

The Highland Council

North Planning Applications Committee

Minute of the meeting of the North Planning Applications Committee held in the Council Chamber, Council Headquarters, Glenurquhart Road, Inverness on Tuesday 9 April 2019 at 10.30 am.

Committee Members Present:

Mr R Bremner (excluding item 6.6), Mrs I Campbell, Ms K Currie (excluding items 6.10 – 7.2), Mr C Fraser, Mr R Gale, Mr J Gordon, Mr D MacKay, Mrs A MacLean, Mr C MacLeod (excluding items 7.1 – 7.2), Mr D Macleod, Mrs M Paterson, Mr A Rhind (excluding items 6.5 – 7.2), Mr K Rosie, Mr A Sinclair (excluding item 6.6 – 6.9) and Ms M Smith.

Other Members Present:

Mrs J Barclay

Officials in attendance:

Mr D Jones, Acting Head of Development Management - Highland
 Ms J Bridge, Senior Engineer (Development Management)
 Mrs J Ferguson, Team Leader
 Ms D Stott, Principal Planner
 Mr S Dalgarno, Development Plans Manager
 Mrs G Pearson, Acting Principal Planner
 Mr J Kelly, Planner
 Mrs K Lyons, Principal Solicitor – Planning and Clerk
 Mrs A MacArthur, Administrative Assistant

Business

Ms Maxine Smith in the Chair

The Chair confirmed that the meeting would be filmed and broadcast over the Internet on the Highland Council website and would be archived and available for viewing for 12 months.

Item 6.1 was taken after item 6.4 but for clarity the minute will remain in numerical order.

1. Apologies Leisgeulan

Apologies for absence were received from Mr M Finlayson.

2. Declarations of Interest Foillseachaidhean Com-pàirt

There were no declarations of interest.

3. **Confirmation of Minutes** **Dearbhadh a' Gheàrr-chunntais**

There had been submitted for confirmation as a correct record the minutes of the meeting of the Committee held on 5 March 2019 which was **APPROVED**.

4. **Major Development Update** **Iarrtas Mòra**

There had been circulated Report No PLN/028/19 by the Acting Head of Development Management - Highland providing an update on progress of all cases within the "Major" development category currently with the Planning and Development Service for determination.

The Acting Head of Development Management – Highland responded to Members queries as follows:-

- the marine shellfish farm application should be removed from the report as it had been determined at the March meeting;
- the development at Wyndhill Industrial Estate, Muir of Ord was awaiting consultation responses and was likely to come to the next committee; and
- the application for the quarry at Alness was also awaiting consultation responses and was likely to come to committee by the summer.

The Committee **NOTED** the current position with these applications.

5. **Major Developments – Pre-application consultations** **Leasachaidhean Mòra – Co-chomhairle Ro-iarrtais**

5.1 Description: Construction of new east quay including dredging and filling, and the formation of laydown area for handling and temporary storage of North Sea oil related and renewable energy components (19/00930/PAN) (PLN/029/19)

Ward: 7

Applicant: Global Energy Nigg Ltd

Site Address: Land 230 m West of Nigg Ferry Hotel, Nigg.

There had been circulated Report No PLN/029/19 by the Acting Head of Development Management - Highland on the submission of a Proposal of Application Notice (PAN), describing the site and setting out likely relevant policies and potential material planning considerations.

The Committee **NOTED** the submission of the PAN and highlighted no material planning considerations they wished brought to the applicant's attention other than those identified in the report.

In response to questions from the local member (Mr C Fraser) it was confirmed that any future application would be subject to an Environmental Impact Assessment and that both Marine Scotland and the planning authority would have regulatory roles.

5.2 Description: Wind farm development (up to 8 wind turbines – maximum tip height 138.5 m (19/01172/PAN) (PLN/030/19)

Ward: 2

Applicant: Renewable Energy Systems Ltd

Site Address: Land 1360 m NW of Hill of Foss Quarry, Hopefield, Janetstown, Thurso.

There had been circulated Report No PLN/030/19 by the Acting Head of Development Management - Highland on the submission of a Proposal of Application Notice (PAN), describing the site and setting out likely relevant policies and potential material planning considerations.

The Committee **NOTED** the submission of the PAN and highlighted no material planning considerations they wished brought to the applicant's attention other than those identified in the report.

5.3 Description: Installation of nine 135 m high turbines with associated infrastructure (19/01361/PAN) (PLN/031/19)

Ward: 10

Applicant: Ben Sca Wind Farm Limited

Site Address: Land 2800 m SW of Edinbane Primary School, Edinbane, Isle of Skye.

There had been circulated Report No PLN/031/19 by the Acting Head of Development Management - Highland on the submission of a Proposal of Application Notice (PAN), describing the site and setting out likely relevant policies and potential material planning considerations.

The Committee **NOTED** the submission of the PAN and highlighted no material planning considerations they wished brought to the applicant's attention other than those identified in the report.

6. Planning Applications to be Determined Iarrtasan Dealbhaidh rin Dearbhadh

6.1 Applicant: Mr Donald MacLeod (18/01886/PIP) (PLN/032/19)

Location: Land to East of 12 Strath, Gairloch (Ward 5).

Nature of Development: Erection of house.

Recommendation: Refuse.

There had been circulated Report No PLN/032/19 by the Acting Head of Development Management - Highland recommending that the Committee refuse the application for the reasons detailed in the report.

The Planning Officer and Development Plans Manager responded to Members' questions as follows:

- the role of the Crofting Commission was outlined and Members were advised that their comments could not be looked at in isolation, planning policy had also to be taken into account;

- this site was within the Settlement Development Area for Gairloch as defined in the Wester Ross Local Plan and the West Highland and Islands Proposed Local Development Plan;
- it was acknowledged that there was development plan support for the development as the application site was within the settlement development area however the development plan also sought to protect croft land from development; and
- in previous applications Members had been disappointed at the lack of response from the Crofting Commission, as a response had been received in this application this had to be taken into consideration.

During discussion, Members' comments included the following:-

- the croft was not now generally worked, it had been 8-10 years since potatoes had been grown on this piece of land;
- crofts were given to service men after the war to make a living, now they are unable to make a living on the small pieces of land, with the NC500, tourism was now the way forward;
- the application is in accordance with some of the policies within the Wester Ross Local Plan and the West Highlands and Islands proposed Local Development Plan, no one policy trumped another policy and this application met three of the policies;
- appreciation of the Crofting Commission's comments and their more proactive role in relation to planning;
- this would be overdevelopment and the land should remain in crofting use; and
- the croft already had planning permission for another house, there was no need for this house on good quality croft land.

Mr D MacLeod, seconded by Mrs I Campbell, **MOVED** grant of the application for the following reasons:

The application met the requirements of the Wester Ross Local Plan (as continued in force) and the West Highland and Islands Proposed Local Development Plan in that the application site is within the settlement development area identified in both Plans.

The application met the requirements of Policies 28, 34 and 57 of the Highland-wide Local Development Plan, as acknowledged in paragraphs 8.10 - 8.16 of the committee report.

Although the application fails Policy 47, Members felt that the need for housing in the area outweighed the desire to protect croft land in this instance as the current croft land was not considered to constitute a viable working croft.

Ms M Smith, seconded by Mrs A MacLean, moved as an **AMENDMENT** that the application be refused as other houses had been given permission and there was therefore no need for this house.

On a vote being taken, 8 votes were cast in favour of the **motion** and 7 in favour of the **amendment**, as follows:

For the motion (8)

Mr R Bremner, Mrs I Campbell, Mr J Gordon, Mr D MacKay, Mr C MacLeod, Mr D MacLeod, Mrs M Paterson and Mr A Sinclair.

For the amendment (7)

Ms K Currie, Mr C Fraser, Mr R Gale, Mrs A MacLean, Mr A Rhind, Mr K Rosie and Ms M Smith.

The Committee **AGREED** to **GRANT** planning permission subject to conditions to be agreed with the Chair and local members (Mr D Macleod and Mrs I Campbell) for the reasons stated.

6.2 Applicant: Mr Gordon Adam (18/01993/PIP) (PLN/033/19)

Location: Land 35 m SE of Ruadh-Ard, Bellfield, Charleston, North Kessock, IV1 3YA (Ward 9).

Nature of Development: Erection of house.

Recommendation: Grant.

There had been circulated Report No PLN/033/19 by the Acting Head of Development Management - Highland recommending that the Committee grant the application subject to the conditions detailed in the report.

The Committee **AGREED** to **GRANT** subject to the conditions contained in the report.

6.3 Applicant: JRM Contracting (18/02963/FUL) (PLN/034/19)

Location: Land SE of Woodlands, 14-16 Arabella, Tain (Ward 7).

Nature of Development: Erection of vehicle maintenance building, associated parking and formation of access.

Recommendation: Grant.

There had been circulated Report No PLN/034/19 by the Acting Head of Development Management - Highland recommending that the Committee grant the application subject to the conditions detailed in the report.

The Planning Officer responded to Members' questions as follows:

- this vehicle maintenance building would replace the existing maintenance building; and
- condition 3 of the report should be amended to include "and between 8 am and 1 pm Saturday" after "Friday".

The Committee **AGREED** to **GRANT** subject to the conditions contained in the report, condition 3 to be amended to include "and between 8 am and 1 pm Saturday" after "Friday".

6.4 Applicant: Sids Spice (18/03878/S42) (PLN/035/19)

Location: 5 Cadboll Place, Tain, IV19 1AY (Ward 7).

Nature of Development: Application under Section 42 to amend Condition 1 of planning permission 17/02242/FUL (increase opening hours to 7 am to 10 pm Monday to Thursday, 7 am to 11 pm Friday to Saturday, 11 am to 10 pm on Sunday).

Recommendation: Grant.

There had been circulated Report No PLN/035/19 by the Acting Head of Development Management - Highland recommending that the Committee grant the application subject to the conditions detailed in the report.

The Planning Officer responded to Members' questions as follows:

- any parking issue is likely to arise in the evening but there were no parking restrictions in this area;
- the change of use to a hot food takeaway had already been accepted this application was only for the change to opening hours; and
- as part of the Section 42 process, a new condition had been added through consultation with Environmental Health, the condition would require details of a suitable and sufficient ventilation/filtration system prior to the amended opening hours being implemented.

The Committee **AGREED** to **GRANT** subject to the conditions contained in the report.

6.5 Applicant: Mrs Margaret Robertson (18/03994/PIP) (PLN/036/19)

Location: Land 40 m SE of 8 Kyclerhea, Breakish (Ward 10).

Nature of Development: Erection of house.

Recommendation: Refuse.

There had been circulated Report No PLN/036/19 by the Acting Head of Development Management - Highland recommending that the Committee refuse the application for the reasons detailed in the report.

The Planning Officer responded to Members' questions as follows:

- planning officers would be happy to discuss the repositioning of the house if more suitable land was available.

During discussion, Members' comments included the following:-

- the Crofting Commission designated the crofting land as grassland, if the land was not high quality, it would be suitable for housing.

Ms M Smith, seconded by Mrs A MacLean, **moved** that the application be refused in line with the Crofters Commission comments.

Mrs M Paterson, seconded by Mr J Gordon, moved as an **amendment** that the application be approved. Following deliberation and consideration of the viability of the croft land, the comments from the Crofting Commission and the fact that other sites were available, the amendment was withdrawn.

The Committee **AGREED** to **REFUSE** for the reasons detailed in the report.

6.6 Applicant: Mr Gary Keith (18/05757/FUL) (PLN/037/19)

Location: Land 25 m NE of Garlyle, 10 Ness Way, Fortrose (Ward 9).

Nature of Development: Erection of house.

Recommendation: Grant.

There had been circulated Report No PLN/037/19 by the Acting Head of Development Management - Highland recommending that the Committee grant the application subject to the conditions detailed in the report. An amendment was made to item 8.19 of the report, with removal of the reference to Developer Contributions towards affordable housing. The previous three houses had received planning permission prior to April 2012 when the new Developer Contributions Supplementary Guidance had come into force.

The Planning Officer responded to Members' questions as follows:

- the house site did not extend into the buffer zone; and
- the fence protecting the buffer zone would be reinstated.

The Committee **AGREED** to **GRANT** subject to the prior payment of the developer contribution towards primary education (clarification was provided that no contribution towards affordable housing was being sought as the previous housing permissions were granted prior to 2012 and therefore fall out with the scope of this part of the Developer Contributions Supplementary Guidance) and the conditions contained in the report

6.7 Applicant: Miss Shirley Ross (19/00009/FUL) (PLN/038/19)

Location: Land East of 32 Gordons Lane, Cromarty (Ward 9).

Nature of Development: Siting of Shepherd's hut to be used as ancillary accommodation for visitors.

Recommendation: Grant.

There had been circulated Report No PLN/038/19 by the Acting Head of Development Management - Highland recommending that the Committee grant the application subject to the conditions detailed in the report. The Planning Officer recommended a further additional condition to control the finish to the Shepherd's hut.

The Planning Officer responded to Members' questions as follows:

- the finish of the building would be agreed with planning officers; and
- the "shepherds hut" would be used for family and friends and uses ancillary to 62 Gordon's Lane only and would not be used as a separate dwelling, for holiday letting purposes or any other letting purposes.

The Committee **AGREED** to **GRANT** subject to the conditions contained in the report and the additional condition to control the finish to the Shepherd's hut.

6.8 Applicant: Historic Assynt (19/00075/FUL) (PLN/039/19)

Location: An Dun N Broch, Clachtoll, Lochinver (Ward 1).

Nature of Development: Installation of viewing deck for historic broch.

Recommendation: Grant.

There had been circulated Report No PLN/039/19 by the Acting Head of Development Management - Highland recommending that the Committee grant the application subject to the conditions detailed in the report.

The Committee **AGREED** to **GRANT** subject to the conditions contained in the report.

6.9 Applicant: Mr Richard Drummond (19/00243/FUL) (PLN/040/19)

Location: Seaforth Inn, Quay Street, Ullapool, IV26 2UE (Ward 5).

Nature of Development: Painting of stone boundary wall (part retrospective).

Recommendation: Grant.

There had been circulated Report No PLN/040/19 by the Acting Head of Development Management - Highland recommending that the Committee grant the application subject to the conditions detailed in the report.

The Planning Officer and Senior Engineer responded to Members' questions as follows:

- painting had started on the wall and had ceased when the occupier had been told he required planning permission to paint the wall in a conservation area; and
- the building was not a listed building and the stone wall was approximately 20 years old.

During discussion, Members' comments included the following:-

- the painted wall detracted from the building;
- the painting had obviously been done to cover the (white) leakage from the cement used to build the wall; and
- it was the responsibility of people living in a conservation area to know and seek planning permission for any works.

Mrs M Paterson, seconded by Mrs I Campbell, **moved** that the application be refused for the following reason:

Members considered that the application failed the general duty contained in section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, namely that "special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area" on the basis that although the white painted finish would match some of the neighbouring buildings, the natural stone finish was considered more appropriate in the conservation area

The Committee **AGREED** to **REFUSE** for the reason given and to reinstate that part of the wall already painted to the natural stone finish that existed prior to it being painted. [NB the applicant has 3 months within which an appeal of the committee decision could be lodged with the DPEA.]

6.10 Applicant: Miss Kirsty Pryer (19/00673/FUL) (PLN/041/19)

Location: 19 Bayview Crescent, Cromarty (Ward 9).

Nature of Development: Erection of log cabin for ancillary accommodation.

Recommendation: Grant.

There had been circulated Report No PLN/041/19 by the Acting Head of Development Management - Highland recommending that the Committee grant the application subject to the conditions detailed in the report. The Planning Officer recommended a further additional condition to control any finish to the log cabin.

The Committee **AGREED** to **GRANT** subject to the conditions contained in the report, and the additional condition to control the finish to the log cabin.

7. Decision of Appeals to the Scottish Government Planning and Environmental Appeals Division
Co-dhùnadh mu larrtas do Bhuidheann-stiùiridh Riaghaltas na h-Alba airson Lùth agus Atharrachadh Aimsir

7.1 Applicant: Mr Andy Harrold (18/01039/PIP and 18/00055/REFCA) (PPA-270-2200)

Location: Land 65 m North of Meadowbank, Janetstown, Wick (Ward 3)

Nature of Development: Erection of house and formation of access.

The Committee **NOTED** the decision of the Reporter appointed by the Scottish Ministers to dismiss the appeal and refuse planning permission for the reasons stated in the decision letter.

7.2 Applicant: Mr Dietrich Pannwitz (18/03106/PIP) (PPA-270-2205)

Location: Field No 4, Artafallie, North Kessock, IV1 1XD (Ward 9)

Nature of Development: Erection of dwellinghouse to be occupied in association with an existing rural business.

The Committee **NOTED** the decision of the Reporter appointed by the Scottish Ministers to dismiss the appeal and refuse planning permission for the reasons stated in the decision letter.

The meeting closed at 3.05 pm.

The Highland Council

North Planning Applications Committee

Minute of the site visit and meeting of the North Planning Applications Committee held on site at 4 Wood Park, Dunvegan Road, Portree and thereafter at Portree High School, Viewfield Road, Portree, IV61 9ET on Thursday 18 April 2019 at 11.15 am and 1.00 pm respectively.

Committee Members Present:

Mrs I Campbell, Mr C Fraser, Mr J Gordon, Mr D MacKay, Mrs M Paterson, Ms M Smith and Mr A Mackinnon (substitute for Mrs A MacLean).

Officials in attendance:

Mr M Harvey, Team Leader
 Mrs E McArthur, Principal Planner
 Ms A Harvey, Planner
 Mrs K Lyons, Principal Solicitor – Planning and Clerk
 Mrs A MacArthur, Administrative Assistant

Business

Ms Maxine Smith in the Chair

The Chair confirmed that the meeting would not be webcast.

1. Apologies Leisgeulan

Apologies for absence were received from Mr R Bremner, Ms K Currie, Mr M Finlayson, Mr R Gale, Mrs A MacLean, Mr C MacLeod, Mr D MacLeod, Mr K Rosie and Mr A Sinclair.

2. Declarations of Interest Foillseachaidhean Com-pàirt

There were no declarations of interest.

3. Planning Applications to be Determined Iarrtasan Dealbhaidh rin Dearbhadh

3.1 Applicant: The Highland Council (18/04459/FUL) (PLN/020/19)

Location: Land 70 m SW of 4 Wood Park, Dunvegan Road, Portree (Ward 10).

Nature of Development: Erection of 15 residential units.

Recommendation: Grant.

There had been re-circulated Report No PLN/020/19 by the Acting Head of Development Management - Highland recommending that the Committee grant the application subject to the conditions detailed in the report.

The Committee visited the site and the planning officer spoke to the Report and pointed out physical features relevant to the application and those representing the Applicant and Objectors were given the opportunity to point out physical features relevant to the application.

At the start of the meeting Mr J Gordon clarified that the objectors A and M Gordon were not related to him and he had therefore not declared an interest.

The Planning Officer responded to Members' questions as follows:

- it was clarified that although a different SUDS system had been described on site by the proposed developer, this was not part of the application and the SUDS outlined in the report was what was to be considered;
- clarity was given on the access to the site, the level of the site would be raised to enable access from the road;
- the access to the existing house would be repositioned and widened utilising land in the Council's ownership;
- the use of a floating road would enable a road to be built over the peat negating the need to remove large amounts of peat; and
- the West Highland and Islands Local Plan and the Proposed West Highland and Islands Local Development Plan had zoned this area for housing.

The Clerk advised that the land had been purchased by the Council but that the land had not been purchased using a compulsory purchase order. Unfortunately, it appeared that having already sold the land to the Council, the former owner then transferred part of the application site a second time. Two competing titles to the same land have been registered and the Keeper of the Registers has acknowledged that there is a manifest inaccuracy in the title that was registered after the Council's title. The Council, as the landowner, will need to sort out the title issues, and the planning committee's role was to consider the planning application. Legal matters are not a material planning consideration.

During discussion, Members' comments included the following:-

- the proposed access to the site was dangerous;
- a large amount of peat would require to be removed;
- if houses 9 and 10 on the plan were removed, access could be taken via the existing access and negating the need for another access off Dunvegan road;
- difficult to believe that the access had been deemed acceptable by Transport Scotland and our transport officers;
- the development planned too many houses for this small portion of land; and
- the need for social housing was high, especially in Portree, but this development was not acceptable.

Ms M Smith, seconded by Mr J Gordon, **MOVED** refusal of the application.

Reason: After taking all relevant matters into account and while acknowledging that housing development at the site would accord with the allocation in the local development plan, Members considered that the proposed development would be detrimental in terms of siting, design and visual impact. Members considered that the proposal would be overdevelopment of the site which would be detrimental to the residential amenity of the occupants of properties adjacent to the site and to the amenity of the clients of Am Fasgadh Drop In Centre. In addition, Members expressed road safety concerns related to the proposed new junction into the site.

The Committee **AGREED** to **REFUSE** planning permission for the reasons stated.

The meeting closed at 1.50 pm.

**The Highland Council
South Planning Applications Committee**

Minute of Meeting of the South Planning Applications Committee held in the Chamber, Council Headquarters, Glenurquhart Road, Inverness on Tuesday 30 April 2019 at 10.30 am.

Committee Members Present:

Mr R Balfour, Mr B Boyd, Ms C Caddick, Mr G Cruickshank, Mrs M Davidson (items 6.2 – 6.4 only), Mr J Gray, Mr T Heggie, Mr A Jarvie, Mr B Lobban, Mr N McLean, Mr C Smith (substitute), Mr B Thompson (by video conferencing) (excluding items 6.3 – 7.1)

Non Committee Member Present:

Mr A Henderson (item 6.1 only), Mr D Rixson (items 1 – 6.2 only), Mrs T Robertson (items 1 – 6.2 only)

Officials in attendance:

Mr D Mudie, Area Planning Manager – South
Mrs S MacMillan, Team Leader
Mr M Clough, Senior Engineer, Transport Planning
Mr S Hindson, Principal Planner
Ms L Prins, Principal Planner
Ms J Bain, Planner
Mr C Baxter, Planner
Ms L Stewart, Planner
Miss C McArthur, Principal Solicitor (Regulatory Services)
Mr S Taylor, Administrative Assistant

Mr J Gray in the Chair

Preliminaries

The Chairman confirmed that the meeting would be filmed and broadcast over the internet on the Highland Council website and would be archived and available for viewing for 12 months.

Business

**1. Apologies for Absence
Leisgeulan**

Apologies for absence were intimated on behalf of Mr A Baxter, Mr L Fraser, Ms P Hadley and Mr R MacWilliam.

**2. Declarations of Interest
Foillseachaidhean Com-pàirt**

None.

3. Confirmation of Minutes
Dearbhadh a' Gheàrr-chunntais

There had been circulated for confirmation as a correct record the minute of the Committee meeting held on 12 March 2019 which was **APPROVED**.

4. Major Development Update
Iartasan Mòra

There had been circulated Report No PLS/027/19 by the Area Planning Manager – South, which provided a summary of all cases within the “Major” development category currently with the Planning and Development Service for determination.

The Committee **NOTED** the current position.

5. Major Developments – Pre-application consultations
Leasachaidhean Mòra – Co-chomhairle Ro-iarrtais

- 5.1 **Description:** Proposed housing development with associated boundary treatment, landscaping and infrastructure. (19/01063/PAN) (PLS/028/19)
Ward: 12 – Aird and Loch Ness
Applicant: Tulloch Homes Ltd
Site Address: Land 130M NE of 60 Newton Park, Kirkhill.

There had been circulated Report No PLS/028/19 by the Area Planning Manager – South on the submission of a Proposal of Application Notice (PAN), describing the site and setting out likely relevant policies and potential material planning considerations.

The Committee **NOTED** the submission of the PAN and highlighted no further material planning considerations they wished brought to the applicant’s attention other than those identified in the report.

- 5.2 **Description:** Proposed residential development of circa 300 units. (19/01255/PAN) (PLS/029/19)
Ward: 17 – Culloden and Ardersier
Applicant: The Highland Council
Site Address: Land 370M SE of Balloch Farm, Cherry Park, Balloch, Inverness.

There had been circulated Report No PLS/029/19 by the Area Planning Manager – South on the submission of a Proposal of Application Notice (PAN), describing the site and setting out likely relevant policies and potential material planning considerations.

The Committee **NOTED** the submission of the PAN and highlighted no further material planning considerations they wished brought to the applicant’s attention other than those identified in the report.

- 5.3 **Description:** Development of a three stream primary school with nursery provision (Ness Castle Primary School). (19/01401/PAN) (PLS/030/19)
Ward: 15 – Inverness Ness-side
Applicant: The Highland Council
Site Address: Ness Castle Primary School, Ness Castle, Dornoch Road, Inverness, IV2 6EQ.

There had been circulated Report No PLS/030/19 by the Area Planning Manager – South on the submission of a Proposal of Application Notice (PAN), describing the site and setting out likely relevant policies and potential material planning considerations.

The Committee **NOTED** the submission of the PAN and highlighted no further material planning considerations they wished brought to the applicant's attention other than those identified in the report.

6. Planning Applications to be Determined Iarrtasan Dealbhaidh rin Dearbhadh

6.1 **Applicant:** Corrigan Contractors Ltd (17/01675/FUL) (PLS/031/19)

Location: Land 3100M NW of Sallachan, Ardgour. (Ward 21)

Nature of Development: Construction of a hydropower scheme (up to 600kW) to include an earth dam and reservoir, diversion intakes, tracks, powerhouse and borrow pits (Coire nam Muc).

Recommendation: Refuse.

There had been circulated Report No PLS/031/19 by the Area Planning Manager – South recommending the refusal of the application on the grounds as detailed in the report.

Ms L Prins presented the report and recommendation, during which, additional correspondence which had been received from the applicant was distributed to Members.

In response to questions, the following was confirmed:-

- The upper borrow pit would be located within the proposed inundation zone;
- Ardgour Community Council supported the proposed development;
- A new permanent track would be constructed taking access from an existing private track at Sallachan across pasture with the wooded shoulder at the foot of the hillside into Glen Gour leading to the powerhouse and over the line of the penstock towards the dam. The track would deviate from the line of the penstock over approximately the last 900m where it would follow an elevated line to the south east side of the reservoir;
- The proposed access track between the powerhouse and dam would be reduced to 2m wide post construction and would be retained to enable access for maintenance;
- The route of the proposed access track followed the main route of the existing argo tracks which were largely generated during the stalking season and reinstated over the following growing season;
- The percentage figures provided within the report in relation to water flow rates were an indication of the likely yearly average increase of water flow into the receiving streams;
- The potential 4.5m difference in maximum and minimum water levels over the shallow water body could create a significant margin of drawdown scar, in particular, towards the upper end of the reservoir;
- The drawdown scar would equate to 70m-80m wide at points around the reservoir, and up to 240m wide at the upper end;
- The applicant had indicated that the maximum and minimum water levels would normally vary between 2-3m vertically; and

- A minimum water flow rate was required to be maintained as a condition of the CAR License.

During discussion, Members' comments included the following:-

- With the exception of the access track and the dam, the majority of the proposed development would be buried;
- The construction of new access tracks would make the area more accessible for hillwalkers;
- It was suggested that sufficient provision for tree planting to screen the drawdown area should be included as a condition if planning permission was granted;
- The proposed development could reduce carbon dioxide production from fossil fuels and make a positive contribution towards the local economy through employment opportunities;
- Scottish Natural Heritage was satisfied that the mitigation measures proposed would not disturb the eagles prey species;
- Estates were looking at ways to diversify their business operations and the proposed development provided an opportunity for reinvestment in the area;
- The mitigation measures proposed would reduce the impacts of the development to an acceptable level;
- The proposed development would have a significant detrimental impact on a designated Wild Land Area;
- Whilst the proposed development could be considered small-scale, it could make a positive contribution towards energy production and a low carbon economy;
- The use of local contractors would have a positive impact on the local economy;
- The commitment by the applicant to employ an Ecological Clerk of Works was welcomed;
- In comparison with other similar hydro schemes, the visual impact from the drawdown scar would happen slowly over time and would be much smaller in impact due to the size of the reservoir;
- Whilst the need to protect Wild Land Areas was acknowledged, it was considered that small-scale hydro schemes had a minor or moderate level of visual impact;
- It was suggested that controls in relation to archaeological protections should be included as a condition if planning permission was granted;
- There was a commitment towards the development of renewable energy and to support fragile local economies experiencing de-population;
- Whilst Scottish Natural Heritage had designated the surrounding area as a Wild Land Area, it had not objected to the proposed development;
- The proposed access track would be an improvement in comparison with the existing argo track;
- The proposed powerhouse would be buried to blend in with the surrounding setting;
- Whilst the concerns raised regarding the potential impact the proposed development could have on the Wild Land Area were acknowledged, it was considered that its visibility would be limited; and
- Whilst the proposed development could make a positive contribution towards renewable energy and the local economy, it was considered that the reservoir and dam would have a significant detrimental impact on the surrounding Wild Land Area.

No consensus having been reached between the members, Mr J Gray, seconded by Mr B Lobban, moved a motion that the application be refused on the grounds as detailed in the report.

Mr N McLean, seconded by Mr B Boyd, moved as an amendment that the application be granted, subject to conditions to be drafted by the planning authority, in consultation with local Members and to include conditions for the sufficient provision of tree planting to screen the drawdown area and for archaeological protections, for the following reason:-

- The mitigation proposed would reduce the impacts of the development to an acceptable level and would therefore be in keeping with Policies 57 and 67 of the Highland wide Local Development Plan and paragraphs 200 and 215 of the Scottish Planning Policy. Therefore, on balance, the proposal based on the renewable energy and economic opportunities for the area outweighed any adverse impact on the qualities of the Wild Land Area.

On a vote being taken, four votes were cast in favour of the motion and seven votes in favour of the amendment, with no abstentions as follows:-

Motion

Mr J Gray
Mr T Heggie
Mr A Jarvie
Mr B Lobban

Amendment

Mr R Balfour
Mr B Boyd
Ms C Caddick
Mr G Cruickshank
Mr N McLean
Mr C Smith
Mr B Thompson

The amendment to **GRANT** planning permission accordingly became the finding of the meeting.

- 6.2 **Applicant:** Mr & Mrs Stephen & Katrina Gannon (18/04989/FUL) (PLS/032/19)
Location: Land 50M North of Rigsden, Achnabobane, Spean Bridge. (Ward 11)
Nature of Development: Erection of House.
Recommendation: Grant.

There had been circulated Report Nos PLS/032/19 by the Area Planning Manager – South recommending the grant of the application, subject to the conditions detailed in the report.

Ms L Prins presented the report and recommendation.

In response to questions, the following was confirmed:-

- a planning application for full planning permission rather than an application for matters specified in conditions had been received two days prior to the expiration of the previous permission for planning in principle which had been granted for this site; therefore, the Committee could re-consider the principle of development on the site as part of its determination of the application;
- the application had been recommended for approval for a number of reasons, including that the plot had previously been granted planning permission in principle;
- it was considered that the commencement of building of a house was the stage at which it would contribute to the 10 additional homes threshold available within this housing group;
- the proposed development would not mean that further permissions for houses would be granted within the Achnabobane housing group with any new applications unlikely to be supported as the criteria set out in Housing in the Countryside and Siting and Design Supplementary Guidance for further housing within this group had now been reached.

The Committee agreed to **GRANT** planning permission subject to the conditions recommended in the report.

- 6.3 **Applicant:** Miss Laura MacGregor (18/02572/PIP) (PLS/033/19)
Location: Land 280M NW of Rigsden, Achnabobane, Spean Bridge. (Ward 11)
Nature of Development: Erection of house.
Recommendation: Refuse.

There had been circulated Report Nos PLS/033/19 by the Area Planning Manager – South recommending the refusal of the application on the grounds as detailed in the report.

The Committee **NOTED** that the applicant had requested that their application be withdrawn.

- 6.4 **Applicant:** DMPM Services Ltd (18/05593/PIP and 18/05597/FUL) (PLS/034/19)
Location: Land 260m SE of Simpsons Garden Centre. (Ward 19)
Nature of Development: 18/05593/PIP - Erection of 90 No. affordable and private houses with associated roads and infrastructure services; 18/05597/FUL - Erection of affordable housing (30 units).
Recommendation: Grant.

There had been circulated Report Nos PLS/034/19 by the Area Planning Manager – South recommending the grant of the applications, subject to the conditions detailed in the report and the prior conclusion of a s.75 legal agreement securing the developer contributions sought in relation to schools, community facilities, affordable housing and transport as set out in Appendix 2 of the report.

Prior to the presentation of the report and recommendation, Members debated whether or not to hold a site visit before determining the application. Following a vote by show of hands, the Committee agreed to determine the planning application without a site visit.

Ms L Stewart presented the report and recommendation.

In response to questions, the following was confirmed:-

- Conditions had been included within the recommendation to secure detail on the amount of open spaces and landscaping that would be included within the proposed development;
- Further detail on specific layouts and design would be determined within a subsequent matters specified in conditions application;
- The SUDS pond would provide an amenity feature within the development and would be protected by natural surveillance from the properties adjacent to it;
- Further details of how the existing right of way through the woodland could be used by the public would be required within the access management plan;
- Further information was provided on the proposed new footpath connections and the safe routes to school from the proposed development to Cradlehall Primary School;
- The provision of a pedestrian refuge island on the B9006 Culloden Road had been included as a condition within the recommendation;
- The applicant had submitted a transport statement which included predicted traffic generations arising from the proposed development which used a combination of national industry standard software which compared similar type developments from across the United Kingdom and produced an average figure;
- The applicant had also used the most recent census data available from the postcode area around the application site as part of their analysis to identify the likely additional traffic generated by the proposed development;
- Whilst the possibility of installing traffic signal control at the Drumossie Brae / Culloden Road junction had been examined, it was felt that there wasn't enough traffic going through the junction, including the predicted traffic generated by the proposed development, to warrant this;
- No accidents or collisions had been reported over the previous 5 years in relation to the Drumossie Brae / Culloden Road junction;
- Traffic signals within close proximity of each other could interact in a negative way and have an overall adverse impact on the movement of traffic; therefore, there was concern that the installation of traffic signal control at the Drumossie Brae / Culloden Road junction could also impact on the existing traffic signals at the Caulfield Road/B9006 junction;
- It was considered unviable to seek the applicant to move the proposed Drumossie Brae / Culloden Road junction closer to the Caulfield Road/B9006 junction as the land required to attain this was not in the ownership of the applicant;
- The traffic survey data produced by the applicant identified that traffic movements on the B9177 Drumossie Brae at peak time in the morning between 8.15 and 9.15 am generated 201 passenger car units (PCU's) and during the peak evening time between 4.45 and 5.45pm generated 209 PCU's;
- In addition to the turning count movements at the Caulfield Road/B9006 junction, the applicant undertook an automatic traffic counter survey which identified that the number of vehicles using the B9006 Culloden Moor daily to be between 10,000 and 13,000 vehicles on average;
- The proposed car parking arrangements had been reviewed against the Council's standards and required a minimum of 2 car parking spaces per plot;

- The number of car parking spaces required within the shared use facilities was 1.5 spaces per unit and there would also be a provision for on-street parking for visitors within the development;
- Appendix 2 of the report contained the developer contributions to be secured by a section 75 Agreement and included a contribution towards the two classroom extension at the primary school at a rate of £2,041 per house and £1,157 per flat;
- Moving the proposed site access junction further away from the Drumossie Brae / Culloden Road junction would be problematic due to issues in relation to typography levels, visibility splays and the ability to provide a viable junction for the designated site at the opposite of Drumossie Brae; and
- It was considered that the conditions proposed in relation to the proposed development were proportionate and reasonable.

During discussion, Members' comments included the following:-

- The mitigation measures proposed could address concerns regarding potential noise impact arising from the A9(T);
- Whilst concern was expressed that the proposed development could exacerbate problems with flooding, the measures proposed in relation to surface water drainage could help to address this;
- Concern was expressed regarding the potential impact the proposed development could have on school capacities at Cradlehall Primary and Culloden Academy;
- Concern was expressed regarding the additional traffic generated by the proposed development and the impact this could have on pedestrian safety, in particular, children walking to school;
- Concern was expressed regarding the current amount of traffic using the B9006 which could often back up to Simpsons Garden Centre during peaks hours;
- Traffic delays were caused by vehicles turning right at the junction to Drumossie as the junction was not wide enough to allow two vehicles to use the space simultaneously;
- The traffic data collated by the applicant did not take into consideration user habits in the surrounding local area and had underestimated the potential impact the proposed development could have on traffic congestion;
- Concern was expressed regarding the proposed traffic modelling at the Drumossie Brae / Culloden Road junction and that it could have an impact on traffic movement in the long term;
- Whilst the proposed junction realignment could improve visibility, it would not address concerns regarding traffic management and traffic flow;
- It was emphasised that the suggested alternatives in relation to the junction realignment between Culloden Road and Drumossie Brae would not change the volume of traffic using these roads; and
- The proposed development could make a contribution towards the provision of more affordable housing and help to reduce Council house waiting lists.

In response to a suggestion that the traffic modelling at the Drumossie Brae / Culloden Road junction should be moved closer to the Caulfield Road/B9006 junction, it was confirmed that this did not form part of the proposals contained within the applications and that it was not within the gift of the applicant to provide a new route for a potential alternative junction linking up with the existing Caulfield Road/B9006 junction.

No consensus having been reached between the members, Mr J Gray, seconded by Mr B Lobban, moved a motion that the applications be granted subject to the conditions recommended in the report and the prior conclusion of a s.75 legal agreement securing the developer contributions sought in relation to schools, community facilities, affordable housing and transport as set out in Appendix 2 of the report.

Mr A Jarvie, seconded by Ms C Caddick, moved as an amendment that the applications be refused on the grounds that, despite the Transport Planning Team assessment, he was not satisfied that the proposed junction on and off the B9006 / B9177 was sufficient to cope with the increased traffic flow generated by this development, it was therefore not compatible with the public service provision requirement of Policy 28 of the Highland-wide Local Development Plan.

On a vote being taken, six votes were cast in favour of the motion and five votes in favour of the amendment, with no abstentions as follows:-

Motion

Mr G Cruickshank
Mrs M Davidson
Mr J Gray
Mr T Heggie
Mr B Lobban
Mr N McLean

Amendment

Mr R Balfour
Mr B Boyd
Ms C Caddick
Mr A Jarvie
Mr C Smith

The motion to **GRANT** planning permission in principle (18/05593/PIP) and planning permission (18/05597/FUL) for the development accordingly became the finding of the meeting.

- 6.5 **Applicant:** Hazeldene Group (18/05949/MS) (PLS/035/19)
Location: Land at Stratton and East Seafield, Inverness. (Ward 17)
Nature of Development: Development of a new public park - approval of matters specified in conditions 2(i), 2(j), 2(k), 2(l), 2(m), 2(o), 2(r), 2(s), 35, 36, 42, 43, 44 and 45 of planning permission 16/02161/S42.
Recommendation: Approve the matters specified.

There had been circulated Report No PLS/035/19 by the Area Planning Manager – South recommending the approval of the matters specified in conditions, subject to the condition detailed in the report.

Mr S Hindson presented the report and recommendation.

During discussion, comments included the following:-

- The high specification build of the public park was commended and would make an attractive centrepiece to the Stratton Farm development;
- The submission of applications for both the public park and the residential development (item 6.6 on the agenda) at the same time was welcomed as it could enable construction of both developments simultaneously; and
- The illustrations contained within the plans of the proposed development should be used as an example to other developers of the standard expected when submitting planning applications.

The Committee **APPROVED** the matters specified in conditions subject to the condition set out in the report.

6.6 **Applicant:** The Highland Council (18/04550/MSC) (PLS/036/19)

Location: Land 345M East of Churchfield Cottage, Barn Church Road, Culloden, Inverness. (Ward 17)

Nature of Development: Erection of 150 unit residential development and associated infrastructure - approval of matters specified in conditions 2(b), 2(c), 2(d), 2(e), 2(f), 2(g), 2(h), 2(i), 2(k), 2(l), 2(m), 2(n), 2(o), 2(q), 2(r), 2(s), 2(t), 13, 28, 30, 31, 35, and 46 of Planning Permission 16/02161/S42.

Recommendation: Approve the matters specified.

There had been circulated Report No PLS/036/19 by the Area Planning Manager – South recommending the approval of the matters specified in conditions, subject to the condition detailed in the report.

Mr S Hindson presented the report and recommendation.

The Committee **APPROVED** the matters specified in conditions subject to the condition set out in the report

7. Decisions on Appeal to the Scottish Government Directorate for Planning and Environmental Appeal

Co-dhùnaidhean Ath-thagraidhean do Bhuidheann-stiùiridh Riaghaltas na h-Alba airson Ath-thagraidhean Dealbhaidh agus Àrainneachd

7.1 **Applicant:** Vastint Hospitality B.V. (PPA-270-2204) (18/01248/FUL)

Location: Former Swimming Pool Site, Glebe Street, Inverness, IV1 1RF. (Ward 14)

Nature of Appeal: Erection of hotel development with associated landscaping, car parking and ancillary uses.

The Committee **NOTED** the decision of the Reporter to dismiss the appeal and refuse planning permission.

The meeting ended at 1.20 pm

The Highland Council

North Planning Applications Committee

Minute of the meeting of the North Planning Applications Committee held in the Council Chamber, Council Headquarters, Glenurquhart Road, Inverness on Tuesday 4 June 2019 at 10.30 am.

Committee Members Present:

Mr R Bremner (by video conference from Wick), Mrs I Campbell, Ms K Currie, Mr M Finlayson, Mr C Fraser, Mr R Gale, Mr D MacKay, Mr C MacLeod (excluding items 6.1 and 7.2), Mr D Macleod, Mrs M Paterson, Mr A Rhind (excluding items 6.1 and 7.6), Mr K Rosie (by video conference from Wick) (excluding item 6.1), Mr A Sinclair (excluding items 7.3 – 7.6), Ms M Smith and Mr Alister MacKinnon (substitute for Mrs A MacLean) (excluding items 6.1 and 7.3 – 8.3).

Officials in attendance:

Mr D Jones, Acting Head of Development Management - Highland
 Ms J Bridge, Senior Engineer (Development Management)
 Mr S Hindson, Principal Planner
 Mrs G Pearson, Acting Principal Planner
 Mr M Fitzpatrick, Graduate Planner
 Mrs K Lyons, Principal Solicitor – Planning and Clerk
 Mrs A MacArthur, Administrative Assistant

Business

Ms Maxine Smith in the Chair

The Chair confirmed that the meeting would be filmed and broadcast over the Internet on the Highland Council website and would be archived and available for viewing for 12 months.

1. Apologies Leisgeulan

Apologies for absence were received from Mr J Gordon and Mrs A MacLean.

2. Declarations of Interest Foillseachaidhean Com-pàirt

Item 5.1: Mrs I Campbell (non-financial).

3. Confirmation of Minutes Dearbhadh a' Gheàrr-chunntais

There had been submitted for confirmation as correct records the:

- i. Minutes of Meeting of the North Planning Applications Committee held on 9 April 2019; and

- ii. Minutes of Meeting of the North Planning Applications Committee held on 18 April 2019

which were both **APPROVED**.

4. **Major Development Update Iarrtasán Mòra**

There had been circulated Report No PLN/043/19 by the Acting Head of Development Management - Highland providing an update on progress of all cases within the "Major" development category currently with the Planning and Development Service for determination.

The Committee **NOTED** the current position with these applications.

5. **Major Developments – Pre-application consultations Leasachaidhean Mòra – Co-chomhairle Ro-iarrtais**

Declaration of Interest - Mrs I Campbell declared a non-financial interest as a member of the Lochalsh and Skye Housing Association and left the Chamber for the duration of this item.

5.1 Description: Construction of 54 affordable housing units and associated infrastructure (19/01141/PAN) (PLN/044/19)

Ward: 10

Applicant: Lochalsh and Skye Housing Association

Site Address: Land 85 m South of 12 Boreraig Place, Broadford.

There had been circulated Report No PLN/044/19 by the Acting Head of Development Management - Highland on the submission of a Proposal of Application Notice (PAN), describing the site and setting out likely relevant policies and potential material planning considerations.

The Committee **NOTED** the submission of the PAN and highlighted no material planning considerations they wished brought to the applicant's attention other than those identified in the report.

5.2 Description: Realignment of c. 450m of unclassified public road, including the provision of a new stone-faced arched bridge, three passing places and visibility splays at new/existing junctions. Replacement of existing hydro-electric installation penstock and generator (capacity TBC). Restoration of extant 'bothy' for residential use; remodelling and refurbishment of existing house to remove residential annex and clad to match Strathmore Lodge. Creation of new turbine house with ground floor workshop/garage space. Demolition of existing turbine house. Ancillary landscape works to restore hydro access track, remove redundant hardstanding, rationalise parking and facilitate integration in wider landscape (19/01550/PAN) (PLN/045/19)

Ward: 1

Applicant: Wildland Ltd

Site Address: Strathmore Lodge, Altnacallich, Altnaharra, Lairg.

There had been circulated Report No PLN/045/19 by the Acting Head of Development Management - Highland on the submission of a Proposal of Application Notice (PAN), describing the site and setting out likely relevant policies and potential material planning considerations.

The Committee **NOTED** the submission of the PAN and highlighted no material planning considerations they wished brought to the applicant's attention other than those identified in the report.

5.3 Description: Holiday park development including holiday chalets, camping pods, caravan/tent pitches, hotel accommodation, formation of access, landscaping and associated infrastructure (19/01983/PAN) (PLN/046/19)

Ward: 9

Applicant: Rick Finc Associates

Site Address: Black Isle Country Park, Drumsmittal, North Kessock.

There had been circulated Report No PLN/046/19 by the Acting Head of Development Management - Highland on the submission of a Proposal of Application Notice (PAN), describing the site and setting out likely relevant policies and potential material planning considerations.

The Committee **NOTED** the submission of the PAN and highlighted no material planning considerations they wished brought to the applicant's attention other than those identified in the report.

The Local Member (Mr C Fraser) requested an additional public meeting in North Kessock to give these residents the same opportunity to comment on the application as those residents in Munloch. The Acting Head of Development Management - Highland confirmed that the other points raised by Mr Fraser relating to infrastructure issues (transport/water supply/waste management) were already covered by the report.

6. Continued Item Cuspairean a' Leantainn

6.1 Applicant: Mr and Miss Clair and Helen Harper (105061/FUL) (PLN/047/19) (PLN/023/19)

Location: Land 50 m West of Windygates, Newton Row, Wick (Ward 3).

Nature of Development: Erection of house

Recommendation: Refuse.

Only Members taking part in the previous meeting on March 2019 could take part in this item, namely, Mr R Bremner, Ms I Campbell, Mrs K Currie, Mr M Finlayson, Mr C Fraser, Mr R Gale, Mr D MacKay, Mrs M Paterson, Mr A Sinclair and Ms M Smith.

There had been circulated Report No PLN/047/19 and recirculated Report No PLN/023/19 by the Acting Head of Development Management - Highland recommending that the Committee refuse the application for the reasons detailed in the report. The application had been deferred to allow the applicant an opportunity to resolve the objection from SEPA and to explore alternative locations for the proposed development within the applicants' landownership. Additional plans had been submitted, SEPA were content and had withdrawn

their objection. However, the applicants did not wish to explore an alternative location for the proposed development and therefore the application as lodged was before the Members for determination.

During discussion, Members' comments included the following:-

- the concerns from SEPA had been addressed; and
- as there were other houses on the other side of the road in Newton Row this house would not detract from the surrounding character of the area.

Mr A Sinclair, seconded by Mr R Bremner, **moved** that the application be granted.

Reasons given for overturning recommendation:

Members considered the application to be acceptable within the relevant terms of Policy 36 in that it demonstrates acceptable siting and design and is compatible with the landscape character and capacity of the area. It was acknowledged that the application fails to meet the criteria relating to the existing development pattern of Newton Row, however, in this case the failure to meet this criteria was not so significantly detrimental as to warrant refusal.

Ms M Smith, moved as an **amendment** that the application be refused for the reasons given in the report. There being no seconder the amendment fell.

The Committee therefore **AGREED** to **GRANT** planning permission subject to (i) upfront payment of developer contribution of £1,129 towards the upgrading of Newton Park Primary School and Wick High School and (ii) conditions to be agreed with the local members (Mr A Sinclair and Mr R Bremner) and the Chair.

7. **Planning Applications to be Determined** **Iarrtasán Dealbhaidh rin Dearbhadh**

7.1 Applicant: Mr James Riddell (18/04737/FUL) (PLN/048/19)

Location: Old Mossy Quarry, Castletown, Thurso, KW14 8TW (Ward 2).

Nature of Development: Part change of use of garage to form scrap yard (retrospective).

Recommendation: Grant.

There had been circulated Report No PLN/048/19 by the Acting Head of Development Management - Highland recommending that the Committee grant the application subject to the conditions detailed in the report.

The Planning Officer responded to Members' questions as follows:

- if the applicant did not comply with conditions a Breach of Condition Notice could be served;
- the previous permission had been granted in 1989 and, as the legislation had changed since that time, the conditions from that permission had been difficult to enforce;

- the grant of this application would enable enforcement action to be taken if the permission was not complied with;
- three months was sufficient time for the bunding and screening works to be undertaken and this had been discussed with the applicant; and
- the length of time of the consent could be shortened from five to two years.

During discussion, Members' comments included the following:-

- there were several issues with this site including noise nuisance, the emanating smell and the working hours;
- there was no confidence that the conditions would be complied with, the applicant had a history of not complying with either planning or SEPA conditions;
- if this was to be a large recycling operation then this could be moved to another location; and
- the applicant's compliance with conditions should be monitored and an update of the situation in three months' time was requested.

The Committee **AGREED** to **GRANT** planning permission subject to the conditions in the report (Condition 1 to be amended from "15 June 2024" to "15 June 2021" to reflect Members' decision that the temporary permission be for 2 rather than 5 years).

Officers undertook to report back to Members with an update on the applicant's compliance with condition 2 – which requires the proposed boundary treatment to have been installed within 3 months of the date of the planning permission.

7.2 Applicant: Mr Richard Pumphrey (18/05175/FUL) (PLN/049/19)

Location: Inverewe, 1 Rose Street, Tain, IV19 1EG (Ward 7).

Nature of Development: Installation of cladding to house and repairs of walls.

Recommendation: Refuse.

There had been circulated Report No PLN/049/19 by the Acting Head of Development Management - Highland recommending that the Committee refuse the application for the reasons detailed in the report.

The Planning Officer responded to Members' questions as follows:

- the applicant had not sought any formal pre-application advice;
- there were other methods of insulating the property that would not affect the external appearance of the building;
- the cladding would extend the building by 11 cm which was a sizeable protrusion on an already narrow pavement and would be a highly visible protrusion from the neighbouring properties; and
- it was only as this house was within the Conservation Area that it required planning permission, permitted development would allow this on a house not in the Conservation Area.

During discussion, Members' comments included the following:-

- this property was attached to a category B listed building on Rose Street, although sympathetic to the applicant and his desire to insulate the building this proposed cladding was not considered an appropriate solution; and
- the Conservation Architect should give guidance to the applicant on the best methods of insulation for the house.

Mr A Rhind, seconded by Ms M Smith, **moved** that the application be refused.

There being no amendment the Committee **AGREED** to **REFUSE** the application for the reasons given in the report on handling.

Officers agreed with the suggestion of the local member (Mr A Rhind) to encourage dialogue between the Council's conservation architect and the applicant to seek a conservation area appropriate solution to improving the insulation of the property.

The two following applications would be taken together as planning applications 18/05806/PIP and 18/05808/FUL overlapped.

7.3 Applicant: Culbokie Community Trust (18/05806/PIP) (PLN/050/19)

Location: Land 130 m North of The Cairns, Culbokie (Ward 9).

Nature of Development: Erection of six houses, community building and business units and formation of public open space.

Recommendation: Grant.

There had been circulated Report No PLN/050/19 by the Acting Head of Development Management - Highland recommending that the Committee grant the application subject to the conditions detailed in the report.

The Planning Officer responded to Members' questions as follows:

- understood that the properties would have electric heating;
- the re-routing of the core path was outlined and shown to Members;
- this application was for planning in principle so there was no detail for the community building as yet;
- traffic calming would be applied to meet current standards; and
- there would be signage for parking.

The Committee **AGREED** to **GRANT** planning permission subject to the prior conclusion of a section 75 agreement securing developer contributions totalling £4,998.06 (unless an upfront payment is made) and affordable housing and the conditions contained in the report of handling.

Members commented on the need to secure sufficient parking related to the community hall/units once the detail of this part of the development is known.

7.4 Applicant: Tulloch Homes Ltd (18/05808/FUL) (PLN/051/19)

Location: Land 130 m North of The Cairns, Culbokie (Ward 9).

Nature of Development: Erection of 33 houses, road widening, public footpaths, formation of public open space and installation of access for adjacent site (18/05806/PIP).

Recommendation: Grant.

There had been circulated Report No PLN051/19 by the Acting Head of Development Management - Highland recommending that the Committee grant the application subject to the conditions detailed in the report.

Members congratulated Tullochs on the integration of the affordable housing into the site.

The Committee **AGREED** to **GRANT** planning permission subject to the to the prior conclusion of a section 75 agreement securing developer contributions totalling £27,489.33 (unless an upfront payment is made) and affordable housing and the conditions contained in the report of handling, condition 1 to be amended to make clear that the 10 house per annum restriction does not apply to the delivery of affordable housing within the development.

Members commented on the need to ensure sufficient space retained for the footpath and boundary treatment on the SE boundary of the application site ie the boundary adjacent to the existing houses West Willows, Craig Royston and South Glascairn.

7.5 Applicant: Mr George Skinner (19/00306/FUL) (PLN/052/19)

Location: Guest Accommodation, Commercial Inn, 11 Main Street, Balintore (Ward 7).

Nature of Development: Erection of 6 holiday flats

Recommendation: Refuse.

There had been circulated Report No PLN/052/19 by the Acting Head of Development Management - Highland recommending that the Committee refuse the application for the reasons detailed in the report.

The Planning Officer and Senior Roads Engineer responded to Members' questions as follows:

- the requirement for parking for both visitor and residential developments was the same and this application had been objected to because of the lack of parking, the parking shown on the plan was not in the applicant's ownership;
- a contrary view regarding the availability of parking was also put forward, namely that sufficient parking was available in the vicinity of the proposed development;
- this building would block the light to other properties;
- Building Standards would oversee disability access to the building;
- the boat sited next to the Commercial Inn appeared to be stored in its current position and would be removed if this application went ahead; and
- there had been no pre-application advice sought.

The Committee **AGREED** to **REFUSE** planning permission for the reasons given in the Report in the handling.

7.6 Applicant: Mr Robert Mackay (19/00546/PIP) (PLN/053/19)

Location: Land 60 m East of Sharone, Hill of Forss, Thurso (Ward 2).

Nature of Development: Erection of a house.

Recommendation: Grant.

There had been circulated Report No PLN/053/19 by the Acting Head of Development Management - Highland recommending that the Committee grant the application subject to the conditions detailed in the report.

The Committee **AGREED** to **GRANT** planning permission subject to conditions contained in the report of handling.

7.7 Applicant: Mr A Munro (19/00824/FUL) (PLN/054/19)

Location: Land 140 m SE of Oldshoremore Public Toilets, Oldshoremore, Kinlochbervie (Ward 1).

Nature of Development: Proposed 18 en-suite glamping pods, new access, car park, installation of sign and treatment plant with discharge to river.

Recommendation: Grant.

There had been circulated Report No PLN/054/19 by the Acting Head of Development Management - Highland recommending that the Committee grant the application subject to the conditions detailed in the report.

The Planning Officer responded to Members' questions as follows:

- Environmental Health had picked up on the smoke pollution from the small stoves and were in discussion with the applicants on this matter; and
- an informative could be added to remind the applicant that a Caravan Licence would be required.

The Committee **AGREED** to **GRANT** planning permission subject to conditions contained in the report of handling.

7.8 Applicant: Mr and Mrs Jahan Shahab (19/00925/FUL) (PLN/055/19)

Location: 2 The Orchard, Ness Road, Fortrose, IV10 8SD (Ward 9).

Nature of Development: Change of use and erection of extension to garage to form self-contained residential unit.

Recommendation: Grant.

There had been circulated Report No PLN/055/19 by the Acting Head of Development Management - Highland recommending that the Committee grant the application subject to the conditions detailed in the report.

The Committee **AGREED** to **GRANT** planning permission subject to conditions contained in the report of handling.

8. Decision of Appeals to the Scottish Government Planning and Environmental Appeals Division
Co-dhùnadh mu larrtas do Bhuidheann-stiùiridh Riaghaltas na h-Alba airson Lùth agus Atharrachadh Aimsir

8.1 Applicant: Baoighill Aoigheachd Ltd (18/02092/FUL) (PPA-270-2207)

Location: 12 Harbour Street, Plockton (Ward 5)

Nature of Development: Change of use of shop (class 1) to shop (class 1) and café (class 3) (retrospective) and installation of external sign and formation of doorway.

The Committee **NOTED** the decision of the Reporter appointed by the Scottish Ministers to allow the appeal made under Section 47 of the Town and Country Planning (Scotland) Act 1997 and to grant planning permission subject to the amended conditions as stated in the Decision Letter.

8.2 Applicant: Mr Euan Jappy (18/04991/FUL) (PPA-270-2210)

Location: Shaltigoe, 5 John Horne Drive, Wick, KW1 4PP (Ward 3)

Nature of Development: Erection of garage extension.

The Committee **NOTED** the decision of the Reporter appointed by the Scottish Ministers to dismiss the appeal made under Section 47 of the Town and Country Planning (Scotland) Act 1997 and to refuse planning permission for the reasons stated in the Decision Letter.

8.3 Applicant: Mrs Robyn Myer (18/05203/PIP) (PPA-270-2209)

Location: Land 60 metres South East of Shellcroft, Munlochy, IV8 8NY (Ward 10)

Nature of Development: Erection of a house.

The Committee **NOTED** the decision of the Reporter appointed by the Scottish Ministers to dismiss the appeal made under Section 47 of the Town and Country Planning (Scotland) Act 1997 and to refuse planning permission for the reasons stated in the Decision Letter.

The meeting closed at 1.10 pm.

**The Highland Council
South Planning Applications Committee**

Minute of Meeting of the South Planning Applications Committee held in the Chamber, Council Headquarters, Glenurquhart Road, Inverness on Tuesday 11 June 2019 at 10.30 am.

Committee Members Present:

Mr R Balfour, Mr B Boyd (excluding items 6.8 – 7.1), Ms C Caddick, Mr G Cruickshank (excluding item 6.4), Mrs M Davidson (excluding items 1 – 6.2 and 6.8), Mr L Fraser, Mr J Gray, Ms P Hadley (items 6.3 – 6.7 only), Mr A Jarvie, Mr R MacWilliam (excluding item 6.5), Mr N McLean (items 1 – 6.4 only) and Mr B Thompson.

Non Committee Member Present:

Mr A Henderson (items 5.1 – 6.4 only), Mr D Macpherson (excluding items 1 – 6.1, 6.5 and 6.8), Mrs T Robertson (items 1 – 6.4 only)

Officials in attendance:

Mr D Mudie, Area Planning Manager – South
Mr M Clough, Senior Engineer, Transport Planning
Mr B Robertson, Team Leader
Mr K Gibson, Principal Planner
Mr S Hindson, Principal Planner
Ms L Prins, Principal Planner
Mrs S Hadfield, Planner
Mr J Kelly, Planner
Ms L Stewart, Planner
Miss C McArthur, Principal Solicitor (Regulatory Services)
Mr S Taylor, Administrative Assistant

Mr J Gray in the Chair

Preliminaries

The Chairman confirmed that the meeting would be filmed and broadcast over the internet on the Highland Council website and would be archived and available for viewing for 12 months.

Business

**1. Apologies for Absence
Leisgeulan**

Apologies for absence were intimated on behalf of Mr A Baxter, Mr T Heggie, Mr R Laird and Mr B Lobban.

**2. Declarations of Interest
Foillseachaidhean Com-pàirt**

None.

3. Confirmation of Minutes Dearbhadh a' Gheàrr-chunntais

There had been circulated for confirmation as a correct record the minute of the Committee meeting held on 30 April 2019 which was **APPROVED**.

4. Major Development Update Iarrtasan Mòra

There had been circulated Report No PLS/037/19 by the Area Planning Manager – South, which provided a summary of all cases within the “Major” development category currently with the Planning and Development Service for determination.

In speaking to the report, the Area Planning Manager - South confirmed that an application had recently been submitted in relation to the construction of a hotel development at Rose Street Car Park, Inverness (application reference: 19/02357/FUL) and it was anticipated that the application would be submitted for determination by the Committee at its meeting on 17 September 2019.

The Committee **NOTED** the current position.

5. Major Developments – Pre-application consultations Leasachaidhean Mòra – Co-chomhairle Ro-iarrtais

- 5.1 **Description:** Residential development and associated infrastructure. (19/02244/PAN) (PLS/038/19)
Ward: 12 – Aird and Loch Ness
Applicant: Springfield Properties PLC
Site Address: Land Adjacent to Fire Station, East End, Beauly.

There had been circulated Report No PLS/038/19 by the Area Planning Manager – South on the submission of a Proposal of Application Notice (PAN), describing the site and setting out likely relevant policies and potential material planning considerations.

The Committee **NOTED** the submission of the PAN and highlighted no further material planning considerations they wished brought to the applicant’s attention other than those identified in the report.

6. Planning Applications to be Determined Iarrtasan Dealbhaidh rin Dearbhadh

- 6.1 **Applicant:** Mr Paul Nicoll (18/05901/S42) (PLS/039/19)
Location: Balnagowan Island, Duror. (Ward 21)
Nature of Development: Application under Section 42 for non-compliance with Condition 3 of planning permission 11/00990/FUL.
Recommendation: Grant.

There had been circulated Report No PLS/039/19 by the Area Planning Manager – South recommending the grant of the application under Section 42.

Ms L Prins presented the report and recommendation.

During discussion, the concern raised by Duror and Kentallen Community Council regarding the potential impact the proposed development could have on the nesting habits of birds and sea life in the surrounding waters was acknowledged; however, the proposed development was considered to be in compliance with development plan policy and therefore was deemed acceptable.

The Committee agreed to **GRANT** the application under Section 42 for non-compliance with Condition 3 of planning permission 11/00990/FUL.

6.2 **Applicant:** The Highland Council (18/05939/MSC) (PLS/040/19)

Location: Land 400M NE of Blar Mor Industrial Estate, Lochyside, Fort William. (Ward 11)

Nature of Development: Erection of 117 unit residential development and associated infrastructure - approval of matters specified in conditions 2, 6, 7, 9, 13, 16, 17, 21 and 22 of Planning Permission 18/03647/PIP.

Recommendation: Approve the matters specified.

There had been circulated Report Nos PLS/032/19 by the Area Planning Manager – South recommending the approval of the matters specified in conditions, subject to the condition detailed in the report.

Mr S Hindson presented the report and recommendation.

In response to questions, the following was confirmed:-

- Whilst provision had been included within the site layout design to accommodate a direct pedestrian access through the Health Centre to the High School, the applicant had been unable to reach an agreement with the Health Centre to facilitate this;
- A 350 metre segregated cycle/footpath from the South East of the site to the A830 would provide pedestrian access from the residential development site to the High School;
- It was considered that the applicant had met the required standards in relation to sustainable design;
- It was proposed that a compound area would be located within the site for the storage of underground liquid petroleum gas tanks to provide heating to the residential properties;
- Whilst it was proposed to use gas heating within the development, a final decision regarding this proposal had not yet been made and the applicant had expressed a commitment to discuss any other potential energy and heating options available with local Members as the development progressed;
- The applicant's assessment of the potential options for energy use within the site had taken into consideration the Standard Assessment Procedure (SAP) calculations for buildings standards, carbon release, usability and cost in relation to capital cost and ongoing residential running costs;
- It was the planning officer's understanding that the applicant had used the most recent SAP ratings in the assessment;
- A sustainable drainage system (SUDS) basin, in the form of a balancing pool, had previously been created in connection with another planning development; however, this was insufficient to deal with the water surface drainage for the whole of the Blar Mor Masterplan site and a separate planning application had been submitted to ensure that the balancing pool was remodelled to enable it to handle the full capacity of the Blar Mor Masterplan site;

- Each individual phase of the Blar Mor development was required to consider whether any further mitigation measures were necessary and whether this would require the capacity of the balancing pond to be enhanced; and
- Water surface drainage features were proposed to the South of the application site and it was considered that the balancing pond had sufficient capacity at present to deal with the proposed development.

During discussion, Members' comments included the following:-

- The layout of the proposed development was welcomed, in particular, the location of the play space area and the types of play installation features proposed;
- Concern was expressed regarding the installation of gas tanks to provide heating as there was currently no gas network in Fort William;
- Alternative sources of heating, which had been installed in recent social housing developments, such as air source heat pump, solar and biomass should be installed instead of gas heating;
- It was unclear as to whether the SAP ratings provided sufficient justification to permit the use of gas heating in the proposed development;
- The application site was located directly above the potential route of a proposed gas pipe line in connection with a supply to the Lochaber Smelter;
- The applicant's proposal to use gas heating could only be supported with good documented evidence and it was requested that the applicant submit a full statement setting out their reasoning for their choices of viable heating options for the development;
- It was further suggested that the last two sentences of paragraph 8.16 of the report should be deleted to emphasise the Committee's desire for the applicant to look at alternative options for heating;
- The benefit of using ground source heat pumps in future social housing developments was highlighted as these were more efficient than air source heat pumps;
- Demand for housing in Lochaber had been well established and, therefore, the provision of 117 affordable houses as proposed within the development was to be welcomed;
- Reassurances had been received that appropriate measures would be put in place to avoid carbon release from disturbance of peat within the site;
- The proposed development promoted active travel and linked up well with the shared cycle/footpath surfaces provided on both sides of the A830;
- It should remain an aspiration of the applicant to provide a direct pedestrian link from the development site through the Health Centre to the High School;
- There was potential to tie in the Council's promotion of active travel with the work being undertaken by HiTrans and Sustrans in relation to sustainable transport within the Lochaber area; and
- Whilst gas heating might not be the preferred choice, it was important to keep all options open and there could be potential in the future to retrofit houses with alternative heating models.

The Committee **APPROVED** the matters specified in conditions 2, 6, 7, 9, 13, 16, 17, 21 and 22 of planning permission 18/03647/PIP, subject to the condition recommended in the report and **AGREED** that:-

- i. the last two sentences of paragraph 8.16 of the report be deleted; and

- ii. prior to commencement of development, the applicant submit to the planning authority and local Members a full statement setting out their reasoning for their choices of viable heating options for the development.

6.3 **Applicant:** Link Group Ltd (19/00897/PIP and 19/00898/FUL) (PLS/041/19)

Location: Land at Upper Achintore, Fort William. (Ward 21)

Nature of Developments: 19/00897/PIP – New residential development of up to 325 dwellings including landscaping, access and associated site development works.

19/00898/FUL – Formation of roads, access, drainage, foundations, ground works and services for all phases of development and erection of 176 houses and associated works.

Recommendation: Grant.

There had been circulated Report Nos PLS/041/19 by the Area Planning Manager – South recommending the grant of the applications, subject to the conditions detailed in the reports and the prior conclusion of a S.75 legal agreement.

Mr S Hindson presented the report and recommendation.

In response to questions, the following was confirmed:-

- The proposed Traffic Regulation Order(s) required the speed of traffic on all roads to be limited to no more than 20mph and the use of physical traffic calming measures within the residential development itself;
- Traffic calming measures proposed included the combined use of sharp bends, chicanes and raised humps which would be designed to limit traffic to 10 mph;
- The Road Construction Consent process required the submission of detailed road construction and design to ensure pedestrian safety;
- It was considered that the typography and undulating character of the site could help to slow down traffic within the development;
- Following discussion with the applicant, it was considered that changing the current traffic priority arrangements at the junction between Ross Place and Connochie Road could be detrimental as visibility lines would be difficult to achieve looking uphill towards Connochie Road;
- It was proposed that speed limit countdown features would be incorporated on the approach to the junction between Ross Place and Connochie Road to act as a warning sign to drivers that they were reaching a point where they would have to physically stop and wait to see if they could move forward; and
- It was also proposed to create an enhanced stop line arrangement at the junction between Ross Place and Connochie Road due to some drivers failing to recognise the need to stop at this junction.

During discussion, Members considered that the potential environmental impacts arising from the proposed development had been mitigated and that the proposed development could help to contribute towards addressing the current housing demand in Fort William.

The Committee agreed to **GRANT** the following:-

- i. planning permission in principle (19/00897/PIP), subject to the prior conclusion of a s.75 legal agreement securing the developer contributions set out at 8.45 of the report and the conditions recommended in the report; and
- ii. planning permission (19/00898/FUL), subject to the prior conclusion of a s.75 legal agreement securing the developer contributions set out at 8.45 of the report and the conditions recommended in the report.

6.4 **Applicant:** The Highland Council (19/00503/FUL) (PLS/042/19)

Location: Longman Landfill Site, Stadium Road, Inverness. (Ward 16)

Nature of Development: Erection of a materials recovery facility to process biodegradable municipal waste; office and welfare facilities; weighbridge, access road, car parking and landscaping.

Recommendation: Grant.

There had been circulated Report Nos PLS/042/19 by the Area Planning Manager – South recommending the grant of the application, subject to the conditions detailed in the report.

Mr J Kelly presented the report and recommendation.

In response to questions, the following was confirmed:-

- The extended area of the former landfill site that fell outwith the proposed development site could take a considerable amount of time to recover before it would be capable for development;
- Extensive site investigation works had been carried out within the application site and through appropriate mitigation measures recommended by environmental health, it was considered that the site was suitable for the proposed development;
- Environmental aspects of the day to day operation of the site would be regulated by SEPA to ensure it was fit for its intended purpose given the scale of development;
- There was a cycle-way to the North side of the application site and a bus stop on Stadium Road;
- The recommendation included a condition requiring pedestrian and cyclist crossing points to be provided;
- A number of improvements had been suggested by Transport Planning for pedestrians and cyclists approaching the site from Longman Road and it was anticipated that these would be addressed by Transport Scotland during future developments to the Longman roundabout;
- It was anticipated that there would be up to 20 employees on site at any one time operating on a shift capacity from 7am to 10pm;
- The proposed development was a material recovery facility and would work in tandem with the recycling facility at Longman Industrial Estate;
- It was a long-term ambition to secure a coastal path along the eastern side of the former landfill site and it was emphasised that the proposed development would not jeopardise this;
- The anticipated traffic movements arising from the proposed development were likely to result in approximately 52 vehicle movements in and out of the site per day and would have minimal impact on existing traffic;

- The proposed construction of a flyover at Longman roundabout was at an advanced stage of consultation;
- Whilst a Co2 impact assessment had not been undertaken, the recommendation included a condition requiring the submission of details in relation to the requirement for a comprehensive ventilation plant to be installed which would ensure that any emissions were within the relevant regulatory standards and enforced by SPEA;
- The existing arrangements for traffic leaving Stadium Road onto the A9 would remain in place and vehicles would not be permitted to use the bus lane providing access to Longman Road from the roundabout;
- It was considered that there would be adequate facilities within the yard area of the site to accommodate the number of vehicles that were anticipated during operational hours; and
- Whilst the provision of charging points for electric vehicles did not form part of the application, this could be an operational decision for the operator of the facility to look at in the future.

During discussion, Members' comments included the following:-

- It was emphasised that extensive consultation had taken place regarding the proposed development and there was a general acceptance that the way in which waste was disposed of by the Council needed to be addressed;
- The application site was a suitable location for the operation of a waste materials recovery facility given its previous use as a landfill site;
- The design of the proposed building was considered acceptable and would mask the activities taking place inside it;
- The lack of any objections to the proposed development reaffirmed the public's desire for the Council to deal with waste disposal in the Highlands;
- The proposed development was on a well-screened site and provided an opportunity to prevent heavy waste material from being put in to landfill;
- It was emphasised that a material recovery facility had been a long-term ambition of the Council and therefore the proposed development was welcomed;
- Concern was expressed that the proposed development had not been subjected to serious consultation and that the application site did not necessarily have to be used for development as a continuation of its previous use;
- Concern was also expressed regarding the proposed development's proximity to a major population centre and that it was environmentally an unsuitable solution for dealing with waste from across the whole of the Highlands; and
- Concern was expressed that there was a lack of parking spaces within the site to provide electric vehicle charging facilities in the future and also to enable lorry drivers the opportunity to rest;

No consensus having been reached between the members, Mr J Gray, seconded by Mrs C Caddick, moved a motion that the application be granted subject to the conditions detailed in the report.

Mr R MacWilliam moved as an amendment that the application be refused; however, following a brief adjournment to seek officer advice, he withdrew his amendment as he considered that he did not have sufficient information to challenge the recommendation to grant on planning grounds.

The Committee agreed to **GRANT** planning permission subject to the conditions detailed in the report.

- 6.5 **Applicant:** Breedon Northern Ltd (18/05787/FUL) (PLS/043/19)
Location: Land 575M SW of Upper Remore, Nairn. (Ward 18)
Nature of Development: Construction of a sand and gravel quarry.
Recommendation: Grant.

There had been circulated Report No PLS/043/19 by the Area Planning Manager – South recommending the grant of the application, subject to the conditions detailed in the report.

Ms L Stewart presented the report and recommendation.

In response to questions, the following was confirmed:-

- The Traffic Regulation Order (TRO) could include a requirement for a reduction in the speed limit from 60mph down to 40mph on the A939 and the C1175 in the Househill area;
- The proposed reduction in speed limit on the A939 was an extension of the existing 40mph speed limit for traffic leaving Nairn;
- The proposed access road from the public road into the quarry would be constructed to a width of 7.9m;
- Whilst the Forestry Officer had raised no objection, further detail was required to be submitted by the applicant on replanting and compensatory planting of trees;
- The landscape would be capable of accommodating the proposed development as it was considered that there would be minimal impact on the visual amenity of the surrounding area;
- It had been calculated that, on average, approximately 28 HGV trips would take place per day to the quarry on the basis that an average of 60k tonnes would be extracted per annum, the operating hours of five and a half days per week and the amount of material an individual HGV could carry;
- Whilst discussion had taken place regarding the potential resurfacing and strengthening of the public road, this did not include any proposals to secure planning gain from the proposed development;
- Whilst monitoring of vehicle traffic associated with the site could be controlled by condition, it was emphasised that the number of vehicles accessing the site was not considered excessive and they would be using an “A” class road which was designed to handle HGVs;
- Analysis by the applicant in relation to movement of goods traffic had identified that the vast majority of goods traffic using the A939 headed North towards Nairn and therefore it was proposed that traffic should enter the site using a left turn and exit the site turning right onto the South bound main road;
- An additional condition could be included within the recommendation requiring the submission of a Traffic Management Plan to include details of proposed signage, monitoring of traffic management in and out of the site and provision for the routing of vehicles when construction of the proposed bypass was completed;
- An additional legal agreement could be included within the recommendation to require the prior conclusion of a s.96 wear and tear agreement;
- Whilst improvement works to the road surface could be sought as part of a s.96 agreement, this could only be pursued if improvements and

reinstatement of the road surface were required as a direct result of damage caused by traffic associated with the proposed quarry;

- No collision “hot-spots” had been identified in relation to the site and route during the previous five years of data collection and analysis; and
- The provision of additional warning signs could be sought to warn drivers of slow moving HGVs coming out of the site and onto the main road.

Following discussion, during which Members requested a number of amendments to the recommendation, the Committee agreed to **GRANT** planning permission subject to the following:-

- a) prior conclusion of a legal agreement securing a restoration bond;
- b) prior conclusion of a s.96 wear and tear agreement; and
- c) the conditions recommended in the report, subject to the following amendments:-
 - The inclusion of an additional condition to provide a Traffic Management Plan for the development which will include details of proposed signage, monitoring of traffic management in and out of the site and provision for the routing of vehicles when the proposed bypass is in place; and
 - Condition 8 to now read as: “No other development shall commence until the 60mph speed limit between the A939 and the C1175 Hillhouse-Raitloan-Howfor Road in the Househill area has been reduced and implemented, with full details in consultation with local members. For the avoidance of any doubt this shall be subject to a Traffic Regulation Order, the cost of implementation and application shall be met by the developer.”

6.6 **Applicant:** Tarmac Caledonian Ltd (19/00542/S42) (PLS/044/19)

Location: Park Quarry, Nairn. (Ward 18)

Nature of Development: Section 42 Planning Application to vary Condition 5 of planning permission 09/00089/FULNA to extend operational life of quarry.

Recommendation: Grant.

There had been circulated Report No PLS/044/19 by the Area Planning Manager – South recommending the grant of the application under Section 42, subject to the conditions detailed in the report and the conclusion of a Section 75 legal agreement.

Ms L Stewart presented the report and recommendation, during which she advised of a correction at paragraph 1.1 in the report to read “The ten year expiry date is 09.10.2019”.

The Committee agreed to **GRANT** the application under Section 42 to vary Condition 5 of planning permission 09/00089/FULNA to extend the operational life of quarry, subject to the conditions recommended in the report and the prior conclusion of a legal agreement securing a restoration bond.

6.7 **Applicant:** Scottish Water (19/01909/FUL) (PLS/045/19)

Location: Land 50M South East of Tomboyach House, Nethy Bridge Road, Boat of Garten. (Ward 20)

Nature of Development: Installation of odour abatement measures, 2 x dosing kiosks and safety shower, scrubber unit and weather station.

Recommendation: Grant.

There had been circulated Report No PLS/045/19 by the Area Planning Manager – South recommending the grant of the application, subject to the conditions detailed in the report.

Ms L Stewart presented the report and recommendation.

In response to questions, the following was confirmed:-

- In acknowledging that the proposed development could introduce different chemicals into the water environment, it was confirmed that SEPA, as the regulatory authority (and not the Council), was responsible for monitoring any potential impact the proposed odour abatement measures could have through the Controlled Activities Regulations (CAR) licence;
- SEPA had raised no objection to the proposed development;
- The Council's Flood Risk Management Team was of the view that the proposed development would not exacerbate any existing issues in relation to potential flooding within the site; and
- The applicant's Odour Management Plan had met the parameters as set out by the environmental health authority.

During discussion, Members' comments included the following:-

- In acknowledging the sensitivity of the issue with local residents and tourists, it was emphasised that the applicant was seeking to mitigate the impact of odour emissions from the waste water treatment works; and
- Similar odour abatement measures had recently been introduced by the applicant at its waste water treatment works in Ardersier and considered to have been successful.

The Committee agreed to **GRANT** planning permission subject to the conditions detailed in the report.

6.8 **Applicant:** Forrest Developments Ltd (19/01124/S42) (PLS/046/19)

Location: Sainsbury's Supermarkets Ltd, Nairn, IV12 5QF. (Ward 18)

Nature of Development: Application under Section 42 (Erection of a Class 1 retail unit & a restaurant with drive-thru lane (Sui Generis) with associated parking & other ancillary works) to vary Condition 3 (18/00906/FUL) - Amend opening hours for restaurant and drive-thru.

Recommendation: Grant.

There had been circulated Report No PLS/046/19 by the Area Planning Manager – South recommending the grant of the application under Section 42, subject to the modification of the s.75 legal agreement and the conditions detailed in the report.

Mr B Robertson presented the report and recommendation.

In response to questions, the following was confirmed:-

- Management of the site would be the responsibility of McDonalds and any issues in relation to anti-social behaviour would be a matter for the police to address;
- The only change to the previously granted permission arising from this application would be an increase in the opening hours of the drive-thru restaurant;
- The Litter Management Plan to be submitted by the applicant would be required to address the specific points raised in Condition 9 within the recommendation and any additional points raised by Members during discussion which were deemed appropriate for inclusion;
- Any future submission of an application for a late hours catering licence would be a separate matter for determination by the Licensing Committee but could take into consideration the restriction on hours conditions contained within the planning permission; and
- It was for Members to determine the application in terms of any potential planning matters which could arise from the proposed extension to the opening hours of the drive-thru restaurant.

During discussion, Members' comments included the following:-

- Concern was expressed regarding the potential negative impact the proposed change of opening hours could have in regard to increased anti-social behaviour and the amenity of the surrounding neighbourhood;
- In welcoming the requirement under Condition 9 of the recommendation for the applicant to submit a Litter Management Plan, it was emphasised that waste litter had a detrimental impact beyond the close vicinity of the restaurant and was an issue that should be raised with the applicant during negotiations regarding the extent of financial contributions;
- The applicant should make greater emphasise to the public on the impact of waste litter originating from its premises and promote the use of compostable or easily recyclable packaging; and
- It was emphasised that waste from fast food restaurants travelled beyond the local area from which it was purchased and businesses should be encouraged to take responsibility for the waste litter produced from their premises.

The Committee agreed to **GRANT** the application under Section 42 to vary Condition 3 of planning permission 18/00906/FUL subject to (1) the modification of the s.75 legal agreement and (2) the conditions recommended in the report.

- 6.9 **Applicant:** Ms F Newton (19/00664/PIP and 19/00667/PIP) (PLS/047/19)
Location: Land 150M South of South Lodge, Ness Castle, Inverness. (Ward 15)
Nature of Development: Erection of house.
Recommendation: Refuse.

There had been circulated Report No PLS/047/19 by the Area Planning Manager – South recommending the refusal of the applications on the grounds as detailed in the report.

Mrs S Hadfield presented the report and recommendation.

In response to questions, the following was confirmed:-

- The Tree Preservation Order (TPO) related to the group of trees within the grounds of 'Drumdevan House' (hotel) as well as trees alongside the Big Burn on the edge of the plot;
- The trees that would require removal were located within an area of regenerating woodland in the intervening area between Plots 1 and 2 and it was considered that the proposed developments would not have an effect on the trees covered by the TPO;
- Proposals for replanting of trees had been submitted within the applications;
- The commencement of the Hinterland boundary area was located just before the road junction into Torbeck;
- The existing triangle of houses on either side of Essich Road was located within the settlement area;
- 'Drumdevan House' and the two properties associated with the hotel were outwith the settlement area;
- Policy 35 Housing in the Countryside (Hinterland areas) required all houses within a housing group to have a cohesive character relationship with one another and a perceptible relationship with one another;
- The nearby Kirkwood Homes Essich Meadow housing development was located within the settlement development area and did not encroach into the Hinterland area;
- The existing houses on Essich Road had a visual relationship to the road and looked onto it; therefore, whilst they were visually separated from the road, they were considered to have a cohesive relationship with each other and were seen as a housing group and not as individual houses;
- The proposed developments were not considered to comply with the policy requirements for a housing group as there was no development on the other side of the road from the plots and there were currently only two houses that could be deemed to have a perceptible relationship with each other;
- Whilst Members might consider that there was a perceptible relationship with the existing housing on Essich road for Plot 1, consideration was also required as to whether there was a perceptible relationship with Plot 2;
- The two existing properties to the West on the location plan were visually separated by the burn and woodland;
- The applicant had indicated that the area to the side of the existing houses could be landscaped and replacement planting undertaken; and
- A condition could be included requiring the submission of proposals for boundary treatment for approval.

During discussion, Members' comments included the following:-

- Torbreck was on the limits of the Inverness City settlement boundary and had become a rural ideal with many people wanting to live in the area;
- The question of cohesive relationships between buildings was pertinent to maintaining and enhancing the character of the area;
- The concerns raised regarding trees, flooding and protected species had been address by the applicant;
- Policy 35 Housing in the Countryside (Hinterland areas) was subjective and it could be considered that the proposed development was an acceptable extension of an existing housing group;

- Policy 35 was a prescriptive policy based on guidance and had been established to allow more housing within the countryside in a controlled manner and not to interpret it to a standstill;
- The proposed houses were located within an area which had experienced a substantial growth in the number of houses being built over the previous ten years and were considered to be an extension of an existing housing group;
- Sites around Torbreck were likely to be put forward for potential development as part of the review of the Inner Moray Firth Local Development Plan;
- Both of the proposed houses were considered to form an infill of an existing group of houses given the location of houses on all four sides of the applications sites;
- It was considered that 'Drumdevan Cottage' and 'Drumdevan Lodge' were not visually separate by the burn and the public road;
- Policy 35 had been established to protect the countryside by permitting development where exceptions to the policy could be applied;
- None of the exceptions to Policy 35 could be applied to either application and the proposed developments could be seen as an erosion of the existing settlement boundary;
- Policy 35 was based on need and necessity and whilst there were exceptions contained within the policy, none were applicable in relation to the proposed developments.

No consensus having been reached between the members, Mr J Gray, seconded by Mr L Fraser, moved a motion that both applications be refused for the reasons recommended in the report.

Mr R MacWilliam, seconded by Mrs M Davidson, moved as an amendment that the applications be granted on the grounds that both of the proposed developments were in accordance with Policy 35 of the Highland-wide Local Development Plan by reason that they both met the Council's criteria for acceptable expansion of a housing group on the basis that the existing houses within the vicinity could be viewed as one wider housing group.

i. Application Reference 19/0064/PIP

On a vote being taken, three votes were cast in favour of the motion and six votes in favour of the amendment, with no abstentions as follows:-

Motion

Mr R Balfour
Mr L Fraser
Mr J Gray

Amendment

Ms C Caddick
Mr G Cruickshank
Mrs M Davidson
Mr A Jarvie
Mr R MacWilliam
Mr B Thompson

ii. Application Reference 19/0067/PIP

On a vote being taken, four votes were cast in favour of the motion and five votes in favour of the amendment, with no abstentions as follows:-

Motion

Mr R Balfour
Mr G Cruickshank
Mr L Fraser
Mr J Gray

Amendment

Ms C Caddick
Mrs M Davidson
Mr A Jarvie
Mr R MacWilliam
Mr B Thompson

Decision

The Committee agreed to **GRANT** planning permission in principle for 19/00664/PIP and 19/00667/PIP subject to:-

- a) either the upfront payment of the developer contributions set out at 8.37 of the report or the prior conclusion of a s.75 legal agreement securing these contributions; and
- b) the prior conclusion of a s.75 legal agreement for the costs of the extension of the existing 30mph zone as set out at 8.38.

The Committee further agreed to **GRANT** delegated powers to the planning officer to draft appropriate conditions for both developments.

6.10 **Applicant:** Mr Peter Roy (19/00703/FUL) (PLS/048/19)

Location: Land 150M NE of Larisa House, Bunloit, Drumnadrochit. (Ward 12)

Nature of Development: Erection of house.

Recommendation: Refuse.

There had been circulated Report No PLS/048/19 by the Area Planning Manager – South recommending the refusal of the application on the grounds as detailed in the report.

Mr K Gibson presented the report and recommendation.

In response to a question, it was confirmed that the proposed house was approximately 21 metres in length, 8 metres in depth and 10 metres in height from the base of the garage to the peak of the roof.

During discussion, Members' comments included the following:-

- Support was expressed for the recommendation to refuse planning permission for the reasons given in the report;

- The applicant's existing house was too large for his current requirements and he was therefore seeking to erect a new smaller house within his garden ground;
- The field immediately adjacent to the existing house was not suitable as an alternative site for the proposed development as it contained a large septic tank;
- It was also considered that the adjacent field was unsuitable as it was located on the corner of a double bend in the public road at the foot of the hill where there had been a frequency of accidents which had resulted in regular destruction of the boundary fence on the road side of the field;
- In highlighting that there was a bench at the top of the hill and a footpath leading down towards the application site, it was considered that this was garden ground within the property holding and therefore should be classed as formal garden ground;
- It was suggested that if the Committee was minded to approve the application, conditions for the development should include a requirement for the applicant to produce a tree planting plan and provide a financial contribution towards improvements to the public road, such as an additional layby;
- The materials proposed to be used in the construction of the house would break up the appearance of the design as it would consist of a garage on the base of the property formed of natural stone and a small cottage design on the top;
- Concern was expressed that the applicant had not provided any justification for the proposed development and as there was no formal evidence of a garden ground having been established and maintained, none of the exemptions to Policy 35 Housing in the Countryside (Hinterland areas) could be applied in this case;
- The proposed development did not demonstrate sensitive siting as it would not be built into the slope and required engineering of walls to create platforms for the house;
- It was emphasised that a lack of evidence by the applicant to justify potential development in Hinterland areas had previously been used in a number of other applications as a reason to refuse planning permission and that decisions must be based on planning grounds;
- It was suggested that if the applicant had gone to the extent of mowing the grass within the application site prior to the determination of the application, the land would be considered as garden ground and therefore would have complied with policy;
- The proposed development's location on a slope did not detract from its appearance and was considered to demonstrate sustainable design.

No consensus having been reached between the members, Mr J Gray, seconded by Mr G Cruickshank, moved a motion that the application be refused for the reasons recommended in the report.

Mrs M Davidson, seconded by Mr A Jarvie, moved as an amendment that the application be granted on the grounds that the proposed development was in accordance with Policy 35 of the Highland-wide Local Development Plan by reason that it met the Council's criteria for development within garden ground and that the proposed development demonstrated sensitive siting without significantly and insensitively altering the local landscape character and the natural environment and therefore in accordance with Policy 28 of the Highland-wide Local Development Plan.

On a vote being taken, four votes were cast in favour of the motion and five votes in favour of the amendment, with no abstentions as follows:-

Motion

Mr R Balfour
Ms C Caddick
Mr G Cruickshank
Mr J Gray

Amendment

Mrs M Davidson
Mr L Fraser
Mr A Jarvie
Mr R MacWilliam
Mr B Thompson

Decision

The Committee agreed to **GRANT**:-

- a) planning permission, subject to either the upfront payment of the developer contributions set out at 8.12 of the report or the prior conclusion of a s.75 legal agreement securing these contributions; and
- b) delegated powers to the planning officer to draft appropriate conditions for the development including conditions for the provision of a layby and details of visual landscaping for the development.

7. Decisions on Appeal to the Scottish Government Directorate for Planning and Environmental Appeal **Co-dhùnaidhean Ath-thagraidhean do Bhuidheann-stiùiridh Riaghaltas na h-Alba airson Ath-thagraidhean Dealbhaidh agus Àrainneachd**

- 7.1 **Applicant:** Highland Housers Ltd (PPA-270-2206) (18/04143/FUL)
Location: Land on Telford Road to rear of Rockburn Cottage, 58 Lochalsh Road, Inverness, IV3 8HW. (Ward 14)
Nature of Appeal: Erection of 2 semi-detached houses.

The Committee **NOTED** the decision of the Reporter to dismiss the appeal and refuse planning permission.

The meeting ended at 3.20 pm

The Highland Council

Minutes of Meeting of the **Harbours Management Board** held in Committee Room 1, Council Headquarters, Glenurquhart Road, Inverness on Friday 24 May 2019 at 2.00 pm.

Present:-

Mr M Finlayson,
Mrs L MacDonald

Mr H Morrison (Chair)

In attendance:-

Ms C Campbell, Head of Performance and Resources
Mr T Usher, Harbours Manager, Community Services
Mr A MacIver, Principal Engineer, Project Design Unit, Development and Infrastructure Service (Item 4)
Miss J MacLennan, Principal Administrator, Chief Executive's Service

Business**1. Apologies for Absence**

Apologies for absence were intimated on behalf of Ms K Currie, Dr I Cockburn, Mr A Henderson, Mr W MacKay, Mr D MacLeod, Ms A MacLean and Mr D Rixson

2. Declarations of Interest

There were no declarations of interest.

3. Minutes

There had been circulated, and were **NOTED**, Minutes of Meeting of the Harbours Management Board held on 6 March 2019.

4. Uig Harbour Infrastructure Redevelopment

There had been circulated Report No HMB7/19 dated 15 May 2019 by the Director of Community Services accompanied by a presentation on progress made to date with the Uig Harbour Redevelopment. The update covered general progress updates on detailed design, Marine Licences, Harbour Revision Orders, phasing and funding, land, programme, key activities completed, key risks/challenges and upcoming activities.

Members were also informed that the community engagement event had taken place in April, providing an opportunity for the public to view the proposal. Unfortunately the design was now 8 months behind schedule due to the changes proposed and it was thought, as a consequence, that the works would consequently be delayed until January 2020. Turning to funding, it was explained that the Scottish Government's Investment Decision Making (IDM) Board had, given the total cost of the overall project, had sought extra information on the project management and risk.

Confirmation was sought, and received, that the information provided to the IDM Board would be positively received, although it was acknowledged that further discussion might be needed. The risks associated with the project were explored and it was highlighted that the proposed outage at the end of the year to replace the link span could be affected by weather conditions.

The Board otherwise **NOTED** the position.

5. Proposed Maintenance, Repair and Improvement Works for 2019/20

There had been circulated Report No HMB8/19 dated 15 May 2019 by the Director of Community Services.

The revenue budget for major works was £150k and from capital a further £265k, plus £210k carried over from the last financial year. Income targets were particularly testing and it might therefore be necessary to economise elsewhere.

The Harbour Manager outlined the proposed projects, following which Members warmly welcomed the provision of electrical supplies to the new pontoons at Nairn. The financial allocation was relatively modest compared to other similar works in the area but it was explained that at the location in question there was already a power supply in place to the top of the pontoons. At this stage it was not possible to estimate when the works would take place as this was dependent on the availability of electricians but it was suggested that there might be scope, if required, to use manpower from Moray Council to assist.

Thereafter, the Board **NOTED** the position of the works currently underway and those proposed.

6. Harbours Trading Operations 2018/19 Outturn

There had been circulated Report No HMB9/19 dated 15 May 2019 by the Director of Community Services.

Having recognised the financial and political challenges, the Board **NOTED** the position.

7. Debt Management

There had been circulated Report No HMB9/19 dated 15 May 2019 by the Depute Chief Executive/Director of Corporate Resources. In addition, a tabled Appendix was also tabled, detailing Harbour Debt as at 3 May 2019.

The Board **NOTED** the current debt position.

The meeting ended at 2.50 pm.

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The Highland Council

Minutes of Meeting of the **Waste Strategy Working Group** held in Committee Room 1, Council Headquarters, Glenurquhart Road, Inverness on Thursday 6 June 2019 at 2.00 pm.

Present:-

| | |
|------------------------|--------------------------------------|
| Mr J Bruce | Mr H Morrison (by tele conferencing) |
| Dr I Cockburn | Mrs T Robertson |
| Mr A Henderson (Chair) | Mr G Ross |
| Mrs L MacDonald | Ms M Smith |

Non-Members also present:

| | |
|--------------|-----------------|
| Mr R Balfour | Mrs I MacKenzie |
|--------------|-----------------|

In attendance:-

Mr W Gilfillan, Director of Community Services
Mr M Macleod, Head of Planning and Environment, Development and Infrastructure Service
Mr S Graham, Project Manager, Corporate Resource Service
Ms I Percy-Bell, Waste Management Officer (Strategy), Community Services
Mr M Mitchell, Finance Manager, Finance Service
Ms F Daschofsky, Climate Change Coordinator, Development & Infrastructure Service
Mr S Taylor, Administrative Assistant, Chief Executive's Service

Business

1. Apologies for Absence

An apology for absence was intimated on behalf of Mr J Gray.

2. Declarations of Interest

None

3. Minutes

There had been circulated, and was **NOTED**, Minutes of Meeting of the Waste Strategy Working Group held on 7 December 2018.

4. Residual Waste Management Project

There had been circulated Report No WS/02/19 dated 29 May 2019 by the Head of Environmental and Amenity Services.

The Project Manager provided an update on progress, explaining that a refresh of the cost projections from the original Final Outline Business Case had been conducted and an independent review undertaken to verify the financial information contained within the revised Business Case. He confirmed that an application had been submitted to construct a Materials Recovery Facility at the Council's preferred site at the former Landfill site in Inverness and that this would be considered by the South Planning Applications Committee at its meeting on 11 June 2019. Members were informed that approval of the waste management

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facility would be followed by a request for Council approval to develop invitation to tender documentation and that it was proposed to hold a bidders' day after invitations had been issued. It was also proposed that, in response to a letter received from the Cabinet Secretary, officers seek clarification with the Scottish Government on how the Council should operationally address the landfill ban, due to come into force in 2021.

In response to a question, Members were advised that changes to the capital cost figures contained in the Final Outline Business Case were attributed to the revised remit for the materials recovery facility to handle both dry material recycling and residual waste and the identification of the development costs associated with constructing and designing the facility following identification of a specific site. In relation to the likely increase in revenue costs, it was explained a significant proportion of this was due to an increase in gate fees, the charge paid to access waste processing facilities, from £65 per tonne to £95 per tonne. It was emphasised that the figures were indicative and that a clearer figure would be known once market interest had been identified.

During discussion, the following points were raised:-

- concern was expressed regarding the increased costs associated with the project and it was requested that further detail be presented to Members as to why costs had increased from the original projected figures;
- it was emphasised that Members were being asked at this stage of the project to support the principle of a waste management solution and not the cost of the project;
- the actual end figures associated with the project would not be known until the market had been approached during the tendering process;
- in welcoming the opportunity for Members to attend the proposed bidders' day, a request was made for further information as to the process for selecting Members to attend on behalf of the Council;
- concern was expressed that the initial stages of the project had identified a much lower budget than what was now anticipated and tighter control was necessary at the start of the budgeting process to avoid a significant increase in the predicted cost;
- it was important to recover as much waste material within the Highlands and it was essential that the proposed waste material facility would be capable of sorting all of the waste generated so that the minimum amount was being put to incinerator;
- in highlighting that a significant proportion of the technology used in the construction of new material recovery facilities arose from Germany, it was emphasised that contractors were aware of the landfill ban in Scotland and therefore the Council should look for the best available options through the OJEU advertisement;
- the Council had previously sought to work with Moray, Aberdeen and Aberdeenshire Councils to construct a joint material recovery facility; however, due to its location and the resultant high haulage costs this was not a viable option for the Council; and
- whilst it was acknowledged that the Longman was an industrial area, it was important to take into consideration the aesthetics of the building and the potential impact it could have on amenity.

In response to a request, it was suggested that calculations could be sought in relation to the financial refresh conducted by SLR and that due to their confidential nature the opportunity could be made available to Members to view these privately.

The Working Group:-

- i. **NOTED** the contents of the Report;
- ii. **AGREED** to support the principle of a proposed bidders' day (as described at paragraph 4.6 of the report) and to Elected Members attending to provide assurance of The Highland Council's intention to procure a compliant waste management solution;
- iii. **AGREED** to support the proposal for Officer-level contact (paragraph 6.1 of the report) with counterpart Scottish Government officials to clarify the Government's landfill ban derogation position; and
- iv. **AGREED** that calculations be sought in relation to the financial refresh conducted by SLR and that the opportunity would be made available to Members to view these privately.

5. Internal Waste Strategy and Single Use Plastics Synergy

There had been circulated Report No WS/03/19 dated 29 May 2019 by the Head of Environmental and Amenity Services.

During discussion, the following points were raised:-

- there would be significant practical issues going forward when looking at reducing single use plastics;
- the opportunity to combine the Working Group with the Single Use Plastic cross-part group was welcomed;
- further information was sought, and received, regarding the proposed application to the Change Fund, during which it was confirmed that a report would also be presented to the Council meeting on 27 June 2019 concerning Climate Change and Ecology activity which would highlight the need to approach the Change Fund later in 2019 for additional resources to help deliver the Council's commitments set out within the climate and ecological emergency declaration;
- the potential savings which could be achieved by the corporate internal recycling target within the Change Programme could pay back the resources required to deliver it;
- primary school pupils were better at recycling than secondary school pupils and that this could be attributed to the different approaches taken by head teachers;
- it was suggested that pupils moving from primary into secondary education became less conscious of the environment and how they disposed of their litter; and
- in response to concern that the Council was unable to facilitate the recycling of "taupe" plant pots, it was suggested that clarification be sought from the Council's procurement team as to the feasibility of recycling these within the current contract.

The Working Group **AGREED**:-

- i. that the opportunity to streamline into one the two Elected Members' Groups, currently respectively focused on Waste Strategy and Single Use Plastics, should be further investigated with regard to remit and composition;
- ii. that consideration be given to applying to the Change Fund for resource to deliver against elements of the Single Use Plastics Action Plan and the Change Programme saving, Ref 1.18, Internal Recycling;

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- iii. that the appropriate governance arrangements be progressed to enable this; and
 - iv. that clarification be sought from the Council's procurement team as to the feasibility of recycling "taupe" plant pots within the current contract.

6. Residual Waste Project Communication with Elected Members

There had been circulated two draft treatments for a proposed Members' Information Sheet providing a concise overview of the residual waste project. It was intended to periodically revise the information sheet to match project stage developments and that the sheet would contain information on the rationale for the project, the key milestones achieved to date and the key aspects of the project moving forward. Members were asked to consider the two draft treatments for the Information Sheet and agree which version they would prefer to be used as the standard going forward.

During discussion, Members emphasised the importance of communicating to the public the ongoing work being undertaken in relation to the project and suggested that the inclusion of pictures and diagrams could help to convey the information contained within the Information Sheet.

Following discussion, during which it was suggested that a concise overview of the project was more appropriate for conveying information to the public, the Working Group **AGREED** that the first draft Information Sheet contained within the papers should be used as the standard format going forward.

7. Date of Next Meeting

The Working Group **NOTED** that the next meeting is scheduled for Friday, 9 August 2019 at 2.00 pm.

8. A.O.B.

The Chair, on behalf of the Working Group paid tribute to the Director of Community Services at what was to be his last meeting and wished him well in all his future endeavours.

The meeting ended at 3.05 p.m.

The Highland Council**City Region Deal Monitoring Group**

Minutes of the first meeting of the **City Region Deal Monitoring Group** held in Committee Room 1, Council Headquarters, Glenurquhart Road, Inverness on Thursday, 1 August 2019 at 11.00am.

Present:

| | |
|----------------|-------------------------------------|
| Mrs M Davidson | Mr P Siggers |
| Mr A Christie | Mr B Boyd |
| Mr J Gray | Mr A Henderson (on tele-conference) |
| Mr A Jarvie | Mrs T Robertson |

Officials in attendance:

Mr S Black, Director of Development & Infrastructure
Mr J Robertson, Programme Manager, City Region Deal
Miss J MacLennan, Democratic Services Manager

Business**1. Apologies for Absence**

Apologies for absence were intimated on behalf of Mrs M Paterson and Ms M Smith.

2. Declarations of Interest

Mr A Christie declared a non-financial interest as a Non-Executive Director of NHS Highland and a Director of the Highland Small Communities Housing Trust but, having applied the test outlined in Paragraphs 5.2 and 5.3 of the Councillors' Code of Conduct, concluded that his interests did not preclude him from taking part in any discussions in this regard at the meeting.

Mr A Jarvie declared a non-financial interest as a Director of High Life Highland 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 any discussion in this regard at the meeting.

3. Appointment of Chair/Role and Remit of the Monitoring Group

It was **AGREED** that Mr A Christie should be Chair of the Monitoring Group.

There had also been circulated Terms of Reference paper in relation to the proposed Role and Remit of the Group.

It was confirmed that the cross-party Group was expected to focus on the progress of the programme as a whole, discuss areas of strength and weakness with the Senior Responsible Owner and the Programme Manager and scrutinise particular projects (based on opportunities or failings) and the efficiency of project and programme management. In addition, it was expected that the Group would understand and direct action on areas of weakness in terms of

governance, identify areas of strength and good practice and promote the benefits provided by the projects and programme as a whole.

In this regard, the constituent projects within the programme were also highlighted and included the Science Skills Academy, Northern Innovation Hub, Digital, Affordable Housing, Longman Land Remediation, Employability and Skills, Air Access, Fit House, Longman Interchange, East Link, West Link, UHI Centre for Health Innovation, WiFi, Inverness Castle and Tower View Point.

Members **AGREED** the Role and Remit of the Monitoring Group as circulated.

4. Substitute Members on the Monitoring Group

It was **AGREED** that arrangements for Substitute Members to attend meetings should only be made when strictly necessary in view of the need for continuity in the work of the Group and that future meetings should be as fully attended as possible.

It was also **AGREED** that all Members of the Council should be made aware that relevant and detailed information in respect of the Inverness and Highland City Region Deal was contained on the Council Website.

5. Schedule of UK and Scottish Government Reports

There had been circulated Schedule for UK and Scottish Government reports which included information in respect of the following - Annual Report, Implementation Plan, Annual Benefits Realisation Plan, Monthly Finance Report, Quarterly Performance Report, Statement of Compliance and Financial Forecast Table.

In this regard, it was noted that the Annual Report had been sent to the UK and Scottish Governments in draft form on 31 July as planned. Thereafter, the final report would be published on the Council Website and submitted to this Group and the full Council.

During discussion, Members also raised the following issues:-

- in noting that inclusive growth (including support for rural communities) and equality impacts were highlighted as part of every project, it was suggested that evidence of outcomes (including the collective response from other City Deals) should be submitted to a future meeting;
- there were potential links with the work currently being undertaken by the Poverty & Inequalities Working Group, specifically in relation to outcomes from projects, and in this respect reference was made to the decreasing levels of public money available to the area and the increasing number of early deaths; and
- in order to fully capture the benefits arising from the projects delivered through the City Region Deal, it would be important for as much information as possible to be circulated to all Members of the Council and published on the Council Website, including the Annual Report, Implementation Plan and Annual Benefits Realisation Plan. It was also noted that a full report was to be submitted to the next Environment, Development & Infrastructure Committee in this regard later in the month.

Thereafter, the Monitoring Group otherwise **NOTED** the Schedule of Reports as circulated.

6. Update Report

There had been circulated Quarterly Performance Report for 2019/20 (Q1) the Inverness and Highland City Region Deal which included a Programme Overview, Programme RAG, Financial Overview, Profiles for Remaining Years and Risks and Issues.

Detailed information for each of the following projects had also been provided within the report – Science Skills Academy STEM, Inverness Castle, Affordable Housing, Innovative Assisted Living (Fit House), Longman Junction, East Link, West Link, UHI Centre for Health Innovation, Land Reclamation, Northern Innovation Hub, Joint Digital Action Plan, Air Access, Employability and Skills and WiFi.

During a verbal update on the report at the meeting, the following issues were raised:-

Programme Overview - it was noted that the Monthly Finance Reporting for June and Claim 1 for 2019/20 had now been completed. It was also noted that, in regard to Inclusive Growth and Community Impact Processes, it was understood that the Court staff would move out of the Castle in April 2020.

Profiles for Remaining Years - on the basis that all projects required to be delivered by 2025/26, it was highlighted that the major issues related to the Digital Project and as such work was continuing with both the UK and Scottish Governments to resolve these issues. In this respect, it was **AGREED** that Mr Colin Cook, Director of Digital, Scottish Government, should be invited to attend the next meeting.

In relation to Longman Spend/Longman Remaining Profile, it was noted that a report was to be submitted to the next Environment, Development & Infrastructure Committee later in the month. In this regard, it was **AGREED** that a report should also be submitted to a future meeting of the City of Inverness Area Committee and that Ms Amy Phillips, Transport Scotland, should be invited to attend the next meeting.

Risks and Issues – in relation to the list of current programme level risks, it was **AGREED** that this should be included as part of the Council's Corporate Risk Register in future.

Also, in relation to CRD3 (Full Business Case Not Agreed – Longman), and in noting that this was dependent on Transport Scotland and specifically a meeting being set up to discuss the inter-relationship between the Longman Interchange and Longman Land remediation amongst other items, it was hoped that attendance at the next meeting by Ms Amy Phillips, Transport Scotland, would help to progress matters in this regard.

Science Skills Academy STEM – on the basis that this was a long term, innovative and ambitious programme which aimed to redress the shortage of skills related to Science, Technology, Engineering, Mathematics and Digital (STEM) disciplines, it was **AGREED** that a report in this regard should be

submitted to a future meeting of the Environment, Development & Infrastructure Committee and that this should be accompanied by a small exhibition/presentation in the Chamber Foyer over the lunch period on that day.

Affordable Housing – it was suggested that it would be advantageous to establish links between this project and the major project put in place by the Council in relation to Talent Attraction for the area. It was also suggested that consideration should be given to including other possible sites in the area, including the land around the Hilton Community Centre.

Innovative Assisted Living (Fit House) – it was noted that all Local Members would be kept fully informed of any proposals arising from this project as and when they arose.

Air Access – it was **AGREED** that contact should be made with Highlands & Islands Airports Limited to discuss whether it would be possible to obtain detailed information in relation to the origin and destination of passengers in view of the importance of air connectivity to the region and any potential for future expansion.

Employability and Skills – it was **AGREED** that, in view of the several different labour markets in the Highlands, there was a need for increased consultation with Skills Development Scotland and also a stronger focus on work being undertaken elsewhere, such as the Western Isles, which could perhaps be replicated where possible in future.

Thereafter, the Monitoring Group otherwise **NOTED** the Quarterly Performance Report as circulated and the verbal updates which had been provided.

7. Future Programme of Invited Guests

In relation to the Future Programme for Invited Guests, it was **AGREED** that, as discussed earlier in the meeting, the following Guests should be invited to the next meeting:-

Ms Amy Phillips, Transport Scotland
Mr Colin Cook, Director of Digital, Scottish Government

8. Dates of Future Meetings

It was **AGREED** that future meetings should be held on a quarterly basis – with the proviso that additional meetings could be arranged if and when necessary.

In this regard, it was **AGREED** that the next meeting should be held on Thursday, 24 October 2019 at 11.00am in Committee Room 1, HQ.

The meeting ended at 12.30pm.