

The Highland Council
South Planning Applications
Committee

Council Chamber, HQ, 30 April 2024, 10.30am

Minute / Action Note

Listed below are the decisions taken by Committee at their recent 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 C Ballance (except 7.4 to end)	Mr B Lobban (except 1-6.1)
Mr M Cameron	Mr A MacKintosh (except 7.9)
Ms S Fanet	Mr T MacLennan
Mr D Fraser	Mr D Macpherson
Mr L Fraser	Mr P Oldham
Mr K Gowans (except 1-7.1 and 7.5-7.6)	Ms M Reid
Mr A Graham (except 7.5 & 7.6)	Ms L Saggars
Mr R Jones	

Non-Committee Members Present:

Mr D McDonald, Mrs G Campbell-Sinclair, Mr J Bruce

Officers participating:

Mr D Mudie, Area Planning Manager – South (DM)
Mr P Wheelan, Strategic Projects Team Leader (PW)
Mr B Robertson, Team Leader (BR)
Ms L Prins, Principal Planner (LP)
Mr K Gibson, Principal Planner (KG)
Mr M Kordas, Planner (MK)
Mr M Fitzpatrick, Planner (MF)
Ms C MacLeod, Planner (CMacL)
Ms M Smith, Graduate Planner
Mr M Clough, Senior Engineer, Transport Planning (MC)
Ms R Banfro, Principal Solicitor
Ms F MacBain, Senior Committee Officer
Mr M Nixon, Committee Officer

ITEM NO	DECISION	ACTION
1	Apologies for Absence	

	Leisgeulan Mrs I MacKenzie.	
		n/a
2	Declarations of Interest / Transparency Statements Foillseachaidhean Com-pàirt / Aithris Fhollaiseachd	
	Items 7.5 and 7.6 – Mr A Graham (Declaration of Interest) and Mr M Cameron (Transparency Statement)	n/a
3	Confirmation of Minutes Dearbhadh a' Gheàrr-chunntais	
	There had been submitted for confirmation as a correct record the action note and minute of the meeting of the Committee held on 19 March 2024 which was APPROVED .	n/a
4	Major Development Update Iartasan Mòra	
	There had been circulated Report No PLS/14/24 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. Confirmation was sought that the Nairn Academy development was likely, though not certain, to be presented to the June 2024 Committee meeting. The Committee NOTED the current position with the applications.	DM
5	Major Developments – Pre-application consultations Leasachaidhean Mòra – Co-chomhairle Ro-iarrtais	
5.1	Description: Proposed new 400 kV substation comprising new buildings, platform, plant and machinery, access, laydown/work compound area(s), drainage, landscaping, and other ancillary works (National Development) (24/01002/PAN) (PLS/15/24) Ward: 12 Applicant: Scottish Hydro Electric Transmission PLC Site Address: Land 1240M SE Of SSE Fasnakyle Power Station, Fasnakyle, Cannich	
	NOTED the application.	DM
5.2	Description: Proposed new 400kV substation and HVDC converter station comprising new buildings, platform, plant and machinery, access, laydown/work compound area(s), landscaping, site drainage, and other ancillary works (National Development) (24/01533/PAN) (PLS/16/24) Ward: 12 Applicant: Scottish Hydro Electric Transmission PLC Site Address: On Land at Fanellan, Kiltarlity, Beauly Matters raised by Members included: <ul style="list-style-type: none"> • that this development put homes at risk; and • and that members of the public would be asked to leave their homes for 	

	the construction of this development.	
	NOTED the application and AGREED Members' comments would be provided to the applicant.	DM
6	Planning Applications to be Determined Iartasan Dealbhaidh rin Dearbhadh	
6.1	<p>Applicant: Ms Zoe Sheard (23/05217/FUL) (PLS/11/24) Location: Sleat View, Kinloid, Arisaig, PH39 4NS (Ward 11). Nature of Development: Erection of house (plot 4) (amended location from previous permission 22/03307/FUL) Retrospective. Recommendation: Refuse</p> <p>Only Members in attendance at the previous meeting on 19 March 2024 and at the site visit on 11 April 2024 were permitted to participate, as follows: C Ballance, S Fanet, D Fraser, L Fraser, R Jones, A Mackintosh, T MacLennan, P Oldham, M Reid, and L Saggars.</p> <p>It was clarified that reference in the report to 'opaque' glass, should be to 'obscured' glass.</p> <p>Clarification was sought and provided on the following issues:</p> <ul style="list-style-type: none"> • the reasons for the house not having been build in the correct location; • what difference, if any, the new position of the house on plot 4 would make to the amount of light reaching the house on plot 3; • the distinction between obscured and opaque glass; and • the house on plot 4 was 1.6m lower in the new position that it would have been in the correct position. <p>Issues raised by Members during debate included the following:</p> <ul style="list-style-type: none"> • the extent and impact of any overlooking from plot 4 to plot 3, with reference to the hilly nature of the land; • mitigation for loss of light to plot 3, noting the proximity of plot 3 to the rock face; • the value of the site visit; • the privacy mitigation measures proposed, including whether the height of fences should be outcome based, and the long term maintenance of any fencing etc; • whether the upstairs windows of the house on plot 4 required to have obscured glass; • the ground level of the original proposed house level for plot 4 compared with the as-built level which was 1.6m lower; • the original planning permission having been granted in 2010; and • the climate change / waste implications of taking down a house that was already built. <p>Motion: Mrs L Saggars, seconded by Mr D Fraser, to approve planning permission for the following reasons: It is acknowledged that the house as built differs from the approved plans, however, the mitigation measures such as a 0.45m high bund, robust fencing and landscaping and tree planting around the north-east corner of the house is sufficient to overcome the concerns in respect of privacy and amenity. Furthermore, the massing and scale of the as-built house is not considered to have an overbearing impact</p>	

	<p>on plot 3 and as such this application is considered to comply with Policies 14 and 17 of National Planning Framework 4 and Policies 28, 29 and 36 of Highland wide Local Development Plan.</p> <p>Amendment: Mr P Oldham, seconded by Mr L Fraser, to refuse the application as recommended.</p> <p>Following the commencement of the vote, Ms S Fanet proposed a second amendment to ensure the retention of obscured glass on the upper windows of the as-built house. However, the clerk advised that as voting had commenced, it was not competent, in terms of Standing Order 25, to take a further amendment at that point.</p> <p>For the motion: Mr C Ballance, Mr D Fraser, Mr R Jones, Mr A MacKintosh, Mr T MacLennan, Mrs M Reid, Mrs L Saggars For the amendment: Mr L Fraser, Mr P Oldham Abstention: Ms S Fanet</p>	
	<p>Agreed: to GRANT planning permission as detailed by Mrs L Saggars, with power delegated to Planning Officers to draft appropriate conditions, in consultation with local Members and the Chair.</p>	LP
7	<p>Decision of Appeals to the Scottish Government Planning and Environmental Appeals Division Co-dhùnadh mu lartas do Bhuidheann-stiùiridh Riaghaltas na h-Alba airson Lùth agus Atharrachadh Aimsir</p>	
7.1	<p>Applicant: Ourack Wind Farm LLP (22/05289/S36) (PLS/17/24) Location: Land 4KM East of Dava Station House, Grantown-on-Spey (Ward 20). Nature of Development: - Erection and operation of a wind farm comprising 18 wind turbines of up to 180m to blade tip height, battery energy storage system, control building, substation, access tracks, three borrow pits, cabling, off-site road improvements on the A939 at Castle Grant and Dava Bridge and ancillary infrastructure. Recommendation: Raise No Objection</p> <p>As Items 7.1 and 7.2 were related, the Chair advised that they would be considered simultaneously.</p>	
	<p>Agreed:</p> <p>i. to RAISE NO OBJECTION subject to:</p> <p>A. The removal of Turbine 17 and all associated infrastructure;</p> <p>B. Members granting delegated authority to the Area Planning Manager - South to respond to the Scottish Government's Energy Consents Unit regarding any future Further / Supplementary Environmental Information, where that does not:</p> <p>i) materially increase the scale of the proposed development; and</p> <p>ii) result in any additional significant adverse environmental effects; and</p> <p>iii) does not undermine or remove mitigation which was secured within the Council previous consultation response on the application;</p>	PW

	<p>C. Members grant delegated authority to the Area Planning Manager – South to agree the finished condition wording, with any substantive amendments to be subject to prior consultation with the Chair of the South Planning Applications Committee; and</p> <p>D. The conditions and reasons detailed in the report; and</p> <p>ii. to make representations to the Scottish Government expressing the Council’s dissatisfaction with the recommended community benefit of £5k per megawatt, and the restrictions on where the funding could be allocated, with that forming part of any standard response to future consultations on onshore wind energy projects from Scottish Government.</p>	
7.2	<p>Applicant: Ourack Wind Farm LLP (23/02056/LBC) (PLS/18/24) Location: Land 30m SW Of Dava Farm Cottage, Grantown-On-Spey (Ward 20). Nature of Development: Temporarily lowering of parapet wall to facilitate the delivery of wind farm components to the Ourack Wind Farm site. Recommendation: Grant</p> <p>The presentation and debate for this item took place simultaneously with Item 7.1.</p>	
	<p>Agreed: to GRANT planning permission subject to the conditions recommended in the report.</p>	PW
7.3	<p>Applicant: Scottish and Southern Electricity Networks (23/00259/S37) (PLS/19/24) Location: Land 95M SE Of Dundreggan Dam, Glenmoriston (Ward 12) Nature of Development: Installation of an electric line above ground with a voltage of 132 kV between the proposed Bhlaraidh Extension Windfarm substation and the Fort Augustus Substation within Auchteraw. Recommendation: Raise No Objection</p>	
	<p>Agreed:</p> <p>i. to RAISE NO OBJECTION as recommended in the report; and ii. to include the need to control working hours and protect the river and water supplies in the response to the Scottish Government.</p>	MK
7.4	<p>Applicant: Tomchrasky Limited (22/05955/S36) (PLS/20/24) Location: Land 3200M NW Of Dalchreichart Cemetery, Dalchreichart, Glenmoriston (Ward 12). Nature of Development: Tomchrasky Wind Farm - Erection and operation of a wind farm comprising 14 wind turbines with a maximum blade tip height of 185m, up to 50 battery storage units, anemometer mast, access tracks, four borrow pits and associated infrastructure. Recommendation: Raise No Objection</p>	
	<p>Agreed:</p> <p>i. to RAISE NO OBJECTION planning permission subject to the conditions recommended in the report; ii. to raise with the Scottish Government that future applications pertaining to battery storage units should contain information about the environmental impact of potential fire, and</p>	MF

	<p>iii. to ask that the Scottish Government ensures that those representations recently received in relation to geomorphological surveys are taken into account and brought to the attention of NatureScot before any decision is made.</p>	
7.5	<p>Applicant: The Highland Council (23/03655/PIP) (PLS/21/24) Location: Charleston Academy, General Booth Road, Inverness (Ward 13). Nature of Development: Phased redevelopment of Charleston Academy site to replace existing secondary school buildings and form new campus with nursery, primary and secondary schools with associated car parking, external space and landscaping. Recommendation: Grant</p> <p>Transparency Statement: Mr M Cameron made a Transparency Statement for this item as a close family member worked at Charleston Academy. Having applied the objective test, he did not consider that he had an interest to declare.</p> <p>Declaration of Interest: Mr A Graham, as a member of the Charleston Academy Community Complex Management Committee, declared an interest in this item and left the chamber for its duration.</p>	
	<p>Agreed: to GRANT planning permission subject to the conditions recommended in the report.</p>	KG
7.6	<p>Applicant: The Highland Council (23/04018/FUL) (PLS/22/24) Location: Land 100M NW Of Charleston Academy, General Booth Road, Inverness (Ward 13). Nature of Development: Erection of nursery, play space and landscaping. Recommendation: Grant</p> <p>Transparency Statement: Mr M Cameron made a Transparency Statement for this item as a close family member worked at Charleston Academy. Having applied the objective test, he did not consider that he had an interest to declare.</p> <p>Declaration of Interest: Mr A Graham, as a member of the Charleston Academy Community Complex Management Committee, declared an interest in this item and left the chamber for its duration.</p>	
	<p>Agreed: to GRANT planning permission subject to the conditions recommended in the report.</p>	KG
7.7	<p>Applicant: Moray Estates Developments Ltd (23/05811/S42) (PLS/23/24) Location: Land North East of Tornagrain, Dalcross, Inverness (Ward 17). Nature of Development: Application under s42 to vary condition 11 (restriction on culverts), 12 (water crossings), 15 (development of infrastructure in riparian zone), 27 (alter timing of modification of A96(T) Mid Coul roundabout) of 16/05725/S42 for new town comprising up to 4,960 houses, community facilities, retail, business, general industry, storage and distribution, hotels, residential institution, leisure, petrol stations and associated landscaping, open space, infrastructure, and services. Recommendation: Grant</p>	
	<p>Agreed: to GRANT planning permission subject to the conditions recommended in the report.</p>	CMaCL

7.8	<p>Applicant: IHO Private Ltd (23/05982/FUL) (PLS/24/24) Location: Galbraith, Reay House, 17 Old Edinburgh Road, Inverness, IV2 3HF (Ward 14). Nature of Development: Change of use from office (Class 4) to guest house (C) Recommendation: Grant</p> <p>It was proposed and agreed that Condition 3 be amended to the following wording:</p> <p>“Prior to the first occupation of the development hereby approved, a car parking plan (with no more than 10 spaces, with at least 1 being for disabled drivers) shall be provided for the approval in writing by the Planning Authority in consultation with the Roads Authority. Thereafter, all car parking spaces shall be maintained for this use in perpetuity. Reason: In the interests of road safety, and that the works involved comply with applicable standards”.</p>	
	Agreed: to GRANT planning permission subject to the conditions recommended in the report.	MS
7.9	<p>Applicant: VMO2 (23/04700/FUL) (PLS/25/24) Location: Land 640M NW of Gate House, Newtonmore (Ward 20). Nature of Development: Installation of 25m high telecommunications mast and ancillary development within fenced compound. Recommendation: Grant</p> <p>Motion: Mr B Lobban, seconded by Mr R Jones, to refuse planning permission for the following reasons: This proposed installation of the telecommunications mast is considered contrary to policy 6 of the CNPA LDP and policy 24 (e) (ii) as the Applicant has failed to provide robust evidence in support of their application that demonstrates the possibility of mast and site sharing.</p> <p>Amendment: Mr T MacLennan, to grant the application as recommended. Mr MacLennan’s amendment failed to find a seconder and fell and the motion was carried.</p>	
	Agreed: to REFUSE planning permission as detailed by Mr Lobban.	BR
	<p>Prior to the end of the meeting, the clerk, on behalf of Mr M Cameron, expressed Mr Cameron’s disappointment that he had been unable to attend the site visit for Item 6.1.</p> <p>The meeting ended at 5pm.</p>	