

**THE HIGHLAND COUNCIL**  
**NORTH PLANNING APPLICATIONS**  
**COMMITTEE**

**6 December 2023, 10.00AM**

**MINUTE / ACTION NOTE**

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 action note.

**Committee Members Present:**

Mr M Baird (except item 6.2)  
Mr R Bremner (Remote)  
Ms B Campbell  
Ms T Collier (Remote)  
Mr R Gale  
Mrs A MacLean – Item 6.1 onwards  
Ms J McEwan (Remote) (except item 6.3)

**Mr D Millar**

Ms M Paterson  
Mr M Reiss  
Mr A Rhind – until item 6.5

**Mr K Rosie**

Ms M Smith  
Mr R Stewart (except item 6.7)

**Non-Committee Members Present:**

Ms M Ross

**Substitutes:**

Mr C Birt  
Ms M MacCallum

**Apologies:**

Ms S Atkin  
Ms L Kraft

**Officers participating:**

Mr D Jones, Area Planning Manager – North (DJ)  
Mr P Wheelan, Planning Team Leader (PW)  
Ms G Pearson, Principal Planner (GP)  
Ms E McArthur, Principal Planner (EM)  
Mr M Kordas, Planner (MK)  
Mr C Simms, Planner (CS)  
Ms E MacIver, Principal Engineer (EM)  
Ms R Banfro, Solicitor (Planning) and Clerk  
Ms R Ross, Committee Officer

**Also in Attendance:**

Mr A MacDonald, NatureScot

ITEM NO	DECISION	ACTION
1	<p><b>Apologies for Absence</b> <b>Leisgeulan</b></p> <p>Ms S Atkin, Ms L Kraft</p>	
2	<p><b>Declarations of Interest</b> <b>Foillseachaidhean Com-pàirt</b></p> <p>The Committee noted the following declarations of interest:-</p> <p>Mr M Baird – Item 6.2 Mr R Stewart – Item 7.6</p>	
3	<p><b>Confirmation of Minutes</b> <b>Dearbhadh a’ Gheàrr-chunntais</b></p> <p>There had been submitted for confirmation as a correct record the action note and minute of the meeting of the Committee held on 01 November 2023 which was <b>APPROVED</b>.</p>	
4	<p><b>Major Development Update</b> <b>Iarrtasan Mòra</b></p> <p>There had been circulated Report No PLN/001/23 by the Area Planning Manager - providing an update on progress of all cases within the “Major” development category currently with the Infrastructure and Environment Service for determination.</p> <p>The Committee <b>NOTED</b> the current position with the applications.</p>	<b>PW</b>
5	<p><b>Major Developments – Pre-application consultations</b> <b>Leasachaidhean Mòra – Co-chomhairle Ro-iarrtais</b></p> <p>The Committee <b>NOTED</b> the pre-application consultations detailed at 5.1 to 5.5.</p>	
5.1	<p><b>Description:</b> Ben Sca Redesign Wind Farm - Erection and Operation of a Wind Farm for a period of 40 years, comprising of 9 Wind Turbines with a maximum blade tip height 149.9m, access tracks, borrow pits, substation, control building, and ancillary infrastructure (amendment to the consented Ben Sca and Ben Sca Extension Wind Farms) (23/04717/PAN) (PLN/078/23) <b>Ward:</b> 10 – Eilean A’ Cheò <b>Applicant:</b> Ben Sca Wind Farm Limited <b>Site Address:</b> Land 2800M SW Of Edinbane Primary School, Edinbane, Isle Of Skye</p>	<b>Mark Fitzpatrick</b>
5.2	<p><b>Description:</b> Development of a Battery Energy Storage System with a capacity of 49.9MW consisting of battery storage containers, electrical control building, transformers, security fencing, CCTV, access, landscaping and associated works. (22/06244/PAN) (PLN/079/23) <b>Ward:</b> 02 – Thurso and North West Caithness <b>Applicant:</b> Ecocel Energy (Storage) Ltd <b>Site Address:</b> Land 500M east of Glengolly Farmhouse, Thurso</p>	<b>PW</b>

	<i>Following the meeting it was highlighted that the application number was 23/04766/PAN and not 22/06244/PAN.</i>	
5.3	<p><b>Description:</b> Grid connected battery energy storage facility of up to 200MW, comprising of electrical equipment including batteries, access track, transmission compound, switchgear, control buildings, stores, fencing, security, landscaping, parking, and ancillary structures. (23/03736/PAN) (PLN/080/23)</p> <p><b>Ward:</b> 05 – Wester Ross, Strathpeffer and Lochalsh</p> <p><b>Applicant:</b> Isenau Energy Storage Recourses Four Limited</p> <p><b>Site Address:</b> Land 700m east of Ardachy, Lochluichart, Garve</p>	<b>PW</b>
5.4	<p><b>Description:</b> Swarclett Wind Farm - erection and operation of a wind farm, comprising 2 turbines with a maximum blade tip height of 149.9m, battery storage and ancillary infrastructure. (23/03944/PAN) (PLN/081/23)</p> <p><b>Ward:</b> 02 – Thurso and North West Caithness</p> <p><b>Applicant:</b> Swarclett Wind Energy Limited</p> <p><b>Site Address:</b> Land 975M SE of Mains of Durran Castletown.</p>	<b>PW</b>
5.5	<p><b>Description:</b> Extension of existing wind farm at Lochend to encompass a further 21 MW of wind generation capacity through 5 wind turbines each of up to 149.9 m to tip height, plus battery energy storage. Related infrastructure including circa 1.5 km of access track and turbine foundations. (23/04748/PAN) (PLN/082/23)</p> <p><b>Ward:</b> 02 – Thurso and North West Caithness</p> <p><b>Applicant:</b> The Highland Council</p> <p><b>Site Address:</b> Land 600M NE Of 10 Lochend Holding, Barrock, Caithness</p>	<b>Claire Farmer</b>
<b>6</b>	<b>Planning Applications to be Determined</b> <b>Iarrtasan Dealbhaidh rin Dearbhadh</b>	
<b>6.2</b>	<p><b>In Accordance with Standing Orders paragraph 9 the Committee AGREED to consider item 6.2 at this stage.</b></p> <p>In addition to the report an Appropriate Assessment was circulated to all members of the Committee in accordance with the Conservation (Natural Habitats etc) Regulations 1994.</p> <p><b>Applicant:</b> Communities for Coul Ltd (23/00580/FUL) (PLN/084/23)</p> <p><b>Location:</b> Land 1700M NW Of Embo Community Centre, School Street, Embo (Ward 04).</p> <p><b>Nature of Development:</b> Construction of an 18-hole golf course, practice area, access, parking, ancillary infrastructure and the change of use of existing buildings to form clubhouse, pro shop, maintenance shed and ancillary facilities.</p> <p><b>Recommendation: REFUSE</b></p> <p><b>Motion:</b> Mr R Gale seconded by Mr R Stewart</p> <p>While Members acknowledge that the following concerns, namely,</p> <ul style="list-style-type: none"> <li>• the significant adverse effects on sand dune habitats within the Loch Fleet Site of Special Scientific Interest;</li> <li>• the significant effect on SPA waders (oystercatcher, bar-tailed godwit, curlew, dunlin, and redshank), teal, wigeon, greylag goose and the waterfowl assemblage of Dornoch Firth and Loch Fleet SPA;</li> <li>• significant effect on the Moray Firth SPA eider as result of disturbance</li> </ul>	<b>GP</b>

- during construction and operation of the proposal; and
- the development proposal's ability to conserve, restore and enhance biodiversity; and
- the impact of the amenity value of the core path

are in conflict with policy 3 of NPF4 and policies 28, 57 and 77 of the HwLDP, Members consider policies 4 (c) (ii), 9 (d), 21, 25 (a) and 30 of NPF4 to support the proposed development. Members weighed up all relevant policies and came to the view that a number of significant material considerations outweighed the assessment of the application against the Highland wide Local Development plan and therefore justified the granting of planning permission subject to conditions drafted by officers in consultation with Ward 4 Members of the Committee.

These considerations were:

- the potential significant economic benefits and its contribution to the local area of East Sutherland which accords with policy 4 (c) (ii), policy 25 and 30 of NPF4.
- The securing of the positive long-term management of the site through the control of invasive species and the cessation of seasonal wildfowl shooting.
- the securing of a Recreation Access Management Plan within the Dornoch Firth and Loch Fleet SPA and Ramsar Site;
- a reduction of biodiversity impacts presented through the provision of an enhancement plan of a level proportionate to the site.
- The long-term management of biodiversity enhancement measures through a Habitat Management Plan; and
- the positive re-use of redundant buildings in accordance with policy 9 (d) of NPF4.

In coming to this view, Members considered all the relevant planning issues, including giving equal consideration to all designations covering the site, that is the Loch Fleet Site of Special Scientific Interest, the Ramsar site and the Natura designations (Dornoch Firth Special Protection Area and proposed Moray Firth Special Protection Area). Members had regard to the Conservation (Natural Habitats etc) Regulations 1994, as amended, which specify that an Appropriate Assessment is required for Natura sites. In this instance the Appropriate Assessment, which had been undertaken by the Highland Council as the competent authority, concluded that the proposal is likely to have a significant effect on Moray Firth SPA either as result of disturbance during construction and operation of the proposal, however, it also concluded that it would not adversely affect the integrity of Dornoch Firth and Loch Fleet Special Protection Area if the proposed mitigation including the mitigation proposed by NatureScot was strictly implemented.

**Amendment:** Mr D Millar seconded by Mr R Bremner to refuse the application as recommended in the report.

There were 8 votes for the motion and 6 votes for the amendment, with no abstentions, the votes having been cast as follows:

**For the motion:** Ms B Campbell, Mr R Gale, Ms J McEwan, Mrs M Paterson, Mr A Rhind, Mr K Rosie, Ms M Smith, Mr R Stewart

**For the Amendment:** Mr C Birt, Mr R Bremner, Ms T Collier, Ms M MacCallum, Mr D Millar, Mr M Reiss

The Committee **AGREED** to **GRANT** planning permission subject to

	conditions, the drafting of which to be delegated to officers in consultation with Ward 4 Members of the Committee.	
6.1	<p><b>Applicant:</b> Intelligent Land Investments Group Plc (22/05167/FUL) (PLN/083/23)</p> <p><b>Location:</b> Land 260M SW Of Alness Grid Sub Station, Mid Balnacraig, Alness (Ward 06).</p> <p><b>Nature of Development:</b> Battery energy storage facility comprising access track, compound of battery and electrical equipment, meter building, stores, fencing, security cameras and landscaping.</p> <p><b>Recommendation: GRANT</b></p> <p><i>Following the meeting it was highlighted that the applicant was Balnacraig Battery Storage Limited and not Intelligent Land Investments Group Plc.</i></p> <p>During discussion it was emphasised that it was crucial for the Scottish Fire and Rescue Service to provide safety guidance concerning these types of application especially as they are becoming more common.</p> <p>Members <b>AGREED:</b></p> <ol style="list-style-type: none"> <li>i. to <b>GRANT</b> the application subject to the conditions laid out in the report; and</li> <li>ii. that the Leader of the Council write to the Scottish Government to request that health and safety guidance for this type of application is fast-tracked.</li> </ol>	<b>PW</b>
6.3	<p><b>Applicant:</b> Colliemore Farms Ltd (22/04757/FUL) (PLN/085/23)</p> <p><b>Location:</b> Land 100M NW Of Wester Coillemore Riding Centre, Invergordon (Ward 06).</p> <p><b>Nature of Development:</b> Erection of 3 warehouses and shed with Associated access.</p> <p><b>Recommendation: REFUSE</b></p> <p>In a correction to the report it was confirmed that the site area amounted to just over 10,000 *sqm. The footprint of the building was 3,000 sqm and The area of felled trees was around 9,300 sqm.</p> <p><b>Motion:</b> Ms M Smith seconded by Mr R Stewart.</p> <p>While it is acknowledged that the compensatory planting proposed by the applicant fails to comply with the requirements of Policy 3 and 6 of NPF4, the Control of Woodland Policy Removal and policy 52 of HwLDP, there are significant material considerations that are supported by policy 26 (d) and 29 of NPF4 and that outweigh the assessment of the application against the Development plan and therefore planning permission should be granted subject to conditions drafted by officers in consultation with Ward 6 Members of the Committee.</p> <p>These considerations are:</p> <ul style="list-style-type: none"> <li>• The proposed site is situated next to an existing bonded warehouse, therefore the scale/nature if the operations is wholly compatible and the proposed development supports economic growth within a rural location and provides the support for tourism, recognising the importance of the whisky industry to tourism.</li> <li>• The proposed development will continue to deliver significant benefits through the diversification of the existing farm business; and</li> <li>• It is demonstrated that there are no suitable alternatives allocated in the LDP or identified in the employment land audit. The area of the</li> </ul>	<b>Emma Forbes</b>

	<p>application is the only area that is not agricultural or on a slope.</p> <p><b>Amendment:</b> Mr D Millar seconded by Mr K Rosie, to refuse the application as recommended in the report.</p> <p>There were 8 votes for the motion and 7 votes for the amendment, with No abstentions, the votes having been cast as follows:</p> <p><b>For the motion:</b> Mr M Baird, Ms B Campbell, Mr R Gale, Ms M Paterson, Mr M Reiss, Mr A Rhind, Ms M Smith, Mr R Stewart.</p> <p><b>For the Amendment:</b> Mr C Birt, Mr R Bremner, Ms T Collier, Ms M MacCallum, Ms A MacLean, Mr D Millar, Mr K Rosie.</p> <p>The Committee <b>AGREED</b> to <b>GRANT</b> planning permission subject to conditions, the drafting of which to be delegated to officers in consultation with Ward 6 Members of the Committee.</p>	
6.4	<p><b>Applicant:</b> ITP Energised (23/02320/S36) (PLN/086/23)  <b>Location:</b> Land 1500M SW Of Melvich (Ward 01).  <b>Nature of Development:</b> Melvich Wind Energy Hub.  <b>Recommendation: RAISE OBJECTION</b></p> <p>The Committee <b>AGREED</b> to <b>RAISE AN OBJECTION</b> for the reasons detailed in the report.</p>	<b>MK</b>
6.5	<p><b>Applicant:</b> J Waters Paint &amp; Wallpaper (23/02275/FUL) (PLN/087/23)  <b>Location:</b> 15 Riverside Place, Thurso, KW14 8BZ (Ward 02).  <b>Nature of Development:</b> Erection of extension and change of use from derelict house to paint shop (amendment to previous approval ref: 21/01384/FUL). (In retrospect). Installation of solar panels.  <b>Recommendation: REFUSE</b></p> <p>The Committee <b>AGREED</b> to <b>REFUSE</b> the application for the reasons detailed in the report.</p>	<b>CS</b>
6.6	<p><b>Applicant:</b> J Waters Paint &amp; Wallpaper (23/02276/LBC) (PLN/088/23)  <b>Location:</b> 15 Riverside Place, Thurso, KW14 8BZ (Ward 02).  <b>Nature of Development:</b> Erection of extension and change of use from derelict house to paint shop (amendment to previous approval ref: (21/01637/LBC). (In retrospect). Installation of solar panels.  <b>Recommendation: REFUSE</b></p> <p>The Committee <b>AGREED</b> to <b>REFUSE</b> the application for the reasons detailed in the report.</p>	<b>CS</b>
6.7	<p><b>Declaration of Interest: Mr R Stewart declared an interest in this item as the applicant and, in accordance with paragraph 5.6 of the revised Code of Conduct, he left the meeting for this item.</b></p> <p><b>Applicant:</b> Mr Ruraidh Cameron Stewart (23/04610/FUL) (PLN/089/23)  <b>Location:</b> Land 55M NE Of Willowbank the Square Balmacara (Ward 05).  <b>Nature of Development:</b> Change of use of croft land to a caravan site with 7 stances for holiday use, associated roads, parking, drainage and water connections.  <b>Recommendation: REFUSE</b></p> <p>In a correction to the report it was confirmed there had been comments</p>	<b>EM</b>

	<p>received from 4 addresses and not 5 as previously stated.</p> <p>The Committee <b>AGREED</b> to <b>REFUSE</b> the application for the reasons detailed 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 Iarrtas do Bhuidheann-stiùiridh Riaghaltas na h-Alba airson Lùth agus Atharrachadh Aimsir</b></p>	
7.1	<p>7.1 (pp 253 – 389)</p> <p><b>Applicant:</b> Renewable Energy Systems Ltd (21/00826/S36) (PLN/090/23)  <b>Location:</b> Land 3450M North Of Kintradwell Lodge Brora (Ward 4)  <b>Nature of Development:</b> Kintradwell Wind Farm - Erection and Operation of a Wind Farm in perpetuity, comprising of 15 No. Wind Turbines with a maximum blade tip height of 149.9m, access tracks, borrow pits, battery storage infrastructure, switching station, substation, control building, and ancillary infrastructure.</p> <p>The Committee <b>NOTED</b> the decision of the Scottish Ministers to refuse consent under s36 of the Electricity Act 1989 for the reasons indicated in the enclosed decision letter.</p>	
	<p><b>The meeting ended at 4.55 pm.</b></p>	