

## THE HIGHLAND COUNCIL

### NORTH PLANNING APPLICATIONS COMMITTEE – 26 April 2016

Agenda Item	5.2
Report No	PLN/021/16

#### Report by Area Planning Manager – North

#### Proposal of Application Notice – 16/01551/PAN

<b>Description:</b>	Proposed Feed Plant
<b>Ward:</b>	11 - Eilean A' Cheò
<b>Applicant:</b>	Marine Harvest Scotland Ltd
<b>Site Address:</b>	Land At Kyleakin Quarry, Kyleakin

### 1.0 BACKGROUND

- 1.1 To inform the Planning Applications Committee of the submission of the attached Proposal of Application Notice (PAN).
- 1.2 The submission of the PAN accords with the provisions of the Planning etc. (Scotland) Act 2006 and was lodged on 7<sup>th</sup> April 2016. Members are asked to note this may form the basis of a subsequent planning application.
- 1.3 The submitted information attached includes:
  - Proposal of Application Notice
  - Site/Location Plan

### 2.0 SITE DESCRIPTION

- 2.1 The site is located on the northern shore of this part of southern Skye immediately adjacent to the Kyle Akin narrows and the Skye Bridge crossing from the mainland from which the site can be viewed.

It is part of a wider active quarry location although this part of the quarry has been heavily worked into a flat-bottomed, open-fronted 'bowl' with access to the sea via a substantial jetty/pier.

The higher land between these workings and the A.87 trunk road, running to the south of the site, is heavily wooded, as is the rising land to the south of the road. There is an existing quarry access on to the A.87.

### 3.0 DEVELOPMENT PLAN POLICY

The following policies are likely to be relevant to the assessment of the proposal:

### 3.1 **Highland Wide Local Development Plan 2012**

28	Sustainable Design
29	Design Quality and Place-Making
30	Physical Constraints
31	Developer Contributions
34	Settlement Development Areas
41	Business and Industrial Land
42	Previously Used Land
49	Coastal Development
53	Minerals
54	Mineral Wastes
56	Travel
57	Natural, Built and Cultural Heritage
58	Protected Species
60	Other Important Habitats and Article 10 Features
61	Landscape
63	Water Environment
64	Flood Risk
65	Waste Water Treatment
66	Surface Water Drainage
72	Pollution
73	Air Quality

### 3.2 **West Highland and Islands Local Plan (WHILP) (As continued in force – April 2012)**

Policies 1 and 2	In respect of settlement development area land use allocation boundaries
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### 3.3 Adopted Supplementary Planning Guidance

- Highland Council Sustainable Design Guide  
[http://www.highland.gov.uk/downloads/file/3019/highland\\_council\\_sustainable\\_design\\_guide](http://www.highland.gov.uk/downloads/file/3019/highland_council_sustainable_design_guide)
- Flood Risk and Drainage Impact Assessment  
[http://www.highland.gov.uk/downloads/file/2954/flood\\_risk\\_and\\_drainage\\_impact\\_assessment\\_supplementary\\_guidance](http://www.highland.gov.uk/downloads/file/2954/flood_risk_and_drainage_impact_assessment_supplementary_guidance)
- Physical Constraints Supplementary Guidance  
[http://www.highland.gov.uk/downloads/file/2899/physical\\_constraints\\_supplementary\\_guidance](http://www.highland.gov.uk/downloads/file/2899/physical_constraints_supplementary_guidance)
- Construction environmental management process for large scale projects  
[http://www.highland.gov.uk/downloads/file/2644/construction\\_environmental\\_management\\_process\\_for\\_large\\_scale\\_projects](http://www.highland.gov.uk/downloads/file/2644/construction_environmental_management_process_for_large_scale_projects)
- Highland Statutorily Protected Species Supplementary Guidance  
[http://www.highland.gov.uk/downloads/file/3026/highland\\_statutorily\\_protected\\_species\\_supplementary\\_guidance](http://www.highland.gov.uk/downloads/file/3026/highland_statutorily_protected_species_supplementary_guidance)
- Developer Contributions  
[http://www.highland.gov.uk/downloads/file/2580/developer\\_contributions\\_supplementary\\_guidance](http://www.highland.gov.uk/downloads/file/2580/developer_contributions_supplementary_guidance)

### 4.0 POTENTIAL MATERIAL PLANNING CONSIDERATIONS, KEY ISSUES, AND PLANNING HISTORY

The key materials issues which should be addressed as part of any planning application are as follows:

- National policy
- Development plan policies and relevant supplementary guidance
- Planning history
- Design and siting and resultant visual impact on the amenity and landscape setting of the wider area
- Flood Risk (the site lies within the 1 in 200 year flood risk zone for both fluvial and coastal flooding) and a culverted burn runs through the site
- Impact upon the adjacent Marine Protected Area and Special Area of Conservation and other marine ecology interests
- Impact upon the future operations of the quarry and availability of the mineral resource
- Review of potential of contaminated land within the site and mitigation as appropriate
- Traffic Impact Assessment in respect of the A.87 trunk road and wider network
- Pollution prevention and environmental management
- Protection of existing trees and provision of structural landscaping for the development Developer contributions

- Any other material considerations within representations
- Any other material considerations within consultation responses

## **5.0 CONCLUSION**

5.1 The report presents the information submitted to date as part of the PAN. Summarised are the policy considerations against which any future planning application will be considered as well as the potential material planning considerations and key issues based on the information available to date. The list is not exhaustive and further matters may arise as and when a planning application is received and in the light of public representations and consultation responses.

## **6.0 RECOMMENDATION**

It is recommended the Committee notes the submission of the PAN and advises of any issues it wishes to be brought to the applicant's attention.

Signature: Dafydd Jones  
Designation: Area Planning Manager - North  
Author: Mark Harvey  
Background Papers: Documents referred to in report and in case file.  
Relevant Plans: Location/Site Plan – 000001

**PROPOSAL OF APPLICATION NOTICE**

Town and Country Planning (Scotland) Act 1997 (Section 35B)  
The Town and Country Planning (Development Management Procedure) (Scotland)  
Regulations 2013 (Regulations 4 -7)

**To be completed for all developments within the  
national or major categories of development**

Name of Council	The Highland Council
Address	
	Planning and Building Standards, Council Headquarters, Glenurquhart Rd,
	Inverness. IV3 5NX

Proposed development at [Note 1]	Allt Anavig Quarry
	by Kyleakin, Isle of Skye
	IV4 8PR

Description of proposal [Note 2]	Proposed Feed Plant

Notice is hereby given that an application is being made to

[Note 3]  Council by [Note 4]

Of [Note 5]

In respect of [Note 6]

To take place on [Note 7]

[Note 8] The following parties have received a copy of this Proposal of Application Notice

Kyle Community Council
Kyleakin and Kylerhea Community Council

[Note 9] For further details contact

on telephone number

And/or at the following address

[Note 10] I certify that I have attached a plan outlining the site

Signed

On behalf of

Date

## **PROPOSAL OF APPLICATION NOTICE**

Town and Country Planning (Scotland) Act 1997  
Regulation 6 of the Town and Country Planning (Development Management Procedure) (Scotland)  
Regulations 2013

### **NOTES FOR GUIDANCE**

- [Note 1] – Insert postal address or location of proposed development
- [Note 2] – Insert description in general terms of the development to be carried out.
- [Note 3] – Insert Council name.
- [Note 4] – Insert name of applicant and/or agent
- [Note 5] – Insert applicant's and/or agent's postal address
- [Note 6] - Insert form of consultation the prospective applicant proposes to undertake e.g. public meeting
- [Note 7] – Insert date and venue of consultation
- [Note 8] – Insert list of those groups who have been invited to attend
- [Note 9] – Insert details as to how the prospective applicant/agent can be contacted (incl. name, address and tel. no)
- [Note 10] - Attach plan that outlines the location of the proposed development and is sufficient to identify the site

### **Pre-application Consultation (PAC)**

Where PAC is required, the prospective applicant must, under sections 35B(1) and (2) (of the Act), provide to the planning authority a 'Proposal of Application Notice' at least 12 weeks (section 35B(3)) prior to the submission of an application for planning permission. The Proposal of Application Notice must include the information set out in section 35B(4) and in regulation 6, namely:

- i) a description in general terms of the development to be carried out;\*
- ii) the postal address of the site at which the development is to be carried out, if available
- iii) a plan showing the outline of the site at which the development is to be carried out and sufficient to identify the site;
- iv) detail as to how the prospective applicant may be contacted and corresponded with; and
- v) an account of what consultation the prospective applicant proposes to undertake, when such consultation is to take place, with whom and what form it will take.

\* You should provide an outline of the proposal's characteristics, and the identification of its category (e.g. Major development). Any subsequent application needs to be recognisably linked to what was described in the proposal of application notice.

### **Submission of an Application after Pre-application Consultation Notice**

The submission of the proposal of application notice starts the PAC processing clock. After a minimum of 12 weeks, having carried out the statutory requirements and any additional requirements specified by the planning authority, an applicant can submit the application along with the required written Pre-application Consultation Report. Information in relation to the proposal of application notice must also be placed by the planning authority on the list of applications required under section 36A and regulation 21.

### **Additional consultation activity (responding to the Proposal of Application Notice)**

The applicant is required to indicate in the proposal of application notice what consultation will be undertaken in addition to the statutory minimum. The planning authority must respond within 21 days of receiving the Notice to advise the applicant whether the proposed PAC is satisfactory or if additional notification and consultation above the statutory minimum is required in order to make it binding on the applicant. In doing so, planning authorities are to have regard to the nature, extent and location of the proposed development and to the likely effects, both at and in the vicinity of that location, of its being carried out (section 35B(8)). Additional consultation requirements should be proportionate, specific and reasonable in the circumstances. If there is no response to the proposal of application notice by the planning authority within 21 days, only the statutory minimum PAC activities will be required.

Scottish Ministers expect planning authorities to develop and maintain up to date lists of bodies and interests with whom applicants should consult in particular types of case. These lists should be available to applicants, who can draft proposal of application notices in light of that information. Further advice on planning community engagement activity can be found in Planning Advice Note 81: Community Engagement – Planning With People.

### **Minimum consultation activity**

*Consultation with community councils* - Under regulation 7 an applicant must consult every community council any part of whose area is within or adjoins the land where the proposed development is situated. This includes community councils in a neighbouring planning authority.

*The public event* - Regulation 7 also requires the holding of at least one public event for members of the public where they can make comments to the prospective applicant on their proposals. This 'public event' must be advertised at least 7 days in advance in a newspaper circulating in the locality of the proposed development. The advertisement for the public event must include:

- a description of, and the location of, the proposed development;
- details as to where further information may be obtained concerning the proposed development; the date and place of the public event;
- a statement explaining how, and by when, persons wishing to make comments to the prospective applicant relating to the proposal may do so; and
- a statement that comments made to the prospective applicant are not representations to the planning authority. If the applicant submits an application there will be an opportunity to make representations on that application to the planning authority.

Applicants will gain less from poorly attended or unrepresentative PAC events and should ensure that processes are put in place that will allow members of the community to participate meaningfully in any public event. The public event should be reasonably accessible to the public at large, including disabled people. It may be appropriate for the public event to take place over a number of dates, times and places. Applicants should ensure that individuals and community groups can submit written comments in response to the newspaper advertisement.

There is a need to emphasise to communities that the plans presented to them for a proposed planning application may alter in some way before the final proposal is submitted as a planning application to the planning authority. Even after PAC, and once a planning application has been submitted to the planning authority, communities should ensure that any representations they wish to make on the proposal are submitted to that authority as part of the process of considering the planning application.

**Any personal data that you may be asked to provide on this form will be held and processed in accordance with the requirements of the 1998 Data Protection Act.**

# Marine Harvest Allt Anavig Feed Plant

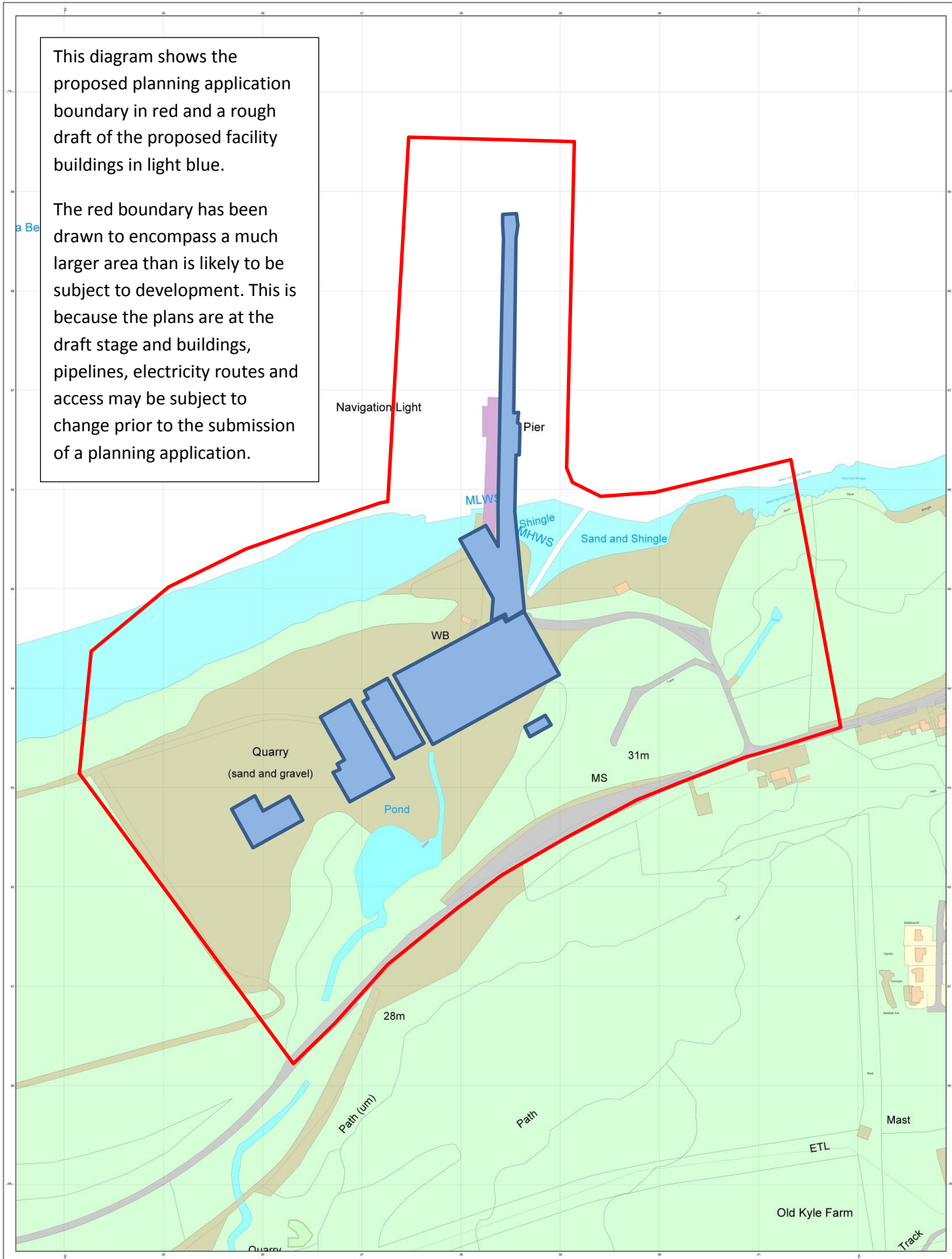
## Screening Scoping Planning Boundary Plan

Scale 1:5000



This diagram shows the proposed planning application boundary in red and a rough draft of the proposed facility buildings in light blue.

The red boundary has been drawn to encompass a much larger area than is likely to be subject to development. This is because the plans are at the draft stage and buildings, pipelines, electricity routes and access may be subject to change prior to the submission of a planning application.



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