

Agenda Item	<b>4</b>
Report No	<b>PLN/024/21</b>

## HIGHLAND COUNCIL

**Committee:** North Planning Applications Committee

**Date:** 20 April 2021

**Report Title:** Major Development Update

**Report By:** Acting Head of Development Management – Highland

### **1. Purpose/Executive Summary**

- 1.1 This report provides an update on progress of all cases within the 'Major' development category currently with the Planning and Development Service for determination. The report also details progress on proposals submitted under S36 or S37 of the Electricity Act 1989 on which the Council is consulted.

### **2. Recommendations**

- 2.1 Members are asked to note the current position of these applications.

### **3. Update on Progress**

- 3.1 Appendix 1 contains a list of all applications for Major Development currently with the Service and awaiting determination. A brief update on the progress of these applications is provided, including a likely timescale for each case to be determined.
- 3.2 Appendix 2 provides a list of all significant Electricity Act applications. It should be noted that for many of these, the Council has already provided its response to Scottish Government. Only once Scottish Ministers determine these cases will they be removed from the list. From a performance point of view, the Council is not required to meet the same target timescales expected with planning applications.
- 3.3 Details for any of these applications can be obtained through the Council's e-planning portal <http://wam.highland.gov.uk/wam> by entering the respective case reference number provided. The following abbreviations have been used in the appendices:
- PCO – Pending Consideration
  - PDE – Pending Decision
  - S36RO – raised an objection to an application for energy generation under the Electricity Act
  - S36RNO – raised no objection to an application for energy generation under the Electricity Act
  - S37RO – raised an objection to an application for energy transmission under the Electricity Act
  - S37RNO – raised no objection to an application for energy transmission under the Electricity Act

### **4. Delegated Refusals of Major Applications and Current Appeals / Judicial Reviews Related to Major Applications**

- 4.1 Since the Major Developments Update Report presented to the last North Planning Applications Committee, the following major applications have been refused using delegated powers, following circulation to local Members:
- 20/03833/FUL - Cairnmore Hill Wind Farm - Erection and Operation of a Wind Farm for a period of 35 years, comprising of 8 Wind Turbines with a maximum blade tip height 138.5m with an indicative generating capacity of 33.6MW, access tracks, substation, control building, battery energy storage and ancillary infrastructure.
- 4.2 Following refusal of the following applications, appeals are currently in progress for the below major applications:
- 13/04469/S36 - Strathy Wood Wind Farm - Erection of up to 13 (amended from 26) wind turbines with a max tip height of 180m and ancillary development - A Public Local Inquiry for this proposal is due to take place virtually between the 26<sup>th</sup> and 30<sup>th</sup> April 2021.
  - 19/04826/FUL - Installation of up to 7 wind turbines of up to 149.9 metres tip height and ancillary infrastructure (South Kilbraur Wind Farm) - The DPEA have intimated that the appeal will not involve any further oral procedures and will be progressed following a site inspection by the Reporter once Covid related restrictions are lifted.

- 20/00616/FUL - Construction of vertical launch space port with launch operations control centre, site integration facility, launch pad complex, antenna park, access road, fencing, services and associated infrastructure – It is anticipated that the Court of Session will hear the challenge to the Council’s decision on this application in June 2021.
- 20/00645/FUL - Drum Hollistan 2 Wind Farm - Development of wind farm comprising 7 wind turbines with a maximum blade tip of 125M and associated infrastructure – The DPEA have now advised that further oral procedures will be required prior to a recommendation being reached. A Pre-Examination Meeting will take place on 23 May 2021, with the Public Local Inquiry likely taking place later in 2021.
- 20/01905/S36 - Limekiln Extension Wind Farm - Erection and Operation of a Wind Farm for a period of 30 years, comprising of 5 Wind Turbines with a maximum blade tip height 149.9m, with access tracks, hardstanding areas, substation, battery storage facility, control building compound, borrow pits and cabling – A Public Local Inquiry for this proposal is due to take place in June 2021 on dates to be confirmed.
- 19/03015/FUL - Erection of up to 11 wind turbines maximum tip height of 126.5m with associated infrastructure - Camster II Wind Farm – An appeal has been submitted by the applicant and the Planning Authority have responded. We will update the Committee in due course on any further procedures which may be undertaken.

For those cases under the Electricity Act 1989 where a Public Local Inquiry has been held and we are awaiting the decision of the Scottish Ministers the case will be listed in the appendix to this report only.

## **5. Recent Decisions by Scottish Ministers**

The following decisions have recently been issued by Scottish Ministers:

- Golticlay Wind Farm – Section 36 Consent issued on 24 March 2021;
- Creag Rhiabhac Wind Farm Grid Connection – Section 37 Consent issued on 23 March 2021.

## **6. RECOMMENDATION**

6.1 That Members note the current position with these applications.

## **7. IMPLICATIONS**

7.1 Resource: Not applicable.

7.2 Legal: Not applicable.

7.3 Community (Equality, Poverty and Rural): Not applicable.

7.4 Climate Change/Carbon Clever: Not applicable.

7.5 Risk: Not applicable.

7.6 Gaelic: Not applicable.

Designation: Acting Head of Development Management – Highland

Author: Simon Hindson, Strategic Projects Team Leader

Claire Farmer	Lairg II Wind Farm Re-design - Erection and Operation of a Wind Farm for a period of 35 years, comprising of 6 No. Wind Turbines with a maximum blade tip height of 200m, 1 No. Wind Turbines with a maximum blade tip height of 190m, 3 No. Wind Turbines with a maximum blade tip height of 150m, access tracks, borrow pits, substation, control building, energy storage compound and ancillary infrastructure.	Land 2400M SE Of Cracrail Toroboll Lairg	Energiekontor	The application will likely be determined in August 2021 following consideration of public and consultee comments.	21/00849/FUL	PCO	01
Peter Wheelan	Erection of grid stability facility including grid stability unit, ancillary equipment, access, landscaping, drainage, car parking and boundary enclosures	Thurso South Sub Station Geiselittle Thurso KW1 4 8YH	WP Grid Services Limited	It is anticipated that application will be determined in June 2021 following consideration of comments from members of the public and consultees.	21/00610/FUL	PCO	02
Peter Wheelan	Ackron Wind Farm - Erection and Operation of a Wind Farm for a period of 30 years, comprising of 12 Wind Turbines with a maximum blade tip height of 149.9m, access tracks, borrow pits, substation, control building, and ancillary infrastructure.	Land 1575M NE Of Ackron Farm Golval Forsinard	Ackron Wind Farm Ltd	It is anticipated that application will be determined in August 2021 following consideration of comments from members of the public and consultees.	20/05080/FUL	PCO	01
Claire Farmer	Strath Tirry Wind Farm - Erection and Operation of a Wind Farm for a period of 30 years, comprising of 4 Wind Turbines with a maximum blade tip height of 135m, access tracks, borrow pits, substation, control building, energy storage system, meteorological mast and ancillary infrastructure.	Land 1450M NE Of Dalmichie Lairg	REG Strath Tirry Limited	It is anticipated that application will be determined in August 2021 following consideration of comments from members of the public and consultees.	20/05067/FUL	PCO	01
Claire Farmer	Ben Aketil Wind Farm - Application to carry out development otherwise than in accordance with conditions 1, 4, 13, 19 and 20 attached to planning permission reference 02/00275/FULSL	Ben Aketil Wind Farm Land At Monadh Choishleader Edinbane	Ben Aketil Wind Energy Ltd	Following the minded to grant decision at North Planning Applications Committee in March 2021, the process of modifying the legal agreement is ongoing. It is anticipated that this will be concluded in May 2021.	20/04370/S42	PDE	10
Claire Farmer	Ben Aketil Extension Wind Farm - Application to carry out development otherwise than in accordance with conditions 2, 16, 19, 20 and 21 attached to planning permission reference number: 09/00115/FULSL	Land 900M North Of Ben Aketil Edinbane	Ben Aketil Wind Energy Ltd	Following the minded to grant decision at North Planning Applications Committee in March 2021, the process of modifying the legal agreement is ongoing. It is anticipated that this will be concluded in May 2021.	20/04369/S42	PDE	10
Claire Farmer	Meall Buidhe Wind Farm - Erection of and Operation of a Wind Farm for a period of 25 years, comprising of 9 Wind Turbines with a maximum blade tip height 149.5m, access tracks, substation, control building, and ancillary infrastructure with a maximum output of 45 Megawatts	Land 4420M NW Of Croick Estate Ardgay	Meall Buidhe Renewables LLP	It is anticipated the application will be determined in Spring 2021 following further discussion with the applicant in relation to the outstanding objections from consultees.	20/02659/FUL	PCO	01

Peter Wheelan	Application under Section 42 of the Act for non compliance with Condition 1 of Planning Permission 09/00008/FULSU to extend the period of time for extraction.	Ardchronie QuarryArdgayIV24 3DJ	Breedon Northern	The application will be presented to the April meeting of the North Planning Applications committee for determination.	20/01684/S42	PDE	01
Simon Hindson	Section 42 application for non-compliance with condition 1 of Glen Ullinish Wind Farm as consented (14/03964/FUL).	Land 1800M SE Of BalmenachGlen UllinishStruan	Kilmac Energy (Glen Ullinish) Ltd	Members of the North Planning Applications Committee were minded to approve the application at their meeting in October 2020 subject to modification of the S75 which covers the restoration and decommissioning. This matter is ongoing and it is anticipated that a decision will be issued early 2021 following determination of the application to modify the Section 75.	20/01129/S42	PCO	10
Peter Wheelan	Strathrory Wind Farm - Erection and operation of a wind farm for a period of 35 years, comprising of 7 wind turbines with a maximum blade tip height of 149.9m, access tracks, borrow pits, substation, control building, and ancillary infrastructure.	Land At Torr Leathann StrathroryArdrossAlness	EnergieKontor UK Ltd	The applicant has reduced the scale of the wind farm in response to concerns from officers and NatureScot. An amended scheme was submitted in Feb 2021, with determination of the application anticipated in June 2021 following consideration of the revised scheme and subsequent comments from consultees and Members of the public.	20/00584/FUL	PCO	06
Erica McArthur	Formation of 41 serviced house plots, access, drainage and open space	Rosehaugh SouthAvoch	Broadland Properties Ltd	Application remains pending consideration as applicant responds to matters raised through consultation process.	20/00539/FUL	PCO	09
Claire Farmer	Bad Fearn Wind Farm - Erection of 6 wind turbines with a maximum height to tip of 149.9m, and associated infrastructure	Land At Braemore RoadDunbeath	Energie Kontor UK Ltd	Application likely to be determined in June 2021 following consideration of Supplementary Information which the applicant will be submitting in March 2020 to address outstanding objections to the application.	20/00180/FUL	PCO	03
Simon Hindson	Slickly Wind Farm - 11 wind turbines up to 149.9m blade tip height and associated infrastructure	Land 1650M East Of Slickly CroftLythWick	Slickly Wind Farm Ltd	Application likely to be determined no later than June 2021 following consideration of Supplementary Information which the applicant submitted in early March 2021 seeking to address outstanding objections and concerns in relation to historic environment and visual impact.	19/05624/FUL	PCO	03
Claire Farmer	Application for non compliance with Condition 1 of Planning Permission ref. RC/1995/421 to allow and extend the operational period of Novar Windfarm from 25 years to 35 years	Novar Wind Farm Novar EstateEvanton	Beaufort Wind Limited	Minded to grant planning permission in April 2020 subject to conclusion of updated legal agreement. Legal agreement is progressing.	19/05504/S42	PDE	06

Claire Farmer	Application for non-compliance with condition 3 (Operational timescale) of planning permission 98/00164/FULSU	Ledmore QuarryElphinLaigrIV27 4HJ	Limehillock Quarries Ltd	Minded to grant planning permission in April 2020 subject to conclusion of updated legal agreement. Legal agreement is progressing.	19/05228/S42	PDE	01
Erica McArthur	Masterplan for residential development of 38( amended from 44) houses with associated open space, school play area, Suds scheme and the formation of new access onto A87(T).	Land Adjacent To Auchtertyre Primary SchoolAuchtertyreBalmacara	Lochalsh Estates Ltd	Application was reported to North Planning Applications Committee in June 2020 where Members were minded to grant the application subject to prior conclusion of a legal agreement. Legal Services preparing Section 75 Agreement and waiting for a resposne from applicant.	19/01443/PIP	PDE	05
Gillian Pearson	Permission in principle for mixed use development including residential and commercial elements (renewal of previous permission 14/01808/PIP)The application renewal seeks to secure approval for a period of 5 years.	Land NW Of Seaview HotelJohn O'Groats	JOG 2 Ltd	Presented to NPAC Jan 2019 where committee were minded to grant the permission subject to conclusion of a legal agreement. Discussions on legal agreement are ongoing.	18/02634/PIP	PDE	03
Mark Harvey	A mixed use development for Non-food Retail (class 1), Business (class 4), General Industrial (class 5), Storage and Distribution (class 6) and Assembly and Leisure (class 11). New access from A87 and service road, extension to Leasgeary Road and provision of open space and a green corridor.	Land East Of Portree Industrial EstateStaffin RoadPortreeIsle Of Skye	Oatridge Limited Allan Campbell	The agent has been provided with an opportunity to address identified requirements for further information from consultees.	13/03980/PIP	PCO	10

**APPENDIX 1 - MAJOR APPLICATIONS PRE 2009**

OFFICER	PROPOSAL	ADDRESS	APPLICANT	PROGRESS	REFERENCE	STATUS	WARD
Claire Farmer	Erection of 100 houses and formation of roundabout onto the B817. Associated amenity areas, roads, footpaths and cycleways.	Land North And East Of Highland Park Retirement Village Barbarville Highland	The Ross Estates Company	Network Rail and the applicant are working together to deliver a replacement of the Delny Level Crossing. As the application for the crossing has now been approved this application will be progressed toward determination in summer 2021	08/00253/OUTS U	PCO	08

**APPENDIX 2 - APPLICATIONS SUBMITTED UNDER THE ELECTRICITY ACT 1989**

OFFICER	PROPOSAL	ADDRESS	APPLICANT	PROGRESS	REFERENCE	STATUS	WARD
Gillian Pearson	Strathy Wood Wind Farm - Erection of up to 13 (amended from 26) wind turbines with a max tip height of 180m and ancillary development	Strathy ForestStrathy	E.ON Climate & Renewables Developments Limited	Response sent to Energy Consents Unit on 19 May 2020 raising an objection to the application. The application has been passed to the Directorate for Planning and Environmental Appeals. The Pre-Inquiry Meeting took place in late November 2020 where it was agreed that the Public Local Inquiry will take place week commencing 26 April 2021. It is anticipated that the Public Local Inquiry will be carried out virtually.	13/04469/S36	S36RO	01
Simon Hindson	Kirkan Wind Farm - Construction of wind farm comprising of 17 turbines (height to hub 104m, height to blade tip 175m), associated access tracks, borrow pits, compounds, substation and 104m high met mast	Land 3015M SE Of Aultguish InnGarve	Kirkan Wind Farm Limited	Response to the Scottish Government's Energy Consents Unit submitted on 15 June 2020. We await notification of any further procedure from the Scottish Government.	19/01861/S36	S36RO	05
Peter Wheelan	Kintradwell Wind Farm - Erection and Operation of a Wind Farm in perpetuity, comprising of 15 No. Wind Turbines with a maximum blade tip height of 149.9m, access tracks, borrow pits, battery storage infrastructure, switching station, substation, control building, and ancillary infrastructure.	Land 3450M North Of Kintradwell LodgeBrora	Renewable Energy Systems Ltd (RES)	It is anticipated that a response will be submitted to the Scottish Government's Energy Consents Unit in September 2021 following consideration of public and consultee comments on the application.	21/00826/S36	PCO	04
Simon Hindson	Limekiln Extension Wind Farm - Erection and Operation of a Wind Farm for a period of 30 years, comprising of 5 Wind Turbines with a maximum blade tip height 149.9m, with access tracks, hardstanding areas, substation, battery storage facility, control building compound, borrow pits and cabling	Land 3080M West Of Shepherds CottageShebsterThurso	Infinergy Limited	Members of the North Planning Applications Committee resolved to Raise an Objection to the application at their meeting on 20 October 2020. A Pre-Inquiry Meeting will take place on 18 February 2021 and it is anticipated that the Public Local Inquiry will be held in June 2021.	20/01905/S36	S36RO	02
Claire Farmer	Install and keep installed the proposed Limekiln Wind Farm 132 kV Grid Connection overhead electric line	Land 300M West Of Achunabust FarmReay	Scottish Hydro Electric Transmission Plc	Members of the North Planning Application agreed to Raise No Objection to the application at their meeting in October 2020. The response has been submitted to the Scottish Government's Energy Consents Unit and we await the decision of Scottish Ministers.	20/01595/S37	S37RNO	02

OFFICER	PROPOSAL	ADDRESS	APPLICANT	PROGRESS	REFERENCE	STATUS	WARD
Simon Hindson	Strathy South Wind Farm - Application under Section 36 of the Electricity Act 1989 to vary the consented Strathy South Wind Farm to increase the blade tip hieght from 135 m to up to 200 m and increase maximum consented output from 133 MW to 208 MW	Land At Strathy SouthStrathy ForestStrathy	SSE Generation Limited	Following receipt of consultation responses and consideration of the application by officers, feedback has been provided to the applicant seeking modifications to the application. Supplementary Information is likely to be submitted early April in relation to aviation lighting impacts. It is anticipated that the response to the application will be reported to North Planning Applications Committee in June 2021.	20/03481/S36	PCO	01