

# Borrow Pits on Land at Berry Burn Wind Farm

Pre-Application Consultation Report

---



---

## Appendix 1 PoAN and Local Planning Authority Response

---



**MORAY COUNCIL  
ENVIRONMENTAL SERVICES  
DEVELOPMENT MANAGEMENT**

**PROPOSAL OF APPLICATION NOTICE  
NOTICE UNDER SECTION 35(B) OF THE TOWN AND COUNTRY  
PLANNING (SCOTLAND) ACT 1997**

**1 Applicant Contact Details**

Name BB2 Wind Farm Limited  
Address 22 Bishopsgate  
London  
Post Code EC2N 4BQ  
Telephone Number c/o Agent  
Email Address c/o Agent

**2 Agent Contact Details (if applicable)**

Name Savills  
Address 163 West George Street  
Glasgow  
Post Code G2 2JJ  
Telephone Number 0141 222 4138  
Email Address sherriot@savills.com

**3 Site Address of Proposed Development**

Land on the Altyre Estate located approximately 12 kilometres south of Forres.

Post Code (if applicable) \_\_\_\_\_

**4 Description of Proposed Development** (please provide a general description of your proposal, including the nature and scale of the development and gross floor space of buildings where proposed, continue on a separate sheet if required)

Proposed 2no. borrow pits within the site of the consented but unbuilt Berry Burn

Wind Farm Extension.

**5 Is the proposed development a 'national' or 'major' development (as defined by the Town and Country (Hierarchy of Developments) (Scotland) Regulations 2009?**

National

Major

**6 The following details of the proposed development should be submitted to enable an assessment to be made:**

- Location Plan, e.g. Ordnance Survey based scale plan 1:2500 (or smaller) showing the outline of the site (this is the extent of and to which the development proposed relates)
- Site Plan, e.g. Ordnance Survey based scale plan 1:500 (or smaller) showing an indicative layout, if available
- Any supporting documents or plans

**7 Please give an account of what consultation the applicant proposes to undertake, when such consultation is to take place, with whom and in what form (continue on a separate sheet if required)**

Two public events as follows:

(1) Edinkillie Village Hall on Tuesday 24 September 2024 between the hours of 1500-1900

(2) Dallas Village Hall on Wednesday 30 October 2024 between the hours of 1500-1900.

See enclosed letter for further details.

**8 Has a copy of this notice been served on the Community Council**

YES  NO

**If Yes, provide details of the address(es) to which the notice was sent and the date sent.**

Heldon Community Council Date 09 September 2024

Finderne Community Council Date 09 September 2024

Date \_\_\_\_\_

Date \_\_\_\_\_

**Signed**



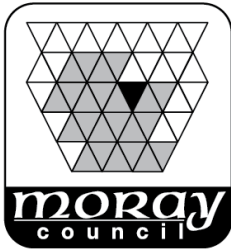
Date: 09 September 2024

**Print Name**

Simon Herriot

**Completed forms should be sent to the Development Control Manager, Development Services, Environmental Services Department, The Moray Council, Council Office, High Street, Elgin, IV30 1BX.**

**Data Protection Act 1998 — The information on this form may be made available for public inspection and may be published on the Council's website.**



## ECONOMY, ENVIRONMENT AND FINANCE

**Fiona Olsen**

**Acting Senior Planning Officer**

Moray Council

PO Box 6760 Elgin Moray IV30 1BX

Telephone: 01343 563189 Fax: 01343 563990

BB2 Wind Farm Limited  
c/o Savills  
163 West George Street  
Glasgow  
G2 2JJ

E-mail: [fiona.olsen@moray.gov.uk](mailto:fiona.olsen@moray.gov.uk)

Website: [www.moray.gov.uk](http://www.moray.gov.uk)

Your reference:

Our reference: 24/01424/PAN

17 September 2024

Dear Sir(s)/Madam

### **PROPOSAL OF APPLICATION NOTICE: 24/01424/PAN**

#### **Proposed 2no borrow pits within the site of Berry Burn Wind Farm Dunphail Forres Moray**

I refer to your Proposal of Application Notice (PAN) received on 9 September 2024.

I can confirm that the consultation arrangements you propose to undertake would meet the statutory minimum consultation requirement i.e. consultation with the local Community Council and two public events. In this case two public events to be held locally is sufficient and accords with the requirements of the legislation cited below.

In this case, no additional notification and/or consultation is required.

The form of consultation with these additional persons/groups must be indicated within the required pre-application consultation report. Further advice to prospective applicants to ensure meaningful, proportionate consultation activity with those who can represent affected communities' views can be found the Scottish Government publication: *PAN 3/2010 Community Engagement*

Your proposed public consultation events must be advertised at least 7 days in advance of each event in the local newspaper. The notice for the first event must include:

- a. a description of the proposed development and its location;
- b. details as to how (including by what electronic means) further information may be obtained concerning the proposed development;
- c. the date and place and time of the public event;
- d. a statement explaining how, and by when, persons wishing to make comments to the prospective applicant relating to the proposal may do so; and
- e. a statement clarifying that comments made to the prospective applicant are not representations to the planning authority and that there will be an opportunity to make representations on any resultant application to the planning authority.

The notice for the final public event must include all over the above except point (d) as the final event is primarily about feedback on the views gathered during PAC.

Please note that regulation 7 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 (as amended by The Town and Country Planning (Pre-Application Consultation) (Scotland) Amendment Regulations 2021) makes clear that a further advert is required for the final public event. Any additional events should be advertised in the same manner.

After a minimum period of 12 weeks from receipt of the Proposal of Application Notice, in this case on or after **4th December 2024** and after having carried out the required consultation you can submit your planning application along with a pre-application consultation report.

This report should set out:

- details of who has been consulted and what steps were taken to comply with the statutory requirements and those of the planning authority;
- information as to how you (the applicant) has responded to the comments made;
- evidence that the various prescribed steps have been undertaken (copies of relevant newspaper articles and adverts and material made available at the public event);
- a demonstration of the steps that were taken to explain the nature of pre-application consultation.

Please note that the pre-application consultation report must accompany the formal application for planning permission, otherwise this will delay validation of the submission. Where pre-application consultation requirements apply but, in the Council's view, compliance with the requirements has not been demonstrated, the Council must decline to determine the application.

In addition to the requirements for submission of the formal application, applicants/developers will be encouraged to provide, at minimum, an additional paper copy of the application which will be made available to view by the local community within the area of the proposed development.

Should you require any further information or wish to discuss the proposal further please contact me at the above address.

Please note that for major applications the Council, as planning authority offers a pre-application advice service to assist in identifying key issues and information that will need to be submitted as part of a major application. If you wish to use this service further information is available at [http://www.moray.gov.uk/moray\\_standard/page\\_79962.html](http://www.moray.gov.uk/moray_standard/page_79962.html) including the form to request a pre-application meeting and dates of meeting, etc.

Moray Council has agreed that PAN Notices will be reported to the Planning & Regulatory Services Committee and thereafter any key issues/provisional views raised by members would be reported back to the applicant. The report on the development as described in the PAN will not seek to encourage a debate over the merits of the forthcoming application but rather it will serve to give members an opportunity to raise any provisional views and issues about the development that they would wish to see taken into account in any formal application. The PAN will be reported to the next available Committee meeting, to be held on **22<sup>nd</sup> October 2024** and thereafter you will be advised of the consideration given to the proposal by members.

Please note that information associated with the application will be published on the Council's website at <http://public.moray.gov.uk/eplanning>.

If you have included an email address in your letter, the Council would prefer to forward any further communications about the proposal using that address, unless you indicate otherwise.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Fiona Olsen', with a horizontal line extending to the right.

**Fiona Olsen**  
**Acting Senior Planning Officer**