

Agenda Item	6.3
Report No	PLS-58-23

HIGHLAND COUNCIL

Committee: South Planning Applications Committee
Date: 04 October 2023
Report Title: 22/05450/S42: Boyd Brothers Haulage Ltd
Annat Pier, Corpach, Fort William PH33 7NB
Report By: Area Planning Manager – South

Purpose/Executive Summary

Description: Section 42 application to vary Condition 1 of planning permission 99/00458/FUL 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: 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** the application as set out in section 11 of the report.

1. PROPOSED DEVELOPMENT

1.1 This application relates to a proposal to vary Condition 1 of planning permission 99/00458/FULLO to allow the berthing and disembarking of vessels at Annat Pier on Sundays.

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 Documents:

- Noise Impact Assessment dated September 2022
- Updated Noise Impact Assessment dated February 2023
- Statement of findings from temporary trial period
- Information in response to objector’s comments

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 mix 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
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3.2	March 1995	LO/1995/012: Construction of jetty/breakwater – hours limited as per LO/1993/177.	Planning Permission Granted
3.3	17.07.2000	99/00307/FULLO: Extension to pier	Planning Permission Granted
3.4	17.07.2000	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	27.05.2009	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	20.07.2010	10/01198/FUL: Additional Sunday stevedoring, 6 Sundays per annum for loading/unloading vessels	Refused. Appeal dismissed by Reporter following Local Hearing
3.7	27.05.2021	20/02027/S42: 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.	Granted by Committee for a trial period (one year) with additional condition (No.7) requiring establishment of a liaison group.
3.8	09.11.2021	21/00035/CONDLO: Appeal against Condition 7 of planning permission 20/02027/S42 (seek to remove condition 7 relating to establishment of liaison group.	Appeal allowed (condition removed)

4. PUBLIC PARTICIPATION

4.1 Advertised: Yes

Date Advertised: 29.12.22

Representation deadline: 23.01.2023 (extended due to holiday period)

Timeous representations: 1

Late representations: 0

4.2 Material considerations raised are summarised as follows:

- a) Applicant has exercised Sunday docking and leaving since 1st June without a planning consent, on average twice a month.
- b) Noise assessment was carried out on one day with no activity at the jetty and on another when a modern diesel-electric fisheries protection vessel docked.
- c) Noise assessment should be carried out when the diesel vessels are running a generator overnight or up to 60 hours over the weekend
- d) References to unauthorised Sunday working on the pier (beyond berthing)
- e) Request for Highland Council to take holistic assessment of the site – including reprofiling of land, extended timber stacking area, storage of carbon waste in open fronted shed, non-compliance with previous permissions.
- f) Request for local liaison committee if Highland Council are minded to grant permission so ongoing issues can be addressed by the applicant.

4.3 Summarised response from applicant

1. Vessels have berthed on a Sunday with permission (temporary permission granted)
2. Information provided on the background to the noise assessment
3. Repeat position that there is no plan to stevedore cargo on Sundays. Application is for Sunday berthing, and not pier operations (loading and unloading).
4. Sunday berthing helps with safe navigation of vessels, prevents unnecessary delays to freight links and assists crew welfare.
5. Provides background to the Sunday working event highlighted by the objector.
6. Rejects comments by objector on matters unrelated to this specific application and provides reasoning.
7. Highlights reasons for not agreeing to a Liaison Group (discussed in more detail in body of report).

4.4 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:** Object.

"Kilmallie Community Council objects to application 22/05450/S42 unless the planning conditions 1, 3, 5, 7 in the Decision Notice of 20/02027/S42 for the trial period remain in place, including that condition 7 ('No development shall commence until detailed proposals for the establishment of an Annat Pier Liaison Group have been submitted to, and approved in writing by, the Planning Authority. Such proposals shall include the intended membership of the Liaison Committee and the frequency of its meetings.') which was removed after appeal (PPA-270-2254), is reinstated.

We would also request that the amended port procedures in relation to the mitigation of noise (condition 6) that were submitted to and approved in writing by

the Planning Authority prior to any Sunday berthing, be made available on the planning portal. This is important information for consideration of the current planning application.

We would also note that the noise measurements in the report attached to 22/05450/S42 were not of a vessel that is representative of the cargo and fish farm vessels that primarily use the jetty and thus this is not relevant in terms of a noise assessment. The vessel that was measured was a relatively recent diesel-electric fisheries protection vessel which would be expected to be very quiet. By contrast, many of the cargo vessels using the port are much older and fish farm vessels have on-deck equipment that needs to be run while alongside. Hence we do not consider that planning condition 4 of the Decision Notice of 20/02027/S42 has been satisfied by the report that was attached to 22/05450/S42.

The liaison group that was a condition of Decision Notice of 20/02027/S42 but subsequently dropped on appeal is important to address a number of issues related to the site (see comments from Kilmallie Community Council on 20/02027/S42). We have also recently raised concerns about the state of Ice House which is a listed building and the blocked public right of way to the foreshore and lack of access along the shore.

We note that the decision on the appeal to remove the requirement for a liaison group was based on the fact that the permission granted for Sunday berthing was only temporary. Thus the conclusion of the appeal does not mean that a liaison group is not required for a permanent permission for Sunday berthing. Indeed the decision notice on PPA-270-2254 does note that 'whether such a committee should be established in the future would be a matter for further consideration in due course'.

With appropriate measures in place to ensure impacts to neighbours are minimised and a liaison group to tackle any ongoing issues that do arise, then we would not object to Sunday berthing of vessels with no other operational use, and movement on or off vessels on Sundays strictly limited to crew and passengers only."

5.2 **Environmental Health Team** initially commented as follows:

"The noise impact assessment report produced by ethos environmental (Project P8677) as part of this application is not sufficient. It was carried out on a single date, 20/3/22, when 1 ship was berthing. From the photographs in the report the ship was MPV Minna, a Marine Scotland Fishery protection vessel. This is a relatively modern and well maintained vessel with a quiet diesel electric 1600KW engine. It is not representative of the range of vessels that berth at Annat Pier Corpach. Therefore, there can be no confidence in the report findings stating that berthing noise is predicted to be below background noise levels.

Additional information must be provided on the predicted noise impact from the full range of vessels that use or will use Annat Pier.

There is insufficient information for Environmental Health to adequately assess the potential impact of this development and therefore object to the application until such time as the additional information detailed above is provided."

Following additional noise monitoring undertaken by the applicants' consultants on 10 March 2023 Environmental Health removed its objection considering the revised report to be more representative and in that it finds noise from berthing vessels is below normal background levels and will not add significantly to the noise climate.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 National Planning Framework 4

Policy 1 - Tackling the Climate and Nature Crises

Policy 2 - Climate Mitigation and Adaptation

Policy 23 - Health and Safety

Policy 26 - Business and Industry

Policy 29 - Rural Development

6.2 Highland Wide Local Development Plan 2012

28 - Sustainable Design

34 - Settlement Development Areas

41 - Business and Industrial Land

49 - Coastal Development

72 - Pollution

6.3 West Highland and Islands Local Development Plan 2019 (WestPlan)

Policy 2: Delivering Development

Placemaking Priorities – Fort William

(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)

6.4 Highland Council Supplementary Planning Policy Guidance

N/a

7. OTHER MATERIAL POLICY CONSIDERATIONS

7.1 Scottish Government Planning Policy and Guidance

Planning Advice Note 1/2011: Planning and Noise

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 principle of the development has been established through the previous planning permission. This application is to modify a condition. In order to address the determining issues therefore, Committee must consider the extent to which the proposal continues to comply with the development plan policy and take into account any other material considerations.

Development plan/other planning policy

- 8.4 National Planning Framework 4 (NPF4) now forms part of the development plan and contains a number of policies aimed at supporting business and industry proposals within sites identified within local development plans. Such uses of course need to be compatible with the surrounding area and uses and take into account their impact on residential amenity and the natural and historic environment. This is consistent with Highland wide Local Development Plan Policies 41, 49 and 28.
- 8.5 The site lies within a 70ha industrial allocation at Corpach within the West Highlands and Islands Local Development Plan (FW23). 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 that supports the expansion of existing businesses including, in principle, increased loading capacity at the quay. The current proposal is not a significant expansion of the site, therefore the developer requirements set out in allocation FW23 do not generally apply.
- 8.6 Subject to proposals being compatible with the surrounding uses and having no significant impact on individual and community residential amenity and the built or natural environment then the proposals would comply with the development plan.

Removal of restriction on berthing and disembarking of vessels on Sundays set out within Condition 1 of planning permission 99/00458/FUL

- 8.7 The application seeks to amend 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”

- 8.8 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.

**stevedoring - the act or practice of loading or unloading a ship, ship's cargo, etc.*

- 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. 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 This was then 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 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 (not stevedoring). Disembarking is being treated as crew/passengers and not cargo.

- 8.12 A previous application (20/02027/S42) was considered by the South Planning Application Committee in April 2021. This application was a 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 (same as the current proposal). Permission was however only granted for a one year trial period and the Committee resolved to add an additional condition requiring the establishment of an Annat Pier Liaison Group. The reason was to provide an opportunity for the local community to be better informed about, and offer feedback on, the pier activities.

- 8.13 On the 17 August 2021 an appeal was submitted to the Scottish Government Planning and Environmental Appeals Division (DPEA) which sought to remove Condition 7 referring to the establishment of the Liaison Group. This was on the basis the applicant considered the requirement to be disproportionate to the change applied for. The DPEA allowed the appeal and deleted condition 7. The DPEA Reporter concludes

“As there is a time limit of one year on the proposed Sunday berthing condition, I do not consider that this is sufficient to justify setting up a special committee to consider what is likely to be a relatively small number of Sunday berthing

occurrences. In these circumstances I do not consider condition seven to be either necessary or reasonable in all other respects. Whether or not such a committee should be established in the future would be a matter for further consideration in due course.”

8.14 The current planning application follows on from the trial period and seeks to remove the current restriction on Sunday working to (permanently) allow Sunday berthing and disembarking of vessels but maintain the restriction on operational use of the jetty.

8.15 The applicants provided the following information in relation to their findings from the trial period:

“During our year trial period of allowing ships to berth or depart the quay on Sundays, we have found the allowance has assisted our operations in numerous ways. On average there was between 1-2 vessels utilizing the permission each month.

Our main finding was that by allowing the ships to berth on Sunday, upon arrival, loading was able to commence earlier on Monday morning. Usually, we would have had to wait for the next high water which could delay loading into a second day. Delaying loading can incur additional costs for all parties involved and can have a knock-on effect delaying waiting boats. On a few occasions over the past year we were able to avoid this.

Smaller aquaculture vessels also utilised the permission. Berthing on Sunday helped meet rest requirements of the crew ensuring they were fully prepared for meeting their Monday targets. With all aquaculture vessels there can be no delay to their schedules when dealing with live fish welfare.

The majority of ships that berthed used the permission in preparation for Monday morning loading. There were much fewer departures. We do not regularly operate at the quay on Saturday so there is much less of a requirement for Sunday departures. When departures did occur, it was mostly the smaller aquaculture vessels.

There was occasional use where the ships remained at the quay to shelter from adverse weather. A vital requirement for ships in the area.

We have attached an updated noise assessment, which we instructed, to assess the noise generated while a ship berthed at the quay on a Sunday. As you can see from this report it was concluded that ships berthing does not generate an unacceptable level of noise to the nearby residential areas and is unlikely to create a noise nuisance.”

8.16 As highlighted previously in the trial period application by the Environmental Health officer... “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 procedure 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 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.

- 8.17 The current application was supported by a Noise Impact Assessment dated September 2022. This was passed to Environmental Health for review. Environmental Health advised that the noise impact assessment report produced by ethos environmental (Project P8677) as part of this application was not sufficient. It was carried out on a single date, 20/3/22, when 1 ship was berthing. From the photographs in the report the ship was MPV Minna, a Marine Scotland Fishery protection vessel. This is a relatively modern and well maintained vessel with a quiet diesel electric 1600KW engine. It is not representative of the range of vessels that berth at Annat Pier, Corpach. Therefore, there was no confidence in the report findings stating that berthing noise is predicted to be below background noise levels. Further information was requested.
- 8.18 In response, further noise monitoring was undertaken by the applicants' consultants (monitoring of an additional vessel - cargo vessel CEG Galaxy) and an updated Noise Impact Assessment submitted, dated February 2023. Environmental Health advise that the revised report is now more representative. It finds that noise from berthing vessels is below normal background levels and will not add significantly to the noise climate. Environmental Health no longer has any objection to the application.
- 8.19 Taking account all the information submitted, it is considered that the berthing of vessels is unlikely to give rise to unacceptable impacts on individual and community residential amenity from noise or disruption.
- 8.20 As set out in Section 5.1 above Kilmallie Community Council objects to the current application unless the planning conditions 1, 3, 5, 7 in the Decision Notice of 20/02027/S42 for the trial period remain in place, including that condition 7 ('No development shall commence until detailed proposals for the establishment of an Annat Pier Liaison Group have been submitted to, and approved in writing by, the Planning Authority. Such proposals shall include the intended membership of the Liaison Committee and the frequency of its meetings.') which was removed after appeal (PPA-270-2254), is re-instated.
- 8.21 The applicants have provided the following response in relation to the formation of a Liaison Group:
- “Regarding the request for a liaison committee to be established ‘so that the above issues can be addressed by the company’. We believe that the appropriate channel for any issues to be raised and discussed would be with official bodies such as, for example, The Environmental Health Department, or SEPA. A Liaison Group is not the place to raise issues that may arise between a privately owned business and authorities where members of the public are present and available to comment. We feel that it should not be in the remit of the group to discuss any potentially sensitive commercial matters and development in any more depth than would be available to the public during the planning consultation process. Furthermore, issues which would affect the whole of Annat Point Industrial Estate do not just relate to our operation. A

liaison group with Boyd Brothers as the only Annat Point commercial stakeholder represented would not tackle or resolve any issues relating to wider site or area and would be of very limited value.

We believe that any noise that may occur, should permission for vessels to berth on Sunday be granted, would be at a minimal level and from vessel engines or generators. It is not within our power to regulate noise levels emitted from a vessel engine whilst underway to or from the quay. As stated in the Environmental Health's response to our original application, this would only be regulated or enforced by the Statutory Nuisance Provisions of the Environmental Protection Act 1990 regulations. Any noise issues raised would be discussed between vessel owners/operators and the relevant authorities. As quay operators we would not be involved in this process and any issue would not be resolved in a liaison group setting."

8.22 Given previous unauthorised activities in this area and complaints received, the Community Council's desire for a liaison group is appreciated, however when imposing planning conditions the planning authority must ensure, amongst other things, that conditions are reasonable and necessary. Considering that the change sought relates solely to the berthing of vessels on a Sunday, with no additional operational activity on the pier beyond that, the imposition of a condition seeking the establishment of a liaison group would not be reasonable/proportionate to the development proposed. While under Section 42 of the Planning Act, the Planning Authority is provided with the opportunity to amend any of the conditions previously applied which it considers necessary to regulate the development this is mainly to clarify and modernise conditions. In this case, the conditions have been amended consolidate the existing conditions on LO/1993/177 and 99/00458/FULLO.

8.23 A condition was also imposed on the trial period permission for updated port procedures. This condition was recommended by Environmental Health in response to supporting information from the applicant that advised the company would place controls over berthed vessels to a certain extent by amending their Port Procedures. The Company advised they would restrict allowance of any audible activities on board. The main ship engine would not be running while the ship is berthed however, they could not restrict the use of onboard generators as that is outwith their control as quay operators. This information has now been submitted but has not been included on the eplanning public file at the request of the applicant on security grounds. The port procedures do contain berthing information including that main ship engines should only be run while berthing or departing the quay and for along side vessels to keep audible noise making activity to a minimum.

Other material considerations

8.24 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 (separate to the current proposal but related to the site/area as a whole) 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.

Non-material considerations

- 8.25 Kilmallie Community Council reference issues over the state of the Ice House, a listed building, together with a blocked right of way to the foreshore and lack of access along the shore. These are not material to the current application.

Matters to be secured by Legal Agreement / Upfront Payment

- 8.26 In order to mitigate the impact of the development on infrastructure and services the following matters require to be secured prior to planning permission being issued:
- a) 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) reflected in the Local Development Plan allocation that 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.
- 9.2 The Sunday berthing is not considered to represent a significant change to the nature of development at the pier. Following conclusion of the trial period previously granted, the noise monitoring results that have been received, the updated Noise Impact Assessment and the response from Environmental Health, it is considered the additional berthing of vessels on a Sunday is unlikely to give rise to unacceptable impacts on individual and community residential amenity from noise or disruption.
- 9.3 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 actions, it is recommended to **GRANT** the application subject to the following conditions and reasons:

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 the berthing of vessels. Movement on and 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, among other things, 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; namely
- a. that no storage/stockpiles of timber or related products shall exceed a height of 4 metres above ground level;
 - b. 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; and,
 - c. 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.

Reason: To allow the Planning Authority to retain effective control over development and 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 the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

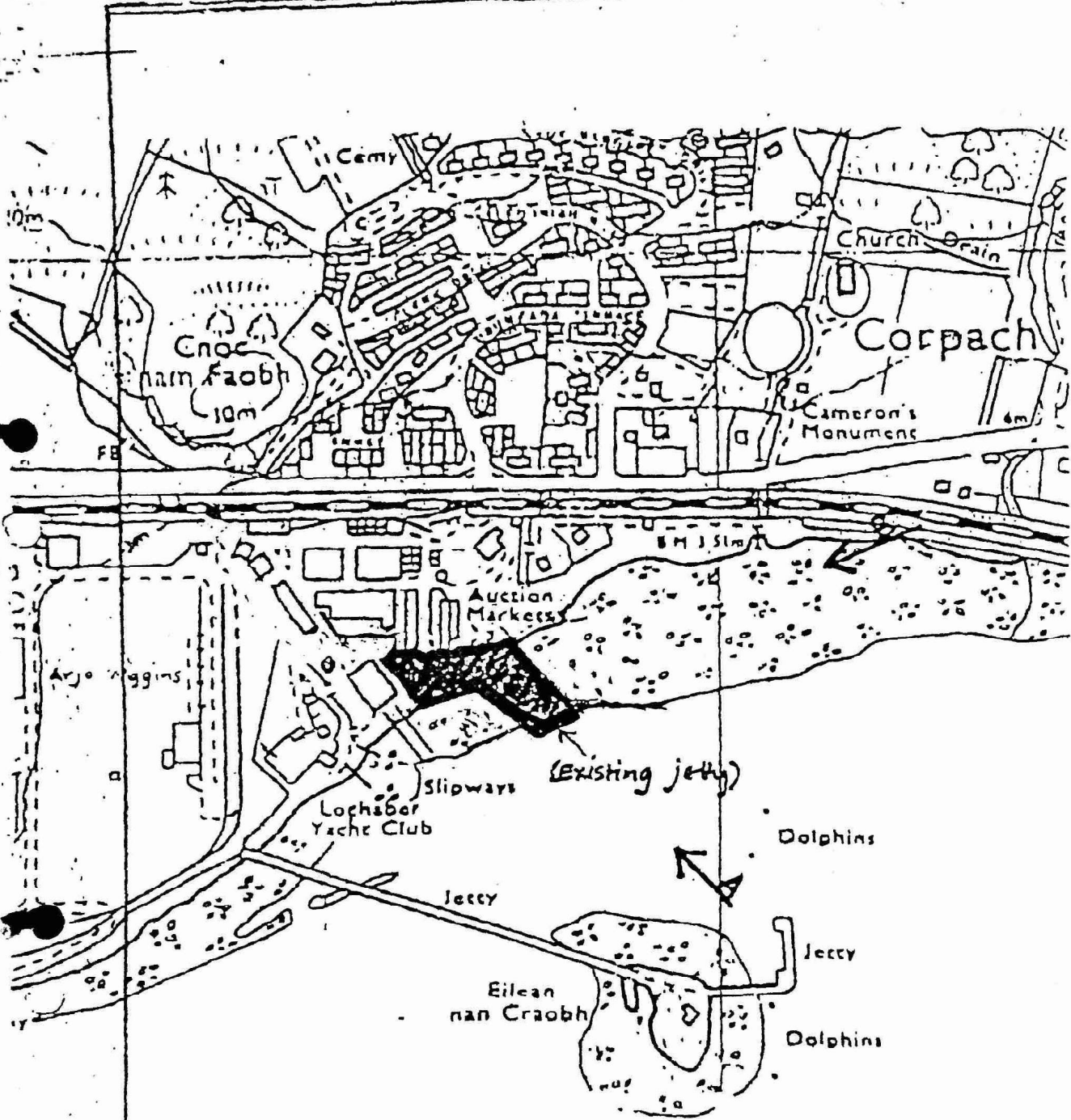
Signature: David Mudie
Designation: Area Planning Manager - South
Author: Susan Macmillan
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 - Site Plan – 99/00458/FULLO
Plan 2 - Location Plan – 99/00307/FULLO
Plan 3 - Site Plan – 99/00307/FULLO

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

Apple House
Appin
Argyll PA38 4BN
Tel. 063-1720207

Dwg no 414/3

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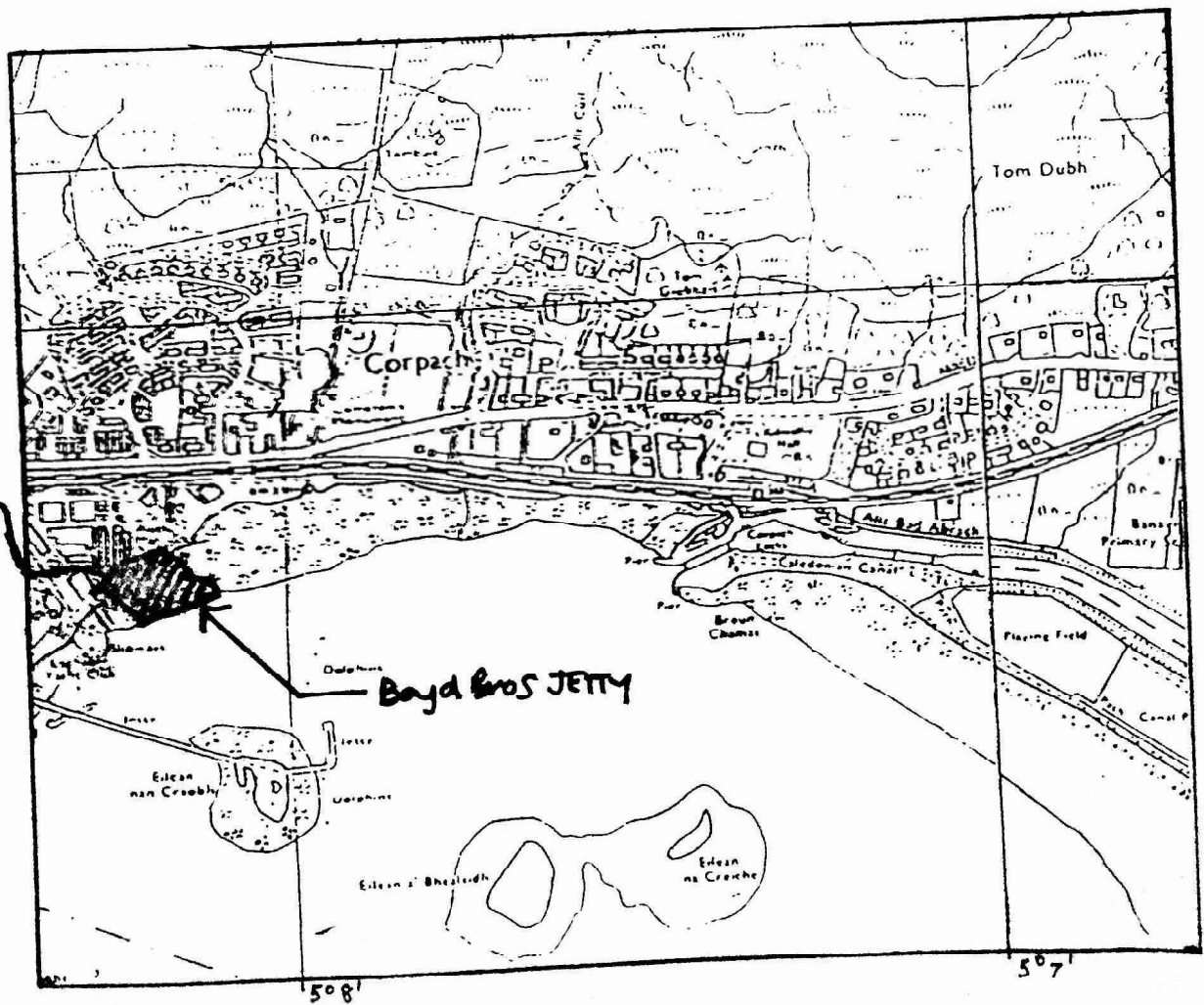


Site Plan

(Scale 1:500)

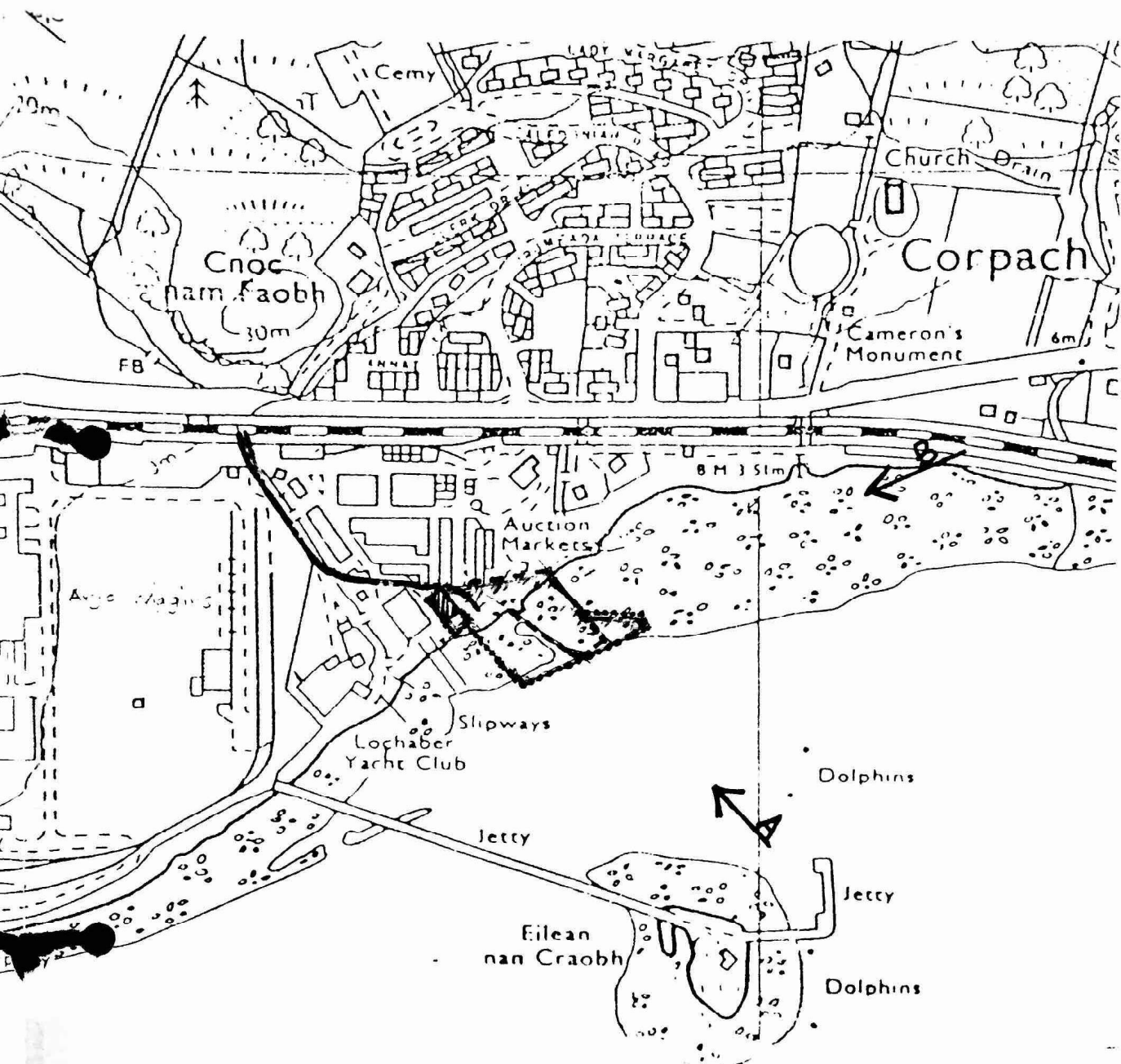
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 THE REGISTRAR GENERAL



Location Plan.

(SCALE - 1:1000)



site Plan
 (SCALE 1:500)

- LEGEND
- [- - -] Existing jetty
 - [---] Proposed new jetty
 - [//] " " Storage shed
 - [---] " " access road
 - ← ALB View point for Elevations