

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

26 JANUARY 2021

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 (except items 1-3), Mrs I Campbell, Ms K Currie, Mr M Finlayson, Mr C Fraser, Mr R Gale, Mr J Gordon, Mr D MacKay, Mrs A MacLean (except items 1-3), Mr C Macleod, Mrs M Paterson, Mr A Rhind (except items 6.2 and 6.3), Mr K Rosie, Mr A Sinclair and Ms M Morley-Smith (**Chair**)

Substitutes:

None

Other Members Present:

Mrs J Barclay (except items 1-6.1 and 7.1), Mrs H Carmichael (except items 1-6.1), Mr A Mackinnon (except items 6.3-7.1), Mr D Macpherson (except items 1-6.1) and Mr C Munro (except items 6.4-7.1).

Officers Participating:

Dafydd Jones – Acting Head of Development Management – Highland
 Mark Harvey (MH) – Team Leader
 Simon Hindson (SH) – Team Leader
 Erica McArthur (EM) – Principal Planner
 Gillian Pearson (GP) – Principal Planner
 Graham Sharp (GS) – Planner
 Matthew Taylor (MT) – Planner

Jane Bridge – Senior Engineer (Development Management)
 Karen Lyons – Principal Solicitor (Planning) and Clerk
 Alison MacArthur – Administrative Assistant

Guests:

None

ITEM NO	<u>DECISION</u>	<u>ACTION</u>

1	Apologies for Absence Leisgeulan	
	None.	N/A
2	Declarations of Interest Foillseachaidhean Com-pàirt	
	None.	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 24 November 2020 which were APPROVED .	N/A
4	Major Development Update Iartasan Mòra	
	<p>Mr R Bremner and Mrs A Maclean joined the meeting at the start of this item.</p> <p>The Acting Head of Development Management – Highland updated members as to applications not included in the report, as follows:</p> <p>Refused Application (Delegated Powers)</p> <ul style="list-style-type: none"> • 19/03015/FUL - Erection of up to 11 wind turbines maximum tip height of 126.5m with associated infrastructure - Camster II Wind Farm – decision issued on 12.01.2021 <p>New Major Applications in NPAC area</p> <ul style="list-style-type: none"> • 20/05080/FUL - Ackron Wind Farm - Erection and Operation of a Wind Farm for a period of 30 years, comprising of 12 Wind Turbines with a maximum blade tip height of 149.9m, access tracks, borrow pits, substation, control building, and ancillary infrastructure – Land 1575M NE Of Ackron Farm, Golval, Forsinard - anticipate determination Summer 2021 (June) • 20/05067/FUL - Strath Tirry Wind Farm - Erection and Operation of a Wind Farm for a period of 30 years, comprising of 4 Wind Turbines with a maximum blade tip height of 135m, access tracks, borrow pits, substation, control building, energy storage system, meteorological mast and ancillary infrastructure – land 1450m NE of Dalmichie, Lairg – anticipate determination Summer 2021 (August) <p>Consultation by Orkney Isles Council</p> <ul style="list-style-type: none"> • 21/00090/FUL - Quanterness Wind Farm - Erection of 6 wind turbines with a maximum blade tip height of 149.9m, meteorological mast , substation, access tracks, borrow pit, and associated 	DJ/SH/KL

	<p>infrastructure - Lyness (Land Near), Hoy, Orkney (consulted as a neighbouring authority by Scottish Ministers who are determining the application. Anticipate response in Spring 2021 (March)</p> <p>Decision Notice issued following completion of s75 agreement</p> <ul style="list-style-type: none"> • 18/05159/PIP - Masterplan for the erection of 104 houses - Lochan Corr, Black Isle Road, Muir of Ord (issued 22 Jan 2021) <p>In answer to Members' questions the Acting Head of Development Management – Highland advised that:</p> <ul style="list-style-type: none"> • The s75 related to application 15/01202/FUL - Former Fish Factory, High Street, Conon Bridge is in the process of being signed and the Principal Solicitor (Planning) will advise local members once she requests that planning permission be issued. • He will find out current progress on the A9 junction consultation for Mr C Fraser and provide an update to him. <p>Agreed: to NOTE the report.</p>	
5	Major Developments – Pre-application consultations Leasachaidhean Mòra – Co-chomhairle Ro-iarrta	
5.1	<p>Description: Lairg 2 Wind Farm - Construction of a wind farm comprising up to 10 turbines (7 turbines with a maximum tip height of 210 m and 3 turbines to a maximum tip height of 150 m) including associated infrastructure (20/04706/PAN) (PLN/002/21)</p> <p>Ward: 1</p> <p>Applicant: EnergyFarm UK Lairg LLP</p> <p>Site Address: Land at 100 m SE of Torroble, Lairg (Lairg II Wind Farm).</p>	
	Agreed: no additional considerations raised by Members.	CF
6	Planning Applications to be Determined Iarrtasan Dealbhaidh rin Dearbhadh	
6.1	<p>Applicant: Mr John Nightingale (17/03202/FUL) (PLN/003/21)</p> <p>Location: Daffodil Field, Miller Road, Cromarty (Ward 9).</p> <p>Nature of Development: Erection of three houses (amended from four houses) and garage/boathouse for plot three.</p> <p>Recommendation: Grant.</p>	
	<p>In answer to Members' questions, the Principal Planner and Senior Engineer advised:</p> <ul style="list-style-type: none"> • That the applicant will take down and rebuild the wall and create a service bay which will allow 2 cars to pass each other, will allow the refuse lorry to pull in and will also give pedestrians a safe refuge from traffic. • The consultation response from the Transport Planning Team is set out in the report. Miller Road acts as a shared surface and is subject to a 20mph speed limit. It is the Transport Planning Team's view that traffic associated with the proposed 3 properties isn't going to have 	EM

an adverse impact on vehicular and non-vehicular use of Miller Road.

During debate the following views were expressed:

- This application is unusual in that the majority of the objectors are from Cromarty itself, there has been consistent objection to the application over the duration of the application.
- The main housing development site in Cromarty is the Sandilands site which is well positioned to the main centre of Cromarty, unlike the application site which is on the edge of the settlement.
- The layout chosen – 3 houses in a cul de sac arrangement – does not reflect the streetscape of the conservation area and will look out of place despite the traditional design chosen for the proposed houses.
- There would be benefit in retaining the application site as open space giving unbroken views to the Cromarty Firth and a haven for wildlife.
- Despite the comments of the Transport Planning Team, concern was raised about the impact of additional traffic movements on Miller Road which was considered would be to the detriment of pedestrian use.
- Although not zoned for development this should be considered a windfall site as it is within the settlement boundary.
- The layout may not be ideal but the Historic Environment Team has not objected to the application.

Motion: by Mr C Fraser seconded by Mrs M Paterson to refuse the application on the grounds that, despite the acknowledgement that the application site is within the Cromarty settlement development area identified in the Inner Moray Firth Local Development Plan and that Policy 34 of the Highland-wide Local Development Plan indicates conditional support for development within the settlement development area, the proposed development does not demonstrate sensitive siting in keeping with local character and the historic environment as the cul de sac design and layout of the houses does not reflect the existing built development in the vicinity of the application site. Loss of the existing open space to this proposed development will not preserve the setting of the adjacent listed buildings and will not preserve or enhance the character or appearance of the conservation area. Instead, approval of the application would be significantly detrimental to these heritage assets and therefore should be considered contrary to Policies 57 (Natural, Built and Cultural Heritage), Policy 28 (Sustainable Design) and Policy 34 (Settlement Development Areas) of the HwLDP.

Amendment: by Mrs A Maclean seconded by Ms M Morley-Smith to grant planning permission in accordance with the recommendation contained in the report of handling.

Vote:

Motion – 10 (Mr R Bremner, Ms K Currie, Mr M Finlayson, Mr C Fraser, Mr J Gordon, Mr D Mackay, Mr C Macleod, Mrs M Paterson, Mr K Rosie, Mr A Sinclair)

Amendment – 5 ((Mrs I Campbell, Mr R Gale, Mrs A Maclean, Mr A Rhind, Ms M Morley-Smith)

Motion carried 10 votes to 5.

	<p>Agreed: to REFUSE planning permission for the reasons given in Mr C Fraser's motion.</p>	
6.2	<p>Applicant: Organic Sea Harvest (20/00097/FUL) (PLN/004/21) Location: Land 1600 m East of Balmaqueen (Ward 10). Nature of Development: New marine fish farm for Atlantic salmon consisting of 12 x 120 m circumference circular cages in an 80 m mooring grid with associated feed barge. Recommendation: Grant.</p>	
	<p>Mr A Rhind left the meeting during consideration of this item and did not take part in the determination thereof.</p> <p>The Team Leader advised of various updates since the report was written including:</p> <ul style="list-style-type: none"> • Consultation response from NatureScot (which had been circulated to members in advance of the meeting) and the applicant's response thereto; • Suggested amendments to conditions 1 and 6, as follows: <ul style="list-style-type: none"> 1. The fish farm hereby approved shall not be operated other than in strict accordance with the provisions of the approved ADD deployment plan. For the avoidance of doubt the approved deployment plan is that entitled "Organic Sea Harvest ADD deployment plan: version 2 dated 15 June 2020 or subsequent revisions as may be agreed in consultation with NatureScot. Reason: To ensure there is no adverse impact on the integrity of the Inner Hebrides and the Minches SAC. 6. No top-nets shall be installed on the pens hereby approved other than where the mesh size of the netting is 150mm or less. Reason: To ensure there is no adverse impact on the integrity of the St Kilda SPA or other SPA with gannet as a qualifying feature. • Explaining that the decision issued in respect of the Flodigarry fish farm appeal focused on the interrelationship between the fish farm and the islands close by and indicating that the current application is 2km further north of the Flodigarry application. As regards impacts on users of the coastal path, officers had concluded that these impacts would be very localised and not visible from the road. Some of the impacts on the coastal path are significant but are not considered sufficient to justify refusal. <p>In answer to Members' questions, the Team Leader advised:</p> <ul style="list-style-type: none"> • Cage and mooring stability/escaped fish – the equipment will be suitable for purpose for the location in which it is to be installed insofar as can reasonably be foreseen. • The management document is to allow feedback throughout the life of the development, to allow improved management where required and to react to any impacts. In the ADD analysis, NatureScot are aware of the potential for cumulative impact on harbour porpoise and other cetaceans. In this case, cumulative impacts are not considered likely because the application site is isolated from other existing fish farm sites and is in a more open location. Impacts will 	MH

be monitored, and use of ADD will be recorded and both can be analysed by NatureScot and discussed with the operator as considered necessary.

- Net and mooring – the Service has asked the question of the operator and they have confirmed that Gael Force - who will be supplying the moorings - have confirmed that the moorings will be suitable. NE winds are the concern – the operator is fully aware of the prevailing conditions and has chosen equipment accordingly. It is something that MSS will regulate, and MSS appears to be happy.
- Design of net proposed has been around for some time and there may be examples of this netting elsewhere in Scotland – it is an established technology. The company's intention is to meet the organic certification so they are using physical measures rather than chemical interventions to limit sea lice. This net design is about trying to avoid infestation taking hold in the first place.
- Gannets have a huge foraging area, the nearest colony is St Kilda. Gannets are afforded a high level of protection through the SPA hence NatureScot are taking such a cautious approach to what is a relatively new issue. Difficult to say how big the issue is or might be.
- It's understood that Kishorn is to be used as the primary point of loading/unloading of harvested fish. Staffin pier isn't proposed to be used at this stage. If it was, the intensification of use of the jetty would require up grading of the roads leading to the jetty.
- Night-time visualisations are from the clifftop path and the number of receptors affected by the night-time lighting is likely to be low.
- Conclusion by Environmental Health on the issue of noise is that the proposed development is unlikely to breach the suggested noise-limit condition. If the limit is breached, there will be monitoring to establish whether there is a statutory nuisance. The applicant's standard procedure would be to undertake a noise assessment once the fish farm is operating to ensure compliance with the NR20 standard required by Environmental Health.
- Underwater lights will be used at certain points in the fish lifecycle and navigation lights which will be used to accord with lighthouse board requirements. The navigation lights will not be visible from places where expect the public to be or from the road.

During debate the following views were expressed:

- NatureScot have given a cautious yes to the proposed development;
- Some of the same concerns raised in terms of the Flodigarry application were also being raised in respect of this application;
- Support for the application as it will offer employment opportunities;
- Concern about visual impact of the development;
- Concern about impact on harbour porpoise and other cetaceans as a consequence of the use of ADDs;
- Given the experience at Portree, which is thriving, fish farms don't have an adverse impact on tourism.

Motion: by Mr C Macleod seconded by Mr R Gale to refuse planning permission for the following reasons:

Whilst considering all relevant material considerations both positive and negative in appraising this application, it is considered that the application would have an adverse localised visual impact on the SLA when seen from

	<p>the Skye Trail coastal path, in particular the transitory experience from the western approach and the southern approach to the area by the coastal path. The extent of these adverse impacts is considered to be contrary to policies 50, 57 and 61 of the Highland-wide Local Development Plan. The overall effect of this development could adversely impact on local people and visitors to the area enjoying outdoor access thereby impacting on local businesses and the local economy. Because of the impacts of the proposal referred to above, the development is not considered to be acceptable.</p> <p>Amendment: by Ms Morley-Smith seconded by Mrs A Maclean to grant planning permission in accordance with the recommendation contained in the report of handling.</p> <p>Vote: Motion – 8 (Mr R Bremner, Ms K Currie, Mr C Fraser, Mr R Gale, Mr D Mackay, Mr C Macleod, Mrs M Paterson, Mr A Sinclair) Amendment – 6 (Mrs I Campbell, Mr M Finlayson, Mr J Gordon, Mrs A Maclean, Mr K Rosie, Ms M Morley-Smith) Abstain – 0 Motion carried 8 votes to 6.</p> <p>Agreed: to REFUSE planning permission for the reasons given in Mr C Macleod’s motion.</p>	
6.3	<p>Applicant: Mr and Mrs H Morgan (20/01717/FUL) (PLN/005/21) Location: Land 70 m SW of Lochbay House, Stein, Waternish (Ward 10). Nature of Development: Erection of house. Recommendation: Grant.</p>	
	<p>Mr A Rhind re-joined the meeting during this item and therefore did not take part in the determination thereof.</p> <p>The Team Leader provided a response to the letter received by Members the day before the meeting from the Stein Conservation Action Group. He indicated that only one site – the application before the Committee – suggested by the applicant is considered acceptable by the planning authority. It is a proposal specifically designed to be sensitive to its siting and to have minimal impact on the conservation area.</p> <p>In answer to Members’ questions, the Team Leader advised:</p> <ul style="list-style-type: none"> • The height of the building was discussed with the applicant as the Historic Environment Team originally wanted the building lower than proposed by the application. After discussion, including consideration of the environmental impacts of taking additional material off-site, it was agreed that the height of the proposed building was considered acceptable; • That he couldn’t confirm if the application site was tied to crofting; • The proposal doesn’t attempt to match the settlement pattern, its designed in a way in which to minimise visual impact of the development on the character of the conservation area; • In 2017, the proposal was for 4 dwellings and advice given that one of the sites wasn’t acceptable. The other 3 sites have now been submitted as applications; the planning authority’s advice has been taken on board to different degrees across the applications. This site is the one that was responded to positively in the pre-app; 	MH

	<ul style="list-style-type: none"> • Access into the site is off the private track serving one further property (The Boathouse). There’s no reason to expect that this track is heavily used by the public. There is an access to the private track from the public road which the roads authority requires improvements to (covered by condition 2). <p>During debate the following views were expressed:</p> <ul style="list-style-type: none"> • Stein is a unique place, more compact than other settlements in Skye; • The development isn’t sensitive to the settlement pattern of Stein, isn’t in keeping with the existing houses in Stein and isn’t sympathetic to Loch Bay House; • Support for the style of house but concern about the location; • Praise for the efforts made by the applicant to come up with an innovative design for this location. <p>Motion: by Mr J Gordon seconded by Mrs I Campbell to refuse planning permission for the following reasons: The modern design of the development will have a detrimental impact on the character of the Stein Village Conservation Area, the application does not demonstrate sensitive siting and high-quality design in keeping with local character and would have an adverse effect on the historic pattern of development which is unique to Stein. The modern design of the development will not enhance the character or appearance of the C-listed Loch Bay House which is a historical and important building in the context of the Stein Village Conservation Area and the planning authority needs to have a special regard to the desirability of preserving the setting of this listed building (section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act). Building in front of Loch Bay House will erode the qualities of Loch Bay house and surrounding houses. This development is not considered to be acceptable on the basis that it is contrary to policies 28, 29 and 34,36 of the HWLDP.</p> <p>Amendment: by Mr R Bremner seconded by Ms M Morley-Smith to grant planning permission in accordance with the recommendation contained in the report of handling.</p> <p>Vote: Motion – 6 (Mrs I Campbell, Mr M Finlayson, Mr C Fraser, Mr J Gordon, Mr D Mackay, Mr C Macleod) Amendment – 8 (Mr R Bremner, Ms K Currie, Mr R Gale, Mrs A Maclean, Mrs M Paterson, Mr K Rosie, Mr A Sinclair, Ms M Morley-Smith) Amendment carried 8 votes to 6.</p> <p>Agreed: to GRANT planning permission subject to the conditions contained in the report.</p>	
6.4	<p>Applicant: Mowi Scotland Ltd (20/01745/S42) (PLN/006/21) Location: Upper Loch Torridon, Shieldaig, Strathcarron (Ward 5). Nature of Development: Section 42 to amend condition 1 of planning permission 11/04695/FUL at Torridon Salmon Farm. Recommendation: Grant.</p>	
	In answer to Members’ questions, the Team Leader advised:	MH

	<ul style="list-style-type: none"> • The EMP comes with commitment to respond to findings from monitoring therefore a time limited condition is not considered to be necessary; • Confident that the EMP will provide sufficient control in relation to sea lice; • Where companies use cleaner fish, there is an obligation on the company to maintain the health and welfare of the cleaner fish. While the planning authority needs to be confident the use of the cleaner fish will be successful, the health and welfare of the fish themselves is subject to other regulatory controls. <p>During debate the following views were expressed:</p> <ul style="list-style-type: none"> • Satisfied that the conditions will appropriately control the development. <p>Motion: to grant planning permission in accordance with the recommendation in the report of handling. Amendment: None. Vote: N/A.</p> <p>Agreed: to GRANT planning permission subject to the conditions contained in the report.</p>	
6.5	<p>Applicant: Artesian Holdings Ltd (20/02770/FUL) (PLN/007/21) Location: Sky House, Upper Ardelve, Ardelve, Kyle, IV40 8EY (Ward 5). Nature of Development: Erection of house. Recommendation: Grant.</p>	
	<p>The Planner advised that it was proposed to re-word condition 3 to capture Building Standards' recommendation as regards the drainage plan.</p> <p>In answer to Members' questions, the Team Leader advised:</p> <ul style="list-style-type: none"> • The culvert isn't currently blocked, the problem is a capacity issue and when very wet, water runs along the road. <p>During debate the following views were expressed:</p> <ul style="list-style-type: none"> • Welcome, if applicable, a landscape plan to include tree planting to slow down the water run-off and for this to be secured by a further revisal to condition 3. <p>Motion: to grant planning permission subject to a revised condition 3 and the conditions contained in the report of handling. Amendment: None. Vote: N/A.</p> <p>Agreed: to GRANT planning permission subject to a revised condition 3 to capture Building Standards' recommendation and Members' request to secure additional tree planting to reduce surface water run-off, the revised condition 3 to be agreed with the Chair and local Members following the meeting, and the conditions contained in the report.</p>	GS

6.6	<p>Applicant: Network Rail (20/03530/FUL) (PLN/008/21) Location: Delny Level Crossing, Barbaraville (Ward 7). Nature of Development: Closure (and stopping up) of level crossing, formation of link road and erection of road bridge. Recommendation: Grant.</p>	
	<p>The Principal Planner suggested that condition 3 be altered to read “up to 3m” rather than “3m” to take account of the land under the control of the applicant. Members suggested, as an alternative, between “1-3m”. It was agreed that this matter would be discussed and agreed between Planning and Transport Planning following the meeting.</p> <p>In answer to Members’ questions, the Senior Engineer advised:</p> <ul style="list-style-type: none"> • The bridge will be maintained by Network Rail, the Council will maintain the road, embankment and the drainage; • The road cannot be stopped up until the alternative route is available. The road will be stopped up under the Roads (Scotland) Act 1984; • The road isn’t subject to a 60mph speed limit, it is de-regulated. This is no different to a large number of roads in Highland. The bridge design in itself will restrict vehicular speed. <p>In answer to Members’ questions the Principal Planner advised:</p> <ul style="list-style-type: none"> • The reason for the weight limit on the level crossing was to protect the amenity of residents of the retirement village. The same weight limit will be imposed on the new bridge to continue to protect amenity. Palisade fencing is proposed on the bridge to prevent anything going onto the railway line. The Senior Engineer added that all technical issues will be dealt with under the roads construction consent (RCC) process. A risk assessment will need to be undertaken and, if this concludes that barriers on the embankment are required, the RCC process will control this. <p>During debate the following views were expressed:</p> <ul style="list-style-type: none"> • Happy to see this long overdue development coming forward; • Generally, the development is supported by the community and will benefit both the road and rail user; • Road access should be maintained at all times during construction; • Loss of the agricultural land not seen as being a big issue; • Will speed up the rail journey on the North Line and may assist the promotion the re-opening of the halt at Evanton. <p>Motion: to grant planning permission subject to an amended condition 3 to be agreed between the Planning Service and the Transport Planning Team and the other conditions contained in the report of handling. Amendment: None. Vote: N/A.</p> <p>Agreed: to GRANT planning permission subject to an amended condition 3 to be agreed between the Planning Service and the Transport Planning Team and the conditions contained in the report.</p>	GP

6.7	<p>Applicant: Mr P Austin (20/03626/FUL) (PLN/009/21) Location: Land 20 m East of Eversley Cottage, Gaza, Main Street, Portmahomack (Ward 7). Nature of Development: Erection of house. Recommendation: Grant.</p>	
	<p>No questions were raised.</p> <p>During debate the following views were expressed:</p> <ul style="list-style-type: none"> • Concern about the modern design/materials chosen and how well the materials would fit in with the existing housing; • Contrary to the view expressed above, there was support for the modern design and materials chosen and the view was expressed that the proposed development would fit in well with the existing housing. <p>Motion: to grant planning permission subject to the conditions contained in the report of handling. Amendment: None. Vote: N/A.</p> <p>Agreed: to GRANT planning permission and the conditions contained in the report.</p>	MT
6.8	<p>Applicant: Mr Simon Platts (20/04345/FUL) (PLN/010/21) Location: Council Garage, Meadow Park Road, Dornoch (Ward 4). Nature of Development: Siting of 8 storage units to form self-storage facility. Recommendation: Grant.</p>	
	<p>In answer to Members' questions, the Team Leader advised:</p> <ul style="list-style-type: none"> • the existing fence is to be retained as the boundary and there will be no new fence to the north. <p>During debate the following views were expressed:</p> <ul style="list-style-type: none"> • Excellent use of vacant ground and will benefit the economy of Dornoch. • Impact of the development would be well mitigated. <p>Motion: to grant planning permission subject to the conditions contained in the report of handling. Amendment: None. Vote: N/A.</p> <p>Agreed: to GRANT planning permission subject to the conditions contained in the report.</p>	David Borland
7	<p>Decision of Appeals to the Scottish Government Planning and Environmental Appeals Division (PP 149 - 180) Co-dhùnadh mu Iartas do Bhuidheann-stiùiridh Riaghaltas na h-Alba airson Lùth agus Atharrachadh Aimsir</p>	

7.1	<p>Applicant: Organic Sea Harvest Limited (19/03093/FUL) (PPA-270-2224)</p> <p>Location: 1520 m North East of Bridgend Cottage, Flodigarry, Portree, IV51 9HZ (Ward 10)</p> <p>Nature of Development: New marine fish farm for Atlantic salmon consisting of twelve 120 m circumference circular cages in an 80 m mooring grid with associated feed barge.</p>	
	The Committee noted the decision of the Reporter appointed by the Scottish Ministers.	MH
	The meeting finished at 16:20.	

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

2 March 2021

MINUTES AND 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 C Fraser, Mr R Gale (excluding item 5.12), Mr J Gordon, Mr D MacKay, Mrs A MacLean, Mr C Macleod, Mr D Macleod, Mrs M Paterson, Mr K Rosie, Mr A Sinclair (from item 5.1) and Ms M Morley-Smith (**Chair**)

Substitutes:

None

Other Members Present:

Mr G Adam (items 5.1 – 5.4)
Dr I Cockburn (item 5.11 – 5.12)
Mr G Mackenzie (items 5.1 – 5.4 and 5.11 – 5.12)
Mr D Macpherson (items 5.1 – 5.3)
Mr H Morrison (items 5.1 – 5.4)
Mrs T Robertson (items 5.1 – 5.4)

Officers Participating:

Dafydd Jones – Acting Head of Development Management – Highland
Julie Ferguson (JF) – Team Leader
Mark Harvey (MH) – Team Leader
Simon Hindson (SH) – Team Leader
Erica McArthur (EM) – Principal Planner
Gillian Pearson (GP) – Principal Planner
Graham Sharp (GS) – Planner
Mark Ripley (MR) – Graduate Planner

Richard Gerring, Integrated Transport Manager
Jane Bridge, Senior Engineer (Development Management)
Karen Lyons – Principal Solicitor (Planning) and Clerk
Alison MacArthur – Administrative Assistant

Guests:

None

ITEM NO	DECISION	ACTION
1.	Apologies for Absence Leisgeulan	
	Apologies for absence were intimated on behalf of Mr M Finlayson and Mr A Rhind.	N/A
2.	Declarations of Interest Foillseachaidhean Com-pàirt	
	Item 5.4 – Mrs I Campbell (non-financial). Item 5.9 – Mr D Mackay (non-financial)	N/A
3.	Confirmation of Minutes Dearbhadh a’ Gheàrr-chunntais	
	<p>There had been submitted for confirmation as a correct record the minutes of the meeting of the Committee held on 26 January 2021 which were APPROVED.</p> <p>Statement by Chair: Members will be aware that I have received a request to revoke the planning permission granted at our last meeting to Mr and Mrs H Morgan for the Erection of a house at Land 70 m south west of Lochbay House, Stein, Waternish. The decision is reported at item 6.3 of the minute of our meeting. The request come from Stein Conservation Area and I have passed this to Malcolm Macleod, the Council’s Executive Chief Officer for Infrastructure and the Environment to investigate and respond. I will request that the response is circulated to all NPAC members once it has been issued. If there are any matters arising from the response, Councillors should contact Malcolm in the first instance. I am conscious that Councillors – particularly the Skye members – may also be receiving correspondence direct from Stein Conservation Area and members of the Stein community. While it is up to each Councillor how they wish to respond, you may wish to hold off responding in detail until Malcolm’s response is known.</p> <p>Following committee meetings, there has been an increase in contact from members of the public when the decision on a planning application has not been the one that they’d hoped for. I wish to remind members of the public that Councillors appointed to the planning applications committees often have to take difficult decisions about the way in which they wish to see their communities develop. Knowing that an application is compliant with policy but has received significant local objection or knowing that an application has divided a close-knit community are tough applications to determine. Councillors make these decisions knowing that, whatever the outcome, the decision won’t please everybody. Councillors undertake planning training to assist them to carry out their duties and many of them have accumulated significant experience of doing so. My own experience extends to 14 years of being a member and then chair of the North Planning Applications Committee.</p>	N/A

	<p>In respect of each planning application reported to committee, Councillors will read the officer's report in advance of the committee meeting and each Councillor will carry out their own assessment of the application against policy and take into account material planning considerations. We don't share that assessment with anyone until the application is debated at the meeting. We listen to what the local member has to say but we are not required to vote the same way as the local member. The process is democratic. When we decide whether to grant or refuse planning permission, we do so without fear or favour.</p> <p>I encourage members of the planning applications committee to remain committed to this important role and not to lose heart when contacted by parties disappointed with the outcome of the democratic process.</p>	
4.	Major Development Update Iarrtasán Mòra	
	<p>The Acting Head of Development Management – Highland updated Members as to applications not included in the report, as follows:-</p> <p>On a question on application 20/00539 for 41 house plots in Avoch, the Acting Head of Development Management – Highland stated that the application was in process with further information awaited. The application would be brought forward when it was ready, and this was not dependent on the outcome of work being undertaken by Transport Scotland on the Munloch junction.</p>	DJ/SH
5.	Planning Applications to be Determined Iarrtasán Dealbhaidh rin Dearbhadh	
5.1	<p>Applicant: Mr D MacDonald (20/03497/FUL) (PLN/012/21) Location: Land 15 m NW of Lower Flat, Hill House, Stormy Hill Road, Portree (Ward 10). Nature of Development: Change of use of first floor to class 9 residential and alterations to the building. Recommendation: Refuse.</p>	
	<p>In answer to Members' questions, the Team Leader advised:</p> <ul style="list-style-type: none"> • Most of the buildings on this street have on street parking. The issue is rather whether the application creates an additional demand for on street parking and this is the problem with this specific building. We have to take each case on its merits and once two cars are parked in front of the building it creates a loss of visibility between the two junctions and causes vehicles to be pushed to the wrong side of the road. Although normally happy to support commercial and mixed developments with on street parking, this application creates an unacceptable reduction in road safety. • This was the wrong place to put a big window, if light was needed there are other options for the windows which wouldn't so specifically touch on the sensitive relationship between the two garden areas. 	MH/Chris Hallas

- Jane Bridge stated that reverse parking off a road was accepted on minor roads, but this site was in proximity to a junction and this was a very constrained space and was therefore not an appropriate place for on street parking.
- A retail use of this space would create the need for two parking spaces and the residential use will add additional parking space demand on top of the existing retail use.
- The area of land beside the house could not be used for parking as the applicant only owned a small portion of this land. Any use of this area would still require manoeuvring of a vehicle to park.

During debate the following views were expressed:

- Stormy Hill was an important part of the village. The grocery shop had been much loved for over 70 years and was close to the town centre where there was ample parking.
- Across the Council we had been working towards helping our small towns and villages. The town centre had been affected by changes in shopping habits.
- There was a demand for accommodation in the village.
- Although sympathetic with other views, in relation to the HwLDP, Policy 28 sustainable design, Policy 29 design quality and placemaking and Policy 34 settlement development areas and could understand why local Members would want to convert this building, but this does not meet the basic criteria. The overdevelopment of the site and the unacceptable low level of amenity for future occupants. The local Members' comments regarding parking, namely, that there wouldn't be much parking outside the property, but at night when everyone is parked at home there would be difficulties at the junction. There is an opportunity for the applicant to come back and to meet the minimum standards of our policies and guidelines.
- We have encouraged this kind of accommodation over shops in towns with parking elsewhere in the town.
- We really do not want buildings remaining empty in our towns, we want sustainable buildings.

Motion: by Mr J Gordon seconded by Mrs I Campbell to grant planning permission, subject to appropriate planning conditions for the following reasons:

This building had significant importance to Portree, it has been a grocery shop for over 70 years and was close to the Town centre where there was ample parking.

The proposal reflects the aspirations of Portree Town Centre by renovating an existing building to create a self-contained residential unit. Together with the proposal to change the ground floor into a hairdressing salon, this means that the building will be fully utilized and avoid it lying vacant. Regeneration of our commercial centres is vital in the recovery from the pandemic and diversification is a means by which to achieve this. In the historic, central parts of the village which have good links to public transport and parking, I do not feel that failure to provide off street

	<p>parking in the curtilage of the application site should be a reason to refuse permission.</p> <p>It is a feature of town centre living, in particular “living above the shop”, that the amenity space available to occupants is likely to be less than that available in new build residential units. In my opinion, any negative impacts caused by the development are offset by the positive impacts of the re-use of the property. On balance I am satisfied that the proposed development accords with policies 28, 29 and 34 of the HWLDP as it will contribute to the economic and social development of the community and any adverse impacts will not be significantly detrimental. For these reasons I believe that the application should be approved, subject to any conditions that the Planning Service consider to be appropriate.</p> <p>Amendment: by Ms Morley-Smith seconded by Mrs A Maclean to refuse planning permission in accordance with the recommendation contained in the report of handling.</p> <p>Vote: Motion – 7 (Mrs I Campbell, Mr J Gordon, Mr D Mackay, Mr C MacLeod, Mr D MacLeod Mrs M Paterson and Mr K Rosie) Amendment – 7 (Mr R Bremner, Mrs K Currie, Mr C Fraser, Mr R Gale, Mrs A MacLean, Mr A Sinclair and Ms M Morley-Smith) 7 votes motion to 7 for amendment. The Chair’s casting vote was for the Amendment.</p> <p>AGREED to: REFUSE the application for the reasons given in the report of handling.</p>	
5.2	<p>Applicant: Community Out West Trust (20/03514/FUL) (PLN/013/21) Location: Kinlochewe Public Toilets, Slioch Terrace, Kinlochewe (Ward 5). Nature of Development: Demolition of existing and erection of public toilet/shower building with community room, alterations to car park layout and installation of chemical waste disposal point for camper use Recommendation: Grant.</p>	
	<p>In answer to Members’ questions, the Planner advised:</p> <ul style="list-style-type: none"> • SEPA initially asked for a condition preventing overnight use of the car park, but this condition was not considered to be competent as it could not be enforced. • The reason SEPA initially sought no permission for overnight camping was because, should there be a sudden rise in water levels overnight, vehicle occupants would, most likely, not be aware of it. During the day people were more likely to be awake and alert should there be any flooding problems. • It is proposed to attach a condition asking for signage to warn people of the danger of parking in this area overnight due to the flooding risk, if they continued to park contrary to the instructions on the sign it would be at their own risk. • Moving of the 5 spaces nearer the houses at Slioch Terrace had been mitigated with planting and improved landscaping. <p>During debate the following views were expressed:</p>	GS

	<ul style="list-style-type: none"> • Campervan waste disposal was urgently needed and very sought after across many areas with the increase in visitors to the Highlands. The Trust had seen a requirement for these facilities and were to be commended for finding a solution. <p>Agreed: to GRANT planning permission subject to the conditions listed in the report of handling.</p>	
5.3	<p>Applicant: A A and D Fraser Ltd, per Kearnico Consulting Ltd (20/03690/FUL) (PLN/014/21)</p> <p>Location: Pitgrudy Sand and Gravel Pit, Dornoch, IV25 3NB (Ward 4).</p> <p>Nature of Development: Extract and primary process sand and gravel, process construction and demolition waste.</p> <p>Recommendation: Grant.</p>	
	<p>In answer to Members' questions, the Principal Planner advised:</p> <ul style="list-style-type: none"> • In terms of restoration the onus is on the owner or operator and the intention of the Section 75 is to secure this. The Section 75 secures a bond and the bond would be used, if for whatever the reason, the owner was unable to reinstate the area. <p>Agreed: to GRANT planning permission subject to the conditions listed in the report of handling and the prior conclusion of a Section 75 Obligation or an appropriate legal mechanism to secure a bond for the restoration of the quarry.</p>	GP
5.4	<p>Applicant: Lochalsh and Skye Housing Association (20/03834/S42) (PLN/015/21)</p> <p>Location: Land 85 m South of Boreraig Place, Broadford (Ward 10).</p> <p>Nature of Development: Application under Section 42 to develop land without compliance with conditions 18a, 18c and 18d of planning permission 19/05003/PIP and seek their removal from the consent.</p> <p>Recommendation: Refuse.</p> <p>Declaration of Interest: Mrs I Campbell as a Member of Lochalsh and Skye Housing Association and left the meeting during consideration of this item.</p>	SH
	<p>In answer to Members' questions, the Team Leader advised:</p> <ul style="list-style-type: none"> • The applicant had put forward the application as they did not consider the conditions were required and the conditions did have an impact on the viability of the development. If the conditions were accepted there would be much poorer connections for active and sustainable travel for this and the previous development. There are cost implications for any infrastructure and this, in the Service's view, is a cost of developing this site. If the non-compliance with the conditions was approved today there would be fewer bus stops with the existing, on request, bus stops remaining. If this was approved today, bus stops would, potentially, have to be provided by the Council or Transport Scotland. The pedestrian crossing would provide safer road crossing on a busy road. The specification for the pavements to the school had been reduced so the pavements could easily be removed when the school is 	SH

	<p>replaced with the new school, thus helping to reduce developer costs.</p> <p>During debate the following views were expressed:</p> <ul style="list-style-type: none"> • It was a concern that when conditions are placed on an application the applicant then applies to have them removed. • Both Transport Planning and Transport Scotland objected to the removal of these conditions, it is necessary to make sure adequate transport links and suitable pedestrian facilities are available. • Paths and crossings suitable for all have to be provided and the onus should not lie with the Council to do so. <p>Motion: by Mr R Bremner seconded by Ms M Morley-Smith to refuse planning permission for the reasons given.</p> <p>Amendment: None</p> <p>Agreed: to REFUSE the application for the reasons contained in the report of handling.</p>	
5.5	<p>Applicant: Mrs S Brown (20/04158/FUL) (PLN/016/21)</p> <p>Location: Land 70M NW of House of Shannon, Wester Templands, Fortrose (Ward 9).</p> <p>Nature of Development: Formation of access (amendment to planning permission 18/02562/PIP - formation of house site)</p> <p>Recommendation: Grant.</p>	
	<p>The Team Leader advised of additional conditions since the report was written including:</p> <ol style="list-style-type: none"> 1. The development shall be constructed in accordance with The Highland Council's Access to Single Houses and Small Housing Developments guidelines and the attached Access Schedule (dated 02.03.2021), with: <ul style="list-style-type: none"> i. the junction formed to comply with drawing ref. SDB1; ii. visibility splays of 2.4m x 120m (the X dimension and Y dimension respectively) in each direction formed from the centre line of the junction; and iii. a 300m culvert shall be installed over the roadside ditch <p>Within the stated visibility splays, at no time shall anything obscure visibility between a driver's eye height of 1.05 m positioned at the X dimension and an object height of 0.60m anywhere along the Y dimension.</p> <p>Reason: In the interests of road safety</p> 2. No development or ground preparation works shall commence until such time as an Approval of Reserved Matters or full planning permission is granted for the associated house site approved in principle under 18/02562/PIP 	JF/EMcA

	<p>Reason: As this consent is granted to serve the house site approved in principle only and no associated development can commence until such time as full permission is granted for that development to proceed.</p> <p>In answer to Members' questions, the Team Leader advised:</p> <ul style="list-style-type: none"> • Each application was determined on its own merits so this would not be setting a precedent. A Roads Inspector had been to the site and had accepted the road layout. The Team Leader did not consider a traffic survey was necessary. • Ms J Bridge stated that although the speed limit was deregulated, in this instance the visibility that had been approved was the same as the visibility for the previous access, giving more visibility therefore it was not considered appropriate to require a speed restriction in this instance. <p>During debate the following views were expressed:</p> <ul style="list-style-type: none"> • Always concerned about road safety and pleased to see conditions in relation to road safety. • The access should be constructed to standard before the houses came back for approval. <p>Agreed: to GRANT planning permission subject to the condition contained in the report of handling.</p>	
5.6	<p>Applicant: A and P Grewar (20/04308/FUL) (PLN/017/21) Location: Taeblair Munloch, IV8 8NZ (Ward 9). Nature of Development: Erection of grain store building. Recommendation: Grant.</p>	
	<p>The Principal Planner advised that further emails to Members from objectors raised no concerns that had not already been addressed in the report.</p> <p>In answer to Members' questions, the Principal Planner advised:</p> <ul style="list-style-type: none"> • Any matters to do with the biomass boilers were outwith the scope of this application. If there are ongoing concerns the community need to raise these directly with Environmental Health who would investigate these matters. • The applicant has stated that there would be a reduction in the produce transported to the site due to the storage available within the site from the new development. • Ms J Bridge advised that there was a requirement for servicing the agricultural land, the vehicles and lorries had got larger, but this development would reduce movements during harvest time. • The operational plan was the subject of a condition however the plan had not yet been seen. • There are permitted development rights for agricultural buildings which are due to change shortly. One of the criteria that triggers a planning application is the proximity of the proposed development to the public road. The reason for building on this site would be for agricultural purposes. 	EMcA

During debate the following views were expressed:

- Responses from Community Councils are taken on board when they relate to planning applications. There were serious concerns on road safety grounds for cyclists, horses and their riders.
- This was a working farm and it was important to think post Covid, post Brexit and the need to diversify. Whilst taking into account how people feel nearby, there was faith in Transport Planning and belief that there would not be an increased amount of traffic.
- This would help this farm business reduce the number of vehicles using the road and members expressed support for the farming industry.

Mr Fraser stated that since he had been on this committee, when considering applications, he took notice and gave weight to the responses from community councils and objectors/supporters when these comments amount to material planning considerations. Having read and reread the application and comments on the e-planning portal he agreed with the reasons given for their objections and that of the community council. He acknowledged that the report is well written with many of the objections being mitigated by way of condition.

Motion: by Mr C Fraser seconded by Mrs M Paterson to refuse planning permission as he believed that the application conflicts with the Highland wide Local Development Plan (HwLDP), for the following reasons:

I acknowledge that the application proposes an agricultural building in the countryside therefore the key policy against which it requires to be assessed is Policy 36 of the HwLDP. I have noted the officer's assessment of the application against this and other relevant policies of the HwLDP, in particular policies 28 and 72 however I have concluded that the application should be refused for the following reasons:

I consider that the proposed development is inappropriate for this location due to the size and mass of the proposed building near to residential properties and the traffic movements associated with the use of the building as a grain store. I do not feel that the passing places proposed and secured by condition 2 are sufficient to mitigate the impact of traffic associated with the development. For these reasons, I am of the opinion that the proposed development will be significantly detrimental to the individual and community residential amenity of nearby householders and users of the roads between the application site and the Tore roundabout and therefore the proposed development should be considered contrary to Policy 28 (Sustainable Design) of the HwLDP. In addition, given the terms of policy 72, I am not satisfied with noise arising from the proposed use of the building being the subject of a noise impact assessment secured by a condition.

Amendment: by Ms M Morley-Smith seconded by Mrs A MacLean to grant planning permission in accordance with the recommendation contained in the report of handling.

Vote:

Motion – 2 (Mr C Fraser and Mrs M Paterson)

Amendment – 12 (Mr R Bremner, Mrs I Campbell, Ms K Currie, Mr R

	<p>Gale, Mr J Gordon, Mr D Mackay, Mrs A Maclean, Mr C MacLeod, Mr D MacLeod, Mr K Rosie, Mr A Sinclair, Ms M Morley-Smith) Abstain – 0 Motion carried 12 votes to 2.</p> <p>Agreed: to GRANT planning permission subject to the conditions contained in the report of handling.</p>	
5.7	<p>Applicant: Ben Aketil Wind Energy Ltd (20/04369/S42) (PLN/018/21) Location: Ben Aketil Extension Wind Farm, Land 900 m North of Ben Aketil, Edinbane (Ward 10). Nature of Development: Ben Aketil Wind Farm - Application to carry out development otherwise than in accordance with conditions 2, 16, 19, 20 and 21 of permission (ref 09/00115/FULSL). Recommendation: Grant.</p>	
	<p>In answer to Members' questions, the Team Leader advised:</p> <ul style="list-style-type: none"> • The general operation of the windfarm would not change. Any cumulative noise impact would be monitored and managed through condition. To date there had been no noise complaints from the community for Ben Aketil. • At Item 7.2 the Report should state that Skeabost and District Community Council did not respond to the consultation on the application. • In relation to noise it was explained that once windfarms are consented there may be a difference between the candidate model in the assessment and the model procured by the applicant. The final model of turbine that would have been secured by condition. Here the revised conditions have ensured consistency on the noise monitoring across the two developments once the windfarms have been erected. <p>During debate the following views were expressed:</p> <ul style="list-style-type: none"> • Content with both this and the following report and the proposals. These windfarms were within a popular walking area with paths created by the windfarms and Members were content to grant. <p>Agreed: to GRANT planning permission subject to the conditions contained in the report of handling and the modification of the existing s75 planning obligation.</p>	SH / CF
5.8	<p>Applicant: Ben Aketil Wind Energy Ltd (20/04370/S42) (PLN/019/21) Location: Ben Aketil Wind Farm, Land at Monadh Choishleader, Edinbane (Ward 10). Nature of Development: Ben Aketil Wind Farm - Application to carry out development otherwise than in accordance with conditions 1, 4, 13 and 19 and 20 of permission (ref 02/0000275/FULSL). Recommendation: Grant.</p>	
	<p>Agreed: to GRANT planning permission subject to the conditions contained in the report of handling and the modification of the existing s75 planning obligation.</p>	SH / CF

5.9	<p>Applicant: Infinergy Limited (20/04917/FUL) (PLN/020/21) Location: Land 2200 m SW of Broubster Cottage, Shebster, Thurso (Ward 2). Nature of Development: Installation of an 80 m tall anemometer mast and associated solar array power unit. Recommendation: Grant.</p>	
	<p>Declaration of Interest: Mr D Mackay declared a non-financial interest in this application and left during determination of this item.</p> <p>In answer to Members' questions, the Graduate Planner advised:</p> <ul style="list-style-type: none"> • The mast would be removed and the ground would be restored immediately after the 36 month period. • This application was only concerned with the anemometer mast and had no bearing on any application for a windfarm. <p>During debate the following views were expressed:</p> <ul style="list-style-type: none"> • Happy to grant in terms of the recommendation, Caithness West Community Council should know that in terms of this item there is no reason to refuse. • There had been many direct public representations that had been received by Members and that could not be commented on. Many of the points raised were those raised by Caithness West Community Council. <p>Agreed: to GRANT planning permission subject to the conditions contained in the report of handling.</p>	MR
5.10	<p>Applicant: WHP Ltd and Scottish Futures Trust (20/04970/FUL) (PLN/021/21) Location: Land 375 m NW of Clashnastruag, 257 Tubeg, Skerray (Ward 1). Nature of Development: Installation of a 10 m high timber-clad monopole mast with 3 antennae on a concrete foundation and 2 equipment cabinets at 1.6 m and 1.3 m in height all set within a 7.5 m x 10.0 m compound enclosed by a 1.2 m wood fence. Recommendation: Grant.</p>	
	<p>During debate the following views were expressed:</p> <ul style="list-style-type: none"> • The community has waited a long time for this so very keen to see this progress. Having carefully read the objections, this pole would vastly improve connectivity in the area and the pole was not seen to be obtrusive or very visible. <p>Agreed: to GRANT planning permission subject to the conditions contained in the report of handling.</p>	GP
5.11	<p>Applicant: Highland Housing Alliance (20/03812/FUL) (PLN/022/21) Location: Phase 2, St Andrews Road, Dingwall (Ward 8). Nature of Development: Erection of 34 housing units (14 houses and 20 flats).</p>	

	Recommendation: Grant.	
	<p>The Team Leader advised of various updates since the report was written including:</p> <p>Section 75 Agreement to include at least 25% affordable housing provision, therefore Condition 22 requiring all development to be affordable housing to be deleted.</p> <p>Condition 2 - The cut off ditches along the site boundaries shall be installed at the commencement of development.</p> <p>Condition 6 - The surface water drainage system shall be installed in accordance with the approved details.</p> <p>In answer to Members' questions, the Team Leader advised:</p> <ul style="list-style-type: none"> • The soil would be moved within the steeply sloping site, and not removed from the site. • The Dingwall Traffic Model had been rerun and had shown that if this section of road was completed, contrary to expectation, there would be a positive impact on Tulloch Castle Drive. • Traffic calming and a pelican crossing had been installed on Tulloch Castle Drive, part of the intention was to discourage use for people who did not need to use this road. • Active travel proposals with a more direct access route – both shorter and more attractive and suitable for walking together. As a Council we promote active travel to every school. • There were to be two multi-use games areas within the western section of the site but this site was too restrictive to accommodate the games areas and these would be sited elsewhere. • The access link path would be in before the flats were developed. • The contributions set out in the papers are in accordance with our supplementary guidance, we are unable to seek more than was in our guidance. • Combined sewers are the older sewers and it is standard practice for Scottish Water not to accept any more surface water into these older sewers, dealing with any water run off within the site by SUDS. • At St Andrews Road turning off Old Evanton Road, a turning point for buses had been provided opposite the entrance to St Andrews Road during the previous phase of this development. • The developers had recently undertaken soil investigation. Additional information had been provided for the Flood Risk Management Team and they are satisfied with the final details being signed off through condition. • Other developments in Dingwall North had been asked for confirmation of an agreement for provision of water supply and drainage with Scottish Water prior to development commencing and this could be conditioned. • Highland Housing Alliance provided mid-market rents. Some houses are to be managed by the Highland Housing Alliance and some are to be managed by Highland Council. All the houses would be affordable in the terms of the Council's policy. • The developer contribution is paid by the applicant. • As regards a footpath link to MacBeth Court, the developer had 	JF

	<p>indicated this wasn't within their control as they do not own this land but they are prepared to investigate it without being tied to condition (in the event that they cannot deliver it).</p> <p>During debate the following views were expressed:</p> <ul style="list-style-type: none"> • This had been a difficult area to develop with the lie of the land, people's expectations and the roads. Houses were desperately needed in Dingwall and more houses were welcomed. • Welcomed the pedestrian access path to enable children to walk to school safely. • Despite complaints from various people there was still no 20 mph speed limit on Old Evanton Road. • Protection of the trees is also welcomed. <p>Agreed: to GRANT planning permission subject to the conditions contained in the report of handling as updated and the prior conclusion of a Section 75 Obligation including 25% provision of affordable housing and to secure developer contributions, amendments to condition 8 regarding footpath link to MacBeth Court and an additional condition requiring evidence of an agreement with Scottish Water prior to development commencing.</p>	
5.12	<p>Applicant: Kishorn Port Limited (20/03543/S42) (PLN/023/21) Location: Land to SW of Drydock, Kishorn (Ward 5). Nature of Development: Application for non-compliance with condition 1 of Planning Permission 18/05057/S42 to permit the de-commissioning of shipping vessels. Recommendation: Grant.</p>	
	<p>In answer to Members' questions, the Team Leader advised:</p> <ul style="list-style-type: none"> • Conditions had been put in place to safeguard the local road network from increased road use with appropriate mitigation. • In terms of the previous consents similar safeguards for the local road network had been put in place then but with no specific financial contributions. Upgrades to the road network had been required and had been completed. • In relation to previous breaking of shipping vessels, the applicant had undertaken work that had fed into the application and the dry dock which was the subject of a separate report to come to the committee later. This gave a baseline of information which allowed some of the studies that had been undertaken on this application, for example the amount of waste materials removed by sea and removed by road. • In terms of HSE's comments they have a web tool where the Council put in the boundary of the application and this tool then considers whether there are any dangerous substances or dangerous facilities in the register and if nothing appears HSE have no further interest in that application. There are no hazardous substance issues in the vicinity so they are no longer involved. Any hazardous substance issues in relation to the breaking up of a ship would be dealt with by SEPA. • A Marine User Liaison and Mitigation Action Plan would be secured through condition, and the liaison group would be a forum 	SH / CF

	<p>to discuss these issues going forward. There would be separate issues related to the moorings going forward but these would be dealt with by marine licence and Marine Scotland.</p> <ul style="list-style-type: none"> • As this was a section 42 application there was no formal requirement to undertake community consultation but there had been a level of discussion through the liaison group. <p>During debate the following views were expressed:</p> <ul style="list-style-type: none"> • This is a variation of condition 1 for the decommissioning of redundant offshore energy and marine sector structures to include the decommissioning of shipping vessels within the dry dock. There were no objections from Transport Planning, HSE, Marine Scotland, MOD, Nature Scotland or SEPA. Marine Scotland are the regulatory authority for vessel structures moored within a sea loch so they will deal with the licence. The licence is not a planning permission. • As a member of the local Liaison Group with local Community Councils the Group would address the noise in their agenda at every meeting. • No additional lighting at night except that already required for health and safety and a management plan was proposed to minimise this on vessels. • This development would bring economic benefit to the wider economy. <p>Agreed: to GRANT planning permission subject to the conditions contained in the report of handling and the modifications to conditions 4 and 8 as presented to Members during the presentation.</p>	
	<p>The meeting finished at 16:20.</p>	