

Agenda Item	<b>5.12</b>
Report No	<b>PLN/023/21</b>

## THE HIGHLAND COUNCIL

**Committee:** North Planning Applications Committee

**Date:** 2 March 2021

**Report Title:** 20/03543/S42: Kishorn Port Limited  
Land To South West Of Dry Dock, Kishorn

**Report By:** Acting Head of Development Management – Highland

### 1. Purpose/Executive Summary

**1.1 Description:** Application for Non- Compliance with Condition 1 of Planning Permission 18/05057/S42 to permit the decommissioning of shipping vessels

**Ward:** 05 - Wester Ross, Strathpeffer And Lochalsh

**Development category:** Major Development

**Reason referred to Committee:** Application for non-compliance with conditions on a Major Development

All relevant matters have been taken into account when appraising this application. It is considered 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.

### 2. Recommendation

**2.1** Members are asked to agree the recommendation to Grant planning permission as set out in section 11 of the report.

### 3. PROPOSED DEVELOPMENT

- 3.1 This application has been submitted under Section 42 of the Planning Act and relates to Condition 1 of the conditions attached to planning permission 18/05057/S42 granted on 21 January 2019. Prior to this an application was submitted under Section 42 of the Planning Act to vary Condition 1 attached to planning permission 13/02272/FUL to allow the decommissioning of redundant offshore energy and marine sector structures. This application is to vary the condition to also allow for the decommissioning of shipping vessels within the dry dock.

Condition 1 of the existing planning permission 18/05057/S42 states:

*The development relates to the extension of an existing construction/fabrication yard, including construction of concrete gravity bases for the energy sector, decommissioning of redundant offshore, energy and marine sector structures, excluding the breaking of shipping vessels, extension of existing quarry, site engineering works, siting of concrete batching plants and erection of industrial buildings. The development shall be undertaken in accordance with the planning application, environmental statement, identified mitigation and approved plans, including information related to decommissioning, except insofar as amended by the terms of this consent or as approved in writing 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.*

- 3.2 The changes proposed would lead to a conflict with the description of the development. However, it has been agreed with the applicant that subject to the findings of this report and decision of the committee that the wording of the description of development, can be altered as a non-material variation under Section 64 of the Town and Country Planning (Scotland) Act 1997 (As Amended).
- 3.3 The site already benefits from an extant full planning permission (13/02272/FUL) which permitted the extension of the Kishorn Yard for the construction of concrete gravity bases and the manufacture and assembly of turbine towers, nacelles and blades for offshore wind turbines. Condition 1 of this permission provided some latitude to allow further activities to be undertaken within the yard, subject to consideration by the Planning Authority in consultation with other relevant authorities. Application 18/05057/S42 sought to expand the range of permitted activities to include the decommissioning of redundant offshore energy and marine sector structures. Following positive consultation responses from SEPA, SNH, Marine Scotland, the Coastal Planner, the MOD, the Flood Risk Team, Community Services local roads team, Development Plans and Environmental Health, planning permission was issued for this additional function on 21 January 2019, although the decommissioning of shipping vessels was not included in the range of permitted activities given the potential amenity impacts associated with such activities which at the time had not been assessed.
- 3.4 The decommissioning of offshore energy structures will be a significant and growing element of the industrial sector in future years. However, in order for the applicant to be able to bid for this work the Kishorn Yard needs to be accepted onto

the European List of Approved Ship Recycling Facilities. In order to be accepted onto this List planning permission is required for the decommissioning of marine structures of any kind, including shipping vessels.

- 3.5 The applicant has separately submitted an application (ref. 20/03541/FUL) to seek full planning permission for a further extension of the existing dry dock at the Kishorn Yard to facilitate the decommissioning of a greater variety of marine structures, including shipping vessels, than is currently permitted. The existing dock is too small to accommodate structures and vessels greater than approximately 160m in length. The applicant therefore proposes to excavate an area of hillside diagonally opposite the dock's eastern access gate in order to accommodate larger structures and vessels than those that could currently enter the dock. It is also proposed to re-route an existing access around the north western segment of the extended dock to facilitate decommissioning and other already permitted activities within the dry dock. This application is still under consideration and will be reported to committee for determination in due course.
- 3.6 Pre-Application Consultation: Discussions with the applicant and their agent took place prior to submission of this application to discuss procedure and scope of the supporting information.
- 3.7 While no modifications have been made to the application following its validation, additional supporting information and clarifications has been provided to allow for an assessment of the impacts of the modified proposal within the scope of the originally prepared Environmental Impact Assessment. An addendum to the Environmental Impact Assessment which was submitted in respect of the 13/02272/FUL application has been received. This addendum examines the likely environmental effects of the subject application proposals against the baseline of the 2013 Environmental Statement and identifies appropriate mitigation against any adverse impacts.
- 3.8 This application has been supported by the following information:
- Noise Assessment
  - Protected Species Survey
  - Traffic Management Plan
  - Clarification Report
- 3.9 To allow the proposed development to operate several licences require to be granted which are outwith the remit of the Planning Authority, this includes licences and permits from organisations such as Marine Scotland and Scottish Environment Protection Agency. Any aspect of the proposal which falls into the remit of other regulatory bodies will not be considered by this report. This includes, but is not limited to, matters related to moorings in Loch Kishorn. The planning implications of such matters will however be considered insofar as they relate to this application. This application is solely for the purpose of allowing an additional process to occur at the site. There is a separate application (ref. 20/03541/FUL) currently under consideration for the extension to the dry dock that will, if permitted allow for larger vessels and structures.

#### **4. SITE DESCRIPTION**

- 4.1 The application site is within the Kishorn Yard. The Yard was established in the early 1970s as an oil platform construction yard for the North Sea oil industry. The site is located within Wester Ross National Scenic Area. The coastline was previously altered with the construction of a large dry dock, excavated into the hillside, 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 a steel platform for the Maureen Field and the concrete caissons for the Skye Bridge.
- 4.2 The yard has continued since then in active use for industrial and quarrying activities. The applicant, Kishorn Port Ltd, is a joint venture between Ferguson Transport (Spean Bridge) Ltd and Leiths (Scotland) Ltd. Ferguson Transport currently operates its logistics, warehousing, sea freight, port operator and shipping business from the existing port and dry dock at the east quay. A range of vessels currently operate out of Kishorn Port, ranging in size from 100-1200 tonnes, with onboard cranes for loading. The port facilities currently include hydraulic cranes, forklift trucks, telehandlers and warehousing facilities. There are two industrial warehouses which are located close to the quay along with a large workshop and modular office buildings located to the east of the site.
- 4.3 The quarry at the western end of the site was originally granted planning permission in 2006. It extends to 3.4 ha and produces construction materials for use in the building/civil engineering industry and is served by sea. It comprises an excavation area of 2.3ha with adjacent areas for aggregate processing and stockpiling totalling 2ha. The excavation area was granted planning permission in 2006 but was only first implemented in 2008, and is currently only partially developed.
- 4.4 The site subject to this application would be the existing dry dock. The extension to the dry dock, if planning permission is granted, would also include the same uses.

#### **5. PLANNING HISTORY**

- The Kishorn Yard has an extensive planning history, the full details of which are appended. The most recent decisions of relevance to the current proposal are listed below.
- 5.1
- |     |            |  |           |
|-----|------------|--|-----------|
| 5.2 | 01.11.2013 | 13/02272/FUL. 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. | GRANTED   |
| 5.2 | 01.11.2013 | 13/02273/PIP. Erection of workforce accommodation, associated welfare facilities and formation of vehicle parking area   | GRANTED   |
| 5.3 | 21.01.2019 | 18/05057/S42. Vary Condition 1 of consent (which superseded 17/02389/S42)  | PERMITTED |

13/02272/FUL), to permit decommissioning of redundant offshore energy and marine sector structures, excluding the breaking of shipping vessels.

- 5.4 20/03541/FUL Extension to dry dock and change of use of land to allow decommissioning of marine structures. Construction of access road. **Pending Consideration**

## 6. PUBLIC PARTICIPATION

6.1 Advertised: Schedule 3 development

Date Advertised: 09.10.2020

Representation deadline: 23.10.2020

Timeous representations: 0

Late representations: 41 Objections (35 households)

6 Support

2 General Comments

6.2 Material objection considerations raised are summarised as follows:

- a) Lighting of vessels/structures within Loch Kishorn has adverse amenity effects, with adverse economic impact on tourism and local businesses from major industrialisation and on free movement of watercraft from moored vessels/structures;
- b) Impact of noise on residents and wildlife; to protect residents and wildlife;
- c) Impact on local road network due to increased traffic;
- d) Adverse visual impact;
- e) Averse impacts of lighting of structures awaiting recycling;
- f) Impacts on the marine environment due to structures awaiting recycling (potential pollution);
- g) Adverse economic impacts due to moorings within Loch Kishorn having effects on fishing industry;
- h) Concern with regard to procedure given the decommissioning of shipping vessels is prohibited by the extant planning permission.

6.3 Non-Material objection considerations raised are summarised as follows:

- a) Insufficient developer contributions

6.4 Material support considerations raised are summarised as follows:

- a) Economic benefit of the proposal including increased employment, diversification of local economy, potential knock on economic impacts on local businesses;
- b) Commitment from applicant to protect the local environment.

6.5 Non- Material support considerations raised are summarised as follows:

- a) Location of those making representations;

- b) Lack of community benefit fund;
- c) Non-compliance with conditions on existing planning permission when a ship was previously dismantled within the dock;

6.6 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](http://www.wam.highland.gov.uk/wam).

## 7. CONSULTATIONS

- 7.1 **Lochcarron Community Council** neither support nor object to the application. It has expressed that while there was some support for the application, there was some concerns. These concerns were in relation to the lack of information provided with the application, traffic movements, hazardous waste, the number of ships parked at the moorings, impact on fishing grounds and lack of community consultation.
- 7.2 **Plockton and District Community Council** object to the application. It has expressed concerns in relation to this development being a significant departure from the existing use and restrictions to access and use of the sea area of outer Loch Carron and Loch Kishorn. They also refer to the applicant's Marine Licence, however as this is not a planning matter it is not relevant to this application.
- 7.3 **Access Officer** does not object to the application. It notes that there are no designated paths or public access within the site.
- 7.4 **Coastal Planner** does not object to the application following submission of clarifications of the applicant's approach to management of invasive non-native species and marine growth. Initial concerns were raised regarding the fate of marine growth and the risk of the possible introduction of invasive non-native species (INNS) into Loch Kishorn. However, the applicant has demonstrated that all vessels will comply with IMO Ballast Water Management Convention and IMO 2011 Guidelines for the control and Management of Ships' Biofouling to Minimize the Transfer of Invasive Aquatic Species. Providing the vessels comply with the IMO BWM Convention and the IMO 2011 guidelines for biofouling management as indicated in the application then the Coastal Planner is satisfied the application conforms with Scottish National Marine Plan policy GEN 10 Invasive non-native species.
- 7.5 **Development Plans** do not object to this application. It considers the application to be broadly compatible with the decommissioning uses previously permitted. It notes that the proposed modification will provide greater flexibility in terms of the projects the site can accommodate and potentially improve economic security and aid economic recovery more widely.
- 7.6 **Environmental Health** do not object to the application subject to conditions to ensure there is a procedure in place to deal with any noise complaints and routine compliance monitoring. It did however note that the worst case scenario presented would slightly increase noise beyond the current level.

- 7.7 **Transport Planning** do not object to the application subject to planning conditions and security/contribution to address the impact on roads as a result of operation of the development. The response from Transport Planning also considered the impact of the planned extension to the dry dock which is subject to a separate application.
- 7.8 **HSE Hazardous Substances Consent** do not object to the application as it does not cross any of their consultation zones.
- 7.9 **Marine Scotland** had no comment to make on this application.
- 7.10 **MOD** do not object to this application.
- 7.11 **NatureScot** do not object to this application subject to appropriate mitigation being in place through a biosecurity plan.
- 7.12 **Scottish Environment Protection Agency** do not object to this application. SEPA have recommended that a suitable bond is put in place to ensure that no waste materials are abandoned on site.
- 7.13 **The Scottish Government** had no comment to make on the application, however they have noted it on their records.

## 8. **DEVELOPMENT PLAN POLICY**

The following policies are relevant to the assessment of the application

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

28 - Sustainable Design  
31 - Developer Contributions  
41 - Business and Industrial Land  
49 - Coastal Development  
56 - Travel  
57 - Natural, Built and Cultural Heritage  
58 - Protected Species  
59 - Other important Species  
60 - Other Importance Habitats  
61 - Landscape  
63 - Water Environment  
72 - Pollution

### 8.2 **West Highlands and Islands Local Development Plan 2019**

Economic Development Areas - Policy EDA04: Kishorn Yard, Wester Ross  
Placemaking Priorities to provide sufficient land to accommodate new and expanding business opportunities at Kishorn Yard.

### 8.3 **Highland Council Supplementary Planning Policy Guidance**

Construction Environmental Management Process for Large Scale Projects  
(August 2010)  
Developer Contributions (March 2013)

Flood Risk and Drainage Impact Assessment (Jan 2013)  
Highland Historic Environment Strategy (Jan 2013)  
Highland's Statutorily Protected Species (March 2013)  
Managing Waste in New Developments (March 2013)  
Physical Constraints (March 2013)  
Special Landscape Area Citations (June 2011)  
Standards for Archaeological Work (March 2012)  
Sustainable Design Guide (Jan 2013)

## **9. OTHER MATERIAL POLICY CONSIDERATIONS**

### **9.1 Scottish Government Planning Policy and Guidance**

9.2 Scottish Planning Policy (SPP) advances principal policies on Sustainability and Placemaking, and subject policies on A Successful, Sustainable Place; A Low Carbon Place; A Natural, Resilient Place, and A Connected Place. It also highlights that the Development Plan continues to be the starting point of decision making on planning applications. The content of the SPP is a material consideration that carries significant weight, but not more than the Development Plan, although it is for the decision maker to determine the appropriate weight to be afforded to it in each case.

9.3 SPP sets out that that we should positively seek opportunities to meet the development needs of the plan area in a way which is flexible enough to adapt to changing circumstances while supporting existing businesses. It also says that we should plan for new or emerging sectors likely to locate to an area.

### **9.4 National Planning Framework for Scotland 3 (NPF3)**

9.5 The NPF3 has set out Kishorn Port as a coastal and island community that could attract further innovation and investment. Kishorn Yard is identified as a key national industrial asset in that it provides a large dry dock adjacent to deep water which is therefore well placed to capture decommissioning work from the offshore energy sector. The current permissions already allow such work to take place, but in order to win such contracts the yard requires to be included on the European List of Approved Ship Recycling Facilities. This application seeks a relatively small extension to the existing dry dock and the inclusion of ship recycling within the range of already permitted decommissioning activities, which includes the decommissioning of other large marine structures.

9.6 National Policy is currently under review. Following completion of the work on National Planning Framework 4 (NPF4) and adoption by the Scottish Ministers, it will become a statutory part of the Development Plan. In November 2020, The Scottish Government published a position statement in relation to NPF4. The position statement clearly sets out that the current NPF3 and SPP remain in place until NPF4 is adopted by Ministers. It goes on to set out that the Position Statement provides an idea of the direction of travel in the preparation of the NPF4, and states that it *“is not, in itself, a document setting out policy. Statements in this Position Statement as to what the content of a revised National Planning Framework will contain should be read in that context.”* It is considered that the document can be



afforded limited weight in the decision making process. In relation to this specific application the Position Statement sets out that NPF4 will support development in the parts of Scotland where jobs and investment are most needed.

#### 9.7 **Other Relevant National Guidance and Policy**

- PAN 1/2011 – Planning and Noise;
- PAN 1/2013 – Environmental Impact Assessment;
- PAN 60 – Planning for Natural Heritage;
- National Marine Plan.

### 10. **PLANNING APPRAISAL**

10.1 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.

#### **Determining Issues**

10.2 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.

#### **Planning Considerations**

10.3 The principle of the development has been established. This is an application to modify the requirements of the conditions on an existing permission and allow a further use to take place within the dock. In order to address the determining issues therefore, the Council must consider the extent to which the proposal, as amended, continues to comply with development plan policy and take into consideration any other material considerations.

10.4 The key considerations in this case are:

- a) compliance with the development plan and other planning policy;
- b) modification of condition 1;
- c) landscape and visual impact;
- d) lighting impacts;
- e) noise impacts;
- f) pollution impacts;
- g) protected species;
- h) roads and transportation impacts
- i) economic benefits and
- j) any other material considerations.

#### **Development plan/other planning policy**

10.5 Development Plan Policy has changed since the time of the determination of the previous application (ref. 18/05057/S42) with the Wester Highlands and Islands Local Development Plan (WestPlan) being adopted in 2019. However, this is not a

significant change as the plan in force at the time of the previous determination was supportive of reuse of the facility at Kishorn. Further the WestPlan was at Proposed Plan stage where it was the “settled view” of the Council, thus providing an appropriate and up to date framework against which to assess the proposal.

- 10.6 The WestPlan allocates Kishorn Yard as an economic development area that it is safeguarded for serving the offshore industry and in particular renewables, oil and gas sector. Kishorn is considered to be a particularly fragile area, therefore the aim is to increase the quantity, quality and type of job opportunities through to land allocations for industrial expansion at key harbours such as Kishorn, with mixed-use allocations that could support rural diversification in this particularly fragile area.
- 10.7 The developer requirements set out that the development must demonstrate that there would be no adverse effect on the integrity of the Beinn Bhan SAC (including any operational activities that arise from development). Furthermore, the development must demonstrate that the impacts of marine based activities and operations arising from diversification of the yard will not adversely affect the integrity of the Loch Carron Marine Protected Area (MPA).
- 10.8 The Highland-wide Local Development Plan (HwLDP) supports development of strategic business and industrial use at Kishorn through both the vision and spatial strategy, with further support provided through Policy 41 (Business and Industry). Policy 28 (Sustainable Design) requires the development to design for sustainability. There is also a requirement to judge proposals in terms of how compatible they are with the existing pattern of development and landscape character and how they conform with existing and approved adjacent land uses. Policy 29 (Design and Place Making) reflects this requirement with an emphasis on the sensitivity of development towards the local landscape setting.
- 10.9 Policy 49 (Coastal Development) identifies this coast as an important local feature through planning Policy 57 (Natural, Built and Cultural Heritage). Relative to this, the Planning Authority will promote development that is sustainable whilst safeguarding its natural and cultural heritage assets.
- 10.10 Policy 56 (Travel) states that proposals that involve an increase in traffic must include sufficient information with the application to enable the Planning Authority to consider any likely on and offsite transport implications.
- 10.11 There is also a requirement to judge the development in terms of its impact upon the natural, built and cultural heritage features identified in Policy 57 (Natural, Built and Cultural Heritage) of HwLDP. The site is within the Wester Ross Natural Scenic Area and the policy sets the criteria against which development will be considered to ensure that their impact on the resource may be assessed. The development can be supported if it can be shown that it will not compromise the natural environment and amenity resource involved. The development also has to demonstrate that there will be no adverse impacts on the Loch Carron Marine Protected Area (MPA). Furthermore, the site lies outwith but close to the Inner Hebrides and the Minches Special Area of Conservation (SAC) and the impact on this designation also requires to be considered.

- 10.12 Policy 58 (Protected Species) and 59 (Other Protected Species) of the HWLDP identifies the responsibility of all developers to safeguard protected and other important species from harm during any development activities. In this case the site and the area adjacent to it within Loch Kishorn, has the potential to provide habitat for various protected mammal, plant species and aquatic species. The majority of the impacts will however be below mean low water springs therefore are not matters for the Planning Authority and require to be considered by Marine Scotland through the marine licencing process. Policy 58 (Protected Species) states that where there is good reason to believe that a protected species may be present on site, or may be affected by a proposed development, a survey must be carried out to establish any such presence, with a mitigation plan prepared if necessary, before any planning application can be determined. Whilst Policy 60 (Other Important Habitats and Article 10 Features) will seek to safeguard the integrity of features of the landscape that are of major importance. In relation to this application this includes the habitats included on the Scottish Biodiversity list. Where it is judged that the reasons in favour of a development clearly outweigh the desirability of retaining those important habitats, the Planning Authority will seek to put in place satisfactory mitigation measures, including consideration of compensatory habitat creation, where appropriate.
- 10.13 Policy 61 (Landscape) requires an assessment of the impact any proposed development may have on the landscape taking into account appropriate scale, form and construction materials.
- 10.14 Policy 63 (Water Environment) seeks to support proposals for development that will not compromise the objectives of the Water Framework Directive (2000/60/EC) as a good water environment has many benefits.
- 10.15 Policy 72 (Pollution) requires that proposals that may result in significant pollution such as noise, air, water and light will only be approved where the Planning Authority are satisfied that the applicant has shown how the pollution can be appropriately avoided and if necessary mitigated.
- 10.16 If the Planning Authority is satisfied that there will be no significant adverse impact following the application of mitigation then the application will accord with the Development Plan. In addition to this any further development is required to accord with the provisions of the planning permission and the use of the yard is already permitted for the decommissioning of redundant offshore energy and marine sector structures.

**Modification of Condition 1 (to permit the decommissioning of shipping vessels)**

- 10.17 The application seeks to modify Condition 1 of planning permission (ref. 18/05057/S42). This has resulted (as noted in para. 3.3) in the developer being required to be listed on the European Ship Recycling Facilities List in order to attract more work. This will create more job opportunities to assist the local economy to grow and thrive, while future-proofing the yard.
- 10.18 The closest settlements to the development lie within the Lochcarron area. Lochcarron is a linear coastal settlement characterised by its mountainous setting and by its fishing and crofting heritage. Historically, most development was focused

along the coast however, more recent development has spread up the hillslope to the north. The settlement grew substantially in the early 1970s to accommodate employees of the nearby Kishorn Yard, however since its closure in the 1980s growth of the settlement has been relatively stagnant and it is now among one of the most fragile areas in Highland.

- 10.19 Condition 1 of planning permission 18/05057/S42 allows for the decommissioning of marine structures but not shipping vessels. At the time decommissioning of shipping vessels was not proposed by the application. However, the reason this restriction was placed on the consent at the time was to ensure that the impacts associated with that type of process could be assessed in due course if such a use was proposed by the applicant. Having been provided with information in relation to the proposed use, it is not considered that use of the dock for decommissioning of shipping vessels is a significant diversification to the decommissioning work that is already being undertaken at the yard. With that said a range of matters require to be considered to ensure that the amenity impacts and impacts on the environment, insofar as they are related to matters within the control of the Planning System, are assessed to ensure that the additional use of the yard remains consistent with the Development Plan. The remainder of the report will consider the relevant considerations.

### **Landscape and Visual Impact**

- 10.20 Although there are no new buildings or infrastructure beyond those already consented, there may be the introduction of shipping vessels. The consented operations already allow for large structures both within the Kishorn yard, and within the adjacent waters of Loch Carron. It is not considered that the proposal to bring redundant shipping vessels to the yard via Loch Kishorn for decommissioning would result in any significant additional visual and landscape impacts beyond those which would result from the already permitted range of activities at Kishorn, which have been considered to be acceptable in the grant of the previous planning permissions for the site.

### **Lighting Impacts**

- 10.21 Representations have raised concerns in relation to the impact of lighting. The development does not however propose the introduction of any additional external lighting. Conditions can be used to control light spillage from the existing lighting within the yard. It is proposed that these conditions are retained on the planning permission. The extant consent 13/02272/FUL could result in floating structures being stacked within Loch Kishorn, and that these structures would require to be lit at night for navigational and health and safety reasons.
- 10.22 The current application has to be viewed in that context. It is considered that what is currently proposed does not represent a significant increase in the amount of industrial activity which is already permitted by applications 13/02272/FUL and the subsequent 18/05057/S42. SEPA and Marine Scotland would be responsible for the issuing of individual licences for each structure/vessel brought into the loch, and these licences would require that no pollution arises from such activity.

- 10.23 In response to concerns over lighting a management plan is proposed to minimise this on moored vessels (excluding navigation lights) using the port by condition linked to the operation of the liaison group.

### **Noise Impacts**

- 10.24 Concern has been raised in representation over the potential operational noise impacts of the additional use at the yard. It is possible that the breaking up of large structures with the addition of shipping vessels may involve additional noise beyond that previously assessed. While it is not considered that any additional noise emitted would be significant. The noise assessment indicates that in worst case scenarios, operational noise levels may slightly exceed the stated noise limits. The extant consent is subject to a condition which restricts noise emissions to a prescribed level and within prescribed hours. The same restrictions would be applied to this application should the application be approved. If noise limits are exceeded on limited occasions, it is unlikely that this would be considered a significant breach of any planning permission which may be applied to the permission. However, this is not to be taken as a permanent relaxation of the limits, especially the night-time limit.
- 10.25 Environmental Health has suggested that the existing liaison group, which includes local representation, should include the matter of noise from Kishorn Yard on their agenda at every meeting. The liaison group should work with the applicant in order to put a procedure in place and an agreement on how noise complaints should be dealt with.
- 10.26 Representations highlight concern with regard to the potential for 24 hour working within the yard. The applicant has not proposed this and operational hours of the yard can be set out in planning conditions to ensure that the concerns in relation to 24hr working does not take place. Overall, Environmental Health are satisfied with the proposal and the proposed mitigation that includes routine compliance monitoring

### **Pollution Impacts**

- 10.27 The proposal has the potential to increase the opportunity for additional pollutants to be released at the site by the introduction of shipping vessels. The Highland Council's Coastal Planner and NatureScot had raised some concerns in relation to the fate of marine growth and the risk of the possible introduction of invasive non-native species (INNS) into Loch Kishorn. The applicant clarified and outlined their biosecurity measures that the operator will have in place to reduce the spread of non-native species. This approach was supported by of the Council's Coastal Planner as the application conforms with Scottish National Marine Plan policy GEN 10 Invasive non-native species.
- 10.28 This requires that all vessels will comply with International Maritime Organisation (IMO) Ballast Water Management Convention and IMO 2011 Guidelines for the control and Management of Ships' Biofouling to Minimize the Transfer of Invasive Aquatic Species. These are internationally recognised measures for reducing the spread of invasive species in the shipping industry and can be considered good practice for reducing the possible introduction of INNS from vessels. The applicant

has stated that the structures and vessels to be decommissioned will predominantly be from the North Sea. This is considered to reduce the risk of transfer of invasive species.

- 10.29 NatureScot requested that the biosecurity plan also covers the potential pathway for marine non-native species to be introduced into the area e.g. via ballast water/hull fouling management. It should also evaluate the possible risk to the features of the Loch Carron Nature Conservation Marine Protected Area (NC MPA). Biogenic reefs such as those within the NC MPA are particularly vulnerable to the introduction of some INNS and the biosecurity plan must include mitigation on how any risk will be reduced or eliminated. This can be secured through planning conditions. The plan should be in place to assess every vessel that comes into the port to assess the risk in accordance with the regulations.
- 10.30 While SEPA did not object to this application, they have recommended that a suitable bond is put in place to ensure that no waste materials are abandoned on site. There is already a planning condition attached to the extant consent that covers the issue of a bond to cover all site restoration and waste materials. This can be applied to any further permission which may be granted.
- 10.31 The Planning Authority has no control over activities below the level of Mean Low Water Spring tides. Marine Scotland are the regulatory Authority for vessels/structures moored within a sea loch.

### **Protected Species**

- 10.32 A protected species survey was undertaken in 2019, this included otter, badger and pine marten. There were some limitations to the survey due to the extensive rocky coastline and steep banks that made it unsafe to survey. Evidence of otter activity had previously been found (2016 survey) in most areas of the site including within the buildings in the eastern section of the site. Strong otter paths are present in many areas including paths heading out of site. Subsequently some works were undertaken (under licence) that led to the destruction or disturbance of some resting up sites, along the new access road to the dry dock and the area around the dry dock. The 2019 survey recorded that otter activity had reduced in the area compared to 2016, however there were still many field signs that indicate otter presence including within the site and wider area.
- 10.33 In addition to this many spraints were found along the grass above the coastline of the eastern site boundary as well as on and under rocks and rock armour above the tide line were a number of well used resting up sites were recorded and still present in 2019, including some with potential breeding here. However, the dry dock area only had limited evidence of otter using the west bank (near the top of the bank) and it does not appear that otters are accessing the main dry dock area.
- 10.34 The whole site is well used by otters and it likely being used by at least one or two family groups of otters. Mitigation that includes otter crossing warning signs have already been installed since 2016. It is recommended that the otter specialist should review the need or not for a licence once details of the works are confirmed.

- 10.35 The survey also found evidence of badgers at three locations, indicating three small setts and evidence of pine marten activity was found on the site in the form of a scat. As in 2016 although no pine marten dens were confirmed on site there are many potential areas that pine marten could use for den sites and they may use otter resting up sites and badger setts when otters/badgers are not present.
- 10.36 Until the full details of the works are available, it is not known if otter resting up sites will be lost or disturbed. Any loss of disturbance to any resting up sites would require a derogation licence from NatureScot. Whilst these are the findings of the survey it is not considered that the modifications to the operation of the yard as sought by this application will impact the species found, subject to mitigation, as there are no structural or building works that will be taking place on the site.
- 10.37 The survey has made site recommendations, and these should be included in a Habitat Management Plan (HMP). This should also include habitat enhancements.

### **Roads and Transport Impacts**

- 10.38 There have been third party concerns raised in relation to the impact this development would have on the local road network. Transport Planning do not object to the proposal but it has recommended a series of conditions in order to protect the public road network from damage, manage operational traffic and encourage a sustainable approach to workforce travel.
- 10.39 The existing Traffic Management Plan for the site highlights that if the dry dock is working to capacity on decommissioning then it would lead to 4.5 HGV movements a day. This is approximately half the amount of HGV movements per day compared to the construction of wind turbine concrete caissons. In respect of this application it is considered that there will not be a significant increase in traffic.
- 10.40 The submitted EIA addendum and further clarification documents notes that additional traffic movements associated with the proposal relative to what is already consented along the local road network will be limited, with many materials being removed from the site by sea. The applicant has provided information setting out the traffic movements associated with the decommissioning of the MV Kaami vessel which was undertaken in the yard following the ship running aground off Duntulm, Skye. This sets out that 99.5% of the MV Kaami was recycled, 89% of waste was dispatched by sea, with the remaining waste, which equated to 129 tonnes, was transported by road giving rise to 16 movements over 43 days. The movements included 11 skips and five tankers. Six of these were routed to Fort William, 5 to Aberdeen and 5 to Invergordon.
- 10.41 The existing roads within the study area are not designed for increases in HGV traffic flows; the pavement construction is historic and not designed to cope with increased heavier traffic; location and weather conditions increase the potential for damage caused by any uplift in traffic volumes of heavier vehicles. However, as it is unlikely that this application will significantly increase the volume of heavier vehicles it is considered that an Operational Traffic Management Plan should be secured through planning conditions. This should include any other roads based mitigation which may be required. In addition, these aspects would be covered

under a Section 96 (wear and tear) Agreement under the Roads (Scotland) Act. In respect of the other conditions suggested by Transport Planning, these will be relevant when assessing and reaching a recommendation on the application for the extension to the dry dock (ref. 20/03541/FUL).

### **Economic Benefits**

- 10.42 It is expected that the proposal will likely have economic benefits, with the proposal creating up to 40 jobs in relation to decommissioning work. The developer is also seeking to ensure for future opportunities for the yard. This includes providing training for young people and retraining for older age groups to help tackle the unemployment crisis which is currently predicted. It is also expected that there would be economic benefits to the wider economy with the yard being able to bring enter the decommissioning sector which is valued at approximately £48billion.

### **Other material considerations**

- 10.43 Concerns have been raised in relation to the lack of public consultation. However, as the application falls below the major development thresholds it therefore does not require to be the subject of public consultation. The application was correctly advertised and neighbour notified by the Planning Authority.
- 10.44 It is worth highlighting that an application submitted under S42 of the Planning Act provides the Planning Authority with an opportunity, as part of the process in considering the proposed variation, to amend any, or each of the original conditions previously applied which it considers necessary to regulate the development proposed. This can ensure the wording is in line with current good practice and ensure the conditions are suitable to regulate the proposed development. All of the conditions have been reviewed given the scheme is now operational. The conditions have been reworded to reflect the operational status of the scheme. All suspensive planning conditions as previously applied have been satisfied, some of these require ongoing application of mitigation or are operational requirements. As this is the case these require to remain in force.
- 10.45 There are no other material considerations.

### **Non-material considerations**

- 10.46 The issue of some of the objectors not living in the area is not a material planning consideration.
- 10.47 Representations have raised concerns that a ship was previously decommissioned at the site in May 2020 without planning permission first being sought. The ship in question had run aground off the coast of Skye. The Planning Authority agreed to permit this work as a one-off emergency measure in order to prevent a serious pollution incident following advice from SEPA that the vessel involved was in imminent danger of breaking up at sea.
- 10.48 The issue of the lack of developer contributions have been considered and a review of the bond will be undertaken. Developer Contributions in relation to the extension to the dry dock (ref. 20/03541/FUL) is under consideration and will be determined in due course.



10.49 Removal of traditional static gear prawn fishing grounds. Marine Scotland advised on 01.12.2020 that Marine Scotland's regulatory authority does not cover shipping vessels which might anchor in the Loch awaiting entry to the dry dock. It is unlikely that this development would impact any fishing grounds.

10.50 The lack of a community benefit package is not a material planning consideration.

### **Matters to be secured by Financial Agreement**

10.51 Decommissioning and restoration of each element of the site is subject to a financial agreement for each phase and will require to be amended to reflect each element of the development.

## **11. CONCLUSION**

11.1 The Planning Authority are broadly supportive of expanding commercial and economic opportunities. This development will diversify the existing development to allow it to become more flexible and adaptable to the ever-changing circumstances. Kishorn Yard is a key national industrial asset which has benefited the local economy and could continue to do so with a further diversification of its use.

11.2 The benefits of the proposal require to be considered against any potential adverse impacts, many of which have been highlighted in representations. Any permission granted would require the potential adverse effects to be mitigated. This includes securing the mitigation measures applied to the original permission as well as additional ones to ensure matters such as adherence to noise levels, biosafety measures are in place to prevent pollution and protection of wildlife.

11.3 Subject to appropriate planning conditions being applied, the proposal to vary Condition 1 of planning ref. 18/05057/S42 to permit the decommissioning of shipping vessels extension in time is broadly acceptable.

11.4 It is considered that sufficient safeguards are in place through the conditions which would remain in force on the permission to ensure that the decommissioning of shipping vessels does not have a negative impact on the wider environment and amenity of the area. The applicant has been able to demonstrate that many of the potential adverse impacts can be appropriately addressed and that there will be clear benefits associated with the proposal. Furthermore, a modified legal agreement will be completed to secure a financial bond for the decommissioning and restoration of the site.

11.5 The Planning Authority is satisfied that the subject application is supported by the necessary information in the form of the submitted EIA addendum and clarification documents which considers the proposal against the baseline of the already consented major industrial development.

11.6 All relevant matters have been taken into account when appraising this application. It is considered 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.

## 12. IMPLICATIONS

- 12.1 Resource: Not applicable
- 12.2 Legal: Not applicable
- 12.3 Community (Equality, Poverty and Rural): Not applicable
- 12.4 Climate Change/Carbon Clever: Not applicable
- 12.5 Risk: Not applicable
- 12.6 Gaelic: Not applicable

## 13. RECOMMENDATION

### Action required before decision issued Y

Notification to Scottish Ministers	Y
Conclusion of Section 75 Obligation	N
Revocation of previous permission	N

**Subject to the above**, it is recommended that planning permission be **GRANT**, subject to the following:

### Conditions and Reasons

1. The development relates to the extension of an existing construction/fabrication yard, including construction of concrete gravity bases for the energy sector, decommissioning of redundant offshore, energy and marine sector structures, (including the decommissioning of shipping vessels), extension of existing quarry, site engineering works, siting of concrete batching plants and erection of industrial buildings. The development shall be undertaken in accordance with the planning application, environmental statement, identified mitigation and approved plans, including information related to decommissioning, except insofar as amended by the terms of this consent or as approved in writing by the Planning Authority in consultation with other relevant authorities."  
  
**Reason:** In order to clarify the terms of this planning permission and to ensure the development is implemented in accordance with the provisions of the application and associated documents.
2. The development shall be undertaken in accordance with the planning permission reference 13/ 02272/FUL and 18/05057/S42, the original Environmental Statement (2013) and the Environmental Statement Addendum (2020) and Clarification

Document (2021) except in so far as amended by the terms of this consent or as subsequently agreed in writing by the Planning Authority in consultation with NatureScot and Scottish Environmental Protection Agency.

**Reason:** To ensure the development is carried out in accordance with the submitted documentation.

3. No new external lighting shall be installed on the site until 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'.

4. Within 6 months of the date of this planning permission a scheme shall be submitted to and approved in writing by the Planning Authority detailing how the development will be decommissioned and the land restored to its previous use and condition. The scheme, to be known as the Interim Decommissioning and Restoration Plan (IDRP), shall be prepared in accordance with legislative requirements and published best practice at the time of preparation of the document. The IDRP shall include details about how all elements of the development are to be decommissioned and the land restored, including where necessary details of:

- a) justification for retention of any relevant elements of the development;
- b) Removal of all waste materials from the site;
- c) the treatment of disturbed ground surfaces to ensure they are returned to their previous use and natural habitat (where appropriate);
- d) management and timing of the works;
- e) environmental management provisions;
- f) a traffic management plan to address any traffic impact issues during the decommissioning period.

Thereafter and at least two years prior to the end of the design life of each working zone, or for the quarry no later than three years prior to final extraction from the quarry or 31 January 2031 whichever is earlier, a decommissioning and restoration plan for the site shall be submitted to and approved in writing by the Planning Authority in consultation with Scottish Environment Protection Agency and NatureScot. The plan shall be based on the IDRP, best practice current at the time of submission.. Thereafter decommissioning restoration shall be carried out in accordance with the approved details and timescales.

**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.

5. No development shall commence until:
- i. Full details of a guarantee, bond or other financial provision to be put in place to cover all of the decommissioning and Site restoration measures outlined in the Decommissioning and Restoration Plan approved under condition 4 of this permission have been submitted to, and approved in writing by, the planning authority. For the avoidance of doubt the bond must be able to be called upon by The Highland Council and be enforceable against the operator and landowner and/ or leaseholder; and
  - ii. Confirmation in writing by a suitably qualified independent professional that the amount of financial provision proposed under part (i) above is sufficient to meet the full estimated costs of all decommissioning, dismantling, removal, disposal, Site restoration, remediation and incidental work, as well as associated professional costs, has been submitted to, and approved in writing by, the planning authority; and
  - iii. Documentary evidence that the guarantee, bond or other financial provision approved under parts (i) and (ii) above is in place has been submitted to, and confirmation in writing that the financial provision is satisfactory has been issued by, the planning authority.

Thereafter, the Operator, and Leaseholder and/or Landowner, shall:

- i. Ensure that the guarantee, bond or other financial provision is maintained throughout the duration of this permission; and
- ii. Pay for the guarantee, bond or other financial provision to be subject to a review five years after the commencement of development and every five years thereafter until such time as the Spaceport is decommissioned and the Site restored.

Each review shall be:

- a) conducted by a suitably qualified independent professional; and
- b) published within three months of each five year period ending, with a copy submitted upon its publication to both the landowner(s) and the Planning Authority; and
- c) approved in writing by the planning authority without amendment or, as the case may be, approved in writing by the Planning Authority following amendment to their reasonable satisfaction.

Where a review approved under part (c) above recommends that the amount of the guarantee, bond or other financial provision should be altered (be that an increase or decrease) or the framework governing the bond or other financial provision requires to be amended, the Operator, and Leaseholder and/or

Landowner shall do so within one month of receiving that written approval, or another timescale as may be agreed in writing by the planning authority, and in accordance with the recommendations contained therein.

**Reason:** To ensure that there are sufficient funds to secure performance of the decommissioning and restoration conditions.

6. For the avoidance of doubt, any tall structures in excess of 300 feet (91.44m) above ordnance datum (AOD) shall have aircraft warning lights fitted to the satisfaction of the Planning Authority in consultation with the Civil Aviation Authority. Prior to the erection of any structures in excess of 300 feet (91.44m) AOD, the developer shall notify the Defence Infrastructure Organisation and the Civil Aviation Authority so that they may publicise the location to the aviation communities.

**Reason:** For air traffic safety reasons given the proximity of Plockton Airfield.

7. At least one month prior to the commencement of development within each working zone or within 3 months of the date of this planning permission, the developer shall provide to the Planning Authority written details of the bond or other financial provision which they propose to put in place to cover all site restoration costs at the end of the period of this consent. Under the approved working zone plan. 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.

8. Within 2 months of the date of this planning permission, the remit and membership of a Local Liaison Group including representatives of Kishorn Port Ltd, Contractors, Community Councils, Transport Planning, NatureScot, Scottish Environment Protection Agency, Environmental Health and the Planning Authority, has been submitted to and approved in writing by the Planning Authority.

For the avoidance of doubt the remit of the Local Liaison Group shall be to promote effective communication. This should include a Management Plan to address any amenity concerns, particularly in relation to lighting and noise, with vessels moored in association with the operations of this development. This shall be convened and chaired by the Council's Ward Manager for Ward 5 or an appointed representative.

For the avoidance of doubt, the Liaison Group shall meet for the first time prior to the commencement of any development on the site (including construction) and shall thereafter meet every 3 months, or such other time period as may be agreed by the members of the group, for the duration of the construction period and during operation of the development hereby approved.

**Reason:** To effectively control the impacts of this development in the interests of amenity and traffic safety.

9. Operational noise arising from the development hereby approved shall at no time exceed the following limits as measured in the free field at any noise sensitive properties : -

Monday to Saturday 0700-1900      45dB LAeq 1hr

All other times                              42dB LAeq 1hr

For the avoidance of doubt these limits would apply to the cumulative noise from all activities covered by any approval and the existing and extended quarrying operation. These limits would not apply to works which are inaudible at any noise sensitive property.

For the avoidance of doubt there shall be no quarry operations on a Sunday except that required for essential maintenance where cumulative noise shall not exceed 42 dB L Aeq,1 hr at any noise sensitive property as specified above.

**Reason:** In the interests of residential amenity to avoid unacceptable noise impacts.

10. During operational activities associated with this development, the use of high pitched tonal reversing alarms, audible at any noise sensitive property, is prohibited. The exception to this requirement would be delivery vehicles and similar brief on site activities.

**Reason:** In the interests of residential amenity to avoid unacceptable noise impacts.

11. 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.

12. Planning permission is hereby granted for the quarry operations for a temporary period only and shall cease to have effect on 31st January 2034 (the 'cessation date').

Prior to the cessation date, 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 under condition 4.

**Reason:** Given the temporary nature of the proposed development and to provide an opportunity to review the permission in due course.

13. The developer shall keep a record of the tonnage of rock exported by sea and road and this shall be available for inspection by the Planning or Roads Authority on request. For the avoidance of doubt, the volume of rock transported on local road systems shall not exceed 5000 tonnes per annum unless there is a written agreement with the Planning and Roads Authorities, an audit of the affected road system is undertaken and any subsequent negative impact shall be remedied by the operators to the satisfaction of the Roads Authority at their sole expense.

**Reason:** To effectively control the impacts of this development in the interests of amenity.

14. Prior to the commencement of the extension of the existing quarry area, an updated site restoration and landscaping plan for the quarry area including methodology, specification and a timescale for the progressive reinstatement shall be submitted for the approval of the Planning Authority in consultation with NatureScot and Scottish Environment Protection Agency. Thereafter the quarry shall be fully restored in accordance with the approved restoration and landscaping plan in accordance with the agreed timescale and completed before the consent expires on 31st January 2034.

**Reason:** To secure the reinstatement of the site to the satisfaction of the Planning Authority.

15. Prior to the commencement of any blasting operations within the extension to the existing quarry an updated and detailed method statement for blasting operations and activity shall be submitted for written approval of the Planning Authority in consultation with Community Services Environmental Health. All subsequent blasting shall take place in accordance with this scheme as subsequently approved. A programme of blast monitoring shall be implemented in accordance with the approved details.

**Reason:** In the interests of amenity.

16. In connection with blasting activity referred to above, the following shall be complied with:

- to protect the marine aquatic environment ground vibrations shall not exceed a peak velocity of 13mms-1 in 50% of all blasts measured over any period of 6 months - as measured on the shoreline.

- to protect inhabited property, ground vibration shall not exceed a peak particle velocity of 6mms-1 in 95% of all blasts measured over a period of 6 months and no individual blast shall exceed a peak velocity of 12mms-1 as measured at vibration sensitive buildings.

Unless otherwise agreed in writing with the Planning Authority in consultation with Community Services Environmental Health.

**Reason:** In the interests of amenity and safety.

17. Planning permission for all "temporary structures" such as 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.

18. Within 3 months of the date of this planning permission or prior to any decommissioning marine structures (including shipping vessels), whichever is earlier, a scheme for monitoring noise from decommissioning operations shall be submitted to, and agreed in writing by, the Planning Authority. Thereafter, the approved scheme shall be implemented and remain in force through the operational life of the proposed development.

Within six months of the first marine structure being decommissioned on the site, a report that compares the predicted effects contained with the Noise Assessment submitted in support of this application and identifies any further mitigation deemed necessary to protect sensitive receptors, including a programme for implementation, shall be submitted to, and agreed in writing by, the Planning Authority. Any agreed mitigation shall be implemented in accordance with the agreed programme.

**Reason:** To protect the amenity of sensitive receptors from operational noise that was not predicted.

19. Within 3 months of the date of this planning permission or prior to any decommissioning marine structures (including shipping vessels), whichever is earlier, an updated Schedule of Mitigation shall be submitted to and approved in writing by the Planning Authority in consultation with NatureScot, Scottish Environmental Protection Agency and Marine Scotland. The document shall include provision for :

- a) An updated Schedule of Mitigation (SM) including all mitigation identified in the Environmental Impact Assessment Report, any other supporting information submitted in support of the application and any additional mitigation otherwise included as conditions on this planning permission;
- b) A timetable for the implementation of each element of mitigation;
- c) Processes to control / action changes from the agreed Schedule of Mitigation.

Thereafter all mitigation identified in the approved document shall be implemented in full in accordance with the timescales included in the schedule of mitigation.

**Reason:** to ensure the delivery of required mitigation to ensure the impacts of the proposed development on the receiving environment are managed.

20. Within 3 months of the date of this planning permission or prior to any decommissioning marine structures (including shipping vessels), whichever is earlier, a Biosecurity Plan shall be submitted to and approved in writing by the



Planning Authority in consultation with NatureScot. The Biosecurity Plan shall address, among other matters, the potential introduction pathway for marine non-native species.

Thereafter the approved Biosecurity Plan shall be implemented prior to the decommissioning of any marine structures (including shipping vessels).

**Reason:** to ensure biosecurity in relation to the marine environment is appropriately managed.

21. Within 3 months of the date of this planning permission or prior to any decommissioning marine structures (including shipping vessels), whichever is earlier, a practicable Workforce Travel Plan shall be submitted to and approved in writing by the Planning Authority. The Plan shall detail the following measures:
- a) The name and contact details of an appointed Travel Plan Co-ordinator;
  - b) The proposed objectives and targets for staff travel, including targets to reduce access being taken to the development by staff and visitors in private cars, encourage practicable access options to the development by sustainable and active transport and for avoiding parking overspill onto the adjacent public roads;
  - c) Details of measures to be taken to meet the proposed targets;
  - d) Details of monitoring that will be undertaken to measure the success of the Travel Plan against the approved targets;
  - e) Details of the reporting of the monitoring of the Workforce Travel Plan, which shall be annually from the date of the first use of the development as a location to decommission marine structures. This report shall include details of any further mitigation measures required to ensure the targets in the Workforce Travel Plan can be met.

Thereafter the Workforce Travel Plan shall be implemented prior to the sites first use as a location to decommission marine structures.

**Reason:** To reduce the reliance on private cars and encourage modal shift to sustainable and active transport.

22. Within 3 months of the date of this planning permission or prior to any decommissioning marine structures (including shipping vessels), whichever is earlier, updated operational Traffic Assessment and Traffic Management Plan shall be submitted and approved in writing by the Planning Authority. The plan shall include but not be limited to:
- a) Methodology for the updated traffic assessment;
  - b) Construction and Operational Vehicle Routing;
  - c) Baseline conditions;
  - d) Proposed construction and operational vehicle numbers for each different use within the development;
  - e) Assessment of structural effects on the local road network and a scheme for monitoring and mitigation works to include an annual video survey of the local road network identified under point b) above and an appropriate

agreement to ensure damage to the local road network which is attributable to the operation of the development is repaired at the expense of the developer;

- f) Details of the information scheme for HGV drivers;
- g) Details of directional signage;
- h) A scheme for the timing of major traffic movements (inclusive of deliveries and removal of waste);
- i) A scheme for breakdown recovery;
- j) Details of wheel washing facilities to ensure no detritus is brought onto the local road network;
- k) Procedures and a scheme for review of the Traffic Management Plan, at intervals of no less than every 1 year from the first decommissioning of a marine structure following the approval of the updated Traffic Management Plan which shall include a comparison of the forecast development traffic against HGV logs and traffic surveys. Following each annual review, if required by the Planning Authority, a revised Traffic Management Plan shall be submitted for the written approval of the Planning Authority.

Thereafter the operation shall proceed in accordance with the approved Traffic Management Plan, or updated Traffic Management Plan which may be approved following an annual review, details in perpetuity.

**Reason:** To ensure that operational traffic is managed in a manner which would avoid adverse impacts on the free flow and structure of the local road network

## **REASON FOR DECISION**

All relevant matters have been taken into account when appraising this application. It is considered 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.

## **TIME LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION**

In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), the development to which this planning permission relates must commence within THREE YEARS of the date of this decision notice. If development has not commenced within this period, then this planning permission shall lapse.

## **FOOTNOTE TO APPLICANT**

### **Initiation and Completion Notices**

The Town and Country Planning (Scotland) Act 1997 (as amended) requires all developers to submit notices to the Planning Authority prior to, and upon completion of, development. These are in addition to any other similar requirements (such as Building Warrant completion notices) and failure to comply represents a breach of planning control and may result in formal enforcement action.

1. The developer must submit a Notice of Initiation of Development in accordance with Section 27A of the Act to the Planning Authority prior to work commencing on site.
2. On completion of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Act to the Planning Authority.

Copies of the notices referred to are attached to this decision notice for your convenience.

### **Accordance with Approved Plans and 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 (paragraph 259), planning permission does not remove the liability position of developers or owners in relation to flood risk.

### **Scottish Water**

You are advised that a supply and connection to Scottish Water infrastructure is dependent on sufficient spare capacity at the time of the application for connection to Scottish Water. The granting of planning permission does not guarantee a connection. Any enquiries with regards to sewerage connection and/or water supply should be directed to Scottish Water on 0845 601 8855.

### **Septic Tanks and Soakaways**

Where a private foul drainage solution is proposed, you will require separate consent from the Scottish Environment Protection Agency (SEPA). Planning permission does not guarantee that approval will be given by SEPA and as such you are advised to contact them direct to discuss the matter (01349 862021).

### **Local Roads Authority Consent**

In addition to planning permission, you may require one or more separate consents (such as road construction consent, dropped kerb consent, a road openings permit, occupation of the road permit etc.) from the Area Roads Team prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local Area Roads office for further guidance at the earliest opportunity.

Failure to comply with access, parking and drainage infrastructure requirements may endanger road users, affect the safety and free-flow of traffic and is likely to result in enforcement action being taken against you under both the Town and Country Planning (Scotland) Act 1997 and the Roads (Scotland) Act 1984.

Further information on the Council's roads standards can be found at: <http://www.highland.gov.uk/yourenvironment/roadsandtransport>

Application forms and guidance notes for access-related consents can be downloaded from:

[http://www.highland.gov.uk/info/20005/roads\\_and\\_pavements/101/permits\\_for\\_working\\_on\\_public\\_roads/2](http://www.highland.gov.uk/info/20005/roads_and_pavements/101/permits_for_working_on_public_roads/2)

### **Mud and 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.

**Construction Hours and Noise-Generating Activities:** You are advised that construction work associated with the approved development (incl. the loading/unloading of delivery vehicles, plant or other machinery), for which noise is audible at the boundary of the application site, should not normally take place outwith the hours of 08:00 and 19:00 Monday to Friday, 08:00 and 13:00 on Saturdays or at any time on a Sunday or Bank Holiday in Scotland, as prescribed in Schedule 1 of the Banking and Financial Dealings Act 1971 (as amended).

Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under Section 60 of the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to result in court action.

If you wish formal consent to work at specific times or on specific days, you may apply to the Council's Environmental Health Officer under Section 61 of the 1974 Act. Any such application should be submitted after you have obtained your Building Warrant, if required, and will be considered on its merits. 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](mailto:env.health@highland.gov.uk) for more information.

### **Protected Species – Halting of Work**

You are advised that work on site must stop immediately, and Scottish Natural Heritage must be contacted, if evidence of any protected species or nesting/breeding sites, not previously detected during the course of the application and provided for in this permission, are found on site. For the avoidance of doubt, it is an offence to deliberately or recklessly kill, injure or disturb protected species or to damage or destroy the breeding site of a protected species. These sites are protected even if the animal is not there at the time of discovery. Further information regarding protected species and developer responsibilities is available from SNH: [www.snh.gov.uk/protecting-scotlands-nature/protected-species](http://www.snh.gov.uk/protecting-scotlands-nature/protected-species)

Designation: Acting Head of Development Management – Highland

Author: Claire Farmer, Planner – Strategic Projects Team

Background Papers: Documents referred to in report and in case file.

Relevant Plans:

- Plan 1 - Location Plan 55-04
- Plan 2 - APPROVED FIG 1.2 - SITE LOCATION PLAN
- Plan 3 - APPROVED FIG 3.2 - DEVELOPMENT LAYOUT PLAN
- Plan 4 - APPROVED FIG 3.3b - QUARRY DEVELOPMENT PHASE 1
- Plan 5 - APPROVED FIG 3.3c - QUARRY DEVELOPMENT PHASE 2
- Plan 6 - APPROVED FIG 3.3d - QUARRY DEVELOPMENT PHASE 3
- Plan 7 - APPROVED FIG 3.3e - QUARRY DEVELOPMENT PHASE 4
- Plan 8 - APPROVED FIG 3.3f - QUARRY DEVELOPMENT PHASE 5
- Plan 9 - APPROVED FIG 3.3g - CROSS SECTIONS
- Plan 10 - APPROVED FIG 3.4 - CENTRAL COASTAL INFILL AREA
- Plan 11 - APPROVED FIG 3.7 - CONCRETE BATCHING PLANT
- Plan 12 - APPROVED FIG 9.2 - RESTORATION SCHEME FOR QUARRY AND TERRACES
- Plan 13 - APPROVED FIG 9.3 - RESTORATION SCHEME FOR LEVEL AREAS TO EAST OF THE DRY DOCK
- Plan 14 - APPROVED FIG 16.1 - WASTE MANAGEMENT PLAN
- Plan 15 - TEMPORARY STORAGE AREA
- Plan 16 - PROPOSED SITE LAYOUT PLAN 1629 109 REV A
- Plan 17 - EAST QUAY - PROPOSED GENERAL PLAN 1629 110 REV A
- Plan 18 - APPROVED DRY DOCK - APPROACH LAYOUT PLAN 1629 111 REV A
- Plan 19 - APPROVED - Fig 6 Elevations for East Quay
- Plan 20 - APPROVED LOADING QUAY - PROPOSED GENERAL LAYOUT 1629 112 REV A
- Plan 21 - WEST QUAY - PROPOSED GENERAL PLAN 1629 113 REV A
- Plan 22 - APPROVED ROCK ARMOUR & RECLAMATION AREAS 1, 2 AND 4 1629 114 REV A
- Plan 23 - APPROVED ROCK ARMOUR & RECLAMATION AREA 3 1629 115 REV B
- Plan 24 - BARGES - FLOOR- ELEVATION PLAN 1629 116 REV A
- Plan 25 - APPROVED DRAINAGE PLAN 1629 120 REV B
- Plan 26 - SITE LAYOUT PLAN DLP1

Plan 27 - APPROVED Fig 3.5 East Quay

Plan 28 - 1302272FUL DN

Plan 29 - 1702389S42 DN

Plan 30 - 1805057S42 DN

**PLANNING PERMISSION**

Reference No: 13/02272/FUL

To:  
Kishorn Port Ltd  
Integrated Freight Facilities  
Annat  
Corpach  
PH33 7NN

Per:  
Dalgleish Associates Ltd  
Per: Karen Dalgleish  
1 Sinclairs Street  
Dunblane  
FK15 0AH

**Town & Country Planning (Scotland) Act 1997 as amended by the Planning Etc. (Scotland) 2006 Act**

**DECISION NOTICE**

**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  
Land At Kishorn Base Kishorn**

The Highland Council in exercise of its powers under the above Acts **grants planning permission** for the above development in accordance with the particulars given in the application and the following plans/drawings:

Type of Plan	Plan Number	Version No.	Date Plan Received
Location Plan	FIG 1.2		18.06.2013
Site Layout Plan	FIG 3.2		18.06.2013
General Plan	FIG 3.3B		18.06.2013
General Plan	FIG 3.3C		18.06.2013
General Plan	FIG 3.3D		18.06.2013
General Plan	FIG 3.3E		18.06.2013
General Plan	FIG 3.3F		18.06.2013
General Plan	FIG 3.3G		18.06.2013
General Plan	FIG 3.4		18.06.2013
General Plan	FIG 3.5		28.06.2013
Proposed Floor/Elevation Plan	FIG 6		28.06.2013
General Plan	FIG 9.3		18.06.2013
General Plan	FIG 16.1		18.06.2013
General Plan	FIG 3.7		18.06.2013
General Plan	FIG 9.2		18.06.2013
General Proposed	1629 111	A	18.06.2013
General Proposed	1629 112	A	18.06.2013
General Plan	1629 114	A	18.06.2013
General Plan	1629 115	B	18.06.2013
Drainage	1629 120	B	18.06.2013

This permission is granted subject to the following conditions: -

**Dated: 1st November 2013**

.....  
**Planning Manager**  
REFULZ Page 1 of 12

- (1.) The development shall be undertaken in accordance with the planning application, environmental statement, identified mitigation and approved plans, except insofar as amended by the terms of this consent or as approved in writing 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.

- (2.) No development hereby approved shall commence until an outline programme identifying working zones and anticipated phasing of the overall development has been submitted to and approved in writing by the Planning Authority. For the avoidance of doubt, this shall also refer to the additional accommodation units and associated development (planning reference 13/02273/PIP) and any subsequent matters specified in conditions applications. Thereafter, no development shall take place within each identified working zone until a detailed phasing programme including a timetable of development and the anticipated end of design life has been submitted to and approved in writing by the Planning Authority. These submissions shall also include any updates to the original outline programme. Thereafter the development shall be carried out in accordance with the approved details unless the prior written approval of the Planning Authority is granted for any variation.

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

- (3.) No development shall commence until a scheme to deal with potential contamination on site has been submitted to and agreed in writing by the Planning Authority. Prior to submission, the exact scope of the scheme shall be agreed in writing with the Planning Authority in consultation with TECS Contaminated Land. Thereafter no development shall commence until written confirmation has been received that the scheme has been implemented, completed and, if required, monitoring measurements are in place, all to the satisfaction of the Planning Authority.

**Reason :** In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.

- (4.) No development shall commence until detailed and site specific Construction Method Statement, Construction Environment Management Plan, Operational Environmental Management Plan and Environmental Work Management Plan for each working zone of the development (refer to condition 2) have been submitted to and approved in writing by the Planning Authority in consultation with SEPA and SNH. The aforementioned plans/statements shall also refer to development within the adjacent site - planning reference 13/02273/PIP, and any subsequent matters specified in conditions applications. 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 within each working zone (refer to condition 2) 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:

**Dated:** 1st November 2013

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 Planning Manager

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- 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;
- Information on proposed drainage from any process areas. For example concrete wash water should be dealt with separately;
- 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
- Re-routing of overland flows which may be required for operational reasons along with details of the amended outfall location.
- 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.

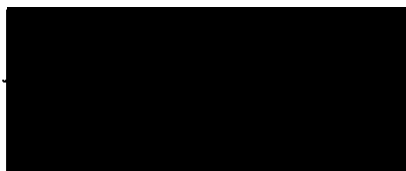
**Reason :** Outline information has been provided with the application which demonstrates that suitable SUDS and other drainage could be fitted on the site; detailed information is required prior to commencement of development in the interests of safeguarding the environment and pollution control.

**(6.)** No development shall commence until exact arrangements for potable water and foul drainage (including a programme for implementation) for each working zone (refer to condition 2) 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.)** No development shall commence until a Watercourse Management Plan which provides information on the design and location of the finalised route of all watercourses within the site boundary and the location and design of any associated infrastructure, such as culverting has been submitted to and approved in writing by the Planning Authority in consultation with SEPA. The scheme shall include photos of the existing watercourses to act as a baseline, outline improvements to existing modifications and demonstrate how the final route of the watercourses has been located to afford as much protection from surrounding works as possible. Thereafter the development shall be completed in accordance with the approved details and timescales.

**Dated:** 1st November 2013



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**Reason: To ensure appropriate protection of the water environment.**

- (8.) For the avoidance of doubt, any new building/portacabin structure located within the site shall have a minimum finished floor level of 4.55m AOD.**

**Reason: To reduce the risk of coastal flooding.**

- (9.) At least two years prior to the end of the design life of each working zone (refer to condition 2), a 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 and timescales.**

**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.**

- (10.) At least one month prior to the commencement of development within each working zone (refer to condition 2), the developer shall provide to the Planning Authority written details of the bond or other financial provision which they propose 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 within each working zone 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.**

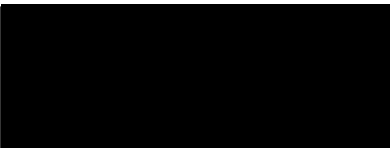
- (11.) Prior to the erection of each building or siting of modular/portacabin units a fully detailed site layout, plans and elevations of each building including a detailed specification for all proposed external materials and finishes (including trade names and samples where necessary) shall be submitted to, and approved in writing by, the Planning Authority. The colour Van Dyke Brown with XL Forte finish (Kingspan Insulated Panels) is considered appropriate. 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.**

- (12.) For the avoidance of doubt, any existing sheds/buildings to be retained at East Quay shall be painted or clad the same colour as new buildings as referred to by the condition above. This shall be completed at the same time as completion of the first new building approved as part of this permission.**

**Reason: In the interests of visual amenity and given the sites location within the National Scenic Area.**

**Dated: 1st November 2013**

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 **Manager**  
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- (13.) No new external lighting shall be installed on the site until 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'.

- (14.) A pre-commencement survey for otters shall be undertaken prior to commencement of development in each working zone (refer to 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 the surveys. Development and work shall progress in accordance with any mitigation measures contained within the approved report of survey and the timescales contain 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.

- (15.) 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 Russel 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.

- (16.) Notwithstanding the details provided in the ES concerning restoration, a species mix of grass and heather brash appropriate to the site shall be used. No development shall commence until details of this have been submitted to and approved in writing by the Planning Authority. Thereafter the development shall be completed in accordance with the approved details.

**Reason :** In the interests of visual amenity and biodiversity to ensure the species mix is appropriate for the site.

- (17.) No new fencing shall be erected within the site until details of fencing has been submitted to and approved in writing by the Planning Authority. 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.

**Dated:** 1st November 2013

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[Redacted Signature] Planning Manager

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

- (18.) No new signage shall be erected within the site until full details have been submitted to and approved in writing by the Planning Authority. 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.**

- (19.) For the avoidance of doubt, as stated in the ES, any tall structures in excess of 300 feet (91.44m) above ground shall have aircraft warning lights fitted to the satisfaction of the Planning Authority in consultation with the Civil Aviation Authority. The developer shall also notify the Defence Geographic Area so that they may publicise the location to the aviation communities.**

**Reason: For air traffic safety reasons given the proximity of Plockton Airfield**

- (20.) No development shall commence on site until the membership of a Local Liaison Group including representatives of Kishorn Port Ltd, Contractors, Community Councils, TEC Services, SNH, SEPA, Environmental Health and the Planning Authority has been agreed in writing by the Planning Authority. For the avoidance of doubt the remit of the Local Liaison Group shall be to promote effective communication, to discuss and resolve local issues and it shall be convened and chaired by the Council's Ward Manager for Ward 6 or an appointed representative. For the avoidance of doubt, the Liaison Group shall meet for the first time prior to the commencement of any development on the site (including construction) and shall thereafter meet every 3 months, or such other time period as may be agreed by the members of the group, for the duration of the construction period and during operation of the development hereby approved.**

**Reason: To effectively control the impacts of this development in the interests of amenity and traffic safety.**

- (21.) Prior to the commencement of any works on site hereby approved 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 and timescales 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.**

- (22.) 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.**

**Dated: 1st November 2013**

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**Planning Manager**

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(23.) Operational noise arising from the development hereby approved shall at no time exceed the following limits as measured in the free field at any noise sensitive properties : -

Monday to Saturday 0700-1900	45dB LAeq 1hr
All other times	42dB LAeq 1hr

For the avoidance of doubt these limits would apply to the cumulative noise from all activities covered by any approval and the existing and extended quarrying operation. These limits would not apply to works which are inaudible at any noise sensitive property.

For the avoidance of doubt there shall be no quarry operations on a Sunday except that required for essential maintenance where cumulative noise shall not exceed 42 dB LAeq,1 hr at any noise sensitive property as specified above.

**Reason:** In the interests of residential amenity to avoid unacceptable noise impacts.

(24.) During operational activities associated with this development, the use of high pitched tonal reversing alarms, audible at any noise sensitive property, is prohibited. The exception to this requirement would be delivery vehicles and similar brief onsite activities.

**Reason:** In the interests of residential amenity to avoid unacceptable noise impacts.

(25.) 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.

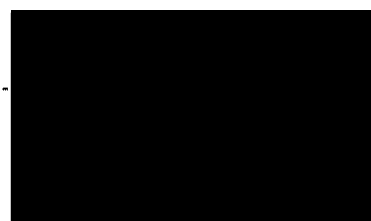
(26.) Planning permission is hereby granted for the quarry operations for a temporary FIFTEEN year period only from the date of commencement and shall cease to have effect on 31st October 2028 (the 'cessation date'). Prior to the cessation date, the application site shall be cleared of all development 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:** It is standard practice to limit the time life of quarry operations

(27.) The developer shall keep a record of the tonnage of rock exported by sea and road and this shall be available for inspection by the Planning or Roads Authority on request. For the avoidance of doubt, the volume of rock transported on local road systems shall not exceed 5000 tonnes per annum unless there is a written agreement with the Planning and Roads Authority, an audit of the affected road system is undertaken and any subsequent negative impact shall be remedied by the operators to the satisfaction of the Roads Authority at their sole expense.

**Reason:** To effectively control the impacts of this development in the interests of amenity.

**Dated:** 1st November 2013



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**Planning Manager**  
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- (28.) Prior to the commencement of extension of the existing quarry area hereby approved, an updated site restoration and landscaping plan for the quarry area including methodology, specification and a timescale for the progressive reinstatement shall be submitted for the written approval of the Planning Authority in consultation with SNH and SEPA. Thereafter the quarry shall be fully restored in accordance with the approved restoration and landscaping plan in accordance with the agreed timescale and completed before the consent expires on 31st October 2028.

**Reason:** To secure the reinstatement of the site to the satisfaction of the Planning Authority.

- (29.) At least one month prior to the commencement of development of the extension of the existing quarry area, the developer shall submit written details of the bond or other financial provision which it proposes to put in place to cover site restoration and landscaping costs for the quarry area prior to the end of the ten year period. 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 the financial provision so proposed is sufficient to meet the full estimated costs of decommissioning, dismantling, removal, disposal, site restoration, remediation and incidental work as well as associated professional costs. No work shall commence on the extended area 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.

- (30.) Prior to the commencement of any blasting operations within the extension to the existing quarry an updated and detailed method statement for blasting operations and activity shall be submitted for written approval of the Planning Authority in consultation with TECS Environmental Health. All subsequent blasting shall take place in accordance with this scheme as subsequently approved. A programme of blast monitoring shall be implemented in accordance with the approved details.

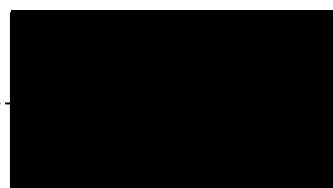
**Reason:** In the interests of amenity.

- (31.) In connection with blasting activity referred to above, the following shall be complied with:
- to protect the marine aquatic environment ground vibrations shall not exceed a peak velocity of 13mms-1 in 50% of all blasts measured over any period of 6 months - as measured on the shoreline.
  - to protect inhabited property, ground vibration shall not exceed a peak particle velocity of 6mms-1 in 95% of all blasts measured over a period of 6 months and no individual blast shall exceed a peak velocity of 12mms-1 as measured at vibration sensitive buildings.

Unless otherwise agreed in writing with the Planning Authority in consultation with TECs Environmental Health.

**Reason:** In the interests of amenity and safety.

**Dated:** 1st November 2013



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- (32.) 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 for redevelopment and expansion of operations at an existing industrial yard. Potential impacts have been identified and addressed and mitigation measures identified.

**DIRECTION UNDER SECTION 58(2) REGARDING THE IMPLEMENTATION OF THIS PLANNING PERMISSION**

The Highland Council hereby makes the following Direction under Section 58(2) of the Town and Country Planning (Scotland) Act 1997 (as amended). The development to which this planning permission relates must commence within FIVE YEARS of the date of this decision notice. If development has not commenced within this period, then this planning permission shall lapse.

**FOOTNOTE TO APPLICANT**

**Initiation and Completion Notices**

The Town and Country Planning (Scotland) Act 1997 (as amended) requires all developers to submit notices to the Planning Authority prior to, and upon completion of, development. These are in addition to any other similar requirements (such as Building Warrant completion notices) and failure to comply represents a breach of planning control and may result in formal enforcement action.

1. The developer must submit a Notice of Initiation of Development in accordance with Section 27A of the Act to the Planning Authority prior to work commencing on site.
2. On completion of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Act to the Planning Authority.

Copies of the notices referred to are attached to this decision notice for your convenience.

**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

Dated: 1st November 2013

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Planning Manager

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**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.

**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](mailto:env.health@highland.gov.uk) for more information.

**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.

**Fish Farm Interests**

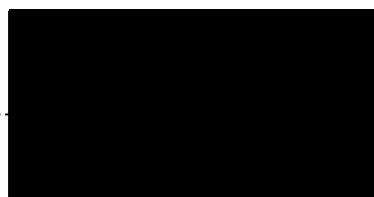
In view of concerns raised regarding bio-security of neighbouring fish farms, the developer is strongly advised to engage in discussions with the fish farm operators at the earliest opportunity.

Major Development and 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.

**SSE**

A map is attached showing the approximate location of the line. All works in proximity to overhead lines must be carried out in accordance with The Health and Safety Guidance note GS 6. The legislation dictates that where works are to be undertaken within 9 metres horizontal distance from an overhead line, positive steps must be taken to manage the risk identified on site. These steps can include, making the line dead, erecting barriers at ground level, erecting high level bunting and goal posts (6 metres from the line), using appropriate excavator, restricting jib movement, etc.

**Dated: 1st November 2013**



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**Planning Manager**

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**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](http://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](http://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.

Other consents including Marine Licence, CAR and PPC permit will be required The developer is advised to contact the issuing bodies direct. Planning permission does not guarantee that approval will be given.

**Variations**

None.

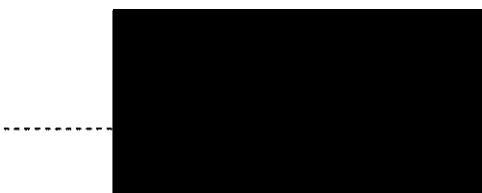
**Section 75 Agreement**

None.

**Building Regulations**

Please note that Building Regulations and/or a Building Warrant may be applicable to some or all of the works described in this decision notice. You must check with the Council's Building Standards service prior to work commencing to establish what compliance or approval is necessary. If a warrant is required, you must not commence work until one has been applied for and issued. For more information, please contact Building Standards at [Building.Standards@highland.gov.uk](mailto:Building.Standards@highland.gov.uk) or on 01349 886606.

**Dated: 1st November 2013**



**Planning Manager**

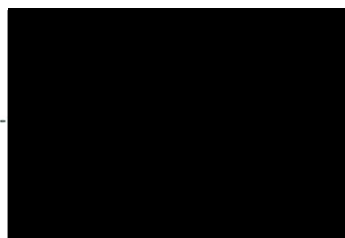
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**NOTIFICATION TO APPLICANT**

1. If the applicant is aggrieved by the decision to refuse planning permission for or approval required by a conditions in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may appeal to the Scottish Ministers under Section 47 of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of appeal should be addressed to:  
Directorate for Planning and Environmental Appeals  
4 The Courtyard  
Callendar Business Park  
Callendar Road  
Falkirk  
FK1 1XR  
Appeals can also be lodged online via the ePlanning Portal at <https://eplanning.scotland.gov.uk/WAM/>
2. If permission to develop land is refused or granted subject to conditions, whether by the planning authority or by the Scottish Ministers, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

**Dated: 1st November 2013**

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**Planning Manager**

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# NOTICE

## Development at Land At Kishorn Base Kishorn

Notice is hereby given that planning permission has been granted subject to conditions to:

(a)	Kishorn Port Ltd Land At Kishorn Base Kishorn
(b)	Permission 13/02272/FUL was granted on by Highland Council
(c)	The development comprises 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

Further information regarding the planning permission including the conditions on which it has been granted can be viewed online at the following link <http://wam.highland.gov.uk> using the application number 13/02272/FUL and at all reasonable hours (generally 9am to 5pm Monday to Friday) at:

**(By appointment only) Ross Planning and Building Standards  
Office,  
Council Offices, 84 High Street, Dingwall IV15 9QN  
Tel: (01349) 868600  
Email: [planning.ross&cromarty@highland.gov.uk](mailto:planning.ross&cromarty@highland.gov.uk)**

### Note to Developer

This Notice must be displayed while development is carried out. It must be displayed in a prominent place at or in the vicinity of the site of the development, be readily visible to the public and be printed on durable material

**SECTION 42 PERMISSION**

ReferenceNo:17/02389/S42

To: Kishorn Port Limited  
C/o Ferguson Transport (Spean Bridge)  
Limited  
Annat  
Corpach  
PH33 7NN

Per: Per:  
Dalglish Associates Ltd  
Per: Rob Latimer  
1 Dalglish Associates Ltd  
Sinclair Street  
Dunblane  
FK15 0AH

**Town and Country Planning (Scotland) Act 1997 (As Amended)  
Planning Etc. (Scotland) Act 2006**

**DECISION NOTICE**

**Application under Section 42 to develop land without compliance with condition 12 previously attached to planning permission ref. 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 at Land At Kishorn Base, Kishorn.**

The Highland Council in exercise of its powers under the above Act **grants planning permission to develop land without compliance with condition 12** previously imposed, in accordance with the particulars given in the application and the following conditions and reasons:

1. The development shall be undertaken in accordance with the planning application, environmental statement, identified mitigation and approved plans, except insofar as amended by the terms of this consent or as approved in writing 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.

2. No development shall commence until an outline programme identifying working zones and anticipated phasing of the overall development has been submitted to and approved in writing by the Planning Authority. For the avoidance of doubt, this shall also refer to the additional accommodation units and associated development (planning reference 13/02273/PIP) and any subsequent matters specified in conditions applications. Thereafter, no development shall take place within each identified working zone until a detailed phasing programme including a timetable of development and the anticipated end of design life has been submitted to and approved in writing by the Planning Authority. These submissions shall also include any updates to the original outline programme. Thereafter the development shall be carried out in accordance with the approved details unless the prior written approval of the Planning Authority is granted for any variation.

**Dated: 6th July 2017**

*Dafydd Jones*

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**Area Planning Manager**

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

3. No development shall commence until a scheme to deal with potential contamination on site has been submitted to and agreed in writing by the Planning Authority. Prior to submission, the exact scope of the scheme shall be agreed in writing with the Planning Authority in consultation with Community Services Contaminated Land. Thereafter no development shall commence until written confirmation has been received that the scheme has been implemented, completed and, if required, monitoring measurements are in place, all to the satisfaction of the Planning Authority.

Reason: In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.

4. No development shall commence until a detailed and site specific Construction Method Statement, Construction Environment Management Plan, Operational Environmental Management Plan and Environmental Work Management Plan for each working zone of the development (refer to condition 2) have been submitted to and approved in writing by the Planning Authority in consultation with SEPA and SNH. The aforementioned plans/statements shall also refer to development within the adjacent site – planning reference 13/02273/PIP, and any subsequent matters specified in conditions applications. 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 within each working zone (refer to condition 2) 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 Transport Planning. 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;
- Information on proposed drainage from any process areas. For example concrete wash water should be dealt with separately;
- 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.

**Dated: 6th July 2017**

*Dafydd Jones*

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**Area Planning Manager**

- 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
- Re-routing of overland flows which may be required for operational reasons along with details of the amended outfall location.
- 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 (refer to condition 2) 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. No development shall commence until a Watercourse Management Plan which provides information on the design and location of the finalised route of all watercourses within the site boundary and the location and design of any associated infrastructure, such as culverting has been submitted to and approved in writing by the Planning Authority in consultation with SEPA. The scheme shall include photos of the existing watercourses to act as a baseline, outline improvements to existing modifications and demonstrate how the final route of the watercourses has been located to afford as much protection from surrounding works as possible. Thereafter the development shall be completed in accordance with the approved details and timescales.

Reason: To ensure appropriate protection of the water environment.

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

**Dated: 6th July 2017**

*Dafydd Jones*  
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**Area Planning Manager**

Reason: To reduce the risk of coastal flooding.

- 9. At least two years prior to the end of the design life of each working zone (refer to condition 2), a 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 and timescales.

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.

- 10. At least one month prior to the commencement of development within each working zone (refer to condition 2), the developer shall provide to the Planning Authority written details of the bond or other financial provision which they propose 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.

- 11. Prior to the erection of each building or siting of modular units a fully detailed site layout, plans and elevations of each building including a detailed specification for all proposed external materials and finishes (including trade names and samples where necessary) shall be submitted to, and approved in writing by, the Planning Authority. The colour Van Dyke Brown with XL Forte finish (Kingspan Insulated Panels) is considered appropriate. Thereafter, development and work shall progress in accordance with these approved details.

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

- 12. For the avoidance of doubt, any existing sheds/buildings to be retained at East Quay shall be painted or clad the same colour as new buildings as referred to by the condition above, as may be required and with the prior written agreement of the Planning Authority. This shall be based on the scale, form and siting of new buildings in so far as they relate to the scale, form and colour of the existing buildings. In the event that such treatment of existing buildings is required, this shall be completed at the same time as completion of the first new building approved as part of this permission.

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

**Dated: 6th July 2017**

*Dafydd Jones*

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**Area Planning Manager**

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- 13. No new external lighting shall be installed on the site until 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'.

- 14. A pre-commencement survey for otters shall be undertaken prior to commencement of development in each working zone (refer to 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 the surveys. 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.

- 15. 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 Russel 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.

- 16. Notwithstanding the details provided in the ES concerning restoration, a species mix of grass and heather brash appropriate to the site shall be used. No development shall commence until details of this have been submitted to and approved in writing by the Planning Authority. Thereafter the development shall be completed in accordance with the approved details.

Reason: In the interests of visual amenity and biodiversity to ensure the species mix is appropriate for the site.

**Dated: 6th July 2017**

*Dafydd Jones*

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**Area Planning Manager**



17. No new fencing shall be erected within the site until details of fencing have been submitted to and approved in writing by the Planning Authority. 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.

18. No new signage shall be erected within the site until full details have been submitted to and approved in writing by the Planning Authority. 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.

19. For the avoidance of doubt, as stated in the ES, any tall structures in excess of 300 feet (91.44m) above ground shall have aircraft warning lights fitted to the satisfaction of the Planning Authority in consultation with the Civil Aviation Authority. The developer shall also notify the Defence Geographic Area so that they may publicise the location to the aviation communities.

Reason: For air traffic safety reasons given the proximity of Plockton Airfield.

20. No development shall commence on site until the membership of a Local Liaison Group including representatives of Kishorn Port Ltd, Contractors, Community Councils, Transport Planning, SNH, SEPA, Environmental Health and the Planning Authority has been agreed in writing by the Planning Authority. For the avoidance of doubt the remit of the Local Liaison Group shall be to promote effective communication, to discuss and resolve local issues and it shall be convened and chaired by the Council's Ward Manager for Ward 5 or an appointed representative. For the avoidance of doubt, the Liaison Group shall meet for the first time prior to the commencement of any development on the site (including construction) and shall thereafter meet every 3 months, or such other time period as may be agreed by the members of the group, for the duration of the construction period and during operation of the development hereby approved.

Reason: To effectively control the impacts of this development in the interests of amenity and traffic safety.

21. 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.

**Dated: 6th July 2017**

*Dafydd Jones*

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**Area Planning Manager**

22. 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.

23. Operational noise arising from the development hereby approved shall at no time exceed the following limits as measured in the free field at any noise sensitive properties:

Monday to Saturday 0700-1900      45dB LAeq 1hr

All other times                              42dB LAeq 1hr

For the avoidance of doubt these limits would apply to the cumulative noise from all activities covered by any approval and the existing and extended quarrying operation. These limits would not apply to works which are inaudible at any noise sensitive property.

For the avoidance of doubt there shall be no quarry operations on a Sunday except that required for essential maintenance where cumulative noise shall not exceed 42 dB L Aeq, 1 hr at any noise sensitive property as specified above.

Reason: In the interests of residential amenity to avoid unacceptable noise impacts.

24. During operational activities associated with this development, the use of high pitched tonal reversing alarms, audible at any noise sensitive property, is prohibited. The exception to this requirement would be delivery vehicles and similar brief on site activities.

Reason: In the interests of residential amenity to avoid unacceptable noise impacts.

25. 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.

26. Planning permission is hereby granted for the quarry operations for a temporary **FIFTEEN** year period only from the date of commencement and shall cease to have effect on 31st July 2032 (the 'cessation date'). Prior to the cessation date, 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: It is standard practice to limit the time life of quarry operations.

**Dated: 6th July 2017**

*Dafydd Jones*

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**Area Planning Manager**

27. The developer shall keep a record of the tonnage of rock exported by sea and road and this shall be available for inspection by the Planning or Roads Authority on request. For the avoidance of doubt, the volume of rock transported on local road systems shall not exceed 5000 tonnes per annum unless there is a written agreement with the Planning and Roads Authorities, an audit of the affected road system is undertaken, and any subsequent negative impact shall be remedied by the operators to the satisfaction of the Roads Authority at their sole expense.

Reason: To effectively control the impacts of this development in the interests of amenity.

28. Prior to the commencement of extension of the existing quarry area hereby approved, an updated site restoration and landscaping plan for the quarry area including methodology, specification and a timescale for the progressive reinstatement shall be submitted for the approval of the Planning Authority in consultation with SNH and SEPA. Thereafter the quarry shall be fully restored in accordance with the approved restoration and landscaping plan in accordance with the agreed timescale and completed before the consent expires on 31st July 2032.

Reason: To secure the reinstatement of the site to the satisfaction of the Planning Authority.

29. At least one month prior to the commencement of development of the extension of the existing quarry area, the developer shall submit written details of the bond or other financial provision which it proposes to put in place to cover site restoration and landscaping costs for the quarry area prior to the end of the fifteen year period. 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 the financial provision so proposed is sufficient to meet the full estimated costs of decommissioning, dismantling, removal, disposal, site restoration, remediation and incidental work as well as associated professional costs. No work shall commence on the extended area 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.

30. Prior to the commencement of any blasting operations within the extension to the existing quarry an updated and detailed method statement for blasting operations and activity shall be submitted for written approval of the Planning Authority in consultation with Community Services Environmental Health. All subsequent blasting shall take place in accordance with this scheme as subsequently approved. A program of blast monitoring shall be implemented in accordance with the approved details.

Reason: In the interests of amenity.

31. In connection with blasting activity referred to above, the following shall be complied with:

- to protect the marine aquatic environment ground vibrations shall not exceed a peak velocity of 13mms-1 in 50% of all blasts measured over any period of 6 months - as

**Dated: 6th July 2017**

*Dafydd Jones*

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**Area Planning Manager**

measured on the shoreline.

- to protect inhabited property, ground vibration shall not exceed a peak particle velocity of 6mms-1 in 95% of all blasts measured over a period of 6 months and no individual blast shall exceed a peak velocity of 12mms-1 as measured at vibration sensitive buildings.

Unless otherwise agreed in writing with the Planning Authority in consultation with Community Services Environmental Health.

Reason: In the interests of amenity and safety.

32. Planning permission for all "temporary structures" such as 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.

**FOR THE AVOIDANCE OF DOUBT, ALL CONDITIONS ATTACHED TO THE ORIGINAL PLANNING PERMISSION WHICH ARE UNAFFECTED BY THIS DECISION WILL STILL APPLY.**

**Variations**

None.

**Section 75 Obligation**

None.

**IMPORTANT INFORMATIVES**

Please read the following informatives and, where necessary, act upon the requirements specified:

**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 for redevelopment and expansion of operations at an existing industrial yard. Potential impacts have been identified and addressed and mitigation measures identified.

**TIME LIMITS**

The Highland Council hereby makes the following Direction under Section 58(2) of the Town and Country Planning (Scotland) Act 1997 (as amended). The development to which this planning permission relates must commence within FIVE YEARS of the date of this decision notice. If development has not commenced within this period, then this planning permission shall lapse.

**Dated: 6th July 2017**

*Dafydd Jones*

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**Area Planning Manager**

**Initiation and Completion Notices**

The Town and Country Planning (Scotland) Act 1997 (as amended) requires all developers to submit notices to the Planning Authority prior to, and upon completion of, development. These are in addition to any other similar requirements (such as Building Warrant completion notices) and failure to comply represents a breach of planning control and may result in formal enforcement action.

1. The developer must submit a Notice of Initiation of Development in accordance with Section 27A of the Act to the Planning Authority prior to work commencing on site.
2. On completion of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Act to the Planning Authority.

Copies of the notices referred to are attached to this decision notice for your convenience.

**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 (paragraph 259), 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.

**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](mailto:env.health@highland.gov.uk) for more information.

**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.

**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.

**Major Development and 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.

**SSE**

A map is attached showing the approximate location of the line. All works in proximity to overhead lines must be carried out in accordance with The Health and Safety Guidance note GS 6. The legislation dictates that where works are to be undertaken within 9 metres horizontal distance from an overhead

**Dated: 6th July 2017**

*Dafydd Jones*

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**Area Planning Manager**

line, positive steps must be taken to manage the risk identified on site. These steps can include, making the line dead, erecting barriers at ground level, erecting high level bunting and goal posts (6 metres from the line), using appropriate excavator, restricting jib movement, etc.

**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](http://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](http://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.

Other consents including Marine Licence, CAR and PPC permit will be required. The developer is advised to contact the issuing bodies direct. Planning permission does not guarantee that approval will be given.

**Construction Hours and Noise-Generating Activities**

You are advised that construction work associated with the approved development (incl. the loading/unloading of delivery vehicles, plant or other machinery), for which noise is audible at the boundary of the application site, should not normally take place outwith the hours of 08:00 and 19:00 Monday to Friday, 08:00 and 13:00 on Saturdays or at any time on a Sunday or Bank Holiday in Scotland, as prescribed in Schedule 1 of the Banking and Financial Dealings Act 1971 (as amended).

Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under Section 60 of the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to result in court action.

If you wish formal consent to work at specific times or on specific days, you may apply to the Council's Environmental Health Officer under Section 61 of the 1974 Act. Any such application should be submitted after you have obtained your Building Warrant, if required, and will be considered on its merits. 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](mailto:env.health@highland.gov.uk) for more information.

**Dated: 6th July 2017**

*Dafydd Jones*

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**Area Planning Manager**

**Protected Species - Halting of Work**

You are advised that work on site must stop immediately, and Scottish Natural Heritage must be contacted, if evidence of any protected species or nesting/breeding sites, not previously detected during the course of the application and provided for in this permission, are found on site. For the avoidance of doubt, it is an offence to deliberately or recklessly kill, injure or disturb protected species or to damage or destroy the breeding site of a protected species. These sites are protected even if the animal is not there at the time of discovery. Further information regarding protected species and developer responsibilities is available from SNH: [www.snh.gov.uk/protecting-scotlands-nature/protected-species](http://www.snh.gov.uk/protecting-scotlands-nature/protected-species)

**Building Regulations**

Please note that Building Regulations and/or a Building Warrant may be applicable to some or all of the works described in this decision notice. You must check with the Council's Building Standards service prior to work commencing to establish what compliance or approval is necessary. If a warrant is required, you must not commence work until one has been applied for and issued. For more information, please contact Building Standards at [Building.Standards@highland.gov.uk](mailto:Building.Standards@highland.gov.uk) or on 01349 886608.

**Land Ownership/Planning Permission**

For the avoidance of doubt, the existence of planning permission does not affect or supersede an individual's ownership or other legal rights. Please be advised that this permission does not entitle you to build on, under or over ground outwith your ownership or to enter private ground to demolish, construct or maintain your property.

**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

**Dated: 6th July 2017**

*Dafydd Jones*

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**Area Planning Manager**

**RIGHT OF APPEAL, REVIEW ETC,**

1. If the applicant is aggrieved by the decision to refuse permission for, or approval required by a condition in respect of the proposed local development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 (as amended) within three months from the date of this notice. Notices of Review can be submitted online via the ePlanning portal at <https://www.eplanning.scot>. Alternatively the Notice of Review can be emailed to [review.body@highland.gov.uk](mailto:review.body@highland.gov.uk) or addressed to:

Highland Council Review Body  
eProcessing Centre  
Council Headquarters  
Glenurquhart Road  
Inverness  
IV3 5NX

Please quote the relevant application reference number with any submission.

1. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997 (as amended).

**Dated: 6th July 2017**

*Dafydd Jones*

.....  
**Area Planning Manager**



To:  
Electronic Processing Centre  
Highland Council Headquarters  
Glenurquhart Road  
Inverness  
IV3 5NX

**IMPORTANT:** Failure to notify the planning authority of the initiation of development constitutes a breach of planning control.

<b>Notification of Initiation of Development</b>
--

**Section 42 application to develop land without compliance in full with Condition 12 (Planning permission 13/02272/FUL) at Land At Kishorn Base Kishorn**

Date of planning permission: 6th July 2017

In accordance with Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) you are advised it is intended to initiate the above development on the following date:

(a)	Insert date of initiation.
(b)	Insert full name, email address (if available) and address of the person(s) intending to carry out the development*
(c)	Insert full name and address of the owner(s) of the land to which the development is related if different from (b)
(d)	Where a person is, or is to be, appointed to oversee the carrying out of the development on site, include the name and contact details of that person.

\*In the first instance any correspondence relating to the Notification of Initiation of Development will be addressed to this person.

Signed ..... agent/applicant

Dated .....

To:  
Electronic Processing Centre  
Highland Council Headquarters  
Glenurquhart Road  
Inverness  
IV3 5NX

<b>Notification of Completion of Development</b>
--

In accordance with Section 27B 1997 Planning Act (as amended) you are advised of the completion of the following development:

**Section 42 application to develop land without compliance in full with Condition 12 (Planning permission 13/02272/FUL) at Land At Kishorn Base Kishorn**

Date of planning permission: 6th July 2017

(a)	Insert date of completion of development
(b)	Insert name and address of the person submitting Notification of Completion*

\*Any correspondence relating to the Notification of Completion will be addressed to this person.

Signed ..... agent/applicant

Dated .....

# NOTICE

## Development at **Land At Kishorn Base Kishorn**

Notice is hereby given that has been granted subject to conditions to:

(a)	Kishorn Port Limited Land At Kishorn Base Kishorn
(b)	Permission 17/02389/S42 was granted on by Highland Council
(c)	The development comprises Section 42 application to develop land without compliance in full with Condition 12 (Planning permission 13/02272/FUL)

Further information regarding the including the conditions on which it has been granted can be viewed online at the following link

<http://wam.highland.gov.uk> using the application number 17/02389/S42 and at all reasonable hours (generally 9am to 5pm Monday to Friday) at:

**(By appointment only) Ross Planning and Building Standards  
Office,  
Council Offices, 84 High Street, Dingwall IV15 9QN  
Tel: (01349) 868600  
Email: [planning.ross&cromarty@highland.gov.uk](mailto:planning.ross&cromarty@highland.gov.uk)**

### Note to Developer

This Notice must be displayed while development is carried out. It must be displayed in a prominent place at or in the vicinity of the site of the development, be readily visible to the public and be printed on durable material e.g. be laminated.

**From:** [Kayren MacPhee](#)  
**To:** [ePlanning](#)  
**Subject:** Consultation response 13/02272/FUL High voltage overhead line at Kishorn Base  
**Date:** 08 July 2013 09:27:01  
**Attachments:** [Kishorn.pdf](#)  
[ATT00002.txt](#)  
[ATT00003.htm](#)

---

Good morning

I write with reference to the planning notification received for the above reference. There is a high voltage overhead line crossing the site where the proposed construction yard is. A map is attached showing the approximate location of the line.

All works in proximity to overhead lines must be carried out in accordance with **The Health and Safety Guidance note GS 6**. The legislation dictates that where works are to be undertaken within 9 metres horizontal distance from an overhead line, positive steps must be taken to manage the risk identified on site. These steps can include, making the line dead, erecting barriers at ground level, erecting high level bunting and goal posts (6 metres from the line), using appropriate excavator, restricting jib movement, etc.

Please contact our Engineering Bureau on 08000 483515 for further advice or for a diversion of the overhead line if required.

Regards,

Kayren MacPhee  
**Power Systems**

SSE Highland Depot, 10 Henderson Road, Inverness, IV1 1SN, UK

T: +44 (0)1463 728239 M: +44 (0)7767 852245  
[www.sse.com](http://www.sse.com)

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 Think Green. Do you really need to print this email?



# WARNING

ENVIRONMENTAL ISSUES IN PLOT AREA

1093337/94

16mm Cu  
(S20783)(C686)

1 RUSSEL  
16 KVA  
28 C686

COIRE MHOR

30 KISHORN BASE  
16 KVA

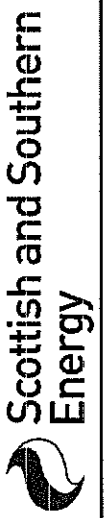
33 FERGUSON KISHORN  
16 KVA

poles 1-17  
2c .95mm Dist.

2W 32mm Cu  
1035

KISHORN NOJA PMR  
E078\_R

LOCH KISHORN  
E130\_K



Title: plot\_menu\_field\_and\_label 1  
>>> plot\_menu\_field\_and\_label 2



Date:  
Scale:

O.S. Ref:

Some of the material on this plot has been reproduced from an Ordnance Survey map with the permission of the Controller of Her Majesty's Stationary Office.  
© Crown Copyright.  
SSSI lists © Scottish Natural Heritage.

## SECTION 42 PERMISSION

ReferenceNo:18/05057/S42

To: Kishorn Port Limited  
C/o Ferguson Transport (Spean Bridge) Ltd  
Annat  
Corpach  
PH33 7NN

Per: Per:  
Dalglish Associates Ltd  
Per: Rob Latimer  
1 Sinclairs Street  
Dunblane  
FK15 0AH

**Town and Country Planning (Scotland) Act 1997 (As Amended)**  
**Planning Etc. (Scotland) Act 2006**

### DECISION NOTICE

**Application under Section 42 to develop land without compliance with condition(s) 1 Section 42 ref. 17/02389/S42 to permit decommissioning of redundant offshore energy and marine sector structures, excluding the breaking of shipping vessels at Kishorn Yard.**

The Highland Council in exercise of its powers under the above Act **grants Section 42 permission to develop land without compliance with condition 1** previously imposed, in accordance with the particulars given in the application and the following conditions and reasons:

1. The development relates to the extension of an existing construction/fabrication yard, including construction of concrete gravity bases for the energy sector, decommissioning of redundant offshore, energy and marine sector structures, excluding the breaking of shipping vessels, extension of existing quarry, site engineering works, siting of concrete batching plants and erection of industrial buildings. The development shall be undertaken in accordance with the planning application, environmental statement, identified mitigation and approved plans, including information related to decommissioning, except insofar as amended by the terms of this consent or as approved in writing 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.

2. No development shall commence until an outline programme identifying working zones and anticipated phasing of the overall development has been submitted to and approved in writing by the Planning Authority. For the avoidance of doubt, this shall also refer to the additional accommodation units and associated development (planning reference 13/02273/PIP) and any subsequent matters specified in conditions applications. Thereafter, no development shall take place within each identified working zone until a detailed phasing programme including a

**Dated: 21st January 2019**

*Julie Ferguson*  
.....  
**for Area Planning Manager**

timetable of development and the anticipated end of design life has been submitted to and approved in writing by the Planning Authority. These submissions shall also include any updates to the original outline programme. Thereafter the development shall be carried out in accordance with the approved details unless the prior written approval of the Planning Authority is granted for any variation.

NOTE: This condition was discharged under application 17/02389/S42 on 28 November 2018, and is also considered discharged in relation to application 18/05057/S42.

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

- 3. No development shall commence until a scheme to deal with potential contamination on site has been submitted to and agreed in writing by the Planning Authority. Prior to submission, the exact scope of the scheme shall be agreed in writing with the Planning Authority in consultation with Community Services Contaminated Land. Thereafter no development shall commence until written confirmation has been received that the scheme has been implemented, completed and, if required, monitoring measurements are in place, all to the satisfaction of the Planning Authority.

NOTE: This condition was discharged under application 17/02389/S42 on 28 November 2018, and is also considered discharged in relation to application 18/05057/S42.

Reason: In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.

- 4. No development shall commence until a detailed and site specific Construction Method Statement, Construction Environment Management Plan, Operational Environmental Management Plan and Environmental Work Management Plan for each working zone of the development (refer to condition 2) have been submitted to and approved in writing by the Planning Authority in consultation with SEPA and SNH. The aforementioned plans/statements shall also refer to development within the adjacent site - planning reference 13/02273/PIP, and any subsequent matters specified in conditions applications. 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.

NOTE: This condition was discharged under application 17/02389/S42 on 28 November 2018, and is also considered discharged in relation to application 18/05057/S42.

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

- 5. No development shall commence within each working zone (refer to condition 2) 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 Transport Planning. This submission shall take the form of a detailed plan and drainage impact assessment and should address the following:

**Dated: 21st January 2019**

*Julie Ferguson*  
.....  
**for Area Planning Manager**

- 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;
- Information on proposed drainage from any process areas. For example concrete wash water should be dealt with separately;
- 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
- Re-routing of overland flows which may be required for operational reasons along with details of the amended outfall location.
- 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.

NOTE: This condition was discharged under application 17/02389/S42 on 28 November 2018, and is also considered discharged in relation to application 18/05057/S42.

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 (refer to condition 2) 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.

NOTE: This condition was discharged under application 17/02389/S42 on 28 November 2018, and is also considered discharged in relation to application 18/05057/S42.

**Dated: 21st January 2019**

*Julie Ferguson*  
.....  
**for Area Planning Manager**



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. No development shall commence until a Watercourse Management Plan which provides information on the design and location of the finalised route of all watercourses within the site boundary and the location and design of any associated infrastructure, such as culverting has been submitted to and approved in writing by the Planning Authority in consultation with SEPA. The scheme shall include photos of the existing watercourses to act as a baseline, outline improvements to existing modifications and demonstrate how the final route of the watercourses has been located to afford as much protection from surrounding works as possible. Thereafter the development shall be completed in accordance with the approved details and timescales.

NOTE: This condition was discharged under application 17/02389/S42 on 28 November 2018, and is also considered discharged in relation to application 18/05057/S42 .

Reason: To ensure appropriate protection of the water environment.

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

Reason: To reduce the risk of coastal flooding.

- 9. At least two years prior to the end of the design life of each working zone (refer to condition 2), a 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 and timescales.

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.

- 10. At least one month prior to the commencement of development within each working zone (refer to condition 2), the developer shall provide to the Planning Authority written details of the bond or other financial provision which they propose to put in place to cover all site restoration costs at the end of the period of this consent. This period shall be defined from the timeframes approved under Condition 2. 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.

**Dated: 21st January 2019**

*Julie Ferguson*  
.....  
**for Area Planning Manager**

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

11. Prior to the erection of each building or siting of modular units a fully detailed site layout, plans and elevations of each building including a detailed specification for all proposed external materials and finishes (including trade names and samples where necessary) shall be submitted to, and approved in writing by, the Planning Authority. The colour Van Dyke Brown with XL Forte finish (Kingspan Insulated Panels) is considered appropriate. Thereafter, development and work shall progress in accordance with these approved details.

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

12. For the avoidance of doubt, any existing sheds/buildings to be retained at East Quay shall be painted or clad the same colour as new buildings as referred to by the condition above, as may be required and with the prior written agreement of the Planning Authority. This shall be based on the scale, form and siting of new buildings in so far as they relate to the scale, form and colour of the existing buildings. In the event that such treatment of existing buildings is required, this shall be completed at the same time as completion of the first new building approved as part of this permission.

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

13. No new external lighting shall be installed on the site until 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'.

14. A pre-commencement survey for otters shall be undertaken prior to commencement of development in each working zone (refer to 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 the surveys. Development and work shall progress in accordance with any mitigation measures contained within the approved report of survey and the timescales contained therein.

**Dated: 21st January 2019**

*Julie Ferguson*  
.....  
**for Area Planning Manager**

NOTE: This condition was discharged under application 17/02389/S42 on 28 November 2018. However, should application 18/05057/S42 not be implemented before 1 April 2019 a further pre-commencement survey for otters 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 the surveys. 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.

15. 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 Russel 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.

16. Notwithstanding the details provided in the ES concerning restoration, a species mix of grass and heather brash appropriate to the site shall be used. No development shall commence until details of this have been submitted to and approved in writing by the Planning Authority. Thereafter the development shall be completed in accordance with the approved details.

NOTE: This condition was discharged under application 17/02389/S42 on 28 November 2018, and is also considered discharged in relation to application 18/05057/S42.

Reason: In the interests of visual amenity and biodiversity to ensure the species mix is appropriate for the site.

17. No new fencing shall be erected within the site until details of fencing have been submitted to and approved in writing by the Planning Authority. 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.

**Dated: 21st January 2019**

*Julie Ferguson*  
.....  
**for Area Planning Manager**

18. No new signage shall be erected within the site until full details have been submitted to and approved in writing by the Planning Authority. 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.

19. For the avoidance of doubt, any tall structures in excess of 300 feet (91.44m) above ground shall have aircraft warning lights fitted to the satisfaction of the Planning Authority in consultation with the Civil Aviation Authority. The developer shall also notify the Defence Geographic Area so that they may publicise the location to the aviation communities.

Reason: For air traffic safety reasons given the proximity of Plockton Airfield.

20. No development shall commence on site until the membership of a Local Liaison Group including representatives of Kishorn Port Ltd, Contractors, Community Councils, Transport Planning, SNH, SEPA, Environmental Health and the Planning Authority has been agreed in writing by the Planning Authority. For the avoidance of doubt the remit of the Local Liaison Group shall be to promote effective communication, to discuss and resolve local issues and it shall be convened and chaired by the Council's Ward Manager for Ward 5 or an appointed representative. For the avoidance of doubt, the Liaison Group shall meet for the first time prior to the commencement of any development on the site (including construction) and shall thereafter meet every 3 months, or such other time period as may be agreed by the members of the group, for the duration of the construction period and during operation of the development hereby approved.

NOTE: This condition was discharged under application 17/02389/S42 on 28 November 2018, and is also considered discharged in relation to application 18/05057/S42.

Reason: To effectively control the impacts of this development in the interests of amenity and traffic safety.

21. Prior to commencement of any works on site 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 and timescales for the duration of construction. NOTE: This condition was discharged under application 17/02389/S42 on 29 November 2018, and is also considered discharged in relation to application 18/05057/S42.

NOTE: This condition was discharged under application 17/02389/S42 on 28 November 2018, and is also considered discharged in relation to application 18/05057/S42.

Reason: In the interests of road safety.

**Dated: 21st January 2019**

*Julie Ferguson*  
.....  
**for Area Planning Manager**

22. 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.

NOTE: This condition was discharged under application 17/02389/S42 on 29 November 2018, and is also considered discharged in relation to application 18/05057/S42.

Reason: In the interests of road safety.

23. Operational noise arising from the development hereby approved shall at no time exceed the following limits as measured in the free field at any noise sensitive properties: -

Monday to Saturday 0700-1900	45dB LAeq 1hr
All other times	42dB LAeq 1hr

For the avoidance of doubt these limits would apply to the cumulative noise from all activities covered by any approval and the existing and extended quarrying operation. These limits would not apply to works which are inaudible at any noise sensitive property.

For the avoidance of doubt there shall be no quarry operations on a Sunday except that required for essential maintenance where cumulative noise shall not exceed 42 dB L Aeq,1 hr at any noise sensitive property as specified above.

Reason: In the interests of residential amenity to avoid unacceptable noise impacts.

24. During operational activities associated with this development, the use of high pitched tonal reversing alarms, audible at any noise sensitive property, is prohibited. The exception to this requirement would be delivery vehicles and similar brief on site activities.

Reason: In the interests of residential amenity to avoid unacceptable noise impacts.

25. 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.

26. Planning permission is hereby granted for the quarry operations for a temporary FIFTEEN year period only from the date of commencement and shall cease to have effect on 31st January 2034 (the 'cessation date'). Prior to the cessation date, 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: It is standard practice to limit the time life of quarry operations.

**Dated: 21st January 2019**

*Julie Ferguson*  
.....  
**for Area Planning Manager**

27. The developer shall keep a record of the tonnage of rock exported by sea and road and this shall be available for inspection by the Planning or Roads Authority on request. For the avoidance of doubt, the volume of rock transported on local road systems shall not exceed 5000 tonnes per annum unless there is a written agreement with the Planning and Roads Authorities, an audit of the affected road system is undertaken and any subsequent negative impact shall be remedied by the operators to the satisfaction of the Roads Authority at their sole expense.

Reason: To effectively control the impacts of this development in the interests of amenity.

28. Prior to the commencement of extension of the existing quarry area, an updated site restoration and landscaping plan for the quarry area including methodology, specification and a timescale for the progressive reinstatement shall be submitted for the approval of the Planning Authority in consultation with SNH and SEPA. Thereafter the quarry shall be fully restored in accordance with the approved restoration and landscaping plan in accordance with the agreed timescale and completed before the consent expires on 31st January 2034.

Reason: To secure the reinstatement of the site to the satisfaction of the Planning Authority.

29. At least one month prior to the commencement of development of the extension of the existing quarry area, the developer shall submit written details of the bond or other financial provision which it proposes to put in place to cover site restoration and landscaping costs for the quarry area prior to the end of the fifteen year period. 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 the financial provision so proposed is sufficient to meet the full estimated costs of decommissioning, dismantling, removal, disposal, site restoration, remediation and incidental work as well as associated professional costs. No work shall commence on the extended area 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.

30. Prior to the commencement of any blasting operations within the extension to the existing quarry an updated and detailed method statement for blasting operations and activity shall be submitted for written approval of the Planning Authority in consultation with Community Services Environmental Health. All subsequent blasting shall take place in accordance with this scheme as subsequently approved. A programme of blast monitoring shall be implemented in accordance with the approved details.

Reason: In the interests of amenity.

**Dated: 21st January 2019**

*Julie Ferguson*  
.....  
**for Area Planning Manager**

31. In connection with blasting activity referred to above, the following shall be complied with:
- to protect the marine aquatic environment ground vibrations shall not exceed a peak velocity of 13mms-1 in 50% of all blasts measured over any period of 6 months - as measured on the shoreline.
  - to protect inhabited property, ground vibration shall not exceed a peak particle velocity of 6mms-1 in 95% of all blasts measured over a period of 6 months and no individual blast shall exceed a peak velocity of 12mms-1 as measured at vibration sensitive buildings.

Unless otherwise agreed in writing with the Planning Authority in consultation with Community Services Environmental Health.

Reason: In the interests of amenity and safety.

32. Planning permission for all "temporary structures" such as 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.

**Variations**  
None.

**Section 75 Obligation**  
None.

**IMPORTANT INFORMATIVES**

Please read the following informatives and, where necessary, act upon the requirements specified:

**REASON FOR DECISION**

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 for redevelopment and expansion of operations at an existing industrial yard. Potential impacts have been identified and addressed and mitigation measures identified.

**TIME LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION**

The Highland Council hereby makes the following Direction under Section 58(2) of the Town and Country Planning (Scotland) Act 1997 (as amended). The development to which this planning permission relates must commence within FIVE YEARS of the date of this decision notice. If development has not commenced within this period, then this planning permission shall lapse.

**Dated: 21st January 2019**

*Julie Ferguson*  
.....  
**for Area Planning Manager**

**FOOTNOTE TO APPLICANT**

**Initiation and Completion Notices**

The Town and Country Planning (Scotland) Act 1997 (as amended) requires all developers to submit notices to the Planning Authority prior to, and upon completion of, development. These are in addition to any other similar requirements (such as Building Warrant completion notices) and failure to comply represents a breach of planning control and may result in formal enforcement action.

1. The developer must submit a Notice of Initiation of Development in accordance with Section 27A of the Act to the Planning Authority prior to work commencing on site.
2. On completion of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Act to the Planning Authority.

Copies of the notices referred to are attached to this decision notice for your convenience.

**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 (paragraph 259), planning permission does not remove the liability position of developers or owners in relation to flood risk.

**Septic Tanks & Soakaways**

Where a private foul drainage solution is proposed, you will require separate consent from the Scottish Environment Protection Agency (SEPA). Planning permission does not guarantee that approval will be given by SEPA and as such you are advised to contact them direct to discuss the matter (01349 862021).

**Local Roads Authority Consent**

In addition to planning permission, you may require one or more separate consents (such as road construction consent, dropped kerb consent, a road openings permit, occupation of the road permit etc.) from the Area Roads Team prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local Area Roads office for further guidance at the earliest opportunity.

Failure to comply with access, parking and drainage infrastructure requirements may endanger road users, affect the safety and free-flow of traffic and is likely to result in enforcement action being taken against you under both the Town and Country Planning (Scotland) Act 1997 and the Roads (Scotland) Act 1984.

Further information on the Council's roads standards can be found at: <http://www.highland.gov.uk/yourenvironment/roadsandtransport>

Application forms and guidance notes for access-related consents can be downloaded from: [http://www.highland.gov.uk/info/20005/roads\\_and\\_pavements/101/permits\\_for\\_working\\_on\\_public\\_roads/2](http://www.highland.gov.uk/info/20005/roads_and_pavements/101/permits_for_working_on_public_roads/2)

**Dated: 21st January 2019**

*Julie Ferguson*  
.....  
**for Area Planning Manager**



**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.

**Construction Hours and Noise-Generating Activities**

You are advised that construction work associated with the approved development (incl. the loading/unloading of delivery vehicles, plant or other machinery), for which noise is audible at the boundary of the application site, should not normally take place outwith the hours of 08:00 and 19:00 Monday to Friday, 08:00 and 13:00 on Saturdays or at any time on a Sunday or Bank Holiday in Scotland, as prescribed in Schedule 1 of the Banking and Financial Dealings Act 1971 (as amended). Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under Section 60 of the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to result in court action.

If you wish formal consent to work at specific times or on specific days, you may apply to the Council's Environmental Health Officer under Section 61 of the 1974 Act. Any such application should be submitted after you have obtained your Building Warrant, if required, and will be considered on its merits. 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](mailto:env.health@highland.gov.uk) for more information.

**Protected Species - Halting of Work**

You are advised that work on site must stop immediately, and Scottish Natural Heritage must be contacted, if evidence of any protected species or nesting/breeding sites, not previously detected during the course of the application and provided for in this permission, are found on site. For the avoidance of doubt, it is an offence to deliberately or recklessly kill, injure or disturb protected species or to damage or destroy the breeding site of a protected species. These sites are protected even if the animal is not there at the time of discovery. Further information regarding protected species and developer responsibilities is available from SNH: [www.snh.gov.uk/protecting-scotlands-nature/protected-species](http://www.snh.gov.uk/protecting-scotlands-nature/protected-species)

**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](mailto:env.health@highland.gov.uk) for more information.

**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.

**Dated: 21st January 2019**

*Julie Ferguson*  
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**for Area Planning Manager**

**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.

**Major Development and 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.

**SSE**

A map is attached showing the approximate location of the line. All works in proximity to overhead lines must be carried out in accordance with The Health and Safety Guidance note GS 6. The legislation dictates that where works are to be undertaken within 9 metres horizontal distance from an overhead line, positive steps must be taken to manage the risk identified on site. These steps can include, making the line dead, erecting barriers at ground level, erecting high level bunting and goal posts (6 metres from the line), using appropriate excavator, restricting jib movement, etc.

Other consents including Marine Licence, CAR and PPC permit will be required. The developer is advised to contact the issuing bodies direct. Planning permission does not guarantee that approval will be given.

**Building Regulations**

Please note that Building Regulations and/or a Building Warrant may be applicable to some or all of the works described in this decision notice. You must check with the Council's Building Standards service prior to work commencing to establish what compliance or approval is necessary. If a warrant is required, you must not commence work until one has been applied for and issued. For more information, please contact Building Standards at [Building.Standards@highland.gov.uk](mailto:Building.Standards@highland.gov.uk) or on 01349 886608.

**Land Ownership/Planning Permission**

For the avoidance of doubt, the existence of planning permission does not affect or supersede an individual's ownership or other legal rights. Please be advised that this permission does not entitle you to build on, under or over ground outwith your ownership or to enter private ground to demolish, construct or maintain your property.

**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.

**Dated: 21st January 2019**

*Julie Ferguson*  
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**for Area Planning Manager**

**RIGHT OF APPEAL, REVIEW ETC,**

1. If the applicant is aggrieved by the decision to refuse permission for, or approval required by a condition in respect of the proposed local development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 (as amended) within three months from the date of this notice. Notices of Review can be submitted by an email to [review.body@highland.gov.uk](mailto:review.body@highland.gov.uk) or addressed to:

Highland Council Review Body  
eProcessing Centre  
Council Headquarters  
Glenurquhart Road  
Inverness  
IV3 5NX

Please quote the relevant application reference number with any submission.

1. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997 (as amended).

**Dated: 21st January 2019**

*Julie Ferguson*  
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**for Area Planning Manager**