

Agenda Item	6.9
Report No	PLS-035-21

HIGHLAND COUNCIL

Committee: South Planning Applications Committee
Date: 27 April 2021
Report Title: 20/02027/S42: Boyd Brothers Haulage Ltd
Annat Pier, Corpach, Fort William
Report By: Area Planning Manager – South

Purpose/Executive Summary

Description: Section 42 application to vary Condition 1 of planning permission 99/00458/FULLO to allow berthing and disembarking of vessels on Sundays but maintain no operational use is allowed.

Ward: 11 – Caol and Mallaig

Development category: Local

Reason referred to Committee: More than 5 representations and Community Council objection

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.

Recommendation

Members are asked to agree the recommendation to **Grant** Planning Permission for a temporary period as set out in section 11 of the report.

1. PROPOSED DEVELOPMENT

1.1 The proposal involves an application for non-compliance with Condition 1 of planning permission 99/00458/FULLO to allow the berthing and disembarking of vessels at Annat Pier on Sundays. The application is submitted under Section 42 of the Planning Act.

1.2 It is worth noting that an application submitted under Section 42 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.

1.3 Planning permission (reference 99/00458/FULLO) was granted in 2000 and provided for the formation of a jetty and timber transit base.

Condition 1 of this current planning permission states:

“There shall be no operational use of the jetty between the hours of 2200 and 0600 on the following morning on any day Monday to Saturday other than with the prior written approval of the Planning Authority. Similarly, there shall be no Sunday operation”

1.4 Pre Application Consultation: None

1.5 Supporting Information: Letter in support of application which states as follows:

“Corpach port is located in an industrial area and provides essential services for a variety of sectors including forestry and aquaculture. The port facility is an important element in the local infrastructure. A variety of vessels use the facility including bulk cargo vessels up to 4000 DWT, coaster vessels, fish carrier vessels and smaller work vessels.

While it should be noted we do not intend to make Sunday berthing/disembarking a regular occurrence it is key the option is available to ensure the safe navigation of vessels. As a result of increased business in recent years, particularly within the aquaculture sector, it is important that the availability of port facilities on a Sunday reduces costs and eases the ability of local companies to safely operate their vessels. With the constraints of tidal conditions in the loch it's essential we do all we can to mitigate navigational risk and prevent any unnecessary delay to critical freight links.

We do not intend to pursue an application to allow Sunday stevedoring [act of loading or offloading cargo to and/or from a ship]; only berthing and disembarking of the vessels. We are aware of the concerns of the local community regarding noise disruption. However, the noise created by vessels berthing and disembarking is minimal and would cause no disruption to the local community.

In circumstances where emergency berthing would be required it is essential we have the ability to allow vessels alongside for their safety and safety of the crew on board with Sundays included. This could be for a variety of reasons such as adverse weather, medical emergencies or essential running repairs.”

1.6 Variations: None

2. SITE DESCRIPTION

2.1 The site comprises the existing Boyd Bros pier within the existing industrial area at Annat, Corpach. The pier dates back to 1993 and was later extended. The site is predominantly used for the berthing and loading/unloading of cargo (timber products and other bulk cargo). There are a mixture of operators within the industrial estate which include the BSW Sawmill, Ferguson's Transport and Gael Force amongst others. The industrial estate is on the western periphery of the village of Corpach, where there is a significant residential population. The site lies close to the mouth of the Narrows which link Loch Linnhe to Loch Eil, and on the opposite side of the Narrows is the small settlement of Achaphubuil.

3. PLANNING HISTORY

3.1	July 1993	LO/1993/177: Formation of jetty and timber transit base. Approved with conditions preventing working between 2100 and 0700 and preventing Sunday working.	Planning Permission Granted
3.2	March 1995	LO/1995/012: Construction of jetty/breakwater – hours limited as per LO/1993/177.	Planning Permission Granted
3.3	17 July 2000	99/00307/FULLO : Extension to pier	Planning Permission Granted
3.4	17 July 2000	99/00458/FULLO: Use of pier without compliance with restrictive conditions. Extended working hours to between 0600 and 2200 hours, but excluded Sunday working.	Planning Permission Granted
3.5	27 May 2009	09/00033/FULLO: Sunday stevedoring granted temporary planning permission by Committee, contrary to officer's recommendation (maximum 6 Sundays over a period of one year)	Temporary permission granted – expired 15 May 2010
3.6	20 July 2010	10/01198/FUL: Additional Sunday stevedoring, 6 Sundays per annum for loading/unloading vessels	Planning Permission Refused. Appeal dismissed by Reporter following Local Hearing

4. PUBLIC PARTICIPATION

4.1 Advertised: Schedule 3 and Neighbour Notification advert

Date Advertised: 11.06.2020

Representation deadline: 25.06.2020

Timeous representations: 7 (against) 1 (For)

Late representations: 1 (against)

4.2 Material considerations raised are summarised as follows:

- a) Applicant has consistently and continuously breached their existing planning conditions, especially over the last 10 years – ships arriving and departing on Sundays and operations taking place on the pier.
- b) A company caught breaking both planning regulations and environmental health rules should not be rewarded with a relaxation of the rules. Company can operate successfully without an extension to business hours, therefore the needs of the community should come first in this instance.
- c) Businesses who operate in residential areas and consistently breach their conditions of planning should not be considered trustworthy in the face of expansion
- d) Term 'disembarking' is ambiguous – concerns raised that this could apply to goods as well as people.
- e) Disturbance from industrialisation of the site at Annat.
- f) Increase in capacity will lead to increase in traffic on the A830. HGV traffic through Corpach is already considerable.
- g) Concern that adding a seventh day of activity will cause increased activity. The berthing of ships is audible and can often be quite uncomfortable to listen to. Ships vary in noise levels, some remaining berthed with engines on for long periods and into the night. Even if no stevedoring were to take place the generators of the ships still create considerable noise.
- h) Background noise seven days a week has impact on mental health. Sunday seems to be the only day with peace from industrial noise.
- i) Existing noise levels, working hours and lighting already disruptive. Reference made to current working practices and age of equipment which create unnecessary noise.
- j) Recommend opportunity be taken to reduce the hours of operation at the pier, together with other conditions relating to guards on lighting columns, no loading of loose material, no washing down the jetty with sea water, noise conditions to

reflect those at BSW, replacement of particular multi docker/operator, replacement of concrete stands and prohibiting of scrapping of marine structures.

- k) Existing issues of noise, light pollution and environmental breaches at the industrial estate should be resolved before further permissions granted.
- l) Proposal is contrary to key strategies in Local Development Plan “deliver key outcomes for safeguarding and enhancing communities” and encouraging populations to increase “because they are safe, attractive and healthy places to live”. Proposal will put community under further strain.
- m) What checks will be in place to ensure applicant is conforming to the regulations and not extending them to include stevedoring.
- n) Questions raised whether the proposal would in fact improve safety – much more dangerous to berth than to remain at sea.
- o) Stress importance of Sunday berthing in Corpach. On semi regular basis vessels need to berth in Corpach on a Sunday prior to the start of a working week – important for variety of reasons, including Crew rest, and avoiding delays to cargo operations on a Monday due to tides.

4.3 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.

5. CONSULTATIONS

5.1 *Kilmallie Community Council*: Objection raised

“Over the last few years Kilmallie Community Council has received more complaints about noise and disturbance from activities by Boyd Brothers than any other company in the area. However, noise from other operators at Annat, including BSW has also been a concern. All these noise issues need to be adequately addressed before any further activities or extensions to working hours are permitted.

Although the berthing of vessels in itself does not cause significant disturbance, it will directly facilitate activities that have given rise to a large number of complaints, particularly the loading of timber and bashing logs against blocks in order to line them up before loading. When the application for Sunday stevedoring was refused in 2010 (10/01198/FUL) the planning authority noted that it would create a precedent for further Sunday working at the site. This remains a concern with application 20/02027/S42. All the other reasons for the refusal of 10/01198/FUL) remain as before. This is reflected by the ongoing level of complaints about noise and disturbance.

We have proposed the establishment of a liaison group to include all the operators at Annat as well as Highland Council officials, residents and the relevant Community Councils. The aim of the group would be to find satisfactory solutions for everyone to any noise, disturbance or other environmental impacts. If it can be proven that the issues that are causing concern can be satisfactorily addressed through the ongoing work of a liaison group then we would be pleased to reconsider our objection to Sunday berthing in the fullness of time, but certainly not at present.

We note the comments on safety issues in the supporting letter to 20/02027/S42 but do not agree that Sunday berthing is necessary to ensure the safe navigation of vessels. If there are genuine safety concerns then the master of the vessel should do whatever is necessary regardless of the planning conditions.

The location of the area where permission for Sunday berthing and disembarking is being requested is not clear. In the location plan associated with 10/01198/FUL it was just the jetty to the east of the Corpach Boatbuilding slipway. But in the current application it appears to include the foreshore to the SW as well. This is the area where breaking of steel cages on the foreshore has had considerable impacts on the neighbouring community during May/June 2020. The removal of the Sunday berthing prohibition could also facilitate this type of activity away from the main jetty.

Finally, it is not clear what the terms 'berthing', 'disembarking' and 'operational use' actually mean in practice. It is stated that Sunday stevedoring is not intended, but disembarking could also be interpreted as offloading cargo. The intent should be more clearly specified in the proposal such that the wording of any conditions can be clear and unambiguous."

5.2 **Ardgour Community Council** (neighbouring Community Council)

"Ardgour Community Council can understand the need for the occasional berthing and disembarking of vessels on Sunday but would like to stress the importance of maintaining no operational use on Sundays. It would also be helpful to have some indication of how regularly this is expected to be required and we would suggest it would be beneficial if affected communities were to be informed in advance of when berthing and disembarking of vessels on Sundays is expected to take place."

5.3 **Environmental Health Officer:** Recommends temporary period and conditions (see assessment below).

5.4 **Marine Scotland Science:** No comments.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 **Highland Wide Local Development Plan 2012**

28 - Sustainable Design
34 - Settlement Development Areas
41 - Business and Industrial Land
49 - Coastal Development
72 - Pollution

6.2 **West Highland and Island Local Development Plan 2019 (WestPlan)**

Policy 2: Delivering Development

Development of the locations and uses specified in the main settlements section of this Plan will be supported subject to provision of the necessary infrastructure, services and facilities required to support new development as in this Plan or identified in accordance with the Development Plan as more detailed proposals are brought forward.

Larger sites must be appropriately masterplanned. Each phase of development will need to show its relationship to this overall masterplan and demonstrate how the required infrastructure will be delivered.

However, sites identified in the Plan as “Long Term” are not being invited for development within this Plan period and allocated sites are expected to be developed before any long term sites can be considered.

Placemaking Priorities – Fort William

Placemaking priorities include:

Fort William’s industrial employers have good reason to remain in their current locations where they can best benefit from the resources of the physical environment. The Plan should enable in situ expansion of these enterprises. For example, diversification of the range of industrial processes at the smelter together with increased loading capacity at Corpach quayside (including industrial buildings, land and lay-down space surrounding the BSW sawmill) are critical components of the Plan. All associated housing requirements will be strongly supported to secure the availability of a range of housing options to attract and retain a skilled workforce.

FW 23: Annat, Former Paper Mill and Adjoining Land (Industrial allocation covering 70.3ha)

Developer Requirements: Significant development proposals must be informed through a masterplan to be prepared by the developer. Proposals must address the following: Flood Risk Assessment required to inform layout and design. Only low vulnerability uses or operationally essential uses in areas shown to be at risk of flooding, to be accompanied by resilience measures; Maximise woodland retention around boundary of site for green network connections and visual screening from adjoining land and A830 trunk road; Protected Species Survey; Hydrological Assessment for development affecting the marine environment; Transport Assessment for significant expansion of industrial uses with adequate access to be secured across the level crossings and onto the A830 trunk road; a cumulative noise assessment to be undertaken. Where potential surface water runoff or discharges to watercourses, which may have an impact on marine wildlife, fishing and aquaculture, a hydrological assessment is necessary. Potential contributions towards wider Fort William transport network improvements; Site boundary treatment and lighting to respect neighbouring residential and caravan park amenity; Site history and possible Land Contamination Site Investigation; Any additional infrastructure at Eilean nan Craobh requires exceptional design to respect visual prominence of this island and may require a Landscape and Visual Impact Assessment; Retain Listed Building on site and former WWII military camp requires recording prior to removal.

6.3 Highland Council Supplementary Planning Policy Guidance

n/a

7. OTHER MATERIAL POLICY CONSIDERATIONS

7.1 Scottish Government Planning Policy and Guidance

Scottish Planning Policy

8. PLANNING APPRAISAL

- 8.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

Determining Issues

- 8.2 This means that the application requires to be assessed against all policies of the Development Plan relevant to the application, all national and local policy guidance and all other material considerations relevant to the application.

Planning Considerations

- 8.3 The key considerations in this case are:
- a) compliance with the development plan and other planning policy
 - b) community and residential amenity.
 - c) any other material considerations.

Development plan/other planning policy

- 8.4 The site lies within a 70ha industrial allocation at Corpach. The quay is of strategic importance to the area in terms of business and industry (given the road, rail and sea links) which is reflected in the Local Development Plan which supports expansion of existing businesses including, in principle, increased loading capacity at the quay.
- 8.5 The current proposal is not a significant expansion of the site, therefore the developer requirements set out in allocation FW23 do not generally apply. The key issue relates to the impact that the proposed variation would have, if any, on individual and community residential amenity.

Community and Residential Amenity

- 8.6 The application seeks to remove the current restriction on Sunday working at the pier to allow the berthing and disembarking of vessels. The current restriction is as follows:
- “There shall be no operational use of the jetty between the hours of 2200 and 0600 on the following morning on any day Monday to Saturday other than with the prior written approval of the Planning Authority. Similarly, there shall be no Sunday operation”
- 8.7 In 2009 the Council granted a one year temporary permission for additional Sunday stevedoring working time for 6 Sundays per year. This was a trial period to test the implications of the emergency Sunday working applied for.
- 8.8 That permission allowed for stevedoring - the loading and unloading of vessels. The current application does not seek stevedoring; it seeks the berthing and

disembarking of vessels on a Sunday. Ambiguity in the term 'disembarking' has been raised, i.e. does it refer to crew/passengers or does it extend to cargo? For the purposes of this application this is being treated as crew/passengers and not cargo. This could be clarified in any conditions.

- 8.9 Following the trial period for Sunday working in 2009/10, an application was submitted for the permanent change to the Sunday restriction to allow 6 Sundays per year for stevedoring. This application considered the competing policy priorities of encouraging business growth and the protection of residential amenity standards. The application was refused on the grounds of unacceptable noise and disruption for neighbouring residential property. It was determined that the business was already free to operate between the hours of 0600 and 2200 six days per week which was considered sufficient in this location close to pre-existing noise sensitive house.
- 8.10 The refusal of application 10/01198/FUL was subject to an appeal which was determined by a Scottish Government appointed Reporter following a Local Hearing. The appeal was dismissed (planning permission refused). The appeal covered technical information in relation to matters of assessing noise from the additional stevedoring, together with the time and unpredictability of additional working and concluded that the proposal was unacceptable.
- 8.11 There are two main differences with the previous proposal and the current proposal. The previous proposal which was refused was for stevedoring activities on 6 Sundays per year, between the hours of 1000 and 1800. The current proposal is for unlimited Sundays, with unspecified hours, but for operations limited to berthing and disembarking of vessels. The supporting statement makes reference to providing Sunday berthing and disembarkation to reduce navigational risk for users, but also to prevent any unnecessary delay to critical freight links. This indicates that the proposal is not just to cover emergency situations, but also to facilitate business needs.
- 8.12 Although the proposal is not for stevedoring, contributors to the application have identified the noise issues related to berthing; including keeping engines running, the use of generators, and maintenance of vessels during berthed periods. Issues have also been raised over additional light pollution.
- 8.13 Operations at Annat Pier and various activities within the wider industrial estate continue to give rise to intermittent complaints largely regarding hours of operation, noise and lighting. This tends to be from particular operations and is taken up with the relevant operators by the relevant Authority under whose jurisdiction the complaint falls (or shared responsibility where activities overlap) – e.g. Planning, if activities are covered by planning condition, Environmental Health if relating to excessive noise within permitted operational hours, and SEPA if relating to pollution or certain types of activities.
- 8.14 Previous breaches of planning control or other legislation is not a reason to deny planning permission for a new proposal, but careful consideration needs to be given to the protection of community and residential amenity from cumulative, noise generating developments.

8.15 The Council's Environmental Health Officer made the following comments in relation to the proposal:

- a) *The applicant's supporting information mainly describes this development as a safety measure to ensure safe navigation and to allow vessels to berth in the event of an emergency such as adverse weather; medical emergency or essential running repairs. I would have assumed that in the event of a genuine emergency, a vessel's operator would always be allowed to find safe harbourage and I understand that there have already been occasions when this has happened on a Sunday. To my knowledge these have not resulted in any significant noise issues. I would hope such emergencies are fairly infrequent and I would query whether there is a need for any change to the existing condition in that respect.*
- b) *However, the applicant also states the desire to reduce costs and prevent delays to freight links. Sunday berthing would allow vessels to be berthed and ready for loading/unloading operations first thing on a Monday morning which I assume is the principal reason behind the application. I would also assume this might result in vessels berthing more frequently than might be the case for emergency reasons alone.*
- c) *The applicant acknowledges that there is a history of noise complaints about industrial operations in this locality. It is therefore necessary to ensure that this development does not result in any significant additional noise impact.*
- d) *The supporting information states it is not the intention for Sunday berthing to become a regular occurrence but there is no information on how often it is likely to occur or how many vessels would be accommodated at a time. Saying that, the occasional movement of 1 or 2 vessels in a day is unlikely to be of significant impact provided it is restricted to reasonable hours.*
- e) *My understanding is that "disembarking" refers to crew and/or passengers only and no movement of cargo onto or off vessels would be permitted.*
- f) *The applicant has stated there will be no operational use but does mention that one reason for the application is to allow vessels to carry out essential running repairs.*
- g) *For the avoidance of doubt, my interpretation of "no operational use" is that once berthed, all engines, generators and any other significant noise source would be switched off. Clarification is therefore required, as to what essential running repairs might entail.*
- h) *Clarification is also required as to what controls would be available over the activities on board a vessel whether that is through Planning conditions or the applicant's own controls. If it is the case, that once a vessel is berthed there is no means of controlling on board operations or noise arising from them other than through the Statutory Nuisance provisions of the Environmental Protection Act 1990, this Service would likely have to object to the application.*

8.16 Following the Environmental Health Officer's request for further clarification, the applicant provided the following additional information:

- a) *We don't anticipate there to be a huge demand for vessels to berth on Sunday, it's very much influenced by market trends. The most frequent users would be the smaller work boat/aquaculture vessels. The problem which has become apparent over the last few years at the quay, which has encouraged us to apply for this alteration to our planning conditions, is we cannot allow these vessels to berth or leave the berth on Sunday to allow for sufficient crew rest. Smaller work boats Safe Manning certificates are not sufficient to operate 24hr/7 days a week working they need the flexibility to be able to operate within the safe hours of rest. In order for crew to have their hours of rest they could wish to berth on a Friday or Saturday but then leave the berth Sunday in order to be at their fish harvest/feed destination Monday morning. As far as we are aware there is no other harbours/ports on the West Coast which have this restriction on ship movements on Sunday including Mallaig which caters to similar vessels. Larger cargo ships would rarely need to berth Sundays, possibly up to 4 times a year. Generally the large timber vessels prefer end of the week loading so they can then sail over the weekend to catch the Scandinavian markets for Monday discharge.*
- b) *When we refer to 'disembarking' we are referring to crew/passengers only. We operate a single staff shift at the quay. We do not have the staff availability to operate weekend shifts and do not have a desire to pursue operational loading/unloading of cargos on Sunday at this time.*
- c) *Essential running repairs would include any essential maintenance to any workings of the vessels. This may need additional access to shore based engineers such as electricians hence the need to berth at the quay. It is hard to gauge how often this would be required as its unpredictable, as a very rough guide we would expect maybe once or twice per month.*
- d) *We can place controls over berthed vessels to a certain extent by amending our Port Procedures. In this we could restrict allowance of any audible activities on board. The main ship engine would not be running while the ship is berthed however we could not restrict use of onboard generators as that is out with our control as quay operators. On board generators are essential as we do not provide shore power.*

Following receipt of this additional information, the Council's Environmental Health Officer has provided the following comments:

- 8.17
- a) *This information has highlighted the difficulty in predicting the demand for Sunday berthing. The applicant is suggesting that larger cargo vessels are unlikely to require access on a regular basis and the bigger benefit would be to smaller vessels to assist with crew rest requirements.*
 - b) *Similarly, it is difficult to predict the level of activity on vessels once berthed and any noise likely to arise from them. There is to be no movement of cargo on or off vessels but it's less clear what might be needed in terms of general maintenance. The applicant is proposing to amend their port procedures to apply some controls such as ensuring that ship engines are not allowed to operate but they appear to have less control over onboard operations such as the running of generators. I also understand that it is out with the remit of the Planning Authority to apply controls of this nature. The concern for this Service is that should there*

be an instance of, for example, a vessel running a particularly noisy generator overnight, it appears the only recourse would be through the Statutory Nuisance provisions of the Environmental Protection Act 1990.

- c) *At this stage there is insufficient information to suggest that the development is likely to result in a Statutory Nuisance. That being the case, I would not object to the application however, given the level of uncertainty over what Sunday berthing might entail I would suggest that consideration be given to taking a cautionary approach and granting a temporary consent for 12 months.*

8.18 In addition to a 12-month temporary permission, the Council's Environmental Health Officer has also recommended the following conditions:

- Movement on or off vessels on Sundays is strictly limited to crew and passengers only.
- Prior to the commencement of the development the applicant shall submit for the approval of the Planning Authority a copy of the amended port procedures to be implemented in relation to the mitigation of noise.

8.19 Taking into account the impact operations in this area can have on community and residential amenity when not operated in accordance with existing restrictions, and the degree of unknowns highlighted in the Environmental Health Officer's response, a precautionary approach to the easing of the existing Sunday restrictions to allow berthing is considered to be appropriate and a 12 month temporary permission will allow an assessment of the actual, rather than predicted, impact.

Other material considerations

8.20 There are no other material considerations.

Non-material considerations

8.21 None.

Matters to be secured by Section 75 Agreement

8.22 None

9. CONCLUSION

9.1 The proposal to allow Sunday berthing is not a significant expansion of the existing use at Annat pier and the proposal will not see additional direct operational use of the pier (loading/unloading). The quay is of strategic importance to the area in terms of business and industry (given the road, rail and sea links) which is reflected in the Local Development Plan which supports the expansion of existing businesses in situ, including, in principle, increased loading capacity at the quay. The wider area at Annat is allocated for industrial use and expansion and there will inevitably be an industrial character of development in the area which will affect, to a degree, residential amenity. However, it is important to protect the existing communities from unnecessary or unreasonable noise and disturbance emanating from the industrial area. This is a complex area as the issue of noise does not relate to a single operator,

has different sources, causes and characteristics. There are also differing characteristics to the noise receptors.

- 9.2 Sunday berthing has the potential to add another noise source (largely engines and generators) into an area where there are ongoing issues around noise and light disturbance (not just relating to the applicant's operations). The ongoing issues are still the subject of continuing complaint/investigation/resolution.
- 9.3 The Sunday berthing is not considered to represent a significant change to the nature of development at the pier. Taking into account the impact operations in this area can have on community and residential amenity when not operated in accordance with existing restrictions, and the degree of unknowns highlighted in the Environmental Health Officer's response, a precautionary approach to the easing of the existing Sunday restrictions to allow berthing is considered to be appropriate and a 12 month temporary permission will allow an assessment of the actual, rather than predicted, impact.
- 9.4 As highlighted in Section 1.2 of the report an application submitted under Section 42 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. Given the last permission is over 20 years old and given its reference back to an earlier permission, the opportunity would normally be taken to clarify and modernise the conditions. However, as this current permission is solely being supported for a 12 month temporary trial period, this is not being pursued at this time. Should a further application to establish the permanent Sunday berthing be supported, the conditions would be reviewed then. The existing conditions have been included in Appendix 2 for information.
- 9.5 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.

10. IMPLICATIONS

- 10.1 Resource: Not applicable
- 10.2 Legal: Not applicable
- 10.3 Community (Equality, Poverty and Rural): Not applicable
- 10.4 Climate Change/Carbon Clever: Not applicable
- 10.5 Risk: Not applicable
- 10.6 Gaelic: Not applicable

11. RECOMMENDATION

Action required before decision issued	N
Notification to Scottish Ministers	N
Conclusion of Section 75 Obligation	N
Revocation of previous permission	N

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

1. There shall be no operational use of the jetty between the hours of 2200 and 0600 on the following morning on any day Monday to Saturday other than with the prior written approval of the Planning Authority. Similarly there shall be no Sunday operations, with the exception of berthing of vessels for a trial period of 12 months, commencing on 1 June 2021 and ending on 31 May 2022. Movement on or off vessels on Sundays is strictly limited to crew and passengers only.

Reason: To allow the Planning Authority to retain effective control over development and to mitigate any nuisance arising in the interests of amenity.

2. That the materials which can be handled on the jetty shall include *inter alia* timber products and other bulk products.

Reason: To allow the Planning Authority to retain effective control over development and to mitigate any nuisance arising in the interests of amenity.

3. That the applicant shall ensure that any bulk product stored temporarily on the pier or associated areas awaiting transport does not give rise to dust or odour nuisance or other pollutants at the nearest sensitive properties, and so to that end shall regularly undertake appropriate mitigation measures to avoid nuisance, to the satisfaction of the Planning Authority.

Reason: To allow the Planning Authority to retain effective control over development and to mitigate any nuisance arising in the interests of amenity.

4. That within 6 months of this permission the applicants shall submit a Noise Assessment for the further approval of the Planning Authority. This will assess existing background and predicted noise levels arising from the proposed use of the jetty and shall contain recommendations for practical mitigation of any potential noise nuisance arising which shall be put into effect subject to the prior agreement and approval of the Planning Authority.

Reason: To allow the Planning Authority to retain effective control over development and to mitigate any nuisance arising in the interests of amenity.

5. That all the conditions applied in application LO/1993/177 except as expressly amended hereto will continue to apply.

Reason: To allow the Planning Authority to retain effective control over development and to mitigate any nuisance arising in the interests of amenity.

6. Prior to the commencement of the approved temporary trial period for Sunday berthing (condition 1), a copy of the amended port procedures in relation to the mitigation of noise shall be submitted to and approved in writing by the Planning Authority. The approved port procedures, as amended, shall thereafter be implemented from the date of commencement of the trial period.

Reason: To mitigate any nuisance arising in the interests of amenity.

REASON FOR DECISION

All relevant matters have been taken into account when appraising this application. It is considered that, on the basis of a temporary trial period, 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

n/a

Signature:

Designation: Area Planning Manager – South

Author: Susan Macmillan

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

Relevant Plans: Plan 1 - Site Plan – 99/00458/FULLO

Plan 2 - Location Plan – 99/00307/FULLO

Plan 3 - Site Plan – 99/00307/FULLO

Appendix 2 – Existing Planning Conditions

Original Conditions and Reasons on 99/00458/FULLO

1. There shall be no operational use of the jetty between the houses of 2200 and 0600 on the following morning on any day Monday to Saturday other than with the prior written approval of the Planning Authority. Similarly there shall be no Sunday operation.
2. That the materials which can be handled on the jetty shall include inter alia timber products and other bulk products.
3. That the applicant shall ensure that any bulk product stored temporarily on the pier or associated areas awaiting transport does not give rise to dust or odour nuisance or other pollutants at the nearest sensitive properties, and so to that end shall regularly undertake appropriate mitigation measures to avoid nuisance, to the satisfaction of the Planning Authority.
4. That within 6 months of this permission the applicants shall submit a Noise Assessment for the further approval of the Planning Authority. This will assess existing background and predicted noise levels arising from the proposed use of the jetty and shall contain recommendations for practical mitigation of any potential noise nuisance arising which shall be put into effect subject to the prior agreement and approval of the Planning Authority.
5. That all the conditions applied in application LO/1993/177 except as expressly amended hereto will continue to apply.

Reasons for Conditions 1-5: To allow the Planning Authority to retain effective control over development and to mitigate any nuisance arising in the interests of amenity.

Original Conditions on LO/1993/177 (still applicable/enforceable)

1. ~~that the ramp, jetty and transit base shall be used solely and exclusively for timber and associated products and materials.~~
2. ~~that prior to development commencing, a detailed and dimensioned plan of the jetty, to a scale of at least 1: 100, shall be submitted to and approved in writing by the Planning Authority.~~
3. ~~that prior to development commencing, a detailed plan of the site, to a scale of at least 1:200, illustrating the layout of the site and the allocation of different uses within it, shall be submitted to and approved in writing by the Planning Authority~~
4. that no storage/stockpiles of timber or related products shall exceed a height of 4 metres above ground level.

5. that the site shall be securely fenced, it shall be surfaced in bituminous macadam or loose chippings, and it shall be managed to ensure a high standard of appearance.
6. ~~that prior to development commencing, a clearly defined vehicular access shall be illustrated on plan and approved in writing by the Planning Authority.~~
7. ~~that the tug and barge approach route shall be agreed in plan form with the Planning Authority; it shall avoid encroachment into or conflict with adjacent moorings, and the boatyard slipway and canal basin approach channel.~~
8. ~~that the level of noise emanating from the site must not exceed 45 decibels when measured at the boundary fence of "Orival".~~
9. that the jetty must not be used for fuelling of the barge-tugs; no sewage, effluent or other pollutants shall be discharged to the loch from the tug or the barge.
10. ~~that, save with the written consent of the Planning Authority, / the jetty shall not be used between the hours of 2100 and 0700 and not at all on Sundays.~~
11. ~~that prior to development commencing an adequate protective bridge shall be installed over the process water pipeline feeding the adjacent paper mill, in accordance with detailed plans to be submitted to and approved by the Planning Authority.~~

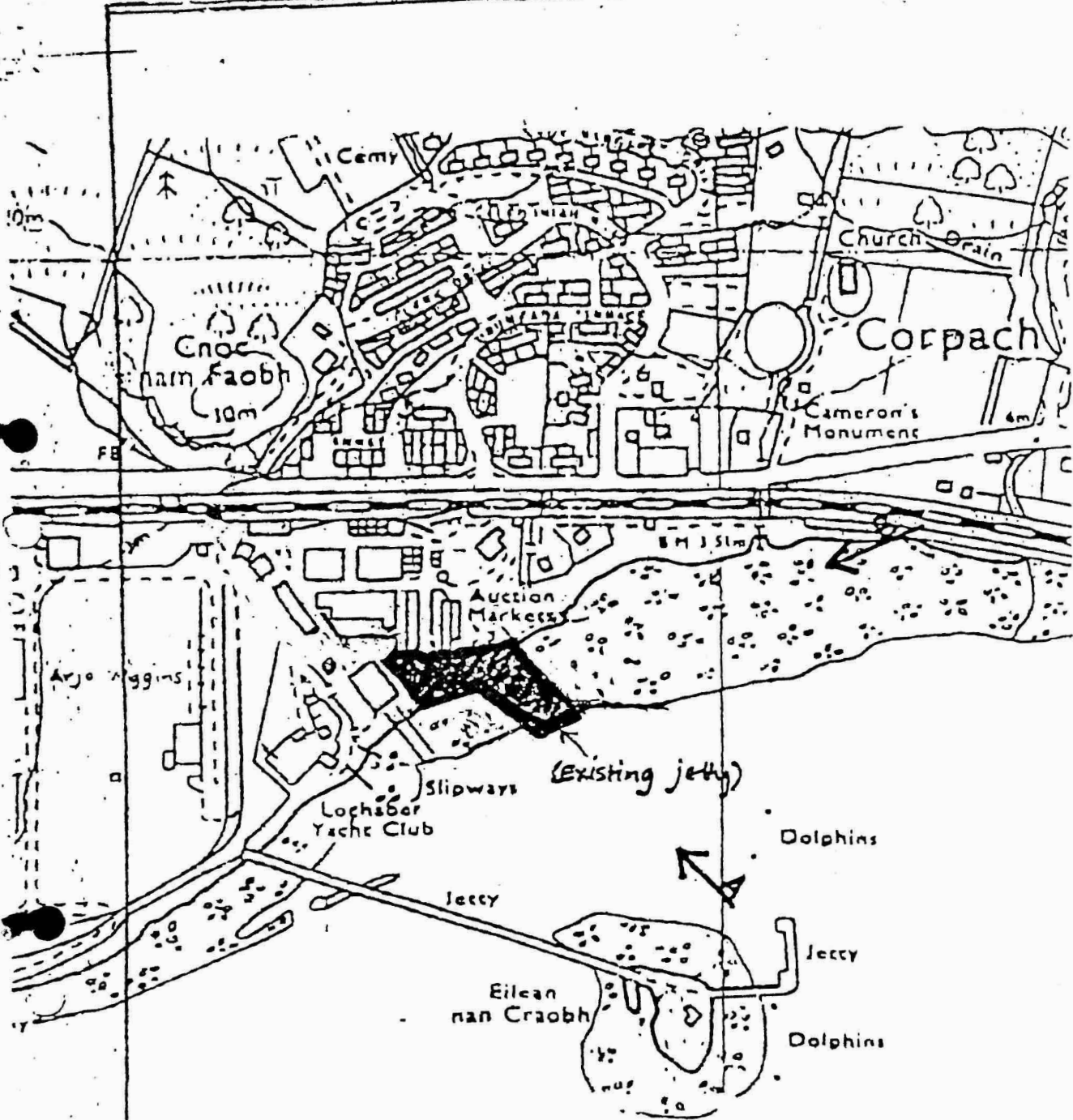
Reasons for condition 1-11: in the interests of amenity, public safety, avoidance of pollution, and so as not to prejudice adjacent proprietors enjoyment of their properties.

DAVID MATHIESON, B.Sc. M.I.C.E.
CHARTERED ENGINEER

Apple House
Appin
Argyll PA38 4BN
Tel. 063-1726207

Dwg no 414/3

JETTY AT ANNAT PT., CORPACH

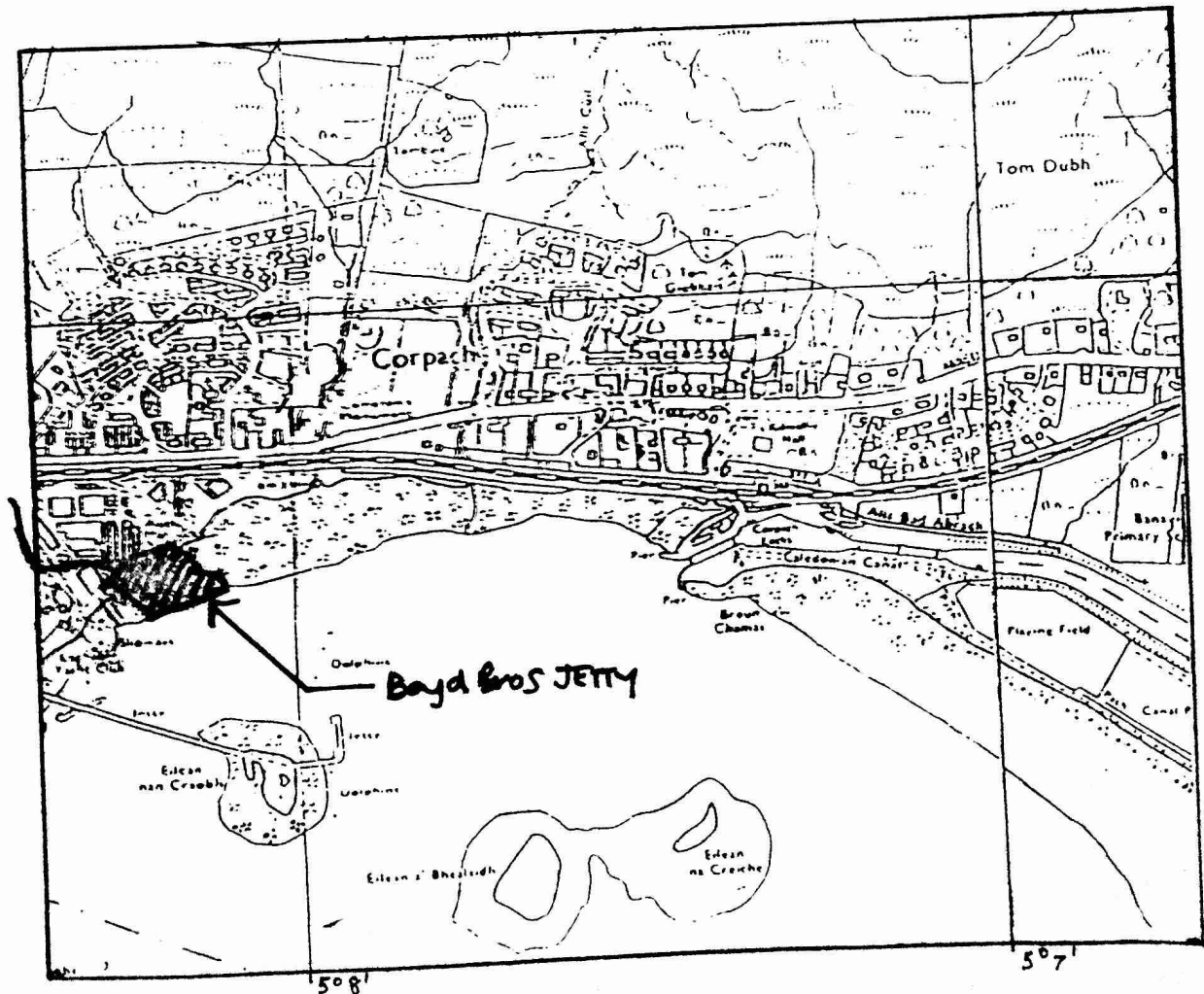


Site Plan

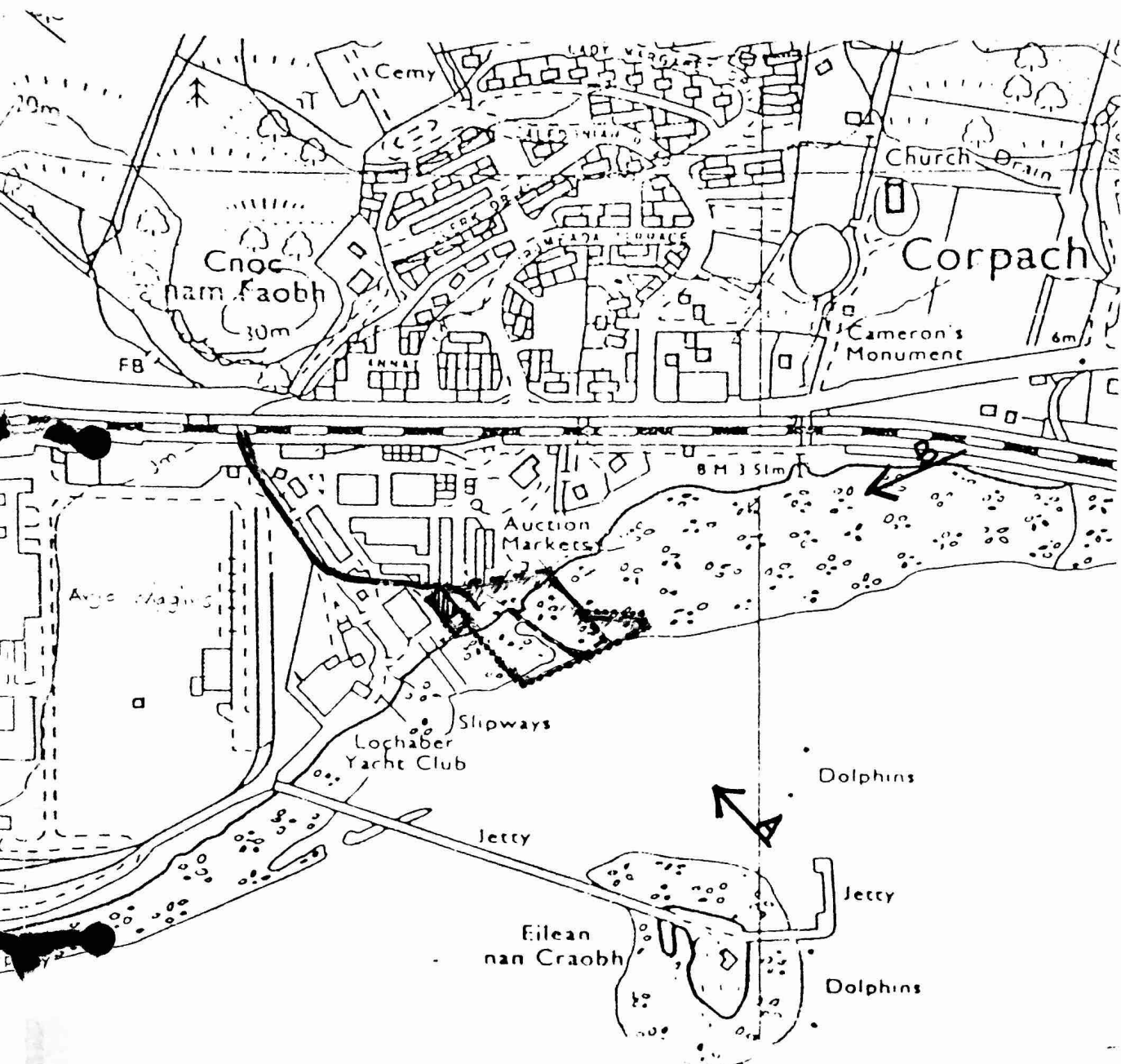
(Scale 1:500)

PLAN	OF	OF APPLICATION REFERENCE
	10/1999/00458	
RECEIVED	21-10-99	

RECEIVED 12-7-99
 10/1999/00307
 AN 1 OF 2 OF APPLICATION REFERENCE
 THE REGISTRATION FILE



Location Plan.
 (SCALE - 1:1000)



site Plan
 (Scale 1:500)

- LEGEND
- [- - -] Existing jetty
 - [.....] Proposed new jetty
 - [//] " " Storage shed
 - [- - -] " " access road
 - ← ALB Viewpoint for Elevation