

Agenda Item	5.2
Report No	PLN/019/23

## HIGHLAND COUNCIL

**Committee:** North Planning Applications Committee  
**Date:** 7 March 2023  
**Report Title:** 22/06046/PAN: Toftingall Wind Limited  
Land 1180M SE Of Mybster Inn Farm, Watten  
**Report By:** Area Planning Manager - North

### Purpose/Executive Summary

**Description:** Toftingall Wind Farm - Erection and operation of a wind farm comprising up to two wind turbines, battery energy storage system, access track and associated infrastructure  
**Ward:** 03 - Wick and East Caithness

### 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. 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 09 December 2022. 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)
  - Existing Location Plan.
  - Proposed Location Plan.
  - Community Open Day Notice.
- 1.4 In line with the consultation requirements outlined under the provision of the Town and Country Planning (Pre-Application Consultations (Scotland) Regulations 2019 which came into force on 01 October 2022, the applicants are proposing two consultation events:
- Event 1: Spittal Community Hall on 31<sup>st</sup> January 2023: 13:30-19:30.  
Watten Village Hall on 1st February 2023: 13:30-19:30.
  - Event 2: will be held at the same venues as at Event 1, the time and date for this will be confirmed in due course. However, in line with the aforementioned regulations the applicant has specified that there will be a minimum of 14 days between the first and second events.

In addition, the applicant must at the final event provide feedback to members of the public in respect of comments received by the applicant to date.

- 1.5 The applicant advises that a dedicated webpage will be set up. This can be accessed at [www.toftingallwindfarm.co.uk](http://www.toftingallwindfarm.co.uk) or there is a freephone number 0800 980 4299.
- 1.6 The consultation will be publicised and advertised in accordance with the appropriate statutory requirements with adverts to be placed within the John O’Groat Journal and will be at least 7 days prior to each event. Properties within 7km of the proposal were notified about event 1, the Planning Authority have requested that the leaflet drop be to all properties within 10km of the boundary of the proposed development is carried out for event 2.

The PAN form also indicates that the following parties were sent a copy of the PAN on 9th December 2022.

- Watten Community Council

- Halkirk Community Council
- Bower Community Council
- Local Elected Members – Raymond Bremner, Andrew Jarvie, Willie MacKay and Jan McEwan.
- Maree Todd MSP and Jamie Stone MP

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. DESCRIPTION OF PROPOSED DEVELOPMENT**

2.1 The PAN provides notice of the developer's intention to submit a planning application classified as 'major development', as defined by the Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009) and under the Town and Country Planning (Scotland) Act 1997 (As Amended). The proposal is for:

- Up to two wind turbines, each with a maximum tip height of 149.9m, with a likely rated output of 3.6 MegaWatts (MW) each, giving a total turbine output of 7.2MW.
- Associated hard standings and an internal access track linking the two turbines.
- A 40MW Battery Energy Storage Facility and substation located in the southwestern part of the site.
- In terms of access onto the site the PAN identifies two options. Firstly, an access track into the site from the south from the A9 via the northern access into the Halsary Wind Farm, initially using the existing wind farm track and then using a new stretch of track northwards. Or secondly an access track from the north using the existing forestry track from the B870 and then a new stretch of track in a southerly direction.

2.2 The applicant has undertaken formal pre-application advice (19/00559/PREAPP) with the Planning Authority as part of an earlier iteration of the scheme which was for up to 6 turbines.

## **3.0 SITE DESCRIPTION**

3.1 The PAN site boundary largely comprises commercial forestry plantation and is located approximately 16km to the west of Wick, 2km to the SE of Spittal and 4.5km to the west of Watten in Caithness. Loch of Toftingall lies to the east of the site and there are a number of watercourses running through the site. The A9 road runs to the west of the site and the B870 is to the north. As detailed in section 2.1 above, there are two potential access options to the site, one from the A9 and the other from the B870. There are no residential properties within the site but there are a number within 2km of the site boundary.

3.2 The site is located adjacent to the operational wind farms of Achlachan, to the

west, Causeymire and Bad a Cheo to the south-west and Halsary to the south. There are a number of electricity transmission lines that feed into the large Mybster substation which lies approximately 500m to the south-west of the Site. To the south of the substation, an electricity transmission line runs parallel to the A9.

3.3 As identified by the Councils Onshore Wind Energy Supplementary Guidance (OWESG) the proposed site lies within Group 3. These are areas with potential for wind farm development.

3.4 There are no natural heritage designations located within the proposed site boundary. The following designations are located within 10km of the site.

- The Caithness and Sutherland Peatlands Ramsar sites
- The proposed Flow Country World Heritage site
- Loch Watten SAC
- River Thurso SAC
- Caithness and Sutherland Peatlands SPA
- Caithness and Sutherland Peatlands Ramsar
- Caithness Lochs SPA/Ramsar
- Sheilton Peatlands SSSI
- Loch Watten SSSI
- Blar nam Faoileag SSSI
- Loch Scarmclate SSSI

3.5 There are no landscape designations covering the site itself. The following area located within 20km of the site.

- Flow Country and Berriedale Coast Special Landscape Area (SLA)
- Dunnet Head SLA
- Wild Land Area (WLA) 38: Causeymire Knockfin Flows
- WLA 39: East Halladale Flows

3.6 There are no designated cultural heritage assets within the site boundary. There are two Scheduled Monuments within 2 km of the site and 18 Scheduled Monuments and four Listed Buildings within 5 km of the site.

3.7 There are no core paths located within the site, the closest is The old quarry track (CA06.08) at Spittal, the Achanarras Quarry track (CA06.07) which are both to the north-west and the Causeymire Wind Farm track (CA06.04) which is located to the southwest of the site.

#### **4. DEVELOPMENT PLAN POLICY**

The following policies are relevant to the assessment of the application

## **Highland Wide Local Development Plan 2012**

- 4.1 28 - Sustainable Design
- 29 - Design Quality & Place-making
- 30 - Physical Constrains
- 31 - Developer Contributions
- 47 - Safeguarding Inbye/ Apportioned Croftland
- 51 – Trees and Development
- 52 – Principle of Development in Woodland
- 53 - Minerals
- 55 - Peat and Soils
- 56 - Travel
- 57 - Natural, Built & 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
- 69 - Electricity Transmission
- 72 - Pollution
- 77 - Public Access
- 78 – Long Distance Routes

## **The Caithness and Sutherland Local Development Plan (CaSPlan) 2018**

- 4.2 There are no site-specific policies covering the application site therefore the application requires to be assessed against the general policies of the Highland-wide Local Development Plan referred to above. However, the CaSPlan does confirm the boundaries for the Special Landscape Areas (SLA) within the plan area.

## **Highland Council Supplementary Planning Policy Guidance**

- 4.3 The Onshore Wind Energy Supplementary Guidance (OWSG) (Nov 2016) provides additional guidance on the principles set out in Policy 67 of the Highland-wide Local Development Plan for Renewable Energy Developments. It also includes Addendum Supplementary Guidance 'Part 2B' which was adopted in December 2017 and provides landscape sensitivity appraisals for the Black Isle Surrounding Hills and Moray Firth Coast area and Caithness. The Caithness appraisal is of relevance to the proposed development. The guidance identifies that the proposed development is located within Landscape Character Area (LCA) 'CT4 Central Caithness' and the Sweeping Moorland and Flows Landscape Character Type (LCT).

- 4.4
- Other Supplementary Planning Policy Guidance is contained within:
  - Developer Contributions (Nov 2018)
  - Flood Risk & Drainage Impact Assessment (Jan 2013)
  - Highland Historic Environment Strategy (Jan 2013)
  - Highland's Statutorily Protected Species (Mar 2013)
  - Highland Renewable Energy Strategy & Planning Guidelines (May 2006)
  - Managing Waste in New Developments (March 2013)
  - Physical Constraints (March 2013)
  - Special Landscape Area Citations (Jun 2011)
  - Standards for Archaeological Work (March 2012)
  - Trees, Woodlands and Development (Jan 2013)
  - Construction Environmental Management Process for Large Scale Projects
  - The Highland Council Visualisation Standards for Wind Energy Developments.

### **Scottish Government Policy and Guidance**

- 4.5
- National Planning Framework 4, NPF4 (2023)
  - Scotland's Energy Strategy 2017
  - Onshore Wind Energy Policy Statement (2022)
  - Draft Energy Strategy and Just Transition Plan (2023)
  - Historic Environment Policy for Scotland (HEPS, 2019)
  - PAN 1/2011 - Planning and Noise (Mar 2011)
  - Circular 1/2017: Environmental Impact Assessment Regulations (May 2017)
  - PAN 60 – Planning for Natural Heritage (Jan 2008)
  - 2020 Routemap for Renewable Energy (Jun 2011)
  - 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)

### **5.0 POTENTIAL MATERIAL PLANNING CONSIDERATIONS**

- a) compliance with the development plan and other planning policy
- b) energy and economic benefits;
- c) construction impacts;
- d) transport and access (including wider public access);
- e) hydrology, hydrogeology and peat;

- f) natural heritage (including ornithology and impact upon trees);
- g) built and cultural heritage;
- h) design, landscape and visual impact (including wild land areas, cumulative impacts and residential visual amenity impacts);
- i) noise and shadow flicker;
- j) telecommunications;
- k) aviation (including any requirement for visible turbine lighting);
- l) decommissioning, and 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. 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.

Signature: Dafydd Jones  
 Designation: Area Planning Manager –North  
 Author: Alison Harvey, Planner  
 Background Papers: Documents referred to in report and in case file.  
 Relevant Plans: Plan 1 – Proposal of Application Notice  
 Plan 2 – Existing Location Plan  
 Plan 3 - Proposed Location/ Site Layout Plan

**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

**Contact Details**

Applicant	Toftingall Wind Limited	Agent	Savills
Address	c/o Infinergy Ltd, a Boralex Company 16 West Borough Wimborne Dorset BH21 1NG	Address	Savills Planning 163 West George Street Glasgow G2 2JJ
Phone	01202 847680	Phone	0141 222 4138
Email	r.frost@infinergy.co.uk	Email	SHerriot@savills.com

**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 main part of the site lies approximately 550m (at its nearest point) to the south east of Mybster Inn Farm. The site comprises plantation land to the west of Loch of Toftingall and lies to the north of Halsary Wind Farm.

The site is shown in **Figure 1 Site Location**. As explained further below, the red line includes two access route corridors, one from the north and another from the south, the alignments of which are still being assessed and designed. Only one will be used.

**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.



The main components of the proposed development are:

- up to **two** wind turbines, each with a maximum tip height of **149.9m**, with a likely rated output of 3.6 MegaWatts (MW) each, giving a total turbine output of 7.2MW.
- associated hard standings and an internal access track linking the two turbines;
- a **40MW** Battery Energy Storage Facility and an adjoining wind farm substation located in the south western part of the site and
- an access track into the site from the south from the A9 via the northern access into the Halsary Wind Farm, initially using the existing wind farm track and then using a new stretch of track northwards OR an access track from the north using the existing forestry track from the B870 and then a new stretch of track southwards.

It is intended that both access track options will be included within the red line of the planning application and that the decision on which option will remain part of the proposals will be made later in the planning process.

The main elements of the proposed development are shown in **Figure 2 Draft Layout**.

### **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?

**Yes**

**No**

If yes, please provide a copy of this Opinion.

### **Community Consultation**

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

#### **Community Council/s**

#### **Date Notice Served**

Watten CC ([wattenc@gmail.com](mailto:wattenc@gmail.com))

All 9/12/22

Halkirk CC  
([secretary@halkirkcommunitycouncil.org](mailto:secretary@halkirkcommunitycouncil.org))

Bower CC  
([bowercommunitycouncil@gmail.com](mailto:bowercommunitycouncil@gmail.com))

**Local Elected Members**[Raymond Bremner](#)[Andrew Jarvie](#)[Willie MacKay](#)[Jan McEwan](#)**Date Notice Served**

All 9/12/22

**Members of Scottish Parliament and  
Members of Parliament**[Maree Todd MSP](#)[Jamie Stone MP](#)**Date Notice Served**

All 9/12/22

**Names / details of other parties****Date Notice Served****Details of Proposed Consultation****Proposed Public Event 1**

Tuesday 31 January 2023

**Venue**

Spittal Community Hall

**Date and Time**

31/1/23

13:30 – 19:30

Wednesday 1 February 2023

Watten Village Hall

1/2/23

13:30 – 19:30

**Proposed Public Event 2***(at least 14 days after Public  
Event 1)***Venue**

Spittal Community Hall

**Date and Time**TBC depending on feedback  
received at 1<sup>st</sup> round

Watten Village Hall

**Publication of Event****Newspaper Advert****Name of Newspaper**

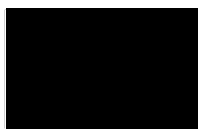
John O’Groat Journal

**Advert Date**

w/c 16 January 2023

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

Signed

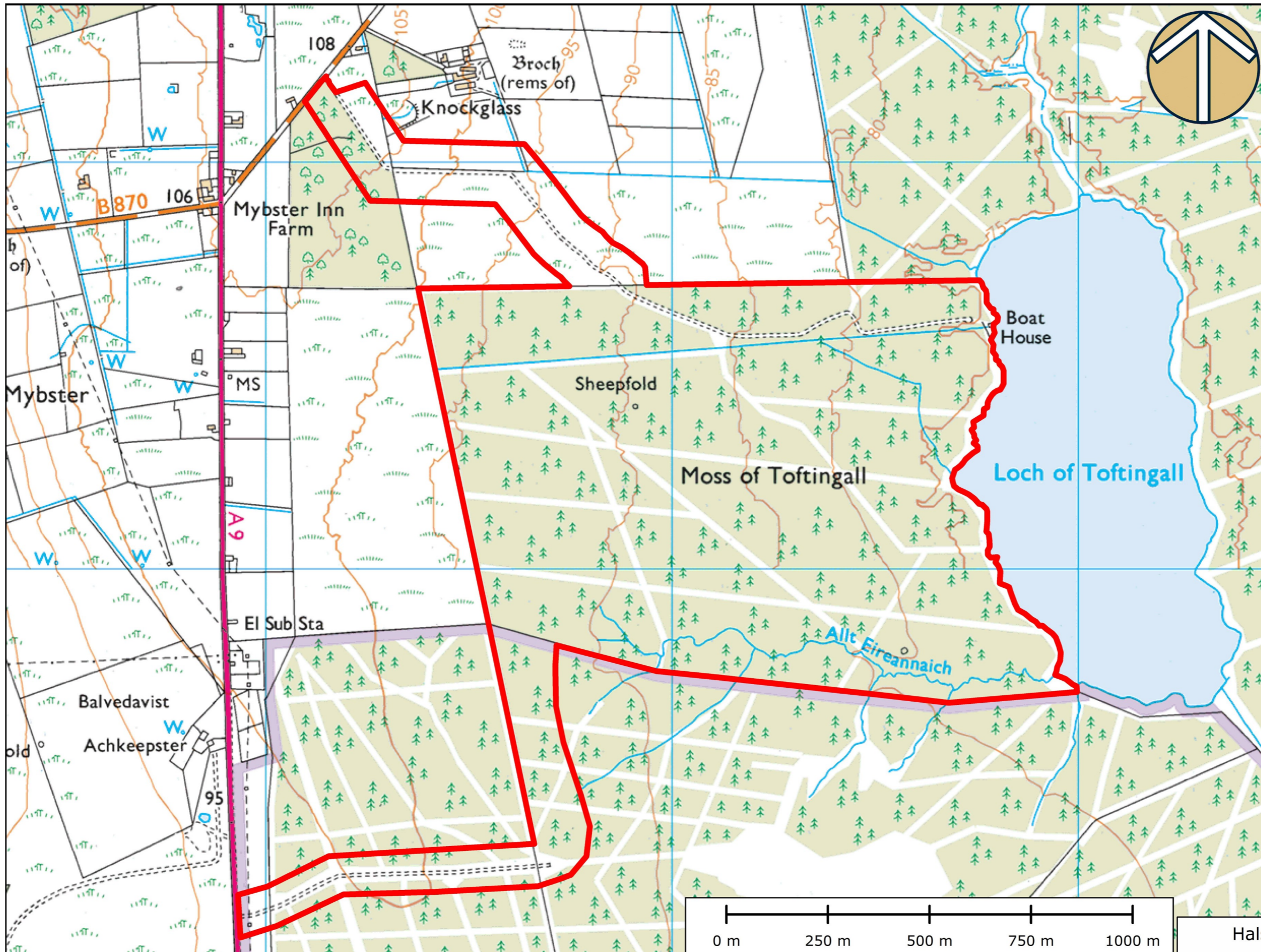


(agent)

Date **9 December 2022**



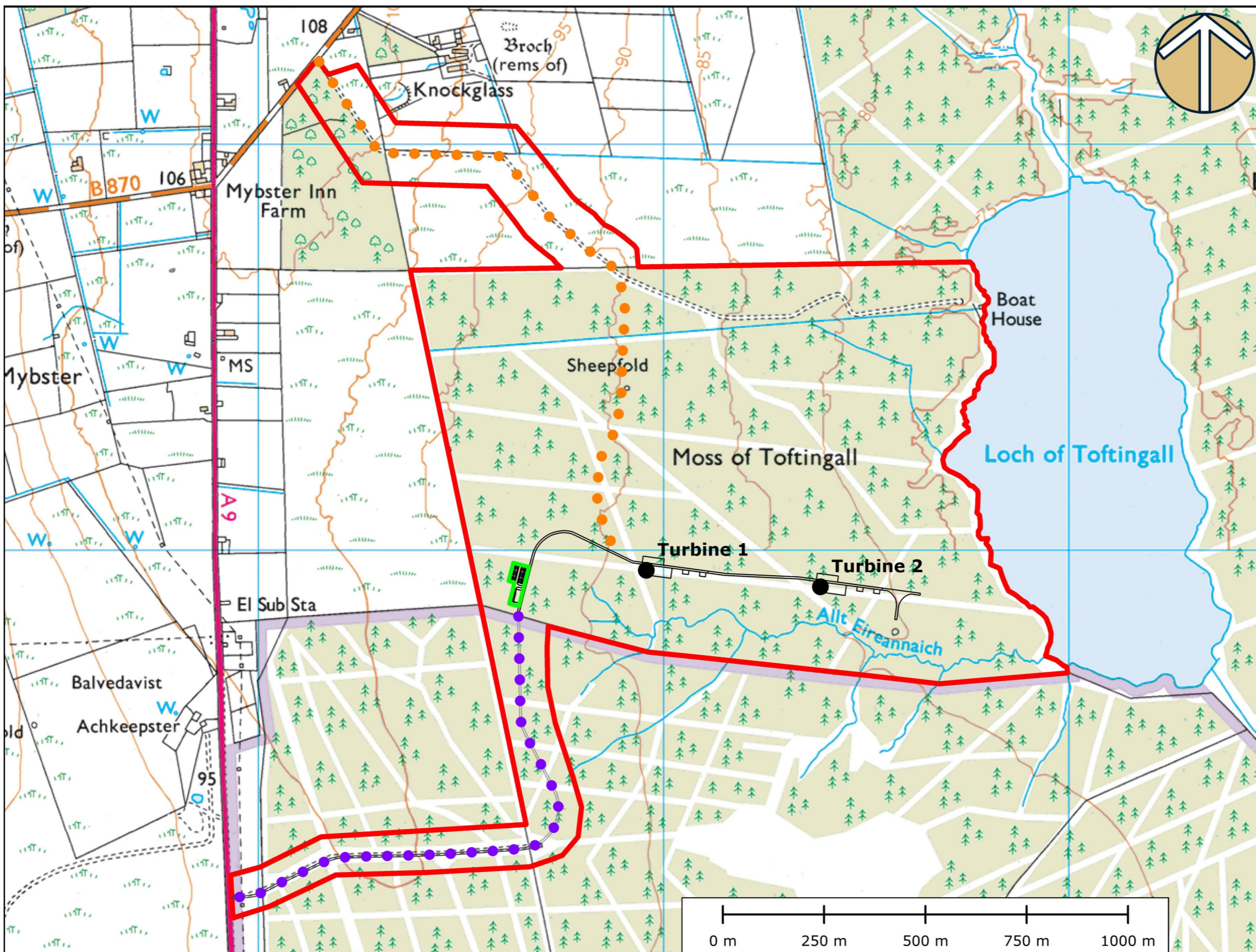
Figure 1 : Site Location



<b>KEY:</b>	
Site	
<hr style="border: 1px solid red;"/>	
<b>Title:</b> Site Location	
<b>Project:</b> Loch Toftingall Wind Farm	
<b>Source:</b> Reproduced from Ordnance Survey maps © Crown copyright and database rights 2022 Ordnance Survey 0100031673	
<b>Drawn By:</b> SSH	<b>Checked:</b> RFR
<b>Date:</b> Nov 2022	<b>Figure:</b> 1
<b>Scale:</b> A3 @ 1-10000	<b>Revision No:</b>
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Figure 2: Draft Layout



**KEY:**

- Internal Track
- Site
- Substation & Battery Storage
- Access Option A
- Access Option B
- Turbine 1
- Turbine 2

<b>Title:</b>	
Draft Layout	
<b>Project:</b>	
Loch Toftingall Wind Farm	
<b>Source:</b>	
Reproduced from Ordnance Survey maps © Crown copyright and database rights 2022 Ordnance Survey 0100031673	
<b>Drawn By:</b>	<b>Checked:</b>
SSH	RFR
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