

THE HIGHLAND COUNCIL

**NORTH PLANNING APPLICATIONS COMMITTEE
22 OCTOBER 2013**

**13/02273/PIP: Kishorn Port Ltd
Land At Kishorn Base, Kishorn**

Report by Area Planning Manager

Agenda Item	6.5
Report No	PLN/095/13

SUMMARY

Description : Erection of workforce accommodation, associated welfare facilities and formation of vehicle parking area

Recommendation - GRANT

Ward : 6 - Wester Ross, Strathpeffer and Lochalsh

Development category : Major Development

Pre-determination hearing : Not required

Reason referred to Committee : More than 5 objections.

1. PROPOSED DEVELOPMENT

- 1.1 This application is for planning permission in principle for the erection of workforce accommodation, associated welfare facilities and the formation of a vehicle parking area.
- 1.2 This proposal is associated with planning application 13/02272/FUL for the extension of existing construction/fabrication yard, including construction of concrete gravity bases, for energy sector, extension of existing quarry, site engineering works, siting of concrete batching plants and erection of industrial buildings within the existing Kishorn Yard. The overall proposals seek to form a base for construction, manufacturing and servicing facilities for the off-shore renewables sector. Kishorn Yard is currently in active industrial use and has a history of large scale industrial uses. It is estimated that up to 2,500 jobs could be created in construction, manufacturing, quarrying and support services associated with this application. This proposal has the potential to generate significant economic benefits.
- 1.3 This report should be read in conjunction with the committee report for planning application 13/02272/FUL.

- 1.4 Planning application 13/02272/FUL includes the erection of worker accommodation units and welfare facilities in modular portacabin style buildings within the existing yard boundaries. These units would be used during construction when approx. 500 employees may be on site. It is intended to increase this accommodation to approx. 750 employees post site set up works. These units will be located adjacent to the vehicle parking area and will also include catering and leisure facilities for the wider accommodation area. Accommodation units on the existing yard site should be erected and occupied prior to the erection and occupation of the units on greenfield land.
- 1.5 The current application seeks to establish the principle of additional workers accommodation on greenfield land, to the north east, that cannot be accommodated within the footprint of the existing yard. It is envisaged that up to 2,500 jobs may be created in construction, manufacturing, quarrying and support services. Due to the remote site location and the need for specialist skills personnel will require to be sourced Highland wide and beyond. It is envisaged, that personnel will be based on site on a rotational basis with on site accommodation for up to 1,500 persons in total between the yard and this application. It is intended to base workers on site to reduce the requirement for vehicle movements on the local road network. For non-local employees living off-site a transportation plan will be put in place which involves public transport to key pick-up locations, from where they will be bussed or potentially taken by boat direct to site. Daily car movements will relate to local employees traveling to and from work.
- 1.6 **Pre application advice and pre-application consultation**
- The overall proposal has been subject to extensive informal pre application discussions with the Planning Authority, Marine Scotland and relevant consultees including SEPA and SNH. The applicant/agent has also engaged in pre-application discussions with local communities and Community Councils. A masterplan was submitted formally for pre-application discussion through the Council's major pre-application advice service in spring 2012. The proposal has evolved during pre-application discussions.
- 1.7 The application has been submitted as a major development and been subject to the requirements for pre-application consultation in terms of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008. The applicant and agent undertook pre application consultation for the overall development with the local community at two public events in January and March 2013. A report of public consultation has been submitted as part of the planning application submission. The Planning Authority is satisfied that the statutory requirements for pre-application consultation have been met.
- 1.8 The developer has also entered into a voluntary processing agreement with the Planning Authority. This sets out key dates and information requirements in the assessment of the proposal and is considered good practice for major category developments.

- 1.9 The planning application has been subject to an Environmental Impact Assessment in terms of the Town and Country Planning Environmental Impact Assessment (Scotland) Regulations 2011 (and The Marine Works (Environmental Impact Assessment) Regulations 2007 (as amended)). A single Environmental Statement (ES) has been submitted to cover the overall proposed development of the yard including this application, application 13/02272/FUL and works in the marine environment covered by the Marine Scotland licencing regime.
- 1.10 The purpose of the ES is to identify any potential environmental impacts to allow these to be fully considered and to identify mitigation measures and alternatives. The scope of the ES have been subject of extensive discussions with The Highland Council, Marine Scotland and relevant consultees. In summary, the ES covers:
- Landscape and visual assessment
 - Restoration of the quarry and the site
 - Blasting and vibration
 - Socio-economic impacts
 - Hydrology and flooding
 - Pollution also including noise and lighting, air quality
 - Access and traffic
 - Management of extractive waste
 - Ecology
 - Cultural heritage
- 1.11 **Variations:** No variations have been submitted during processing of this application.

2. SITE DESCRIPTION

- 2.1 The proposal site is adjacent to the Kishorn Yard. The Yard was established in the early 1970s as an oil platform construction yard for the North Sea oil industry. The coastline was altered with the construction of a large dry dock, excavated into Torridonian Sandstone, with the rock used to create adjacent flat foreshore areas. The large concrete Ninian Field Central Platform was cast within the dry dock, and floated out into the deep waters of Loch Kishorn, where it was completed, before being towed to its off-shore location. The yard was then used for the assembly of the metal platform for the Maureen Field and the caissons for the Skye Bridge.
- 2.2 This planning application is for additional employee accommodation on the east side of the Russell Burn on greenfield land outwith the footprint of the yard and extends to 3.3ha.
- 2.3 The adjacent yard is currently in active use for industrial and quarrying activities.
- 2.4 There are a boat repair and maintenance yard and fish farm support services located between the yard and the proposed accommodation. The Corrie Mhor Salmon Farm (smolt production) is also located between the yard and the application site. The fish farm and hatchery includes a number of medium sized

sheds and tanks. There is an individual residential property close to the salmon farm at Corrie Mhor. It is understood that this is occupied in association with operation of the fish farm.

- 2.5 The existing yard and proposed accommodation will be accessed from the east, linking with the unclassified Tornapress to Applecross Road.
- 2.6 The settlements of Ardarroch and Achintraid are located directly across Loch Kishorn to the east and south east, at distances of 1km and 1.9km respectively. The site is highly visible from these settlements. Plockton is located 5.5km across Loch Kishorn to the south. Views of the site are obtained from the elevated land at the northern end of Plockton.
- 2.7 In terms of this wider landscape setting, the overall site lies on sloping ground with a south eastern aspect, on land between the lower slopes of the Meall Gorm and the coast. The land rises very steeply to the Torridonian Sandstone massifs of Meall Gorm and Beinn Bhan. The lower slopes are hummocky, underlain by glacial till. Rocky outcrops occur and watercourses are cut in bedrock. Heath vegetation dominates.

3. PLANNING HISTORY

- 3.1 There is no formal planning history on the site, with the exception of pre-application discussions regarding this proposal.

4. PUBLIC PARTICIPATION

- 4.1 Advertised : Environmental Statement and Schedule 3
Representation deadline : 9 August 2013

Timeous representations : 41

Late representations : 3

- 4.2 A number of representations have been received from individuals as well as local businesses, and bodies. The majority of representations have been submitted in tandem for both this application and the application for development of the overall site 13/02272/FUL. In summary, general support has been expressed for the overall proposal but concerns have been raised in relation to matters including the capacity of the road network, potential for landscape/visual impacts, impacts on existing local businesses and tourism, and potential for impacts on residential amenity, potential for pollution. Matters raised relevant to the overall development are summarised and assessed in the report for 13/02272/FUL.
- 4.3 Only specific matters raised in relation to the proposed accommodation on the greenfield site are summarised below.
- 4.4 All representations received are available in the eplanning case file, which can be viewed on line. All have been fully considered in the assessment of the proposal.

4.5 Material considerations

- Housing workers on site is socially unsustainable, there will be no social integration between workers on site and existing community. Workers will be transient
- The proposal is contrary to the development plan, located on greenfield land outwith the existing yard
- No proposals for the developer to contribute to affordable housing. Workers wishing to relocate to the area and those with families will be unable to live in the area. Proposal provides accommodation for individual people, the area needs families
- Potential for impacts on fish farm/hatchery operations, biosecurity risk from influx of people, future expansion plans for fish farm/hatchery.
- Unacceptable visual/landscape impact, impacts on NSA designation
- Inappropriate scale
- Inappropriate design
- Layout does not reflect character of the area
- Impact of construction on local area

4.6 Non material considerations

- Increase the fear of crime and community safety/security issues. Changes to character of area and fear caused by influx of workers
- Impact on/implications for medical/emergency services.

4.7 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet www.wam.highland.gov.uk/wam. Access to computers can be made available via Planning and Development Service offices.

5. CONSULTATIONS

5.1 **Planning Gain Negotiator:** No objections and no contributions for green infrastructure or transport sought. The accommodation should be conditioned appropriately to ensure it cannot be used for permanent accommodation. If the proposal was for permanent accommodation it would be assessed entirely differently.

5.2 **TECS Flood Team:** No objections subject to conditions. The Flood Risk Assessment submitted accords with the principles of Scottish Planning Policy. The minimum finished floor levels of 4.55m AOD to allow 0.6m freeboard above the predicted coastal 1 in 200 year flood level is appropriate. Outline details of the proposed drainage have been provided with the application, full details should be conditioned. It is considered that a suitable drainage solution can be achieved.

5.3 **Forestry Officer:** No objections.

- 5.4 **SNH:** No objections. The proposal lies within the Wester Ross National Scenic Area (NSA) but will not have an adverse effect on the integrity of the NSA or the qualities for which it has been designated. Some impacts on landscape will arise and advice is given on how these could be reduced.
- 5.5 **TECS Environmental Health:** No objections in principle but further details required at matters specified in conditions stage.
- 5.6 **Access Officer:** No objections.
- 5.7 **MOD Safeguarding:** No objections. The site is outwith the MOD safeguarding areas.
- 5.8 **TECS Roads:** No objections, agree with proposals. Conditions required to secure proposals and Section 96 agreement for public road between Tornapress junction and the site.
- 5.9 **HSE: No objections.** HSE records indicate that the proposal is not within any HSE consultation distance, and therefore HSE have no comments.
- 5.10 **Transport Scotland:** No objections. The proposal will not significantly impact upon the trunk road network.
- 5.11 **Marine Scotland (Aquaculture): No objections.** There are five aquaculture sites located in the vicinity of the site.
- 5.12 **Historic Scotland:** No objections and no identified impacts on national assets.
- 5.13 **SEPA:** No objections, subject to conditions. The surface water drainage proposals outlined in the application are acceptable. These seem to provide at least two levels of SUDS treatment for all surface water from the development. Submission of the final detailed design should be conditioned. An assessment of the flood risk from the Russel Burn has been made and the estimated 1 in 200 year coastal flood level has been taken into account. The FRA includes land raising of the developed area of the site to a minimum of 4.54 mAOD which allows for the estimated coastal flood level plus an additional freeboard allowance of 0.6m. This level also appears to be adequate to ensure that the development will not be at risk of flooding from the Russel Burn and it is set back from the watercourse. These levels should be secured by condition. It is proposed that foul drainage be connected to the private system which will serve the wider yard site. The principle of this is acceptable and to ensure there is not a proliferation of private foul drainage systems in the area, this should be ensured by condition. A decommissioning and restoration plan should be submitted at least 2 years prior to the end of the design life of the development and should be based on best practice current at the time of submission.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 **Highland Wide Local Development Plan 2012**

Policy 28	Sustainable Design
Policy 29	Design Quality and Place-Making
Policy 31	Developer Contributions
Policy 36	Development in the Wider Countryside
Policy 41	Business and Industrial Land
Policy 49	Coastal Development
Policy 56	Travel
Policy 57	Natural, Built and Cultural Heritage
Policy 58	Protected Species
Policy 59	Other Important Species
Policy 60	Other Important Habitats
Policy 61	Landscape
Policy 63	Water Environment
Policy 65	Waste Water Treatment
Policy 64	Flood Risk
Policy 66	Surface Water Drainage

6.2 **Wester Ross Local Plan (as continued in force)**

Wider Countryside

7. **OTHER MATERIAL CONSIDERATIONS**

7.1 **Draft Development Plan**

Not applicable

7.2 **Highland Council Supplementary Planning Policy Guidance**

Highland Coastal Development Strategy

Developer Contributions

Flood Risk and Drainage Assessment

Highland's Statutorily Protected Species

Physical Constraints

Sustainable Design Guide
Construction Environmental Management Process for Large Scale Projects
Historic Environment Strategy
Housing in the Countryside: Siting and Design

7.3 **Scottish Government Planning Policy and Guidance**

The overall proposal for redevelopment and expansion of operations at Kishorn Yard is supported by national policy. This application is a critical element of the overall proposal.

National Renewables Infrastructure Plan

The National Renewables Infrastructure Plan was produced by Scottish Enterprise in 2010 and outlines the investment required to deliver Scotland's ambition to become a premier location for the manufacturing and deployment of offshore renewable energy devices. Kishorn is identified as one of the sites which would provide investors with the high quality infrastructure required subject to additional enabling site works being undertaken. The NRIP was subject to Strategic Environmental Assessment

Scottish Planning Policy

Expresses strong support for economic growth and support for business and employment generation on sites identified as being of strategic importance.

National Planning Framework for Scotland 2

Promotes sustainable development and mineral supplies and local sourcing commitment to establishing Scotland as a leading location for the development of renewable energy technology and an energy exporter over the long term

PAN 51 – Planning and Environmental Protection

PAN 60 – Planning for Natural Heritage

PAN 1/2013 Environmental Impact Assessment

PAN 3/2010 – Community Engagement

PAN 1/2011 – Planning and Noise

Ferguson McIlveen 1999, Ross and Cromarty Landscape Character Assessment.
No 119 Scottish Natural Heritage Review

8. PLANNING APPRAISAL

- 8.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.2 This means that the application requires to be assessed against all policies of the Development Plan relevant to the application, all national and local policy guidance and all other material considerations relevant to the application.

- 8.3 The proposal requires to be assessed in terms of the Adopted Wester Ross Local Plan 2006 (as continued in force) and the adopted Highland wide Local Development Plan.

The following groups policy themes into headings and provides an assessment of the proposal against each heading.

- 8.4 **Principle of development, siting, design, appearance and compatibility with landscape character, appropriate mix of development, community safety, economic and social development of community (Policies 28, 29, 49, 57 and 61 of the adopted HwLDP)**

The site is identified as wider countryside by the adopted Wester Ross Local Plan, it is located beyond the boundaries identified for the Kishorn Yard industrial allocation. Determining policy criteria are provided by the following policies of the adopted Highland wide Local Development Plan: Policy 36 (Development in the Wider Countryside); Policy 57 (Natural, Built and Cultural Heritage); Policy 28 (Sustainable Design); and Policy 29 Design Quality and Placemaking. These policies seek to achieve development which is acceptable in terms of siting and design and which respects the local landscape and character of the area. The proposal also requires to be considered as part of a larger overall scheme given it is fully associated with planning application 13/02272/FUL for the redevelopment and expansion of activities within the existing Kishorn Yard. Policy 42 of the adopted HwLDP supports development outwith identified business and industrial sites if the land requirement is from an emerging industry with uncertain size and locational characteristics (such as marine renewables). The anticipated socio-economic benefits that could result from the overall proposal are also relevant to the assessment of this proposal.

- 8.5 It is proposed to provide onsite workers accommodation due to the remote location of the site. The socio-economic assessment provided in the ES identifies potential workforce and it is acknowledged that workforce from outwith the local area will be required. In this instance on site workers accommodation is considered the most appropriate and sustainable solution to providing accommodation for workers as there is no capacity within the local settlements for the level of accommodation required and given the timescales for it to be delivered. Onsite accommodation also reduces the need for daily travel to work.

- 8.6 The proposal will help to support local communities in an identified fragile area in that it will offer employment opportunities for local people which will assist with population retention. Opportunities for community integration can be identified through the Local Liaison Group which requires to be established as a condition of the application for redevelopment and expansion of operations at the yard (13/02272/FUL). It is also considered likely that workers will utilise local facilities and shops outwith their working hours.

- 8.7 The site occupies a low lying green field located immediately adjacent to the coastal edge. As it is situated within an area of existing industrial development it will be viewed in the context of existing industrial use. The proposal has the potential to impact upon the special qualities of the NSA, particularly the superb coast and coastal views; the distinctive and populated coastal settlements and a

landscape which comprises of many layers, with visual continuity of coastal, moorland and mountain. However, with the right approach to layout and design, the Planning Authority in consultation with SNH considers that it is possible to integrate this new development without affecting the special qualities or having an impact on the integrity of the NSA.

- 8.8 An accommodation area development brief has been prepared in support of this application. This highlights the design concepts that will be followed to achieve the best fit of the new development into the landscape and to ensure that the layout and design should be distinct from the industrial nature of the Kishorn Yard. In general the Planning Authority in consultation with SNH consider that these concepts are appropriate for informing the specific design of the development and minimising the impacts on the special qualities of the NSA. Of particular importance is the layout of residential units to mimic traditional settlement patterns. In the coastal areas these tend to follow a linear pattern with closely spaced houses associated with the coastal strip along with more dispersed houses related to landform features such as rock outcrops and breaks of slope.
- 8.9 The design brief also suggests highlighting key buildings such as the welfare block and the managers' units. This approach is supported to achieve the overall aim of mimicking traditional settlement patterns it is important that these key buildings are of traditional design.
- 8.10 An indicative layout is provided in the application but it is considered that this could be amended at detailed design stage to better achieve the stated design concepts. The density of buildings shown in the indicative details is too great to create the effect of a scattered settlement and there should be greater emphasis on creating a linear pattern throughout the site. As stated within the design brief, the shape, size and colour of the buildings will be important - as will be the use of different finishes, such as wooden panelling.
- 8.11 This application is for planning permission in principle and it is considered that the site can accommodate development without significant adverse impacts. It is also acknowledged that this proposal is critical to the development of the wider yard site. Further discussion regarding the specific siting, design and external appearance of the development can take place between the developer, The Highland Council, SNH and SEPA.
- 8.12 **Compatibility with service provision, access and parking (Policies 28 and 56 of the adopted HwLDP)**
- Private drainage and water supply solutions are proposed for the wider site and the proposed accommodation area, these proposals are assessed in the report for 13/02272/FUL. The Planning Authority in consultation with SEPA and TECS considers that appropriate water and drainage solutions can be provided for the accommodation area. Further details will require to be submitted as part of a future application for matters specified in conditions.
- 8.13 It is not considered that this development will result in unacceptable impacts on the public road network as it is proposed for the overall development that plant and materials will be brought to the site by sea for both construction and operational

stages. The majority of staff will be based in the workers accommodation on-site thereby reducing the requirement for vehicle movements on the local road network. For non-local employees living off-site a transportation plan will be put in place which involves public transport to key pick-up locations, from where they will be bussed or potentially taken by boat direct to site. Daily car movements will relate to local employees traveling to and from work. In their consultation response TEC Services did not object to the proposals subject to appropriate conditions.

8.14 The proposal does not raise issues regarding public access or rights of way.

8.15 **Safeguard natural and cultural heritage assets, protected and other important species, habitats and non renewable resources (Policies 28, 57 58, 59 and 60 of the adopted HwLDP)**

Surveys have been carried out to assess the presence of and potential for impact on protected species and potential for impacts on designations - The Beinn Bhan SSSI /SPA is located approx. 500m to the north at its closest point, on the northern side of the Bealach na Ba road. Rassal SSSI/SAC is located approx. 2.1km to the north east at its closest point, at the junction of Tornapress.

8.16 The Planning Authority in consultation with SNH agree that existing habitats on the site are not exceptional and that restoration to a mix of heath and grassland will improve biodiversity and provide a better integration of the site into the surrounding hillside. The restoration chapter of the ES, refers to the use of a 'nurse' grass crop as well as locally sourced heather brush. The Planning Authority considers, in consultation with SNH that a species mix appropriate to the site should be used, it is appropriate to condition this.

8.17 The otter surveys undertaken in 2011, 2012 and 2013 did not reconfirm the presence of otters except at one location adjacent to the Russel Burn. However, it remains likely that they will occur within the vicinity of the site from time to time. The Planning Authority supports the recommendation in the ES that pre construction surveys should be carried out prior to each phase of development to determine whether the current situation changes and there is a requirement for any mitigation and or licence. This approach is supported by the Planning Authority in consultation with SNH.

8.18 **Cultural heritage (Policies 28 and 57 of the adopted HwLDP)**

The assessment of historic assets within and outwith the site indicates that impacts will be negligible. The ES states that a programme of archaeological evaluation will be undertaken and mitigation will be identified to ensure the appropriate treatment of any unexpected discoveries. The Planning Authority in consultation with Historic Scotland agrees with the assessment contained within the ES.

8.19 **Physical constraints - flood risk (Policies 30 and 64 of the adopted HwLDP)**

The application indicates that finished ground levels, access routes and floor levels will all exceed the expected 1 in 200 year coastal flood level for the area and will incorporate a reasonable freeboard allowance (0.6m). In consultation with SEPA and TECS Flood Risk Team, the Planning Authority is satisfied that the

development, will not have any adverse impact on flood risk elsewhere. The assessment in the ES concludes that the proposal will not compromise the objectives of the Water Framework Directive.

The potential for flooding, as a consequence of the development is assessed as negligible. The Planning Authority in consultation with SEPA and TECS Flood Risk Team is satisfied that the proposal will not represent an unacceptable flood risk.

8.20 **Developer contributions (Policy 31 of the adopted HwLDP)**

The Council's planning gains negotiator has advised that the proposal does not create a need for new or improved services which would require a developer contribution as the proposal is for specific workers accommodation and not for mainstream residential development. Nor is the proposal considered to be an HMO in terms of planning policy. Occupation of the accommodation can be controlled through condition.

8.21 **Restoration**

It is appropriate to grant temporary consent for the accommodation units given the nature of the proposal and structures proposed. Restoration Submission of detailed restoration plans can be conditioned.

8.22 **Pollution (Policies 28, 63, 72 and 73 of the adopted HwLDP)**

8.23 **Lighting**

Full details have not been provided at this stage as this depends on the operational requirements of the site operator. It is recognised that lighting has the potential to impact on visual/residential amenity. It is therefore important that a lighting plan is produced that addresses issues of light pollution and spill both within and outwith the site relative to the specific operational requirements. Submission of this can be conditioned. It is considered based on the outcome of the ES and experience elsewhere that the issues associated with lighting can be appropriately addressed.

8.24 **Noise**

The Council, specifically TECS Environmental Health, has powers under S60 of the Control of Pollution Act 1974 (COPA) to stipulate controls with regard to construction noise. TECS Environmental Health request that the developer applies for consent under S61 of the COPA to discuss and agree the exact restrictions on working hours, limits and practices prior to the commencement of construction approved under this permission. This is outwith the remit of the planning system.

Once operational it is not considered that the accommodation area and its associated facilities will result in unacceptable noise impacts.

8.25 **Material Considerations**

The following addresses material considerations raised by third parties which are not already addressed in the policy assessment above.

The Planning Authority is sympathetic to the concerns of the fish/shellfish operators. It is however considered that concerns regarding bio-security can be addressed through management practices. Pollution prevention will require to be managed by the developer/site operator and will be regulated by SEPA. Potential for impacts on the marine environment will also be assessed by Marine Scotland through their licensing regime. In recognition of the concerns raised, a footnote is proposed to draw this matter to the developer's attention.

8.26 Other Considerations – not material

The following addresses matters raised by third parties which are not material to the assessment of the planning application.

- 8.27 The applicant/agent has advised that medical services will be provided on site. The site will also be subject to HSE regulation. Medical and emergency services are public services and it is the responsibility of the relevant agencies to make appropriate provision for these services in response to development. It is not within the remit of the planning service to ensure that such services are adequately provided.

Some concerns have been raised in relation to the perception of the character of the area and possible crime through the influx of workers. This does not represent a material planning consideration in the assessment of this proposal.

9. Matters to be secured by Section 75 Agreement

None

10. CONCLUSION

- 10.1 The overall proposal involves a number of elements in order to facilitate use of the existing yard as a base for construction, manufacturing and servicing facilities for the off-shore renewables sector. Kishorn Yard is identified nationally and locally as a strategic industrial site. The site has the potential to be a significant economic and employment driver for the both the local and wider national economy. This application for additional accommodation units is critical to the overall proposal.
- 10.2 It is acknowledged that the proposal will bring about physical and environmental changes to the site from the current situation. It is considered that potential impacts have been satisfactorily identified and appropriate mitigation measures identified in the ES.
- 10.3 All relevant matters have been taken into account when appraising this application. It is considered on balance that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

11. RECOMMENDATION

N

Action required before decision issued

Subject to the above, it is recommended the application be **granted** subject to the following conditions and reasons:

1. No development shall commence until all of the matters specified below have been approved on application to the Planning Authority:
 - i. a detailed layout of the site of the proposed development (including site levels as existing and proposed);
 - ii. the design and external appearance of the proposed development;
 - iii. landscaping proposals for the site of the proposed development (including boundary treatments);
 - iv. details of access and parking arrangements; and
 - v. details of the proposed water supply and drainage arrangements which shall connect into the drainage system for the overall yard site.
 - vi. details of restoration and decommissioning

Reason: Planning permission is granted in principle only and these specified matters must be approved prior to development commencing.

2. No development shall commence until a detailed phasing programme including a timetable for each working zone of the development and the anticipated end of design life of each working zone has been submitted to and approved in writing by the Planning Authority. This development shall be integrated with the phasing programme for planning application 13/02272/FUL. Thereafter the development shall be completed in accordance with the approved details unless the prior written approval of the Planning Authority is granted for any variation. For the avoidance of doubt, no development shall commence on this site until completion of the accommodation units approved under 13/02272/FUL, unless with the prior written agreement of the Planning Authority.

Reason: To ensure the development is implemented in accordance with the provisions of the application and associated documents and to facilitate monitoring. Development of the existing brownfield land within the yard should take place prior to development of greenfield land.

3. The development shall be undertaken in accordance with the application, environmental statement, identified mitigation and approved plans, except insofar as amended by the terms of this consent or as approved by the Planning Authority in consultation with other relevant authorities.

Reason: To ensure the development is implemented in accordance with the provisions of the application and associated documents.

4. No development shall commence until a detailed and site specific Construction Method Statement, Construction Environment Management Plan, Operational Environmental Management Plan for each working zone (as set out in the phasing plan) have been submitted to and approved in writing by the Planning Authority in consultation with SEPA and SNH. Thereafter the development shall be completed

in accordance with the approved details. This development shall be integrated with the aforementioned plans for 13/02272/FUL. Thereafter the development shall be completed in accordance with the approved details unless the prior written approval of the Planning Authority is granted for any variation.

Reason: In the interests of safeguarding the environment and pollution prevention.

5. No development shall commence until full details of the SUDS proposed for each working zone, has been submitted to and approved in writing by the Planning Authority in consultation with SEPA and TECS Roads. This submission shall take the form of a detailed plan and drainage impact assessment and should address the following:

- Identification, containment and suitable treatment of any particularly polluting working areas (fuel delivery areas and areas where vehicles, plant and equipment are refuelled; vehicle loading or unloading bays where potentially polluting matter is handled; oil and chemical storage handling and delivery areas).
- Three levels of SUDS treatment (or other agreed treatment) for all general hardstanding and working areas;
- Two levels of SUDS treatment for all new roads;
- Detailed proposals for water harvesting or reuse;
- Location point of all discharges. Discharges directly into the shellfish growing and harvesting areas shall be avoided as far as practicable.
- How all flows up to and including the 1 in 200 year event will be contained in the site boundary without causing flooding to property or critical roads. Flood flow routes shall be indicated on an appropriate drawing
- How the drainage will remain functional during extreme tidal levels
- Long term maintenance responsibilities of the SUDS drainage features
- Minimum buffer zone of 6m free from development from the top of the bank of any bodies of water and any proposed new development

In addition to the above the drainage assessment shall also accord with the Council's Supplementary Guidance: Flood Risk and Drainage Impact Assessment. Thereafter the development shall be completed in accordance with the approved details unless with the prior written approval of the Planning Authority.

Reason : Outline information has been provided with the application which demonstrates that suitable SUDS and other drainage could be fitted on the site; detailed information is required prior to commencement of development in the interests of safeguarding the environment and pollution control.

6. No development shall commence until exact arrangements for potable water and foul drainage (including a programme for implementation) for each working zone (as set out in the phasing plan) have been submitted, to, and approved in writing by, the Planning Authority. Thereafter the development shall be completed in accordance with the approved arrangements and timescales. For the avoidance of doubt all foul drainage must connect into the approved foul drainage system.

Reason: In the interests of public health and to ensure there are not a proliferation of foul drainage discharges from the site to the detriment of the environment.

7. For the avoidance of doubt, any new building/portacabin structures located within the site shall have a minimum finished floor level of 4.55m AOD.

Reason: To reduce the risk from coastal flooding.

8. At least two years prior to the end of the design life of each working zone of the development as set out in the phasing programme referred to by condition 2, an updated decommissioning and restoration plan for the site shall be submitted to and approved in writing by the Planning Authority in consultation with SEPA and

SNH. The plan shall be based on best practice current at the time of submission and shall include timescales. Thereafter restoration shall be carried out in accordance with the approved details.

Reason: In the interests of amenity to ensure appropriate and timeous restoration of the site. Different parts of the site encompass different activities, with variable timescale of completion and restoration requirements.

9. At least one month prior to the commencement of development, the developer shall provide to the Planning Authority written details of the bond or other financial provision which it proposes to put in place to cover all site restoration costs at the end of the period of this consent. The developer shall also provide an independent confirmation by a Chartered Surveyor (whose appointment for this task has been approved by the Planning Authority) that the amount of the bond or financial provision so proposed is sufficient to meet the full estimated costs of decommissioning, dismantling, removal, disposal, site restoration, remediation and incidental works as well as associated professional costs. No work shall commence on site until written confirmation has been given by the Planning Authority to the developer to the effect that the proposed bond or other financial arrangement is satisfactory and the developer has confirmed to the Planning Authority that it has been put in place.

Reason: To ensure financial security for the cost of site reinstatement to the satisfaction of the Planning Authority.

10. Any details pursuant to condition 1 above shall include a fully detailed site layout, plans and elevations of each building/structure including a detailed specification for all proposed external materials and finishes (including trade names and samples where necessary). Thereafter, development and work shall progress in accordance with these approved details.

Reason: In the interests of visual amenity and given the sites location within the National Scenic Area. The developer is encouraged to enter into further pre-application discussions, coordinated by the Planning Authority, regarding the specific siting, design and external appearance of development within the site prior to the submission of any future applications for matters specific in conditions.

11. Any details pursuant to condition 1 above shall include full details of any external lighting to be used within the site and/or along its boundaries and/or access have been submitted to, and approved in writing by, the Planning Authority in consultation with SNH. Such details shall include full details of the location, type, angle of direction and wattage of each light which shall be so positioned and angled to prevent any direct illumination, glare or unnecessary light spillage. Details shall also include an assessment of the impact of lighting on nearby settlements/residential properties. Thereafter the development shall be completed and maintained in accordance with the approved details.

Reason: In order to ensure that any lighting installed within the application site does not spill beyond the intended target area, does not impact adversely upon the amenity of adjacent properties and does not result in 'sky glow'.

12. A pre-commencement survey for otters shall be undertaken prior to each phase of development (as specified in the phasing programme referred to by condition 2) and shall be submitted to and approved in writing by the Planning Authority in consultation with SNH. The survey shall include mitigation measures where any impact, or potential impact, on protected species or their habitat has been identified. The exact scope and phasing of survey work shall be agreed in writing with the Planning Authority in consultation with SNH prior to commencement of development within the site. Development and work shall progress in accordance with any mitigation measures contained within the approved report of survey and the timescales contained therein.

Reason: The otter surveys undertaken in 2011, 2012 and 2013 did not reconfirm the presence of otters except at one location adjacent to the Russell Burn. However, SNH consider that it remains likely that they will occur within the vicinity of the site from time to time. Otters are European Protected Species (EPS) and if the current situation has changed there may be a requirement for mitigation and or an EPS licence.

13. No development shall take place until a 30m buffer has been marked out and maintained from all watercourses at all times.

Reason: To avoid possible disturbance to otters using the Russell Burn. The otter surveys undertaken in 2011, 2012 and 2013 did not reconfirm the presence of otters except at one location adjacent to the Russell Burn. However, SNH consider that it remains likely that they will occur within the vicinity of the site from time to time. The 20m buffer recommended in the Environmental Statement (ES) does not accord with best practice.

14. Any details pursuant to condition 1 above shall include details of any new fencing. Wooden post and protected weld mesh or similar fencing materials shall be used. Thereafter the development shall be completed in accordance with the approved details.

Reason: In the interests of visual amenity given the location of the site within the National Scenic Area.

15. Any details pursuant to condition 1 above shall include details of signage. Thereafter the development shall be completed in accordance with the approved details.

Reason: In the interests of visual amenity given the location of the site within the National Scenic Area.

16. Prior to the commencement of development, an updated Traffic Assessment and Traffic Management Plan shall be submitted to and approved in writing by the Planning Authority in consultation with the Roads Authority. The Traffic Assessment and Traffic Management Plan shall be implemented in accordance with the approved details for the duration of construction

Reason: In the interests of road safety. The ES contains details but it is recognised that these details could change.

17. Prior to commencement of operation of the development hereby approved an updated operational Traffic Assessment and Traffic Management Plan shall be submitted to and approved in writing by the Planning Authority in consultation with the Roads Authority. Thereafter the operation shall proceed in accordance with the approved details in perpetuity.

Reason: In the interests of road safety. The ES contains details but it is recognised that these details could change.

18. For the avoidance of doubt, the accommodation units hereby approved shall be occupied solely by persons employed on site at Kishorn Yard.

Reason: In the interests of amenity and to accord with the terms of the planning permission.

19. Planning permission for all “temporary structures” such as portacabins and modular buildings is hereby granted for a temporary period of FIVE YEARS only from the date of commencement of development. Prior to the expiry of the five years, the application site shall be cleared of all development approved under the terms of this permission (including any subsequent ancillary works, infrastructure, fixtures, fittings and any temporary developments permitted under Class 14 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended)) and reinstated in accordance with the approved restoration scheme.

Reason: In the interests of amenity as these are temporary structures.

REASON FOR DECISION

On balance the proposals accord with the provisions of the Development Plan and there are no material considerations which would warrant refusal of the application. The proposal is a critical element in the redevelopment and expansion of operations at the existing industrial yard. Potential impacts have been identified and addressed and mitigation measures identified.

DIRECTION UNDER SECTION 59(5) REGARDING THE TIME LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION IN PRINCIPLE

The Highland Council hereby makes the following Direction under Section 59(5) of the Town and Country Planning (Scotland) Act 1997 (as amended). An application or applications for the approval of matters specified in conditions attached to this planning permission in principle must be made no later than whichever is the latest of the following:

- i. The expiry of FIVE YEARS from the date on this decision notice;
- ii. The expiry of SIX MONTHS from the date on which an earlier application for the requisite approval was refused; or
- iii. The expiry of SIX MONTHS from the date on which an appeal against such refusal was dismissed.

The development to which this planning permission in principle relates must commence no later than TWO YEARS from the date of the requisite approval of any matters specified in conditions (or, in the case of approval of different matters on different dates, from the date of the requisite approval for the last such matter being obtained)., whichever is the later. If development has not commenced within this period, then this planning permission in principle shall lapse.

FOOTNOTE TO APPLICANT

Accordance with Approved Plans & Conditions

You are advised that development must progress in accordance with the plans approved under, and any conditions attached to, this permission. You must not deviate from this permission without consent from the Planning Authority (irrespective of any changes that may separately be requested at the Building Warrant stage or by any other Statutory Authority). Any pre-conditions (those requiring certain works, submissions etc. prior to commencement of development) must be fulfilled prior to work starting on site. Failure to adhere to this permission and meet the requirements of all conditions may invalidate your permission or result in formal enforcement action

Flood Risk

It is important to note that the granting of planning permission does not imply there is an unconditional absence of flood risk relating to (or emanating from) the application site. As per Scottish Planning Policy (p.198), planning permission does not remove the liability position of developers or owners in relation to flood risk.

Mud & Debris on Road

Please note that it is an offence under Section 95 of the Roads (Scotland) Act 1984 to allow mud or any other material to be deposited, and thereafter remain, on a public road from any vehicle or development site. You must, therefore, put in place a strategy for dealing with any material deposited on the public road network and maintain this until development is complete.

Damage to the Public Road

The Council, under Section 96 of the Roads (Scotland) Act 1984, reserves the right to recover all costs for repairing any damage to the public road (and/or pavement) which can be attributed to construction works for this development. The section of road referred to is from the junction of the site access with the public road to the junction of Applecross/Tornapress.

Construction Noise

You are advised to apply to the Council's Environmental Health Officer under Section 61 of the 1974 Act for formal consent to work at specific times and days of the week. Any decision taken will reflect the nature of the development, the site's location and the proximity of noise sensitive premises. Please contact env.health@highland.gov.uk for more information.

SEPA

Generally the finalised CEMP should be based on the framework CEMP submitted and address the pollution prevention and management issued outlined on SEPA'S website at www.sepa.org.uk/planning/construction_and_pollution.aspx. SEPA have provided further advice to the applicant on this in Section 13 below. They should be on site during all construction works and should have suitable authority to be able to stop works, if required.

This shall also refer to The Highland Council's Guidance Note on Construction Environmental Management Process for Large Scale Projects.

The EMP's should be site-specific and detailed in nature and should incorporate development-specific pollution prevention and mitigation measures for all construction or operation elements potentially capable of giving rise to pollution. Full details of what should be included in the Construction EMP can be found on SEPA's website at www.sepa.org.uk/planning/construction_and_pollution.aspx.

Modelling information for the foul drainage system is not included in the ES and as a result SEPA cannot give advice on where a suitable location for the discharge is likely to be. This means there could be a requirement for a very long pipe or for the discharge point to be located in an area which is challenging for engineering. It is at the developers own risk if subsequent information demonstrates that a requirement for an expensive or difficult to engineer solution is required.

Fish Farm Interests

In view of concerns raised regarding bio-security of neighbouring fish farms, the developer is strongly advised to engage in discussions with the fish farm operators at the earliest opportunity.

Private Water Supply

For the avoidance of doubt, use of a private water source will require to comply with the Private Water Supply (Scotland) Regulations 2006.

Major Development & Schedule 3 Development Site Notice

Prior to the commencement of this development, the attached Site Notice must be posted in a publicly accessible part of the site and remain in place until the development is complete. This is a statutory requirement of the Town and Country Planning (Scotland) Acts and associated regulations.

Other Consents

Other consents including will be required The developer is advised to contact the issuing bodies direct. Planning permission does not guarantee that approval will be given.

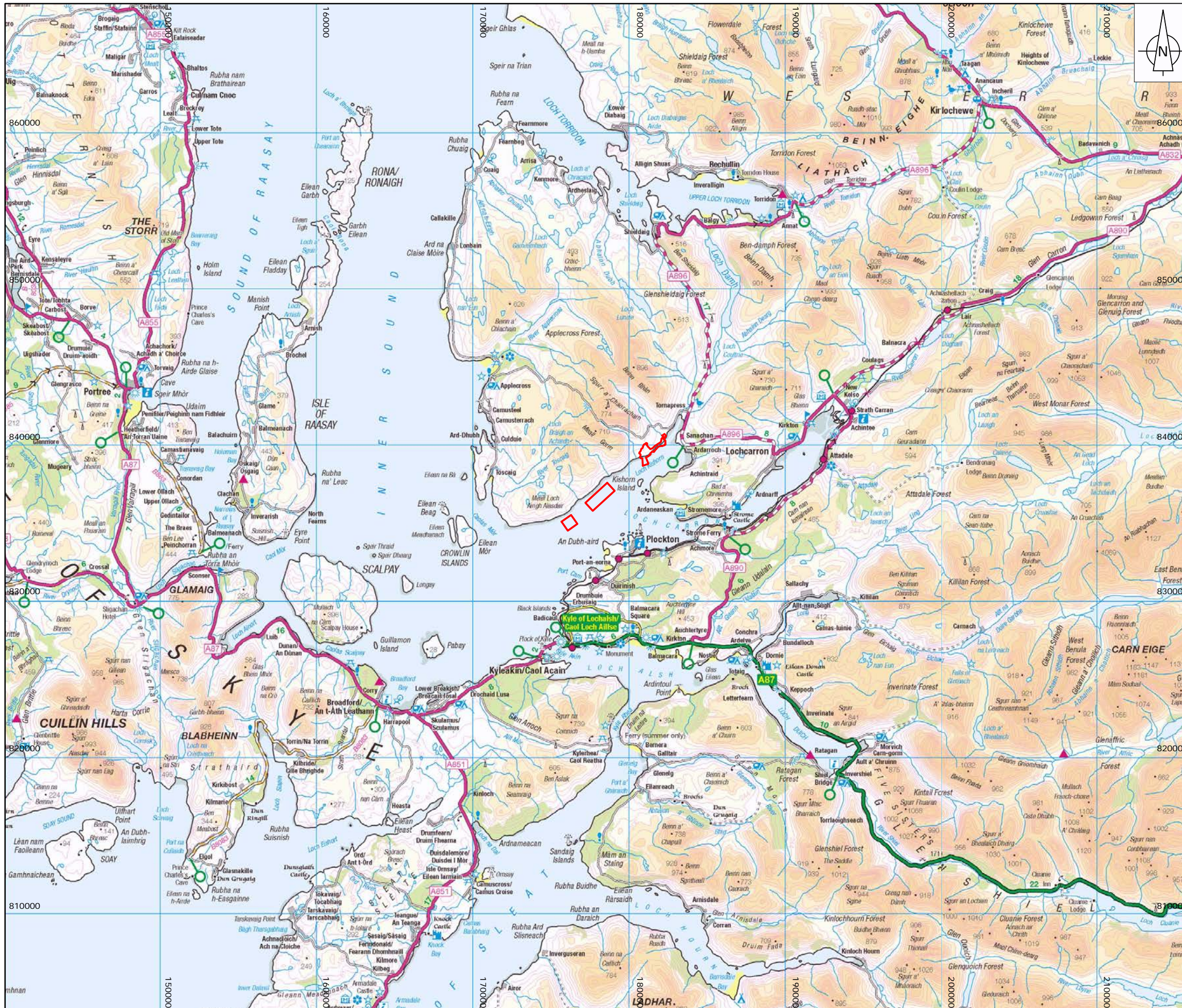
Signature: Dafydd Jones
Designation: Area Planning Manager - North
Author: Emma Forbes
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Refer to appendix

Appendix – Letters of Representation

Name	Address	Date Received	For/ Against
Ms Marion MacKenzie	The Corran, No.2 , Achintraid, Kishorn, Wester Ross, IV54 8XD	24.07.2013	For
Dr Helen Stewart	16 Achintraid, Kishorn, Strathcarron, IV54 8XB	03.08.2013	For
Miss Alice MacIennan	Isle View, Shieldaig, Strathcarron, IV54 8XN	04.08.2013	For
Mr V McNeil Ms S Dean	Little Courthill, Kishorn, Strathcarron , IV54 8XD Little Courthill, Kishorn, Strathcarron , IV54 8XD	04.08.2013	Against
Dr Iain D Strath		04.08.2013	Against
Mr Alan Gray		05.08.2013	Against
Mr Donnie Morrison	Narrachan, Kishorn, Strathcarron, Rossshire, IV54 8XA	05.08.2013	For
Mr and Mrs Tony & Carolyn Caminiti	10 Kirkton Road, Lochcarron, IV54 8UF	06.08.2013	Against
Mr R Matheson	Seafield Lodge, Kishorn, Strathcarron, IV54 8XA	06.08.2013	Against
Mr Robert Crosthwaite	'Onnela', Kishorn, Strathcarron, IV54 8XA,	06.08.2013	Against
Mr D Graham West	Shepherd's Cottage, By Nostie, Kyle Of Lochalsh, Ross-shire, , IV40 8EQ	06.08.2013	Against (qualified)
Mr Stuart Mackenzie	Bellevue, Main Street, Lochcarron, IV54 8YB	06.08.2013	For
Mr & Mrs Graham & Nicola Macaulay-Smith	Allt Beag, Achintraid, Kishorn, IV54 8XB	07.08.2013	Against (qualified)
Gill Wilson	Craigellachie, Achintraid, Kishorn, Strathcarron, IV54 8XB	07.08.2013	Against
Mrs Carol Cocks	Ardoch House, Kishorn, Strathcarron, IV54 8XA	07.08.2013	Against
A J E Lyon	Carn Na Feidh, Kishorn, Strathcarron, Ross-shire, IV54 8XD	08.08.2013	Against
The Scottish Salmon Company	Ardkinglass, Cairndow, Argyll	17.07.2013	Against (qualified)
James Mould Business Services	Tigh Charrann, Croft Road, Lochcarron, Strathcarron, IV54 8YA	07.08.2013	Against
Mrs Hilary Rooke	Craig House, Strathcarron, IV548YU	07.08.2013	For


Lochcarron & District Business Association	Alastair Baxter, Ardoch , Kishorn, Strathcarron , IV54 8XB	07.08.2013	For (qualified)
Alastair Baxter	Ardoch , Kishorn, Strathcarron, IV54 8XA	07.08.2013	Against
Mr & Mrs B L & B Key	Little Courthill, Kishorn, Strathcarron , IV54 8XD	08.08.2013	Against
Mr Michael Stuart Green	Corrack, Lochcarron, Strathcarron, Wester Ross, IV54 8YB	08.08.2013	Against
Mr Matthew Webster	Torridon Youth Hostel, Torridon, Achnasheen, IV22 2EZ	08.08.2013	Against
Mr Ian Smith	Pier House, Ardarroch, Kishorn, IV54 8XA	08.08.2013	Against
Joy Moran, Manager	The Lochcarron Weavers Shop, Mid Strome, Lochcarron, Ross-shire	08.08.2013	For
Ms Margaret Arscott	Soluis Mu Thuath, Guest House, Braeintra, By Achmore, Lochalsh, IV53 8UP	08.08.2013	For
Mr & Mrs N & E Cameron	Tuesday Cottage, Shieldaig, Strathcarron, IV54 8XN	08.08.2013	For
Mr Fraser Mackenzie	Balnacra, Strathcarron, Ross-Shire, IV548YU	08.08.2013	For
Mr Mark Pattinson Mrs Gillian Pattinson	Brynaport, Achintraid, Kishorn, IV54 8XB Brynaport, Achintraid, Kishorn IV54 8XB	08.08.2013 07.08.2013	Against Neutral
Miss Eilidh Finlayson	An Dail, Kishorn, Strathcarron, IV54 8XA	09.08.2013	Against
Alison Raeside	Couldoran, Kishorn, Strathcarron, IV54 8UY	09.0.2013	Against
	Rhumasord, Achintraid, Kishorn, Strathcarron, IB54 8XB	09.08.2013	Against
Victoria Glenn-Davies	Garden House, Oxenfoord, Pathhead, EH37 5UB,	14.08.2013	Against
Ewen Macpherson	Attadale, Strathcarron, IV54 8YX	09.08.2013	Neutral
Mr Tony Wilkinson	Spar, Lochcarron, IV54 8YD	09.08.2013	For
Lochcarron Development Officer Kristine Mackenzie	The Station, Strathcarron, Strathcarron, IV54 8YR	09.08.2013	For
Mrs P A Goodman	Coulags Croft, Coulags, Strathcarron, IV54 8YU	09.08.2013	For
West Coast Storage/Peter Mackenzie	Industrial Estate, Lochcarron, IV54 8YS	09.08.2013	For
Mr Stanley Jackson	Tigh na Mara, Lochcarron, IV54 8YB	13.08.2013	Against
Ms & Mr Aileen & Peter Grant & Barr	Hawthorndene, Main Street, Lochcarron, IV54 8YB	06.09.2013	Against

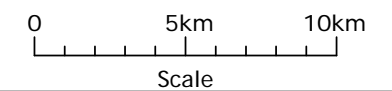
Mr Michael Turner	Kishorn Shop, Kishorn, Strathcarron IV54 8XA	08.08.2013	Neutral
Mrs Rosemary Arthur	An Sgurr, Achintraid, Kishorn, Strathcarron IV54 8XB	09.08.2013	Neutral



GENERAL LOCATION PLAN

Legend

 Development Footprint



Client: KISHORN PORT LTD

Project: KISHORN YARD DEVELOPMENT

Title: GENERAL LOCATION PLAN

Figure: 1.1

Drawn: JHRW

Scale: 1:250,000

Checked: KVD

Date: 29.05.13

Sheet Size:A3

Dalglish Associates Ltd

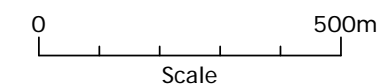
ENVIRONMENTAL, MINERAL AND
PLANNING CONSULTANTS
CATHEDRAL SQUARE
DUNBLANE FK15 0AH
Tel: 01786 822339
Fax: 01786 822899



SITE LOCATION PLAN

Legend

-  Planning Application Boundary
-  Marine Licence Area
- A** Kishorn Yard Industrial Site
- B** Accommodation Area
- C** Pontoons



Client: KISHORN PORT LTD.

Project: KISHORN YARD DEVELOPMENT

Title: SITE LOCATION PLAN

Figure: 1.2 Drawn: EM
 Scale: 1:12,500 Checked: KVD
 Date: 28.05.13 Sheet Size: A3

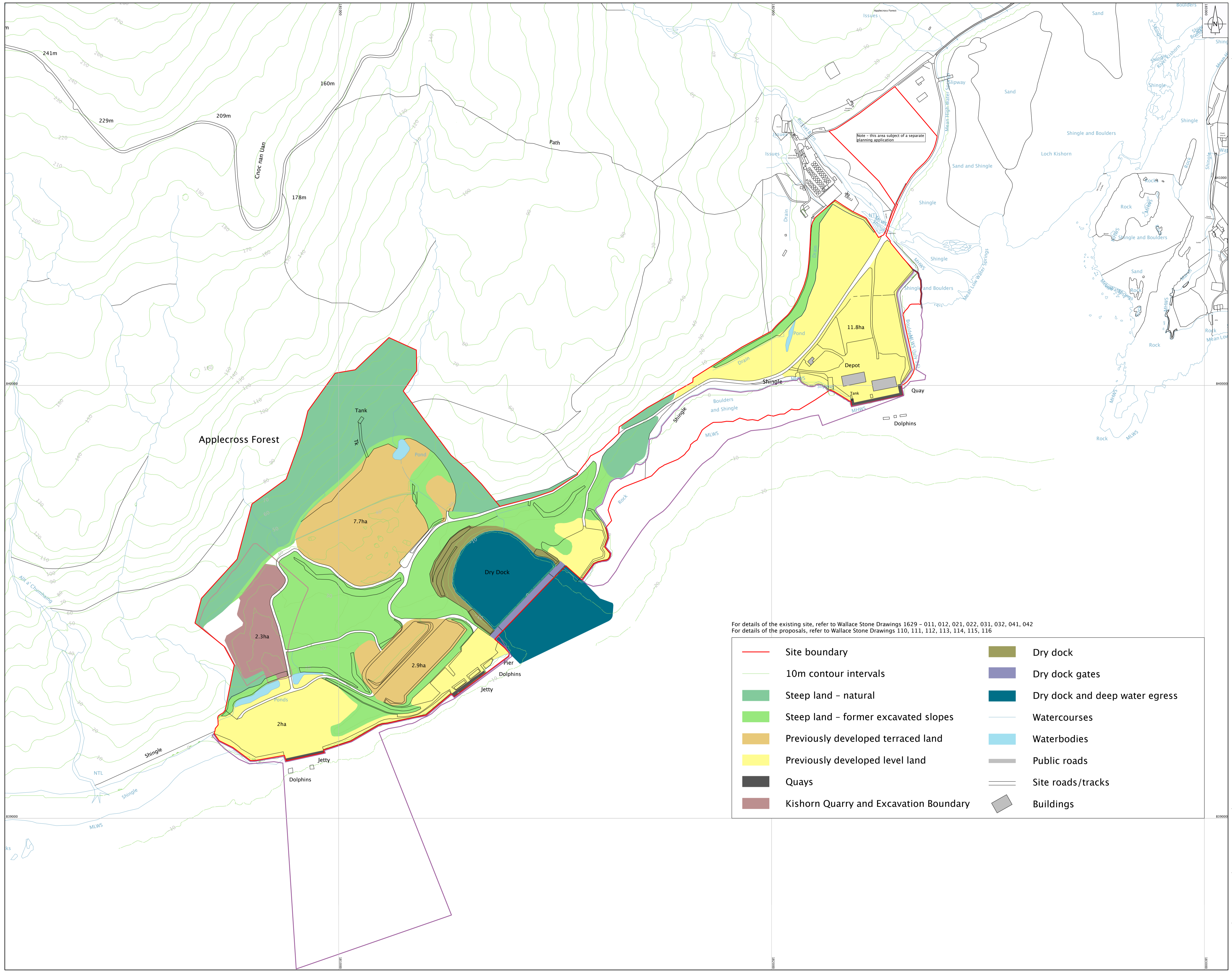
Dalglish Associates Ltd

ENVIRONMENTAL, MINERAL AND
 PLANNING CONSULTANTS
 CATHEDRAL SQUARE
 DUNBLANE FK15 0AH
 Tel: 01786 822339
 Fax: 01786 822899



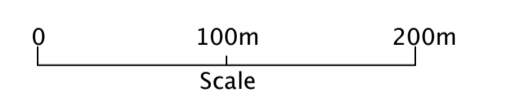
EXISTING LAYOUT PLAN

- Legend
- Planning Application Area
 - Marine Licence Area



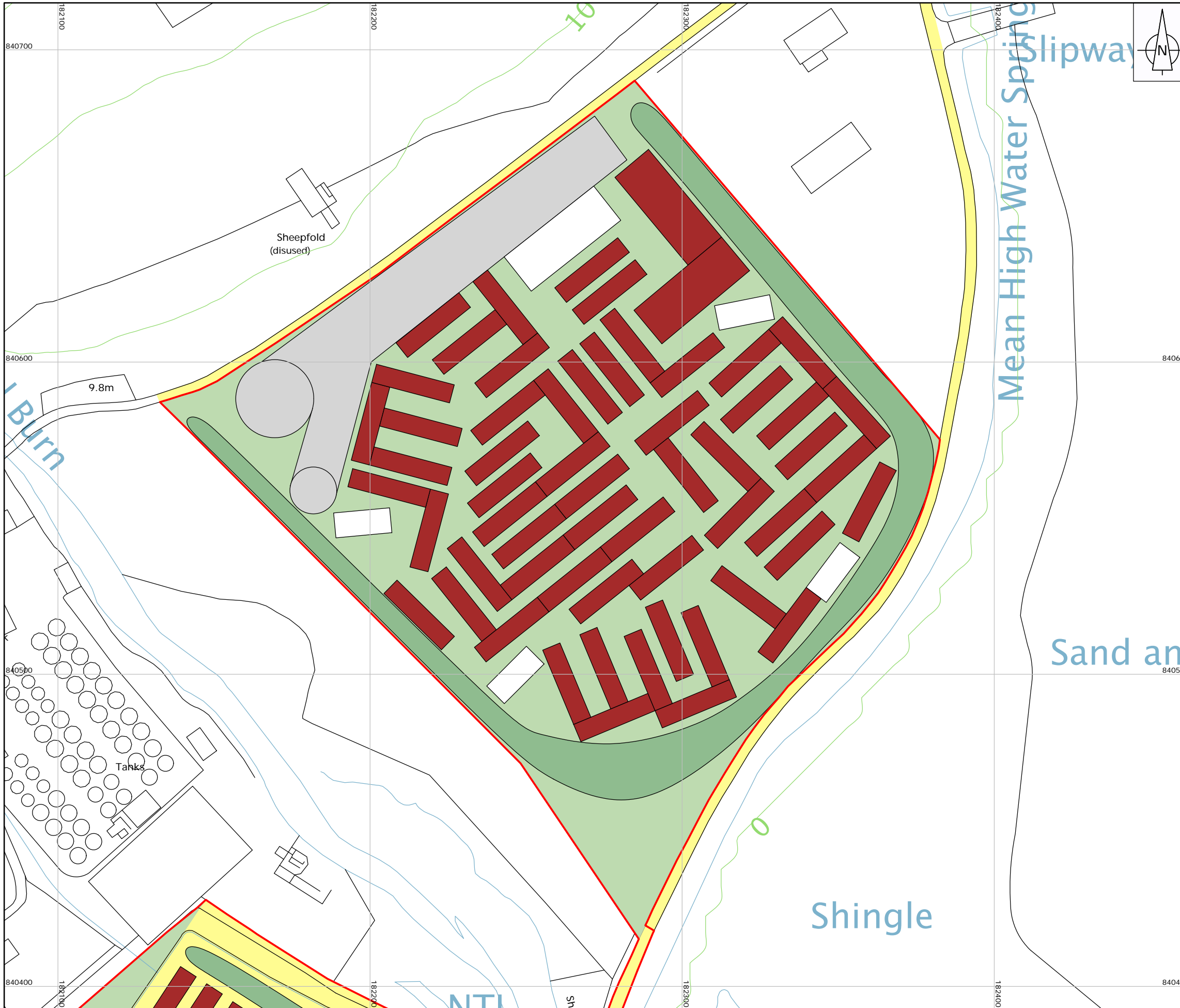
For details of the existing site, refer to Wallace Stone Drawings 1629 – 011, 012, 021, 022, 031, 032, 041, 042
 For details of the proposals, refer to Wallace Stone Drawings 110, 111, 112, 113, 114, 115, 116

	Site boundary		Dry dock
	10m contour intervals		Dry dock gates
	Steep land - natural		Dry dock and deep water egress
	Steep land - former excavated slopes		Watercourses
	Previously developed terraced land		Waterbodies
	Previously developed level land		Public roads
	Quays		Site roads/tracks
	Kishorn Quarry and Excavation Boundary		Buildings

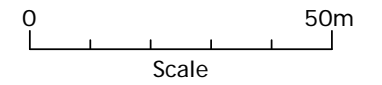


Client: KISHORN PORT LTD.
 Project: KISHORN YARD DEVELOPMENT
 Title: EXISTING LAYOUT PLAN

Figure: 3.1 Drawn: EM
 Scale: 1:4,000 (A1) Checked: KVD
 Date: 28.05.13 Sheet Size: A1



**PLANNING APPLICATION IN PRINCIPLE
WORKFORCE ACCOMMODATION PLAN**



Client: KISHORN PORT LTD.

Project: KISHORN YARD DEVELOPMENT

Title: PLANNING APPLICATION IN PRINCIPLE
WORKFORCE ACCOMMODATION PLAN

Figure: PPP1

Drawn: EM

Scale: 1:1,250

Checked: KVD

Date: 14.06.13

Sheet Size: A3

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