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**REPORT TO: SPECIAL PLANNING AND REGULATORY SERVICES  
COMMITTEE ON 8 DECEMBER 2020**

**SUBJECT: 20/01267/PAN – PROPOSAL OF APPLICATION NOTICE FOR A  
PROPOSED WIND FARM COMPRISING APPROXIMATELY 9  
TURBINES (UP TO 200M TIP HEIGHT) ASSOCIATED TRACK  
SUBSTATION ENERGY STORE CRANE PAD BORROW PITS  
METEOROLOGICAL MAST AND TEMPORARY COMPOUND ON  
SITE 5.5KM SOUTHEAST OF DUFFTOWN, MORAY**

**BY: DEPUTE CHIEF EXECUTIVE (ECONOMY, ENVIRONMENT AND  
FINANCE)**

**1. REASON FOR REPORT**

- 1.1 To inform the Committee that a Proposal of Application Notice (PAN) was submitted on 28 September 2020 by EnergieKontor UK Ltd.
- 1.2 This report is submitted to Committee in terms of Section III (E) (1) of the Council's Scheme of Administration relating to exercising the statutory functions of the Council as a Planning Authority.

**2. RECOMMENDATION**

**2.1 It is recommended that:**

- a) in noting the terms of this report, the Committee advise upon any provisional views/relevant issues that Members of this Committee (or any other Member(s) of the Council) wish to raise about the proposed development so that these matters can be recorded and thereafter fed back to the prospective applicant in order to inform the development of their proposed formal application for planning permission; and
- b) the matters raised by the Committee also be forwarded to consultees likely to be involved in any formal application for planning permission for the proposal.

### **3. BACKGROUND**

- 3.1 Scottish Government has published guidance which encourages Elected Members to highlight any issues with a proposed development at the pre-application stage which they would wish to see taken into account within any formal application for planning permission.
- 3.2 Following consideration by this Committee on 11 November 2014 it was agreed that any PAN received after this date would be reported to Committee to give Members of the Committee, and the Council, the opportunity to identify any key issues/provisional views about the proposed development and that these matters be reported back to the prospective applicant (paragraph 4 of the minute refers).
- 3.3 This current report is not about the merits of the proposed development but rather, based on local knowledge of local issues and wider concerns, etc., Members are invited to identify any matters relevant to the proposal. These will be reported back to the prospective applicant for their information and attention, and to inform the development of the proposed application. It is also proposed that, for information, Members' comments be forwarded to consultees likely to be involved in any formal application for planning permission for the proposal.
- 3.4 This PAN relates to a proposed wind energy development, near Cabrach, south east of Dufftown. The site lies just west of Haugh of Glass which sits on the boundary between Moray and Aberdeenshire. It is anticipated that the development will consist of up to 9 wind turbines, up to 200m in height but this is still to be confirmed. The development would also include associated tracks, substation, energy storage, crane pads, borrow pits, meteorological mast and temporary construction compound. A plan is appended showing the location and extent of the site (**Appendix 1**). The site extends to approximately 740 hectares. The site is bounded by open hill ground although some woodland lies to the south east of the site on Brown Hill lies close to the eastern boundary of Moray. The site lies outwith the Moray Local Plan 2020 Special Landscape Area and would lie partially within area with limited potential for very large turbines (up to 150m high). In terms of the Moray Wind Energy Landscape Capacity Study 2017, the site lies within the Landscape Character Type 12b Open Uplands with Settled Glens.
- 3.5 It is anticipated that access will be taken from the north via A920 or from a minor adopted road within Aberdeenshire to the east. Parts of the site are identified as being at risk of surface water flooding due to the water course running through the site known as Markie Water. There are no other landscape, cultural or natural heritage designations affecting the site. There appears to be several properties within close proximity to the boundary to the site.
- 3.6 The applicant proposes to consult with Dufftown and District Community Council as part of their pre-application consultation procedures. They have also indicated they will consult the relevant community group in Aberdeenshire. The Town and Country Planning (Miscellaneous Temporary Modifications) (Coronavirus) (Scotland) Regulations 2020 temporarily

suspended the need to hold a public event in relation to PANs from 24 April 2020 provided that the PAN was submitted before the end of the emergency period (including if it was submitted before the emergency period started as was the case here) and that any formal planning application following on from the PAN is lodged within 6 months of the end of the emergency period. In line with the new regulations an online public event was held between 10 and 23 November 2020. This was advertised locally prior to opening and the community council was made aware of the arrangements. In order to be valid a major application must be supported by a pre-application consultation report setting out the steps taken to consult with the local community, details of comments made on the proposal and how the applicant has responded to all comments made on the proposal in the development of the application.

#### **4. SUMMARY OF IMPLICATIONS**

- (a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))**  
Identifying key issues at an early stage to assist with front loading major planning applications is a vital aspect of supporting and facilitating the Council's priority for economic development in Moray.
- (b) Policy and Legal**  
Scottish Government guidance on the role of Councillors in pre-application procedures affords Elected Members the opportunity to offer general provisional views on forthcoming developments which are the subject of a PAN where the details of the development have yet to be finalised.
- (c) Financial implications**  
None.
- (d) Risk Implications**  
None.
- (e) Staffing Implications**  
None.
- (f) Property**  
None.
- (g) Equalities**  
None.
- (h) Consultations**  
Depute Chief Executive (Economy, Environment and Finance), the Head of Economic Growth and Development, the Legal Services Manager, the Development Management and Building Standards Manager, the Equal Opportunities Officer, the Strategic Planning & Delivery Manager, and Lissa Rowan (Committee Services Officer) have been consulted, and comments received have been incorporated into the report.

Members of Moray Council who are not on the Planning & Regulatory Services Committee have also been consulted and any views received on the proposal will be made known at the meeting.

## **5. CONCLUSION**

- 5.1 The Council has received a PAN intimating the intention that a formal application for planning permission will be submitted for a major development proposal, in this case for the development of a wind energy development, south of Dufftown, north of Cabrach in south east Moray. The Committee (and any other member(s)) are asked to identify any provisional views/relevant issues which they would wish to see taken into account and inform the development of the proposal.**

Author of Report: Neal MacPherson, Principal Planning Officer

Background Papers:

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