

Agenda Item	5.5
Report No	PLN/083/23

HIGHLAND COUNCIL

Committee: North Planning Applications Committee

Date: 6th December 2023

Report Title: 23/04748/PAN: The Highland Council
Land 600M NE Of 10 Lochend Holding, Barrock, Caithness

Report By: Area Planning Manager – North

Purpose/Executive Summary

Description: Extension of existing wind farm at Lochend to encompass a further 21 MW of wind generation capacity through 5 wind turbines each of up to 149.9 m to tip height, plus battery energy storage. Related infrastructure including circa 1.5 km od access track and turbine foundations.

Ward: 02 – Thurso and North West 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.

1.0 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 18th October 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 / Site Layout Plan.
- 1.4 There will be three in-person consultation events, the first two took place on Wednesday 6th and Thursday 21st September 2023 3pm and 7pm at Northern Sands Hotel, Dunnet. The third took place on Tuesday 7th November 2023 between 3pm and 7pm at Northern Sands Hotel, Dunnet. The first event was advertised on 1st September 2023 in the John O’Groat Journal, as such did not comply with the requirements of being advertised a minimum of 7 days prior to the public consultation event, resulting in further consultation having to be undertaken. The second event was advertised on 8th September 2023 and the third event on 20th October 2023, meeting the required public consultation statutory period.
- 1.5 Details of all notified parties are contained / appended to the PAN form and include Dunnet and Canisbay, Castletown, Bower, Watten and Sinclair Bay Community Councils, as well as local Members.
- 1.6 Any 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 proposal is for the construction and operation of a wind farm comprising up to 5 turbines with a blade tip height of up to 149.9m and ancillary infrastructure with an installed capacity of up to 21MW. The proposal is described as an extension to Lochend Wind Farm that consists of 4 turbines in a linear array with tip height of 99.5m.
- 2.2 The developer sought formal pre-application advice from the Planning Authority through the Pre-Application Advice Service for Major Developments in 2022 for the erection and operation of 5 wind turbines with blade tip of 150m (HC ref. 21/05707/PREMAJ).
- 2.3 The Pre-Application set out that the proposed development will re-use as much of the existing site as possible, with the main elements of the Proposed Development would therefore be as follows:
- Five wind turbines, each up to a maximum height to tip of 149.5 m.

- foundations for each wind turbine;
- crane hardstanding at each turbine location;
- new on-site access tracks with associated watercourse crossings, if required;
- use of existing on-site access tracks, with widening of corners;
- underground cable arrays within the site (connecting the turbines to the Existing Site's substation);
- Use of the spare capacity within the existing control building;
- temporary construction compound(s) and laydown area(s);

In addition, the following ancillary works may be necessary:

- concrete batching plant; and
- off-site public road improvements

A variety of infrastructure and a number of existing access tracks already stand as part of the existing Site and will be used by the Proposed Development, to reduce environmental impact and construction time.

3.0 SITE DESCRIPTION

3.1 The PAN boundary covers approximately of 215 hectares, this includes the existing Lochend Wind Farm (HC ref. 13/02682/FUL) and associated infrastructure. The proposed site is located in northeast Caithness approximately 8km southwest of John O'Groats, approximately 16km east of Thurso and approximately 17km northwest of Wick. There are a number of dispersed residential properties within 2km of the site boundary, as such any further application will require a Residential Visual Amenity Assessment (RVAA) to assess the effects of visual amenity for these properties.

3.2 The Site is located on rough grassland, much of which unimproved and boggy. Most of the Site area is within the Sweeping Moorland and Flows (LCT134), and the western edge falls within the Farmed Lowland Plain (LCT143). The topography is softly undulating with pockets of forestry. There are no Core Paths within the site, however the site and the wider area are subject to the Land Reform (Scotland) Act 2003 where members of the public may reasonably exercise their rights to public access. There are no Listed Buildings or Scheduled Monuments within the site, however there are Listed Buildings within the study area which are as follows:

Category A Listed Buildings

- Castle of Mey and Garden Walls
- Canisbay Parish Church

Category B Listed Buildings

- Castle of Mey Gate Lodge and Gate Piers
- Dunnet Free Church Gate Piers and Enclosure Wall
- West Canisbay
- Rattar House
- Canisbay Old Manse Steading
- Ham Giral and Corn Mill

Category C Listed Buildings

- Barrock House Gate Lodge

Garden and Designed Landscape

- Castle of Mey

The wider area is known for archaeological interests, as such there is likely a number of heritage assets that will require the Applicant's consideration.

- 3.3 The site is not located in an area subject to landscape designation. However, the Hoy and West Mainland National Scenic Area (NSA), on Orkney, is located approximately 26km north-west of the proposed site. Furthermore, within the study area there are the following Special Landscape Areas:

- Dunnet Head
- Duncansby Head
- The Flow Country and Berridale Coast
- Far Bay, Strathy and Portskerra

- 3.4 There are a number of areas designated for Natural Heritage within a close proximity of the site. Those with likely connectivity to the site are listed below and notably includes:

Special Areas of Conservation (SAC)

- Caithness and Sutherland Peatlands
- Loch of Wester

Special Protection Areas

- Caithness and Sutherland Peatlands
- Caithness Lochs (Loch of Mey)
- Caithness Lochs (Loch Heilen)
- North Caithness Cliffs (Stroma)
- North Caithness Cliffs (Dunnet Head)
- North Caithness Cliffs (Skirza Head)
- Caithness Lochs (Loch of Wester)

Site of Specific Scientific Interest

- Loch Mey
- Loch Heilen
- Dunnet Links
- John O'Groats
- Duncansby Head
- Loch of Wester
- Loch of Durran

- 3.5 There are no Wild Land Areas (WLAs) within close proximity, however there are three WLAs within the study area:

- WLA 41 – Hoy
- WLA 36 – Causseymire – Knockfin Flows
- WLA 39 – East Halladale Flows

- 3.6 As there are other wind farm developments in the immediate area these will require to be considered by the Applicant in their cumulative assessments and are listed below:

Operational Wind Farms

- Lochend; and
- Stroupster

Consented Wind Farms

- Slickly

Awaiting Reporter's Decision

- Hollandmey

In addition there are a number of other wind farm developments within the recommended 45km study area that will also need to be considered by the Applicant. This includes but not limited to the following developments:

Operational/Consented/Under Construction Wind Farms

- Achairn
- Achlathan
- Bad a Cheo
- Bilbster
- Camster
- Camster II
- Causeymire
- Halsary
- Limekiln
- Limekiln Extension
- Strathy North
- Strathy Wood
- Tacher I and II
- Tigh na Muir
- Wathegar I and II

In Planning

- Cairnmore Hill
- Melvich
- Tomsdale Wind Farm

4.0 DEVELOPMENT PLAN

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

4.1 National Planning Framework 4 (NPF 4)

- 1 - Tackling the climate and nature crisis
- 2 - Climate mitigation and adaptation
- 3 - Biodiversity
- 4 - Natural Places
- 5 - Soils
- 7 - Historic assets and places
- 11 - Energy

- 13 - Sustainable transport
- 22 - Flood risk and water management
- 23 - Health and safety
- 25 - Community wealth benefits
- 33 - Minerals

4.2 **Highland Wide Local Development Plan (2012) (HwLDP)**

- 30 - Physical Constraints
- 31 - Developer Contributions
- 36 - Development in the Wider Countryside
- 51 - Trees and Development
- 52 - Principle of Development in Woodland
- 56 - Travel
- 57 - Natural, Built and Cultural Heritage
- 58 - Protected Species
- 59 - Other Important Species
- 60 - Other Important Habitats
- 61 - Landscape
- 63 - Water Environment
- 64 - Flood Risk
- 66 - Surface Water Drainage
- 67 - Renewable Energy Developments
- 72 - Pollution
- 77 - Public Access

4.3 **Caithness and Sutherland Local Development Plan (CaSPlan)**

The CaSPlan, identifies specific site allocations, focusing mainly on regional and settlement strategies. 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.

4.4 **Highland Council Supplementary 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)
- Highland Renewable Energy Strategy & Planning Guidelines (May 2006)
- Construction Environmental Management Process for Large Scale Projects (Aug 2010)
- Managing Waste in New Developments (Mar 2013)
- Physical Constraints (Mar 2013)
- Roads and Transport Guidelines for New Developments (May 2013)
- Standards for Archaeological Work (Mar 2012)
- Sustainable Design Guide (Jan 2013)
- Trees, Woodlands and Development (Jan 2013)

4.5 **Scottish Government Policy and Other Guidance**

- Scottish Planning Policy and Guidance
- Scottish Planning Policy
- National Planning Framework 3 (June 2014)
- Revised Draft National Planning Framework 4 (Nov 2022)
- Scottish Energy Strategy (Dec 2017)
- Historic Environment Policy for Scotland (HEPS, 2019)
- PAN 56 - Planning and Noise
- PAN 58 - Environmental Impact Assessment
- PAN 60 - Planning for Natural Heritage
- 2020 Routemap for Renewable Energy
- Scottish Government Energy Efficient Scotland Route Map (May 2018)

5.0 **POTENTIAL MATERIAL PLANNING CONSIDERATIONS**

- a) Development Plan and other planning policy;
- b) Community amenity including operational noise impacts;
- c) Construction impacts;
- d) Roads and transport;
- e) Flood risk and drainage impacts;
- f) Impact on trees and woodland;
- g) Design, landscape, and visual impact (including cumulative impacts);
- h) Natural heritage including protected species and habitats (including biodiversity gains);
- i) Built and cultural heritage;
- j) Economic impact and tourism;
- k) Construction impacts;
- l) Pollution;
- m) Noise and Shadow Flicker;
- n) Telecommunications;
- o) Aviation;
- p) Decommissioning and restoration;
- q) Outdoor access; and,
- r) 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(s): Claire Farmer

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

Relevant Plans: Plan 1 – Proposal of Application Notice (Application Form)
Plan 2 – Location Plan
Plan 3 – Site Layout Plan

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.

Applicant CWE LOCHEND LIMITED Address. Constantine Wind Energy, First Floor River Court, Mill Lane, Godalming, Surrey, GU7 1EZ Phone 01483412060 E-mail cwe@constantinewindenergy.com	Agent Address Phone E-mail
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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

Land 600 metres Northeast of 10 Lochend Holding, Barrock, Caithness

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.

Extension of existing wind farm at Lochend to encompass a further 21 MW of wind generation capacity through 5 wind turbines each of up to 149.9 m to tip height, plus battery energy storage

Related infrastructure including circa 1.5 km of access track and turbine foundations

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 (Preapp advice response ref 21/05707/PREMAJ received)

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

Dunnet and Canisbay
Castletown
Bower
Watten
Sinclair Bay

18 October 2023
18 October 2023
18 October 2023
18 October 2023
18 October 2023

Names/details of any other parties

Date Notice Served

Please give details of proposed consultation

Proposed public event

Venue

Date and time

Session 1 Public Meeting
Session 2 Public Meeting

Northern Sands Hotel
Northern Sands Hotel

6th September 2023 3pm-7pm
21st September 2023 3pm-7pm

Session 3 Public Meeting

Northern Sands Hotel
Dunnet, Thurso, KW14 8XD

7th November 2023 3pm-7pm

Newspaper Advert – name of newspaper

Advert date(where known)

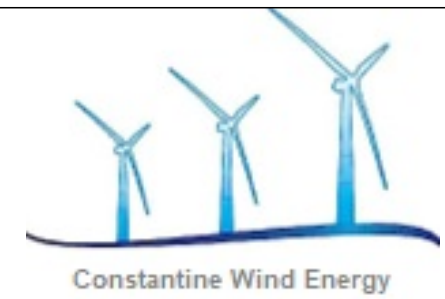
John O’Groat Journal
John O’Groat Journal
John O’Groat Journal

1st September 2023
8th September 2023
20th October 2023

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

- Pre application meeting of 12^h January 2022, written response dated 9 February 2022 under ref 21/05707/PREMAJ – case officer Gillian Pearson, representatives Dafydd Jones, Fred McIntosh, Julie-Anne Bain, Gillian Pearson, Simon Hindson, Anne Cowling, Susan Haslow, Matt Dent, Alexander McDonald.
- EIA Scoping written response dated 24 March 2022 under ref 22/00437/SCOP – Gillian Pearson
- Pre application design session 05 April 2022 with later written response – Planning officers: Gillian Pearson, Anne Cowling, Simon Hindson
- Public consultation meetings held on 24 March and 21 April 2022
- Information on the proposal, and invitation to public consultation event, issued to each of the Ward councillors of Thurso and Northwest Caithness on 14 September 2023
- Information on the proposal and invitation to provide comment or query for consultation issued to the Community Council of and around site, Dunnet and Canisbay, on 17 October 2023

Signed ...  Date. 18 October 2023



Constantine Wind Energy

Draft Location Plan
Lochend Extension
Site Layout 25-D

Legend

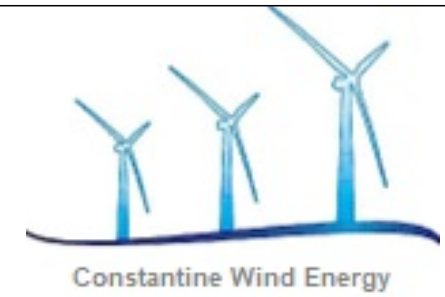
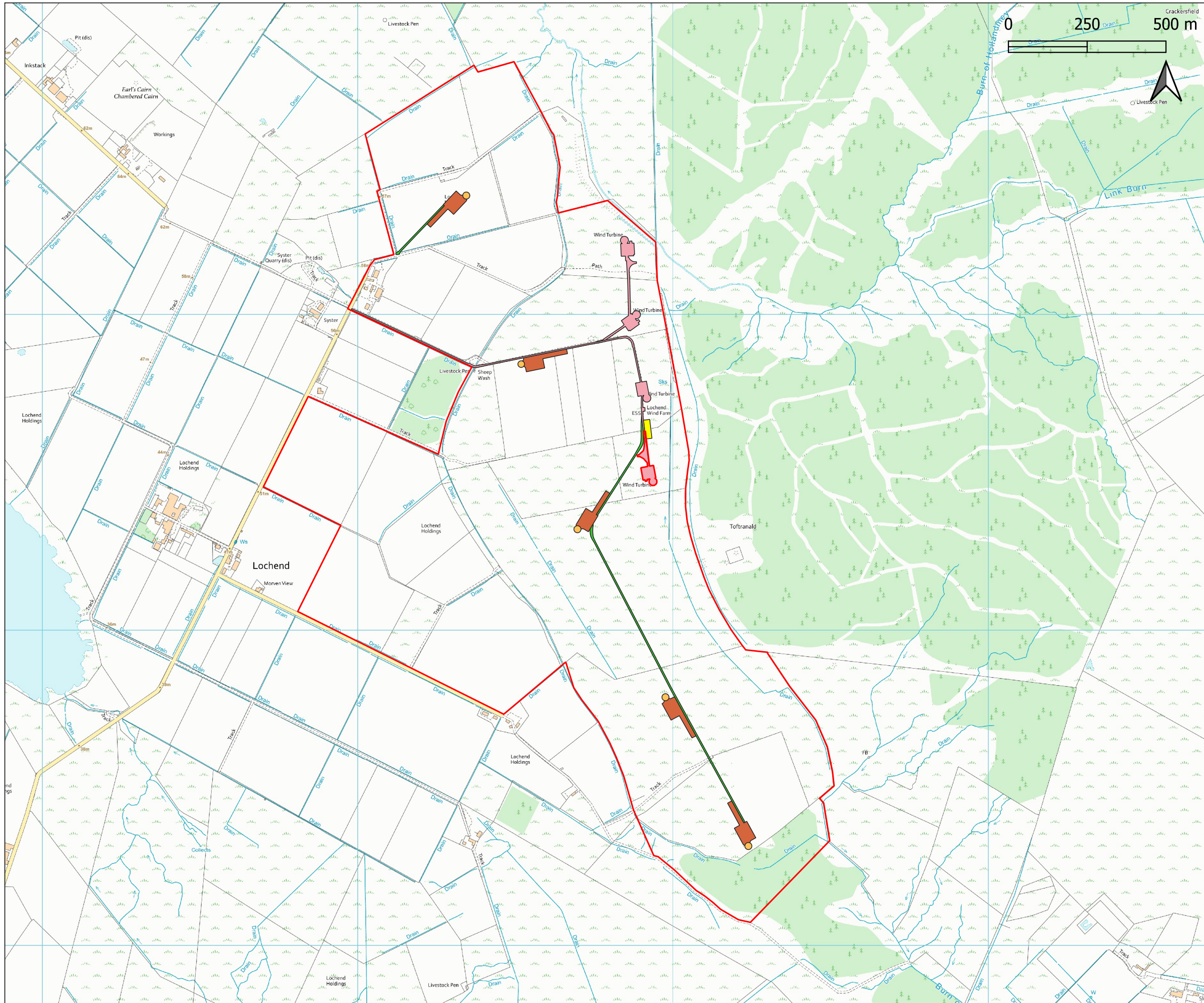
- Development Boundary
- Proposed Turbines

Lochend Holding
Barrock
Castletown
Caithness
KW14 8TA

1:150,000 Scale in A3

Drawing Revision C by DH 2023-09-29

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Ordnance Survey 100048957



Draft Site Plan Lochend Extension Site Layout 25-D

- #### Legend
- Development Boundary
 - Original Site Infrastructure
 - Proposed Battery Site
 - Proposed Turbine Foundations
 - Proposed Crane Pads
 - Proposed Access Tracks

Lochend Holding
Barrock
Castletown
Caithness
KW14 8TA

1:12,000 Scale in A3