

## **The Highland Council**

Minutes of Meeting of the **Planning, Environment and Development Committee** held in the Council Chamber, Council Headquarters, Glenurquhart Road, Inverness, on Wednesday, 8 January 2014, at 10.30 a.m.

### **Present**

Mr T Prag	Mr J McGillivray
Mrs H Carmichael	Mr D Millar
Mr J Crawford	Mr F Parr (substitute)
Mr G Farlow	Mrs M Paterson (substitute)
Mr J Ford	Mr I Renwick
Mr C Fraser	Mr G Rimell
Mr R Greene	Ms G Ross
Mr J Gray	Dr A Sinclair
Mr M Green	Mr H Wood
Mr R Laird	Mr D Hendry
Mr B Lobban	Dr D Alston
Mr D MacKay	

### **Non-Members also present:**

Mr A Baxter	Mrs D MacKay
Mr B Clark	Mr B Murphy
Mr K Gowans	Mr G Phillips
Mr D Kerr	MR J Rosie
Mrs L MacDonald	

### **Officials in attendance:**

Mr S Black, Director of Planning and Development  
Mr M MacLeod, Head of Planning and Building Standards  
Mr G Hamilton, Head of Environment and Development  
Mr A McCann, Economy and Regeneration Manager  
Ms N Wallace, Environment Manager  
Mr S Dalgarno, Development Plans Manager  
Ms A Mackay, Service Support Manager  
Ms A Hackett, Principal Projects Officer  
Mr C Thomas, Research Officer, Planning and Development Service  
Mr D Cowie, Principle Planner, Planning and Development Service  
Mr S Hindson, Planner, Planning and Development Service  
Ms K Briggs, Planner, Planning and Development Service  
Mr J Willet, Highland Biodiversity Officer  
Mrs R Moir, Principal Committee Administrator  
Ms L Lee, Committee Administrator

An asterisk in the margin denotes a recommendation to the Council. All decisions with no marking in the margin are delegated to the Committee.

**Mr T Prag in the Chair**

**1. Apologies for Absence**  
**Liesgeulan**

Apologies for absence were intimated on behalf of Mr J Gordon, Mrs I McCallum and Mr R Saxon.

**2. Preliminaries**  
**Ro-fhiosrachadh**

The Committee **NOTED** and welcomed that:

- the Create and Employ team had achieved a silver award in the COSLA Excellence Awards
- additional funding of £234,000 for the Council's Youth Employment work had been received from the Scottish Government; a report would be brought to the February Committee with further detail
- Vacant and Derelict Land Fund (VDLF) funding of £1.34m had been received from the Scottish Government for 2014/15 projects (item 5 below refers).

**3. Declarations of Interest**  
**Foillseachaidhean Com-pàirt**

The Committee **NOTED** the following declaration of interest:

- Item 6 - Mr G Farlow (Non-financial)

**4. Revenue Budget Monitoring Statement to 30 November 2013**  
**Aithris Sgrùdaidh Buidseat Teachd-a-steach gu 30 Samhain 2013**

There had been circulated Report No. Ped1/14 dated 10 December 2013 by the Director of Planning and Development providing information on the revenue monitoring position for the Planning and Development Service for the period to the end of November 2013. The year-end projected outturn was an underspend of £259,000. The report drew attention to variations within the budget, including: higher than anticipated Planning Fee and Building Warrant fee income; higher than budgeted expenditure on Public Local Inquiries; and savings made through management of staff vacancies and hours.

Having been informed that monies outstanding in respect of the Tullochgribbon Quarry Public Inquiry had now been received, in the sum of £100,000 rather than the £69,000 estimated, the Committee **NOTED** the year-end projected underspend of £259,000; **APPROVED** the Planning and Development Service monitoring report to 30 November 2013; and **AGREED** the management action which had been taken to date.

**5. Capital Expenditure Monitoring to 30 November 2013**  
**Sgrùdadh Caiteachais Calpa gu 30 Samhain 2013**

There had been circulated Report No. Ped2/14 dated 10 December 2013 by the Director of Planning and Development outlining the expenditure and income to 30 November 2013 for the 2013/14 capital programme. Gross expenditure on capital projects for the year was forecast at £405k against budgeted gross expenditure of £647,000.

The report also provided an update on the Vacant and Derelict Land Fund (VDLF) programme. Expenditure to date was low but would increase significantly in the final quarter of the financial year. Substitute VDLF projects had been submitted to the Scottish Government. Information was also provided on a project in Helmsdale for which additional funding was needed.

The report also outlined proposals for process improvements intended to facilitate delivery of capital projects. Actions included a refined process for identification of candidate projects including better opportunities for Ward Members to make suggestions; early assessment of a project's feasibility and fit with the Service Plan; increased use of the wider Environment Team for project delivery; and increased use of Countryside Rangers for countryside facilities management. When, in the course of delivering a project, opportunities arose to usefully extend the works, requests for additional funding would be brought to the Committee, rather than the project being routinely contained within the original budget. The refined processes would be trialled in the coming months and the Committee would be apprised of progress and informed of any further process improvements identified.

A presentation was given by the Principal Projects Manager given illustrating works carried out and in preparation on a number of projects. Attention was drawn to the way the improvements supported economic development through tourism by providing enhanced visitor experience. In discussion, appreciation was expressed for the works undertaken - projects supporting tourism were very important.

In relation to VDLF projects, the Economy and Regeneration Manager informed Members that £1.34m had recently been awarded to the Council by the Scottish Government for 2014/15, an increase on the £919,000 awarded for 2013/14. The Council Leader emphasised that this was a substantial achievement, and reflected the Council's good performance in delivering VDLF projects. VDLF projects assisted greatly in redeveloping brownfield sites and brought significant benefits to the Highland economy. Members were encouraged to bring candidate projects to the attention of officers for evaluation under VDLF or other funding schemes.

In discussion, Members welcomed the proposed strengthening of the project delivery process and the greater use being made of in-house expertise; the importance of maximising European funding and integrating Carbon Clever principles into project design was emphasised. A suggestion was made that holding joint Ward Business Meetings might optimise the use of officer time in relation to the development of coastal and landward routes in the Nairn area, and information was provided in response to Member questions on a number of specific projects.

The Committee **NOTED**:

- i. the content of the report and the information given;
- ii. that consideration would be given to a Member suggestion that joint Ward Business Meetings be held to receive officer briefings on wider strategic projects such as the A96 Coastal and Landward project; and
- iii. that a report would be brought to the February meeting on VDLF projects for 2014/15 – Members should bring potential projects to officers' attention for evaluation against the scheme's criteria.

The Committee **AGREED** the recommendation at paragraph 1.4 of the report for the allocation of £30,000 from the Town and Countryside Regeneration: Caithness and Sutherland budget to the works at Helmsdale.

## **6. Population Change in Highland 2001 - 2011 Atharrachadh Sluaigh sa Ghàidhealtachd 2001 – 2011**

### **Declaration of Interest:**

**Mr G Farlow, as Chairman of Northwest Highland Geopark, declared a non-financial interest in relation to this item but, having applied the test outlined in Paragraphs 5.2 and 5.3 of the Councillors' Code of Conduct, concluded that his interest did not preclude his involvement in the discussion.**

There had been circulated Report No. Ped3/14 dated 16 December 2013 by the Director of Planning and Development looking at the early results from the 2011 Census, giving local information on the number and ages of people living within Highland. It compared these figures with those from 2001 to show that the Highland population had “aged”, and that a large number of people were close to retirement age. Highland’s population had grown by 11.1%, with an increase in 18 out of 22 Wards, and at a local level in 196 out of 292 data zones (based on postcode areas). Local population growth was strongly linked to the building of new homes.

Once further information was made available by National Records of Scotland, the Council’s website would be updated with profiles on Wards, Community Councils, Associated School Groups and settlement zones, and a report would be brought to a future meeting on the census findings relating to “workplace population”, analysing population change based on people’s work place rather than their home address. This would throw light on the impact on population change that resulted from particular job types and provide insight into how and where the economy was developing.

The Research Officer gave a presentation drawing attention to the main points of the report, including population turnover (80,000 people had come to Highland, whilst 65,000 had left); increasing numbers of older people and under 5s; patterns of population change in large housing estates, and the implications of this for schools; the impact of planning policies on allowing housing surrounding small towns; and the possible influence of facilities such as a secondary school on where people chose to live. Whilst it was difficult to pin down the reasons some communities did well, whilst other, apparently similar, communities struggled, remoteness per se was not a barrier to growth.

Members welcomed the information given and that detailed reports would be brought to Area Committees. Discussion was wide ranging and included comment on the use of the census in predicting where additional facilities and infrastructure would be needed; that the Council should examine Nordic inward investment practice, which had been successful in supporting fragile communities; that earlier predictions of population decline had not materialised; and that, whilst the population had aged as expected, a situation that would present challenges, an active retired population was also a huge resource – the third sector would be key to the quality of life in years to come.

Members identified a number of areas where additional information would be useful, including the reasons behind the turnover in population – where people went to and came from – and in particular identification of the key factors generating community growth. Suggestions included confidence, types of people, employment, location of Highlands and Islands Enterprise development officers, broadband availability, and opportunities. Information on the link between jobs and population growth was crucial: economic growth was key to improved standards of living.

In response to questions raised, Members were advised that the Council was not able to change data-zone boundaries, where these were not coterminous with community council boundaries for example, because of the need for statistical robustness and because of privacy issues; and that the Research Officer would attend Ward meetings where resources allowed. The Director having highlighted that the focus of the Council's economic strategy work with Highlands and Islands Enterprise (HIE) was to bring in high paid jobs, the Committee **NOTED**:

- i. that the last decade had seen population growth throughout Highland;
- ii. that the Census results confirmed that the Highland population was ageing and that a significant increase in the number of retired people was anticipated;
- iii. the strong links between economic growth, new house building and population growth;
- iv. that a report would be brought to a future meeting on the census findings relating to workplace population data;
- v. that more detailed reports would be brought to the Area Committees and officer attendance at Ward meetings would be provided where possible;
- vi. that consideration would be given to a Member suggestion that a seminar/presentation on Nordic rural development policy be arranged for Members of the Transport, Environmental and Community Services and Planning, Environment and Development Committees.

**7. Response to Scottish Planning Policy: Sustainability & Planning Consultation and SNH Core Areas of Wild Land Consultation**  
**Freagairt a thaobh Poileasaidh Dealbhaidh na h-Alba: Co-chomhairle Seasmhachd & Dealbhaidh agus Prìomh Cheàrnaidhean SNH airson Co-chomhairle air Fearann Fìadhaich**

**Declaration of Interest:**

**Mr A Baxter, as a Member of the John Muir Trust, declared a non-financial interest in relation to this item but, having applied the test outlined in Paragraphs 5.2 and 5.3 of the Councillors' Code of Conduct, concluded that his interest did not preclude his involvement in the discussion.**

There had been circulated Report No. Ped4/14 dated 10 December 2013 by the Director of Planning and Development informing the Committee of the Council's response to the Scottish Government's consultation on Draft Scottish Planning Policy: 'Sustainability and Planning', and also the proposed Council response to the Scottish Natural Heritage (SNH) consultation on Core Areas of Wild Land. The report set out the key issues raised in both consultation responses. The full responses were appended to the report and Members considered these in turn.

### Scottish Government Consultation: Draft Scottish Planning Policy: 'Sustainability and Planning'

In relation to the consultation on Scottish Planning Policy, Members were reminded that the Council had previously provided responses to the National Planning Framework 3 – Main Issues Report and draft Scottish Planning Policy (SPP) consultations. These actions had been homologated by this Committee on 14 August 2013. The current consultation exercise had closed on 16 December 2013 and no extension to the consultation period had been made available.

The report welcomed that the consultation now proposed that equal weight be given to economic, environmental and social elements of sustainability, rather than more significant weight being afforded to economic growth. Proposals to use Local Development Action Plans to support the delivery of sustainable development, the recognition of the need for planning applications to provide good quality and timely information, and the creation of a national validation checklist were all also supported. A number of outstanding concerns had been included in the Council's response.

The Planning Officer having summarised the main points of the report, the Committee **HOMOLOGATED** the response to draft Scottish Planning Policy: 'Sustainability and Planning', as contained in Appendix A to the report.

### Scottish Natural Heritage (SNH) Consultation: Core Areas of Wild Land

The SNH consultation had closed on 20 December 2013; however, the Council had been granted an extension to the consultation period to allow for this Committee's consideration. The report explained that the consultation followed on from earlier consultations on the National Planning Framework 3 – Main Issues Report and draft SPP, to which the Council had responded, including expressing concerns regarding the inclusion of areas of lower scoring wild land within the proposed Core Areas of Wild Land (CAWLs). The current consultation did not move the wild land issue much further on as it retained the same CAWLs and only provided some clarification as to the methodology used in identifying the areas, and defended the extents of the CAWLs. Whilst this clarification was welcomed, the report urged that full consideration be given by Scottish Government and SNH to the Council's earlier comments. Additional comments were proposed in relation to the further information provided on the methodology and on SNH's defence of the extents of the CAWLs. Further discussion with SNH prior to the publication of NPF3 and SPP was also required.

The Planning Officer drew attention to the main points in the report and gave a presentation illustrating the proposed CAWL boundaries, showing map extracts from the Council's SPP and NPF3 submission which illustrated how, in the Council's view, the proposed CAWLs should be reduced to include only high scoring wildness areas. The proposed CAWLs were also compared with the Council's existing Spatial Framework which provided a steer for large windfarm proposals. It was shown how the proposed CAWLs would significantly reduce the extent of the Areas of Search in the Spatial Framework, which would reduce options for large wind energy proposals and place pressure on land closer to settlements.

She also explained that other natural heritage designations, such as National Scenic Areas (NSAs), included only the high-value areas, and that existing planning policy was designed to consider both direct and indirect effects on a designation interest, in effect providing a buffer around high-value areas. Existing policy would thus take account of possible impacts from development proposed close to as well as within the high scoring wild areas. If the CAWLs included lower scoring wild land, this would in effect mean having a further buffer area around what was already regarded as a buffer area. Whilst the Council was in favour of designating and protecting wild land, the proposed CAWLs were too large, covering 42% of the Highlands. The Council also wished to see the SNH scoring methodology take fuller account of existing windfarms and plantation forestry areas.

In full discussion, there was general recognition of the importance of protecting wild land, the usefulness of having boundaries in place and the need for a balance to be struck between protecting high value heritage and achieving national objectives. Members were disappointed that the issues raised in the earlier consultation had not been progressed, and that the current consultation showed little progress towards a resolution. A variety of views were strongly expressed.

Arguments in support of the approach proposed in the report included that: the principle of protecting wild land was fully supported, the question was how this should be done; residential areas must be protected as well as the environment – the proposed boundaries would sandwich development between the CAWLs and settlements, which could lead to a detriment to residential amenity and possibly to health, and to development; forestry plantations should be included in the scoring; and, the inclusion in SNH's remit of promotion of economic growth –the CAWLs as proposed would be contrary to this.

Arguments critical of the suggested response included: SNH were the experts and should be listened to; tourism was the largest employer in the Highlands – people came to Scotland because of its wild lands, which were an asset that should not be put at risk; areas of core wild land should be conjoined in order to protect wild land and preserve heritage for the future – the Council had a responsibility in this regard; the report was too much in favour of development and a balance was needed.

In response, officers affirmed that the Council was looking for a balance – social and economic considerations were important and a compromise was needed. The Council's proposals would still safeguard a very large area of core wild land. The proposed CAWLs were too large and were likely to result in developments being pushed closer to communities. The Council's existing policy approach required it to take account of indirect impacts on safeguarded areas. As things stood, therefore, development proposals within what would be the lower quality wildness areas of the proposed CAWLs would, without such inclusion, be assessed to consider their potential impact on the higher quality wildness areas. However, if these lower quality wildness scoring areas were themselves included within the CAWLs when finalised, then indirect impacts on these lower scoring areas would also have to be protected - effectively creating a buffer around a buffer.

The Chair emphasised that the Council was not against the protection of wild land, and supported the concept of defining and taking account of core areas.

The argument was, however, in the methodology used and the proposed definition. The approach taken should be consistent with that for NSAs.

After discussion, the Committee **APPROVED** the response to the SNH Core Areas of Wild Land Consultation, as contained in Appendix B to the report, subject to:

- i. strengthening of wording relating to the importance of Highland Council's participation in further discussions with SNH and the Scottish Government; and
- ii. the addition of an introductory paragraph emphasising that the Council was supportive of the concept of defining and protecting wild land.

**8. Highland Invasive Non-native Species (INNS) Policy / Highland Council INNS Policy / Japanese Knotweed Risk Assessment  
Poileasaidh Ghnèithean Ionnsaigheach Neo-Dhùthchail na Gàidhealtachd (GING) / Poileasaidh GING Chomhairle na Gàidhealtachd / Measadh Cunnairt a thaobh Glùineach Sheapanach**

There had been circulated Report No. PED5/14 dated 9 December 2013 by the Director of Planning and Development presenting 3 papers for approval: the revised Highland Invasive Non-native Species Strategy 2013-16; Highland Council's Invasive Non-native Species policy; and a proposed risk assessment for Japanese Knotweed. The report highlighted key issues associated with the proposed policies and risk assessment.

Invasive species had been identified as a threat in the Highlands since 2006. It was a legal requirement not to spread invasive species either deliberately or inadvertently. The Council's Invasive Non-native Species (INNS) Policy identified six priority species: rhododendron, giant hogweed, Himalayan balsam, Japanese knotweed, American mink and grey squirrel. In addition to developing strategies and policies, the Council had also taken practical steps to mitigate or control invasive species, including participation in the Highland Invasive Species Group, and training Transport, Environmental and Communities Services (TECS) operators in how to treat INNS plant species. The Council spent around £20,000 per annum on spraying – this was the most cost-effective approach but could take up to five years. If INNS needed to be eradicated quickly, soil sifting to remove any root fragments could cost far more: dealing Japanese knotweed from the Inverness Campus site using this technique had cost around £200,000. It was therefore essential that problems were nipped in the bud. In this regard there was a need for greater co-ordination of activity and improved data management, assessment and prioritising of sites, and Council support for strategic INNS control projects in Highland. Further reports would be brought to the Committee on any significant control problems that arose.

The Biodiversity Officer gave a presentation illustrating the priority species and provided information as to the places where the species had been found in Highland and the actions taken. He emphasised the need for a consistent and measured approach, and for the profile of the problem to be raised. He explained that, where INNS were found on Council land, the Council would tackle them and also, to a limited extent, INNS from the same patch lying on adjacent land; however if more than 10% of the patch was on non-Council land, the matter would be discussed with the landowner with a view to sharing costs.



In discussion, Members stressed the importance of raising awareness of the problem, particularly in relation to plant species, and highlighted that, where people had concerns as to the identity of a plant species, biodiversity officers would come out on request and check. In response to questions raised, the Biodiversity Officer advised that:

- newly arriving INNS required a UK level response; he would research *Houttuynia Cordata*, flagged up by Members
- it was hoped to push the breeding mink population further south out of Highland; support from Scottish Natural Heritage (SNH) was being sought in this regard
- Transport, Environmental and Community Services (TECS) were currently putting together a framework for treating weeds, including Japanese Knotweed – the need for re-spraying would be built into the framework
- Japanese Knotweed must not be put in brown waste bins; it should be sprayed in early September, using glyphosate, for five years
- public opinion and the media could be used to encourage reluctant landowners to take action against INNS, but legislation was available as a last resort.

The Biodiversity Officer having offered to advise Members on specific gardening questions outwith the meeting, the Committee **APPROVED** the adoption of:

- i. the revised Highland Invasive Non-native Species Strategy 2013-16; and
- ii. the Highland Council's Invasive Non-native Species policy and the recommendations within it.

The Committee also **AGREED** to support the priority assessment of sites where Japanese Knotweed was present on Council-owned land or on neighbouring ground where Japanese Knotweed made up less than 10% of the Japanese Knotweed patch; and **NOTED** that:

- i. Member concerns relating to the reluctance of some landowners to deal with Invasive Non-native Species (INNS) would be taken forward via the Highland Invasive Species Forum;
- ii. the Council's action for the control of INNS would be reported annually through the Biodiversity Duty Progress report which was presented to the Committee each Autumn; and
- iii. should any significant control problems arise in the future, the Committee would be informed.

## 9. Highland Economic Forum – Minutes of Meeting of 12 June 2013 Fòram Eaconamach na Gàidhealtachd – Geàrr-chunntas Coinneamh 12 Ògmhios 2013

There had been circulated the minutes of the Highland Economic Forum held on 12 June 2013.

With reference to item 11 of the Minutes, in response to concerns raised that there might be a reduction in the number of flights between Inverness and London following easyJet's acquisition of Flybe's Gatwick slots, the Director of Planning and Development gave an assurance that the Council was in discussion with easyJet, and was working with Highlands and Islands Airports Ltd, Highlands and

Islands Enterprise and the Highlands and Islands Transport Partnership HiTRANS to promote flights between London and Inverness.

The Committee **NOTED** the minutes and the information given.

**10. Minutes**  
**Geàrr-chunntas**

There had been circulated and were **NOTED** Minutes of the Planning Applications Committees (PACs) for:

- i. North PAC 22 October 2013
- ii. South PAC 29 October 2013

The meeting ended at 1.25 p.m.