Agenda Item	6.4
Report No	PLN/007/23

HIGHLAND COUNCIL

Committee: North Planning Applications Committee

Date: 09.01.2023

Report Title: 22/03917/FUL: Raasay Development Trust

Raasay New Ferry Terminal

Battery Park

Isle Of Raasay

Report By: Area Planning Manager - North

Purpose/Executive Summary

Description: Proposed EV charging point, campervan hookup, chemical waste

disposal and PV panels

Ward: 10 - Eilean A' Cheò

Development category: Local (Non EIA)

Reason referred to Committee: Number of third party objections in accordance with the Scheme of Delegation.

All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

Recommendation

Members are asked to agree the recommendation to **GRANT** the application as set out in section 11 of the report.

1. PROPOSED DEVELOPMENT

- 1.1 This application seeks permission for new facilities on Clachan Pier, Raasay. This includes: the installation of an EV charging point located within the existing parking area of the pier south of Raasay ferry terminal building, a campervan hook-up to be installed in the existing overnight parking bays to the north-west of the ferry terminal building, a chemical waste disposal with formation of layby immediately to the west of the terminal building and installation of photovoltaic panels on the roof of the terminal building. The development is intended to compliment the recent installation of a new pontoon for leisure craft in the Clachan harbour area and the planned renovations taking place inside the ferry terminal building. Combined, these developments aim to provide improved tourism infrastructure on Raasay and are a listed project within the Skye and Raasay Futures place plan.
- 1.2 The proposal is located on Clachan pier and its surrounds which is a statutory harbour authority area. The existing infrastructure in the harbour area includes a pier to the south that provides access for the Skye-Raasay ferry route as well support and access for other vessels. An older pier is located to the northwest, adjacent to the overnight parking bays, which is in use for fishing activity and a new leisure pontoon has been installed in Clachan Bay itself, with access to the shore in between the two piers. Terrestrially the area includes multiple parking bays, some of which are designated for overnight usage, a turning circle and the ferry terminal building itself which includes a sheltered seating area and restroom, with future improvements amenities within the terminal building planned.
- 1.3 Pre-Application Consultation: A pre-application submission was made. However, this primarily related to whether or not planning permission would be required with the details supplied focussing on the internal renovations proposed for the ferry terminal building. Charging points, hook-ups and waste disposal were noted as to be installed in the pier area but without specific details. The decision to include photovoltaic cells on the terminal building roof was taken at a later date. Consultation was undertaken with the Council's Flood Risk Management Team on the basis that the development is in an area at risk of coastal flooding. Flood Risk Management Team advice indicted that this was acceptable as harbour facilities would be deemed 'water compatible'. Officer advice to the applicant indicated the internal renovations of the terminal building would not require planning permission. Regarding the rest of the project, it was advised that officer support was likely noting the projects status within the Skye and Raasay Future project list and the low likelihood for significant adverse impacts. Provision of further detail was requested, including how the new facilities would be managed.

1.4 Supporting Information:

- Location, layout and elevation plans
- Indicative images of charging/ hook-up points
- Supporting statement addressing rationale and impact of proposal
- Details of how the facilities would be managed.
- 1.5 Variations: No variations have been sought since lodging the application.

SITE DESCRIPTION

2.

2.1 The site of the proposal is the pier area of Clachan Bay which is surrounded on three sides by the sea at most stages of the tide. To the west, the bay is protected by a low lying headland. To the east the site looks onto Churchton Bay and to the south, back across the Narrows of Raasay towards Skye. Immediately to the North of the pier area and the ferry terminal building the site is overlooked by the C-shaped battery mound which is recognised as an archaeological site of national significance and is a designated scheduled monument. The nearest settlement is approximately 300 metres eastward around the bay.

3. PLANNING HISTORY

3.1	07.03.2007	06/00371/NIDSL - Erection of Ferry Terminal Building	Permission Granted
3.2	18.02.2008	07/00456/FULSL - Erection of temporary batching plant, pre-cast yard, accommodation area, slipway & berthing point.	

4. PUBLIC PARTICIPATION

4.1 Advertised: SECT 34 - Schedule 3 Development

Date Advertised: 30 September 2022

Representation deadline: 15 November 2022

Timeous representations: 8 (6 households)

Late representations: 0

4.2 Material considerations raised are summarised as follows:

Objections:

- Facilities will encourage more vehicles which island infrastructure cannot handle.
- Motorhomes bring little economic benefit
- Proposed could have adverse impacts on archaeological sites
- Facilities would need to be managed
- Proposed development would impede access for fishermen using the pier.
- Spaces and turning areas insufficient for campervans
- Proposed development could give rise to increase disturbance of protected species in the area i.e. birds and otters.
- 4.3 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet www.wam.highland.gov.uk/wam.

5. CONSULTATIONS

5 1 Raasay Community Council – No comment received

- 5.2 Harbours Manager No comment received
- 5.3 Transport Planning Team No objection raised
- 5.4 Development Plans Team No objections raised
- 5.5 Crown Estates Scotland No comment received
- 5.6 Environmental Health Officer No comment received
- 5.7 Historic Environment Scotland No objection raised:
 - identified that proposed development is adjacent to archeaeological site of national importance and also within the boundary of the Raasay House Inventory Garden and Designed Landscape.
 - Provided further detail on the reasons for cultural significance of the site.
 - Acknowledged that the proposed development would be visible from the site, likely resulting in some impact.
 - Concluded that the proposed development was commensurate with the nature and scale of existing development at the proposal and would not result in significant change.
 - Confirmed their view that the proposed development would not likely result in historic environment issues of national significance.

Noted that 'no objection' was not equivalent to active 'support' for the scheme.

- 5.8 Highland Council Historic Environment Team verbally consulted following Historic Environment Scotland response
 - Agree with conclusion provided by HES.
 - No conditions sought

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 Highland Wide Local Development Plan 2012

- 28 Sustainable Design
- 36 Development in the Wider Countryside
- 43 Tourism
- 49 Coastal Development
- 56 Travel
- 57 Natural, Built & Cultural Heritage
- 58 Protected Species
- 59 Other important Species
- 60 Other Importance Habitats

6.2 West Highlands and Islands Local Development Plan 2019

No specific policies apply

Highland Council Supplementary Planning Policy Guidance

Highland Historic Environment Strategy (Jan 2013)
Highland's Statutorily Protected Species (March 2013)
Sustainable Design Guide (Jan 2013)

7. OTHER MATERIAL CONSIDERATIONS

7 1 National Planning Framework 3

Scottish Government Planning Policy and Guidance

- SPP (2014) paragraph 75 states:
- "...The planning system should:
 - in all rural and island areas promote a pattern of development that is appropriate to the character of the particular rural area and the challenges it faces;
 - encourage rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality; and
 - support an integrated approach to coastal planning..."

National Planning Framework 4 (revised draft)

Revised Draft NPF4 was laid in Scottish Parliament on 08 November 2022 for its consideration; at the time of writing, this is ongoing and Scottish Parliament's decision is awaited. Revised Draft NPF4 may for now carry some, but limited, weight in the consideration of applications.

- Policy 7. Historic Assets and Places:
- "..h) Development proposals affecting scheduled monuments will only be supported where:
 - i. direct impacts on the scheduled monument are avoided;
 - ii. significant adverse impacts on the integrity of the setting of a scheduled monument are avoided; or
 - iii. exceptional circumstances have been demonstrated to justify the impact on a scheduled monument and its setting and impacts on the monument or its setting have been minimised..."
 - Policy 10. Coastal Planning
- "...a) Development proposals in developed coastal areas will only be supported where the proposal:
 - does not result in the need for further coastal protection measures taking into account future sea level change; or increase the risk to people of coastal flooding or coastal erosion, including through the loss of natural coastal defences including dune systems; and
 - ii. is anticipated to be supportable in the long term, taking into account projected climate change....."
 - Policy 11. Energy
- "...Development proposals for all forms of renewable, low-carbon and zero

emissions technologies will be supported. These include: iv. small scale renewable energy generation technology;....."

Policy 30. Tourism

"Policy intent: To encourage, promote and facilitate sustainable tourism development which benefits local people, is consistent with our net zero and nature commitments, and inspires people to visit Scotland..."

8. PLANNING APPRAISAL

8.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

Determining Issues

8.2 This means that the application requires to be assessed against all policies of the Development Plan relevant to the application, all national and local policy guidance and all other material considerations relevant to the application.

Planning Considerations

- 8.3 The key considerations in this case are:
 - a) Compliance with the development plan and other planning policy
 - b) Siting and design
 - c) Tourism and recreation pressure
 - d) Cultural heritage
 - e) Natural heritage and protected species
 - f) Any other material considerations

a) Development plan/other planning policy

- 8.4 Six key policies have been identified as being pertinent to the proposal. Policy 28 'Sustainable Design', 36 'Development in the Wider Countryside', 42 'Tourism', 49 'Coastal Development', 56 'Travel' and 57 'Natural, Built and Cultural Heritage'.
- 8.5 Policy 28 establishes development plan support for proposals that 'promote and enhance the social, economic and environmental wellbeing of the people of Highland" and goes on to state that proposals will be assessed regarding the extent to which they affect a range of factors. Relevant factors are noted as: maximising energy efficiency and utilisation of renewable energy sources, contribution to the economic and social development of the community and impacts on natural and cultural heritage. This last point is mirrored and detailed further in Policy 57-60.
- 8.6 Policy 43 is specifically relevant to proposals for tourist facilities and requires that development proposals are assessed as to whether they are proportionate to their location and how or if they will increase tourism in the area. Policy 56 requires that

- any on or offsite travel implications are considered and provides emphasis on provision of sustainable travel options, adequate parking and mitigation if required.
- 8.7 Policy 36 establishes that proposals should be subject to further assessment, notably to establish whether they are acceptable in terms of siting and design. Policy 49 adds to this requiring that coastal development should take account of existing and planned marine activities and development.
- 8.8 Compliance with relevant policy is considered further under the following topic headers.

b) Siting and Design

- 8.9 The application proposes changes and enhancements to the facilities of the existing Raasay Ferry Terminal and pier area and as such are sited so as to integrate with the existing facilities. The changes proposed are considered to be relatively small scale and are not deemed capable of resulting in significant change through the visual impact of their design.
- 8.10 The proposal includes the installation of the photovoltaic cells on the terminal building roof. It is noted within the Highland Council Sustainable Design Guide (Jan 2013) that incorporating small-scale renewable energy systems is a valuable component of sustainable design due to the reduction in CO2 this will support. As would the introduction of charging points for vehicles.
- 8.11 Several third-party objections have raised concern that the siting of the proposed development would lead to congestion and impede access for other ongoing uses in the area, including access to the pier by fishermen and residents using the ferry. The only proposed change that results in a physical expansion in footprint is the formation of the layby for access to the proposed chemical waste disposal. Otherwise, the proposed development integrates with the existing parking bays and the usage arrangements in place for them. It is recognised that the vehicles using the area and usage patterns generally is of primary concern rather than the physical infrastructure itself. This relates in particular to the campervan hook-ups proposed in the overnight parking bays and the space available for larger vehicles accessing the area. Whilst the north pier is in use for fishing activities it remains an area of public access with space for turning vehicles. It is not clear that occasional or periodic use in this way would significantly impede ongoing activities. More broadly the siting of such facilities at the ferry terminal may in fact serve to mitigate congestion impacts on the local roads, that many of the public representations cite, by providing a more immediate hub without the need to navigate to harder to reach locations.
- 8.12 The proposal supports the creation of a facilities manager role that would serve to mitigate any pressures around usage during peak periods. It also serves to interlink with the newly developed leisure pontoon. It is considered that the proposal accords with the siting and design considerations set out within Development Plan policies 28, 36 and 49. Consideration of the proposals impact on cultural heritage will be considered under item d) below.

c) Tourism and recreation pressure

- 8.13 The application acknowledges that the development proposed, taken along with the linked pontoon development and internal renovation of the terminal building will facilitate visitors to the area. This is inline with forthcoming national policy contained with National Planning Framework 4 which seeks to encourage, promote and facilitate sustainable tourism. The risk that this will stimulate off-site travel issues elsewhere on the wider island has been raised in third party comments. However, counter to this, the siting of such facilities at the ferry terminal may in fact keep campervans that access the island in this area and potentially encourage access to nearby settlements by foot or bike instead. In either case the development is of sufficiently small scale that it is not thought likely to have substantial impact either way. Transport Planning provided no comment on the application.
- 8.14 As noted above, third party objections have raised concerns over how encouraging increased visitor numbers or certain vehicle types may have adverse impacts on ongoing everyday activities in the pier area itself. However, it is considered that the proposed development does not substantially alter the existing infrastructure already in place and in fact provides improvements to cope with visitor pressures in the form of waste disposal and the creation of a facilities manager role. The potential for the proposal to provide a modest income stream to support this as well as encouraging tourism and sustainable transport options can be looked at favourably in relation to national and local development plan policy.
- 8.15 The supporting information supplied with the proposal indicates it will contribute positively to the local economy. However, third party comment in places dispute the likely economic contribution. Ultimately, the degree to which either case is accurate is uncertain. However, it is clear that a position of low economic contribution is juxtaposed with any concerns around pressures caused by increased visitor numbers. Given the relatively modest scale of development and intention to integrate with existing facilities it is considered that a significant impact in either case is unlikely and that the development is proportionate to the existing surroundings. As such it is considered to accord with policy 43and 56 of the Highland Wide Development Plan.

d) Cultural Heritage

- 8.16 The ferry terminal and pier area is located immediately adjacent to the south west of Raasay House, cross-incised slab & battery scheduled monument which is designated for the Napoleonic era gun battery that forms the mound to the rear of the terminal building and the 6th century Chi-Rho cross located on the northern side of the mound. The proposal is also located within, or in places just outside, the boundary of the Raasay House designed landscape.
- 8.17 Two third party objections did raise concerns regarding the potential for impacts on the cultural heritage assets in the vicinity of the proposal. One specifically raising concerns that no construction should take place on the slopes of the battery and querying whether an archaeological survey was necessary.
- 8.18 Historic Environment Scotland were consulted on the proposal. Their comment recognised that for both cultural heritage designations the development would be visible. However, the advice also recognised that the proposed development was

of small scale and commensurate with the nature and scale of existing development on the site. As such they concluded no significant impact occur for either the designed landscape or the scheduled monument. No suggestion that further survey work was necessary was provided.

8.19 In consideration of the minor nature and scale of the proposal and Historic Environment Scotland's advice on the matter, it is considered that no significant impact on heritage features will occur and as such the proposal accords with the relevant provisions of Policy 57 of the Highland Wide Local Development Plan.

e) Natural heritage and protected species

- 8.20 Three public representations cited concerns over potential disturbance impacts on birds and marine mammals. The proposal is not located within or close to any site designated for ecological features and based on the details of the proposal it is not deemed that there could be any pathway for impacts on designated sites at a further distance.
- 8.21 Third party comments noted the occasional presence of species protected on an individual basis, in particular otter, in the area. However, the proposed development does not involve any works in the intertidal or other areas that would seem to represent suitable otter habitat, with all development being small scale and confined to the existing car park and terminal building. As such it was not deemed proportionate to require any ecological surveys and advice from NatureScot was not deemed necessary to inform the application appraisal. The proposal in full was not deemed capable of triggering any policy requirements in this regard.

g) Other material considerations

8.22 The proposed development is part of a listed project within Skye and Raasay Future place plan, included as 'Raasay Tourism Facilities'. Skye and Raasay Future (SARF) place plan is a shared statement of the values, ambition, and priorities for partners to work together to improve outcomes for everyone in the area. It outlines how current and future actions and investments can help to address these priorities. Listed projects indicate how they will contribute towards positive outcomes agreed through community engagement and are intended to guide investment. In the case of this proposal, it is identified as contributing towards strengthened communities, diverse green economy and transport infrastructure.

Non-material considerations

- 8.23 Third party comments raised the point that other areas of island infrastructure are unsuitable for larger vehicles. Whilst off-site transport implications have been considered. Consideration of the suitability of the island as whole is not deemed practical or reasonable in relation to the proposal.
- 8.24 Third party comments raised concerns that the overnight parking bays are already usually in use by the ferry relief crews and that they may be displaced. The permanent positioning of a caravan or other accommodation in this location would represent a breach of planning control and has in the past been subject to

- enforcement action. Neither the frequency of availability of these parking spaces or the accommodation arrangements for ferry staff are considered as material to this application.
- 8.25 Third party comments raised concerns over the siting of the proposed photovoltaic cells due to the aspect of the terminal building roof. The relative efficiency of the photovoltaic cells are not a material consideration for this application.
- 8.26 Third party comments have also raised concerns regarding the either the pontoon development or the internal renovations of the ferry terminal building. Neither of these aspects form material considerations for this application.
- 8.27 Third party comments suggested other alternative locations elsewhere on the Raasay as more suitable. Notwithstanding this it is incumbent on the Planning Authority to consider the application as submitted on its merits

Matters to be secured by Section 75 Agreement

8.26 None

9. CONCLUSION

- 9.1 The proposal includes the installation of EV charging points, campervan hookups, waste disposal and photovoltaic cells at the Raasay Ferry Terminal and surrounding pier area. The aim of the project is the provision of improved visitor facilities, support for sustainable transport options and contribution to island economy through tourism. The project is a scheme noted within the community developed place plan Skye and Raasay Future.
- 9.2 In consideration of the scale and nature of development as well as consultee comment it is not considered capable of significantly affecting any natural or cultural heritage features.
- 9.3 Several third-party comments have indicated concern over the siting of facilities in this location. Particularly regarding its potential for adding further crowding to an area that can get busy due multiple co-existing activities. However, the proposed management of these facilities along with the benefits they might provide satisfactorily counter concerns over visitor pressure.
- 9.4 Some weight has been given to the inclusion of this project within the community development place planning in Skye and Raasay Future. The provision of purpose built additional tourism related facilities to help visitors on Raasay is welcome.
- 9.5 All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

10. IMPLICATIONS

- 10.1 Resource: Not applicable
- 10.2 Legal: Not applicable
- 10.3 Community (Equality, Poverty and Rural): Not applicable
- 10.4 Climate Change/Carbon Clever: Not applicable
- 10.5 Risk: Not applicable
- 10.6 Gaelic: Not applicable

11. RECOMMENDATION

Action required before decision issued

Notification to Scottish Ministers N

Conclusion of Section 75 N

Obligation

Revocation of previous permission N

Subject to the above actions, it is recommended to

GRANT the application subject to the following conditions and reasons

The development to which this planning permission relates must commence within THREE YEARS of the date of this decision notice. If development has not commenced within this period, then this planning permission shall lapse.

Reason: In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended).

REASON FOR DECISION

All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

INFORMATIVES

Initiation and Completion Notices

The Town and Country Planning (Scotland) Act 1997 (as amended) requires all developers to submit notices to the Planning Authority prior to, and upon completion of, development. These are in addition to any other similar requirements (such as Building Warrant completion notices) and failure to

comply represents a breach of planning control and may result in formal enforcement action.

- 1. The developer must submit a Notice of Initiation of Development in accordance with Section 27A of the Act to the Planning Authority prior to work commencing on site.
- 2. On completion of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Act to the Planning Authority.

Copies of the notices referred to are attached to this decision notice for your convenience.

Flood Risk

It is important to note that the granting of planning permission does not imply there is an unconditional absence of flood risk relating to (or emanating from) the application site. As per Scottish Planning Policy (paragraph 259), planning permission does not remove the liability position of developers or owners in relation to flood risk.

The development is deemed as a 'water compatible' use due to its location as part of pier facilities. However, it is advised that this location is at risk of coastal flooding and that suitable materials are used in the construction of the development.

Scottish Water

You are advised that a supply and connection to Scottish Water infrastructure is dependent on sufficient spare capacity at the time of the application for connection to Scottish Water. The granting of planning permission does not guarantee a connection. Any enquiries with regards to sewerage connection and/or water supply should be directed to Scottish Water on 0845 601 8855.

Septic Tanks & Soakaways

Where a private foul drainage solution is proposed, you will require separate consent from the Scottish Environment Protection Agency (SEPA). Planning permission does not guarantee that approval will be given by SEPA and as such you are advised to contact them direct to discuss the matter (01349 862021).

Local Roads Authority Consent

In addition to planning permission, you may require one or more separate consents (such as road construction consent, dropped kerb consent, a road openings permit, occupation of the road permit etc.) from the Area Roads Team prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local Area Roads office for further guidance at the earliest

opportunity.

Failure to comply with access, parking and drainage infrastructure requirements may endanger road users, affect the safety and free-flow of traffic and is likely to result in enforcement action being taken against you under both the Town and Country Planning (Scotland) Act 1997 and the Roads (Scotland) Act 1984.

Further information on the Council's roads standards can be found at: http://www.highland.gov.uk/yourenvironment/roadsandtransport

Application forms and guidance notes for access-related consents can be downloaded from:

http://www.highland.gov.uk/info/20005/roads and pavements/101/per mits for working on public roads/2

Mud & Debris on Road

Please note that it an offence under Section 95 of the Roads (Scotland) Act 1984 to allow mud or any other material to be deposited, and thereafter remain, on a public road from any vehicle or development site. You must, therefore, put in place a strategy for dealing with any material deposited on the public road network and maintain this until development is complete.

Construction Hours and Noise-Generating Activities: You are advised that construction work associated with the approved development (incl. the loading/unloading of delivery vehicles, plant or other machinery), for which noise is audible at the boundary of the application site, should not normally take place outwith the hours of 08:00 and 19:00 Monday to Friday, 08:00 and 13:00 on Saturdays or at any time on a Sunday or Bank Holiday in Scotland, as prescribed in Schedule 1 of the Banking and Financial Dealings Act 1971 (as amended).

Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under Section 60 of the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to result in court action.

If you wish formal consent to work at specific times or on specific days, you may apply to the Council's Environmental Health Officer under Section 61 of the 1974 Act. Any such application should be submitted after you have obtained your Building Warrant, if required, and will be considered on its merits. Any decision taken will reflect the nature of the development, the site's location and the proximity of noise sensitive premises. Please contact env.health@highland.gov.uk for more information.

Protected Species – Halting of Work

You are advised that work on site must stop immediately, and NatureScot must be contacted, if evidence of any protected species or nesting/breeding sites, not previously detected during the course of the application and provided for in this permission, are found on site. For the avoidance of doubt, it is an offence to deliberately or recklessly kill, injure or disturb protected

species or to damage or destroy the breeding site of a protected species. These sites are protected even if the animal is not there at the time of discovery. Further information regarding protected species and developer responsibilities is available from NatureScot: https://www.nature.scot/professional-advice/protected-areas-and-species/protected-species

Insert other appropriate notes/delete any not relevant

Signature: Dafydd Jones

Designation: Area Planning Manager - North

Author: Jethro Watson

Background Papers: Documents referred to in report and in case file.

Relevant Plans: Plan 1 – 1 REV A Location Plan

Plan 2 – 2 REV A General Plan – Proposed Site Layout and Elevation





