

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

14 SEPTEMBER 2021

MINUTE

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 minute.

Committee Members Present (via MS Teams):

R Bremner (except item 7.7), Mrs I Campbell, Mr M Finlayson, Mr R Gale, Mr J Gordon (except item 7.8), Mr D MacKay (except items 1-5.2, 7.6, and 7.9), Mrs A MacLean, Mr C Macleod, Mr D Macleod, Mr A Rhind, and Ms M Morley-Smith (**Chair**)

Substitutes:

None

Other Members Present:

Mr W Mackay (items 1-6.1)

Officers Participating:

Dafydd Jones – Acting Head of Development Management – Highland
 Mark Harvey (MH) – Team Leader
 Simon Hindson (SH) – Team Leader
 Rebecca Hindson (RH) – Principal Planner
 Erica McArthur (EM) – Principal Planner
 Gillian Pearson (GP) – Principal Planner
 Mark Fitzpatrick (MF) – Planner
 Michael Kordas (MK) – Planner
 Craig Simms (CS) – Planner

Jane Bridge, Senior Engineer (Development Management)

Iain Meredith – 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 C Fraser, Mrs M Paterson, and Mr A Sinclair. | N/A |
| 2. | Declarations of Interest Foillseachaidhean Com-pàirt | |

| | | |
|-----|--|--------------|
| | Item 7.8 – Mr J Gordon (financial). Item 7.6 And 7.9 – Mr D MacKay (non-financial) | N/A |
| 3. | Confirmation of Minutes Dearbhadh a' Ghearr-chunntais | |
| | There had been submitted for confirmation as a correct record the minutes of the meeting of the Committee held on 10 August 2021 which were APPROVED . | N/A |
| 4. | Major Development Update Iarrtasan Mòra | |
| | There had been circulated Report No PLN/058/21 by the Area Planning Manager providing an update on progress of all cases within the “Major” development category currently with the Infrastructure and Environment Service for determination. The Area Planning Manager – North advised on changes to the Planning Team: <ul style="list-style-type: none"> • Emma Forbes had been appointed as Team Leader for Caithness, Sutherland, Easter and Mid Ross with Mark Harvey, Team Leader, now covering Wester Ross, Strathpeffer, Skye and Lochalsh; and • recruitment was progressing for a Principal Enforcement Officer, a Planner and a Coastal Planner. The Committee NOTED the report. | DJ/SH |
| 5. | Major Developments – Pre-application consultations Leasachaidhean Mòra – Co-chomhairle Ro-iarrtais | |
| 5.1 | Description: Proposed mixed use development including 45 residential units and 1.3 ha allocated for business use, with all associated infrastructure, open space and landscaping (21/03693/PAN) (PLN/059/21) Ward: 8 Applicant: The Gairloch and Conon General Partnership. Site Address: Land South of Riverford Farmhouse, Conon Bridge. | |
| | Agreed: no additional considerations raised. Members expressed an aspiration within the community for a community link route from Muir of Ord through to Dingwall for pupils to cycle to school. An aspiration was also expressed for allotments. | MK |
| 5.2 | Description: Pentland Offshore Wind Farm - Provision of onshore infrastructure including cable landfall, cable joint transition bay, underground grid connection and ancillary infrastructure (21/04098/PAN) (PLN/060/21) Ward: 2 Applicant: Highland Wind Limited | |

| | | |
|-----|---|-----------|
| | Site Address: Land 400 m SW of former Kennels Building, Dounreay Nuc | |
| | Agreed: no additional considerations raised. | SH |
| 6 | Continued Item Cuspairean a' Leantainn | |
| 6.1 | Applicant: Caithness Klics (21/01559/FUL) (PLN/061/21) Location: Playbox Playgroup Land, MacLeod Road, Wick, KW1 4JQ (Ward 3). Nature of Development: Alteration to entrance and boundary, erection of office building and siting of storage container. Recommendation: Grant | |
| | <p>The Senior Roads Engineer clarified that it was not a matter of ownership, it was about establishing the boundary of the public road. There was a requirement to keep a list of public roads and a judgement had to be made on the road following consultation. Having spoken to the refuse team and from the list of public roads, there was no mention of a turning head in this area. The refuse team had historically turned within the school and did not use this application site to turn. This road does not comply to the specification of a turning head and was therefore not determined to be part of the public road.</p> <p>Mr Willie Mackay stated that the updated position had been clearly stated at 2.1, 2.2 and 2.3 of the report, he was satisfied with the recommendation by the case officer.</p> <p>Members took into consideration concerns from residents at MacLeod Road and representations made personally by residents. Clearly this could have been handled in a better way. This matter should have been discussed in the community before the application came forward. The sale of the school had impacted on residents where they had used the school as a turning head.</p> <p>Transport Planning undertook to look at a turning head for this area.</p> | |
| | Agreed: to GRANT planning permission subject to the conditions recommended in the report | GP |
| 7. | Planning Applications to be Determined Iarrtasan Dealbhaidh rin Dearbhadh | |
| 7.1 | Applicant: Broadland Properties Ltd (20/00563/FUL) (PLN/062/21) Location: Land to North West of Tore Roundabout, Tore, Muir of Ord (Ward 9). Nature of Development: Formation of 14 serviced house plots, including 4 no affordable houses. Recommendation: Grant. | |

| | | |
|-----|--|-------------|
| | <p>In answer to Members' questions, the planner advised:</p> <ul style="list-style-type: none"> the passing place and footpath were required before the houses were occupied. This was a narrow road and there had been lengthy discussions between Transport Planning and the applicant's engineers for the footpath. <p>The Area Planning Manager – North stated that Developer contributions were an important area with clear parameters. A working group looked at developments and the Black Isle Community Centre had been identified for this catchment area. It was important to be satisfied that from an audit perspective, the development contribution taken, can be accounted for, and spent in a manner both reasonable and necessary.</p> <p>During debate the following views were expressed:</p> <ul style="list-style-type: none"> pleased to see the improvements to the road; although the Community Council had been against the application and had raised concerns, this land had been allocated in the Local Development Plan; and although there were concerns about the risk of flooding, conditions were in place to mitigate flooding risk. | |
| | Agreed: to GRANT planning permission subject to the conditions recommended in the report | EMcA |
| 7.2 | <p>Applicant: Mr George Henderson (20/02674/PIP) (PLN/063/21) Location: Land 30 m South of Dalshian, Alcaig, IV7 8HU (Ward 9). Nature of Development: Erection of house. Recommendation: Grant.</p> | |
| | <p>An amendment to be made in the report where it stated the public road was the B9164 it should state the B9163.</p> <p>During debate the following views were expressed:</p> <ul style="list-style-type: none"> this was clearly a gap site and there was no planning reason to refuse this application. | |
| | Agreed: to GRANT planning permission subject to the conditions recommended in the report | EMcA |
| 7.3 | <p>Applicant: Mr George Henderson (21/02989/FUL) (PLN/064/21) Location: Land 105 m NE of Northwood, Urquhart, Alcaig (Ward 9). Nature of Development: Erection of two agricultural buildings and formation of hardstanding. Recommendation: Grant.</p> | |
| | <p>In answer to Members' questions, the planner advised:</p> <ul style="list-style-type: none"> the consultation response from the agricultural officer had been set out in the report. New agricultural buildings tended to be considerably larger for current and future practices. It was not our place to assess whether the sheds were too large for the size of | |

| | | |
|-----|---|-------------|
| | <p>the landholding as it was not a material consideration. The application must be determined on what is before the Committee;</p> <ul style="list-style-type: none"> • drainage was covered in separate legislation, and controlled by SEPA, which covered the disposal of silage and foul waste from a farm. The drainage scheme had been set out in such a way that settling ponds would capture the silt so the water discharged did not contain impurities before being discharged into the firth; • if the building was to be used for any purpose other than agricultural use, planning permission would have to be applied for; and • where a shed has been approved through Prior Notification and a further shed is applied for within two years, it had to apply for planning permission. This Prior Notification legislation changed in April 2021, this entire development would have been approved through Prior Notification legislation if it had been presented after April 2021. <p>During debate the following views were expressed:</p> <ul style="list-style-type: none"> • although there were concerns about the risk of flooding, conditions were in place to mitigate flooding risk. | |
| | Agreed: to GRANT planning permission subject to the conditions recommended in the report | EMcA |
| 7.4 | <p>Applicant: SSE Generation Limited (20/03481/S36) (PLN/065/21) Location: Land at Strathy South, Strathy Forest, Strathy (Ward 1). Nature of Development: 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. Recommendation: Raise no objection.</p> | |
| | Agreed: to RAISE NO OBJECTION to the application under section 36 of the Electricity Act 1989. | SH |
| 7.5 | <p>Applicant: Pat Munro Homes (21/01353/FUL) (PLN/066/21) Location: Land 75 m West of Milnafua House, Old Milnafua Road, Alness (Ward 6). Nature of Development: Erection of 30 houses (Phases 3 and 4). Recommendation: Grant.</p> | |
| | <p>In answer to Members' questions, the planner and senior engineer advised:</p> <ul style="list-style-type: none"> • that a condition could be included for play park equipment for the play park to be agreed in consultation with local members; • the final landscaping details would be approved by condition which would secure the materials and the possibility of using recycled materials could be raised with the developer; and • the senior engineer advised that the use of recycled material for | |

| | | |
|-----|--|-----------|
| | <p>the roads and pavements would not be a matter for the planning condition it would be for the Road Construction Consent. Assurance would be required that materials would be long lived, these materials had not been approved by Transport Planning at this time but members will be provided with an update in due course.</p> | |
| | <p>Agreed: to GRANT planning permission subject to the conditions recommended in the report, subject to consultation with local members regarding the proposed playpark equipment</p> | RH |
| 7.6 | <p>Applicant: Beaufort Wind Limited (21/01987/S42) (PLN/067/21) Location: Achkeepster (Causeymire) Wind Farm, Spittal (Ward 3). Nature of Development: Causeymire Wind Farm - Application for non-compliance with Condition 1 (Operational Timescales) attached to Planning Permission ref 01/00361/FULCA to allow the development to operate to 02 September 2038 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>Six months was the standard time given for inactive turbines to be removed. If the developer came forward with a good reason for why a turbine was not working, if for instance there was a delay in receiving parts, the planning officer could use their discretion to prolong the period.</p> | |
| | <p>Agreed: to GRANT planning permission subject to the conditions recommended in the report and addition of noise tables as presented at NPAC.</p> | GP |
| 7.7 | <p>Applicant: Baillie Baillie Architects (21/01993/FUL) (PLN/068/21) Location: Land to the South of The Pink House, 7 Cooper Street, Plockton (Ward 5). Nature of Development: Erection of a house and holiday let. Recommendation: Grant.</p> | |
| | <p>Although there had been many individual objections, there had been no objection from Plockton Community Council.</p> | |
| | <p>Agreed: to GRANT planning permission subject to the conditions recommended in the report</p> | MK |
| 7.8 | <p>Applicant: Mr John Gordon (21/02879/FUL) (PLN/069/21) Location: Land 110 m East of 6 Digg, Staffin (Ward 10). Nature of Development: Erection of house, installation of septic tank and soakaway and upgrade existing access. Recommendation: Grant.</p> | |

| | | |
|------|--|-----------|
| | Declaration of Interest: Mr J Gordon declared a financial interest in this application as the applicant and left during determination of this item. | |
| | Agreed: to GRANT planning permission subject to the conditions recommended in the report | CS |
| 7.9 | Applicant: Moray Offshore Windfarm (West) Limited (21/03368/S36) (PLN/070/21) Location: Moray West Offshore Windfarm, Ulbster, Lybster (Ward 3). Nature of Development: Moray West Off-shore Wind Farm Variation - Application to increase turbine blade width from 6 m to 6.6 m and remove reference to the development's maximum generating capacity in the description of development. Recommendation: Raise no objection. | |
| | Declaration of Interest: Mr D Mackay declared a non-financial interest in this application and left during determination of this item. | |
| | Agreed: to RAISE NO OBJECTION to the application | SH |
| 7.10 | Applicant: Mr P Hurst (21/02094/FUL) (PLN/071/21) Location: Land 50 m North of Thistle Cottage, Occumster, Lybster (Ward 3). Nature of Development: Retrospective siting of a storage container. Recommendation: Grant. | |
| | Agreed: to GRANT planning permission subject to the conditions recommended in the report, and the following amendment: Condition 1 to be amended to restrict the length of permission to two years rather than three years. | MF |
| 7.11 | Applicant: Mr P Hurst (21/03558/FUL) (PLN/072/21) Location: Land 50 m North of Thistle Cottage, Occumster, Lybster (Ward 3). Nature of Development: Creation of new vehicular access, installation of private drainage system and extension and renovation of existing cottage (part retrospective). Recommendation: Grant. | |
| | Agreed: to GRANT planning permission subject to the conditions recommended in the report, and the following amendment: Condition 6 to be amended to restrict the length of permission for the shipping container to remain on site to two years rather than three years. | MF |
| 7.12 | 7.12 Applicant: Global Energy Nigg Limited (21/02981/FUL) (PLN/073/21) Location: Nigg Fabrication Yard, Nigg, Tain, IV19 1QY (Ward 7). Nature of Development: Extension of buildings, construction of buildings Recommendation: Grant. | |
| | There had been regular liaison between the developer and the | |

| | | |
|----|---|-----------|
| | community and the development was welcomed. | |
| | Agreed: to GRANT planning permission subject to the conditions recommended in the report. | GP |
| 8. | Judicial Review Decision Co-dhùnadh Ath-sgrùdadh Laghail | |
| | Applicant: Highlands and Islands Enterprise (20/00616/FUL) (P901/20) 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. | |
| | Noted the Opinion of Lord Doherty of the Outer House of the Court of Session in the Petition of Wildland Limited for Judicial Review of a decision of the Committee dated 5 August 2020 granting planning permission for the construction of a vertical launch space port etc near Dunbuie, Talmine, Tongue. The Petition was refused and the question of expenses was reserved to a later date. | |
| | The meeting finished at 1445. | |