

Agenda Item	5.1
Report No	PLN/078/23

HIGHLAND COUNCIL

Committee: North Planning Applications Committee

Date: 06 December 2023

Report Title: 23/04717/PAN: Ben Sca Wind Farm Limited
Land 2800M SW Of Edinbane Primary School, Edinbane, Isle Of Skye

Report By: Area Planning Manager – North

Purpose/Executive Summary

Description: Ben Sca Redesign Wind Farm - Erection and Operation of a Wind Farm for a period of 40 years, comprising of 9 Wind Turbines with a maximum blade tip height 149.9m, access tracks, borrow pits, substation, control building, and ancillary infrastructure (amendment to the consented Ben Sca and Ben Sca Extension Wind Farms)

Ward: 10 – Eilean A' Cheò

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 submission of the PAN accords with the provisions of the Planning etc. (Scotland) Act 2006 and was made valid on 01 September 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); and,
 - Location Plan
- 1.4 The prospective developer held two in person events, the first on 07 November 2023 at Edinbane Village Hall (16.30 – 19.00) and the second on 22 November 2023 at Dunvegan Community Hall (16.00 – 18.30). The advertisement for the first event was published in the West Highland Free Press on 27th October 2023.
- 1.5 The Proposal of Application Notice has also been served on the host Skeabost Community Council, along with the nearby Dunvegan, Glendale, and Struan Community Councils, as well as local Elected Members and MSPs and the MP.
- 1.6 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 PAN provides notice of the developer's intention to submit a planning application classified as a major development. In this instance the applicant seeks to replace the approval of the original Ben Sca Wind Farm scheme of 7no turbines of 135m tip height as approved under application ref. 20/00013/FUL, as well as to amend the approval of the Ben Sca Extension Wind Farm scheme of 2no turbines approved under application ref. 21/05767/FUL. This application will bring both schemes under a single application for a new development of 9no. turbines of maximum tip height 149.9m with rotor diameters of 138m and entails the repositioning of turbines associated with the original consent. The proposal includes associated control building, site compound, cabling, access tracks (some routes amended), and hard standings. The new scheme increases the redesigned wind farm's energy output from 37.8MW to 40.8MW with the permission seeking to increase the operational lifetime from 30 to 40 years.
- 2.3 The applicant initially sought pre-application advice through the Council's Pre-Application Advice Service for Major Developments in 2018 (ref. 18/02463/PREAPP) for a 10 turbine scheme. More recently, the applicant submitted a Pre-application Screening Notice Request to the Council under Section 35A of The Town and

Country Planning (Scotland) Act 1997, and, The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 (Regulation 5). The request sought the Council's opinion on whether the changes to the approved Ben Sca Wind Farm, approved under application ref. 20/00013/FUL, would trigger the requirement for the formal Pre-application Consultation (PAC) to essentially be restarted. The Council's response is added to this report (Appendix A) whereby the applicant was advised that the physical parameters of the amended development exceed the 135m to blade tip height specified in the previous permission's description of development, with the proposed larger turbines being of a different character. Similarly, the larger turbines no longer fit within the parameters previously consulted upon as set out in the last application's Proposal of Application Notice and as such the formal PAC process is triggered.

3.0 SITE DESCRIPTION

- 3.1 The PAN site boundary encompasses the boundaries of both the Ben Sca Wind Farm and Ben Sca Extension Wind Farm boundaries and comprises approximately 442ha of rough agricultural grazing, some commercial forestry, and upper moorland, and is wholly located within the Upland Sloping Moorland Landscape Character Type (LCT 359) as mapped by NatureScot. The site occupies elevated ground between 110m and 280m AOD and is accessed through commercial forestry via the existing Ben Aketil Wind Farm access track from the A850 to the site's north and 1.75km west of Edinbane. The nearest settlements are Edinbane is 2.5km to the northeast and Dunvegan 7km to the west, while there are no houses between the edges of these settlements along the A850. Portree is 14.5km to the site's southeast.
- 3.2 To the east of the site is the operational Edinbane Wind Farm which comprises 18 turbines (99.5m tip height) extending in a north to south direction. To the south west of the site, lies the operational Ben Aketil Wind Farm and its extension, which comprises 12 turbines (100.5m tip height). Ben Aketil Wind Farm extends in a north west to south east orientation. In addition to the operational Ben Aketil and Edinbane Wind Farms, the consented Glen Ullinish Wind Farm (as amended) is located approximately 4km to the south of the proposed site. Each of these wind farms are subject to new proposals for repowering, extending, and/or redesigns at scoping or application stage. There are additional proposals for Balmeanach Wind Farm to the site's south, at application stage, and Waternish Wind Farm to the site's north on the opposite side of the A850.
- 3.3 Much of the site is located within areas of deep peat and Class 1 Priority Peatland Habitat. There are no natural heritage designations on the wind farm site although the An Cleireach Site of Special Scientific Interest (SSSI), designated for its geological qualities, lies 2.3km to the south of the site, the Inner Hebrides and the Minches Special Area of Conservation (SAC), designated for harbour seal, is 3.7km to the north. Ascrib, Isay and Dunvegan SAC lies 7.2km to the west of the site, also designated for harbour, while the Cullins Special Protection Area (SPA) is 15km south of the site, the features of which are its breeding population of Golden Eagles.

3.4 The are no national or local landscape designations within the application site boundary however the following national and local designations are within 40km:

National Designations:

- Trotternish NSA lies approximately 17km to the north-east of the site.
- The Cuillin Hills National Scenic Area (NSA) is situated 22km to the southeast of the site.
- Dunvegan Castle Gardens is within the Inventory of Gardens and Designed Landscapes (GDL) and is located approximately 7km to the west of the site.
- Raasay House GDL is 21.7km to the south-east.

Local Designations:

- The North West Skye Special Landscape Areas (SLAs) is approximately 4km west of the site;
- Greshornish SLA is 2km north of the site;
- Trotternish and Tianavaig SLA is 9km to the north east;
- Raasay and Rona SLA is 21km to the south-east.

WLA 22 – Duirinish Wild Land Area is between 11km and 18km from the site and WLA 23 - Cuillin is between 20 and 36km from the site.

3.5 There are no cultural heritage features within the site itself however due to peat depths there is potential for archaeological remains. There are several Scheduled Monuments and listed buildings within 10km of the site

4.0 DEVELOPMENT PLAN

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

4.1 National Planning Framework 4 (2023)

- 1 - Tackling Climate Change
- 2 - Climate Mitigation and Adaptation
- 3 - Biodiversity
- 4 - Natural Places
- 5 - Soils
- 7 - Historic assets and places
- 11 - Energy
- 22 - Flood risk and water management
- 23 - Health and safety
- 25 - Community wealth benefits
- 33 - Minerals

4.2 Highland Wide Local Development Plan (2012)

- 28 - Sustainable Design
- 29 - Design Quality & Place-making
- 30 - Physical Constraints

31 - Developer Contributions
53 - Minerals
54 - Mineral Wastes
55 - Peat and Soils
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
72 - Pollution
77 - Public Access

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

The site is not covered by any specific development allocation or safeguarding notation within the adopted West Highland and Islands LDP.

4.4 **Highland Council Supplementary Guidance**

- Onshore Wind Energy (Nov 2016) & associated Appendix
- 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 (Mar 2013)
- Physical Constraints (Mar 2013)
- Special Landscape Area Citations (Jun 2011)
- Standards for Archaeological Work (Mar 2012)
- Sustainable Design Guide (Jan 2013)
- Trees, Woodlands and Development (Jan 2013)

4.5 **Scottish Government Policy and Guidance**

- Onshore Wind Sector Deal for Scotland (2023)
- Onshore Wind Energy Policy Statement (2022)
- Draft Energy Strategy and Just Transition Plan (2023)
- Scottish Energy Strategy (2017)
- 2020 Routemap for Renewable Energy (2011)
- Energy Efficient Scotland Route Map, Scottish Government (2018)
- Siting and Designing Wind Farms in the Landscape, SNH (2017)
- Assessing Impacts on Wild Land Areas, Technical Guidance, NatureScot (2020)
- Wind Farm Developments on Peat Lands, Scottish Government (2011)
- Historic Environment Policy for Scotland, HES (2019)

- PAN 1/2011 - Planning and Noise (2011)
- PAN 60 – Planning for Natural Heritage (2008)
- Circular 1/2017: Environmental Impact Assessment Regulations (2017)

5.0 POTENTIAL MATERIAL PLANNING CONSIDERATIONS

- a) Development Plan
- b) Planning History
- c) Onshore Wind Energy Supplementary Guidance
- d) National Policy
- e) Energy and Economic Benefits
- f) Construction
- g) Roads, Transport and Access
- h) Water, Flood Risk, Drainage and Peat
- i) Natural Heritage (including Ornithology)
- j) Built and Cultural Heritage
- k) Design, Landscape and Visual Impact (including Wild Land Areas and cumulative impacts) as well as Residential Visual Amenity Impact
- l) Noise and Shadow Flicker
- m) Telecommunications
- n) Aviation
- o) 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.

Designation: Area Planning Manager – North
 Author: Mark Fitzpatrick
 Background Papers: Documents referred to in report and in case file.
 Relevant Plans: Plan 1 – Proposal of Application Notice
 Plan 2 – Location Plan

Appendix A - Pre-Application Screening Notice Request - Ben Sca Wind Farm Tip Height Increase (THC ref. 23/04398/PAN)



Ben Sca Wind Farm Limited
c/o SLR Consulting Limited
Suite 223ab
4 Redheughs Rigg
South Gyle
Edinburgh
EH12 9DQ

Please ask for: Mark Fitzpatrick
Direct Dial: 01955 608261
E-mail: Mark.Fitzpatrick@highland.gov.uk
Our Ref: 23/04398/PAN
Date: 25 September 2023

Town and Country Planning (Scotland) Act 1997 (as amended) (Section 35A)

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 (Regulation 5)

Dear Fiona,

PROPOSAL: INCREASE TO THE BLADE TIP HEIGHT OF THE BEN SCA WIND TURBINES FROM 135M TO 149.9M AND MINOR ADJUSTMENTS TO TURBINE POSITIONS AND ASSOCIATED INFRASTRUCTURE (AMENDMENT TO APPLICATION REFERENCE 20/00013/FUL)

LOCATION: AT LAND 2800M SW OF EDINBANE PRIMARY SCHOOL, EDINBANE, ISLE OF SKYE

I refer to the above proposed development and your request of 06 September 2023 for a pre-application screening opinion under the above regulations.

Pre-Application Screening Opinion

It is considered that **Pre-Application Consultation IS required** for the development described.

For the Council to be satisfied that an exemption under section 35A(1A)(b) applies to the amended scheme, the amendment must satisfy all of the following criteria:

- (a) the application for planning permission relates to proposed development—
- i. of the same character or description as development (or part of the development) in respect of which an earlier application for planning permission was made ("the earlier application"),
 - ii. comprised within the description of the development contained in the proposal of application notice for PAC given to the planning authority under section 35B(2) in respect of the earlier application, and
 - iii. to be situated on or within the same site as the development to which the earlier

- application related and on no other land except land which is solely for the purpose of providing a different means of access to the site of the proposed development,
- (b) there has been compliance with the PAC requirements in respect of the earlier application,
 - (c) the planning authority has not exercised their power under section 39 to decline to determine the earlier application, and
 - (d) the application for planning permission is made no later than 18 months after the validation date of the earlier application.

Based on the information provided, and as set out in my correspondence dated 27 June 2023, the amended turbine tip heights materially alters the description of the earlier application such that it does not comply with criteria (a) parts i. and ii. as set out above.

Notably, the physical parameters of the development exceed the 135m to blade tip height specified in the previous permission's description of development with the proposed larger turbines being of a different character. Similarly, the larger turbines no longer fit within the parameters previously consulted upon as set out in the last application's Proposal of Application Notice. As such the formal PAC process is triggered.

Please note that The Town and Country Planning (Pre-Application Consultation) (Scotland) Regulations 2021 came into force from 01 October 2022, which require the submission of a formal Proposal of Application Notice (PoAN) to the Planning Authority at least 12 weeks prior to any formal planning application being lodged. A minimum of two public consultation events must be held and any subsequent planning application must be accompanied by a Pre-application Community Consultation Report. Further information is provided on the Council website, please see the Proposal of Application Notice section:

https://www.highland.gov.uk/info/180/planning_-_applications_warrants_and_certificates/579/major_developments/2 .

I trust the above sets out the Council's position. We look forward to providing our updated EIA Scoping Opinion in due course.

Yours faithfully

Dafydd Jones

Area Planning Manager (North)
(Caithness, Sutherland, Ross And Skye)

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.

Data Protection

Your personal data will be managed in compliance with the Data Protection legislation. You can read our privacy notice for planning related certificates on the Council's website at: https://www.highland.gov.uk/directory_record/1052173/planning_applications_consents_and_notice_of_review

I have read and understood the privacy notice.

Contact Details

Applicant	Ben Sca Wind Farm Limited	Agent	SLR Consulting Limited
Address	Office 202 1 Lochrin Square 92-94 Fountainbridge Edinburgh EH3 9QA	Address	Suite 223ab 4 Redheughs Rigg South Gyle Edinburgh EH12 9DQ
Phone	07570 948886	Phone	07850 503569
Email	Ryan.Bissoonauth@wind2.co.uk	Email	fscott@slrconsulting.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.

Centre of Proposed Development: NGR 132800, 848600

Moorland approximately 2.5km to the south west of the settlement of Edinbane and approximately 7km to the east of the settlement of Dunvegan.

Nearest Postcode: IV51 9PW

The application boundary is shown on Figure 1 and includes the previous red line boundaries for the consented Ben Sca Wind Farm and Ben Sca Wind Farm Extension, so there is no change to the red line.

Description of Development

Please include detail where appropriate – eg the number of residential units; the gross floorspace in m² 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.

Amendment to the consented Ben Sca and Extension Wind Farm as follows:

- 7 Ben Sca turbines (20/00013/FUL) – increase blade tip height by up to 14.9m (from 135m to 149.9m);
- all 9 turbines (Ben Sca 20/00013/FUL and Ben Sca Extension 21/05767/FUL) – increase the rotor size by up to 23m (from 115m to 138m);
- Ben Sca (20/00013/FUL) 7 turbines – increase spacing to improve yield and efficiency, minor adjustment to locations, maximum up to 132m micro-siting from consented positions (Ben Sca Extension turbines remain in same locations as consented) with associated adjustments to the access tracks and crane hardstanding to accommodate the new locations;
- re-location of the onsite substation to the southern area of the site;
- increase of generation capacity from consented 37.8MW to 40.8MW; and
- increase operational life from 30 years to 40 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.

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No – screening notice was requested on 6th September 2023, no response received to date. This PAN is submitted in lieu of no response and will only apply if considered to be a major application.
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Community Consultation

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


Community Council/s	Date Notice Served
<ul style="list-style-type: none"> • Dunvegan Community Council • Glendale Community Council • Skeabost & District Community Council • Struan Community Council 	<ul style="list-style-type: none"> • 21/09/2023 • 21/09/2023 • 21/09/2023 • 21/09/2023
Local Elected Members	Date Notice Served
<ul style="list-style-type: none"> • Ward Councillors (10 Eilean a' Cheò) - John Finlayson, Drew Millar, Calum Munro and Ruraidh Stewart • Ward Manager for Skye - Willie Mackinnon 	<ul style="list-style-type: none"> • 7 days prior to public information events

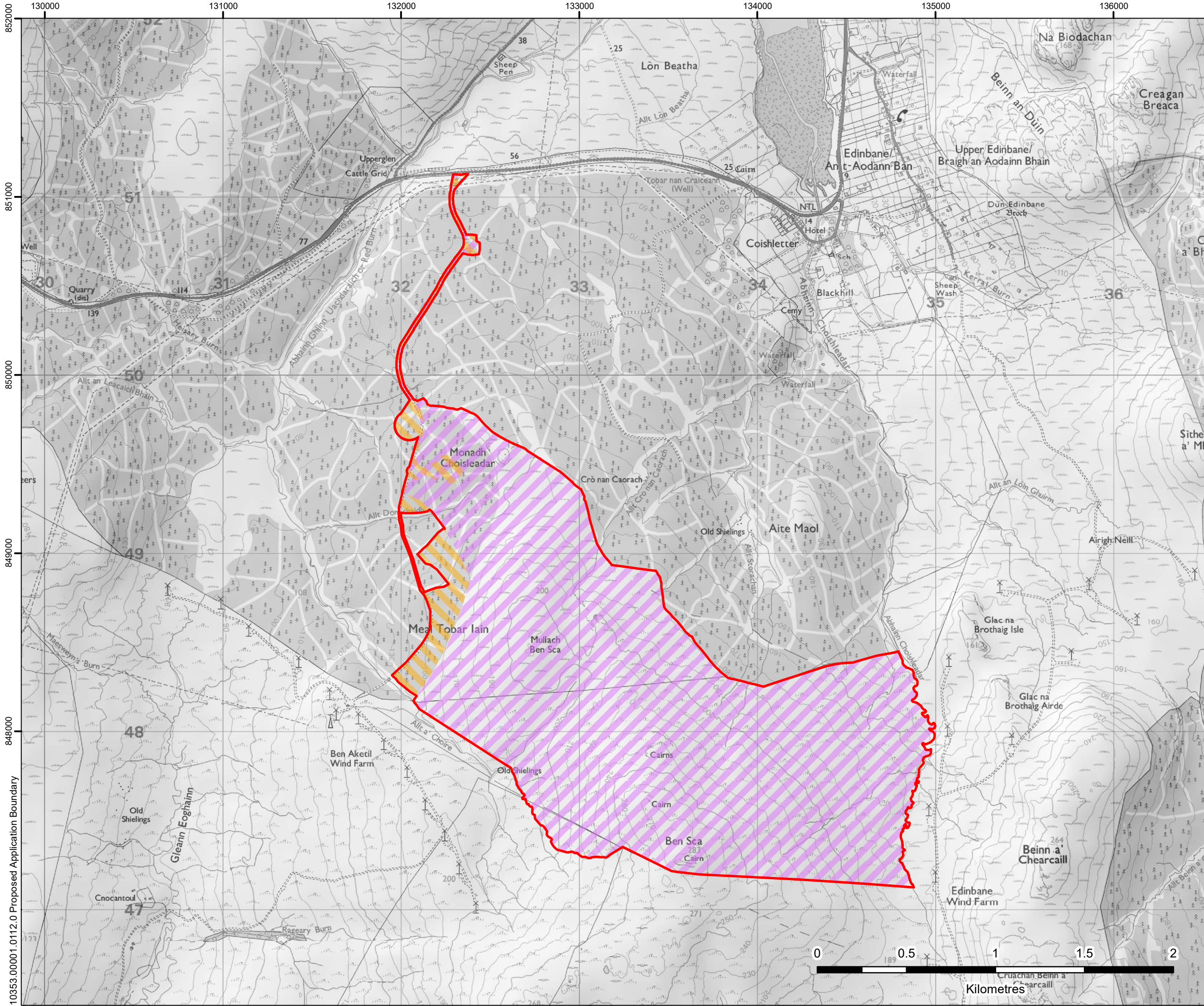
Members of Scottish Parliament and Members of Parliament	Date Notice Served
<ul style="list-style-type: none"> • MP (Ross, Skye and Lochaber) - Ian Blackford • MSP (Skye, Lochaber and Badenoch) - Kate Forbes • MSP (Highlands and Islands) - Araine Burgess, Rhoda Grant, Jamie Halcro Johnston, Edward Mountain, Emma Roddick, Douglas Ross and Donald Cameron 	<ul style="list-style-type: none"> • 7 days prior to public information events
Names / details of other parties	Date Notice Served
<ul style="list-style-type: none"> • Dunvegan Community Trust • Edinbane Community Company • Struan Community Development Group • Struan Community Trust • Waternish Community Hall Committee 	<ul style="list-style-type: none"> • 21/09/2023 • 21/09/2023 • 21/09/2023 • 21/09/2023 • 21/09/2023

Details of Proposed Consultation		
Proposed Public Event 1	Venue	Date and Time
Public Information Event (In Person)	Edinbane Village Hall	Tuesday 7th November 2023 16:30 – 19:00
Proposed Public Event 2 <i>(at least 14 days after Public Event 1)</i>	Venue	Date and Time
Public Information Event (In Person)	Dunvegan Community Hall	Wednesday 22nd November 2023 16:00 – 18:30




Publication of Event		
Newspaper Advert	Name of Newspaper	Advert Date
Public Information Event Advert to include both events	West Highland Free Press	27th October 2023 (at least 7 days prior to first public information event)

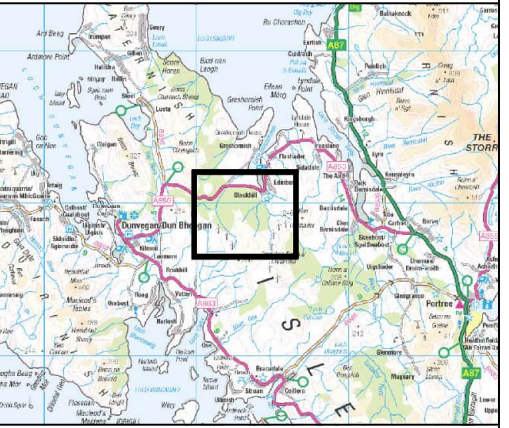
Details of any other consultation methods (date, time and with whom)
Leaflets to be circulated to local households within approximately 10km of the proposed site at least one week prior to the first information event. Poster advertising the events will also be displayed on the local community council Facebook page.

Signed		Date	20/09/2023
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LEGEND

-  Application Boundary
-  Ben Sca Application Boundary
-  Ben Sca Extension Application Boundary



BEN SCA WIND FARM LTD

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BEN SCA WIND FARM
PROPOSAL OF APPLICATION NOTICE

**PROPOSED APPLICATION
BOUNDARY**

FIGURE 1

Scale 1:20,000 @ A3 Date SEPTEMBER 2023



10353.00001.0112.0 Proposed Application Boundary