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| Agenda Item | 5.5 |
| Report No | PLS/31/24 |

HIGHLAND COUNCIL

Committee: South Planning Applications Committee

Date: 18 June 2024

Report Title: 24/01379/PAN: Scottish Hydro Electric Transmission PLC
Land 940M NE Of, Foyers Power Station, Foyers

Report By: Area Planning Manager – South

Purpose/Executive Summary

Description: Extension to switching station, platform, plant, infrastructure, ancillary facilities, laydown area(s), access road and landscape works

Ward: 12 - Aird And Loch Ness

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 1 April 2024. 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 Forms)
 - Location Plan
- 1.4 In October 2022, The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 were amended by The Town and Country Planning (Pre-Application Consultation) (Scotland) Amendment Regulations 2021. This changed some of the consultation activities required by the applicant for PANs submitted after 1 October 2022. The previous arrangements associated with the Covid-19 public health advice and previous modifications to the regulations, are now superseded. The prospective developer has so far held an in-person community consultation event in Gorthleck. This was held at Stratherrick Public Hall on 24 April 2024 between 2pm and 7pm. This event was advertised in the Press and Journal (13 April 2024). The second consultation event was originally planned for 20 June 2024 at the same venue but following public feedback and to respond to issues raised at the first consultation event the applicant has taken the decision to move the second consultation event back to September 2024. Information postcards with invitations to attend the first event were sent to properties within a targeted area in advance of the community consultation events reaching approximately 3,147 properties (2,996 residential and 151 commercial properties). Further information was also made available prior to these events via the project website (<https://www.ssen-transmission.co.uk/projects/project-map/foyers-substation-works/>).
- 1.5 The Proposal of Application Notice has also been served on the host Stratherrick and Foyers Community Council along with neighbouring Fort Augustus and Glenmoriston Community Council, Glenurquhart Community Council and Dores and Essich Community Council. Local Ward 12 (Aird and Loch Ness) Elected Members, MSP and MP have also been served notice.
- 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 proposed scheme is for new drainage infrastructure to service the existing substation platform area at Foyers substation, extension to the existing switching station platform area, associated plant and infrastructure, ancillary facilities, laydown area(s), access road and landscape works.

2.2 The applicant has sought pre-application advice through the Council's Pre-Application Advice Service for Major Developments in 2022 (22/03584/PREMAJ) and has submitted a Screening Opinion (23/06064/SCRE) noting EIA was not required.

3.0 SITE DESCRIPTION

3.1 The PAN site boundary comprises approximately 7.4ha of ground between the Foyers substation and switching station. The site is located in a relatively remote area, adjacent to forestry, and Loch Ness. To the east of the site boundary is the B852, which is the primary transport route in the area. The nearest large settlement, Foyers, is over 1 km to the south west. Key sensitivities within the vicinity include the surrounding woodland listed on the Ancient Woodland Inventory (AWI), Inverfarigaig Easter and Ness Forest Site of Special Scientific Interest (SSSI) as part of the Ness Woods Special Area of Conservation (SAC) and Loch Ness and Duntelchaig Special Landscape Area.

3.2 There are a number of national and local landscape designations in close proximity to the application site boundary. The following are located within 6km of the site.

National Designations:

- Ness Woods SAC is approximately 4.7km south west of the site;
- Loch Bran SSSI is approximately 2.3 km south of the site;
- Inverfarigaig SSSI and Easter Ness Forest SSSI are approximately 4.7km south west of the site.

Local designations:

- Areas of woodland listed on the AWI within the site;
- Loch Ness and Duntelchaig SLA within the site.

3.3 There are 2 Scheduled Monuments within 2km of the site:

- Dun Deardail, Forts 410m and 520m east/north east of Fasnagruig (SM11884) is approximately 1.85km north east of the site;
- Dun Scriben, Fort (SM6220) is approximately 2 km north west of the site.

There are 10 Listed Buildings within 2km of the site:

- Category A Listed Foyers Hydroelectric Power Scheme, Former Aluminium Smelter, Powerhouse and Smelter (LB1880) is approximately 990m south west of the site;
- Category B Listed Boleskine House Gate Lodge and Gate Piers with Gates (LB1877) is approximately 100m east of the site;
- Category B Listed Boleskine, Old Boleskine Church, Burial Ground and Watch House (LB1847) is approximately 100m east of the site;
- Category B Listed Boleskine House (LB1849) is approximately 180m east of the site;

- Category B Listed Boleskine House Stables (LB1850) is approximately 210m east of the site;
- Category B Listed Foyers, Lower Foyers Bridge Over River Foyers (LB1881) is approximately 1.2 km south west of the site;
- Category B Listed Inverfarigaig Pier (LB1871) is approximately 1.25km north east of the site;
- Category B Listed Inverfarigaig (Old) Bridge Over River Farigaig (LB1870) is approximately 1.66km north east of the site;
- Category B Listed Foyers, Jane Fraser Memorial Obelisk (LB1852) is approximately 1.68km south west of the site;
- Category C Listed Foyers Mains Steading (LB1879) is approximately 1.6 km south west of the site.

4.0 DEVELOPMENT PLAN

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

4.1 National Planning Framework 4 (NPF4, 2023)

National Development 3 – Strategic Renewable Electricity generation and Transmission Infrastructure

- 1 - Tackling the Climate and Nature Crises
- 2 - Climate Mitigation and Adaptation
- 3 - Biodiversity
- 4 - Natural Places
- 5 - Soils
- 7 - Historic Assets and Places
- 11 - Energy
- 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 (2012)

- 28 - Sustainable Design
- 29 - Design Quality and Place-making
- 30 - Physical Constraints
- 31 - Developer Contributions
- 36 - Development in the Wider Countryside
- 42 - Previously Used Land
- 51 - Trees and Development
- 52 - Principle of Development in Woodland
- 55 - Peat and Soils
- 56 - Travel
- 57 - Natural, Built and Cultural Heritage

- 58 - Protected Species
- 59 - Other important Species
- 60 - Other Importance Habitats
- 61 - Landscape
- 63 - Water Environment
- 64 - Flood Risk
- 65 - Waste Water Treatment
- 66 - Surface Water Drainage
- 69 - Electricity Transmission Infrastructure
- 72 - Pollution
- 73 - Air Quality
- 74 - Green Networks
- 77 - Public Access

Inner Moray Firth Local Development Plan (IMFLDP, 2015)

- 4.3 The site is located within the Hinterland around established towns.

Inner Moray Firth Proposed Local Development Plan (IMFLDP2, 2022)

- 4.4 The Inner Moray Firth Local Development Plan Proposed Plan 2 is due for adoption soon and contains a number of general policies which are applicable including Policy 2 - Nature Protection, Preservation and Enhancement.

4.5 Highland Council Supplementary Guidance

- Construction Environmental Management Process for Large Scale Projects (Aug 2010)
- Developer Contributions (Nov 2018)
- Flood Risk & 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)
- Physical Constraints (Mar 2013)
- Public Art Strategy (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)

4.6 Scottish Government Policy and Other Guidance

- Scottish Energy Strategy (Dec 2017)
- Scotland's Energy Strategy Position Statement (Mar 2021)
- 2020 Routemap for Renewable Energy (Jun 2011)
- Energy Efficient Scotland Route Map (May 2018)
- PAN 1/2013 – Environmental Impact Assessment (Aug 2013)
- PAN 1/2021 – Planning and Noise (Mar 2011)
- PAN 60 – Planning for Natural Heritage (Jan 2008)
- PAN 68 – Design Statements (Aug 2003)
- Historic Environment Policy for Scotland (Apr 2019)
- Forest and Woodland Strategy (Nov 2018)

5.0 POTENTIAL MATERIAL PLANNING CONSIDERATIONS

- a) Development Plan and other planning policy;
- b) Design and layout;
- c) Landscape and visual impact;
- d) Amenity impacts (including construction noise, operational noise and lighting);
- e) Screening landscaping;
- f) Roads, access and parking;
- g) Wider access (impact upon the Core Path network)
- h) Infrastructure Capacity
- i) Natural heritage (including protected species and impact upon trees);
- j) Water environment, flood risk and drainage; 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. 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.

7.0 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: 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

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

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|-----------|--|---------|-----|
| Applicant | Scottish Hydro Electric Transmission plc | Agent | N/A |
| Address | Inveralmond House, 200 Dunkeld Road, Perth, PH1 3AQ | Address | N/A |
| Phone | 07918 302034 | Phone | N/A |
| Email | keith.smith@sse.com | Email | N/A |

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 to the North East of Foyers Hydro Electric Power Station, IV2 6XT

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.

New drainage infrastructure to service existing substation platform area at Foyers substation, and extension to existing Foyers switching station comprising platform area, associated plant and infrastructure, ancillary facilities, laydown area(s), access road and landscape works.

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

Community Consultation

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

| Community Council/s | Date Notice Served |
|--|---------------------------|
| Stratherrick and Foyers Community Council; Fort Augustus and Glenmoriston Community Council; Glenurquhart Community Council; Dores and Essich Community Council. | 01/04/2024 |
| Local Elected Members | Date Notice Served |
| <u>Ward 12 (Aird and Loch Ness)</u> <u>Councillors:</u> Cllr Chris Balance - Chris.Ballance.cllr@highland.gov.uk Cllr Helen Crawford - Helen.Crawford.cllr@highland.gov.uk Cllr David Fraser - David.fraser.cllr@highland.gov.uk Cllr Emma Knox - emma.knox.cllr@highland.gov.uk | 01/04/2024 |
| Members of Scottish Parliament and Members of Parliament | Date Notice Served |

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|--|---------------------------|
| MSP: Kate Forbes - Kate.Forbes.msp@parliament.scot MP: Drew Hendry - drew.hendry.mp@parliament.uk | 01/04/2024 |
| Names / details of other parties | Date Notice Served |
| N/A | N/A |

| Details of Proposed Consultation | | |
|--|---|---|
| Proposed Public Event 1 | Venue | Date and Time |
| In-Person Consultation Public | Stratherrick Public Hall, Gorthleck, Inverness IV2 6YS | 14:00 – 19:00, 25 April 2024 |
| Proposed Public Event 2 <i>(at least 14 days after Public Event 1)</i> | Venue | Date and Time |
| In-Person Consultation Public | Stratherrick Public Hall, Gorthleck, Inverness IV2 6YS | 14:00 – 19:00 hours, 20 June 2024. |



| Publication of Event | | |
|---|--------------------------|--|
| Newspaper Advert | Name of Newspaper | Advert Date |
| An advert will be placed in the notices section of this newspaper. | Press and Journal | On or around the 13 April 2024 (for the first public event) and on or around the 8 June 2024 (for the second public event) but in any case, no less than seven days in advance of each event. |

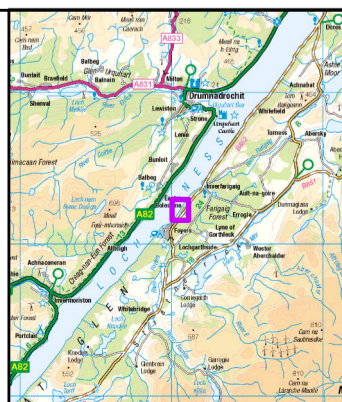
| Details of any other consultation methods (date, time and with whom) |
|--|
| Information postcards with invitation to attend event will be sent to properties within a targeted area of the site in advance of the public events. Information will also be made available via the project webpage in advance of the public events. |

Note: The PAN boundary includes the proposed platform together with all other potential site requirements, including site compounds, drainage, access, parking, laydown and storage areas and landscaping proposals. Many of these requirements will be temporary and will be permanently removed upon completion. The PAN boundary does not represent the permanent footprint of the site but indicates a maximum construction area. This may be reduced as design progresses but will not increase in size.



Legend

-  Existing Overhead Line
-  Redline Boundary (7.12 ha)



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| Project No: | LT000243 |
| Project: | Foyers Switching Station and Substation Upgrade Works |
| Title: | Proposal of Application Notice (PAN) - Foyers Switching Station and Substation Upgrade Works |
| Drawn by: | BC |
| Date: | 29/03/2024 |
| Drawing: | LT000243_ENV_004_RLB |