

**THE HIGHLAND COUNCIL**

**NORTH PLANNING APPLICATIONS COMMITTEE  
21 February 2017**

Agenda Item	7.4
Report No	PLN/015/17

**16/03869/FUL: Marine Harvest (Scotland) Ltd  
Land 320M NE Of Allt-An-Avaig, Kyleakin**

**Report by Area Planning Manager**

**SUMMARY**

**Description :** The erection of a salmon feed manufacturing plant including an extension to the existing pier

**Recommendation - GRANT**

**Ward :** 11 - Eilean A' Cheò

**Development category :** Major

**Pre-determination hearing :** Not required

**Reason referred to Committee :** Major development.

**1. PROPOSED DEVELOPMENT**

1.1 This application seeks permission for the construction of a complex of industrial buildings, storage silos and pier development that will operate as a production plant for fish feed pellets to serve the applicant's fish farm operations.

Projected annual output from the plant is 170,000 tons, requiring a large scale operation covering about 2ha of land. The production process uses gravity to move the materials from one manufacturing stage to the next and this necessitates a multi-floor structure of some 50m in height for the main production building.

The factory also includes a 60m high chimney stack which exhausts warm air from a bio-filter system in which beds of bacteria are used to remove odour and organic compounds from air drawn out of the production building.

The project involves a substantial extension of the existing pier which is to be used for the importation of the majority of the raw materials for the process and also the export of the finished pellets. Other raw materials will be delivered by road with the production plant utilising the existing (upgraded) access to the site from the A.87 trunk road running along its southern boundary.

The existing culverted burn running across the site is to be diverted into a new open channel which will pass to the west of the main buildings complex and enter the sea via a new cutting in the raised spur of land running along the north-western coastal frontage of the site.

1.2 As a 'Major' proposal within the hierarchy of developments this application has been subject to the statutory requirements of s.35A of the Act for the developer to carry out a formal pre-application consultation (PAN) process. This was registered by the Council under reference 16/01551/PAN and reported to Committee on 26 April 2016. As required by the legislation, a report detailing the nature of the consultation and identifying the public feedback received has been included within the application.

The public consultation took the following form:

- a dedicated webpage and telephone line
- public information days on the 18<sup>th</sup> April 2016 in Kyleakin and the 19<sup>th</sup> April in Kyle, repeated in Kyle on 28<sup>th</sup> June and in Kyleakin on 29<sup>th</sup> June. These were advertised by posters, leaflets and direct letter.
- a presentation to the 11th April meeting of the Kyle and the Kyleakin and Kylerhea Community Councils

The main issues raised by the public were:

- Visual impact
- Potential noise impact
- Potential odour impact
- Impact on tourism of the above
- Concern over protected species – Otter
- Traffic implications
- Employment opportunities

The proposal was also made subject to an informal pre-application submission - 16/00734/PREAPP with a comprehensive response issued by the planning authority in April 2016.

1.3 As detailed above, the site benefits from an existing access onto the A.87 which currently serves the extant quarry use to the west of this application site.

A partially culverted burn crosses the site from south-west to a coastal outfall at the north-eastern edge of the site boundary. This is associated with a freshwater reservoir created to serve the needs of the quarry to which an existing abstraction licence relates.

The existing jetty is in a poor state of repair and is unserviceable at present.

Electrical power is available in close proximity.

1.4 The EIA screening response issued under 16/01491/SCRE concluded that the proposal constituted EIA development and that the application would need to be accompanied by an Environmental Statement (ES).

A scoping report was issued under 16/01492/SCOP which provided guidance from the Council and consultees on the form and contents of the chapters of the ES.

The required Environmental Statement has been submitted with this application.

There is also a Design and Access Statement describing, among other matters, the evolution of the physical design and appearance of the proposal.

## 1.5 Variations:

- Between first submission and the validation of the application - the full set of drawings was revised to take account of a number of small changes in design and layout. The visualisations and chapters 1 – 15 of the ES were also submitted at this point. This information was made the subject of the first consultation and advertisement.
- Due to technical issues related to the gathering and analysis of a large body of data, chapters 16 – 19 and their supporting technical appendices were not received for several weeks after this time and were made the subject of a second consultation and advertisement.

Normally such an approach would not have been considered acceptable and an application would not be valid until the complete ES had been submitted. However, these chapters cover elements of the project that will be largely regulated by Marine Scotland under a separate marine licence application – navigation, water quality, coastal processes and geomorphology, marine ecology. Consequently, it was considered acceptable to handle this information as described above.

It is understood that a marine licence application will be submitted to Marine Scotland on receipt of planning permission.

## 2. SITE DESCRIPTION

2.1 The site is located on the northern shore of this part of southern Skye immediately adjacent to the Kyle Akin narrows and the Skye Bridge crossing from the mainland from which the site can be viewed.

It is part of an wider active quarry location although this part of the quarry has been worked out into a flat-bottomed, open-fronted 'bowl' with access to the sea via a substantial jetty/pier.

A spur of raised land runs along the north-western coastal frontage of the bowl and joins into higher land to the west within which the existing quarry activity is located.

The higher land between the site and the A.87 trunk road, running along the southern site boundary, is heavily wooded, as is the rising land continuing on the other side of the road. There is an existing quarry access on to the A.87 in the south-eastern frontage of the site.

An existing seafood company operates from a continuation of the worked quarry floor which extends from the north-eastern coastal frontage of the site and this arrangement will continue alongside the new plant.

## 3. PLANNING HISTORY

- 3.1 07/00218/FULSL - Review of conditions on existing mineral permission – Approved 29.09.2011
- 3.2 12/01638/S42 - Amend planning condition no's 1, 2, 4 and 5 of planning consent 07/00218/FULSL – Approved 05.07.2012
- 3.3 16/00734/PREAPP - Proposed feed mill at Allt Anavig Quarry for Marine Harvest – response provided 13.04.2016
- 3.4 16/01551/PAN - Proposed Feed Plant – public consultation report submitted with this application

- 3.5 16/01491/SCRE - Proposed feed plant at Allt Anavig Quarry – response provided 16.04.2016 (EIA development)
- 3.6 16/01492/SCOP - Proposed feed plant at Allt Anavig Quarry – response provided 04.07.2016
- 3.7 16/05352/FUL - Creation of a new access road to the Kyleakin Quarry – Approved January 2017.

#### **4. PUBLIC PARTICIPATION**

- 4.1 Advertised : EIA development – re-advertised 23 December 2016  
Representation deadline : 26 January 2017

Timeous representations : 9 representations from 7 households

Late representations : none

- 4.2 Material considerations raised are summarised as follows:

- Otter survey was carried out in June – poor choice - vegetation may obscure sites
- there is previous evidence of otter movements along the culverted and natural route of Allt Anavig and across the A.87. Re-routing of the burn and development associated with the pier would appear likely to disturb otter shelter sites 6 and 7 identified in the survey. A licence would be required
- Sites outside the planning boundary also need to be considered under the licencing system – not clear that the survey work for otters has covered this.
- Plant species survey work has missed out some species present
- Concern that conclusions regarding amenity impact from noise and odour have not be fully analysed
- Given the ecological impact on site an environmental clerk of works should be appointed to oversee development during construction
- Specific concern that the operational noise impact on the residential properties Kyle House and Cottage 600m from the proposed plant has not been properly assessed and the development will result in a loss of amenity for those property.
- Measurement of noise taken at The Mackinnon Country Hotel nearby are not a reasonable proxy for Kyle House as the background noise is higher and Kyle House is more exposed to sound travelling over water.
- BS 4142:2014 suggests that the predicted 13dB(A) increase in night time noise levels above background levels could have a significant adverse impact on amenity at Kyle House.
- Noise level measurements 600m away from the existing and similar Marine Harvest feed plant in Norway are quoted at 55dB but only predicted to be 30-35dB 600m away from the proposed Kyleakin plant - landform of the quarry being the explanation. This is not accepted and propagation of noise over water at Kyleakin has not been factored in.
- Not convinced that the potential for odour problems has been properly addressed.

- Just the existence of the factory and a perception of noise and smell could have a detrimental impact on the attractiveness of Kyleakin for tourists
- Visual impact of the factory would be harmful to visitors first 'gateway' impressions of the island and to the setting of the architecturally attractive bridge. Alternative locations would have been better.
- Little thought appears to have been put into the visual appearance of the factory. A better design would have been possible and a more interesting and sensitive building proposed. The height should be reduced and more landscape planting included.
- Suggestion that the application is 'premature' in respect of the emerging local plan
- Concern about the quality and content of the submitted ES and the staggered submission of chapters allowing insufficient time for consultees and the public to fully consider their content. Insufficient mitigation measure proposed where issues have been identified and a failure to correctly assess the significance of other elements
- New plant will allow applicant to further increase production and support further jobs in the sector in Highland in the future. Plant will create 55 new jobs with a salary bill of £1.7m – a welcome contribution to the local economy

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](http://www.wam.highland.gov.uk/wam). Access to computers can be made available via Planning and Development Service offices.

## 5. CONSULTATIONS

5.1 **Building Standards** : no response at time of writing

5.2 **Environmental Health** : No objection subject to the CEMP including measures relating to construction-related dust, pile driving times and the minimisation of construction noise levels.

5.3 **Contaminated Land** : No objection subject to condition

5.4 **Harbour Master** : no response at time of writing

5.5 **Landscape Officer** : Objection

- Position: A development of substantial scale is possible at this location
- Requires a building to meet the highest standards of design in order to relate to the existing significant features of the visual environment
- The present proposal, while having benefited from some design mitigation in pushing the mass of the development further into the quarry, does not meet that standard.
- The most that colour selection for the building will achieve is a marginal moderation of effect, insufficient to allow me to recommend the application for approval.
- I object to this application due to the development's failure to respond appropriately to the significantly valued location

- 5.6 **Development Plans** : No objection – principle supported by allocations within development plan and Main Issues Report of emerging local plan. Visual impact a concern
- 5.7 **Coastal Planner** : Confirm Marine Scotland are the competent authority for the required Appropriate Assessments associated with this project
- 5.8 **Flood Team** : No objection subject to conditions – some overlap with SEPA response
- 5.9 **Scottish Natural Heritage** : No objection - conditions covering ecological and visual mitigation and the submission of a CEMP suggested.
- 5.10 **Marine Scotland Licensing** : No objection. Confirm they will regulate the dredging and seabed construction elements through marine licencing.  
Suggest joint approach to Appropriate Assessment requirement for Harbour Porpoise cSAC
- 5.11 **Transport Scotland** : No objection subject to conditions
- 5.12 **Maritime and Coastguard Agency** :
- 5.13 **MoD – Defence Estates** : No objection – relevant construction noise to be controlled through marine licence
- 5.14 **Crown Estates** : No response at time of writing
- 5.15 **Marine Scotland Science** : No objection
- 5.16 **Civil Aviation Authority** : No response at time of writing
- 5.17 **NATS** : No objection
- 5.18 **SEPA** : No objection subject to conditions controlling finished floor and site levels in respect of flood risk, the re-use of dredged material and the submission of a CEMP  
Also confirm that the proposal is consentable under The Pollution Prevention and Control (Scotland) Regulations 2012 (PCP 2012) in respect of drainage and effluent treatment (modified plan required), dust, noise and odour.  
No objection to water abstraction and required CAR licence  
Confirm Marine Scotland best placed to regulate dredging and construction within the marine environment
- 5.19 **Kyleakin and Kylerhea Community Council** : No objection so long as noise and odour are minimised

## 6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

### 6.1 Highland Wide Local Development Plan 2012

Policy 28 Sustainable Design

Policy 29 Design Quality and Place-Making

Policy 30	Physical Constraints
Policy 31	Developer Contributions
Policy 34	Settlement Development Areas
Policy 41	Business and Industrial Land
Policy 42	Previously Used Land
Policy 49	Coastal Development
Policy 53	Minerals
Policy 54	Mineral Wastes
Policy 56	Travel
Policy 57	Natural, Built and Cultural Heritage
Policy 58	Protected Species
Policy 60	Other Important Habitats and Article 10 Features
Policy 61	Landscape
Policy 63	Water Environment
Policy 64	Flood Risk
Policy 65	Waste Water Treatment
Policy 66	Surface Water Drainage
Policy 72	Pollution
Policy 73	Air Quality

6.2 **West Highland and Islands Local Plan (WHILP) (As continued in force – April 2012)**

Policies 1 and 2 In respect of settlement development area land use allocation boundaries

**7. OTHER MATERIAL CONSIDERATIONS**

7.1 **West Highland and Islands Local Development Plan (WHILDLP) – Main Issues Report** (due to be reported to the Skye and Raasay Area Committee on 27 February 2017).

7.2 **Highland Council Supplementary Planning Policy Guidance**

- Highland Council Sustainable Design Guide

- Flood Risk and Drainage Impact Assessment
- Physical Constraints Supplementary Guidance
- Construction Environmental Management Process for large scale projects
- Highland Statutorily Protected Species Supplementary Guidance
- Developer Contributions
- Highland Coastal Development Strategy

### 7.3 **Scottish Government Planning Policy and Guidance**

National Planning Framework 3 – aquaculture

Scottish Planning Policy 2014 – particularly Supporting Aquaculture (paras 249-253)

Planning Circular 1/2015: The relationship between the statutory land use planning system and marine planning and licensing

## 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.

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.

### 8.3 **Development Plan Policy Assessment**

The Development Plans team have provided a consultation response and the main points of their analysis are as follows;

**West Highland and Islands Local Plan (as continued in force), 2010 (WHILP);** The proposed development site lies within the Kyleakin Settlement Development Area and sits within a site allocated for industrial use, with the exception of the pier extension. Objectives in the plan include safeguarding the existing sand and gravel resource at Altanavaig.

A range of Developer requirements are also specified for the site;

- compatibility with quarry operation/restoration
- contamination assessment
- landscape retention/planting
- retain/integrate watercourses as natural features
- flood risk assessment
- no impact on Natura site

All relevant general policies within WHILP have been superseded by the Highland-wide Local Development Plan (HwLDP).

**West Highland and Islands Local Development Plan (WHILDP) Main Issues Report;**

WHILDIP is currently at an early stage of preparation with consultation on the Main Issues Report having occurred from April to June 2016. Although the Main Issues Report (MIR) does not hold any weight in the decision making process until the Proposed Plan is approved by relevant Area Committees, it does highlight the Council's preferred approach for future development.

The proposed development site sits mostly within the preferred allocation for Industrial uses - KAI1, although sections to the south and east fall into the non-preferred site KAI2. The pier extension does not feature in the preferred site.

### **Highland-wide Local Development Plan Policy Assessment**

The key policy tests for the principle of this development are considered to be HwLDP Policy 41 Business and Industrial Land, Policy 42 Previously Used Land and Policy 61 Landscape.

Policy 41 directs proposals for new business and industrial developments to existing estates and allocated sites, which this site is.

Policy 42 states that the Council will support development proposals that bring previously used land back into beneficial use. The redevelopment of brownfield land is supported subject to a site investigation and risk assessment to determine whether the site is suitable for the proposed use.

Policy 61 requires that new development should be designed to reflect landscape characteristics and special qualities identified in the Landscape and Character Assessment.

The principle of industrial development at this location is supported in principle. The site is a previously used brownfield site and the economic impact of the development on the surrounding area is seen as positive.

The impact of the development in terms of visual and landscape impact is still considered significant from certain viewpoints, especially from the Skye Bridge.

For the reasons laid out below, the proposal is considered to comply with these policy requirements and to be acceptable in principle.

## **8.4 Material Considerations**

**Terrestrial and Marine Planning** – The jetty element of this application places the development as a whole within both the terrestrial planning (planning permission) and marine planning (marine licence) regulatory regimes. Circular 1/2015 provides guidance on how this division of responsibilities should be arranged between planning authorities and Marine Scotland. In its simplest form, the dividing line is Mean Low Water Springs (MLWS). Below that level matters generally fall within the remit of Marine Scotland and marine licensing. Above MLWS the development requires planning permission.

The jetty is an example of development falling within both regimes at the same time. However, applying the MLWS dividing line provides a clear picture of the division of responsibilities in this case;

- Above this level, the planning authority has an obligation to assess the visual impact of the jetty and the terrestrial related functions linked with that.

- Below this level, Marine Scotland have responsibility for addressing the benthic (sea-bed) impacts of the piling and dredging required during construction.

This is important because the piling and dredging have potential impacts upon two designated protected entities – the Harbour Porpoise candidate Special Area of Conservation (cSAC) and the Flame Shell Bed Marine Protected Area (MPA) – and this division of terrestrial and marine oversight also indicates which regulatory body is the ‘competent authority’ for the required Appropriate Assessments. In this case, Marine Scotland – see the Protected Species and Habitats section below for more detail.

Another aspect of this situation is that the ES is required to address all the environmental impacts of the project regardless of the regulatory mechanism involved. Hence the need for the marine ecology, benthic and navigation chapters in the planning submission. This allows for changes made to one specific element of the scheme to be assessed for impact on all of the others. For example, the pier design was altered for ecological reasons (the flame shell beds) but this has visual and landscape implications also.

It should also be noted that the MoD (Defence Estates) have identified that construction noise could be an issue for the nearby British Underwater Test and Evaluation Centre (BUTEC) range, but have also concluded that any controls over such noise emissions are best dealt with through the marine licence process.

**Planning History and Quarry Operations** – the historic extent of the exhausted quarry operations at the site can be clearly seen from the Skye Bridge. However, in addition, a less visually obvious aggregates operation continues on the higher land further to the west. At present, these quarry operations utilise the existing access from the site to the A.87, but this will no longer be possible if the feed plant is constructed – so effectively sterilising the reserve.

A considerable amount of this mineral reserve still remains on the site and Policy 53 of the HwLDP states that the Council will safeguard all existing economically significant, workable minerals reserves/operations from incompatible development which is likely to sterilise it.

In response to this possibility the applicants have discussed the opening up of a new access specifically for the quarry operations at a point on the A.87 further to the west. The agreed details were made the subject of planning application 16/05352/FUL which was approved under delegated powers in January 2017.

**Landscape and Visual Impact** – the proposed building is not only on a large scale but has an overtly industrial appearance. Inevitably, given its proximity to visual receptors, its visual impact is relatively large and has been the subject of extensive discussion at both the pre-application and full application stage.

In visual terms, there are two main elements to the proposal. Firstly, the main production plant – a collection of tall, large buildings and structures in close proximity to each other, and secondly, the extended pier – an elongated L-shaped jetty equipped with a fixed conveyor system running from the plant in a series of rising steps to the end berth of the pier and also a moveable loading crane on rails serving the side berth and served by a separate low-level conveyor system.

The main element of the production plant is a plain clad rectangular box building with a low pitch roof measuring 48.25m in height and with a floorplan of some 87m x 40m. This contains the six floors of gravity-driven feed pellet production equipment. The plant continues to the north-eastern end of this building with a 38m high projection of about half the width of the main building which steps down slightly at its north-eastern end. This projects out of and sits above a much lower but wider warehouse building of about 9m in height but with a floorplan of some 87m x 92m and which then extends a further 87m down the full southern elevation of the production building.

To the south-west of the main building is land occupied by the 15 raw materials silos and the bio-filter plant and flue stack. The silos are a little lower than the main building but extend at right-angles to it to the full depth of the wrap-around warehouse building. In other words, about half their form is visible behind the main building when seen from the north-east (the bridge direction).

The bio-filter plant is only 5m in height but the stack rises to 60m as a plain steel tube. This south-western end of the site also contains a workshop building and a set of low liquid storage silos set against the projecting spur of land that remains between this end of the site and the sea. There is also a large liquid natural gas storage tank at the front of the site adjacent to the west of the jetty.

The proposed jetty design will add about 40m to the existing length of the pier to give an overall projection of about 200m from the existing seaward edge of the site – although this part of the site will be extensively re-engineered to produce a new slipway and associated handling area. The L-shaped projection at the end of the jetty extends some 40m to the west but is then attached by a 25m walkway to a further caisson of 10m x 15m in size.

The material handling mobile derrick and conveyor system on the proposed jetty stand about 20m in height above the surface of the jetty at their highest points. The conveyor system is supported on a series of steel posts as it rises in two distinct steps to this maximum height at the seaward end of the pier.

Chapter 3 of the Environmental Statement explains the site selection and design evolution of the project. A number of sites were considered; Kishorn, Arnish on the Isle of Lewis, Irvine Bay on the Clyde, Gairloch, and Corpach as well as Allt Anavig quarry. Each had a range of advantages and disadvantages but, on balance, the Kyleakin site was preferred.

Significantly, as well as the ecological constraints presented by dredging and piling for the extended jetty, visual impact is identified in the ES as the other major negative implication raised by this location. The main issues being identified as the manner in which the scale and form of the development are in such strong contrast to any other development in the vicinity – other than the scale of the Skye Bridge.

Officers discussed with the applicant the possibility of a building design less dictated by utilitarian functional necessity and which responded more explicitly to its location and surroundings – that is, an exemplar gateway building to complement the bridge crossing. However, the applicants were reluctant to engage in a fundamental redesign of the plant because they already had a tried and trusted design to base this one upon – their existing feed plant at Bjugn in Norway. The risk analysis for this project had been based upon the experience gained from the current one.

Nonetheless Chapter 3 of the ES goes on to explain how the design evolved during the course of the pre-application period with a view to reducing visual impact among other considerations. The main changes were;

- the pier length was reduced and re-configured into an L-shape primarily to minimise any impact on the flame shell beds towards the centre of the Klye Akin channel but with the additional advantage of a reduced visual mass.
- the bio-filter stack height was reduced from 80m to 60m
- the building complex was moved as far back towards the rear of the quarry 'bowl' as possible to make best use of the natural screening provided by the existing landform
- The layout of the production plant was re-configured so that the raw materials silos and the bio-filter stack were positioned to the rear of the main building so that they are partially screened in views from the north and east and generally less prominent within the overall site.

To support their contention that these changes have combined to result in a visually acceptable proposal with modest landscape impacts, the applicants have submitted a number of photomontage visualisations of views from locations agreed with officers. In general terms, officers were most concerned in respect of;

- views from Kyle and Badicaul in terms of residential receptors
- the viewing experience of travellers approaching Kyle and the bridge from the east on the A.87 adjacent to Loch Alsh
- the impact of the development on the 'gateway' experience of those crossing the bridge to Skye

It is important to note that visualisations are only a tool in the assessment of the application and our assessment of the development as a whole has relied on all submissions comprising plans, consultation responses, site visits etc.

Nine visualisations (there is no No.8) have been submitted along with a methodology describing their compliance with the Council's adopted standards;

Viewpoint 1 – from the settlement road of Badicaul 3 km to the north-east of the proposal. In this view, despite being partially obscured by a small foreground island (the jetty is not in view), the proposal reads as easily the largest man-made object in the landscape even when seen in relative close proximity to the rising curve of the bridge. The photomontage probably overstates the recessive colouring actually achievable with the external cladding of the building. On the positive side, the height of the building and the stack are still entirely back-dropped against the varied colours of the rising land beyond and the building is not out scale with the forested hillside immediately to the south of the site and the bridge. The separation distance between the proposal and the bridge is significant – large enough for each to read as a distinct feature in its own right.

Viewpoint 2 – the train station at Kyle railway pier 2.4km to the east of the site. This is an iconic view of the full length of the bridge superimposed against the red and more distant black Cuillin mountain peaks. The main buildings of the plant are almost completely hidden from view by the rising wooded landform between the quarry and Kyleakin. The extended jetty is a much more significant feature in this view than the existing jetty but could not be described a visually disruptive or harmful.

Viewpoint 3 – from the apex of the bridge 650m to the north-east of the site and with an elevated perspective. From the bridge the proposal is a huge man-made foreground feature which inevitably draws the eye and dominates the scene despite being seen against rising land to the rear. The stack is sky-lined from this perspective. On a positive note, the proposal does not physically obscure the fine views of the Cuillin to be had from the bridge.

From this perspective the jetty reads as an equally prominent piece of man-made development as the main production building. The crane and conveyor handling systems add to its bulk and visual impact to a significant degree and this will be even more the case when there are vessels alongside. The justification for a condition requiring the moveable loading crane to be stored at the landward end of its tracks when not in use is also strongly evident in this visualisation.

Viewpoint 4 – from the Kyleakin shorefront car park 1.4km due east of the quarry site. This view confirms that the main buildings will be obscured by the same tree-covered landform identified for viewpoint 2 above. Even the jetty appears to be shielded from view from this point.

Viewpoint 5 – on the A.87 some 850m south-west of the proposal. It is disappointing that the submitted visualisation does not provide an impression of the plant from this location. The view presented is based on a theoretical perception based on the future establishment of landscaping and not the situation as experienced at present.

What has been established is that this viewpoint illustrates two aspects of the proposal. Firstly, that the top of the silos and the stack will be theoretically visible from this point and secondly, that the landscape mitigation proposals included in the application would, once established obscure this view of the plant through tree planting and earth bunding. Such a proposal is considered necessary because without it the top of the development would have an incongruous and therefore eye-catching impact within this seaward view from the trunk road. It is disappointing that the opportunity to present this image in the same manner as all the other visualisations has not been followed.

Viewpoint 6 – from the Plock of Kyle viewpoint 2km to the north-east of the plant and in an elevated position. The whole plant is open to view from here but is positioned behind and partially obscured by the bridge. However, rather than help mitigate the visual impact of the proposal, this juxtaposition results in an uncomfortable mix of incompatible of man-made structural forms which degrades the architectural aesthetic possessed by the simple shape of the bridge. The extended jetty appears prominent in this scene. This impression is exacerbated by increased massing related to its increased height and scale with the crane and conveyor system attached to it. The only positive aspect is that, again, the feed plant is back-dropped against rising land and so has only a minimal impact on the wider landscape scene dominated by the Cuillin to the west.

Viewpoint 7 – from the Kyleakin War Memorial 1.5km due east of the proposal. From this slightly elevated position the stack is just visible in among the trees but the rest of the plant is hidden by the intervening landform. The stack is incongruously back-dropped by the Sgurr nan Gilleann peak but not in a particularly significant manner.

Viewpoint 9 – from the Donald Murchison Memorial on the northern shore of Loch Alsh 4.8km to the east of the quarry. Another iconic view of the bridge set against the Cuillin in which it will be possible to see the top of the production building and the stack just above the trees and landform to the west of Kyleakin. However, at this range the visual impact is small in the context of the scale of the surrounding landscape scene beyond. The extended jetty appears more prominent beneath the bridge than its existing form but, again, the visual impact is not considered to be significant.

Viewpoint 10 – the Loch Alsh viewpoint 3.4km to the east of the site and next to the A.87 at the high point of the road before it descends into Kyle. This visualisation fails to properly present the wider landscape and the Cuillin skyline as done in the other visualisations. This elevated position allows views of the stack and the very top of the production building and silos emerging behind the tree-covered landform. This is not a significant visual impact, but as presented downplays the noticeable impact of the new pier extending halfway out beneath the main arch of the bridge. Again the juxtaposition of structures degrades the simple aesthetic of the bridge design.

The Landscape Officer's consultation comments conclude that the significant visual effects identified above are unacceptable and objects to the proposal as submitted. Her main focus of concern is the landscape setting of the bridge as a focal point for those arriving at the island and the failure to moderate and improve the overtly industrial appearance of the feed plant. She states that "*...The bridge is key to the character of this part of the coastline and to the sense of place in the Kyle...*"

Her main concern is that whilst the bridge can be regarded as partially screening the proposal from the view of those approaching Kyle from the east – as suggested by the submitted visual impact assessment – it must also be regarded as becoming the visual backdrop for the bridge. As such, she considers that the visual impact of the production plant detracts from the visual qualities of the bridge and the contribution it makes to its "threshold" setting.

She agrees that a large development could be accommodated at this location but that its visual impact would only be acceptable if a less overtly industrial and visually more appealing design were to be put forward.

Further visualisations based upon some of the visualisations and showing typical vessels moored alongside the jetty were also produced at SNH's request. Although such a scenario increases the massing of the jetty, it is not considered that it materially alters the above conclusions or those of SNH.

In their consultation response, SNH concur with the analysis above and place particular weight on the negative impacts experienced from the bridge and the Plock of Kyle. In respect of the bridge they are particularly concerned that the development will become a new focus of attention and affect the "*sense of arrival*" on Skye. They state that "*...the proposal will cause significant adverse effects on important views, visual amenity and landscape experience of the Skye Bridge and its surroundings...*"

However, they also conclude that this negative impact is very localised and will not affect the overall experience of Skye as a place of extensive, high quality landscape. SNH do not object to the proposal but suggest that attention is given to minimising visual impact through; external cladding colour choice, landscaping, lighting and operating procedures.

One such operating procedure will be to require that the loading/unloading equipment which moves on rails up and down the jetty must be stored in a landward position when not required. When positioned towards the end of the jetty it is considered to greatly increase its visual impact. The Planning Service concurs with this view as the extended position of the crane when not in operation could serve to significantly add to the scale and massing of the pier from a sleek low lying structure that would normally be associated with its protrusion. If as stated the building as presented requires to be functional in form then it is appropriate to ensure that its locational position is reflected with its operational requirements to minimise its impact. Clearly, the use of lighting at the plant will greatly increase its night-time visibility and this will need to be controlled.

The objection from the landscape officer raises important issues in relation to the visual impact of the proposal upon its immediate locality. These considerations were also raised by SNH in their consultation response but were not felt to be of a sufficiently wide significance to justify an objection. In giving due weight to these material considerations, the planning authority must place them in the context of all other material considerations raised by the proposal.

Taking all the above into account it is concluded that the overall visual and landscape impact of the proposal is not so significantly harmful as to justify a reason for refusal. The applicant has stated that the operational requirements for gravity feed has dictated the height of the structure. This is understood, however it is disappointing that the opportunity to actively consider an amended engineering solution was not considered. It is considered that, in terms of perception, the scale and massing of the structure could have been lessened if consideration had been given to a softer more profiled roof design and finish. Regrettably although these concerns were raised at the outset this was not explored.

More than any other factor, positioning the plant within the bowl of the quarry does allow its large scale and mass to be mitigated by the surrounding landform and tree cover. Consequently, from the east it does not noticeably impinge on the qualities of views into the Cuillin NSA. The jetty extension, although visually significant, is not considered to look incongruous in this coastal setting with the bridge structure and Kyle harbour frontage nearby. Equally, no harmful visual impacts will result in respect of any of the heritage assets (listed buildings and designated gardens) identified in the ES. As set out above a condition to lessen its impact by setting the crane at its base when not operational would help in this regard.

Conditions are recommended to control the colour of the building, the detail and implementation of landscape planting and engineering, the control of lighting and to stipulate certain operating procedures (crane position) designed to reduce visual impact.

**Emissions to Air, Land and Water** – as well as the overlap between terrestrial and marine planning, the nature and scale of this animal feed production plant means that this proposal also falls to be considered by a further regulatory regime

– The Pollution Prevention and Control (Scotland) Regulations 2012 (PPC 2012) – administered by SEPA and particularly relevant to the material considerations of waste water drainage, odour and noise.

SEPA's consultation response is based around the likely consentability of these aspects of the proposed plant under PPC 2012 and, significantly, they state that because these material planning considerations will be covered by PPC during operation of the plant, there is no need for planning conditions to cover these matters.

In terms of waste water, SEPA are satisfied that a suitable treatment plant that meets the Best Available Technology (BAT) requirement of PPC 2012 can be accommodated on the site, but consider that it will have to discharge below MLWS rather than into the watercourse. A condition is recommended to ensure these details are agreed prior to the operation of the plant.

In terms of odour emissions, a plant handling fish meal products and fish oils clearly has to ensure it has a robust odour control mechanism in place. In the case of this plant the approach is to draw air from inside the production building (kept at slightly below atmospheric pressure) through a bio-filter consisting of bacterial filter screens which digest the organic compounds that constitute odours. Again, SEPA are satisfied that the proposed equipment meets the BAT standard and that the air dispersion modelling carried out indicates no adverse impact on the nearest receptors. However, they also make clear that there is no allowance for the exhaust stack to be less than 60m in height and warn that an increase to 65m might be required.

The owner of a property located some 600m to the east of the site (the listed Kyle House) has raised concerns about the noise impact on that property and the methodology used to calculate noise impact in the ES. The main concern being that no background noise measurement has been taken directly at Kyle House and that the noise impact predicted at 600m from the Norwegian plant is much higher than that predicted for Kyle House and no account has been taken of noise propagation over water.

The applicant has responded to these concerns stating that a reliable proxy for the background noise at Kyle House is included in the noise calculations. More importantly, the reason for the difference in 600m sound levels between the Norwegian and Kyleakin sites is entirely to do with the screening effect of intervening landforms – the Norwegian site is flat and surrounded by water, whilst the quarry walls at Kyleakin will have a significant attenuating effect. Noise propagation over water is part of the standard BS4142 methodology employed.

In their consultation response with the PPC 2012 regulations in mind, SEPA conclude that sensitive receptors for noise have been adequately assessed and continue that the use of the World Health Organisation night time guide level of 45dB is considered appropriate given low background noise levels. The noise assessment predicted levels are well within this guideline and SEPA are satisfied that the plant will have no significant adverse impact upon receptors.

Outside their PPC 2012 remit SEPA were also able to report that the proposed water abstraction on the site was acceptable and likely to fall within the limits of the existing CAR licence.

SEPA also commented on the applicants plans for re-use of the material brought ashore from the proposed dredging operations around the pier. The long-term stockpiling of this material is not acceptable under waste legislation. The applicant has indicated that much of it will be immediately used as part of the feed plant construction. The remainder will be incorporated into the production from the neighbouring quarry and exported from the overall site within a two year period. This is acceptable to SEPA but they require clarifying details of how the material will be stored and utilised to be included in their recommended construction environmental management plan (CEMP).

SEPA have also reminded the authority that the 1000m<sup>3</sup> liquid natural gas tank included in the scheme is large enough to fall within The Control of Major Accident Hazards Regulations 2015 (COMAH) and that it will require a future Hazardous Substance consent from the Council. The Health and Safety Executive have also commented on this matter following notification by the applicant. It is considered likely that Hazardous Substance consent will be forthcoming for the tank as shown on the submitted site plan.

**Flood Risk and Drainage** – SEPA have also been involved in discussions regarding flood risk on the site alongside the Council's own flood risk management team. These discussions centred upon the issues raised by the need to build over the existing culverted route of the Allt Avavig watercourse. This was flagged up as unacceptable at the pre-application stage due to the risk of blockage. As a result the submitted plans show the creation of a new mostly open watercourse created to the west of the buildings and exiting to the sea via a new cleft to be opened up through the spur of higher ground along the north-western frontage of the site.

However, engineering constraints have meant that this new watercourse will only have the capacity to handle a 1:50 year flood event whilst both SEPA and the Flood Team require a 1:200 event to be provided for. The proposed solution for this problem is to allow the existing culvert to take any flood water beyond the 1:50 flow. This approach would not normally be acceptable because of the risk of the culvert blocking before or during a flood event. However, in this case, both SEPA and the Flood Team are satisfied that the applicant can demonstrate that even in the event of culvert blockage a finished floor level can be set and external areas engineered to ensure the plant would not flood. Critical, in reaching this conclusion, has been the fact that only this site would be effected by a flood event and that there are no other downstream receptors of flood water.

Both SEPA and the Flood Team have requested a condition requiring the submission of an updated FRA and supporting information and drawings. SEPA are also looking for this to include improvements to the new watercourse design that limits erosion at the coast and along its course and also allows some 'naturalisation' of the open sections over time.

**Contaminated Land** – Given the previous use of the site the applicants have carried out extensive site investigations in respect of any residual contamination. In general terms no serious contamination issues have been found.

In their consultation response, the contaminated land team have requested the imposition of a condition to require the findings of the site investigation reports to be brought together into a scheme of treatment/removal, validation and monitoring if required.

**Protected Species and Habitats** – as previously discussed it is considered that impacts on the Inner Hebrides and Minches cSAC (Harbour Porpoise), the Lochs Duich, Long and Alsh cSAC (reefs) and the Lochs Duich, Long and Alsh Nature Conservation Marine Protected Areas (flame shell beds and burrowed mud) from the pier development are best addressed through the required marine licence by Marine Scotland.

However, one aspect of terrestrial ecology has been raised by a third party. This criticises the methodology and scope of otter survey that has been carried out (see earlier precis at section 4.2 above) and suggests impacts on that protected species could be more significant than suggested.

Further advice from SNH has been sought on this matter and concludes that “...*Provided the development is carried out as detailed in the Environmental Statement (ES) it is unlikely to require a species license under protected species legislation...*”. However, given the known presence of otters, SNH also recommend that a pre-commencement survey is carried out and that this evidence is reviewed against the final development plans to ensure this conclusion remains valid. A condition is recommended to ensure this takes place.

**Transport Impact and Access** – Transport Scotland have no objection to the proposal subject to conditions controlling the design and construction of the upgraded access. They agree with the assessment contained within the ES that the servicing of the site largely from the sea should result in a net decrease (or no material change) of vehicle movements on the wider trunk road network. This takes into account displacement effects associated with current feed production and distribution. They are therefore supportive of the proposal.

**Economic Benefits** – when operational, the plant is projected to create some 55 jobs with the Scottish Council for Development and Industry estimating that this will generate some £1.7M in salaries. It is considered that, in a local context, this is a significant input to the economy.

## 8.5 **Other Considerations – not material**

Several third parties have indicated an objection to this proposal based upon concerns that the raw material inputs to fish feed are unsustainable. This is not a material planning consideration for this proposal.

Objection letters have also been received in which the issues raised are general opposition to the fish farm industry in respect of environmental pollution and impact upon wild fish. Again this is not a material consideration for the assessment of this application.

## 8.6 **Matters to be secured by Section 75 Agreement**

None

## 9. **CONCLUSION**

9.1 The proposed development represents a significant and welcome investment. The proposal by its very nature is functional in form and design. It will be comparatively well hidden from the communities of Badacuil, Kyle and Kyleakin. The development

will undoubtedly be prominent and visible when travelling to Skye and will for some alter their perception on arrival. Whilst the operational and financial reasons for it are understood, it is, nevertheless disappointing that the opportunity to actively consider an amended engineering solution and/or to a softer more profiled roof finish and design that would have been less intrusive was not considered. Regrettably although these concerns were raised at the outset this was not explored. It is necessary to consider all of these concerns holistically and it is concluded that the overall visual and landscape impact of the proposal is not so significantly harmful as to justify a reason for refusal and is recommend for approval for the reasons set out below

## 10. RECOMMENDATION

### Action required before decision issued N

**Subject to the above**, it is recommended the application be **Granted** subject to the following conditions and reasons / notes to applicant :

1. No development shall take place until a site specific construction environmental management plan (CEMP) has been submitted to and approved in writing by the planning authority in consultation with SEPA and other agencies such as SNH as appropriate. The CEMP should comprise a Schedule of Mitigation, applicable site plans, minimal text and the detailed information contained in paragraph 6.3 of SEPA's consultation response to the planning authority dated 19 January 2017 as well as addressing the issues of construction related dust, noise and the times when pile driving will be carried out. All work shall be carried out in accordance with the approved plan.

**Reason** : To control pollution of air, land and water

2. No commencement of fish feed production shall take place until details of a scheme of hard and soft landscaping works have been submitted to, and approved in writing by, the Planning Authority. Details of the scheme shall include:
  - i. All earthworks and existing and finished ground levels in relation to an identified fixed datum point;
  - ii. A plan showing existing landscaping features and vegetation to be retained;
  - iii. The location and design, including materials, of any existing or proposed walls, fences and gates;
  - iv. All soft landscaping and planting works, including plans and schedules showing the location, species and size of each individual tree and/or shrub and planting densities; and
  - v. A programme for preparation, completion and subsequent on-going maintenance and protection of all landscaping works.

Landscaping works shall be carried out in accordance with the approved scheme. All planting, seeding or turfing as may be comprised in the approved details shall be carried out in the first planting and seeding seasons following the commencement of development, unless otherwise stated in the approved scheme.

Any trees or plants which within a period of five years from the completion of the development die, for whatever reason are removed or damaged shall be replaced in the next planting season with others of the same size and species.

**Reason :** In order to ensure that the approved landscaping works are properly undertaken on site in the interests of public amenity and the visual impact of the development

3. No commencement of fish feed production shall take place until full details of any external lighting to be used within the site and/or along its boundaries and/or access have been submitted to, and approved in writing by, the Planning Authority. Such details shall include full details of the location, type, angle of direction and wattage of each light which shall be so positioned and angled to prevent any direct illumination, glare or light spillage outwith the site boundary. Thereafter only the approved details shall be implemented.

**Reason :** In order to ensure that any lighting installed within the application site does not spill beyond the intended target area, does not impact adversely upon the amenity of adjacent properties and does not result in 'sky glow'.

4. The rail-mounted moveable loading/unloading derrick shall remain positioned at the landward limit of its rail track at all times unless actively engaged in the loading/unloading operations of vessels berthed at the pier.

**Reason :** In the interests of visual amenity

5. No development shall commence until an updated Flood Risk Assessment (FRA) , a Hydrogeomorphological Assessment of the proposed watercourse and an updated site plan have been submitted to and approved in writing by the planning authority. The submitted details should show the following;
  - that the finished floor levels of the buildings are set no lower than 8.25m AOD
  - the finished site levels
  - the watercourse design and alignment including offtake weirs
  - the results of a comprehensive structural survey of the existing culvert and details of any repair work required
  - the FRA to demonstrate that in the event of a culvert blockage flood waters can be directed safely around the buildings without internal flooding
  - the FRA to include inspection schedules and mitigation measures to prevent blockages of the existing and proposed culverts
  - the FRA to inform and include a safe dry access/egress route from the buildings in the event of flooding
  - the FRA to include a final surface water drainage design that demonstrates capacity to manage a 1 in 200 year return period event with adequate treatment systems incorporated
  - the Hydrogeomorphological Assessment to show improvements in the design of the new watercourse as outlined at paragraph 9.1 and 9.2 of SEPA's consultation response to the planning authority dated 19 January 2017

The development shall not proceed other than in accordance with the approved details.

**Reason :** In the interests of minimising flood risk

6. No development shall commence until revised details of the non-commercial foul drainage infrastructure (including treatment plant and soakaway locations) have been submitted, to, and approved in writing by, the Planning Authority. The details should show a revised design featuring an outfall to the sea below Mean Low Water Springs. Thereafter, development shall progress in accordance with the approved details.

**Reason :** In order to ensure that private foul drainage infrastructure is suitably catered for, in the interests of public health and environmental protection.

7. The proposed primary access to the site from the trunk road shall be constructed to the layout shown on the drawing submitted in support of the application prepared by Jacobs and dated 14 October 2016 (Drg No B2264800 (95) 101-1 Rev P2). Details and method of construction shall be submitted and approved by the Planning Authority, after consultation with Transport Scotland, as the Trunk Roads Authority, prior to the access works commencing. No construction of the foundations of the feed plant buildings shall take place until the approved access works have been completed.

**Reason :** To ensure that the standard of access layout complies with the current standards and that the safety of the traffic on the trunk road is not diminished. To ensure that vehicles entering or exiting the access can undertake the manoeuvre safely and with minimum interference to the safety and free flow of traffic on the trunk road

8. The gradient of the access road shall not exceed 1 in 40 for a distance of 15 metres from the nearside edge of the trunk road carriageway, and the first 20 metres shall be surfaced in a bituminous surface and measures shall be adopted to ensure that all drainage from the site does not discharge onto the trunk road.

**Reason :** To ensure that the standard of access layout complies with the current standards and that the safety of the traffic on the trunk road is not diminished. To ensure that vehicles entering or exiting the access can undertake the manoeuvre safely and with minimum interference to the safety and free flow of traffic on the trunk road. To ensure water run-off from the site does not enter the trunk road.

9. As part of the access works required by condition 7, traffic bollards (Glasdon Admiral bollard or approved equivalent) are to be erected within the trunk road verge on either side of the access at locations to be approved by the Planning Authority, after consultation with Transport Scotland, as the Trunk Roads Authority.

**Reason :** To ensure that road safety is improved by highlighting the location of the access

10. No operation shall commence until a scheme to deal with potential contamination on site (as detailed in the site investigation report(s)) has been submitted to and agreed in writing by the Planning Authority. The scheme shall include:

- a) the measures required to treat/remove contamination (remedial strategy) including a method statement, programme of works, and proposed verification plan to ensure that the site is fit for the uses proposed;
- b) the validation report that will validate and verify the completion of the agreed decontamination measures;
- c) in the event that monitoring is required, monitoring statements shall be submitted at agreed intervals for such time period as is considered appropriate by the Planning Authority.

No operation shall commence until written confirmation has been received that the scheme has been implemented, completed and, if required, monitoring measurements are in place, all to the satisfaction of the Planning Authority.

**Reason :** In order to ensure that the site is suitable through redevelopment, given the nature of previous uses/processes on the site.

11. No external cladding material shall be installed on the main production building, warehouse or intake building until a detailed specification for all proposed external materials and finishes (including trade names and samples where necessary) has been submitted to, and approved in writing by, the Planning Authority. Thereafter, development and work shall progress in accordance with these approved details.

**Reason :** In order to enable the planning authority to consider the visual impact of the development in detail prior to the commencement of this part of the development; in the interests of amenity.

12. No development shall commence until an otter pre-commencement survey has been undertaken and a report of survey has been submitted to, and approved in writing by, the Planning Authority. The survey shall augment and update that already carried out and detailed in the accompanying environmental statement to this application and the report of survey shall include mitigation measures where any impact, or potential impact, on protected species or their habitat has been identified. Development and work shall progress in accordance with any mitigation measures contained within the approved report of survey and the timescales contain therein.

**Reason :** To ensure that the site and its environs are surveyed and the development does not have an adverse impact on protected species or habitat.

13. Should statutorily protected species be found within, or within 30m of, development activity or works at any time during the construction stage, then all work shall cease immediately and written notification shall be sent by the developer to both the Planning Authority and Scottish Natural Heritage (SNH). Development shall only recommence once written approval for recommencement has been issued in writing by the Planning Authority and any mitigation measures required as conditions of such approval shall be implemented in full and in accordance with the approved timescales.

**Reason :** To minimise disturbance to nature conservation interests within the application site and ensure the protection of protected species and habitats.

## **REASON FOR DECISION**

The proposals accord with the provisions of the Development Plan and there are no material considerations which would warrant refusal of the application.

## **TIME LIMITS**

### **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.

## **FOOTNOTE TO APPLICANT**

### **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.

### **Accordance with Approved Plans and Conditions**

You are advised that development must progress in accordance with the plans approved under, and any conditions attached to, this permission. You must not deviate from this permission without consent from the Planning Authority (irrespective of any changes that may separately be requested at the Building Warrant stage or by any other Statutory Authority). Any pre-conditions (those requiring certain works, submissions etc. prior to commencement of development) must be fulfilled prior to work starting on site. Failure to adhere to this permission and meet the requirements of all conditions may invalidate your permission or result in formal enforcement action

### **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 (p.198), 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).

### **Trunk Roads Authority Consent**

You are informed that this consent does not carry with it the right to carry out works within the trunk road boundary and that permission must be granted by Transport Scotland. Please contact the Route Manager via 0141 272 7100 to obtain permission. The Operating Company have responsibility for co-ordination and supervision of works and after permission has been granted it is the developer's contractor's responsibility to liaise with the Operating Company during the construction period to ensure that all necessary permissions are obtained.

### **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](mailto:env.health@highland.gov.uk) for more information.

## **Environmental Impact Assessment**

In accordance with Regulation 3 of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011, environmental information, in the form of an Environmental Statement, has been taken into consideration in the determination of this application and the granting of planning permission.

## **Protected Species - Halting of Work**

You are advised that work on site must stop immediately, and Scottish Natural Heritage 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 SNH: [www.snh.gov.uk/protecting-scotlands-nature/protected-species](http://www.snh.gov.uk/protecting-scotlands-nature/protected-species)

## **Protected Species - Contractors' Guidance**

You must ensure that all contractors and other personnel operating within the application site are made aware of the possible presence of protected species. They must also be provided with species-specific information (incl. guidance on identifying their presence) and should be made aware of all applicable legal requirements (incl. responsibilities and penalties for non-compliance).

## **Major Development Site Notice**

Prior to the commencement of this development, the attached Site Notice must be posted in a publicly accessible part of the site and remain in place until the development is complete. This is a statutory requirement of the Town and Country Planning (Scotland) Acts and associated regulations.

Signature:	Dafydd Jones
Designation:	Area Planning Manager - North
Author:	Mark Harvey
Background Papers:	Documents referred to in report and in case file.
Relevant Plans:	Plan 1 – Location Plan 116009-14.1 Rev A Plan 2 – Location Plan B2264800-L(00)001 REV P02.1 Plan 3 – Topography B2264800-L(00)004 REV P01.1 Plan 4 – Topography B2264800-L(00)005 REV P01.1 Plan 5 – Site Layout Plan B2264800-L(00)002 REV P02.1 Plan 6 – Site Layout Plan B2264800-L(00)003 REV P02.1 Plan 7 – Site Elevations B2264800-L(02)001 REV P03 Plan 8 – Site Elevations B2264800-L(02)002 REV P03 Plan 9 – Main Bld Ground Floor B2264800-L(01)001 REV P02 Plan 10 – Main Bld First Floor B2264800-L(01)010 REV P02 Plan 11 – Main Bld 2nd Floor Plan B2264800-L(01)020 REV P01 Plan 12 – Main Bld 3rd Floor Plan B2264800-L(01)030 REV P01 Plan 13 – Main Bld Fourth Floor B2264800-L(01)040 REV P02 Plan 14 – Main Bld 5 <sup>th</sup> Floor Plan B2264800-L(01)050 REV P01 Plan 15 – Main Bld Sections B2264800-L(03)001 REV P02 Plan 16 – Main Bld Sections B2264800-L(03)002 REV P02

Plan 17 – Jetty Section Plan 3493404132 REV C.1  
Plan 18 – Silos Grnd and First Floor B2264800-L(01)060 REV P01.1  
Plan 19 – Silos 2<sup>nd</sup> and 3<sup>rd</sup> Floor B2264800-L(01)061 REV P01.1  
Plan 20 – Silos 4<sup>th</sup> and 5<sup>th</sup> Floor B2264800-L(01)062 REV P01.1  
Plan 21 – Workshop Ground Floor B2264800-L(01)070 REV P02.1  
Plan 22 – Main Bld Nth and Sth Elevs B2264800-L(02)005 REV P02  
Plan 23 – Main Bld E and W Elevs B2264800-L(02)006 REV P02  
Plan 24 – Intake Bld N and S Elevs B2264800-L(02)015 REV P01.1  
Plan 25 – Intake Bld E and W Elevs B2264800-L(02)016 REV P01.1  
Plan 26 – Workshop Elevations B2264800-L(02)020 REV P02.1  
Plan 27 – Bio Filter N and S Elevs B2264800-L(02)025 REV P01.1  
Plan 28 – Bio Filter E and W Elevs B2264800-L(02)026 REV P01.1  
Plan 29 – Liquid Storage Elevs B2264800-L(02)030 REV P01.1  
Plan 30 – LNG Elevations B2264800-L(02)035 REV P01.1  
Plan 31 – Main Bld Roof BB2264800-L(01)055 REV P02  
Plan 32 – Silos Roof Plan BB2264800-L(01)063 REV P01.1  
Plan 33 – Workshop Roof Plan B2264800-L(01)071 REV P02.1  
Plan 34 – Site Drainage B2264800-L(95)108-1 REV P02  
Plan 35 – Landscape Mitigation Plan 116009-14.8 Rev A