

Agenda Item	6.9
Report No	PLN/064/24

HIGHLAND COUNCIL

Committee: North Planning Applications Committee
Date: 7th August 2024
Report Title: 24/00952/FUL : Embo Trust
The Old School, School Street, Embo, IV25 3PZ
Report By: Area Planning Manager – North

Purpose/Executive Summary

Description: Erection of ground mounted solar PV panels

Ward: 04 - East Sutherland and Edderton

Development category: Local development

Reason referred to Committee: Application put forward by Councillor

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 The proposed development is for the installation of 70 ground mounted solar PV panels at the Embo Community Hall. The proposed solar PV panels measure 0.39m in height, and would cover approximately 290sqm on the southeast corner of the site, on what is currently open lawn area.
- 1.2 Vehicle access to the site is from the northern boundary, with parking for ten cars and access via School Street. There are also two pedestrian gates serving as entrances onto the site, as it is bound by a low-lying stone wall. The two gates are located on the southwest corner of the site, and the eastern boundary of the site.
- 1.3 Pre-Application Consultation: None.
- 1.4 Supporting Information: None.
- 1.5 Variations: Several plans were submitted over the course of the application. The site layout plan and general location plan have now been updated to include site boundaries and the solar PV panel array as finally proposed.

2. SITE DESCRIPTION

- 2.1 The Embo Community Centre at the Old School House building is located in the southeast of Embo, near the edge of the settlement before approaching the resort and caravan park.

The site has seen several small extensions and improvements. The solar panels will be installed on the southeast corner of the lawn, enclosed by an existing low stone wall, with pedestrian gates providing access from the south and east. Positioned at the front of the property, the panels will be on an open lawn that slopes up to the building. There is an outdoor seating area at the front as well, with benches and picnic tables on decking linked to the community building.

While there are no trees on site, the neighbouring property to the west has several unaffected trees. The area is predominantly residential, except for the south, which serves as the entrance and reception to Grannie's Heilan Hame Caravan Park.

3. PLANNING HISTORY

- | | | | |
|-----|------------|---|-----------|
| 3.1 | 10.09.2008 | 08/00185/FULSU - Erection of community hall | PERMITTED |
| 3.2 | 21.10.2015 | 15/03203/FUL - Extension and change of use to include toilets, café, etc. | PERMITTED |
| 3.3 | 29.07.2019 | 19/02811/FUL - Erection of storage building | PERMITTED |

4. PUBLIC PARTICIPATION

- 4.1 Advertised: Northern Times
Date Advertised: 17 May 2024

Representation deadline: 31 May 2024

Timeous representations: 1

Late representations: 0

4.2 Material considerations raised are summarised as follows:

- a) A comment in regard to the application was submitted by the Dornoch Community Council saying that they support this new development.

4.3 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 None

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 National Planning Framework 4 (2023) (NPF4)

Policy 1 - Tackling the Climate and Nature Crises

Policy 2 - Climate Mitigation and Adaptation

Policy 3 - Biodiversity

Policy 5 - Soils

Policy 11 - Energy

Policy 12 - Zero Waste

Policy 23 - Health and Safety

Policy 25 - Community Wealth Building

6.2 Highland Wide Local Development Plan 2012 (HwLDP)

28 - Sustainable Design

29 - Design Quality and Place-making

36 - Development in the Wider Countryside

61 - Landscape

66 - Surface Water Drainage

67 - Renewable Energy Developments

68 - Community Renewable Energy Developments

6.3 Caithness and Sutherland Local Development Plan (2018) (CaSPlan)

Policy 3 Growing Settlements

6.4 Highland Council Supplementary Planning Policy Guidance

Highland Renewable Energy Strategy and Planning Guidelines (May 2006)

Sustainable Design Guide (Jan 2013)

7. OTHER MATERIAL POLICY CONSIDERATIONS

7.1 None

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 key considerations in this case are:

- a) Caithness and Sutherland Development Plan: Growing Settlements
- b) National and local policies supporting Renewable Energy
- c) Health and safety concerns around ground mounted solar PV panels

Development plan/other planning policy

8.4 Renewable Energy:

This proposal for 70 ground-mounted solar PV panels is primarily evaluated based on national and local renewable energy policies. The National Policy Framework (NPF) 4, under Policy 11 on Energy, supports development proposals for renewable, low-carbon, and zero-emissions technologies, including the proposed solar arrays.

8.5 Policy 11 acknowledges that visual impacts are inevitable but generally acceptable when they are localised or mitigated through appropriate design. For this site, the proposed height of the ground mounted solar PV panels (0.39m) is deemed acceptable.

8.6 Initially, concerns were raised about the space taken up by the solar PV panels and the resultant loss of green space. This concern had arisen due to discrepancies in the submitted plans and supporting information which had indicated the take up of ground was significantly greater. Accurate amended plans were received which alleviated these fears. The slight slope of the community centre site and the stone wall will help serve to partially screen these solar panels. The proposal aligns with the aims of Policy 11: Energy and is expected to positively impact the community, the community centre, and national and local goals for the reduction of greenhouse gas emissions.

8.7 In addition to NPF4 support, Highland-wide Local Development Plan (HwLDP) Policy 67 promotes the adoption of renewable energy developments. HwLDP Policy 67 requires proposals to be appropriately sited, located, and designed to avoid overall negative impacts on:

- i. Natural, built, and cultural heritage features;
- ii. Species and habitats;

- iii. Visual impact and landscape character;
- iv. Amenity at sensitive locations, including residential properties, work places and recognised visitor sites;
- v. Safety and amenity of regularly occupied buildings and their grounds - considering both visual intrusion and noise;
- vi. Ground water, surface water, and fisheries;
- vii. Safe use of airport, defence, or emergency service operations, aircraft flight paths, or MoD low-flying areas;
- viii. Other communications installations;
- ix. Amenity of users of any Core Path or other established public access for walking, cycling or horse riding;
- x. Tourism and recreation interests;
- xi. Land and water-based traffic.

Concerns specific to this site include i., iii., iv., v., and x., which will be addressed below.

- 8.8 Policy 67 emphasises minimising visual impacts and protecting natural and built heritage by ensuring the proposal's design and location reflect the surrounding landscape's scale and character. This site is within the protected buffer zone of a scheduled monument, Grannie's Heilan Hame chambered cairn, located southeast of the site. However, the cairn's proximity to Grannie's Heilan Hame caravan park, its enclosure within the reception parking area, and frequent obscuration by parked cars significantly mitigate any impact of the proposed development. Additionally, views from the community centre are less of a concern due to the nearby caravan park.
- 8.9 The proposal's impact on residential properties, workplaces, visitor sites, and tourism and recreational interests is also considered. The community centre is bordered by houses on three sides, with a road to the south leading to the caravan park. The addition of pedestrian gates has increased foot traffic in the grounds, making the solar panels more visible to residents and visitors. However, due to the separation distance and screening by the stone wall, the panels are not expected to affect the amenity of the wider area.
- 8.10 Finally, Policy 67 requires addressing the safety and amenity of the occupied building and its grounds. This includes mitigating visual intrusions and ensuring the low-lying solar panels, covering a significant portion of the building's curtilage, do not pose safety concerns, which will be detailed in the following section.
- 8.11 Health and Safety:
- NPF4 Policy 23 on health and safety states its purpose is to protect people and places from environmental harm, mitigate risks arising from safety hazards and encourage and promote development that improves health and wellbeing. The solar panels take up a sizeable portion of the lawn area at the community hub concern close to the existing pedestrian pathways. A timber fence is proposed as boundary treatment around the PV array and to prevent public access to the panels. This will be conditioned.

8.12 Growing Settlements:

The Caithness and Sutherland Local Development Plan (CaSPlan) designates Embo as a Growing Settlement, meaning planning applications must adhere to the criteria outlined in Policy 3: Growing Settlements. Policy 3 provides a comprehensive framework for evaluating applications, focusing on the type, scale, siting, and design of the proposed development. Proposals are assessed based on their ability to integrate, round off, or consolidate the area, as well as their capacity to:

- i. Address issues and placemaking priorities specific to the Growing Settlement;
- ii. Sustain, enhance, or add to facilities within active travel distances;
- iii. Ensure compatibility in terms of use, space, character, and density with existing development, while demonstrating high-quality design;
- iv. Utilise spare capacity in the infrastructure network or provide new/improved infrastructure in a cost-efficient manner;
- v. Avoid net loss of significant local community amenity/recreational areas;
- vi. Prevent adverse impacts on important heritage features, public viewpoints, or open spaces.

8.13 As mentioned, the solar panels will occupy a significant portion of the lawn at the community hub. However, this proposal will provide substantial benefits to the community centre through the provision of renewable energy and income from electricity exported to the grid. This new, cost-efficient, and climate-friendly infrastructure aligns well with both national and local policies, as well as CaSPlan Policy 3. Taken on balance with the concerns of visual amenity impact and recognising that this initiative is driven by community interest, the Planning Authority acknowledges the Embo community's preference for enhanced renewable infrastructure over preserving amenity open land.

8.14 The CaSPlan also identifies the following considerations and growth opportunities specific to Embo that are relevant to this development:

- i. Limited development opportunities at Embo Street until significant realignment and widening of existing road and junction with Dornoch-Embo Road.
- ii. Developments should reinforce existing street layout e.g. principal elevation facing the road, similar design/materials
- iii. Re-use of old school building for community uses.
- iv. Maintain open space to north of the village at the football field.

8.15 This development will not impose undue or additional strain on public infrastructure, particularly concerning roads and traffic, nor will it encroach upon the open areas to the north of Embo near the football field - both key considerations as the area continues to expand. The installation of ground mounted solar PV panels will also enhance community use of the old school building (now community centre), which is a point of interest for continued growth in Embo.

8.16 In alignment with Policy 3: Growing Settlements, this development meets several key criteria by enhancing existing facilities, creating new infrastructure, and with the stone wall and conditioned fencing will not impact too adversely on the areas visual amenity. While the loss of open space is noted, the project has community support and will

provide renewable energy infrastructure to a growing settlement, and for these reasons, this development is viewed as a positive addition to Embo.

8.17 Other material considerations

There are no other material considerations.

8.18 Non-material considerations

None

9. CONCLUSION

- 9.1 The proposed development of low-profile ground mounted solar PV panels aligns with National Policy Framework 4 Policy 11 and the Highland-wide Local Development Plan Policy 67 by supporting renewable energy initiatives, ensuring acceptable localised visual impacts with appropriate mitigation, and promoting sustainable community growth.
- 9.2 NPF4 Policy 23 addresses safety risks, and this proposal raises concerns about the height and area coverage of the solar panel array, particularly for pedestrians accessing the community centre; therefore, a fence around the solar PV panel array is necessary as an acceptable safety measure and to mitigate visual impact.
- 9.3 Classified as a Growing Settlement under CaSPlan Policy 3, Embo's proposal for solar PV panels at the community centre has been assessed for integration, sustainability, design quality, infrastructure use, and impact on community amenities. This proposal aligns with CaSPlan priorities by enhancing community use and supporting local growth objectives without straining public infrastructure, and despite the loss of open amenity space, it positively contributes to the centre's renewable energy infrastructure.
- 9.4 Initially, concerns about the space taken up by the solar PV panels were significant, this was based on the plans and supporting information received. However, this was finally resolved and clarity provided on the full extent of the proposal and accurate revised plans were provided which alleviated these fears. The sufficient height of the wall and effective interior boundary treatment mitigate much of the visual impact, rendering the proposal acceptable, as the overall visual impact is outweighed by the positive environmental gains and community benefits of the new renewable energy infrastructure. This project aligns with the community's goals and has been carefully assessed to reflect their preferences, reinforcing a commitment to sustainable growth and enhanced community use, making this proposal supportable.
- 9.5 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): Community Benefit from Renewable Energy Infrastructure
- 10.4 Climate Change/Carbon Clever: Renewable Energy Infrastructure
- 10.5 Risk: Not applicable
- 10.6 Gaelic: Not applicable

11. RECOMMENDATION

Action required before decision issued

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. No development shall commence on site until an accurate finalised plan for the layout and position of the solar PV panels has been submitted to, and approved in writing by, the Planning Authority. Thereafter the panels shall be installed and maintained in accordance with the approved details.

Reason: To ensure the works involved comply with applicable standards and in the interests of visual amenity.

2. No development shall commence until full details of fencing and any other boundary treatments around the development have been submitted to, and approved in writing by, the Planning Authority. Thereafter boundary treatments shall be installed and maintained in accordance with the approved details.

Reason: In the interests of safety, and to ensure that the development is sensitive to, and compatible with, its context and siting.

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.

TIME LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION

In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), the development to which this planning permission relates must commence within THREE YEARS of the date of this decision notice. If development has not commenced within this period, then this planning permission shall lapse.

INFORMATIVES

Initiation and Completion Notices

The Town and Country Planning (Scotland) Act 1997 (as amended) requires all developers to submit notices to the Planning Authority prior to, and upon completion of, development. These are in addition to any other similar requirements (such as Building Warrant completion notices) and failure to comply represents a breach of planning control and may result in formal enforcement action.

1. The developer must submit a Notice of Initiation of Development in accordance with Section 27A of the Act to the Planning Authority prior to work commencing on site.
2. On completion of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Act to the Planning Authority.

Copies of the notices referred to are attached to this decision notice for your convenience.

Flood Risk

It is important to note that the granting of planning permission does not imply there is an unconditional absence of flood risk relating to (or emanating from) the application site. As per Scottish Planning Policy (paragraph 259), planning permission does not remove the liability position of developers or owners in relation to flood risk.

Scottish Water

You are advised that a supply and connection to Scottish Water infrastructure is dependent on sufficient spare capacity at the time of the application for connection to Scottish Water. The granting of planning permission does not guarantee a connection. Any enquiries with regards to sewerage connection and/or water supply should be directed to Scottish Water on 0845 601 8855.

Septic Tanks and Soakaways

Where a private foul drainage solution is proposed, you will require separate consent from the Scottish Environment Protection Agency (SEPA). Planning permission does not guarantee that approval will be given by SEPA and as

such you are advised to contact them direct to discuss the matter (01349 862021).

Local Roads Authority Consent

In addition to planning permission, you may require one or more separate consents (such as road construction consent, dropped kerb consent, a road openings permit, occupation of the road permit etc.) from the Area Roads Team prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local Area Roads office for further guidance at the earliest opportunity.

Failure to comply with access, parking and drainage infrastructure requirements may endanger road users, affect the safety and free-flow of traffic and is likely to result in enforcement action being taken against you under both the Town and Country Planning (Scotland) Act 1997 and the Roads (Scotland) Act 1984.

Further information on the Council's roads standards can be found at: <http://www.highland.gov.uk/yourenvironment/roadsandtransport>

Application forms and guidance notes for access-related consents can be downloaded from:

http://www.highland.gov.uk/info/20005/roads_and_pavements/101/permits_for_working_on_public_roads/2

Mud and Debris on Road

Please note that it is an offence under Section 95 of the Roads (Scotland) Act 1984 to allow mud or any other material to be deposited, and thereafter remain, on a public road from any vehicle or development site. You must, therefore, put in place a strategy for dealing with any material deposited on the public road network and maintain this until development is complete.

Construction Hours and Noise-Generating Activities

You are advised that construction work associated with the approved development (incl. the loading/unloading of delivery vehicles, plant or other machinery), for which noise is audible at the boundary of the application site, should not normally take place outwith the hours of 08:00 and 19:00 Monday to Friday, 08:00 and 13:00 on Saturdays or at any time on a Sunday or Bank Holiday in Scotland, as prescribed in Schedule 1 of the Banking and Financial Dealings Act 1971 (as amended).

Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under Section 60 of the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to result in court action.

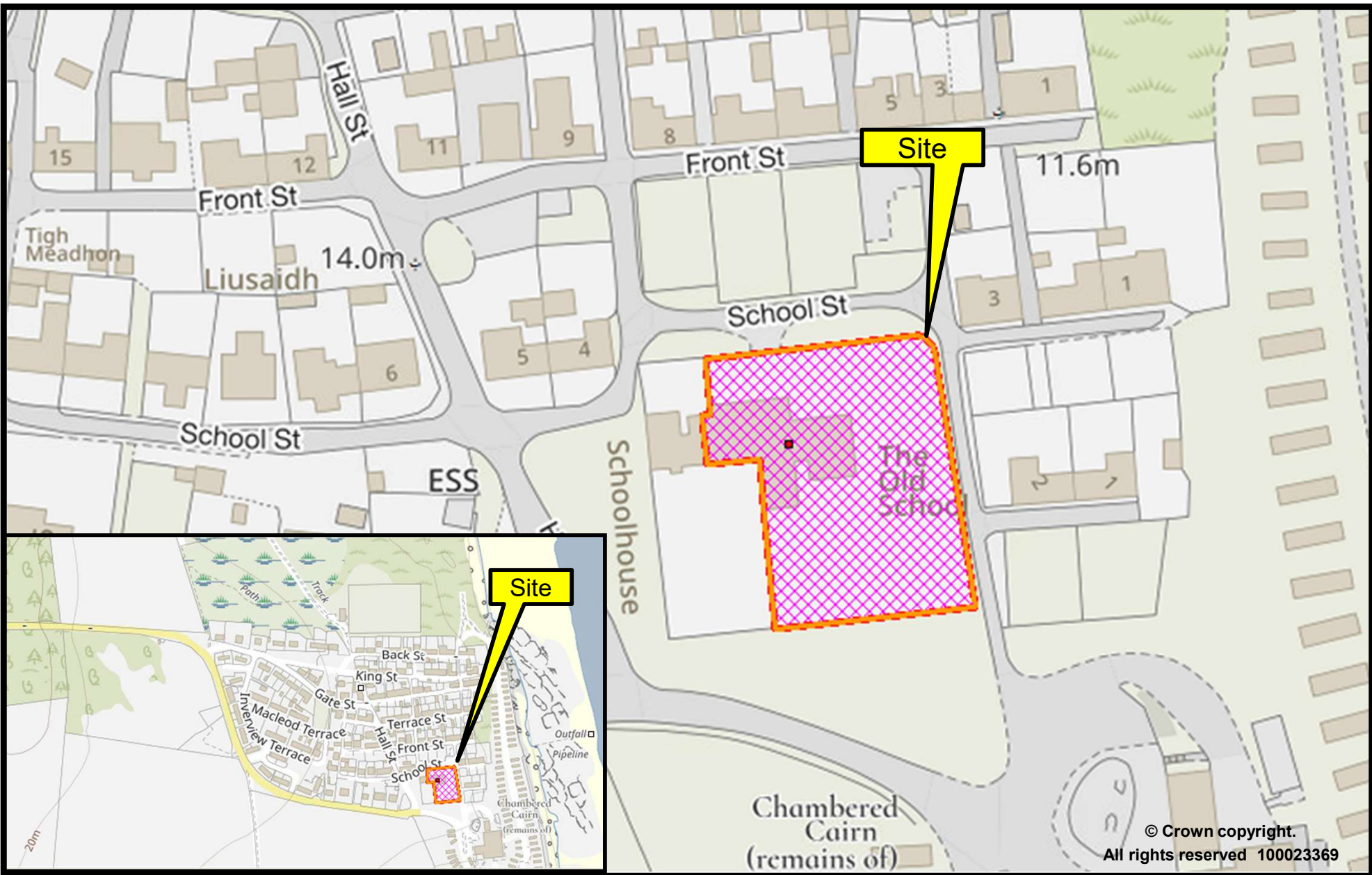
If you wish formal consent to work at specific times or on specific days, you may apply to the Council's Environmental Health Officer under Section 61 of the 1974 Act. Any such application should be submitted after you have

obtained your Building Warrant, if required, and will be considered on its merits. Any decision taken will reflect the nature of the development, the site's location and the proximity of noise sensitive premises. Please contact env.health@highland.gov.uk for more information.

Protected Species – Halting of Work

You are advised that work on site must stop immediately, and NatureScot must be contacted, if evidence of any protected species or nesting/breeding sites, not previously detected during the course of the application and provided for in this permission, are found on site. For the avoidance of doubt, it is an offence to deliberately or recklessly kill, injure or disturb protected species or to damage or destroy the breeding site of a protected species. These sites are protected even if the animal is not there at the time of discovery. Further information regarding protected species and developer responsibilities is available from NatureScot: <https://www.nature.scot/professional-advice/protected-areas-and-species/protected-species>

Signature: Dafydd Jones
Designation: Area Planning Manager – North
Author: Liam Burnside/Katherine Tolley
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 - committee location Plan
Plan 2 -STH3315
Plan 2 - U2552.01 REV A
Plan 3 - U2552.02 REV A





LAND REGISTER
OF SCOTLAND

Officer's ID / Date

5151
25/4/2013

TITLE NUMBER

STH3315



ORDNANCE SURVEY
NATIONAL GRID REFERENCE

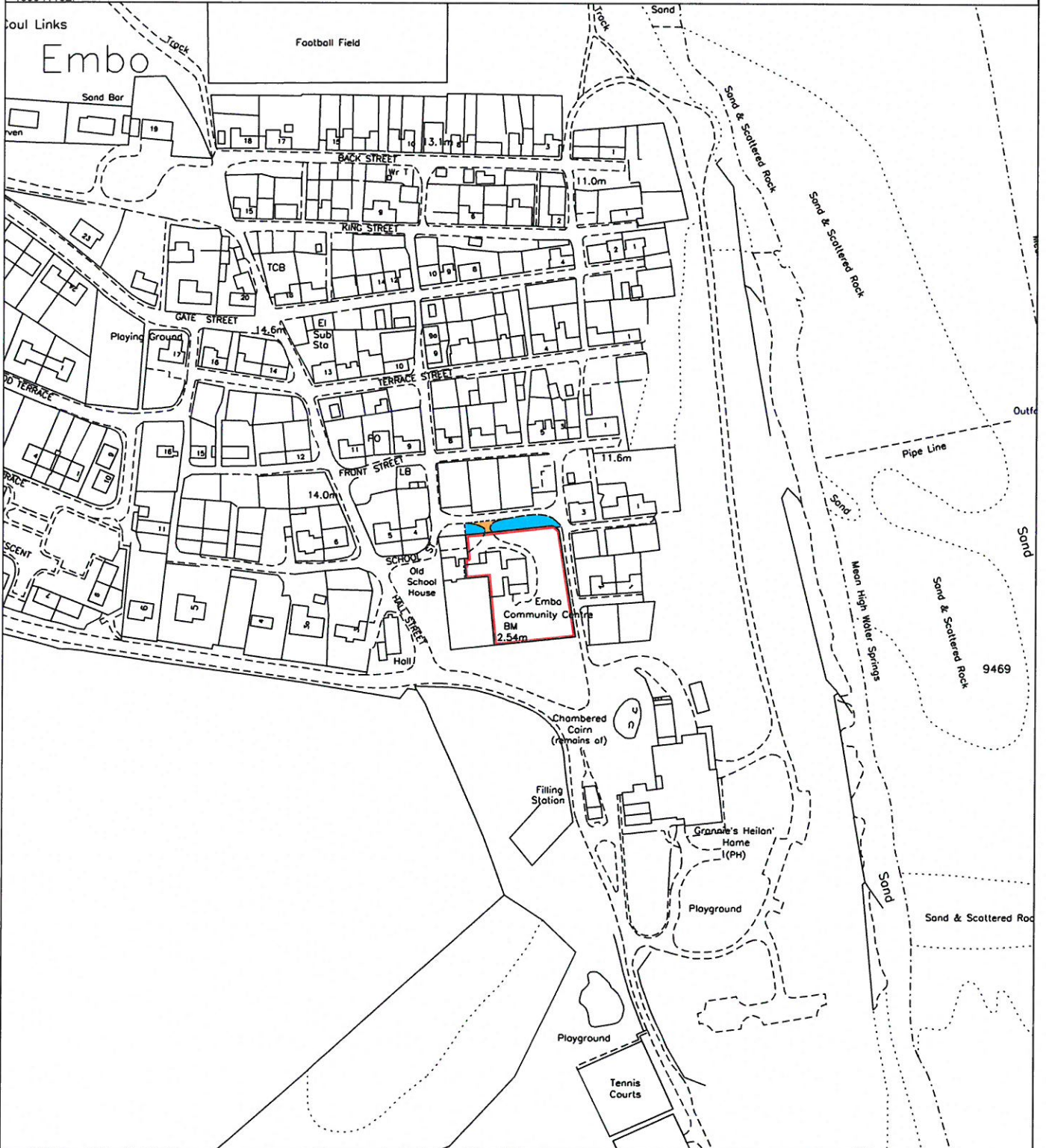
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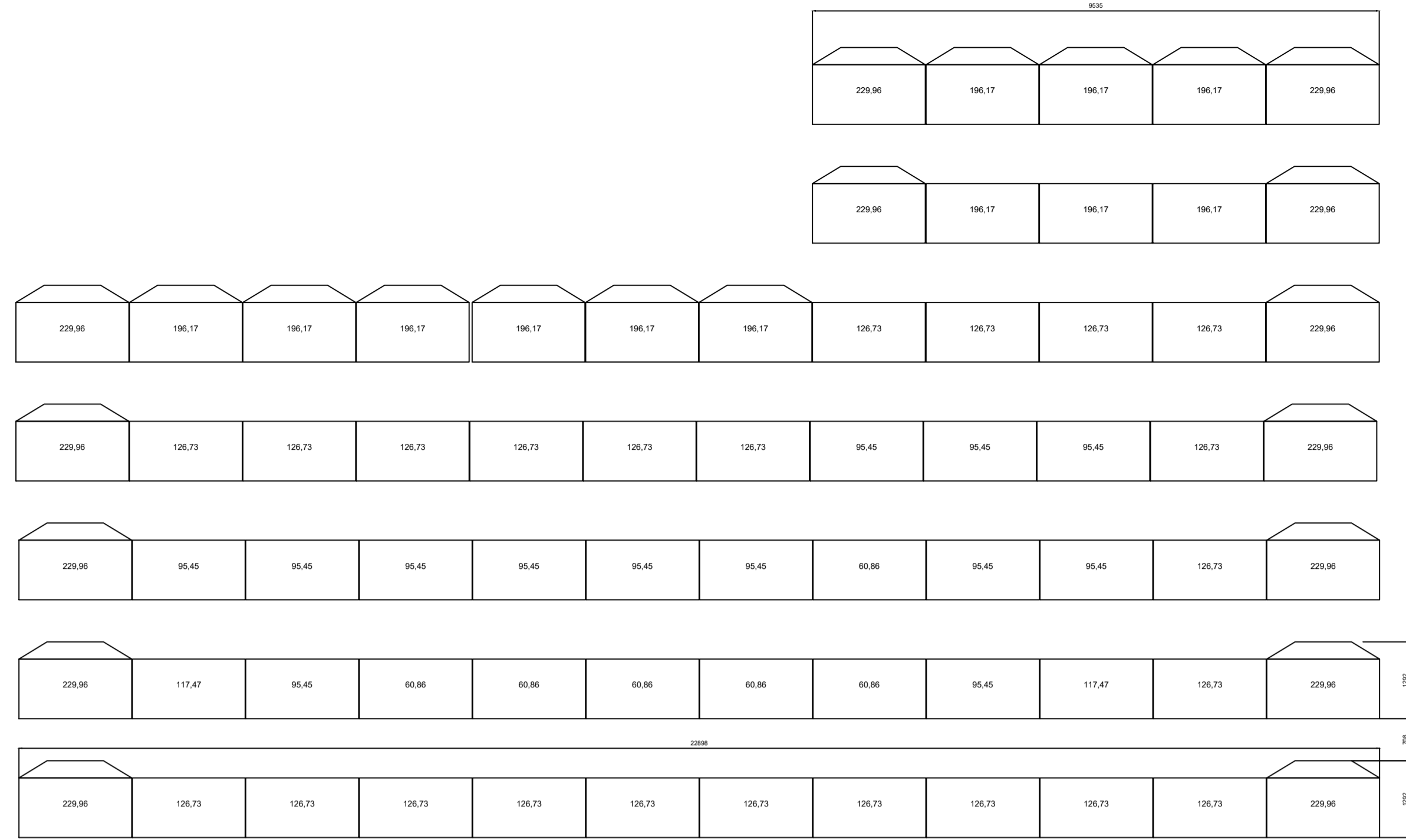
NH8192 NH8193

Survey Scale

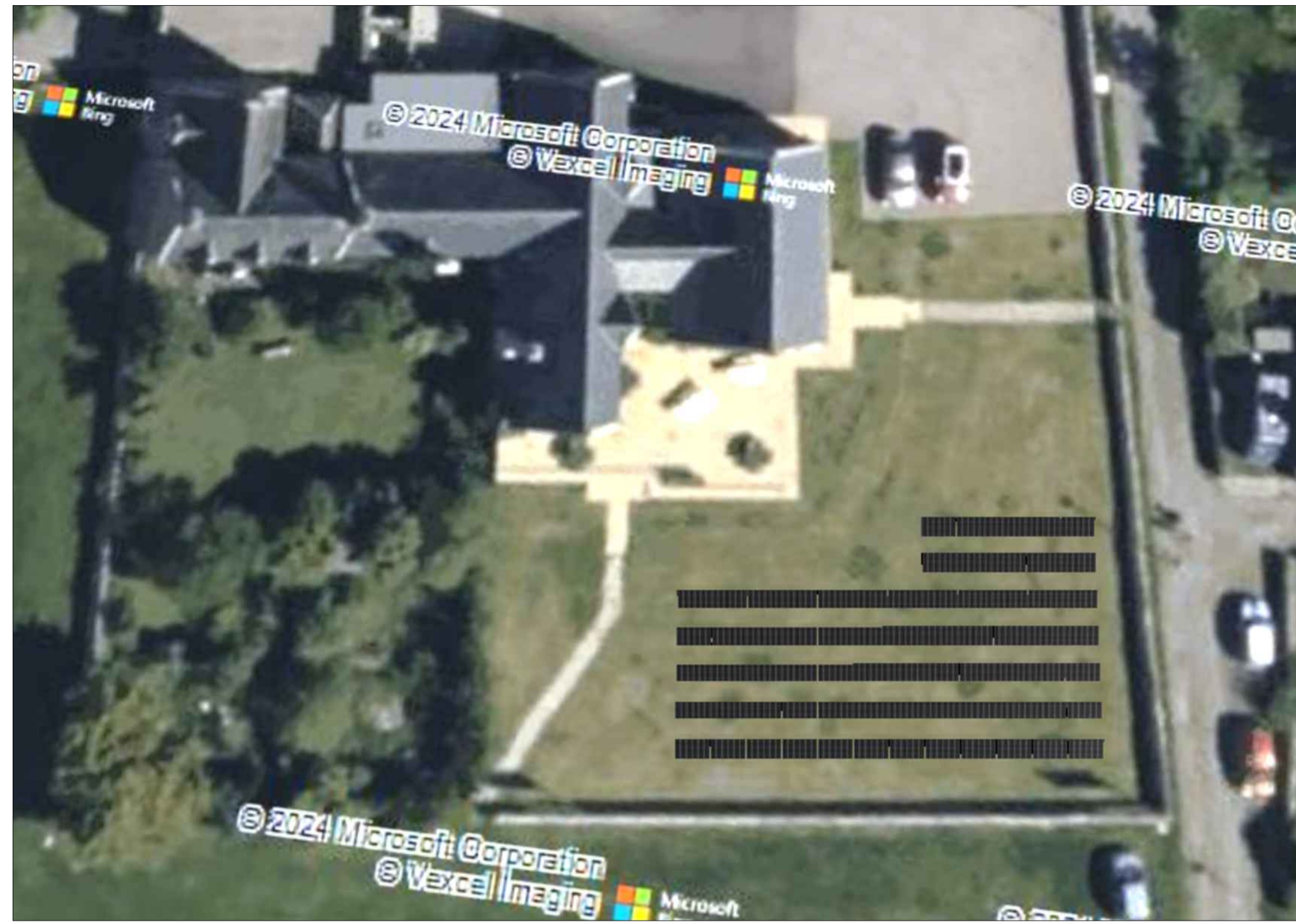
1/2500

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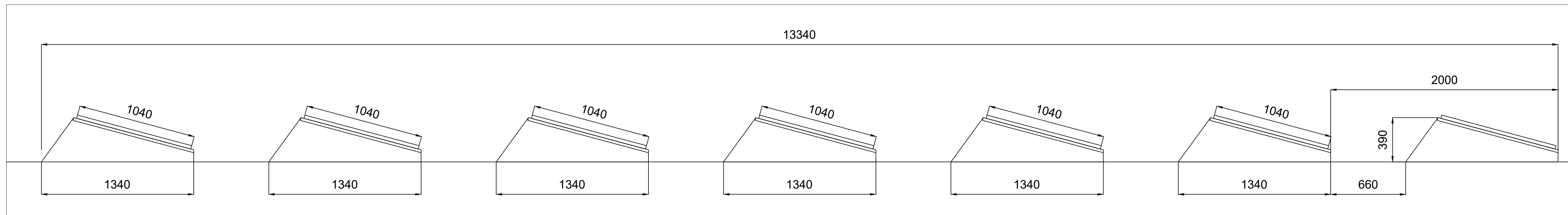
Renusol Plan View - 1:75



Aerial View - NTS



Isometric View - NTS



Renusol Section View - 1:20

Rev	Planning Issue	Date	Initial
A		02/05/2024	RP

Revisions

Planning

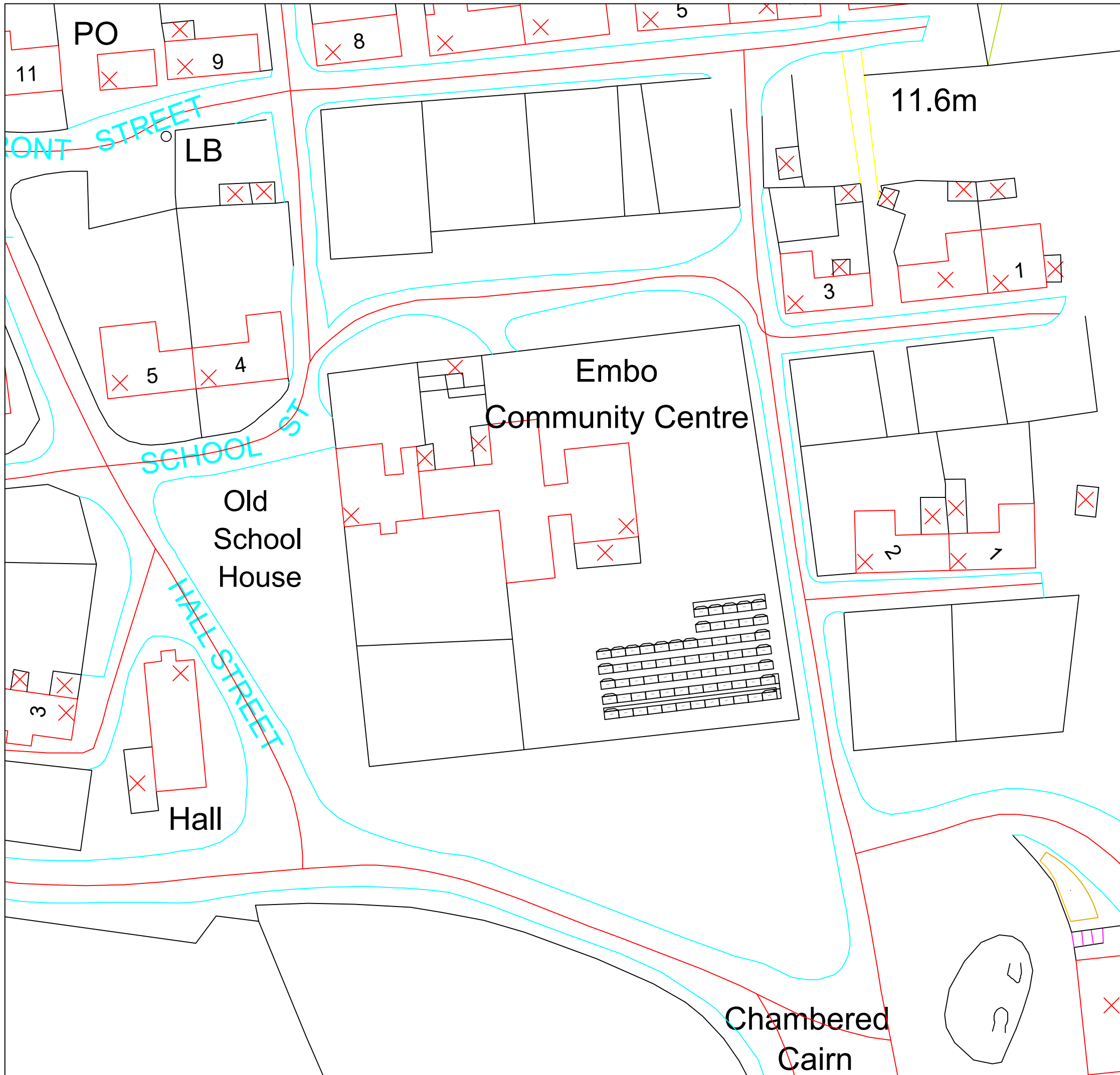
Maintenance Work Order Number: U2552

Project Name: Embo Community Hall

Client: Jim Campbell

Site Address: Embo Community Hall
IV25 3

Drawing: Renusol Site Plan	Scale: Noted@A1	<p>16 Carsegate Road South Carsegate Ind Estate Inverness, IV3 8LL Tel: 01463 713131 Email: info@barres.co.uk</p>
Drawn By: RP	Date: 02/05/2024	
Checked By: ---	Date: ---	
Approved By: ---	Date: ---	
Revision: A	Drawing No: U2552.01	



A	Site Plan	24/07/2024	RP
Rev	Comment	Date	Initial

Revisions

Planning

Maintenance Work Order Number: U2552
 Project Name: Embo Community Centre
 Client: James McGillvray

Site Address: Embo Community Hall
 Dornoch
 IV25 3PR

Drawing:	Scale:
Site Plan	1:500 @A3
Drawn By:	Date:
R Panlilio	24/07/2024
Checked By:	Date:
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Approved By:	Date:
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Revision:	Drawing No.
A	U2552.02

BARRES
 RENEWABLE ENERGY SYSTEMS

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