

The Highland Council

Minutes of Meeting of the **Planning, Development and Infrastructure Committee** held in the Council Chamber, Council Headquarters, Glenurquhart Road, Inverness, on Wednesday, 4 November 2015, at 10.30 a.m.

Present

Mrs H Carmichael
Mr B Clark
Dr I Cockburn
Mr G Farlow
Mr J Gordon
Mr J Gray
Mr M Green
Mr R Greene
Mr B Lobban

Mr D Mackay
Mr T MacLennan
Mrs M Paterson (substitute)
Mr G Phillips
Mr T Prag
Mr M Reiss
Mr R Saxon
Dr A Sinclair
Mr H Wood

Non-Members also present:

Mr R Balfour
Mr A Baxter
Mrs M Davidson
Mr B Gormley
Mr K Gowans

Mrs D Mackay
Mr D Millar
Mr J Rosie
Mr J Stone

Officials in attendance:

Mr S Black, Director of Development and Infrastructure
Mr M MacLeod, Head of Planning and Building Standards
Mr C Howell, Head of Infrastructure
Mr G Hamilton, Head of Environment and Development
Mr A Maguire, Head of Housing Development
Mr A McCann, Economy and Regeneration Manager
Mr S Dalgarno, Development Plans Manager
Mr M Mitchell, Service Finance Manager
Mr D Cowie, Principal Planner
Mr T Stott, Principal Planner
Mrs Julie-Ann Bain, Planner
Mr D Chisolm, Planner
Ms A Hackett, Principal Projects Officer
Mr J Willet, Biodiversity Officer
Mr G Robb, Trading Standards Manager
Mr G Smith, Principal Engineer
Mr A Fraser, Engineer
Mr M Fraser, Finance Manager
Mr K MacInnes, Economic Adviser
Ms K Lyons, Principal Solicitor (Planning)
Mrs L Dunn, Principal Committee Administrator
Miss J Green, Administrative Assistant
Mr S Taylor, Administrative Assistant
Mr A MacInnes, Administrative Assistant

Also in attendance:

Mr E Sinclair, Caithness and North Sutherland Regeneration Partnership (CNSRP)
Programme Manager (Item 3)

Ms M Mackintosh, Chief Executive, Highland Opportunity Limited (Item 22)

An asterisk in the margin denotes a recommendation to the Council. All decisions with no marking in the margin are delegated to the Committee.

Dr A Sinclair in the Chair

Preliminaries

The Committee welcomed the introduction of daily flights from Inverness to Heathrow starting in May 2016 and congratulated the Flood Team for being commended in the 2015 Saltire Civil Engineering Awards for the River Ness Flood Alleviation Scheme. The Ullapool Harbour berth improvements project was also commended.

The Committee **AGREED** to take the urgent additional item, agreed at the meeting of the Highland Council on 29 October 2015, after item 17 on the agenda.

The Chair welcomed Mr Sandy Park, former Convener of the Highland Council to the Chamber.

Business

1. Apologies for Absence Liesgeulan

Apologies for absence were intimated on behalf of Mr J Crawford, Mrs I McCallum, Mr M Rattray, Mr I Renwick and Mr G Rimell.

2. Declarations of Interest Foillseachaidhean Com-pàirt

The Committee **NOTED** the following declarations of interest:-

- Item 3 – Mr G Farlow and Mr R Saxon (both non-financial)
- Item 13 – Mr G Farlow, Mr T Prag and Mr J Stone (all non-financial)
- Item 14 – Mr G Farlow and Mr G Phillips (both non-financial)
- Item 16 – Mr G Farlow (financial)
- Urgent additional item – Mr A Baxter, Mr B Gormley, Mr G Farlow, Mr T Prag and Mr J Stone (all non-financial)
- Item 22 – Mr T Prag and Mr J Stone (both non-financial)
- Item 23 – Mr T Prag (non-financial)
- Item 25 – Mr B Gormley (non-financial)
- Item 26 – Mr R Saxon (non-financial)
- Item 29 – Mr A Baxter and Mr B Gormley (non-financial)
- Item 31 – Mr H Wood (non-financial)

3. Presentation – Annual Update on Activities of the Caithness and North Sutherland Regeneration Partnership
Taisbeanadh – Cunntas Bliadhna mu Ghnìomhachd Com-pàirteachas Ath-bheothachaidh Ghallaibh agus Chataibh a Tuath

Declarations of Interest – Mr G Farlow and Mr R Saxon declared non-financial interests in this item as the North, West and Central Sutherland Ward representative and as a Member, respectively, of the Caithness and North Sutherland Regeneration Partnership Advisory Board, but having applied the test outlined in Paragraphs 5.2 and 5.3 of the Councillors’ Code of Conduct, concluded that their interest did not preclude them from taking part in the discussion.

A presentation was given by Mr Eann Sinclair, Caithness and North Sutherland Regeneration Partnership (CNSRP) Programme Manager which provided an update on activities of the CNSRP. He advised that the CNSRP programme had focused on a number of areas of job potential, including energy, financial and business services, and tourism, food and drink and drew attention to the target of creating or retaining up to 1,600 full-time equivalent jobs in the area by 2030. Mr Sinclair outlined the socio-economic impacts of decommissioning of Dounreay and the work CNSRP had taken to address this.

During discussion, the following points were raised:-

- the opportunity to discuss regeneration in Sutherland at the Sutherland Area Committee was welcomed;
- with reference to the Crown Estate’s involvement with the CNSRP, Members were advised that the Chief Executive and the Director of Development and Infrastructure had held discussions regarding the devolution of the Crown Estate to the Highland area on a similar level to what had been proposed with the islands authorities;
- the partnership working between local bodies and larger organisations in relation to devolution of the Crown Estate was highlighted;
- the CNSRP was a tremendous example of partnership working at both a local and wider level;
- the potential of Wick harbour in relation to off-shore developments was emphasised and recent improvements to the harbour had been beneficial to tourism in the town;
- the collapse of a small number of wave energy businesses was highlighted and reassurance was provided that, in the short term, Wave Energy Scotland’s approach was the way ahead for this sector in Scotland;
- the CNSRP’s work in sourcing opportunities for alternative business following the decommissioning of Dounreay was welcomed;
- the opportunity for Caithness to realise potential energy resources from the proposed North Sea Offshore Grid was highlighted;
- retention of workers graduating from Nigg Skills Academy within Caithness was highlighted and a request was made for further information on both the employment and unemployment figures within the energy sector in regard to Highland and the wider area;
- concern was expressed at the lack of opportunities for councillor involvement with regard to the Pentland Firth;
- the transfer of material from Nigg to the North was being hampered by the hairpin bend at the Berriedale Braes; and

- potential tourism opportunities at off-shore wind farms were highlighted.

After Mr Sinclair had addressed Members' concerns/questions, the Chairman thanked him for his attendance at the meeting and his informative presentation.

Thereafter, the Committee **NOTED** the presentation.

**4. Revenue Budget Monitoring Statement to 30 September 2015
Aithris Sgrùdaidh Buidseat Teachd-a-steach gu 30 An t-Sultainn 2015**

There was circulated Report No. PDI/59/15 dated 26 October 2015 by the Director of Development and Infrastructure providing information on the revenue monitoring position for the Development and Infrastructure Service for the period to the end of September 2015 and the projected year end position.

The Committee **APPROVED** the report and the attached monitoring statement which showed the revenue position for the period to 30 September 2015.

**5. Capital Expenditure Monitoring to 30 September 2015
Sgrùdadh Chaiteachais Chalpa gu 30 An t-Sultainn 2015**

There was circulated Report No. PDI/60/15 dated 26 October 2015 by the Director of Development and Infrastructure inviting Members to approve the capital expenditure monitoring position for the period from 1 April 2015 to 30 September 2015 and to approve acceleration of the replacement of the B9090 White Bridge.

During discussion, the following comments were made:-

- the importance of replacing the White Bridge for Cawdor and the surrounding area was stressed;
- the Head of Infrastructure and his team were commended, and appreciation was expressed on behalf of the community, for the priority given to and the management of the White Bridge project which included various community consultations;
- the leading role of Ward 18 Members involved in the campaign for the replacement of White Bridge was notable;
- concern was expressed in relation to the impact on traffic flow of re-routing large numbers of heavy good vehicles through Nairn via the A96 and the need was stressed for Transport Scotland to work in conjunction with the Council to use combined data to proactively mitigate against future problems;
- clarification was sought regarding how the design of the Grampian Road junction improvements was to be completed at no cost to the Council and in response it was confirmed that developer contributions had been identified;
- progress, in terms of putting pressure on Transport Scotland, was sought in relation to the Inshes Roundabout project;
- the new style of monitoring report made it easier to scrutinise capital projects and was welcomed however further improvements had been put forward;
- the Stromeferry Bypass was a high priority, considering the safety issues and significant costs incurred by the Council following the previous landslide, and an update was requested to be reported to the next meeting;

- concern was expressed in relation to the faulty external cladding of the new Wick Office and in response it was explained that there were contractual issues when the cladding had originally been completed and it was agreed that, in order to avoid the Winter weather, the cladding would be replaced in Spring 2016;
- it was pleasing to see that work had commenced on the Kinnairdie Link Road and it was understood that it would not be completed until 2018/19 due to ongoing land issues;
- a completion date was sought for the replacement of the Muir of Ord Railway Bridge and it was explained that this was a 65 week construction programme, followed by a 12 month retention period, but that the work was due to commence imminently;
- in relation to the A855 Portree to Staffin Lifeline Road, it was requested that the Planning Service enter into early discussions with the developer and landowners to secure developer contributions;
- support was sought, under Lifeline Roads, to alleviate residents concern regarding the impact of the high level of tourist traffic on the Glen Brittle to Carbost road;
- changing facilities for surfers were needed in Thurso where the Scottish, British and World Surfing Championships had been held; and
- in order to capitalise on the energy and marine opportunities in the Pentland Firth road safety issues urgently needed addressed at Berridale Braes.

Following discussion, the Committee:-

- i. **APPROVED** the capital expenditure monitoring position for the period 1 April 2015 to 30 September 2015;
- ii. **APPROVED** the acceleration of the replacement of the B9090 White Bridge at an estimated cost of £2.250m; and
- iii. **AGREED** that an update be included within the next report to Committee in regard to progress with the A890 Stromeferry Bypass.

6. **Town & Countryside (Planning & Development) Capital Programme Prògram Calpa a' Bhaile & na Dùthcha (Dealbhadh & Leasachadh)**

There was circulated Report No. PDI/61/15 dated 16 October 2015 by the Director of Development and Infrastructure providing an update on capital allocations within the Town & Countryside (Planning & Development) Capital Programme to 2023/2024. These projects were recommended in support of the Council's 'Highland First' priorities including, in particular, projects with the potential for new ways of working with communities. The programme also supported the Service commitment to improve the benefits derived by communities from our countryside assets and facilities.

During discussion, the following comments were made:-

- the Pictish Trail and North Coast 500 route lacked clear signage that was needed to enable users to follow the route and locate places to visit and stay in the wider areas;

- the Principal Projects Officer and her team were commended for their work undertaken, particularly, relating to the upgrade of the Bayfield car park in Portree, the improvements of visitor management at Storr Woodland and consultations with Staffin Community Trust;
- although the continuing increase in visitor numbers to Skye was welcomed, there was not sufficient roads infrastructure and tourist facilities in order to cope with demand and this needed to be addressed;
- a request was made for progress reports to update Community Councils on the Wester Ross Visitor Hubs project;
- in relation to regeneration of the town centre in Nairn, it was confirmed that Ward Members were consulting with stakeholders and an early meeting was anticipated to discuss proposals to use the residual sum from the Town Centre Regeneration Fund;
- the Scottish Government Scenic Routes strategy was acknowledged in some ongoing projects and the importance of imaginative thinking was expressed for potential projects, for example, consideration of walls and signage for 'elegant parking places'; and
- the community in Lochaber was finding it difficult to liaise with partner organisations, including Transport Scotland and the Forestry Commission, to take forward the recommendation of the report 'A View from the Road' to open up many of the iconic views on the A82 that were currently obscured and it was suggested that this could be done in conjunction with the forestry clearance scheduled to take place.

In response to comments, the Director confirmed that he had regular liaison meetings with Transport Scotland and various agencies and would raise the issue of clearing the view from the A82. Furthermore, the Director confirmed that he would write to the Scottish Government indicating that the Committee was making an allocation to the Scenic Routes initiative.

The Committee **NOTED** the contents of the report and **AGREED** the proposed project allocations.

7. Planning Performance Framework and Quarter 2 Performance Review Frèam Dèanadas Dealbhaidh agus Ath-bhreithneachadh Dèanadais Cairteil

There was circulated Report No. PDI/62/15 dated 19 October 2015 by the Director of Development and Infrastructure advising Members on the delivery of the Development Management, Building Standards and Development Plan services for the 2nd Quarter of 2015/16. The report also updated Members on feedback received from the Scottish Government on the Council's Planning Performance Framework, which was submitted in July 2015.

The Committee **NOTED** the performance updates across the Development Management, Building Standards and Development Plans teams, as well as the feedback on the markers of good performance.

8. Caithness and Sutherland Local Development Plan Plana Leasachadh Ionadail Ghallaibh agus Chataibh

There was circulated Report No. PDI/63/15 dated 19 October 2015 by the Director of Development and Infrastructure presenting the Caithness and Sutherland Proposed Local Development Plan (CaSPlan) for approval by the

Committee. This latest stage in preparing the Plan took account of feedback gathered through consultations on a Main Issues Report held between October 2014 and February 2015, and an Additional Sites and Issues Consultation held between March and April 2015. In preparing the plan Officers had also been guided by the Caithness and Sutherland Area Committee who agreed an interim position on the matters raised in these previous consultations.

In accordance with the Council's Scheme of Delegation, the Committee was now asked to approve the Proposed Plan as the settled view of the Council, subject to finalising environmental assessments, to enable a full public consultation to be undertaken. The Committee was also asked to approve the accompanying Proposed Action Programme as a basis for discussion and working up with Community Planning Partners and other key parties, for publication and consultation alongside the Proposed Plan.

The Principal Planner gave a short presentation explaining that the CaSPlan was the second area Local Development Plan being prepared by the Council which set out the vision and strategy to guide development of the area over the next 20 years and when adopted would replace the Caithness Local Plan and the Sutherland Local Plan. Continuing, he emphasised the extensive consultation that had been undertaken both in terms of the formal public stages including the Main Issues Report, Wick and Thurso Charettes and Additional Sites and Issues, and ongoing engagement with key agencies. The Proposed Plan would be made available through the Council's Consultation Portal consult.highland.gov.uk and he briefly provided a demonstration by highlighting a few elements of the Proposed Plan.

During discussion, the following comments were made:-

- the background information for future Local Development Plan reports should be circulated electronically, with the exception of Local Members or if a paper copy was specifically requested;
- the Development Plans Team was congratulated for their work in preparing the CaSPlan;
- noting that Officers were planning to attend Ward Forums, Community Councils should be encouraged to include the Proposed Plan as an item on their own meeting agendas to highlight the value of the work being undertaken and the outcome of the consultations they had participated in with a view to encouraging their comments and feedback;
- in relation to issue 5 of the Main Issues Report which recognised that the Council could not directly deliver improved infrastructure and transport connections, it was noted that a report had been requested to a future meeting of the Committee on the Council's approach to addressing issues faced by fragile communities, which should facilitate the delivery of development and infrastructure required in support of the Proposed Plan;
- concern was expressed in relation to the process for approving any minor post-Committee changes or consequential amendments, following completion of the associated environmental assessments, in case they became significant amendments and assurance was provided that this was the process that had been used for previous Local Development Plans and that any significant amendments would be brought back to Committee for approval;

- some members of the public who had attended a consultation event for the Highland-wide Local Development Plan had not realised it was separate to the CaSPlan but were pleased to see Council Officers in their community;
- Local Members volunteered and were encouraged to assist their Community Councils by taking to them spare copies of Local Development Plan papers, particularly in the case of those who were less familiar with or less able to access documents via the website;
- Lochinver and Rosehall, two growing communities in Sutherland, had asked for flexibility in the design of houses particularly for low carbon houses due to specific challenges building on various sites on the West Coast;
- Caithness and Sutherland had potential for economic growth based on its assets and expertise including archaeology, oil and gas, renewable energy, nuclear power, agriculture and bird watching;
- if the UK population was to increase by 10m in the next 20 years, as reported by a recent article, then there was vast potential in terms of tourism for Caithness and Sutherland to exploit the demand for at home holidays in the UK;
- a field in Milton of Wick should be included for housing in the Proposed Plan which would join Wick with Milton but, in view of the strategy for Wick and generous housing land supply in the Proposed Plan, it was suggested that if anyone wished this land to be allocated then they could submit comments as part of the Proposed Plan consultation and the Council would thereafter consider the comments submitted;
- the Local Development Plan was continually reviewed so there would be an opportunity in the future for appropriate sites to be included;
- a link to the Consultation portal should be included in the minute;
- it was pleasing to see the “Town Centre First” principles incorporated in the Plan and cross-references made to the Highland-wide Local Development Plan;
- the Charette process was a successful initiative to bring forward proposals for Thurso and Wick; and
- there was some potential for environmental improvements and development in the riverside area of Thurso which would benefit from a flood risk assessment.

The Committee:-

- i. **NOTED** the summary of responses to the Main Issues Report and Additional Sites and Issues consultations, the interim position that was agreed by the Area Committee and **AGREED** the responses proposed, as shown in Appendix A to the report;
- ii. **AGREED** the Proposed Plan as set out in Appendix B to the report for an eight week public consultation commencing January 2016, subject to minor post-Committee changes including formatting, typographic and illustrative amendments and any consequential amendments following completion of the associated environmental assessments, agreed in consultation with the Chair of the Committee;
- iii. **APPROVED** the accompanying Proposed Action Programme set out in Appendix C to the report, for discussion and working up with Community Planning Partners, Key Agencies, parties named in the Action Programme and Scottish Ministers, and subsequent publication for consultation alongside the Proposed Plan;

- iv. **AGREED** that the Proposed Plan as approved, being the settled view of the Council, be treated as a material planning consideration for development management purposes as of 4 November 2015;
- v. **AGREED** that Community Councils be encouraged to include the Proposed Plan as an item on their own meeting agendas with a view to encouraging their comments and feedback; and
- vi. **AGREED** that, with the exception of Local Members, future Local Development Plan reports background information would be circulated electronically unless a paper copy had been specifically requested.

**9. Muirtown and South Kessock Development Brief
Brath Leasachaidh Bhaile an Fhraoich agus Cheasag a Deas**

There was circulated Report No. PDI/64/15 dated 16 October 2015 by the Director of Development and Infrastructure seeking approval to adopt the Muirtown and South Kessock Development Brief as statutory Supplementary Guidance, following approval by the City of Inverness Area Committee subject to finalisation of Habitats Regulation Appraisal and submission to Scottish Ministers.

The Committee **AGREED**:

- i. subject to finalisation of the Habitats Regulation Appraisal by Officers, including any modifications to the Development Brief, that the Muirtown and South Kessock Development Brief be submitted to Scottish Ministers for consideration as per the statutory process for adoption of Supplementary Guidance; and
- ii. to the adoption and issuing of the submitted version of the Muirtown and South Kessock Development Brief as statutory Supplementary Guidance upon completion of the requisite 28 day period for consideration by Scottish Ministers, subject to their being no directions from Ministers indicating otherwise.

**10. Action Programme for the Inner Moray Firth Local Development Plan
Prògram-gnìomh airson Plana Leasachaidh Ionadail Linne Mhoireibh A-
Staigh**

There was circulated Report No. PDI/65/15 dated 12 October 2015 by the Director of Development and Infrastructure informing the Committee of the Council's publication of the Inner Moray Firth Local Development Plan Action Programme.

During a summary of the report, the Development Plans Manager highlighted that as consideration of the Capital Programme at the Council meeting on 29 October 2015 had been deferred, he proposed that the second recommendation, which had made reference to this, be amended to "relevant" Council meeting to ensure that, once approved, the Council's Capital programme would be incorporated in the Action Programme.

The Committee:

- i. **AGREED** to homologate approval and publication of the Inner Moray Firth Local Development Plan Action Programme; and

- ii. **APPROVED** an early update and publication of the Action Programme to incorporate any relevant items from the Council's capital programme following the outcome of the relevant Council meeting, along with any feedback from this meeting.

11. Planning Appeals Update Cunntas às Ur mu Ath-thagraidhean Dealbhaidh

There was circulated Report No. PDI/66/15 dated 20 October 2015 by the Director of Development and Infrastructure providing Members with a summary of appeal decisions by the Directorate for Planning and Environmental Appeals (DPEA) from 1 April 2014 to 1 September 2015. The report also provided an overview of decisions made by the Planning Review Body.

During discussion, Members raised the following points:-

- The proportion of appeals allowed by the DPEA which followed the planning officer's original recommendation and not the planning committee's decision was highlighted;
- It was highlighted that the figure of £117,000 quoted in the report for the cost of appeals, public inquiries and legal challenges, did not include the considerable cost in respect of staff time;
- The view was expressed that planning decisions could quite often be decided on balance and this was reflected in the percentage of appeals upheld;
- A request was made for a summary of decisions made by the Planning Review Body to be included in future annual reports;
- In response to a request, the Committee was informed that the Planning department processed approximately 2,500 applications annually; and
- It was highlighted that some local review bodies in Scotland had only dealt with one case throughout the whole year.

Following discussion, the Committee **NOTED** the outcomes of appeals as detailed in the report and **AGREED** that a summary of decisions made by the Planning Review Body be included in future annual reports.

12. Trading Standards Annual Performance Review 2014/15 Ath-sgrùdadh Coileanadh Bliadhnail nan Inbhean Malairt 2014/15

There was circulated Report No. PDI/67/15 dated 15 October 2015 by the Director of Development and Infrastructure providing Members with the opportunity to review the work of Trading Standards during 2014/15. The production and reporting to Committee for approval was a commitment under the Development and Infrastructure Service Plan (ref. OSR.9). The opportunity had also been taken to include within the body of the report to update Members on some current developments affecting Trading Standards.

During discussion, Members raised the following points:-

- The importance of highlighting the vast geographical area of Highland and the knowledge of local officers was emphasised;

- The Highlands had one of the best resourced and performing trading standards team in Scotland and the importance of retaining local resources was stressed;
- Concern was expressed that the potential nationalisation of services would reduce the quality of service provided in the Highlands;
- The need to make a strong case for retaining services in the Highlands by the Council's representative on the COSLA Executive Group was emphasised;
- Work should be undertaken with partners across Scotland, United Kingdom and Europe to identify where crime linked to the Highlands but occurring outwith the area, was taking place; and
- A request was made for an investigation to be undertaken into flight baggage charges with a view to making these more transparent.

The Committee **NOTED** the current developments affecting Trading Standards and **APPROVED** the Trading Standards Annual Performance Review 2014/15.

13. Business Gateway Slighe Gnothachais

Declarations of Interest – Mr G Farlow declared non-financial interests in this item as Chair of the North West Highland Geopark and Mr T Prag and Mr J Stone declared a non-financial interest as Directors of Highland Opportunity Ltd but having applied the test outlined in Paragraphs 5.2 and 5.3 of the Councillors' Code of Conduct, concluded that their interest did not preclude them from taking part in the discussion.

There was circulated Report No PDI/68/15 dated 12 October 2015 by the Director of Development and Infrastructure updating Members on the Business Gateway contract for Quarter 2, 2015/16. The report also provided an update on progress with the development of the Local Growth Accelerator Programme, a proposed European Regional Development Fund (ERDF) Programme aimed at increasing the amount of support currently available to support growth businesses in the Highlands.

During discussion, in praising the recruitment advisory service offered by Business Gateway to small businesses and social enterprise regarding staff planning, it was highlighted that many social enterprises would soon reach the end of short-term funding and that there would be a need to manage the implications.

The Committee:

- NOTED** performance for the Second Quarter of the Operational Year 2015/16;
- NOTED** progress in relation to the ERDF Application for financial assistance towards the development of the Local Growth Accelerator Programme; and
- APPROVED** funding of up to £1,183,783.50 over three years as match funding from the Development and Infrastructure, Business Gateway and Employability revenue budgets, towards projects to be part funded by the European Regional Development Fund.

14. Employability Services Seirbheisean Cosnaidh

Declarations of Interest – Mr G Farlow and Mr G Phillips declared non-financial interests in this item as Directors of the Sutherland Partnership but having applied the test outlined in Paragraphs 5.2 and 5.3 of the Councillors’ Code of Conduct, concluded that their interest did not preclude them from taking part in the discussion.

There was circulated Report No. PDI/69/15 dated 9 October 2015 by the Director of Development and Infrastructure which, in the context of a transformational change facing employability services in Scotland, set out a refreshed purpose and approach for the Council’s Employability Team before seeking Members approval of match funding for projects to be resourced from the European Social and Regional Development Funds and homologation of the response submitted to the Scottish Government Employability Support Consultation Paper.

During discussion, Members raised the following points:-

- The different challenges in contract delivery due to geography, particularly in Sutherland, was highlighted;
- In response to a question, Members were advised that details on how the service would put in place funding to support New Future Sutherland would be included in a report to be submitted to Sutherland Area Committee;
- Greater emphasis was required on the community planning process and the need for a more responsive employability service to meet the demands of communities;
- The delivery of a client centred service based on the clients’ needs and the follow-up work was emphasised;
- Whilst the support provided should be client-centred, it should also take into account the skills required in the local area;
- Concern was expressed at the approach taken by the Scottish Government in its proposal to take a fresh look at employment services; and
- A request was made for figures on the number of individuals accessing Employability projects to be circulated.

Following discussion, the Chair, on behalf of the Committee, took the opportunity to congratulate Mr Bob MacKinnon, Employability Team Leader on his forthcoming retirement and thanked him for his contribution to the service over the years.

Thereafter, the Committee:-

- i. **APPROVED** the refreshed purpose and activity plan of the Employability Team;
- ii. **AGREED** to homologate the Council’s response to the Scottish Government Consultation on Employability Support;
- iii. **APPROVED** funding of up to £1,856,295 over four years as match funding from the Development and Infrastructure Employability revenue budget towards projects to be part funded by the European Social Fund and European Regional Development Fund; and
- iv. **AGREED** that figures on the number of individuals accessing Employability projects be circulated to Committee Members.

15. Employee Survey 2015 Suirbhidh Luchd-obrach 2015

There was circulated Report No. PDI/70/15 dated 15 October 2015 by the Director of Development and Infrastructure outlining the key findings and proposed improvement action priority areas to be addressed by the Development and Infrastructure Service in response to the views expressed by staff within the Service in the 7th Highland Council Employee Survey.

The Committee **NOTED** the:

- i. Development and Infrastructure Service results from the 7th Highland Council Employee Survey; and
- ii. timescale for the development of the Service Improvement Plan.

16. Housing Development Initiatives Iomairtean Leasachadh Taigheadais

Declaration of Interest – Mr G Farlow declared a financial interest in this item as a Council house tenant but, in terms of the dispensation granted by the Standards Commission, remained to participate in the discussion.

There was circulated Report No. PDI/71/15 dated 6 October 2015 by the Director of Development and Infrastructure seeking approval for use of the Landbank Fund to finance the site preparation works at Torvean, Inverness and forward fund part of Albyn Housing Society's development programme for 2015/16. The report also sought approval to include a further two projects within the new build housing investment programme, consent to purchase the land required to undertake the projects and to the disposal of land for development of affordable housing by partner organisations. The report also sought approval for a mixed tenure affordable housing project in Inverness. The proposals contained within the report would assist in meeting the Council's overall affordable housing target of 1,700 new affordable homes by 2017.

During discussion, it was highlighted that many communities seeking more affordable housing were being prevented from achieving this due to Transport Scotland requirements to upgrade junctions onto trunk roads and it was confirmed that this issue would be raised at the next Transport Scotland liaison meeting.

The Committee **AGREED**:

- i. that loan funding of up to £1.3m be offered to Albyn Housing Society on terms and conditions to be agreed by the Director of Development and Infrastructure;
- ii. that loan funding of £1.98m be approved for the site preparation works at Torvean housing project, noting that the previous loan agreed of £1.7m for the purchase might not be required due to an agreement in principle to fund the purchase from the Scottish Government;

- iii. subject to consent of Scottish Ministers, that land extending to approximately 1.385ha at Duror be sold to The Highlands Small Communities Housing Trust and Lochaber Housing Association for nil consideration, on terms and conditions to be agreed by the Director of Development and Infrastructure;
- iv. subject to consent of Scottish Ministers, that land extending to approximately 0.034ha at Carri Blair Crescent, Edderton be sold to The Highlands Small Communities Housing Trust for nil consideration, on terms and conditions to be agreed by the Director of Development and Infrastructure;
- v. that the Council enter into Design and Build contracts, required to secure the affordable housing on two sites in Alness, detailed within section 5 of the report, and that the land required for the development be purchased, on terms and conditions to be agreed by the Director of Development and Infrastructure; and
- vi. Landbank loan funding to HHA for ten new mid-market rent properties at Kiltarlity for £495,000, subject to Resources Committee approval for the use of prudential borrowing for the same project on 25 November 2015.

17. Purchase of Site at Blar Mor, Fort William for Homologation Ceannach Làraich aig a' Bhlàr Mhòr, An Gearasdan airson Aonta Oifigeil

There was circulated Report No. PDI/72/15 dated 27 October 2015 by the Director of Development and Infrastructure detailing the purchase of the Blar Mor site at Fort William by the Council, working with NHS Highland and the University of the Highlands and Islands.

The Committee **AGREED** to homologate the purchase of the Blar Mor site from Tesco and **NOTED** that a Development Brief was being prepared in respect of both the Belford site and that a report on the 10 acres of land gifted by Miller Developments to the Council would be submitted to a future meeting of the Lochaber Area Committee.

With the agreement of the Chair in terms of Standing Order 17, the Committee agreed to consider the following urgent item of business given the need to respond to The National Trust for Scotland's consultation by 30 November 2015.

Urgent Additional Item:

Application to Register the Names 'Glencoe' and 'Glenfinnan' as Trademarks

Declarations of Interest – Mr A Baxter, Mr G Farlow, Mr T Prag and Mr J Stone declared non-financial interests in this item as Members of the National Trust for Scotland but having applied the test outlined in Paragraphs 5.2 and 5.3 of the Councillors' Code of Conduct, concluded that their interest did not preclude them from taking part in the discussion.

There was circulated Report No. PDI/85/15 dated 2 November 2015 by the Director of Development and Infrastructure advising Members that The National Trust for Scotland already held trademarks for a few of its sites. These were The Battle of Bannockburn site, the Soldier's Leap at Killiecrankie and Culloden Battlefield. The Trust was now applying to register the names 'Glencoe' and 'Glenfinnan' as trademarks.

Local businesses had raised concerns that the registration of Glencoe and Glenfinnan as trademarks could impact negatively on their activity, could restrict future community led projects and might hamper efforts being made to secure the economy via the new Glencoe and Ben Nevis National Scenic Area management plan.

During discussion, Members raised the following points:

- Whilst significant reassurance had been provided by the National Trust for Scotland's statement issued on 28 October 2015, concern was expressed that trademarking the names could be for the Trust's own charitable and trading purposes;
- With the Council having put in a lot of effort to establish a management plan and steering group for the National Scenic Area of Glencoe and Ben Nevis, it was disappointing that the National Trust had not informed their own local staff of their intention to register these trademarks;
- The appropriateness of any organisation being able to register a geographical area as a trademark was questioned;
- Local community bodies and commercial groups had been reassured that they would still have access to using the names and that there would be a collaborative way forward with the issue;
- Previous examples of commercial based operations using the names distastefully and the need for protection against potential future misuse was highlighted; and
- The potential legal issue in the event that the purpose of the National Trust for Scotland as a registered trademark was to change was highlighted.

Thereafter, the Committee **AGREED** that:

- i. a meeting be held at a senior level with Members, officers and representatives of the National Trust for Scotland in order to understand the motivation behind the application to register Glencoe and Glenfinnan as trademarks; and
- ii. following the meeting, should a formal response be required, it be delegated to the Director of Development and Infrastructure in consultation with the Committee Chair and Local Members.

18. Smithton & Culloden and Caol Flood Protection Schemes Sgeamaichean Dion Thuiltean Bhaile a' Ghobhainn & Chùil Lodair agus a' Chaoil

There was circulated Report No. PDI/73/15 dated 7 October 2015 by the Director of Development and Infrastructure advising Members on the progress of two Flood Protection Schemes namely Smithton and Culloden, and Caol, and sought approval to publish draft documents for consultation.

During discussion, Members raised the following points:

- In response to a question, Members were advised that the attenuation level in Smithton Park during the 200 year event would be between 1-1.5 metres in depth; and

- The need for consultation with communities near the River Enrick on the proposed flood protection scheme and what they could do in terms of self-protection from flooding during the winter was emphasised.

The Committee **NOTED** the draft drawings and description of Operations, for the Smithton and Culloden, and Caol Flood Protection Schemes and **APPROVED** the publication of these for formal consultation.

19. A890 Balnacra to Lair Road Scheme Sgeama Rathaid A890 Beul-àth na Crà gu Làire

There was circulated Report No. PDI/74/15 dated 12 October 2015 by the Director of Development and Infrastructure presenting the proposed A890 Balnacra to Lair road scheme. The scheme would comprise 5.8km (3.6 miles) of new single carriageway road to replace an existing narrow single track section. Previous design work on the scheme looked at three route options. A preferred option had been progressed following public consultation and an options appraisal. The design of the preferred option was further developed until work stopped in 2010 following deletion of the scheme from the Capital Programme. At the meeting of the Planning, Development and Infrastructure Committee on 3 June 2015, the scheme was named as a Major Road improvement within the Council's 10 year capital programme. The report summarised the previous design work and set out how the scheme could now be progressed.

During discussion, Members welcomed the scheme and highlighted that the chosen route would have little impact on the existing route while it was under construction.

The Committee **APPROVED**:

- i. the 'red' route as the Council's chosen route option; and
- ii. that the scheme progress through the following stages:
 - planning application
 - land acquisition
 - detailed design

The Committee **NOTED** that approval for budget allocation and construction programme would be sought following the detailed design and planning approval.

20. Highland Council's Biodiversity Duty Delivery Plan Plana Lìbhrigidh Dleastanas Bith-iomadachd Chomhairle na Gàidhealtachd

There was circulated Report No. PDI/75/15 dated 14 October 2015 by the Director of Development and Infrastructure presenting the annual progress report on the Biodiversity Duty Delivery Plan 2015/17. Members were invited to consider and approve the Highland Council's Biodiversity Duty Delivery Plan Report 2015/16 (Appendix 1).

During discussion, Members highlighted the work of local biodiversity groups and the economic benefit to the Highlands.

The Committee **APPROVED** the Highland Council's Biodiversity Duty Delivery Plan Report 2015/16 (Appendix 1).

**21. Tornagrain Conservation Trust – Appointment of Directors
Urras Glèidhteachais Thòrr na Grèine – Cur Stiùirichean an Dreuchd**

The Committee **AGREED** that this item be deferred to the next meeting.

**22. Highland Opportunity Limited
Cothrom dhan Gàidhealtachd Eta**

Declarations of Interest – Mr T Prag and Mr J Stone declared non-financial interests in this item as Directors of Highland Opportunity Ltd, but having applied the test outlined in Paragraphs 5.2 and 5.3 of the Councillors' Code of Conduct, concluded that their interest did not preclude them from taking part in the discussion.

There was circulated Report No. PDI/77/15 dated 6 October 2015 by the Director of Development and Infrastructure providing a summary of Highland Opportunity Limited's financial performance and activities during the financial year 2014/15. In addition, it provided details of the Company's recent performance against a range of targets set for it as part of its contract with the Council to deliver business support to Highland businesses.

During discussion, it was highlighted that the work that had been put in place in terms of the financial recovery plan for Highland Opportunity Limited had been producing good results and the underlying operating costs of the organisation were reducing. There were exceptional items which had contributed to the deficit reported in the financial performance such as pension adjustments and the sale of property. The Board of Highland Opportunity had agreed that a review of the organisation be undertaken and the scope of this review had been circulated to the Committee.

Currently there were four vacancies on the Board of Highland Opportunity Limited therefore it was proposed that two Members be appointed as Directors of the Board at this meeting, subject to Highland Council approval, with the other vacancies being appointed at a later date. Members approved this proposal and nominations for these two vacancies were sought.

Mr T Prag, seconded by Mr R Greene, moved that Dr A Sinclair be appointed as a Director of Highland Opportunity Limited. There being no other nominations Dr A Sinclair was duly appointed.

Dr A Sinclair, seconded by Mr R Saxon, moved that Mr D Mackay be appointed as a Director of Highland Opportunity Limited. There being no other nominations Mr D Mackay was duly appointed.

The Committee:

- i. **NOTED** the performance of Highland Opportunity Limited and its Subsidiary Companies during 2014/15;

- ii. **AGREED** to accept the financial statements for year ending 31 March 2015 of Highland Opportunity Limited on behalf of the Council (Appendix 1);
- iii. **NOTED** the shareholder review now underway and the scope of the review at Appendix 2 of the report; and
- * iv. **AGREED** to recommend to Council the appointment of Dr A Sinclair and Mr D Mackay as Directors of the Board of Highland Opportunity Limited.

23. Inverness Airport Business Park – Annual Report Pàirc Ghnothachais Port-adhair Inbhir Nis – Aithisg Bhladhnaid

Declaration of Interest – Mr T Prag declared a non-financial interest in this item as the Council appointed Director of Inverness Airport Business Park but having applied the test outlined in Paragraphs 5.2 and 5.3 of the Councillors’ Code of Conduct, concluded that his interest did not preclude him from taking part in the discussion.

There was circulated Joint Report No. PDI/78/15 dated 22 October 2015 by the Director of Finance and Director of Development and Infrastructure advising Members that Inverness Airport Business Park (IABP) Ltd.’s audited Annual Accounts for the year to 31 March 2015 had been received and assessed by the Council. The outcome of the assessment was that the company’s financial position had weakened as at March 2015, partly due to development and marketing activity undertaken, and that at this time there was no benefit to the Council from commissioning an independent assessment of the company’s financial ability to repay the outstanding loan stock due to the Council. Consequently the full £1.175m value of the Loan Stock remained outstanding. The report also highlighted that an updated Business Plan would be received from Inverness Airport Business Park Ltd before Christmas 2015 and the outcome of the Council’s assessment of this document would be reported to a future Committee meeting. Depending on the outcome of the assessment there might be a need to review its position on accounting and reporting the value of the debt in the Council’s 2015/16 Accounts.

It was requested that a Map of the Inverness Airport Business Park be provided for Members and if possible showing adjacent landowners. It was queried if car parking at the Business Park could be extended onto adjacent landowners land. It was advised that there was ongoing discussion regarding car parking at the Airport and also in terms of parking for the new railway hub at the Airport.

The Committee:

- i. **NOTED** that IABP’s Audited Annual Accounts for the year to 31 March 2015 had been received by the Council;
- ii. **NOTED** the weaker position of the company in 2014/15;
- iii. **AGREED** there would be no financial benefit from commissioning an independent assessment of IABP’s financial ability at this time;
- iv. **NOTED** that a revised Business Plan was due to be received by the Council before Christmas 2015;
- v. **NOTED** that a report would be made to Committee showing the outcome of the Council’s assessment of the Revised Business Plan;

- vi. **NOTED** that, depending on the outcome of the Revised Business Plan, there might be a need to review the Council's position on accounting and reporting the value of the debt in the Council's 2015/16 Accounts; and
- vii. **AGREED** that a Map of Inverness Airport Business Park be provided for Members.

**24. Beinn Tharsuinn Windfarm Community Limited
Coimhearsnachd Tuathanas Gaoithe na Beinne Tarsainn Eta**

There was circulated Report No. PDI/79/15 dated 23 September 2015 by the Director of Development and Infrastructure detailing the activities of Beinn Tharsuinn Windfarm Community Limited during Financial Year 2014/15 and recommended that Members accept the Financial Statement 31 March 2015 on behalf of Highland Council.

Following consideration, the Committee:

- i. **NOTED** the activities of Beinn Tharsuinn Windfarm Community Limited; and
- ii. **AGREED** to accept, on behalf of Highland Council, the financial of Beinn Tharsuinn Windfarm Community Limited for the year ending 31 March 2015.

25. Section 11, Land Reform (Scotland) Act 2003 – Application for Order to Exempt Land from Access Rights, Gorteneorn – Ardnamurchan Estate Earrann 11, Achd Ath-leasachadh an Fhearainn (Alba) 2003 – Iarrtas airson Òrdugh gus Fearann a Shaoradh bho Chòraichean Cothruim, An Goirtean Eòrna, Oighreachd Àird nam Murchan

Declaration of Interest – Mr B Gormley declared a non-financial interest in this item as a Member of Lochaber Local Access Forum but having applied the test outlined in Paragraphs 5.2 and 5.3 of the Councillors' Code of Conduct, concluded that his interest did not preclude him from taking part in the discussion.

There was circulated Report No. PDI/80/15 dated 26 October 2015 by the Director of Development and Infrastructure presenting an application to exempt land from access rights, 2.4ha at Gorteneorn – Ardnamurchan Estate.

A view was expressed that this item should have been considered by the Lochaber Area Committee and that the Scheme of Delegation should be reviewed so that local issues could be considered by local committees.

The Committee **AGREED** that the draft order contained in Appendix A to the report be put out to public consultation and thereafter forwarded to the Scottish Ministers for confirmation.

**26. Caithness and North Sutherland Regeneration Forum – Minutes PP.280-290
Fòram Ath-bheothachaidh Ghallaibh agus Chataibh a Tuath – Geàrr-
chunntas**

Declaration of Interest – Mr R Saxon declared a non-financial interest in this item as a Member of the Caithness and North Sutherland Regeneration Partnership Advisory Board, but having applied the test outlined in Paragraphs 5.2 and 5.3 of the Councillors’ Code of Conduct, concluded that his interest did not preclude him from taking part in the discussion.

There was circulated for information, the Minutes of meeting of the Caithness and North Sutherland Regeneration Forum held on 18 June 2015, the terms of which were **NOTED**.

**27. Minutes
Geàrr-chunntas**

There was circulated for information, Minutes of the Planning Applications Committees (PAC) for:-

- i. South PAC – 23 June 2015
- ii. North PAC – 4 August 2015
- iii. South PAC – 18 August 2015
- iv. North PAC – 15 September 2015

The Committee **NOTED** the terms of the Minutes.

**28. Exclusion of the Public
Às-dùnadh a’ Phobail**

The Committee **RESOLVED** that, under Section 50A(4) of the Local Government (Scotland) Act 1973, the public be excluded from the meeting for the following items on the grounds that they involved the likely disclosure of exempt information as defined in Part 1 of Schedule 7A of the Act, the relevant paragraphs being shown.

**29. Request from the Nevis Partnership for the Council to provide a Financial
Guarantee
Iarrtas bho Chom-pàirteachas Nibheis airson Barantas Ionmhasail bhon a’
Chomhairle**

Paragraph 6

Declaration of Interest – Mr A Baxter and Mr B Gormley declared non-financial interests in this item as the Council representatives on the Nevis Partnership, but having applied the test outlined in Paragraphs 5.2 and 5.3 of the Councillors’ Code of Conduct, concluded that their interest did not preclude them from taking part in the discussion.

There was circulated to Members only Joint Report No. PDI/81/15 dated 26 October 2015 by the Director of Finance and the Director of Development and Infrastructure updating Members on a request received for a Council Guarantee from Nevis Partnership.

Having heard Members speak in support of the Nevis Partnership request for the Council to provide a Financial Guarantee for environmental projects, it was also confirmed there would be ongoing monitoring of the project by Officials.

Thereafter, the Committee **APPROVED** the request from Nevis Partnership for the Council to provide a Financial Guarantee subject to various conditions being met as detailed in the report.

**30. Property Transactions Monitoring Report
Aithisg Sgrùdaidh Ghnothachasan Seilbhe**

Paragraphs 6 and 9

There was circulated to Members only Report No. PDI/82/15 dated 15 October 2015 by the Director of Development and Infrastructure providing Members with details of the General Fund and Property Account transactions approved by the Head of Property Partnerships and Corporate Property Asset Manager under delegated authority.

The Committee **APPROVED** the monitoring statements for the General Fund and Property Account transactions approved by the Head of Property Partnerships and Corporate Property Asset Manager under delegated authority, Budgeted Sales for 2015/16, and Future Years Sales.

**31. Land and Property Report
Aithisg Fearainn agus Chuid-seilbhe**

Paragraphs 6 and 9

Declaration of Interest – Mr H Wood declared a non-financial interest in this item as an owner of a property built by a company referred to in the report, but having applied the test outlined in Paragraphs 5.2 and 5.3 of the Councillors' Code of Conduct, concluded that his interest did not preclude him from taking part in the discussion.

There was circulated to Members only Report No. PDI/83/15 dated 6 October 2015 by the Director of Planning and Infrastructure seeking approval to purchase part of a site to deliver 30 new affordable homes for older people as part of the overall purchase of the site.

Having heard Members speak in support of the proposals, the Committee **AGREED** the recommendations outlined in the report.

**32. River Ness Flood Alleviation Scheme Update
Cunntas às Ùr mu Sgeama Bacadh Thuiltean Abhainn Nis**

Paragraph 6

There was circulated to Members only Report No. PDI/84/15 dated 15 October 2015 by the Director of Planning and Infrastructure providing an update in respect of the River Ness Flood Alleviation Project.

Having heard Officials advice of the latest position in respect of the River Ness Flood Alleviation Scheme, the Committee **NOTED** the update.

The meeting concluded at 4.10 p.m.