council meetings where appropriate.

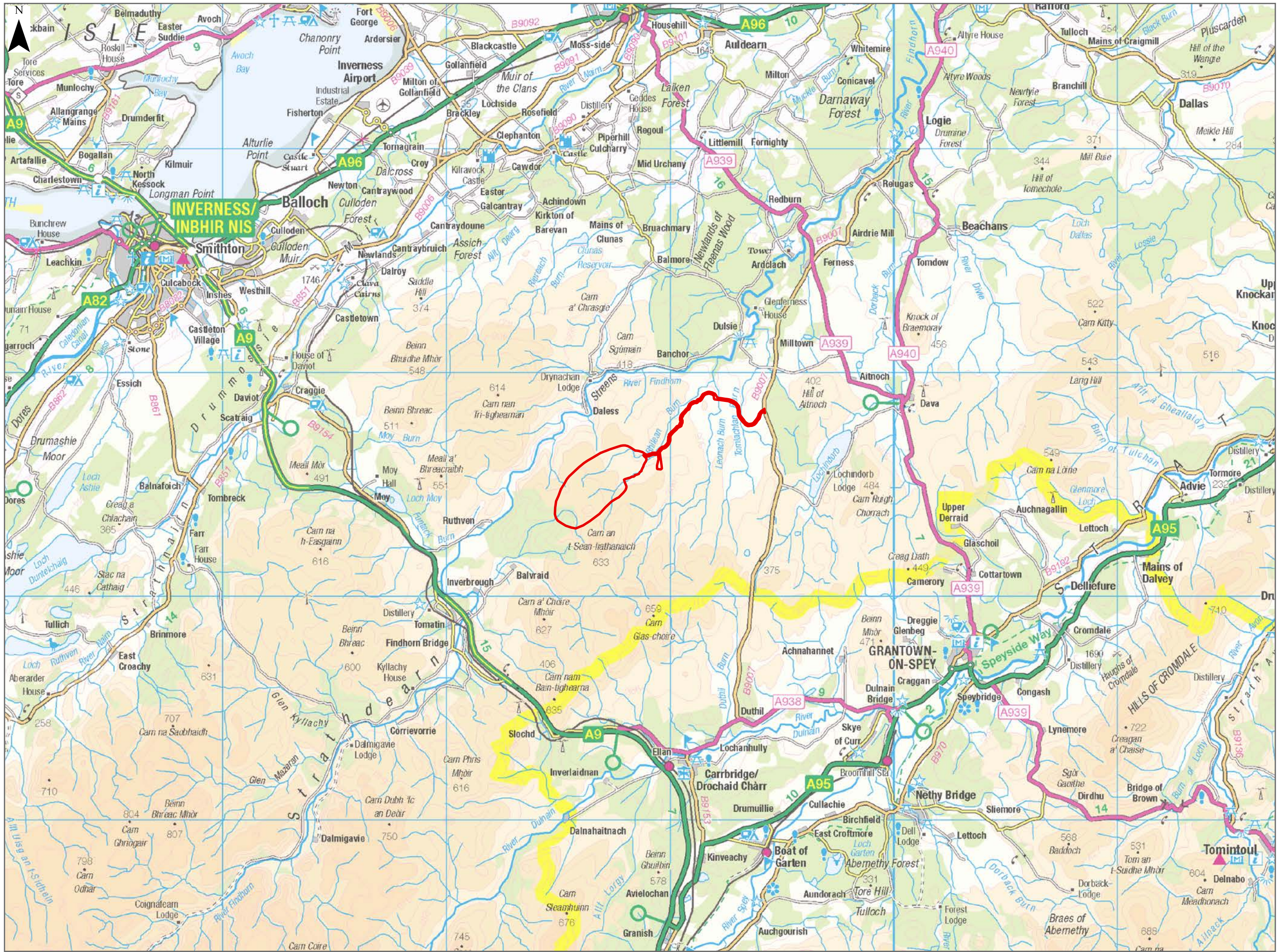
Signed



Date 13 April 2015



Figure 1: Proposed Development Location Plan



Legend:  
 Indicative Development Boundary

Title:  
Proposed Development Location Plan

Project:  
Tom nan Clach Wind Farm Extension

Source:  
Contains Ordnance Survey data  
© Crown copyright and database right 2014.

Client:  
Infinergy

Drawn by: RT	Checked: AR
Date: 16/07/2014	Figure: 1
Scale: 0 1.5 3 km	Revision No: 1

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