

**THE HIGHLAND COUNCIL**  
**NORTH PLANNING APPLICATIONS**  
**COMMITTEE (via MS TEAMS)**

**8 JUNE 2021**

**MINUTES**

Listed below are the decisions taken by Committee at their meeting and the actions that now require to be taken. The webcast of the meeting will be available within 48 hours of broadcast and will remain online for 12 months: <https://highland.public-i.tv/core/portal/home>

A separate memorandum will be issued if detailed or further instructions are required, or where the contents of the memorandum are confidential. Please arrange to take the required action based on this Minute.

The order of the items was re-ordered to allow Mr K Rosie to participate in those items within his ward but the action note retains the agenda order.

**Committee Members Present (via MS Teams):**

Mr R Bremner (except item 6.7), Mrs I Campbell, Ms K Currie, Mr C Fraser, Mr R Gale, Mr J Gordon, Mr D MacKay (except items 6.8 - 7), Mrs A MacLean (except item 6.6), Mr C Macleod, Mr D Macleod, Mr K Rosie, Mr A Sinclair (except items 1 - 6.1 and 6.6) and Ms M Morley-Smith (**Chair**)

**Substitutes Present:**

Mr A Mackinnon (except items 1 - 6.1 and 6.3)  
Mrs P Munro (except item 6.2 and 6.6)

**Other Members Present:**

Mr G Adam (during item 6.6)

**Officers Participating:**

Dafydd Jones (DJ) – Acting Head of Development Management – Highland  
Rebecca Hindson (RH) – Principal Planner  
Erica McArthur (EM) – Principal Planner  
Gillian Pearson (GP) – Principal Planner  
Mark Fitzpatrick (MF) – Planner  
Alison Harvey (AH) – Planner  
Peter Wheelan (PW) – Planner

Jane Bridge – Senior Engineer (Development Management)  
Karen Lyons – Principal Solicitor (Planning) and Clerk  
Alison MacArthur – Administrative Assistant

**Guests:**

None

<b>ITEM NO</b>	<b><u>DECISION</u></b>	<b><u>ACTION</u></b>
<b>1</b>	<b>Apologies for Absence Leisgeulan</b>	
	Mr M Finlayson and Mr M Paterson.	<b>N/A</b>
<b>2</b>	<b>Declarations of Interest Foillseachaidhean Com-pàirt</b>	
	Mr R Bremner – item 6.7 Mrs P Munro – item 6.2	<b>N/A</b>
<b>3</b>	<b>Confirmation of Minutes Dearbhadh a' Gheàrr-chunntais</b>	
	There had been submitted for confirmation as a correct record the minutes of the meeting of the Committee held on 20 April 2021 which were <b>APPROVED</b> .	<b>N/A</b>
<b>4</b>	<b>Major Development Update Iarrtasan Mòra</b>	
	<b>Agreed:</b> to <b>NOTE</b> the report.	<b>DJ/SH</b>
<b>5</b>	<b>Major Developments – Pre-application consultations Leasachaidhean Mòra – Co-chomhairle Ro-iarrta</b>	
5.1	Description: Mixed use development comprising a new primary school, up to 15 affordable homes, community playing field and ancillary infrastructure (21/01819/PAN) (PLN/035/21) Ward: 6 Applicant: The Highland Council Site Address: Land 370 m NE of Cromlet House, Cromlet Drive, Invergordon.	
	<b>Agreed:</b> no additional considerations raised.	<b>RH</b>
5.2	Description: Mixed use development comprising a new primary school, residential units, community playing field and ancillary infrastructure (21/01860/PAN) (PLN/036/21) Ward: 10 Applicant: The Highland Council Site Address: Dunvegan Primary School, Dunvegan, Isle of Skye, IV55 8GU.	
	<b>Agreed:</b> no additional considerations raised.	<b>AH</b>

5.3	<p>Description: Cryobattery storage facility with capacity up to 49.9 mW (21/01948/PAN) (PLN/037/21)  Ward: 3  Applicant: Highview Power  Site Address: Spittal Mains Quarry, Spittal, Wick, KW1 5XR.</p>	
	<b>Agreed:</b> no additional considerations raised.	<b>AH</b>
<b>6</b>	<b>Planning Applications to be Determined Iartasan Dealbhaidh rin Dearbhadh</b>	
6.1	<p>Applicant: EnergieKontor UK Ltd (20/00584/FUL) (PLN/038/21)  Location: Strathrory Wind Farm (Ward 6).  Nature of Development: Erection and operation of a wind farm for a period of 35 years, comprising of 7 wind turbines with a maximum blade tip height of 149.9 m, access tracks, borrow pits, substation, control building, and ancillary infrastructure  Recommendation: Grant.</p>	
	<p>Mr A Sinclair joined the meeting after the officer had started his presentation therefore did not take any part in the determination of the application. Mr K Rosie left the meeting during the debate and did not take any part in the determination of the application.</p> <p>A late representation had been emailed to Members, but no new planning considerations had been raised in that representation.</p> <p>In answer to Members' questions, the planner advised:</p> <ul style="list-style-type: none"> <li>• the initial application had been larger, following two rounds of changes further consultations had been undertaken. Turbine heights had had to be reduced to enable the application to be acceptable for this site;</li> <li>• there had been 5 Windfarms developed in the area of Ardross;</li> <li>• this area would not be devoid of trees, every tree removed would have to be replanted somewhere;</li> <li>• pre-application submission requirements had all been completed, whether any of these related to the Resolis area was not apparent;</li> <li>• any future applications would be assessed on their own merits, the turbine height, in the original application, had been unacceptable;</li> <li>• due to the revised height of the turbines there would be infra-red lighting, aviation lighting would not be required;</li> <li>• one viewpoint at South Sutor car park is always omitted from these presentations, a request was made that for future applications this viewpoint be included; and</li> <li>• it is not an obligation on the developer to state whether there is currently grid capacity for this development, all connections required separate consents.</li> </ul> <p>During debate the following views were expressed:</p> <ul style="list-style-type: none"> <li>• the local community considered five wind turbines in this area was excessive;</li> </ul>	<b>PW</b>

- the applicant had undertaken a lot of work to ensure this development would fit in with the landscape;
- concerns in relation to the visibility of the windfarm within the area, cumulative impact, proximity to housing, the effect on dark skies, trees in the screening of the development and the impact on the local community;
- representations had been very strong and Members had to take cognisance of these representations; and
- time and money had been spent by the applicant on bringing this application, an application that now meets the criteria and the policies.

Motion by Ms M Morley-Smith seconded by Mrs P Munro to refuse the application for the reasons given below:

While acknowledging that it was the amendments to the proposed development during the processing of the application that allowed the application to be recommended for approval, it was felt that these amendments did not reduce the impacts sufficiently to allow the application to be supported.

The application is considered to be contrary to Policy 67 (Renewable Energy) of the Highland wide Local Development Plan, the associated Onshore Wind Energy Supplementary Guidance and Scottish Planning Policy as the development would have a significantly detrimental visual impact, both individually and cumulatively with existing onshore wind energy developments, as viewed by road users (including tourists), residents, and recreational users of the outdoors particularly from viewpoints in the Black Isle/A9 to the south of the development, the B9176 Struie Road, and from the Dornoch Bridge/A9 to the north of the development, as well as being dominant in local views in and within the vicinity of Ardrross and its constituent settlements due to the design, scale and location of the proposed development.

Amendment by Mrs A Maclean seconded by Ms K Currie to approve the application in accordance with the recommendation contained in the report.

**Vote:**

Motion – 9 (Mr R Bremner, Mrs I Campbell, Mr C Fraser, Mr R Gale, Mr D Mackay, Mr C Macleod, Mr D Macleod, Ms M Morley-Smith and Mrs P Munro)

Amendment – 3 (Ms K Currie, Mr J Gordon and Mrs A Maclean)

Motion carried 9 votes to 3

**Agreed:** to **REFUSE** planning permission for the reasons contained in the motion.

6.2	<p>Applicant: Pat Munro (Ainess) Ltd and Broadland Properties Ltd (20/01682/FUL) (PLN/039/21)  Location: Land 100 m East of Rogie Hill, Park Brae, Munlochry (Ward 9).  Nature of Development: Erection of 32 houses.  Recommendation: Grant.</p>	
	<p><b>Mrs P Munro left the meeting for the duration of this item having declared an interest at item 2.</b></p> <p>In answer to Members' questions, the principal planner and senior roads engineer advised:</p> <ul style="list-style-type: none"> <li>• Traffic Scotland had been consulted on the Development Plan when it had been produced and had not objected;</li> <li>• the latest survey from March this year for Munlochry Primary School had shown the school roll to be hovering at 90% capacity. A contribution towards education accommodation would be sought when there was five continuous years of over-capacity. Munlochry Primary School therefore had capacity for this development; and</li> <li>• the applicant had undertaken a transport assessment showing a maximum of 23 additional vehicles in the peak hours, this had not been considered significant by Transport Scotland.</li> </ul> <p>During debate the following views were expressed:</p> <ul style="list-style-type: none"> <li>• several meetings and consultations had been held in relation to the A9 at Tore and the Munlochry junction. It was time that Transport Scotland examined the issues raised by communities on the Black Isle;</li> <li>• this development was the last phase of this development and was within the relevant policies, concerns raised by the consultees had been addressed; and</li> <li>• concern at the future school roll and capacity at Munlochry School.</li> </ul> <p>The Acting Head of Development Management – Highland stated that the position of Transport Scotland had been well set out, the ongoing position was well established and there was currently a working group looking into issues. Developer contributions were an important area with clear parameters. The community facilities were a slightly greyer area where it was important to be satisfied that from an audit perspective, the development contribution taken, can be accounted for, and spent in a manner both reasonable and necessary.</p> <p><b>Agreed:</b> to <b>GRANT</b> planning permission subject to the conditions contained in the report and the prior conclusion of an agreement under s75 of the Town and Country Planning (Scotland) Act 1997 to secure developer contributions.</p>	EMcA

6.3	<p>Applicant: Mr Laurence Begg (21/00458/FUL) (PLN/040/21)  Location: 9 Market Street, Thurso, KW14 8BB (Ward 2).  Nature of Development: Installation of external wall insulation.  Recommendation: Refuse.</p>	(MF)
	<p>Amend report at Item 11 to read - Thurso conservation area and not Tain conservation area.</p> <p>In answer to Members' questions, the planner advised:</p> <ul style="list-style-type: none"> <li>• one of the reasons for refusal was the visible appearance of the cladding within a conservation area, it was accepted that the neighbouring property also had an application for cladding.</li> </ul> <p>During debate the following views were expressed:</p> <ul style="list-style-type: none"> <li>• this house was on the Northern edge of the conservation area and the impact would be limited to the edge of the conservation area with the cladding saving energy in the property;</li> <li>• the neighbouring property also had an application for the same cladding; and</li> <li>• there was sympathy for older houses in conservation areas that would benefit from cladding insulation.</li> </ul> <p>Mr Dafydd Jones stated that it was disappointing that the review of the Conservation Area had been stalled. Members requested a letter be sent to request that the review of the conservation area be brought forward.</p> <p>Motion by Mr K Rosie seconded by Ms M Morley Smith to grant the planning application subject to conditions drafted by the Planning Service for the following reasons:</p> <p>The proposal would not result in unacceptable impacts on Thurso Conservation Area and the reduction in energy running costs will be of benefit to the householders. Taken in conjunction with the application for the neighbouring property and given that examples of external cladding already exist on housing within the conservation area, the proposal would not appear visually dissonant. Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area, the proposal will accord with policies 28, 29 and 34 of the Highland wide Local Development Plan.</p> <p>No amendment was put forward.</p> <p><b>Agreed:</b> to <b>GRANT</b> planning permission subject to conditions to be drafted by the Planning Service.</p>	
6.4	<p>Applicant: WP Grid Services Limited (21/00610/FUL) (PLN/041/21)  Location: Thurso South Substation, Geiselittle, Thurso, KW14 8YH (Ward 2).  Nature of Development: Erection of grid stability facility including grid stability unit, ancillary equipment, access, landscaping, drainage, car parking and enclosures.  Recommendation: Grant.</p>	

	<p>In answer to Members' questions, the planner advised:</p> <ul style="list-style-type: none"> <li>that once they had identified a local quarry source they would have to assess the condition of the route and then consult with Transport Scotland to resolve any issues. The road would then require to be brought up to standard in agreement with Transport Scotland with a wear and tear agreement initiated.</li> </ul> <p>During debate the following views were expressed:</p> <ul style="list-style-type: none"> <li>pleased to see the applicant had utilised the pre-application advice from the planning service.</li> </ul>	
	<b>Agreed:</b> to <b>GRANT</b> planning permission subject to the conditions contained in the report and prior conclusion of an agreement under s75 of the Town and Country Planning (Scotland) Act 1997 to secure decommissioning and restoration of the site at the end of the scheme's operational life.	<b>PW</b>
6.5	<p>Applicant: DSRL, Dounreay Nuclear Research Establishment (21/01087/S42) (PLN/042/21)  Location: Dounreay Nuclear Research Establishment, Dounreay, Thurso (Ward 2).  Nature of Development: Section 42 application to release condition 21 of planning application 06/00373/FULCA for the import of material.  Recommendation: Grant.</p>	
	<p>In answer to Members' questions, the principal planner advised:</p> <ul style="list-style-type: none"> <li>Dounreay had an existing road assessment plan, this would therefore be a routing plan, the wear and tear condition will mean that the developer had to repair any damage to the road.</li> </ul>	
	<b>Agreed:</b> to <b>GRANT</b> planning permission subject to the conditions contained in the report.	<b>GP</b>
6.6	<p>Applicant: Mr H Cromarty (21/01173/PIP) (PLN/043/21)  Location: Land 75 m NE of Brackla Wood, Culbokie (Ward 9).  Nature of Development: Erection of house.  Recommendation: Refuse.</p>	
	<p>In answer to Members' questions, the principal planner advised:</p> <ul style="list-style-type: none"> <li>the Hinterland Policy comes from Scottish Planning Policy, a policy which asks us to take a more protective approach to pressurised areas of countryside. Within this policy we try to direct housing to sites where loss of agricultural land is minimised and impact on the rural character is minimised;</li> <li>planning officers look for housing that forms natural, logical groups and opportunities for rounding off existing groups – what this application proposes is a house that will break into an undeveloped field continuing a disperse arrangement of housing on that road;</li> <li>in relation to crofting, we do have an exception in the hinterland for houses where there is a strong operational need or where the house is deemed essential for a land holding or a croft; and</li> </ul>	<b>RH</b>

- the Hinterland Policy does not apply to Skye. .

During debate the following views were expressed:

- these houses share a perceptible relationship, they are a loosely dispersed development with a perceptible relationship to each other. There are three houses with three large gardens. Houses in the countryside tend to have very large gardens;
- photographs had been taken in the summer, in the winter the houses are visible from each of the properties; and
- this is a linear development and not a rounding off of houses.

Mr Dafydd Jones stated that the previous planning history is very relevant. The Committee had to explain what had changed since the previous application to allow them to come to a different conclusion.

Mrs A Maclean and Mr A Sinclair did not participate in the vote as they were not present throughout the presentation and debate.

Motion by Mr C Fraser seconded by Mr J Gordon to grant the application subject to conditions drafted by the Planning Service for the following reasons:

The proposal to secure development for one house on an area of open ground at Braefindon is based on it meeting the relevant policy criteria taken together with the relevant material considerations.

The earlier assessment by the planning authority that the area does not comprise a housing group had further been considered and information material to the assessment provided.

A housing group requires to be both perceptible and cohesive in character. It does not require the existing houses to be in close proximity, only that the group is recognisable as such. Large gardens are a feature of this group. The proposed house will have a similar sized garden and will incorporate landscaping to provide a comparable setting, contributing to the established cohesive character.

The existing houses are perceptible one from the other as the supporting information indicates. The established character and pattern of the group development and pattern of the housing group development can be endorsed, and the existing setting replicated. The group cannot physically extend beyond the east boundary ensuring that this proposal will not lead to further development along the road. There was no reason to depart from the motion put forward on the applicant's previous application (19-04420-PIP) which was minuted as follows:

“Policy 35 of the Highland-wide Local Development Plan does not set an absolute embargo on development within the hinterland and recognises that opportunities exist for limited development. The proposed development of a single house on the site is considered to meet the relevant policy exception as the proposal meets the Council's criteria for acceptable expansion of a housing group as set out in the



	<p>adopted Housing in the Countryside Supplementary Guidance. The proposal therefore complies with Policy 35 – as outlined in paragraph 19.8.1 – of the Highland-wide Local Development Plan.</p> <p>The siting is considered to be consistent with the existing group of houses. It occupies a site which rounds off the group. It is defined by the boundary of the public road to the north and is consistent with the distances which separate the four existing houses.</p> <p>No infrastructure constraints exist and the design and siting of the house can achieve an appropriate scale of development which properly respects the rural character of the area.</p> <p>The proposer and seconder considered that it was inappropriate to determine the existing four houses as not forming a housing group. Their cohesiveness is defined by the plot size, woodland setting and location adjacent to the public road. It was considered that the proposed house would meet the relevant policy objectives guiding the development of single houses within the countryside and therefore was capable of support.</p> <p>In conclusion, the application fully accords with the Highland-wide Local Development Plan and there are no material planning considerations that justify refusal of the application.”</p> <p>Amendment by Ms M Morley-Smith seconded by Mr R Bremner to refuse the planning application in accordance with the recommendation contained in the report.</p> <p><b>Vote:</b>  Motion – 7 (Mrs I Campbell, Mr C Fraser, Mr J Gordon, Mr D Mackay, Mr C Macleod, Mr D Macleod, Mr A Mackinnon)  Amendment – 4 (Mr R Bremner, Ms K Currie, Mr R Gale, Ms M Morley-Smith)  Motion carried 7 votes to 4</p> <p><b>Agreed:</b> to <b>GRANT</b> planning permission subject to conditions to be drafted by the Planning Service.</p>	
6.7	<p>Applicant: SSE Generation Limited (20/03481/S36) (PLN/044/21)  Location: Strathy South Wind Farm (Ward 1).  Nature of Development: Application under Section 36 of the Electricity Act 1989 to vary the consented Strathy South Wind Farm to increase the blade tip height from 135 m to up to 200 m and increase maximum consented output from 133 MW to 208 MW  Recommendation: Raise no objection subject to conditions and mitigation as set out in section 11 of the report.</p>	
	<p><b>Mr R Bremner left the meeting for the duration of this item having declared an interest at item 2.</b></p> <p>Mr J Gordon was not present for this item.</p>	SH

	<p>At condition 1 it should read 50 years not 25 as stated in the report.</p> <p>During debate the following views were expressed:</p> <ul style="list-style-type: none"> <li>the community supported this development, it was in line with the policy and in an area of countryside that could absorb the larger turbines.</li> </ul> <p><b>Agreed: to RAISE NO OBJECTION</b> subject to the conditions contained in the report and to the removal of 4 turbines.</p>	
6.8	<p>Applicant: Slickly Wind Farm Ltd (19/05624/FUL) (PLN/045/21)  Location: Land 1650 m East of Slickly Croft, Lyth, Wick (Ward 3).  Nature of Development: 11 wind turbines up to 149.9 m blade tip height and associated infrastructure.  Recommendation: Refuse.</p>	
	<p>Mr R Bremner re-joined the meeting at the start of this item. Mr D Mackay left the meeting before this item started.</p> <p>At paragraph 1.6 d, the report should state that the application sought a micro-siting allowance of 100 m and not 50 m as stated.</p> <p>At Item 8.64, the report should state that the applicant entered dialogue with Environment Scotland and not the applicant as stated.</p> <p>In answer to Members' questions, the Acting Head of Development Management – Highland advised:</p> <ul style="list-style-type: none"> <li>most of the other windfarms in the area were earlier schemes and the heights were 110 m;</li> <li>Golticlay windfarm turbines were 130 m in height and Rumster Forest turbines were 35 m in height; and</li> <li>if the application was refused today, it was open to the applicants to come back with a revised scheme or to appeal within three months of the decision;</li> </ul> <p>During debate the following views were expressed:</p> <ul style="list-style-type: none"> <li>there were different considerations for each windfarm relating to topography and lie of the land;</li> <li>the local community had varying views on this application;</li> <li>the topography of Caithness is unique in respect of the rest of the Highlands, less but longer undulation landflows in a relatively low- lying area of the North of Scotland, many of the viewpoints in the presentation are of some of the most famous landmarks in Caithness and Scotland;</li> <li>the photo montages today were not of a quality to appreciate the impact of the additional turbines;</li> <li>whilst many of the statutory consultees do not object this is only within the context to which they can consider the proposal;</li> <li>the main support appears to be for economic development and economic benefit;</li> </ul>	SH

	<ul style="list-style-type: none"> <li>disappointed to hear that the applicant had not engaged or consulted as much as they could both with planning officers and the community; and</li> <li>there was scope for a development but not in the scale and layout of this one.</li> </ul> <p><b>Agreed:</b> to <b>REFUSE</b> planning permission for the reasons contained in the report.</p>	
<b>7</b>	<p><b>Decision of Appeals to the Scottish Government Planning and Environmental Appeals Division</b>  <b>Co-dhùnadh mu larrtas do Bhuidheann-stiùiridh Riaghaltas na h-Alba</b>  <b>airson Lùth agus Atharrachadh Aimsir</b></p>	
7.1	<p>Applicant: Lynsey Mowat (20/04325/LBC) (LBA-270-2011)  Location: Vendale, Latheronwheel, Wick, KW5 6DW (Ward 3)  Nature of Development: amendment to 20/01334/LBC to include a balcony.</p>	
	<p>The Committee <b>NOTED</b> the decision of the Reporter, appointed by Scottish Ministers, to allow the appeal and to grant listed building consent.</p>	
	<p>The meeting finished at 1543.</p>	