

The Highland Council

South Planning Applications Committee

Council Chamber, HQ, 6 February 2025, 09.30am

Minute / Action Note

Listed below are the decisions taken by Committee at their recent 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 note.

Committee Members Present:

Mr C Ballance
Mr M Cameron*
Mr D Fraser
Mr L Fraser
Mr K Gowans
Mr A Graham
Mr R Jones
Mr B Lobban

Mrs I MacKenzie
Mr A MacKintosh
Mr T MacLennan
Mr D Macpherson
Mr P Oldham (in the Chair)
Ms M Reid

*At the SPAC meeting on 2 April 2025, it was confirmed that Mr M Gregson was present, and not Mr M Cameron.

Officers participating:

Mr D Mudie, Strategic Lead – Planning and Building Standards (DM)
Mr P Wheelan, Strategic Projects Team Leader (PW)
Mr B Robertson, Team Leader (BR)
Mr R Dowell, Principal Planner (RD)
Ms L Prins, Principal Planner (LP)
Ms J Mair, Planner (JM)
Mr M Clough, Senior Engineer, Transport Planning
Ms Z Skinner, Environmental Health Officer
Mr I Meredith, Acting Principal Solicitor
Ms F MacBain, Senior Committee Officer
Ms K Arnott, Committee Officer

ITEM NO	DECISION	ACTION
1	Apologies for Absence Leisgeulan There were none.	
		n/a
2	Declarations of Interest Foillseachaidhean Com-pàirt There were none.	

		n/a
3	Confirmation of Minutes Dearbhadh a' Gheàrr-chunntais	
	There had been submitted for confirmation as a correct record the action note and minute of the meeting of the Committee held on 10 December 2024 which was APPROVED .	n/a
4	Major Development Update Iarrtasan Mòra	
	There had been circulated Report No PLS/01/25 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 Committee NOTED the current position with the applications.	PW
5	Major Developments – Pre-application consultations Leasachaidhean Mòra – Co-chomhairle Ro-iarrtais	PW
5.1	Description: Platforming construction operation consisting of provision of access road; site remediation works; civil engineering works, including importation of materials (99,090m3 +/- 10,000m3); drainage works; services and utilities works (24/04873/PAN) (PLS/02/25) Ward: 16 Applicant: The Highland Council Site Address: Land at Longman Landfill Site, Stadium Road, Inverness.	
	NOTED the submission.	PW
5.2	Description: Formation of sand and gravel quarry (24/04561/PAN) (PLS/03/25) Ward: 12 Applicant: Pat Munro (Alness) Limited Site Address: Land 550m east of Farr Community Hall, Inverarnie, Farr, Inverness Members referred to an earlier discovery of over 130 Pictish cairns in the area and asked that due attention be paid to archaeology as there could be further remains in the area. Transport was also of concern.	
	NOTED the submission and AGREED Members' comments would be provided to the applicant.	PW
5.3	Description: Temporary workers residential accommodation, including welfare facilities, associated infrastructure and other ancillary development (24/04578/PAN) (PLS/04/25) Ward: 12 Applicant: Balfour Beatty Site Address: Land 350M North of Newtown, Invergarry. Members referred to the significant number of people to be accommodated and raised concerns about the night-time lighting and the colour of the proposed cabins.	

	NOTED the submission and AGREED Members' comments would be provided to the applicant.	PW
5.4	<p>Description: Extension to existing Foyers switching station comprising platform area, associated plant and infrastructure, ancillary facilities, laydown / work compound area(s), access road, drainage and landscape works; and extension to existing substation platform area at Foyers (24/04765/PAN) (PLS/05/25)</p> <p>Ward: 12 Applicant: Scottish Hydro Electric Transmission Plc Site Address: Land 940m NE of Foyers Power Station, Foyers</p> <p>Members referred to the planned tree felling in the area and that one existing pylon would remain exposed, spoiling views of the loch. It would be preferable if this pylon could be replaced with a short underground section for the overhead wires. The tree felling should be minimised and, due to the exposure of steep banking, might require road barriers.</p>	
	NOTED the submission and AGREED Members' comments would be provided to the applicant.	PW
5.5	<p>Description: Loch Fearna Pumped Storage Hydro Scheme - construction and operation of a pumped storage hydro scheme at Glen Garry with a generating capacity of 2000MW (24/05191/PAN) (PLS/06/25)</p> <p>Ward: 11 Applicant: Fearna PSH Ltd Site Address: Land 4390M NW Of Kingie Lodge, Invergarry</p> <p>Members sought assurance the applicants had been made aware of the Council's Social Value Charter and hoped they would make contact with the relevant team.</p>	
	NOTED the submission and AGREED Members' comments would be provided to the applicant.	PW
6	Planning Applications to be Determined Iarrtasan Dealbhaidh rin Dearbhadh	
6.1	<p>Applicant: Earba Limited (24/01056/S36) (PLS/07/25) Location: Land 4200m SE of Moy Lodge, Tulloch, Roy Bridge (Ward 20). Nature of Development: Construction and operation of a pumped storage hydroelectric scheme with a generating capacity of 1,800MW and a 40GWh storage capacity.</p> <p>Recommendation: Raise No Objection.</p> <p>Members expressed concern at the late delivery, that morning, of the printed visualisation packs provided by the applicants. This had been due to printing delays, but it was requested that applicants be asked to provide such packs in good time in future, and that consideration be given to the provision of packs to Members joining online. It was queried whether the provision of printed plans in the chamber was necessary if Members online were not provided with them, with reference made to the wastage of paper. It was clarified that the information in the printed plans was also contained in the presentation but that the printed plans were easier to scrutinise.</p>	

Issues raised as points of clarification included the following:

- community benefit;
- trunk road improvements and other transport issues;
- access for the general public and community liaison;
- electrical connectivity;
- wildlife and shore surveys;
- forestry, woodland, biodiversity and deer;
- public art;
- opportunity to create a tourist attraction;
- parking;
- the need for index-linking of financial benefits; and
- monitoring and evaluation of condition implementation.

During debate, the following issues were considered:

Several Members expressed support for the project but concern and disappointment at the situation with regards to community benefit. They noted that the applicant had been advised to sign up to the Council's Social Value Charter, but considered that the wording around this ought to be more stringent. It was felt that the Scottish Government should take steps to make the provision of community benefit for this type of development obligatory. The small level being offered was not considered acceptable given the significant and long-term impact the development would have on the local area. Specific other points raised included the following:

- the Transport Scotland response in relation to the trunk road was inadequate, as the trunk road varied widely in its width and suitability for the increased traffic that would be generated. The applicant's proposed mitigation of cutting vegetation and improving signage was inadequate;
- the development would require planning permission for further infrastructure in the future, notably a substation, and it was suggested such things should be made clear in advance;
- housing was required for the intended 46 full-time jobs that would be created on a permanent basis and it was strongly suggested that efforts be made, for the socio-economic benefit of the local area, to source applicants for those 46 jobs locally, including consideration of the development of apprenticeships in partnership with the Kingussie High School;
- the Highlands were providing infrastructure for a considerable amount of national energy creation but were rarely provided with adequate compensation and residents often paid more for energy than elsewhere in Scotland;
- dry stane dykes, interpretation panels, and benches, were not considered public art;
- concern was expressed that any plans to move any of the rare species of arctic char fish be done in the proper manner, with appropriate scientific advice;
- the use of concrete for the dam construction was not thought to be visually appealing and mitigation in the form of appropriate colouring or the use of materials that would encourage the growth of vegetation, to allow the dam to blend into the scenery, be utilised;
- the 0.5% developer contribution was considered insignificant and was not adequately aligned with the spirit of the Council's Social Value Charter, which developers were encouraged to sign up to, and which, it was felt,

	<p>should be made compulsory by the Scottish Government;</p> <ul style="list-style-type: none"> the development was of national importance and value, but the Highlands would bear the brunt of the detrimental impact on the landscape and local communities; the development might be a beneficial tourist opportunity but the road infrastructure required improvement; a modern version of the Highland endowment scheme was suggested; and the importance of maintaining access to land and mountains for the public was emphasised. <p>The Clerk reminded the Committee that some of the points raised were not material planning considerations but that the minutes of the discussion would be included with the Council's consultation response, which would be shared with Members prior to its submission.</p>	
	<p>Agreed: to RAISE NO OBJECTION as recommended in the report, and with the following additional points:</p> <ul style="list-style-type: none"> i. socio-economic benefit in condition 47 to include operational phase as well as construction phase; ii. notwithstanding the response from Transport Scotland, that the substandard sections of the A889/A86 be upgraded between the A9 and site access; iii. transfer of Arctic Char from upper loch to lower loch be done in consultation with expert advice to ensure they can survive in their new habitat; iv. precise wording of the amended conditions be delegated to the Area Planning Manager; and v. a minute of the debate be sent to the ECU along with notification of the Committee's decision. 	RD
6.2	<p>Applicant: Loch Liath Wind Farm Limited (23/02462/S36) (PLS/08/25) Location: Land 9000M SW Of Glenurquhart High School, Balmacraan Road, Drumnadrochit (Ward 12). Nature of Development: Erection and operation of a wind farm for a period of 35 years, comprising a total of 13 wind turbines with Turbines 2, 3, 4, 5, 8, 9, 10, 11, 12, and 13 having a maximum blade tip height of 200m, and Turbines 1, 6 and 7 having a maximum blade tip height of 180m, access tracks, borrow pit, substation, control building, anemometer mast, and ancillary infrastructure. Recommendation: Raise an Objection</p> <p>Officers advised that since publication of the report, NatureScot, as the government's technical advisors on such matters, had withdrawn their objection, therefore Reason 3 to raise an objection was recommended for removal from the Council's consultation response.</p>	
	<p>Agreed: to RAISE AN OBJECTION for the reasons detailed in the report, except Reason 3, which would be removed as detailed above.</p>	PW
6.3	<p>Applicant: Mrs Ann-Marie MacRae (24/00531/FUL) (PLS/09/25) Location: Land 40M East of Moidart, Badabrie, Banavie, Fort William (Ward 11). Nature of Development: Erection of house and detached garage, driveway, drainage scheme, package treatment plant and soakaway</p>	

	<p>Recommendation: Refuse</p> <p>Motion by Mrs L Saggars, seconded by Mr D Macpherson, to grant the application for the following reasons:</p> <ul style="list-style-type: none"> i. whilst it is accepted that the access driveway and drainage for the house requires engineering works, it is not significant in terms of its impacts on amenity or the visual quality of place. It is therefore complies with Policy 28, 29, 34 of HwLDP and NPF4 Policy 14; ii. whilst the driveway and drainage works extend out with the settlement development area and into the green network, the siting of the house is not and parts of the driveway will be screened by trees which will not be removed; iii. when reading the development plan as a whole, and subject to a condition to secure compensatory planting, the benefit to the area in seeing this site developed outweighs the loss of trees being removed; and iv. a condition is required to address the improvements required to the turning head, the wording of which is to be delegated to Area Planning Manager (South). <p>Amendment by Mr A MacKintosh, seconded by Mr C Ballance, to refuse the application as recommended in the report.</p> <p>On a vote being taken, there were 12 votes for the motion and 4 for the amendment, with no abstentions, and the MOTION was carried, the votes having been cast as follows:</p> <p>For the motion: Ms S Fanet, Mr D Fraser, Mr K Gowans, Mr A Graham, Mr M Gregson, Mr R Jones, Mr B Lobban, Mrs I MacKenzie, Mr D Macpherson, Mrs M Reid, Mrs L Saggars, Mr T MacLennan.</p> <p>For the amendment: Mr C Ballance, Mr L Fraser, Mr A MacKintosh, Mr P Oldham.</p>	
	<p>Agreed: to GRANT the application for the reasons provided by Mrs Saggars, above.</p>	LP
6.4	<p>Applicant: LG-B-50a Limited (24/01548/FUL) (PLS/10/25)</p> <p>Location: Land 340M SW Of Balblair Quarry, Balblair Beaully (Ward 12).</p> <p>Nature of Development: Erection and operation of battery energy storage system (BESS) up to 49.9MW, substations, switchgear and control buildings, landscaping, fencing and ancillary infrastructure</p> <p>Recommendation: Grant</p>	
	<p>Agreed: to GRANT planning permission subject to the following amendments to conditions:</p> <ul style="list-style-type: none"> i. condition 15 be amended, to refer to 26db, rather than 27db, include recording of a base noise level prior to construction, and ongoing noise monitoring; and ii. to include a condition requiring a secondary access to the site. Wording delegated to the Area Planning Manager. 	KG
6.5	<p>Applicant: Ms Yvonne Birrell (24/02815/FUL) (PLS/11/25)</p> <p>Location: Delmore Bungalow, Inverness, IV3 8RG (Ward 13).</p>	

	Nature of Development: Erection of house Recommendation: Grant	
	Agreed: to DEFER the application pending a flood risk assessment being undertaken.	DM/CM
6.6	Applicant: Dog Falls Brewing Co (24/03103/FUL) (PLS/12/25) Location: 23 Queensgate, Inverness, IV1 1DG (Ward 14). Nature of Development: Change of use from shop (Class 1A) to public house Recommendation: Grant	
	Agreed: to GRANT the application as recommended in the report.	JM
7	Decision of Appeals to the Scottish Government Planning and Environmental Appeals Division Co-dhùnadh mu lartas do Bhuidheann-stiùiridh Riaghaltas na h-Alba airson Lùth agus Atharrachadh Aimsir The Area Planning Manager explained that a further appeal decision had been received since publication of the papers for this meeting and would be formally reported to the Committee's next meeting, as follows: The Committee's refusal of an application for the use of property as short-term letting unit and house at Taigh Abhainn, Station Road, Carrbridge, PH23 3AL, (24/01295/FUL), had been overturned on appeal and planning permission had been granted. The Committee NOTED the position.	
7.1	Applicant: Ms Lynn Sutherland (PPA-270-2306) (23/05049/FUL) Location: Ivy House, 91 High Street, Kingussie, PH21 1HX (Ward 20) Nature of Development: Change of use of dwelling to short-term let accommodation Members referred to paragraph 9 of the decision notice, which stated, 'I note that the proposed development does not raise any planning issues of general significance for the Cairngorms National Park Authority. As such, it did not consider it necessary to 'call-in' the application for its own determination'. Members pointed out that the CNPA's failure to call in an application did not imply that they approved of it, simply that they had not considered it. As such, it was considered that this should not be included as a reason in the Reporter's decision notice.	
	NOTED the appeal decision and AGREED the Area Planning Manager (South) liaise with legal colleagues with a view to bringing the CNPA's policies with regard to the handling of planning applications to the Reporter's attention.	DM
7.2	Applicant: Diana Saunders (PPA-270-2304) (24/01309/FUL) Location: 9 Creag A Ghreusaiche, Aviemore, PH22 1LD (Ward 20) Nature of Development: Short term holiday let	
	NOTED	DM

	The meeting ended at 3.55pm	
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