

Agenda Item	5.3
Report No	PLN/075/24

HIGHLAND COUNCIL

Committee: North Planning Applications Committee
Date: 29 October 2024
Report Title: 24/03761/PAN: Bettyhill 2 Wind Ltd
Land 2375M SE Of Cairnview, Bettyhill
Report By: Area Planning Manager – North

Purpose/Executive Summary

Description: Laying of underground cabling to link Bettyhill Wind Farm Phase 2 and Dounreay substation
Ward: 1 – North, West and Central Sutherland

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 Town and Country Planning (Scotland) Act 1997 (as amended) and was made valid on 23 August 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 Form)
 - Location Plan
 - 1st Advert
 - 2nd Advert
- 1.4 It should be noted that the developer is not a licensed electricity undertaker, otherwise the proposal would have been permitted development under Class 40 of The Town and Country Planning (General Permitted Development) (Scotland) Order 1992 for electricity undertakings. As such, an application for planning permission is required.
- 1.4 The proposed development was subject to a previous PAN (THC ref. 24/01312/PAN) however following further survey work, the site area requires to be amended to account for ground conditions and therefore a new PAN is submitted. As such there have already been three in-person public consultation events. The first and second events were held in April and June 2024 whereby the consultations were based on the previous cabling route. Two further events took place based on the current cabling route, the first on Monday 08 July 2024 between 15.00 and 18.30 at Reay Village Hall, and the second on Wednesday 09 October 2024 between 15.00 and 18.30 at Bettyhill Village Hall. The consultations were publicised in accordance with the appropriate statutory requirements, with adverts placed within The Press and Journal more than the statutory seven days prior to the events taking place.
- 1.5 Details of all notified parties are contained / appended to the PAN form and include Bettyhill, Strathnaver and Altnaharra Community Council, Strathy and Armadale Community Council, Melvich Community Council, Caithness West Community Council, Tongue Community Council, Durness Community Council, Scourie Community Council, Kinlochbervie Community Council, and Farr North Community Development Trust. The applicant shall undertake a letter/postcard drop to advise the public of the consultation events to properties over a distance of approximately 2.5km from the application site. The area has been extended to the north to include all residential properties along the coastline.
- 1.6 A dedicated project page on the applicant's website (www.edenrenewables.com) will be made available and will include copies of information presented at the public

consultation events, as well as a recording of the webinar. The page will provide opportunities for the public to send feedback to the applicant on the proposals.

- 1.7 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. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1 The proposed scheme is for the laying of approximately 31 km of underground cabling to link the recently approved Bettyhill Wind Farm Phase 2 (THC ref. 23/00142/FUL) to the Dounreay Substation. It is anticipated that cabling will predominantly be within the verge of the A836 using either existing bridges to cross watercourses or be tunnelled beneath them. The developer has advised that the route will be refined following further survey works and that construction would be phased to minimise disruption to road users.
- 2.2 The developer has not at this stage sought formal pre-application advice from the Planning Authority through the Pre-Application Advice Service for Major Developments however has been in discussions with the Local Roads Office who have advised that appropriate signage, banksman provision, and traffic lights will be required where appropriate to ensure road and worker safety.
- 2.3 The developer has submitted an EIA screening request in respect of the proposal.

3. SITE DESCRIPTION

- 3.1 The PAN boundary encompasses the section of A836 between the Bettyhill and Bettyhill Phase 2 wind farms site entrance and Dounreay up to Dounreay substation. The site includes both the north and south verges along with occasional widened areas at water crossings, settlements, and the field connecting to the Dounreay substation to take account of search areas for additional undergrounding options. The PAN area covers 274.24ha and comprises road verge, agricultural fields and rough grazing, and some forestry and woodland. Parts of the route are subject to known fluvial, pluvial, and coastal flood risk.
- 3.2 The site borders the Flow Country World Heritage Site (WHS), the Caithness and Sutherland Peatlands Special Area of Conservation (SAC) and Special Protection Area (SPA), and the north Caithness Cliffs SPA is north of the application site. The site is also adjacent to the Lochan Buidhe Mires, Strathy Coast, Armadale Gorge, and the Sandside Bay Sites of Special Scientific Interest (SSSI). The Red Point Coast SSSI is to the north of the site while the West Halladale and East Halladale SSSIs are to the south of the site, as is the East Halladale Flows Wild Land Area (WLA – 39).
- 3.3 The Knock Urray, broch 400m NNE of Gunnscroft Scheduled Ancient Monument (SAM), the Reay, burial ground, old church and cross slab 175m E of Parish Church SAM, and the Halladale Bridge, hut circles 670m NE of banks of Giligill Burn SAM are all partially within the PAN boundary. There are several Listed Buildings along the route, including the Category A Listed Reay Parish Church, the Category B Listed Reayburn House and the Category B Listed Sandside House Lodge. There are no

Conservation Areas. The site is east of the Kyle of Tongue National Scenic Area (NSA), crosses southern sections of the Farr Bay, Strathy and Portskerra Special Landscape Area (SLA).

4. DEVELOPMENT PLAN

It is understood that the proposal is not permitted development under The Town and Country Planning (General Permitted Development) (Scotland) Act 1992 and / or as amended by the forthcoming The Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2024 by virtue that the developer is not a licensed undertaker.

4.1 National Planning Framework 4 (NPF4) (2023)

- 1 - Tackling the climate and nature crises
- 2 - Climate mitigation and adaptation
- 3 - Biodiversity
- 4 - Natural places
- 5 - Soils
- 6 - Forestry, Woodland and Trees
- 7 - Historic assets and places
- 11 - Energy
- 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 (2012) (HwLDP)

- 28 - Sustainable Design
- 29 - Design Quality and Place-making
- 30 - Physical Constraints
- 31 - Developer Contributions
- 36 - Development in the Wider Countryside
- 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
- 66 - Surface Water Drainage
- 67 - Renewable Energy Developments
- 69 - Electricity Transmission Infrastructure
- 72 - Pollution
- 73 - Air Quality

74 - Green Networks

77 - Public Access

4.3 **Caithness and Sutherland Local Development Plan (2018) (CaSPlan)**

The site is located within the wider countryside and passes through the Growing Settlement of Reay, which engages Policy 3: Growing Settlements. The substation at Dounreay is outwith the boundary of the Dounreay Economic Development Area as defined in the CaSPlan.

4.4 **Highland Council Supplementary Guidance**

- Developer Contributions (Nov 2018)
- Flood Risk and Drainage Impact Assessment (Jan 2013)
- Flow Country World Heritage Site Impact Assessment Tool Kit
- Highland Historic Environment Strategy (Jan 2013)
- Highland's Statutorily Protected Species (Mar 2013)
- Highland Renewable Energy Strategy and Planning Guidelines (May 2006)
- 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)
- Biodiversity Enhancement Planning Guidance (May 2024)
- Trees, Woodlands and Development (Jan 2013)
- Construction Environmental Management Process for Large Scale Projects (Aug 2010)

4.5 **Scottish Government Policy and Other Guidance**

- 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)
- 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)
- PAN 61 – Sustainable Drainage Systems (Jul 2001)
- PAN 68 – Design Statements (Aug 2003)
- PAN 75 – Planning for Transport (Aug 2005)
- PAN 77 – Designing for Safer Places (Mar 2006)

5. **POTENTIAL MATERIAL PLANNING CONSIDERATIONS**

- a) Development Plan and other planning policy;
- b) Residential amenity;
- c) Roads and transport;
- d) Flood risk and drainage impacts;
- e) Natural heritage including impacts on the Flow Country World Heritage Site as well as protected species and habitats;

- f) Impact on trees and woodland;
- g) Built and cultural heritage;
- h) Construction impacts;
- i) Pollution;
- j) Site restoration;
- k) Outdoor access; and
- l) Any Other Material Considerations Raised within Representations.

6. 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. IMPLICATIONS

- 7.1 Not applicable.

8. 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): Laura May
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 – Proposal of Application Notice
Plan 2 – Location Plan
Plan 3 – 1st Advert
Plan 4 – 2nd Advert

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.

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	Bettyhill 2 Wind Ltd	Agent	N/A
Address	The Barn Ford Farm Aldbourne Marlborough SN8 2DP	Address	
Phone	07423 639 976	Phone	
Email	owen.pike@edenrenewables.com	Email	

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 between Bettyhill Wind Farm Phase 2 in the west and Dounreay Substation to the east.

Description of Development

Please include detail where appropriate – e.g. 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.

Laying of an underground cable linking Bettyhill Wind Farm Phase 2 in the west to Dounreay Substation to the east. The route is approximately 31 km long and the cable will be predominantly in the road verge of the A836. Where possible, existing bridges will be used to cross watercourses or the route will be directionally drilled under watercourses.

The proposed route is currently indicative (including wide verges and directional drilling launch pits) because site surveys have not yet been completed. The results will inform the applicant which verges and bridges (negating the need for launch pits) will be used.

Construction would be phased along the route to minimise disruption to road users, as suggested by Jonathan Gunn (THC, Senior Engineer – Infrastructure, Environment and Economy Roads & Infrastructure) in a virtual meeting on 1 February 2024. Signage, banksman and traffic lights will be used where appropriate to ensure safety.

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 (a request for a Screening Opinion was submitted on 31 May 2024)

Community Consultation

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

Community Council/s	Date Notice Served
Bettyhill, Stratnaver and Altnaharra Strathy and Armadale Melvich Caithness West Tongue Durness Scourie Kinlochbervie	Week commencing 26 August 2024
Local Elected Members	Date Notice Served
Members of Scottish Parliament and Members of Parliament	Date Notice Served

Names / details of other parties	Date Notice Served
Farr North Community Development Trust	Week commencing 26 August 2024

Details of Proposed Consultation - see text in red below and attached email correspondence (Enclosure 1) that confirms why only one additional event is appropriate in this case

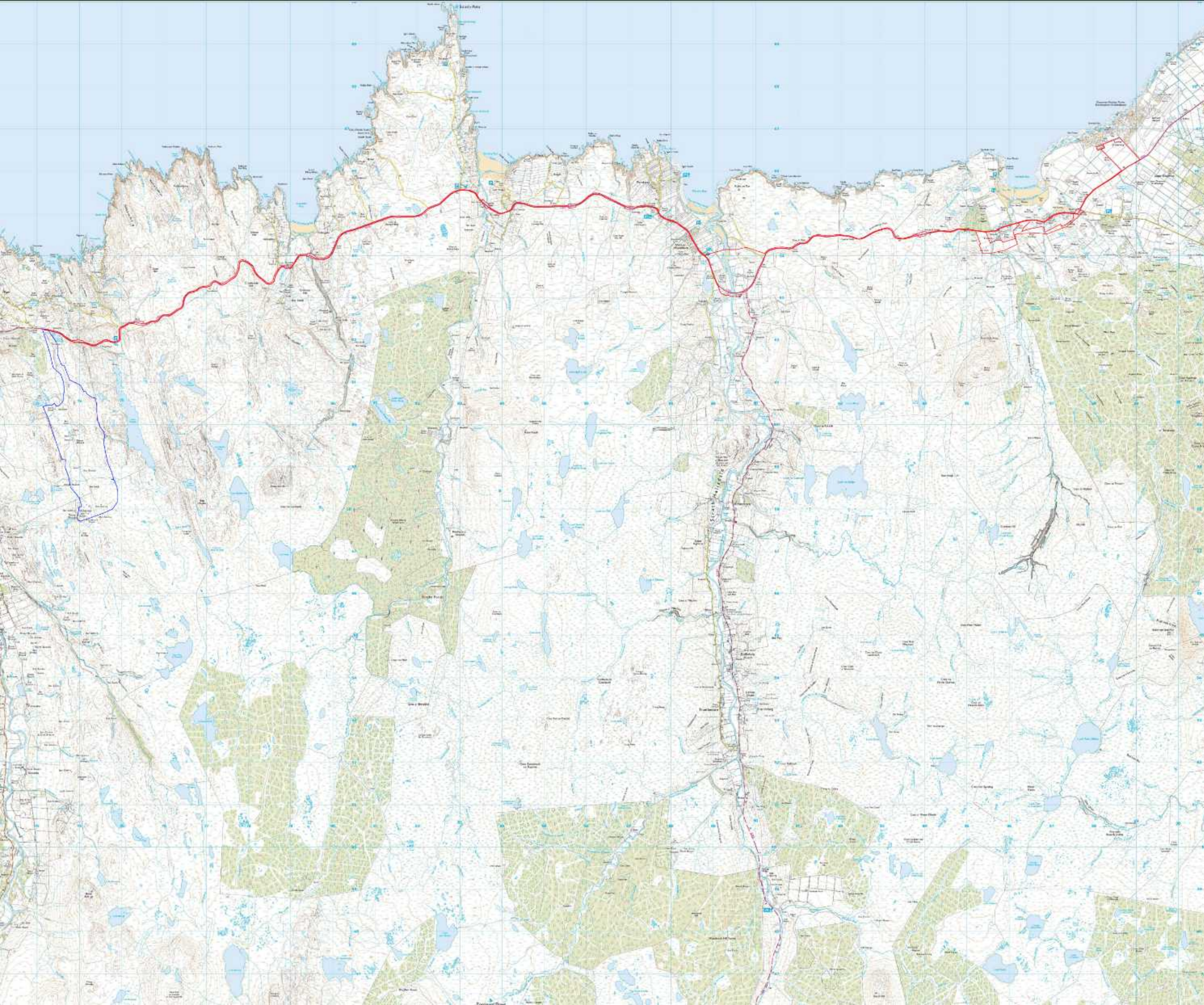
Proposed Public Event 1	Venue	Date and Time
An in-person public consultation event	Reay Village Hall, Thurso, KW14 7RE	Monday 8 July 2024 between 15:00 and 18:30
Proposed Public Event 2 <i>(at least 14 days after Public Event 1)</i>	Venue	Date and Time
An in-person public consultation event	Bettyhill Village Hall, Thurso, KW14 7SS	Wednesday 9 October 2024 between 15:00 and 18:30

Publication of Event		
Newspaper Advert	Name of Newspaper	Advert Date
Advert 1	The Press and Journal	Friday 30 August 2024

Details of any other consultation methods (date, time and with whom)
<ul style="list-style-type: none"> • There will be a letter/postcard drop to c.950 properties within 2.5km of the proposed development site boundary. The area has been extended to the north to include all residential properties along the coastline. • A dedicated project page on the applicant's website (www.edenrenewables.com) will be available, which will include copies of information presented at the two public consultation events, a recording of the webinar and will provide opportunities to send feedback on the proposals. • By way context, the proposed development has already been the subject of the following consultation events: <ul style="list-style-type: none"> o 1st event (in-person) on 17 April 2024 (Bettyhill Village Hall 14:30-18:30) o 2nd event (virtual online) on 1 May 2024 (via a Zoom webinar 18:30-19:30)

- A previous PAN (24/01312/PAN) was considered at the North Planning Applications Committee on 4 June 2024 and the case was closed on 11 June 2024
- At the time of the 1st and 2nd events and during the period when the previous PAN (24/01312/PAN) was under consideration, surveys of the bridges along the route to establish the depth of the roads had not been completed. Thus the Site Plan that accompanied the previous PAN included an indicative corridor of land to the south of Reay, amongst other areas
- Following the 1st and 2nd events and the North Planning Applications Committee on 4 June 2024, the surveys of the bridges were completed and established that the sections of road on the bridges in Reay are not deep enough to accommodate our cable. Accordingly, we then knew we have to locate the cable in the fields adjacent to Reay
- We subsequently revised the Site Plan to show an additional indicative corridor of land, namely to the north of Reay, whilst retaining the indicative corridor of land to the south of the settlement
- On this basis, we carried out the following consultation event:
 - 3rd event (in-person) on 8 July 2024 (Reay Village Hall 15:00-18:30)
- Landowner negotiations are ongoing; we will only know if the cable will divert from the road to the north or south of Reay after these negotiations have been concluded
- Enclosure 1 (email correspondence with Principal Planner Mark Fitzpatrick) confirms that so long as details of previous and future consultation events are provided, along with evidence that the 2nd in-person event was based on the amended cable route (i.e. the Site Plan submitted under this PAN submission), and no challenge is made, officers will accept our proposed approach to consultation
- Enclosure 2 represents the shapefiles of the amended cable route, which form the basis of the map and plan in Enclosures 3 and 4, respectively
- Enclosure 3 is the map used at the 2nd in-person event to consult attendees and was used within the leaflets to inform nearby communities; this demonstrates that the indicative corridor to the north of Reay was subject to consultation
- Enclosure 4 is the current Site Plan
- The map used at the 2nd in-person event (Enclosure 3) was at an appropriate scale to allow for the whole cable route to be put into perspective. When questioned on specific areas, we accessed the shapefiles (Enclosure 2) via our laptops allowing us to zoom into the relevant areas in question

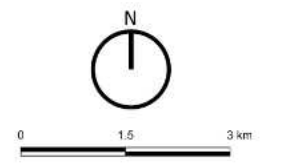
Signed	Owen Pike, Eden Renewables (Bettyhill 2 Wind Ltd is a company owned by Eden Renewables)	Date	23 August 2024
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- Bettyhill Phase 2 Wind Farm
- Proposed Indicative Cable Corridor

Bettyhill 2 Wind Limited
 Bettyhill Phase 2 Windfarm
 Grid Cable Route Indicative Plan

Based upon the 2023 Ordnance Survey Mastermap with the permission of the Ordnance Survey on behalf of HMSO.



Author	JC
Project	BH
Date	28/03/2024
Version	5
Scale (A1)	1:40,000



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