

THE HIGHLAND COUNCIL
NORTH PLANNING APPLICATIONS
COMMITTEE (via MS TEAMS)

26 JUNE 2020

MINUTES & ACTION NOTE

Listed below are the decisions taken by Committee at their meeting and the actions that now require to be taken. The webcast of the meeting will be available within 48 hours of broadcast and will remain online for 12 months: <https://highland.public-i.tv/core/portal/home>

A separate memorandum will be issued if detailed or further instructions are required, or where the contents of the memorandum are confidential. Please arrange to take the required action based on this Action Sheet.

Committee Members Present (via MS Teams):

Mr R Bremner, Mrs I Campbell, Ms K Currie, Mr M Finlayson, Mr C Fraser, Mr R Gale, Mr J Gordon, Mr D MacKay, Mrs A MacLean, Mr C Macleod, Mr D Macleod, Mrs M Paterson, Mr K Rosie, Mr A Sinclair and Ms M Smith (**Chair**).

Substitutes:

None

Officers Participating:

Dafydd Jones – Acting Head of Development Management – Highland
 Julie Ferguson (JF) – Team Leader
 Simon Hindson (SH) – Team Leader
 Susan Hadfield (SHA) – Planner
 Jane Bridge – Senior Engineer (Development Management)
 Daniel Hopwood – Environmental Health Officer
 Karen Lyons – Principal Solicitor (Planning) and Clerk
 Alison MacArthur – Administrative Assistant

Guests:

David Mackay – Scottish Natural Heritage (item 4.1)
 Susan Haslam – SEPA (item 4.1)

ITEM NO	<u>DECISION</u>	<u>ACTION</u>
1	Apologies for Absence Leisgeulan	
	Apologies for absence were received from Mr A Rhind.	N/A

2	Declarations of Interest Foillseachaidhean Com-pàirt	
	Item 6.1 - Ms K Currie indicated that she would be approaching the application objectively following the presentation and member discussion of the item. She confirmed that, in the interests of openness and transparency, she wished to mention that the views of her employer on the application had been made known publicly. However, for the reason above given and having applied the objective test contained in the Code of Conduct for Councillors she had concluded that it wasn't necessary to declare an interest in the application.	N/A
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 9 June 2020 which were APPROVED.	N/A
4	Planning Applications to be Determined Iartasan Dealbhaidh rin Dearbhadh	
4.1	Applicant: Highlands and Islands Enterprise (20/00616/FUL) (PLN/024/20) Location: Land 2600 m South West of Dunbuie, Talmine, Tongue (Ward 01). Nature of Development: Construction of vertical launch space port with launch operations control centre, site integration facility, launch pad complex, antenna park, access road, fencing, services and associated infrastructure. Recommendation: Grant.	
	Members were advised of the following amendments to the report: <ul style="list-style-type: none"> • Para. 10.11 <i>SPP recognises that the need for <u>energy</u> and the need to protect and enhance Scotland's natural and historic environment must be regarded as compatible goals.</i> Should read <i>SPP recognises that the need for <u>economic growth</u> and the need to protect and enhance Scotland's natural and historic environment, <u>these</u> must be regarded as compatible goals.</i> <ul style="list-style-type: none"> • Para. 10.67 <i>The LEZ extends to 1.8km from the launch pad. The LEZ has been identified based upon the Federal Aviation Administration Regulations from the United States of America, however the rockets capable of being launched from the proposed development site are of a much smaller scale than those set out in the <u>LEZ</u>.</i> Should read:	SH

The LEZ extends to 1.8km from the launch pad. The LEZ has been identified based upon the Federal Aviation Administration Regulations from the United States of America, however the rockets capable of being launched from the proposed development site are of a much smaller scale than those set out in the Federal Aviation Administration Regulations.

- Para. 10.67

It is understood from the UK Space Agency that the LEZ will be based upon the safety case required to meet with Sections 9 (Grant of Operators: Safety) and 10 (Grant of Spaceport Licence) in the Space Industry Act 2018.

Should read:

It is understood from the UK Space Agency that the LEZ will be based upon the safety case required to meet with Sections 9 (Grant of Operators Licence: Safety) and 10 (Grant of Spaceport Licence) in the Space Industry Act 2018.

Members were also advised of a proposed amendment to the conditions listed in the report as follows:

- Condition 2

No development shall commence until:

i. Full details of a guarantee, bond or other financial provision to be put in place to cover all of the decommissioning and Site restoration measures outlined in the Decommissioning and Restoration Plan approved under condition 2 of this permission have been submitted to, and approved in writing by, the planning authority. For the avoidance of doubt the bond must be able to be called upon by The Highland Council and be enforceable against the operator and landowner and/ or leaseholder; and

ii. Confirmation in writing by a suitably qualified independent professional that the amount of financial provision proposed under part (i) above is sufficient to meet the full estimated costs of all decommissioning, dismantling, removal, disposal, Site restoration, remediation and incidental work, as well as associated professional costs, has been submitted to, and approved in writing by, the planning authority; and

iii. Documentary evidence that the guarantee, bond or other financial provision approved under parts (i) and (ii) above is in place has been submitted to, and confirmation in writing that the financial provision is satisfactory has been issued by, the planning authority.

Thereafter, the Operator, and Leaseholder and/or Landowner, shall:

i. Ensure that the guarantee, bond or other financial provision is maintained throughout the duration of this permission; and

ii. Pay for the guarantee, bond or other financial provision to be subject to a review five years after the commencement of development and every five years thereafter until such time as the Spaceport is

decommissioned and the Site restored.

Each review shall be:

- a) conducted by a suitably qualified independent professional; and*
- b) published within three months of each five year period ending, with a copy submitted upon its publication to both the landowner(s) and the Planning Authority; and*
- c) approved in writing by the planning authority without amendment or, as the case may be, approved in writing by the Planning Authority following amendment to their reasonable satisfaction.*

Where a review approved under part (c) above recommends that the amount of the guarantee, bond or other financial provision should be altered (be that an increase or decrease) or the framework governing the bond or other financial provision requires to be amended, the Operator, and Leaseholder and/or Landowner shall do so within one month of receiving that written approval, or another timescale as may be agreed in writing by the planning authority, and in accordance with the recommendations contained therein.

- **Condition 10**

No development shall commence until pre-construction surveys have been carried out by a suitably qualified person, in accordance with the submitted Species Protection Plan comprising:

- a) in the spring before construction commences, or another timescale agreed in writing with the Planning Authority and SNH, raptor, diver and breeding bird surveys of the site plus appropriate buffers (2 km for breeding raptors, 500 m for breeding waders and 1 km for breeding divers)*
- b) an otter survey along all watercourses within 250 m of the works area.*
- c) a water vole survey along all watercourses within 50 m of the works area*
- d) ~~a Breeding Bird Survey;~~*
- e) a pre-works check for adder along all riverbanks within 30 m of water crossings.*

Thereafter Species Protection Plans (inclusive of a Breeding Bird Protection Plan) for the species surveyed shall be submitted to and approved in writing by the Planning Authority, in consultation with SNH, prior to the commencement of development. Thereafter, the approved species protection plans shall be implemented in full.

- **Condition 11**

No later than 6 months prior to the first launch from the site, a visitor management plan (VMP) shall be submitted to and approved in writing by the Planning Authority in consultation with SNH, Transport Scotland, and emergency services.

The VMP shall be based on the principles set out in the Visitor Management Strategy submitted with the Environmental Impact Assessment Report as clarified by the Scenario Planning with Supporting Planning Assumptions document (May 2020) and shall set out the proposed management of visitors to the site and the launch exclusion zone for the period of the launch campaign.

The approved VMP shall include:

- a) The period of the launch campaign;*
- b) Details of how visitors will be managed during launch and non-launch scenarios across the application site and the Launch Exclusion Zone, having particular regard to the impact of visitor management on the qualifying features of the Caithness and Sutherland SAC, SPA and Ramsar site. For the avoidance of doubt there shall be no vehicles used for the management of visitors within the areas of the Launch Exclusion Zone that coincide with the Caithness and Sutherland SAC, SPA and Ramsar site, except in an emergency situation;*
- c) The estimated visitor numbers, proposed viewing areas, visitor traffic routes to these areas and the traffic generation on these routes;*
- d) The size, layout and location of the car, campervan and coach parking required to accommodate the estimated visitors at or close to the viewing areas and details of suitable accessible routes for pedestrians from the parking to the viewing areas;*
- e) Provision of the agreed visitor facilities (including parking facilities) prior to launch;*
- f) Measures to encourage sustainable transport to the site including remote park and ride and provision of public transport services from rail stations and larger settlements within Caithness and Sutherland;*
- g) Proposals for a suitable Traffic Regulation Order mechanism to control stopping and waiting on the A838 (and at other locations which are identified as likely to be impacted by uncontrolled parking in the vicinity of the launch site). This shall include any associated signage;*
- h) Proposals for any byelaws (not relevant to the Space Industry Act 2018) to establish the Launch Exclusion Zone which will impact on the public road network;*
- i) Security measures which may affect the free flow of traffic on the public road;*
- j) Proposals of road signage to inform and warn road users on the main visitor routes and within the settlements of Melness, Talmine and Tongue and to redirect road users where required, including any signage on the public road required for the Launch Exclusion Zone; and*
- k) Proposals for a public information protocol and a communications strategy (including a website) to provide information on the traffic management proposals.*

Thereafter the approved VMP shall be implemented in full.

The VMP will also include provision for monitoring of visitor management and a review of the VMP shall be undertaken, in consultation with the Council, SNH, Transport Scotland, and emergency services following each launch during the first year of launches. Thereafter, monitoring and review of the visitor management plan will take place at the end of the 2nd ~~and 5th~~

year of operation and thereafter every anniversary of the first launch from the development; or 6 months in advance of the first launch by any new Launch Site Operator; or at the request of the Launch Event Visitor Management Group.

Following each review of the VMP, the revised VMP shall be submitted for the written approval of the Planning Authority in consultation with SNH, Transport Scotland, and emergency services. Thereafter the revised VMP shall be implemented in full.

- Condition 25

No development shall commence until details of any and all watercourse crossings have been submitted to and approved in writing by the Planning Authority. All watercourse crossings shall be designed to ensure they do not impede a 1 in 200 year plus climate change flow, include an appropriate level of freeboard and include formal mammal passages if a sufficient bank would not be maintained under flood conditions.

- Condition 28

No works or development, with the exception of surface water drainage infrastructure, foul drainage, nature conservation and habitat management shall be undertaken outwith areas identified for construction works on the approved Extent of Works Plan (approved drawing etc 19.02.P17), the areas of which shall be marked out on the site. For the avoidance of doubt no storage of material may take place within 10m of the top of the bank of any watercourse or waterbody unless otherwise agreed in writing by SEPA and The Highland Council's Flood Risk Management Team.

In addition, the case officer advised members of the representations (including a petition objecting to the application) received since the report had been circulated to members and responded to the new issues raised therein. In response to members' questions, the case officer indicated that further clarification would be added to the conditions to ensure that advance warning of launches be given to the public. The applicant had been advised that visitor management facilities (including facilities required for travel) requiring planning permission should come forward in a co-ordinated way in order to understand and assess the cumulative impact of facilities associated with the proposed development.

Ms K Currie asked for a firm commitment from the applicant to replace the Naver Bridge without coming to the Council for funding and that there be meaningful engagement with the community to ensure proper community liaison.

Mr R Bremner sought modifications to Condition 2 (Decommissioning and Restoration) to make it clear that if the site requires to be decommissioned and restored to natural habitat and previous use. He further sought modification to Condition 11 (Visitor Management Strategy) or a standalone condition to require a scheme for advanced directional signage to the development (including distances to the proposed development from the point of the signage).

	<p>Ms Maxine Smith and Mr R Bremner requested that an advanced schedule of proposed launches for the calendar year are made available to the community. It was requested that this is secured through modifications to Condition 13 (Community Liaison Group) and Condition 32 (Operational Management Plan).</p> <p>The Case Officer agreed to include the proposed changes.</p> <p>Motion: by Ms M Smith seconded by Ms K Currie to grant the application subject to the conditions contained in report ref PLN/024/20 as amended (see above). [Given the Direction issued by the Scottish Government, prior notification of the proposed decision requires to be given to Scottish Ministers.]</p> <p>Amendment: None</p> <p>Motion carried.</p> <p>Agreed: to GRANT the application subject to the conditions contained in report ref PLN/024/20 as amended (see above). [Given the Direction issued by the Scottish Government, prior notification of the proposed decision requires to be given to Scottish Ministers.]</p>	
4.2	<p>Applicant: Highland Housing Alliance (19/05404/FUL) (PLN/021/20) Location: Land 110 m SW of 12 Thomas Maclver Street, Evanton (Ward 6). Nature of Development: Erection of 140 houses. Recommendation: Grant.</p>	
	<p>Members received an update from the case officer following the issue of the report:</p> <ul style="list-style-type: none"> • Developer contributions for public and community transport had been agreed at £650 per house; • recommending that Condition 3 be replaced by the following amended version: <p>“3. No development or work shall commence until a scheme for the phasing of all landscaping works has been submitted to and approved in writing by the Planning Authority. This shall make provision for the native woodland creation areas to the south of the site to be planted in advance of other works being carried out, or in very early stages of development.</p> <p>Reason: In the interests of amenity, conservation, to provide a well established plantation as the development progresses, and an area of refuge for any displaced wildlife.”</p> <ul style="list-style-type: none"> • And Condition 12 is to be omitted and replaced with the following informative note: <p>“The applicant is advised that ponding occurs on the low section of Livera St, in the vicinity of No 1. It would be beneficial to carry out investigations to determine the source of the problem, and to carry out mitigation works since this lies on an active travel route to the village centre.”</p> <p>In addition, the case officer advised the Committee that the application site is within the ownership of the Council, the applicant having erroneously</p>	SHA

	<p>completed the application form indicating that the applicant was the land owner.</p> <p>Motion: by Ms M Smith seconded by Mr M Finlayson to grant the application subject to the conditions contained in report ref PLN/021/20 as amended (as above) and a s75 planning obligation to secure developer contributions.</p> <p>Amendment: None.</p> <p>Motion carried.</p> <p>Agreed: to GRANT the application subject to the conditions contained in report ref PLN/021/20 as amended (as above).</p>	
4.3	<p>Applicant: HRN Tractors Ltd (19/05441/FUL) (PLN/022/20) Location: Land 40 m SW of The White House, Dingwall (Ward 8). Nature of Development: Erection of building for agricultural repairs, servicing and sales with associated access, parking, external display area and landscaping (renewal of planning permission 15/04651/FUL and 16/00043/RBREF) Recommendation: Grant.</p>	
	<p>Motion: by Mrs A Maclean seconded by Mr R Gale to grant the application subject to the conditions contained in report ref PLN/022/20.</p> <p>Amendment: by Ms M Smith seconded by Mrs M Paterson to refuse the application for the following reasons:</p> <p>I have taken on board the planning history of this application site namely, the refusal of this development under delegated powers and subsequent grant, in 2016, by the Council's Planning Review Body. At para 7.2 of the report we are advised that this planning history carries significant weight. However, to my mind, the original reasons for refusal are added to by the terms of the Climate and Ecological Emergency Declaration of May 2019. This is identified by the Development Plans Team in their response to the application (para 7.2 of the report). Therefore, I am of a mind to move refusal of this application for the reasons given by the case officer in respect of application ref 15/04651/FUL and an additional reason taking on board the Climate and Ecological Emergency Declaration of May 2019. As follows:</p> <ol style="list-style-type: none"> 1. The proposal is contrary to Policy 61, Landscape, in the Highland-wide Local Development Plan which requires new development to reflect the landscape characteristics of the area in which they area proposed. The size of the building and the associated outdoor area and industrial nature of the fencing will result in it visually dominating The White House and extending the built form along the road edge in a linear fashion uncharacteristic of the landscape within which it is located. It will also interrupt views of the land/sea interface and its prominence will create a new uncharacteristic and undesirable focal point. The narrow nature of the visual space between the edge of Dingwall and Kildun Farm on the edge of Maryburgh will also be interrupted leading to a suburban feel instead of the open undeveloped rural feel currently created by this space. 2. The proposal is contrary to Policy 28 and Policy 29 of the Highland-wide Local Development Plan which require development to 	JF/SHA

demonstrate sensitive siting and high quality design, and sensitivity and respect towards the local distinctiveness of the landscape. The proposal is clearly contrary to both of these policies in that it intrudes into the visual gap between settlements, will create a linear scattering of buildings alongside the road, and will detract from the relatively uninhabited experience of the landscape. Furthermore, it will inappropriately draw the eye, and replace the land/shore interface as a focal point due to its size and inappropriate location.

3. The proposal is contrary to Policy 41 of the Highland-wide Local Development Plan which states that proposals for business and industrial proposals will be acceptable where they are located on existing or allocated industrial land, and that proposals for new business and industrial development should be directed to those allocated sites. The principle of business proposals outwith an allocated site can be supported if the land requirement is from an emerging industry with uncertain size and locational characteristics or there is another unforeseen element to the requirement. Developers will have to demonstrate that their proposals cannot reasonably be accommodated on existing allocated sites, and will still need to comply with other parts of the development plan. The site lies outwith any of the allocated sites to which development should be directed, alternative allocated land is available, and consequently this proposal fails to comply with policy 41 of the Highland-wide Local Development Plan.

4. The proposal is contrary to Policy 65 of the Highland-wide Local Development Plan which requires connection to the public sewer for all new development proposals in settlements with a population equivalent of more than 2000, or unless it is demonstrated that the development cannot connect to a public sewer for technical or economic reasons. This site lies adjacent to the Settlement Development Area for Dingwall which is served by a public sewer and has a population equivalent of more than 2000. The public sewer is approximately 80/370m from the site and at a similar height, and the proposed development could be connected using an intermediate pumping station. To allow this development to proceed without connecting to the public sewer would be contrary to Policy 65, and would also set an undesirable precedent for other developments to utilise private drainage arrangements leading to a proliferation of private waste water systems in close proximity to the public sewer; and

5. The proposal would result in the loss of good quality agricultural ground resulting in the further commercialisation of agricultural land on the southern side of the approach to Dingwall, contrary to the Climate and Ecological Emergency Declaration of May 2019.

Vote:

Motion: 7

[Mr M Finlayson, Mr R Gale, Mr D Mackay, Mrs A Maclean, Mr D Macleod, Mr K Rosie, Mr A Sinclair]

Amendment: 8

[Mr R Bremner, Mrs I Campbell, Ms K Currie, Mr C Fraser, Mr J Gordon, Mr C Macleod, Mrs M Paterson, Ms M Smith]

Amendment carried 8 votes to 7

Agreed: to refuse the application for the abovementioned reasons.

4.4	<p>Applicant: Scottish Hydro Electric Transmission Plc (20/01014/S37) (PLN/023/20) Location: Land 1250 m North of Crask Inn, Lairg (Ward 1). Nature of Development: Installation and operation of 132 kV overhead electric line to connect Creag Riabhach Wind Farm to the grid. Recommendation: Raise no Objection.</p>	
	<p>Motion: by Ms K Currie seconded by Mrs A Maclean to not object to the application subject to the conditions contained in report ref PLN/023/20. Amendment: None Motion carried.</p> <p>Agreed: to NOT TO OBJECT to the application subject to the conditions contained in report ref PLN/023/20.</p>	SH
	The meeting finished at 1605.	