

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

19 OCTOBER 2021

MINUTE

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.

Committee Members Present (via MS Teams):

Mrs I Campbell (except item 5.2), Mr M Finlayson, Mr R Gale, Mr J Gordon, Mr D MacKay (except item 6.5), Mrs A MacLean, Mr C Macleod, Mr D Macleod, Mr A Rhind, Mr A Sinclair (excluding item 6.5) and Ms M Morley-Smith (**Chair**)

Substitutes Present:

Mr H Morrison

Other Members Present:

Mr G Adam items 1 - 5.5.

Officers Participating:

Dafydd Jones (DJ) – Acting Head of Development Management – Highland

Simon Hindson (SH) – Team Leader – Strategic Projects Team

Erica McArthur (EMcA) – Principal Planner

Claire Farmer-McEwan (CF) – Planner

Meadhbh Maguire (MM) – Planner

Graham Sharp (GS) – Planner

Jane Bridge – Senior Engineer (Development Management)

Karen Lyons – Principal Solicitor (Planning) and Clerk

Alison MacArthur – Administrative Assistant

Guests:

None

ITEM NO	<u>DECISION</u>	<u>ACTION</u>
1	Apologies for Absence Leisgeulan	
	Mr R Bremner, Mr C Fraser, Mrs M Paterson and Mr K Rosie.	N/A

	Ms K Currie had intimated that she had stepped down from the Committee. Her permanent replacement on the Committee will be agreed by Council at its meeting on 28 October 2021. Mr H Morrison was present as her named substitute.	
2	Declarations of Interest Foillseachaidhean Com-pàirt	
	Mrs I Campbell in respect of item 5.2. Mr D Mackay in respect of item 6.5.	N/A
3	Confirmation of Minutes Dearbhadh a' Gheàrr-chunntais	
	There had been submitted for confirmation as a correct record the minutes of the meeting of the Committee held on 14 September 2021 which were APPROVED .	N/A
4	Major Development Update Iartasan Mòra	
	The Area Planning Manager updated Members as follows: Kirkan Wind Farm application – PLI will be held in January next year. Sutherland Spacehub application – the petitioner does not intend to appeal the decision of the Court and the Council has lodged a motion for expenses. Agreed: to NOTE the report.	DJ/SH
5	Major Developments – Pre-application consultations Leasachaidhean Mòra – Co-chomhairle Ro-iarrta	
5.1	Description: Mixed use development including residential, business, retail, community facilities (including a new primary school site) and associated infrastructure (21/04199/PAN) (PLN/075/21) Ward: 8 Applicant: Springfield Properties Plc Site Address: Bogroy Farmhouse, Bogroy, Tore, Muir of Ord, IV6 7RY	
	Agreed: Members raised concerns that the proposed application would be on a non-allocated site, particularly given the recent work on the replacement Inner Moray Firth Local Development Plan. This site had been suggested for inclusion in the replacement Plan but had not been taken forward as an allocated site.	Peter Wheelan

5.2	<p>Description: Residential development of various house styles, tenure and densities. The proposal also includes capacity for a care village, commercial units and community retail premises, protected green space, SUDS area, civic amenity spaces, active travel routes and new/upgraded transport links (21/04209/PAN) (PLN/076/21)</p> <p>Ward: 10</p> <p>Applicant: Lochalsh and Skye Housing Association</p> <p>Site Address: Land 380 m NE of Portree NHS Dental Clinic, Sraid An Eorna, Portree.</p>	
	<p>Declaration of Interest: Mrs I Campbell declared a non-financial interest in this application as a member of the Lochalsh and Skye Housing Association and left during determination of this item.</p> <p>Agreed: no additional considerations raised.</p>	<p>Alison Harvey</p>
5.3	<p>Description: Extension to existing Broadford substation comprising platform area, indoor switching stations and substation buildings, associated plant and infrastructure, ancillary facilities, laydown area(s) and landscape works (21/04374/PAN) (PLN/077/21)</p> <p>Ward: 10</p> <p>Applicant: Scottish Hydro Electric Transmission Plc</p> <p>Site Address: Land 1155 m NW of Workshop, Old Corrie Industrial Estate, Broadford.</p>	
	<p>Agreed: no additional considerations raised.</p>	<p>Negar Maydanchi / SH</p>
5.4	<p>Description: Extension to existing Edinbane substation comprising platform area, indoor switching stations and buildings, associated plant and infrastructure, ancillary facilities, laydown area(s) and landscape works (21/04375/PAN) (PLN/078/21)</p> <p>Ward: 10</p> <p>Applicant: Scottish Hydro Electric Transmission Plc</p> <p>Site Address: Land 1120 m West of Glenvicaskill, Balmeanach, Struan.</p>	
	<p>Agreed: no additional considerations raised.</p>	<p>Negar Maydanchi / SH</p>
5.5	<p>Description: Kirkton Wind Farm - Construction and operation of a wind farm comprising up to 14 turbines with a blade tip height of up to 149.9 m and ancillary infrastructure with an installed capacity of up to 70 MW (21/04455/PAN) (PLN/079/21)</p> <p>Ward: 1</p> <p>Applicant: Kirkton Wind Farm Limited</p> <p>Site Address: Land 1800 m SW of Kirkton Cemetery, Melvich.</p>	
	<p>Agreed: no additional considerations raised.</p>	<p>Negar Maydanchi / SH</p>

6	<p>Planning Applications to be Determined Iarrtasan Dealbhaidh rin Dearbhadh</p>	
6.1	<p>Applicant: Energiekontor (21/00849/FUL) (PLN/080/21) Location: Land 2400 m SE of Cracail, Toroboll, Lairg (Ward 1). Nature of Development: Lairg II Wind Farm Re-Design - erection and operation of a wind farm for a period of 35 years, comprising of 5 No Wind Turbines with a maximum blade tip height of 200 m, 2 No Wind Turbines with a maximum blade tip height of 190 m, 3 No Wind Turbines with a maximum blade tip height of 150 m, access tracks, borrow pits, 132 kV substation, control building, energy storage compound and ancillary infrastructure. Recommendation: Grant.</p>	
	<p>In answer to Members' questions, the Planner advised:</p> <ul style="list-style-type: none"> • there had been no objections from the occupiers of the houses at viewpoint 6 for this or the original application; • the applicants had come back with an amended scheme to increase the output and enable the scheme to become financially viable; • there will be mitigation through the section 96 for the roads and any upgrades will be undertaken prior to the commencement of the development; • the landscape officer did have concerns with lighting but the reduction in the hub height will now be below the ridge and you would only see a little more of the turbine tips and not the hubs; • the size of the turbine bases would be determined prior to commencement of works; • there would be extra concrete laid for the seven turbines but this would not be significant; and • the RSPB objection related to flight paths, our information was based on information from Nature Scotland and they had not objected to this application. <p>During debate the following views were expressed:</p> <ul style="list-style-type: none"> • the local Community Council had not objected; • construction work would be contained on site and through good roads there was therefore no road concerns; and • disappointment that the applicant had reapplied when, in the original application, members had thanked the officer for negotiating the reduction of the blade length and now the applicant is back with increased blade length. 	
	<p>Agreed: to GRANT the application subject to the conditions listed in the report of handling.</p>	<p>CF</p>

6.2	<p>Applicant: Mr Michael Dawson (19/02859/FUL) (PLN/081/21) Location: Free Church, Broadford, Isle of Skye (Ward 10). Nature of Development: Change of use of existing free church with an extension all for mixed use entertainment and social events including weddings, bar and kitchen. Recommendation: Grant.</p>	
	<p>In answer to Members' questions, the Planner advised:</p> <ul style="list-style-type: none"> • advice had been taken from Environmental Health following submission of the original noise assessment which had not been considered as fit for purpose, and the subsequent professional company's noise assessments where they had tested and estimated noise levels for the proposed use. Thereafter detailed mitigation works had been requested and these are to be conditioned as detailed in the report; and • any outside lighting would have to be applied for through planning consent and this could be added as an informative. <p>During debate the following views were expressed:</p> <ul style="list-style-type: none"> • old historic buildings and churches needed a new lease of life to keep the buildings in good order and a new wedding venue would benefit the area of Broadford. 	
	<p>Agreed: to GRANT the application subject to the conditions listed in the report of handling and an informative making clear that any proposals for external lighting would require consent.</p>	GS
6.3	<p>Applicant: Lobster Oyster Ltd (21/01620/FUL) (PLN/082/21) Location: Land 60 m South of Grianan, 1 Balmeanach, Struan (Ward 10). Nature of Development: Siting of catering trailer. Recommendation: Grant.</p>	
	<p>In answer to Members' questions, the Principal Planner advised:</p> <ul style="list-style-type: none"> • in this case the applicant owns the land and can undertake the work required to the road verge with the consent of the Council as roads authority. <p>During debate the following views were expressed:</p> <ul style="list-style-type: none"> • appreciate we need tourism and the infrastructure to support it, and following consideration of the comments people have made, believe the owner will be respectful. 	
	<p>Agreed: to GRANT the application subject to the conditions listed in the report of handling.</p>	Alison Harvey/ EMcA

6.4	<p>Applicant: Mr Hany Metawie (21/02473/FUL) (PLN/083/21) Location: Hamara, Coolin Drive, Portree (Ward 10). Nature of Development: Erection of one (previously two) holiday lettings units. Recommendation: Grant.</p>	
	<p>In answer to Members' questions, the Principal Planner advised:</p> <ul style="list-style-type: none"> • the location of the vehicular and pedestrian access was clarified; • three parking spaces were required in relation to planning guidelines and the applicant was to provide four; and • condition 8.18 restricted the use of the building to holiday letting purposes only, the current application did not meet the guidelines for occupation as a separate house. <p>During debate the following views were expressed:</p> <ul style="list-style-type: none"> • this proposal was unacceptable in the middle of a housing scheme; • the main issue was the narrow roads in the crescent where parking was at a premium, the additional holiday letting unit would exacerbate the problem; • this development was too big for this area and would lead to a congested footprint and surrounding area; • this is primarily a residential area and we need to be aware of the concerns and protect the amenity of the neighbours; and • a contrary view was that there was bed and breakfast facilities available nearby and this was an acceptable development. 	
	<p>Motion by Mr J Gordon seconded by Mr C Macleod to refuse the application for the following reasons:</p> <p>This development does not demonstrate sensitive siting and is not in keeping with the local character of this residential part of Portree. This area is known locally as the crescents and is where the first Council houses were built. It is identified, as its local name suggests, by crescent shaped roads and its regular pattern of housing development. Introducing tourist accommodation into the garden ground of a residential property inevitably reduces the amount of amenity ground associated with the host house, to its detriment in this case. In addition, it introduces a new use into a settled residential area which can have adverse impacts – caused by additional traffic movements (including parking), noise – on the amenity of the neighbouring residential properties, given the close proximity of the proposed development with the existing houses.</p> <p>For the above reasons, the application is contrary to policies 28, 34 and 44 of the Highland-wide Local Development Plan.</p> <p>Amendment by Ms M Morley-Smith seconded by Mrs A Maclean to grant the application in accordance with the recommendation contained in the report of handling.</p>	<p>Alison Harvey/ EMcA</p>

	<p>Vote: Motion – 8 (Mrs I Campbell, Mr M Finlayson, Mr R Gale, Mr J Gordon, Mr D Mackay, Mr C Macleod, Mr D Macleod, Mr H Morrison) Amendment – 3 (Mrs A Maclean, Mr A Rhind and Ms M Morley-Smith) Abstentions – 1 (Mr A Sinclair, due to IT issue) Motion carried 8 votes to 3.</p> <p>Agreed: to REFUSE the application for the reason given by Mr Gordon in his motion.</p>	
6.5	<p>Applicant: Highland Wind Limited (21/03686/S42) (PLN/084/21) Location: Development site 9 km NW of Dounreay Nuclear Research Establishment, Dounreay (Ward 2). Nature of Development: Dounreay Tri Wind Farm - Application for non-compliance with conditions 23 (commencement of development), 25 (design of substation and ancillary development), 27 (traffic and transport), 29 (onshore construction method statement), 30 (onshore environmental management plan) and 31 (onshore cable plan) of deemed planning permission 16/04775/S36 Recommendation: Grant.</p>	
	<p>Declaration of Interest: Mr D Mackay declared a non-financial interest in this application and left during determination of this item.</p> <p>The planning officer advised of amendments to additional conditions 31 and 32 to clarify that they only related to the onshore elements of the proposed development.</p> <p>In answer to Members' questions, the planner advised:</p> <ul style="list-style-type: none"> the conditions were imposed by Scottish Ministers when consent was granted, in relation to the condition on removal of the commencement of development this amendment would tidy up the conditions and leave one overall regulatory authority this being the planning authority; and for section 36 applications it is normal that the conditions are determined, monitored and enforced by the planning authority rather than Scottish Government; 	
	<p>Agreed: to GRANT the application subject to the amended conditions listed in the report of handling, including revisions to the additional conditions 31 and 32 presented by the case officer to make clear that they only relate to the onshore elements of the proposed development.</p>	SH

6.6	<p>Applicant: Scottish Sea Farms (21/03053/FUL) (PLN/085/21) Location: 91 Laid, Loch Eriboll, Lairg, IV27 4UN (Ward 1). Nature of Development: Partial change of use of house and partial change of use of land to form shore base, the siting of a storage container, creation of hardstandings and improvements to access track (retrospective). Recommendation: Grant.</p>	
	<p>During debate the following views were expressed:</p> <ul style="list-style-type: none"> • this was a well-established fish farm and a good employer in the area; and • regarding the concerns about heavy traffic, feed was only delivered three or four times a month and on roads already used by NC500 visitors. 	
	Agreed: to GRANT the application subject to the conditions listed in the report of handling.	David Borland
6.7	<p>Applicant: Ullapool Harbour Trust (21/03487/FUL) (PLN/086/21) Location: Land 100 m South of 16 Shore Street, Shore Street, Ullapool (Ward 5). Nature of Development: Construction of revetment and beach access, Shore Quay reclamation and pontoons. Recommendation: Grant.</p>	
	<p>The Planner clarified that this site fell within UP05, a designation within the West Highlands and Islands Development Plan for Business and Tourism use.</p> <p>During debate the following views were expressed:</p> <ul style="list-style-type: none"> • this development was within the Ullapool SDA and there were no objections from statutory bodies; • this development would help protect the shoreline from flooding and the widening of the road would alleviate the traffic problems in this area; • this will enhance the frontage of this area of Ullapool and was good for the local economy; and • there had been a lot of consultation and the Harbour Trust had a very good website and kept people informed with local newsletters. 	
	Agreed: to GRANT the application subject to the conditions listed in the report of handling.	MM
6.8	<p>Applicant: Mr Steve Auckland (21/03748/FUL) (PLN/087/21) Location: Land 20 m East of 8 Cooper Street, Plockton (Ward 5). Nature of Development: Erection of house. Recommendation: Grant.</p>	
	Agreed: to GRANT the application subject to the conditions listed in the report of handling.	Michael Kordas

7	Decision of Appeals to the Scottish Government Planning and Environmental Appeals Division (PP 149 - 180) Co-dhùnadh mu Iartras do Bhuidheann-stiùiridh Riaghaltas na h-Alba airson Lùth agus Atharrachadh Aimsir	
7.1	Applicant: Organic Sea Harvest (20/00097/FUL) (PPA-270-2245) Location: Land 1600 m East of Balmaqueen, Portree (Ward 10) Nature of Development: New marine fish farm Atlantic salmon consisting of 12 x 120 m circumference circular cages in an 80 m mooring grid with associated feed barge.	
	Agreed: to NOTE the decision of the Reporter to dismiss the appeal and refuse planning permission.	Mark Harvey
	<p>In discussion following this item, Members indicated that they understood they had been elected to make tough and often unpopular decisions when constituents had varied viewpoints. In this ward, having one of the most beautiful and unique landscapes and seascapes and being a popular tourist destination, decision making is all the more challenging: in maintaining the area as a desirable and much-admired global destination in a competitive tourism market while ensuring viability in hosting a happy and prosperous growth of population able to work and live here. All this made striking the correct balance more daunting.</p> <p>This planning decision was significant given the criticism of the decision in the press. Supporters of and those in opposition to the proposed development made their feelings known. The independent reporter's comprehensive report and conclusion supported the committee's decision.</p> <p>Although we are reliant on tourism we also have to look at diversity. Fish farms are controversial. It was important for people to realise the difficult predicament that Members found themselves in.</p> <p>The Acting Head of Development Management – Highland advised that, while the Reporter had concluded that this fish farm was not appropriate in this area, it was important to realise that they were appropriate in other areas and each fish farm application had to be considered on its own merits.</p>	
	The meeting finished at 1400.	