

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

20 OCTOBER 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 (except items 1-5.1), Mr C Fraser, Mr R Gale, Mr J Gordon, Mr D MacKay (except item 6.4), Mrs A MacLean (except item 6.5), Mr C Macleod, Mrs M Paterson, Mr K Rosie, Mr A Sinclair (except items 1-6.1) and Ms M Smith (**Chair**).

Substitutes:

None

Non-Committee Members Present:

Mr M Reiss (items 1-6.4 & 6.6)

Officers Participating:

Dafydd Jones (DJ) – Acting Head of Development Management – Highland

Mark Harvey (MH) – Team Leader

Simon Hindson (SH) – Team Leader – Strategic Projects

Erica McArthur (EMcA) – Principal Planner

Gillian Pearson – Principal Planner

Rebecca Hindson (RH) – Planner

Jane Bridge – Senior Engineer (Development Management)

Karen Lyons – Principal Solicitor (Planning) and Clerk

Alison MacArthur – Administrative Assistant

Guests:

None.

The order of agenda items was amended but this minute reflects the items in agenda order.

ITEM NO	<u>DECISION</u>	<u>ACTION</u>
1	Apologies for Absence Leisgeulan	
	Apologies for absence were received from Mr D Macleod and Mr A Rhind. Mr M Finlayson had connection issues and joined the meeting during consideration of item 5.1. Mr A Sinclair had connection issues and joined the meeting during consideration of item 6.1.	N/A
2	Declarations of Interest Foillseachaidhean Com-pàirt	
	None. Mr J Gordon advised that the Spaces for People Initiative had been supported by the Skye members but, having considered the objective test contained in the Code of Conduct, did not consider that an interest in item 6.5 required to be declared.	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 15 September 2020 which were APPROVED .	N/A
4	Major Development Update Iartasan Mòra	
	The Acting Head of Development Management - Highland advised that a further Major Application had been submitted since the report was written: 20/03833/FUL - Cairnmore Hill Wind Farm - Erection and Operation of a Wind Farm for a period of 35 years, comprising of 8 Wind Turbines with a maximum blade tip height 138.5m with a generating capacity of up to 33.6MW, access tracks, borrow pits, substation, control building, battery energy storage and ancillary infrastructure on Land 1580M SE Of Schoolhouse Forss Thurso. The case officer is Mark Fitzpatrick. It is anticipated that the application will be determined in March 2021. In addition, an application under the Electricity Act had not appeared in Appendix 2: 20/03481/S36 - Strathy South Wind Farm - Application under Section 36 of the Electricity Act 1989 to vary the consented Strathy South Wind Farm to increase the blade tip height from 135 m to up to 200 m and increase maximum consented output from 133 MW to 208 MW on Land at Strathy South, Strathy Forest, Strathy. The Team Leader – Strategic Projects is the	DJ/SH

	<p>case officer and it is anticipated that the application will be determined in January 2021.</p> <p>Agreed: to NOTE the report and the updates provided.</p>	
5	<p>Major Developments – Pre-application consultations Leasachaidhean Mòra – Co-chomhairle Ro-iarrta</p>	
5.1	<p>Description: Erection of Lochluichart Wind Farm Extension II comprising up to 5 wind turbines of no more than 149.9 m to blade tip height (with an overall generating capacity of up to 25 MW) and associated infrastructure for an operational period of up to 40 years. (20/03727/PAN) (PLN/035/20) Ward: 5 Applicant: Bluebell Wind Farm Limited Site Address: Land between Lochluichart and Loch Glascarnoch, Garve.</p>	
	<p>The Acting Head of Development Management- Highland indicated that the reference to “Belladrum” in para 3.5 of the report was an error and should be disregarded.</p> <p>In response to members’ questions, the Acting Head of Development Management – Highland indicated:</p> <ul style="list-style-type: none"> • The applicants would be asked to hold virtual public consultations if in-person consultation events were not possible; • There was no cap on the number of turbines that could be applied for; and • The duration of past permissions reflected the expected life expectancy of turbines and applicants were now generally seeking longer permissions based on the actual life expectancy of turbines. <p>No additional material considerations to be brought to the attention of the applicant were raised by Members.</p>	PW
6	<p>Planning Applications to be Determined Iartasan Dealbhaidh rin Dearbhadh</p>	
6.1	<p>6.1 Applicant: Diageo Scotland Ltd (20/00848/FUL) (PLN/036/20) Location: Talisker Distillery, Carbost, Isle of Skye, IV47 8SR (Ward 10). Nature of Development: Proposed visitor centre cafe and private client space together with alterations to existing visitor centre car park, landscaping and associated works. Recommendation: Grant.</p>	
	<p>In response to members’ questions the Principal Planner advised:</p> <ul style="list-style-type: none"> • The location and format of the proposed crossing had been agreed in consultation with the Council’s Transport Planning Team and will be subject to the appropriate road’s authority permit. <p>The Senior Engineer (Development Management) advised:</p> <ul style="list-style-type: none"> • That the sightlines had been checked and were found to be satisfactory, the existing bend in the public road itself restricts vehicular speed; • Current thinking on the addition of a guard rail is that this is a double-edged sword as it can prevent retreat to a safe position on 	EMcA

	<p>the pavement; and</p> <ul style="list-style-type: none"> • She was not aware of a recent road traffic survey having been undertaken and to carry out one during the Covid pandemic would be unlikely to produce results expected in a “normal” year. <p>Mr J Gordon raised concerns about the impact that traffic was already having in Carlost particularly during the summer months.</p> <p>Motion: by Ms M Smith seconded by Mrs A Maclean to grant planning permission in accordance with the recommendation contained in the report of handling.</p> <p>Amendment: Mr J Gordon indicated that he wished to put forward an amendment to refuse the application and the meeting was adjourned for Mr J Gordon and Mr C Macleod to discuss suggested reasons for refusal with the Acting Head of Development Management – Highland and the Principal Solicitor (Planning)/Clerk.</p> <p>At the end of the adjournment, the Principal Solicitor (Planning)/Clerk advised that she and the Acting Head of Development Management – Highland had been through the proposed reasons for refusal and addressed the 3 policies mentioned in these reasons to establish if the policy tests had been met or not. In addition, the proposed mitigation measures secured by the case officer and lack of objection from the Transport Planning Team had been discussed with Mr J Gordon and Mr C Macleod. The Members had concluded that while concerns remained, they had insufficient planning reasons to proceed with their amendment.</p> <p>Agreed: to GRANT planning permission subject to an upfront payment of developer contributions towards a proposed 20mph speed order and the conditions listed in the report of handling. In addition, it was agreed that the proposed road traffic measures would be reported to the Isle of Skye and Raasay Committee.</p>	
6.2	<p>Applicant: Kilmac Energy (Glen Ullinish) Ltd (20/01129/S42) (PLN/037/20) Location: Land 1800 m South East of Balmenach, Glen Ullinish, Struan (Ward 10). Nature of Development: Section 42 application for non-compliance with condition 1 of Glen Ullinish Wind Farm as consented (14/03964/FUL). Recommendation: Grant.</p>	
	<p>The Team Leader – Strategic Projects provided an update explaining the extension of the duration of the permission under the provisions of the Coronavirus (Scotland) Act 2020 and related regulations.</p> <p>In response to members’ questions, the Team Leader – Strategic Projects advised:</p> <ul style="list-style-type: none"> • Some developers were buying 2nd hand turbines and refurbishing/re-using them; • To increase the electricity generated, there had been a move towards squatter turbines with longer blades; • The applicant had confirmed that the wind farm was not commercially viable if turbines were reduced in scale (beyond the reduced height of turbines T1-T3); • The Skye grid reinforcement project being taken forward is one of the largest in the UK; 	SH

	<ul style="list-style-type: none"> • The applicant had secured a connection date of 2025 and was due to commence development in 2024; and • If the s42 application was refused, the applicant could commence development under the existing permission which had been extended under the Coronavirus legislation until 2021. <p>The local members indicated that they were content with the application and indicated that it was rare for a wind farm application not to receive objections. The efforts that the applicant had gone to communicate with the local community were welcomed.</p> <p>Contrary to the above, the view was expressed that the wind farm would be intrusive from certain viewpoints, but it was acknowledged that there was no objection from NatureScot and that the proposed changes to the development would mean fewer turbines and fewer tracks.</p> <p>Agreed: to GRANT planning permission subject to the conditions listed in the report of handling and modification of the existing s75 agreement.</p>	
6.3	<p>Applicant: (Scottish Hydro Electric Transmission Plc (20/01595/S37) (PLN/038/20)</p> <p>Location: Land 300 m West of Achunabust Farm, Reay (Ward 2).</p> <p>Nature of Development: Install and keep installed the proposed Limekiln Wind Farm 132 kV Grid Connection overhead electric line.</p> <p>Recommendation: Raise no objection.</p>	
	<p>In response to members' questions, the Team Leader – Strategic Projects advised:</p> <ul style="list-style-type: none"> • While there would be benefits in terms of reduced visual impact there were both cost (of installation and repair) and environmental (peat disturbance) reasons not to underground the line. <p>Agreed: to RAISE NO OBJECTION to the application subject to the conditions listed in the report of handling.</p>	Claire Farmer
6.4	<p>Applicant: Infinergy Limited (20/01905/S36) (PLN/039/20)</p> <p>Location: Land 3080 m West of Shepherds Cottage, Shebster, Thurso (Ward 2).</p> <p>Nature of Development: Limekiln Extension Wind Farm - Erection and Operation of a Wind Farm for a period of 30 years, comprising of 5 Wind Turbines with a maximum blade tip height 149.9m, with access tracks, hardstanding areas, substation, battery storage facility, control building compound, borrow pits and cabling.</p> <p>Recommendation: Raise no objection.</p>	
	<p>Mr D Mackay did not take any part in the determination of the application on the grounds that he has made public his views on wind farm applications within Caithness.</p> <p>Mr M Reiss, local member, was permitted to speak on the application.</p> <p>The Team Leader – Strategic Projects advised members that a further representation had been received from the Caithness West Community Council and circulated to members. Not all of the representations on the application were on the Council website because they had been sent direct to the ECDU. However, all of the issues raised in representations had been</p>	SH

	<p>taken into account in the report of handling.</p> <p>In response to members' questions, the Team Leader – Strategic Projects advised:</p> <ul style="list-style-type: none"> • The RSPB and Caithness West Community Council had maintained their objections; and • The battery storage array would be located near the control building for the consented Limekilns wind farm and, while it may be that the batteries could be used for the proposed development, that would be a technical matter for the applicant. <p>Mr M Reiss raised concerns about this proposed extension to the recently consented Limekilns wind farm. In particular, the cumulative impact on the community of Reay of consented and proposed wind farm developments. In addition, concern was raised about the ornithological research (particularly as regards golden eagle) that had informed the documents in support of the application. He had been advised by the Caithness Raptor Study Group that eagles had returned to the area in 2013 with an eyrie close to but out with the application site. Concern was expressed that, contrary to NatureScot guidance, the applicant appeared to be relying on protected species research for the consented Limekiln wind farm rather than fresh studies carried out for the proposed extension.</p> <p>The Team Leader – Strategic Projects advised that the EIAR does not identify an eagle nest on the site and that the onsite monitoring work has not identified an eagle nest. He further noted that the methodology for ornithological survey work had been agreed between NatureScot and the applicant.</p> <p>Mr R Bremner, having considered the application and all the supporting material that had been presented, concluded that he was not satisfied that the proposed application for the extension of Limekiln wind farm, as presented, could be supported and put forward the following motion.</p> <p>Motion: by Mr R Bremner seconded by Mrs M Paterson to object to the application for the following reasons: the proposed extension of Limekiln wind farm is located, sited and designed in such a way that the turbines will be significantly detrimental overall, individually and cumulatively with the already consented Limekilns wind farm development, from view point number four at Shebster. Accordingly, the extension of the wind farm does not demonstrate sensitive siting, has a significant adverse impact on the surrounding area and is therefore contrary to Policy 67 of the Highland Wide Local Development Plan.</p> <p>Amendment: None</p> <p>Vote: N/A</p> <p>Agreed: to OBJECT to the application for the reasons given in Mr R Bremner's motion.</p>	
6.5	<p>Applicant: Campbell Dickson (20/02709/FUL) (PLN/040/20) Location: Portree Hotel, Somerled Square, Portree (Ward 10) Nature of Development: Erection of temporary decking seating bays and dining pods. Recommendation: Grant.</p>	

	<p>The Team Leader advised members that this retrospective application had been submitted for approval to offset the impacts of reduced internal capacity at the applicant's premises due to the impact of implementing social distancing measures. Although a 2-year period had been requested, the Team leader indicated that the Planning Service were recommending that a 1 year permission be granted as the impact of the development on the conservation area was outweighed by economic benefit only as a consequence of the pandemic.</p> <p>The Senior Engineer (Development Planning) indicated that the decision to object was not taken lightly but that the role of the Team was to advise on roads and transportation issues and the application could not be supported, despite the economic benefit it offered, for the reasons contained in the consultation response.</p> <p>In discussion, members raised concerns about the negative impact of the proposed development on the already narrow footway between the hotel and the proposed development. Restricted passing opportunities and increased movements by members of staff between the hotel and the proposed development would impact more significantly on wheelchair users and those pushing buggies. Concern was expressed that the proposed development was not accessible to disabled customers and about the type of glass used in the proposed development.</p> <p>The Team Leader responded that the footway was no longer particularly busy with pedestrians given that the application site was no longer being used for taxis. In addition, members were advised that the glazed structures used toughened glass.</p> <p>Agreed: to GRANT planning permission subject to the conditions listed in the report of handling.</p>	MH
6.6	<p>Applicant: Mr and Mrs Wilson (20/02826/FUL) (PLN/041/20) Location: Land 105 m North of 1 Dalmore Farm Cottages, Alness (Ward 6). Nature of Development: Erection of farm shop and cafe and formation of car park, play area and animal petting area. Recommendation: Grant.</p>	
	<p>Members expressed support for the siting, design and variety of offer contained in the proposal.</p> <p>Agreed: to GRANT planning permission subject to the conditions listed in the report of handling.</p>	RH
6.7	<p>Applicant: Mr Andrew Harris (19/03594/FUL) (PLN/042/20) Location: Land 55 m NE of Keiss Harbour House, High Street, Keiss (Ward 3). Nature of Development: Siting of holiday cabin and holiday pods. Recommendation: Grant.</p>	
	<p>Members expressed support for the proposal as it would increase the tourist accommodation available in the local area and had been located and designed to avoid adverse impact on existing listed properties.</p> <p>Agreed: to GRANT planning permission subject to the conditions listed in</p>	GP

	the report on handling.	
	The meeting finished at 1700.	