

Agenda Item	5.5
Report No	PLN/079/21

HIGHLAND COUNCIL

Committee: North Planning Applications Committee

Date: 19 October 2021

Report Title: 21/04455/PAN: Kirkton Wind Farm Limited
Land 1800M SW Of Kirkton Cemetery, Melvich

Report By: Area Planning Manager – North

Purpose/Executive Summary

Description: Kirkton Wind Farm - Construction and operation of a wind farm comprising up to 14 turbines with a blade tip height of up to 149.9m and ancillary infrastructure with an installed capacity of up to 70MW

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 application is likely to generate more than 50MW of electricity therefore the proposal will be required to apply for consent under the Electricity Act. The PAN which was received by the Council on 14 September 2021 and has been submitted voluntarily. The PAN is not a statutory requirement for an application made under Section 36 of the Electricity Act 1989, as is the case for full planning applications for major or national developments. It has therefore been submitted in the spirit of public engagement to advise the Council of public exhibitions taking place ahead of the submission of a Section 36 application to the Energy Consents Unit.
- 1.3 The submitted information attached includes:
- Proposal of Application Notice (Application Form)
 - Location Plan
- 1.4 In line with Covid-19 public health advice and temporary modifications made to the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, the prospective developer proposes to undertake one in person public event and one online public consultation event. Both formats will allow members of the public to engage in live discussion. Two events are due to take place on:
- Event 1 – 6 October 2021, 1500 - 1900hrs at the Strathy Village Hall; and
 - Event 2 – anticipated to take place in November 2021 online.
- 1.5 The project and virtual event webpage is: www.kirktonwindfarm.co.uk
- 1.6 The consultation will be publicised and advertised in accordance with the appropriate statutory requirements with adverts to be placed within the Northern Times and the John O’Groat Journal. An invitation maildrop will also be undertaken by the applicant to make people aware of the proposed development. The catchment for its distribution has been specified by the Planning Authority and will cover properties with visibility within a 10km radius. Details of all notified parties are contained and appended to the PAN form, and include the Melvich, Caithness West and Strathy and Armadale Community Councils, with the prospective applicant separately confirming that local ward Councillors, MP and MSPs are also to be notified.
- 1.7 The 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 prospective development comprises: the construction and operation of a wind farm comprising up to 14 turbines with a blade tip height of up to 149.9m and ancillary infrastructure with an installed capacity of up to 70MW.

- 2.2 The applicant has sought formal pre-application advice from the Planning Authority via the Pre-Application Advice Service for Major Developments prior to lodging the PAN. The pre-application advice pack was issued on 5 February 2021 with the submitted details and advice given remaining confidential until such a time an application is submitted.

3.0 SITE DESCRIPTION

- 3.1 The site extends to approximately 455ha and lies around 2.6km to the south of Melvich. The site generally sloping westwards. Topography ranges from approximately 100m AOD to 150m AOD with the western extent of the proposed site forming the most elevated section. The site is predominantly moorland and grazing land with a relatively small area of forestry at its northern edge. Currently there is an existing track from the public road to the site, but it is expected main access to be taken from the A836 located to the north east. A core path located approximately 1km east of the PAN boundary.
- 3.2 To the north, the surrounding areas is rural in nature, with land predominantly used for grazing, agriculture and forestry. To the east, the A897 runs parallel to the site boundary within approximately 1.5 km distance. Common Grazings are located to the south of the site.

The site entirely sits across the sweeping moorland and flows Landscape Character Area identified by NatureScot. The Kyle of Tongue National Scenic Area (NSA) lies 16km to the west of the proposed site boundary. A number of Special Landscape Areas (SLA) are located in proximity of the site including the Farr Bay, Strathy and Portskerra SLA, Dunnet Head SLA Ben Griam and Loch nan Clar SLA.

To the west, the majority of the site lies mainly within three main nationally important designations of Special Protection Area 'SPA' and Special area of Conservation 'SAC' due to the Caithness and Sutherland Peatlands Ramsar and 'SSSI' site of West Halladale SSSI due to the presence of Carbon Rich Soils Deep Peat and Priority Peatland Habitat. In wider area, the designated area of Forsinard Flows 'NNR' is located approximately 11km to the south.

- 3.3 A number of small tributaries run through the site and join the larger Halladale river to the east. The Allt an Tigh-choinneimh watercourse runs from south west to north east through the site area. The site is identified being within the 1 in 200 years fluvial flood risk as mapped by SEPA due to a number watercourses within the PAN boundary and the site being enclosed by number of water surfaces as well. Based on knowledge of the area the site is within areas of Class 1 and 2 peatland habitats, identified being nationally important within Carbon and Peatland Map 2016.
- 3.5 Within the site boundary there are no designated cultural heritage features. However, within the wider area there are significant number of built and cultural heritage assets. This includes three Scheduled Monuments, fifteen Listed Buildings including Category A, B and C.
- 3.6 The similar developments in the wider area which will require to be considered by the applicant in their cumulative assessments are listed below:

Operational

- Strathy North Wind Farm (Approximately 5.3km to the west)
- Bettyhill Wind Farm (Approximately 13.1km to the west)
- Baillie Wind Farm (Approximately 15.1km to the east)
- Forss 1 and 2 Wind Farms (Approximately 16.4km to the east)

Consented/Under Consideration

- Strathy South Wind Farm (Approximately 8.5km to the south west)
- Limekiln Wind Farm (Approximately 8.2km to the east)

In Planning

- Strathy South Wind Farm Variation (Approximately 8.5km to the south west)
- Limekiln Wind Farm Variation (Approximately 8.2km to the east)
- Ackron Wind Farm (Approximately 2.4km to the north east)
- Strathy Wood Wind Farm (Approximately 4.8km to the south west)
- Limekiln Wind Farm Extension (Approximately 9.5km to the west)
- Drum Hollistan 2 Wind Farm (Approximately 5.3km to the east)

4.0 DEVELOPMENT PLAN

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

4.1 Highland Wide Local Development Plan (2012)

- 28 - Sustainable Design
- 29 - Design Quality and Place-making
- 30 - Physical Constrains
- 31 - Developer Contributions
- 34 - Settlement Development Areas
- 36-Development in the wider countryside
- 51 - Trees and Development
- 52 - Principle of Development in Woodland
- 53- Minerals
- 54- Mineral Wastes
- 55 - Peat and Soils
- 56 - Travel
- 57 - Natural, Built and Cultural Heritage
- 58 - Protected Species
- 59 - Other Important Species
- 60 - Other Important Habitats
- 61 - Landscape
- 62- Geodiversity
- 63 - Water Environment
- 64 - Flood Risk
- 66 - Surface Water Drainage
- 67-Renewable Energy Developments

68- Community Renewable Energy Developments
69- Electricity Transmission Infrastructure
72 - Pollution
77 - Public Access
78 - Long Distance Routes

4.2 **Caithness and Sutherland Local Development Plan (CasPlan 2018)**

The CaSPlan, focuses mainly on regional and settlement strategies and identifying specific site allocations. As a result, the CaSPlan does not have any Policies considered directly relevant to the proposed windfarm development. However, certain aspects of the strategy for the local area/settlement may help to inform plans for community engagement or community benefit. The CaSPlan also confirms the boundaries of the Special Landscape Areas.

4.3 **Highland Council Supplementary Guidance**

- Developer Contributions (Nov 2018)
- Flood Risk and 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)
- Highland Renewable Energy Strategy and Planning Guidelines (May 2006)
- Onshore Wind Energy Supplementary Guidance (OWESG) (Nov 2016) and Addendum Part 2b (2017)
- Physical Constraints (Mar 2013)
- Roads and Transport Guidelines for New Developments (May 2013)
- Special Landscape Area Citations (Jun 2011)
- Standards for Archaeological Work (Mar 2012)
- Sustainable Design Guide (Jan 2013)
- Trees, Woodlands and Development (Jan 2013)

4.4 **Scottish Government Policy and Other Guidance**

- Scottish Planning Policy (Jun 2014)
- National Planning Framework 3, NPF3 (Jun 2014) and the emerging content of NPF4
- Scottish Energy Strategy (Dec 2017)
- Historic Environment Policy for Scotland (Apr 2019)
- PAN 1/2011 – Planning and Noise (Mar 2011)
- Planning Circular 1/2017: Environmental Impact Assessment Regulations (May 2017)
- PAN 60 – Planning for Natural Heritage (Jan 2008)
- 2020 Routemap for Renewable Energy (Jun 2011)
- THC Visualisation for Standards for Wind Farm Development (Jul 2016)
- Onshore Wind Energy (Statement), Scottish Government (Dec 2017)
- Siting and Designing Wind Farms in the Landscape, SNH (Aug 2017)
- Wind Farm Developments on Peat Lands, Scottish Government (Jun 2011)
- Energy Efficient Scotland Route Map, Scottish Government (May 2018)

- Assessing Impacts on Wild Land Areas, Technical Guidance, NatureScot (Sep 2020)
- World Heritage Site - The Flow Country (tentative)
- Peatlands of Caithness and Sutherland Management Strategy

5.0 POTENTIAL MATERIAL PLANNING CONSIDERATIONS

- a) Development Plan and Other Planning Policy;
- b) Energy and economic benefits;
- c) Construction;
- d) Roads, Transport and Access;
- e) Water, Flood Risk, Drainage and Peat;
- f) Natural Heritage (including ornithology)
- g) Built and Cultural Heritage
- h) Design, Landscape and Visual Impact (Including Wild Land Areas and Cumulative impact);
- i) Noise and Shadow Flicker;
- j) Telecommunications; Aviation; 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. 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: Negar Maydanchi / Simon Hindson
 Background Papers: Documents referred to in report and in case file.

Relevant Plans: Plan 1 – Proposal of Application Notice form
 Plan 2 – Location Plan -Figure 1
 Plan 3 – Site Layout – Figure 2

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.

<p>Applicant Address:</p> <p>Kirkton Wind Farm Limited 2 Walker Street Edinburgh EH3 7LB</p> <p>Phone: [REDACTED] E-mail: [REDACTED]</p>	<p>Agent Address:</p> <p>7 Wornal Park Menmarsh Road Worminghall Aylesbury Buckinghamshire HP189PH</p> <p>Phone: 07718 482283 E-mail: alastairsmith@slrconsulting.com</p>
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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.

The site, centred on NGR NC 88290 59119, is located in Sutherland, to the north of mainland Scotland and within THC administrative boundary. The site is located on moorland and grazing land approximately 2.8km to the south of the settlement of Melvich. See attached Figure 1 and Figure 2.

Description of Development

Please include detail where appropriate – eg the number of residential units; the gross floorspace in m 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.

Our current proposals for the Kirkton Wind Farm are for 14 wind turbines, each with a blade tip height of up to 149.9m and ancillary infrastructure (including onsite tracks, a temporary construction compound and battery storage). On this basis, the wind farm would have an installed capacity of up to 70 megawatts (MW).

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. The proposed development is over 50MW and as such a Section 36 application to the Energy Consents Unit.

Community Consultation [See checklist of Statutory minimum consultation attached]**State which other parties have received a copy of this Proposal of Application Notice.****Community Council/s****Date Notice Served – N/A**

N/A. The following Community Councils will be invited via email to attend the Public Exhibitions:

- Melvich Community Council
- Strathy and Armadale Community Council
- Caithness West Community Council

Names/details of any other parties**Date Notice Served – N/A**

N/A. The Public Exhibitions will be advertised in two local newspapers a minimum of 2 weeks prior to the events. Leaflets will be delivered to residents in the local area (10km of site). Exhibitions will also be advertised via the Melvich Community Council Facebook page.

Please give details of proposed consultation**Proposed public event****Venue****Date and time**

Public Exhibition

Strathy Village Hall

06/10/21 3.00pm to 7.00pm

Virtual Public Exhibition

online

tbc – anticipated November 2021

Newspaper Advert – name of newspaper**Advert date(where known)**

Northern Times

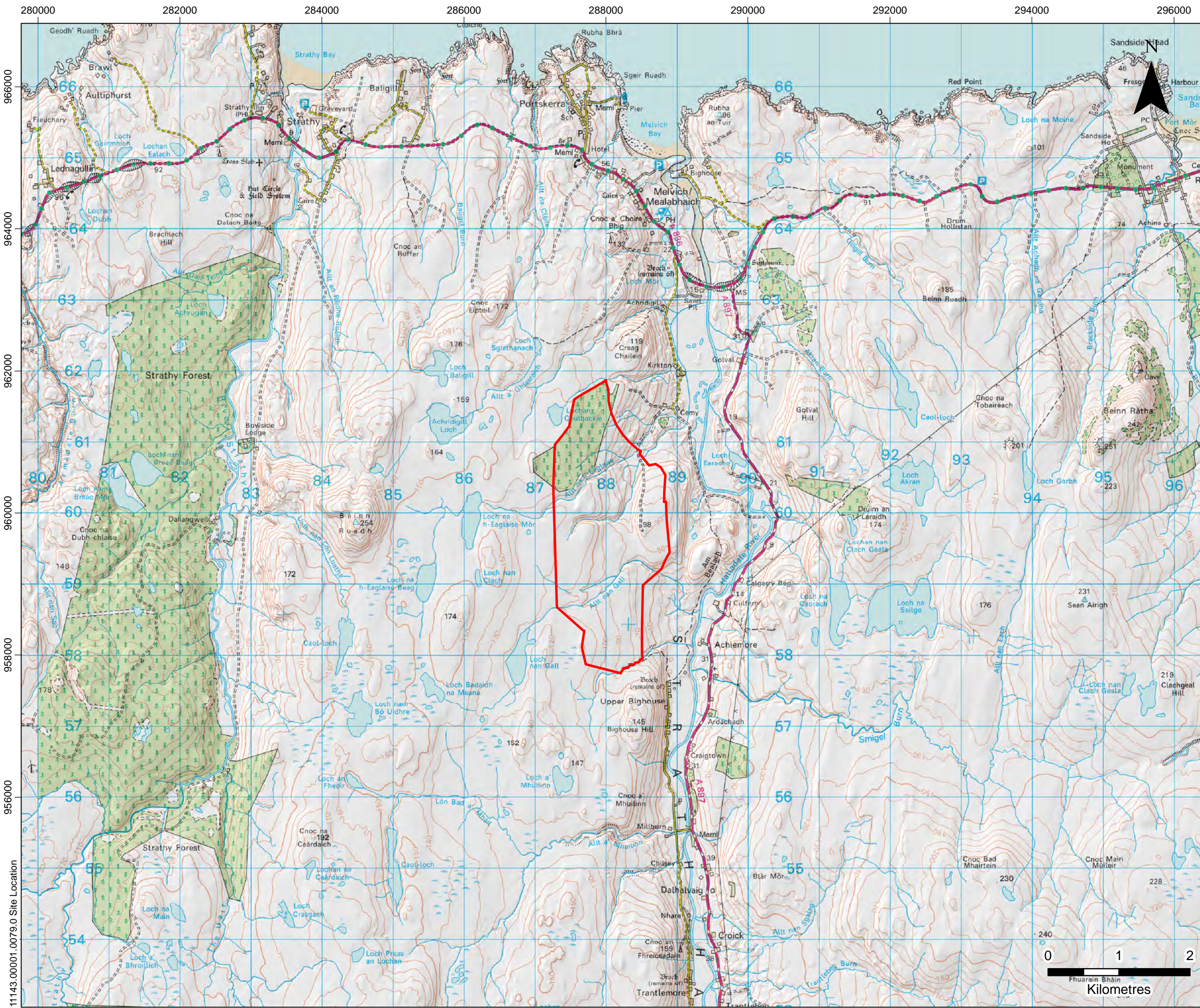
Anticipated Friday 17/09/21 for the 1st event

John O’Groat Journal

Anticipated Friday 17/09/21 for the 1st event**Details of any other consultation methods (date, time and with whom)**

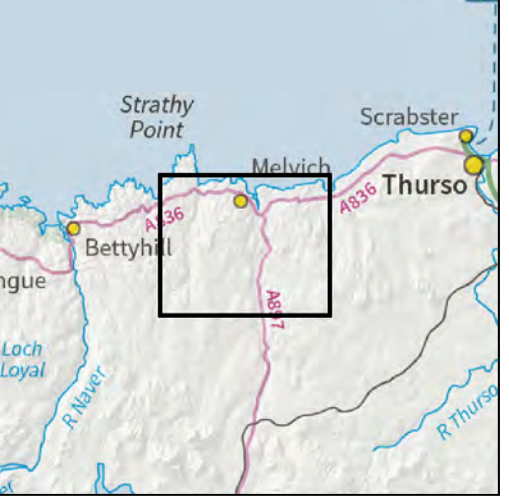
A project website has been set up and is monitored and updated at regular intervals. Leaflets will be delivered to residents in the local area (10km) via mail drop.

Signed ...  Date...14/09/2021



LEGEND

Application Boundary



KIRKTON WIND FARM LTD

SLR

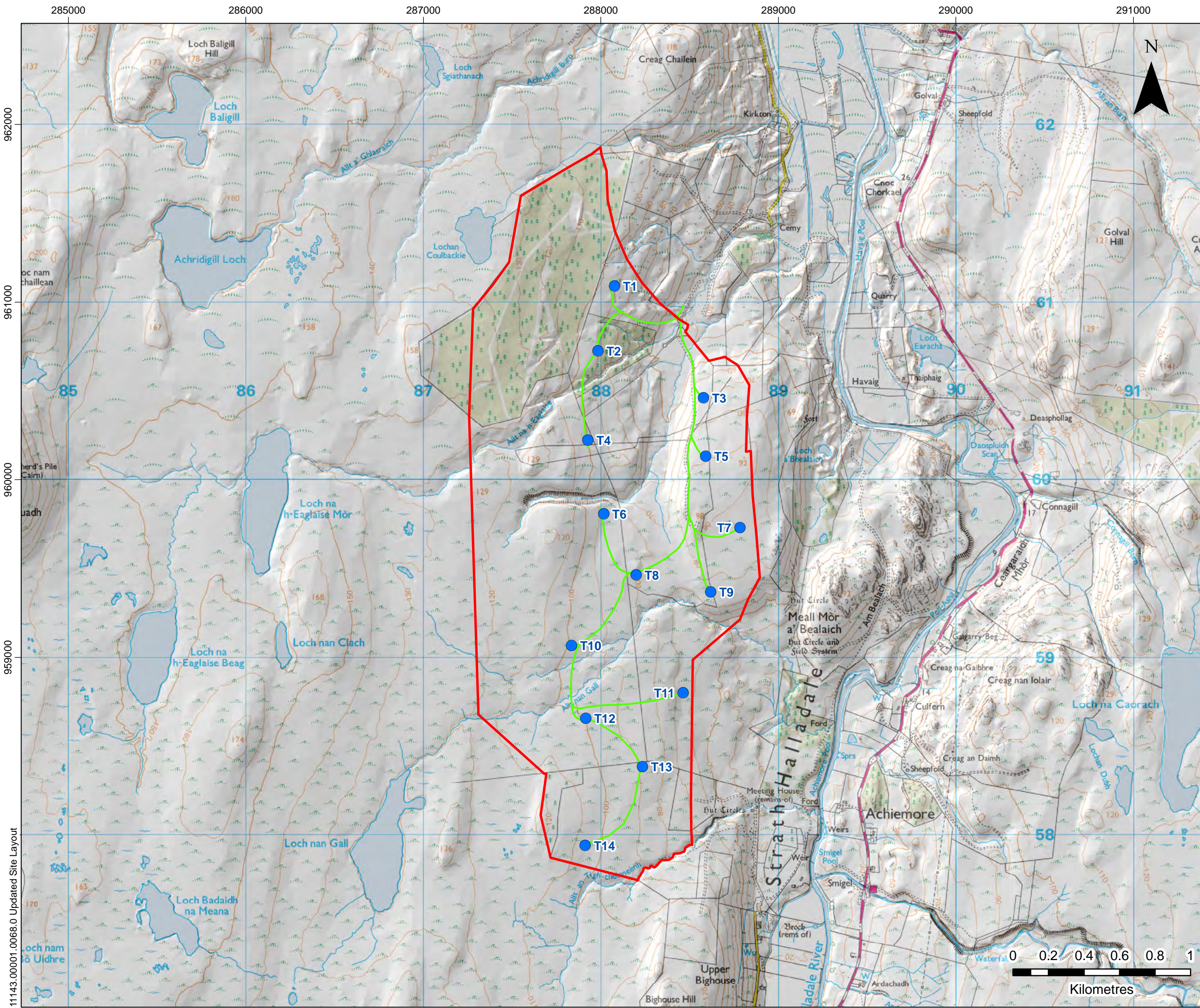
4/5 LOCHSIDE VIEW
EDINBURGH PARK
EDINBURGH
EH12 9DH

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KIRKTON WIND FARM
PAN
SITE LOCATION

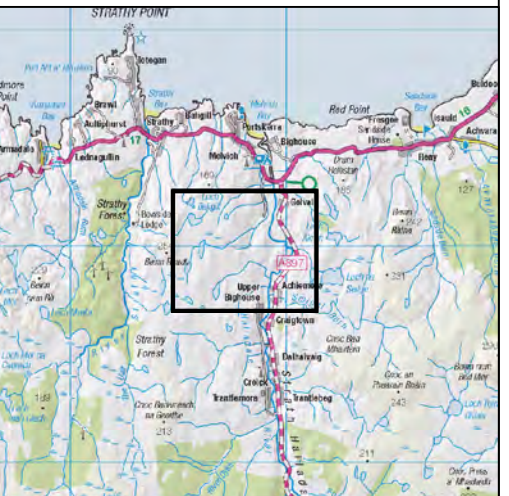
FIGURE 2

Scale 1:50,000 @ A3 Date SEPTEMBER 2021



LEGEND

- Application Boundary
- Proposed Turbine Location
- Proposed Track Layout



KIRKTON WIND FARM LTD

SLR 4/5 LOCHSIDE VIEW
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KIRKTON WIND FARM
PAN
SITE LAYOUT
FIGURE 1

Scale 1:20,000 @ A3 Date SEPTEMBER 2021



11143.00001.0068.0 Updated Site Layout