

**The Highland Council**  
**South Planning Applications**  
**Committee**

**Council Chamber, HQ, 10 December, 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  
Mr M Cameron (remote)  
Mr D Fraser  
Mr L Fraser  
Mr K Gowans  
Mr A Graham  
Mr R Jones  
Mr B Lobban

Mrs I MacKenzie (remote)  
Mr A MacKintosh  
Mr T MacLennan (remote)  
Mr Macpherson (remote)  
**Mr P Oldham (in the Chair)**  
Ms M Reid  
Ms L Siggers

**Non-Committee Members Present:** Mr D McDonald (remote)

**Substitutes:** Ms K Willis for Ms S Fanet

**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 C MacLeod, Planner (CMacL)  
Mr M Clough, Senior Engineer, Transport Planning (MC)  
Ms C McArthur, Principal Solicitor  
Ms F MacBain, Senior Committee Officer

<b>ITEM NO</b>	<b>DECISION</b>	<b>ACTION</b>
<b>1</b>	<b>Apologies for Absence</b> <b>Leisgeulan</b>  Ms S Fanet.	
		<b>n/a</b>
<b>2</b>	<b>Declarations of Interest</b> <b>Foillseachaidhean Com-pàirt</b>  There were none.	
		<b>n/a</b>
<b>3</b>	<b>Confirmation of Minutes</b> <b>Dearbhadh a' Gheàrr-chunntais</b>	

	There had been submitted for confirmation as a correct record the action note and minute of the meeting of the Committee held on 19 November 2024 which was <b>APPROVED</b> .	n/a
<b>4</b>	<b>Major Development Update Iarrtasan Mòra</b>	
	There had been circulated Report No PLS/69/24 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.  The Committee <b>NOTED</b> the current position with the applications.	<b>PW</b>
<b>5</b>	<b>Major Developments – Pre-application consultations Leasachaidhean Mòra – Co-chomhairle Ro-iarrtais</b>	<b>PW</b>
5.1	<b>Description:</b> Ness Weir II project - Modify existing weir, raising the crest height of weir, creating a fish pass, installing outlet sluice in the form of a tilting weir (24/04644/PAN) (PLS/70/24) <b>Ward: 12</b> <b>Applicant:</b> Statera Energy Limited <b>Site Address:</b> Land 150M SW Of Ferry Cottage, Scaniport, Inverness	
	<b>AGREED</b> to note the submission and ask that the following material issues be brought to the applicant's attention in addition to the material considerations referred to in the report: <ul style="list-style-type: none"> <li>• a request for information on the minimum and maximum water levels in the loch, with regard to flooding risks, especially for the residential properties near the loch;</li> <li>• noting the number of existing and proposed pumped hydro schemes in the area, it was important all scenarios were considered; and</li> <li>• further detail was requested on the ecological impact downstream of both the river and the canal.</li> </ul>	<b>PW</b>
5.2	<b>Description:</b> Loch Lundie Substation - Proposed new substation and platform with control building, access, laydown/work compound area(s), associated landscaping, site drainage and ancillary works (National Development) (24/04649/PAN) (PLS/71/24) <b>Ward: 12</b> <b>Applicant:</b> Scottish Hydro Electric Transmission Plc <b>Site Address:</b> Land 2240M NW Of Invergarry Power Station Invergarry	
	<b>NOTED</b> the submission.	<b>PW</b>
<b>6</b>	<b>Planning Applications to be Determined Iarrtasan Dealbhaidh rin Dearbhadh</b>	
6.1	<b>Applicant:</b> Whirlwind Energy Storage Ltd and Caulternich Farm (23/03113/FUL) (PLS/72/24) <b>Location:</b> Land 410m SW of Platchaig House, Kilmorack, Beauly (Ward 12). <b>Nature of Development:</b> Construction and operation of an energy storage facility with capacity of up to 49.9MW, comprising up to 36 energy storage modules, control building, electrical equipment, access, landscaping, fencing.	

	<p><b>Recommendation: Grant.</b></p> <p>In relation to representations that had been made directly to Members, the Clerk reminded the Committee to only take into consideration material planning considerations.</p>	
	<p><b>Agreed: to REFUSE</b> planning permission for the following reasons:</p> <p>Whilst it is acknowledged that policy 11 of NPF4 encourages, promotes and facilitates renewable energy development, it doesn't give unqualified support. It is considered that this proposal will have a significant detrimental effect on the landscape and visual impacts, despite the amendments proposed to mitigate this. This is due to it being an industrial development on an open field on a rural hillside characterised by open farmland. The proposal is, therefore, contrary to Policy 28 of the Highland wide local Development plan as it fails to demonstrate sensitive siting and high quality design in keeping with the local character of the area.</p>	<b>PW</b>
6.2	<p><b>Applicant:</b> TJ Morris Ltd (24/00796/FUL) (PLS/73/24)  <b>Location:</b> Land 55M northwest of 115 Cranmore Drive, Cranmore Drive, Smithton, Inverness (Ward 17).  <b>Nature of Development:</b> Erection of retail unit, ancillary cafe, outdoor sales area and allotment space, with associated parking, access, active travel routes, boundary treatments, landscaping and public realm.  <b>Recommendation: Grant</b></p> <p>The Clerk made reference to Members having received direct representation on the application, particularly in relation to the process the applicant used to demonstrate support for their proposal and the potential authenticity of these comments.</p> <p>In essence, a website allowed individuals to select pro forma responses in support of the application which then generated a response on their behalf. A draft email was created with their response from an individual's personal email address which they could then choose to submit to the Council.</p> <p>Home Bargains' privacy statement indicated that the PR agency would share personal data with Home Bargains and Highland Council for planning purposes. It also stated that these views would be registered against the planning application for the project on The Highland Council's publicly accessible planning portal. The privacy statement clarified that the form's contents would be forwarded to the Council in support of the application and be copied to Home Bargains.</p> <p>All applications received were accepted on the basis that the submitter acted in good faith. After submitting a representation, the Council sent correspondence confirming receipt and that the comment would be made public on the planning portal. Beyond this, it was unreasonable to expect each local authority to verify every representation from individuals both locally and from wider areas.</p> <p>It was deemed that the process used did follow procedure for submitting a representation.</p> <p><b>Motion:</b> Mr P Oldham, seconded by Mr A MacKintosh, to approve the application as recommended, subject to the removal of Condition 7, and an</p>	

	<p>amended Condition 29 as follows:</p> <p>Notwithstanding the provisions of Class 1(A) of the Schedule to the Town and Country Planning (Use Classes) (Scotland) Order 1997 as amended, or any Order revoking and re-enacting that Order, with or without modification, the permission hereby granted relates to the use of the premises solely for the purpose of the sale of food and non-food only (maximum 10% retail floorspace to be bulky goods sales) and for no other use or purpose including any other activity falling within Class 1A of the said Order, with the exception of the café shown on the approved plans, unless the express consent of the Planning Authority is otherwise obtained.</p> <p><b>Reason:</b> In order to clarify the terms of the permission hereby granted</p> <p><b>Amendment:</b> Mrs M Reid, seconded by Mr C Ballance, to refuse the application for the following reasons:</p> <p>Due to the prominent size and scale of the building and its close proximity to residential houses it will have a detrimental impact on individual and community residential amenity and, therefore, contrary to policy 28 of the Highland wide local Development plan.</p> <p>It is also not viewed that the proposal is compatible with policy 14 of NPF4 as the proposal is not designed to improve the quality of the area as it is not consistent with 6 qualities of successful places, in particular the qualities of 'pleasant' and 'distinctive'. This is due to the layout of the development, the scale and massing and design of the buildings and lack of enclosure which fails to create an attractive sense of place that would be expected within a town centre.</p> <p>On a vote being taken, there were 8 votes for the motion and 8 for the amendment, with no abstentions, and the Chair used his casting vote in favour of the <b>MOTION</b>, the votes having been cast as follows:</p> <p><b>For the Motion:</b> Mr P Oldham, Mr A Graham, Mr K Gowans, Mr B Lobban, Ms L Saggars, Mr A MacKintosh, Mr M Cameron, Mr T MacLennan</p> <p><b>For the Amendment:</b> Mr D Fraser, Mr L Fraser, Ms K Willis, Mr C Ballance, Mr R Jones, Ms M Reid, Mrs I MacKenzie, Mr D Macpherson</p>	
	<p><b>Agreed:</b> to <b>GRANT</b> planning permission subject to the conditions recommended in the report, an amended Condition 29, as detailed above and the removal of Condition 7.</p>	
7	<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><b>Applicant:</b> Intelligent Land Investments Group PLC (PPA-270-2301) (23/00497/FUL)</p> <p><b>Location:</b> land 75 metres south east of Camas House, Fairways Business Park, Inverness, IV2 6AA (Ward 19)</p> <p><b>Nature of Development:</b> Battery energy storage facility comprising access track, compound of battery and electrical equipment, meter buildings, stores, fencing, security cameras and associated landscaping.</p>	

	<b>NOTED</b> the decision of the Reporter appointed by the Scottish Ministers to dismiss the appeal and refuse planning permission.	
	<b>The meeting ended at 2.30pm.</b>	