

Agenda Item	<b>5.1</b>
Report No	<b>PLS-44-23</b>

## HIGHLAND COUNCIL

**Committee:** South Planning Applications Committee

**Date:** 23 August 2023

**Report Title:** 23/03118/PAN: Earba Ltd  
Land 4200m SE of Moy Lodge, Tulloch, Roy Bridge

**Report By:** Area Planning Manager – South

### **Purpose/Executive Summary**

**Description:** Construction of a pumped storage hydroelectric scheme of up to 1500 megawatts generation capacity and 40 gigawatt hours storage capacity

**Ward:** 20 – Badenoch and Strathspey & 11 – Caol and Mallaig (access)

### **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 the application for planning permission.

## **1. 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 made valid on 26 June 2023. 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)
  - Location Plan
- 1.4 In line with the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, the prospective developer proposes to undertake an in-person exhibition within 6 months of the date of validation (by 26 December 2023). This event will allow members of the public to engage in live discussion.
- 1.5 The consultation has been publicised and advertised in accordance with the appropriate statutory requirements with adverts placed within the Strathspey Herald and Inverness Courier on the 16<sup>th</sup> February 2023 and 17<sup>th</sup> February 2023 respectively. A letter drop to all properties within 10km of the site boundary took place on 1<sup>st</sup> February 2023. The applicant notes they have carried out an in-person public consultation event on 21<sup>st</sup> and 22<sup>nd</sup> February with dates proposed for 12<sup>th</sup> and 13<sup>th</sup> September 2023. Details of all notified parties are contained and appended to the PAN form and include Community Councils, Elected Members, local MSPs and MPs.
- 1.6 Any forthcoming application will require to 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 Based upon the information provided, the development is likely to comprise of a construction of a pumped storage hydroelectric scheme of up to 1500 megawatts generation capacity and 40 gigawatt hours storage capacity associated infrastructure on 1681ha of land.
- 2.2 The applicant has not yet sought pre-application advice from the Planning Authority via the Pre-Application Advice Service for Major Developments.

## **3. SITE DESCRIPTION**

- 3.1 The site is within the Adverikie Estate at Kinloch Laggan which extends to 1681ha. The site includes lower lying Lochan na h'Earba and Loch a' Bhealaich Leamhain on higher ground set back to the south of Loch Laggan.

- 3.2 The proposed site sits wholly in Ben Alder, Laggan and Glen Banchor Special Landscape Area (SLA), and partially in Wild Land Area (WLA) 14: Rannoch-Nevis-Mamores-Alder. The red line boundary of the development is adjacent to the boundary of Ben Alder and Aonach Beag Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC). The designated sites lie to the southeast of the proposed upper loch 'Loch a' Bhealaich Leamhain'. This loch discharges into the Allt Cam river which feeds Loch Pattack which is part of the SSSI and SAC. The trees along the northeastern shoreline of Loch Earba are designated as Ancient Woodland.

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

The following policies are relevant to the assessment of the application

##### **4.1 National Planning Framework 4 (Adopted 2023)**

National Development 2 – Pumped Hydro Storage

1 - Tackling the climate and nature crises

3 – Biodiversity

4 – Natural places

5 – Soils

6 – Forestry, woodland and trees

11 – Energy

12 – Zero Waste

13 – Sustainable transport

14 – Design, quality and place

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 (Adopted 2012)**

28 - Sustainable Design

29 - Design Quality & Place-making

30 - Physical Constraints

31 - Developer Contributions

36 - Wider Countryside

51 - Trees and Development

54 - Mineral Wastes  
55 - Peat and Soils  
56 - Travel  
57 - Natural, Built & Cultural Heritage  
58 - Protected Species  
59 - Other important Species  
60 - Other Importance Habitats  
61 - Landscape  
62 - Geodiversity  
63 - Water Environment  
64 - Flood Risk  
65 - Waste Water Treatment  
66 - Surface Water Drainage  
67 - Renewable Energy Developments  
69 - Electricity Transmission Infrastructure  
72 - Pollution  
77 - Public Access  
78 - Long Distance Routes

**4.3 West Highland and Islands Local Development Plan (Adopted 2019)**

No relevant policies

**4.4 Highland Council Supplementary Planning Policy Guidance**

Developer Contributions (November 2018)  
Flood Risk & Drainage Impact Assessment (Jan 2013)  
Green Networks (Jan 2013)  
Highland Historic Environment Strategy (Jan 2013)  
Highland's Statutorily Protected Species (March 2013)  
Managing Waste in New Developments (March 2013)  
Physical Constraints (March 2013)  
Public Art Strategy (March 2013)  
Roads and Transport Guidelines for New Developments (May 2013)  
Special Landscape Area Citations (June 2011)  
Standards for Archaeological Work (March 2012)  
Sustainable Design Guide (Jan 2013)  
Trees, Woodlands and Development (Jan 2013)

#### 4.5 **Scottish Government Planning Policy and Guidance**

A range of other national planning and energy policy and guidance is also relevant, including but not limited to the following:

National Planning Framework for Scotland 4, NPF4 (Feb 2023)

Scottish Energy Strategy (Dec 2017)

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)

Wind Farm Developments on Peat Lands, Scottish Government (Jun 2011) – while not a wind farm the

document contains relevant information for other developments which may involve peat.

Energy Efficient Scotland Route Map, Scottish Government (May 2018)

Assessing Impacts on Wild Land Areas, Technical Guidance, NatureScot (Sep 2020)

Scottish Land Use Strategy 2021-2026 (2021)

### **5. POTENTIAL MATERIAL PLANNING CONSIDERATIONS**

- 5.1
- a) Development Plan;
  - b) Planning History;
  - c) National Policy;
  - d) Roads and Transport;
  - e) Pedestrian and Cycle Links;
  - f) Water, Flood Risk, and Drainage;
  - g) Natural Heritage;
  - h) Protected Species;
  - i) Built and Cultural Heritage;
  - j) Design and Layout;
  - k) Landscape and Visual Impact;
  - l) Soils and Peat;
  - m) Access and Recreation;
  - n) Noise and Light Pollution;
  - o) Construction Impacts;
  - p) Phasing;

- q) Open Space and Landscaping;
- r) Infrastructure capacity and delivery; and
- s) Any other material considerations raised within representations.

5.2 Additionally, Cairngorms National Park Authority was consulted on the above Proposal of Application Notice with this PAN presented to their Planning Committee at the meeting held on 24th June 2022. They noted the potential material planning considerations for any subsequent application to be:

- a) Principle of development
- b) Landscape impacts
- c) Design and layout
- d) Environmental impacts (including impact on designated sites)
- e) Servicing and access requirements
- f) Water, flood risk and drainage
- g) Impacts on neighbouring amenity
- h) Developer Obligations

The Planning Committee also wanted to raise the following material issues to the applicant's attention:

- a) Sustainable Transport - Links to the wider path network including links to Craigellachie Nature Reserve
- b) Environmental Impacts - Assessment of A9 impact.

Regarding the PAN submission, they noted that the application form does not include specific dates or times for when any public event is to taken place.

## **6. CONCLUSION**

6.1 The report sets out 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. 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

## 8. **RECOMMENDATION**

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: David Mudie

Designation: Area Planning Manager – South

Author: Roddy Dowell

Background Papers: Documents referred to in report and in case file.

Relevant Plans: Plan 1 - Proposal of Application Notice

Plan 2 – Location Plan EAR/GEL/002 REV P1

## 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

<b><u>Contact Details</u></b>			
Applicant	Earba Ltd	Agent	Gilkes Energy Ltd
Address	Canal Head North Kendal Cumbria LA9 7BZ	Address	Canal Head North Kendal Cumbria LA9 7BZ
Phone	01539 720028	Phone	07795 354503
Email	info@gilkesenergy.com	Email	chris.pasteur@cairneyhill.net
<b><u>Address or Location of Proposed Development</u></b>			
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 is within Ardverikie Estate, Kinloch Laggan. The site is outlined in red in the attached plan GEL/EAR/002/P1 dated 22.06.23.			
<b><u>Description of Development</u></b>			
Please include detail where appropriate – e.g. 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 Proposed Development comprises construction and operation of a large-scale long-duration electricity pumped storage hydroelectric scheme of up to 1500 megawatts generation capacity and 40 gigawatt hours storage capacity. Water will be stored in a lower and an upper reservoir, with water flowing between these during pumping and generating through a system of underground waterways. The lower reservoir will be created by raising the level of the existing Lochan na h'Earba from its existing top water level by constructing			



two new dams. The upper reservoir will be created by raising the level of Loch a' Bhealaich Leamhain by constructing a dam at its eastern end. A powerhouse would be constructed in a number of shafts on the shore of Lochan na h'Earba, with a surface building located in a cutting into the hillside to screen it from view. Details of the proposed development are on the project website [www.earbastorage.co.uk](http://www.earbastorage.co.uk)

**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

X

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**

Laggan Community Council

23 June 2023

Newtonmore Community Council

23 June 2023

Dalwhinnie Community Council

23 June 2023

Spean Bridge, Roy Bridge and

23 June 2023

Achnacarry Community Council

23 June 2023

**Local Elected Members**

**Date Notice Served**

Councillor John Bruce

23 June 2023

Councillor Muriel Cockburn

23 June 2023

Councillor Russell Jones

23 June 2023

Councillor Bill Lobban

23 June 2023

**Members of Scottish Parliament and Members of Parliament**

**Date Notice Served**

Kate Forbes MSP – Skye, Lochaber and Badenoch

23 June 2023

Ariane Burgess MSP – Highlands and Islands

23 June 2023

Donald Cameron MSP – Highlands and Islands

23 June 2023

Rhoda Grant MSP – Highlands and Islands

23 June 2023

Jamie Halcro Johnston MSP – Highlands and Islands

23 June 2023

Edward Mountain MSP – Highlands and Islands

23 June 2023

Emma Roddick MSP – Highlands and Islands

23 June 2023

Douglass Ross MSP – Highlands and Islands	23 June 2023
<b>Names / details of other parties</b>	<b>Date Notice Served</b>
Drew Hendry MP – Inverness, Nairn, Badenoch and Strathspey	23 June 2023

**Details of Proposed Consultation**

<b>Proposed Public Event 1</b>	<b>Venue</b>	<b>Date and Time</b>
	Laggan Community Hall	13:00 to 19:30, 21 February 2023
	Spean Bridge Community Centre	13:00 to 19:30, 22 February 2023
<b>Proposed Public Event 2</b>	<b>Venue</b>	<b>Date and Time (provisional)</b>
<i>(at least 14 days after Public Event 1)</i>	Laggan Community Hall	13:00 to 19:30, 12 September 2023
	Spean Bridge Community Centre	13:00 to 19:30, 13 September 2023

**Publication of Event**

<b>Newspaper Advert</b>	<b>Name of Newspaper</b>	<b>Advert Date</b>
	Inverness Courier	17.02.23
	Strathspey and Badenoch Herald	16.02.23

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

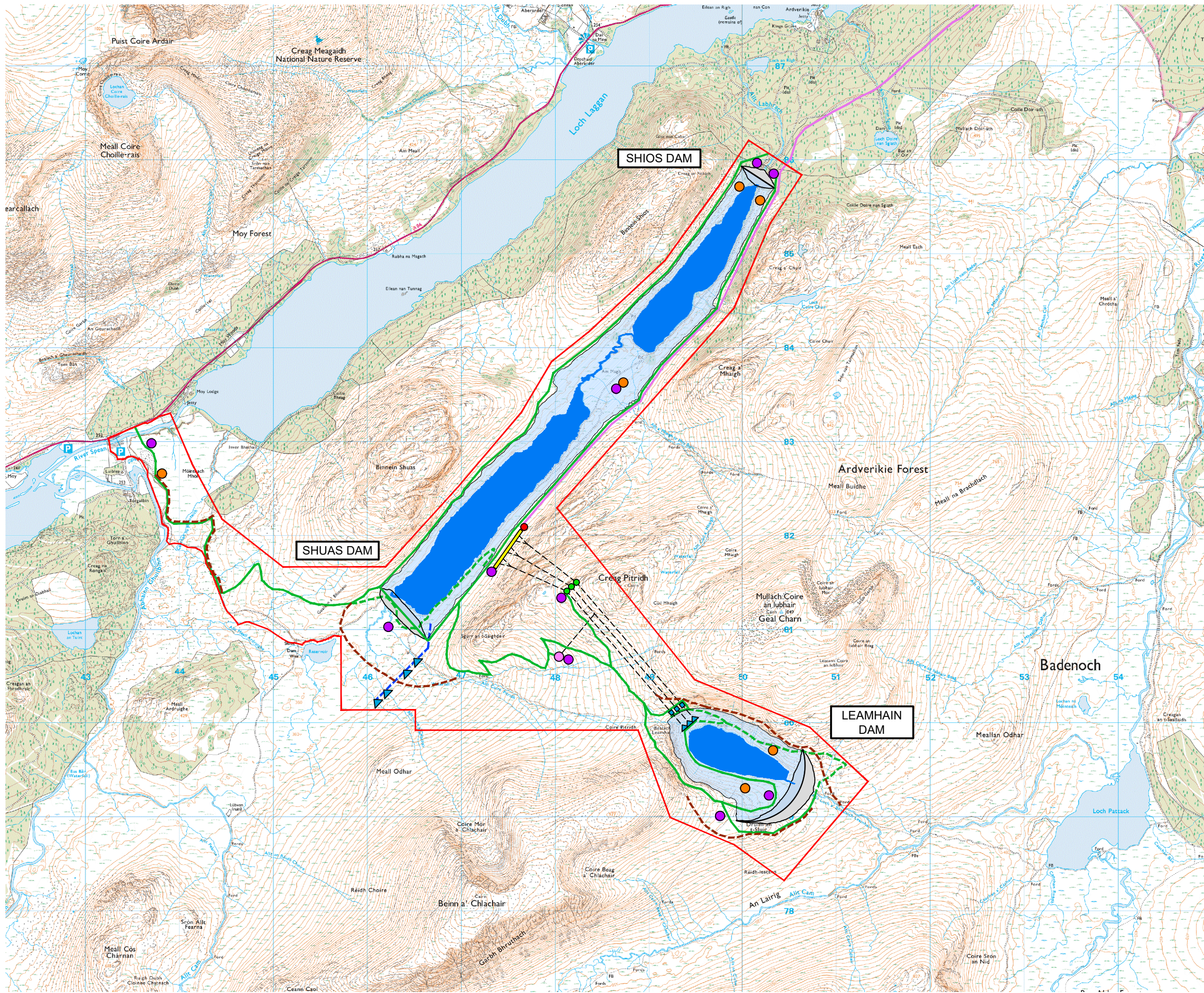
Letter drop to all properties within 10 km of the site boundary hand delivered on 01.02.23. Copy of letter attached.

Signed C Pasteur

Date  
23.06.23



North



Plan  
1:20,000 @ A1

# IF IN DOUBT - ASK

## NOTES

- Planning Boundary
- Existing Loch Surface Level
- Proposed Inundation (Indicative)
- Proposed Powerhouse (Indicative)
- Proposed Borrow Pit (Indicative)
- Proposed Temporary Site Compound (Indicative, to be fully restored upon completion of works)
- Proposed Surge Shaft (Indicative)
- Proposed Access Tunnel Adit (Indicative)
- Proposed Electrical Substation (Indicative)
- Proposed Intake (Indicative)
- Proposed Intake Gatehouse (Indicative)
- Proposed Tunnel (Indicative)
- Proposed Buried Grid Connection (Indicative)
- Proposed Main Access from Moy Bridge (Indicative)
- Proposed Temporary Track
- Proposed Aqueduct / Pipeline (Indicative)
- Proposed New Footpath (Indicative)

P1	22.06.23	MH	Preliminary	GmCG	GmCG
REV	DATE	DRAWN	NOTES	CHK'D	APP'D

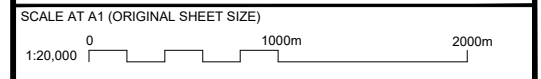
177 WEST GEORGE ST.  
GLASGOW  
G2 2LB  
UNITED KINGDOM

T: 0141 242 0090  
E: info@gilkesenergy.com  
W: www.gilkesenergy.com

CLIENT

PROJECT  
**EARBA PSH**

DRAWING TITLE  
**SCHEME ARRANGEMENT**



DRAWING NUMBER/REFERENCE <b>EAR/GEL/002</b>	DRAWING STATUS <b>PRE</b>
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