

THE HIGHLAND COUNCIL
NORTH PLANNING APPLICATIONS
COMMITTEE

12 March 2024, 9.30AM

MINUTE / ACTION NOTE

Listed below are the decisions taken by Committee at their virtual Microsoft Teams 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.

Meeting on 12 March 2025

Committee Members Present:

Mr M Baird
Mr R Bremner
Ms B Campbell (remote)(not present during items 6.11 and 6.14)
Ms T Collier (remote) (not present during items 6.3 - 6.9)
Mr R Gale
Ms L Kraft
Mrs A MacLean
Ms J McEwan (not present during item 6.11)
Mr D Millar
Ms M Paterson
Mr M Reiss
Mr K Rosie
Ms M Smith

Non-Committee Members Present:

Mr S Coghill

Substitutes:

Ms M MacCallum
Mrs M Ross (remote)(not present during item 6.14)

Apologies:

Ms S Atkin
Mr R Bremner
Ms L Dundas
Mr C Munro

Officers participating:

Mr D Jones, Area Planning Manager – North (DJ)
Mr P Wheelan, Planning Team Leader (PW)
Ms C Farmer-McEwan, Principal Planner (CF)
Mr L Burnside, Planner (LB)
Ms J Bridge, Senior Engineer (JB)

Ms R Banfro, Solicitor (Planning) and Clerk
Ms R Ross, Committee Officer

Meeting on 18 March 2025

Committee Members Present:

Mr M Baird
Mr R Bremner (present for item 6.13, 7.1 and 7.2)
Ms B Campbell
Ms L Dundas (remote)
Mr R Gale
Ms L Kraft (remote)
Mrs A MacLean
Mr D Millar
Ms M Paterson
Mr K Rosie (remote)

Non-Committee Members Present:

Mr P Oldham

Apologies:

Ms S Atkin
Ms T Collier
Mr R Bremner
Mr C Munro
Mr M Reiss
Mrs M Smith

Officers participating:

Mr D Jones, Area Planning Manager – North (DJ)
Ms C Farmer-McEwan, Principal Planner (CF)
Ms J Bridge, Senior Engineer (JB)
Ms R Banfro, Solicitor (Planning) and Clerk
Ms R Ross, Committee Officer

Mr D Millar in the Chair

ITEM NO	DECISION	ACTION
1	Apologies for Absence Leisgeulan Apologies were intimated on behalf of Ms S Atkin, Mr R Bremner, Ms L Dundas and Mr C Munro on 12 March 2025 and Ms S Atkin, Ms T Collier, Mr R Bremner, Mr C Munro, Mr M Reiss and Mrs M Smith on 18 March 2025.	n/a
2	Declarations of Interest Foillseachaidhean Com-pàirt Ms J McEwan – 6.11	n/a
3	Confirmation of Minutes Dearbhadh a' Gheàrr-chunntais	n/a

	There had been submitted for confirmation as a correct record the action note and minute of the meeting of the Committee held on 22 January 2025 which was APPROVED .	
4	Major Development Update Iarrtasan Mòra There had been circulated Report No PLN/001/23 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.	DJ
5	Major Developments – Pre-application consultations Leasachaidhean Mòra – Co-chomhairle Ro-iarrtais	
5.1	Description: Proposed temporary workers residential accommodation, including welfare facilities, associated infrastructure and other ancillary development (25/00174/PAN) (PLN/009/25) Ward: 10 - Eilean A' Cheò Applicant: Balfour Beatty Site Address: Land 450M East Of Crowlin, Ashaig, Breakish The Committee NOTED the report.	DJ
5.2	Description: Proposed installation of a Battery Energy Storage Scheme (BESS) capable of exporting up to 500 megawatts (MW) on land approximately 1.65 kilometres (km) southeast of Lower Dounreay (24/05329/PAN) (PLN/010/25) Ward: 02 Thurso And North West Caithness Applicant: Green Switch Capital Site Address: Land 415M SW Of Shean Cottage 10 Upper Dounreay Thurso. The Committee NOTED the report.	DJ
6	Planning Applications to be Determined Iarrtasan Dealbhaidh rin Dearbhadh In terms of standing order 9 the Committee AGREED to alter the order of the Agenda as follows.	
6.1	Applicant: Offshore Wind Power Limited (OWPL) (23/04930/S36) (PLN/011/25) Location: Land 50KM NW Of Pennyland Primary School, Trostan Road, Thurso (Ward 02). Nature of Development: West of Orkney Wind Farm - Erection and operation of an offshore wind farm for a period of 30 years, comprising of 125 fixed bottom wind turbines with a maximum blade tip height of 360m, cabling and associated ancillary offshore infrastructure. Recommendation: RAISE NO OBJECTION Motion from Cllr Reiss seconded by Cllr Paterson to raise an objection for the following reasons:- While the revised layout of the proposed development and the increased distance of the offshore elements are acknowledged, they do not mitigate the	PW

	significant adverse effects on the landscapes of the Kyle of Tongue NSA and the North Coast. The impact of the development's horizontal extent and height on the landscape remains substantial. Furthermore, when considering the cumulative effects of the proposal, residents and road users around VP1 Faraid Head, VP6 Strathy Point, and VP9 A836 at Reay Kirk and Sandside Bay will experience significant visual impacts including from the consented Pentland Floating Windfarm near Reay. These effects are further exacerbated by the potential impact of the Melvich Wind Farm. Settlements such as Durness, Midfield to Midtown, Skullomie and Coldbackie, Bettyhill, Kirtomy, Armadale, Lednagullin, and Portskerra are also expected to be significantly affected by the scale of the development. Regarding the North Coast, the proposal is likely to have a significant adverse impact on those traveling the NC500 route, particularly on the A836—eastbound between Tongue and Coldbackie, and westbound between Melvich and west of Armadale Bay. These adverse effects are considered significant and outweigh the economic benefits of the development, making it inconsistent with Policy 4 (c) (ii) of NPF4. Ammendment from Cllr Rosie seconded by Cllr MacLean to Raise no objection for the reasons detailed in the report. There were 5 votes for the motion and 9 votes for the amendment, with no abstentions, the votes having been cast as follows: For the motion:- Mr R Gale, Ms M MacCallum, Ms J McEwan, Mrs M Paterson, Mr M Reiss For the amendment:- Mr M Baird, Ms I Campbell, Ms T Collier, Ms L Kraft, Ms A MacLean, Mr D Millar, Mr K Rosie, Mrs M Ross, Ms M Smith The Committee AGREED to RAISE NO OBJECTION for the reasons detailed in the report and to grant delegated powers to officers to respond to the Marine Directorate in respect of any further environmental information where it does not • materially increase the scale of the proposed development; and • result in any additional significant adverse environmental effects; and • does not undermine or remove mitigation which was secured within the Council and to grant delegated powers in respect of the final wording of the conditions in consultation with the Chair and Vice Chair of NPAC.	
6.2	Applicant: Sallachy Wind Farm Limited (24/04118/S42) (PLN/012/25) Location: Land At Sallachy Estate, Lairg (Ward 01).	PW

	Nature of Development: Sallachy Wind Farm - Application under Section 42 for non-compliance with Conditions 15 (Construction Traffic Management Plan) and 25 (Removal of Redundant Turbines) and to amend wording of Conditions 1, 3(i) and 12 of planning permission 21/01615/FUL. Recommendation: GRANT The Committee AGREED to GRANT the application.	
6.14	Applicant: Port Of Cromarty Firth Development (25/00638/MAR) (PLN/023/25) Location: Site At Queens Dock, Shore Road, Invergordon (Ward 08). Nature of Development: Invergordon Service Base Phase 5 - Erection and operation of a 450m long berth, comprising land reclamation to create quayside and laydown space for a multiuse facility, targeting component storage, assembly, and pre-commissioning of fully integrated offshore wind turbines, with capacity to accommodate up to 3 wind turbines with a maximum blade tip height of 330m to blade tip above mean sea level, heavy load pad to facilitate a ring crane of up to 250m in height, crawler cranes, berth with Roll-on Roll-off capability, dredging and ancillary infrastructure including lighting. Recommendation: RAISE NO OBJECTION The Committee AGREED to RAISE NO OBJECTION and to grant delegated powers to officers to respond to the Marine Directorate in respect of any further environmental information which does not: • materially increase the scale of the proposed development; and • result in any additional significant adverse environmental effects; • and does not undermine or remove mitigation to be secured within the Council's consultation response on the application; and delegated powers to officers to respond all subsequent consultation responses that are received and to grant delegated powers in respect of the final wording of conditions.	PW
6.11	Applicant: Capstone Connect (23/05466/FUL) (PLN/020/25) Location: Land 190M East Of House Of Rosskeen, Invergordon (Ward 06). Nature of Development: Erection of 66 no dwelling houses comprising 2 storey, 2, 3, and 4 bed flats and villas with associated road, drainage and services with various landscaped recreation areas and retained woodland Recommendation: GRANT Cllr Collier moved to refuse planning permission for the following reasons:- 1. Biodiversity Concerns (Policy 3b): Policy 3b mandates that development proposals must demonstrate that they will conserve, restore, and enhance biodiversity, ensuring that the state of biodiversity post-development is better than before. The biodiversity baseline survey was conducted in -2 conditions on a day of ice cover and fails to meet minimum professional standards, resulting in an artificially low baseline. The incorrect inclusion of invasive non-native species (INNS) removal in biodiversity net gain calculations in turn artificially inflated the net gain figure. When done correctly, the net result is a significant biodiversity loss. These failings render the biodiversity calculations and conclusion of any net gain invalid and unreliable. 2. Failure to Assess Ecological Impact on Irreplaceable Habitats (Policy 3b(i)):	CF

Policy 3b(i) requires a clear understanding of the site's ecological characteristics, including the presence of irreplaceable habitats such as ancient woodland. The Report to Committee fails to address the loss of ancient woodland, the trees to be felled within it, and the disturbance to ancient woodland soils. There is no bespoke compensation measure provided for the loss of this irreplaceable habitat and the proposal fails to meet the biodiversity metric requirements in this regard.

3. **Loss of Ancient Woodland (Policy 6b):**

The application wrongly concludes that it complies with Policy 6. Policy 6b states that development proposals that result in the loss of ancient woodlands, ancient and veteran trees, or negatively impact their ecological condition will not be supported. The application fails to acknowledge any loss of ancient woodland and has not provided the required assessment of the impact on it of the development. The Woodland Trust also confirms that loss of Roy Woodland cannot be offset. Therefore, the conclusion that there will be any net benefit from the proposal is invalid.

4. **Non-compliance with Greenfield Development Policy (Policy 9b):**

Policy 9b restricts proposals on greenfield sites unless the site is allocated for development or supported by other LDP policies. This site is not allocated for development in the LDP and is not explicitly supported by any other policies within the LDP. Scottish Ministers have made it clear that non-compliance with Policy 9b is a significant departure from policy. The application has not properly applied Policy 9b nor accurately assessed the significance of the proposal's departure from it .

5. **Failure to Submit a Competent Statement of Community Benefit (Policy 16b):**

NPF4 requires that proposals for 50 or more homes be accompanied by a Statement of Community Benefit. This application has not submitted the required Statement with the necessary level detail but instead only describes the development, and the Report to Committee fails to address or explain this lack of detail. Scottish Ministers have indicated that failure to comply with Policy 16b constitutes a significant departure from policy. The application has not properly applied Policy 16b nor accurately assessed the significance of the proposal's departure from it.

6. **Misinterpretation of the National Housing Emergency Policy:**

The proposal references the national housing emergency as a material consideration but misaligns with the Scottish Government's approach to it. Scottish Government's Housing Emergency Delivery Plan outlines NPF4's policies and explicitly references the move away from the past practice of developing on unallocated, greenfield sites to address housing. This application contradicts those strategic objectives and does not align with the Scottish Government's approach. As such, the housing emergency cannot be use as a material consideration to justify departure from policy when the Scottish Government approach to the emergency explicitly references avoiding development of this type.

Conclusion:

The multiple and significant policy failures outlined demonstrate the application's disregard for established planning policies, environmental protections and the public interest. The conclusion that the proposal is not a significant departure from policy is incorrect and the Scottish Government's position on approving development of this nature is clear.

	The only reasonable and correct course of action today is to refuse the application. but was unable to find a seconder. The Committee AGREED to GRANT the application subject to the conclusion of a section 75 agreement and subject to the conditions laid out in the report.	
6.3	Applicant: Potencia Energy Limited (23/05424/FUL) (PLN/013/25) Location: Land 170m southeast of Mybster Croft, Spittal (Ward 03). Nature of Development: Erection and operation of a 47MW capacity battery energy storage facility, comprising containerized battery storage units, inverters, transformers, switch room, site access, landscaping, fencing and ancillary infrastructure. Recommendation: GRANT The Committee AGREED to GRANT the application subject to the conditions detailed in the report and subject to the revisal of condition 25 to include reference to the height of the bund situated on the western boundary to be 4.5 metres.	DJ
6.4	Applicant: Mr Ross Lambie (24/02890/MSC) (PLN/014/25) Location: Land 90m SW Of Tigh Na Greine, Broadford (Ward 10). Nature of Development: Erection of house. Recommendation: GRANT The Committee AGREED to GRANT the application subject to the conditions detailed in the report.	DJ
6.5	Applicant: Telefonica UK Limited (24/02818/FUL) (PLN/015/25) Location: Land 3025m NE of Heights Cottage, Incheril, Kinlochewe (Ward 05). Nature of Development: Installation of 25m high lattice tower with shared antennas, dish antennas, associated cabinets and ancillary apparatus and installation of "backup" generator within a fenced compound. Recommendation: GRANT The Committee AGREED to GRANT the application subject to the conditions detailed in the report.	DJ
6.6	Applicant: Telefonica UK Limited (24/04147/FUL) (PLN/016/25) Location: Land 3.4Km SW of Aultdearg, Lochluichart, Garve (Ward 05). Nature of Development: Erection of a 25m tall lattice telecommunications tower, 2no. shared antennas, 4no. transmission dishes, with 3no. associated equipment cabinets, formation of access and off grid generator within a fenced compound and other associated ancillary apparatus and development thereto Recommendation: GRANT The Committee AGREED to GRANT the application subject to the conditions detailed in the report and subject to the additional condition relating to landscaping. All landscaping works shall be carried out in accordance with the scheme and plans approved as part of this permission. All planting, seeding or turfing as may be comprised in the approved scheme and plans shall be carried out in the first planting and seeding seasons following the commencement of the development, unless otherwise stated in the approved scheme. Any trees or	DJ

	plants which within a period of five years from the completion of the development die, for whatever reason are removed or damaged shall be replaced in the next planting season with others of the same size and species. Reason: In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.	
6.7	Applicant: Ecocel Energy (Storage) Ltd (24/00561/FUL) (PLN/017/25) Location: Land 500M East Of Glengolly Farmhouse, Thurso (Ward 02). Nature of Development: Proposed development of a battery energy storage system with a capacity of 49.9MW comprising storage containers, control building, transformers, fencing, CCTV, access, landscaping and associated works on land 500m east of Glengolly Farmhouse, Thurso, KW14 7XL. Recommendation: GRANT Motion from Cllr Reiss seconded by Cllr Rosie to refuse Planning permission for the following reasons:- Given that the application site is in close proximity to the Thurso River which is a Special Site of Scientific Interest and also a Special Area of Conservation it is considered that the site is not appropriate in respect of mitigation of the risk of contamination and the likely significant detrimental effect on the Atlantic Salmon. Therefore, it is also considered that this proposal is not compliant with HwLDP Policy 28 Sustainable Design as it is not considered that this is the right development in the right place. Amendment from Cllr Millar seconded by Cllr MacLean to grant the application for the reasons detailed in the report. There were 10 votes for the motion and 2 votes for the amendment, votes being cast as follows. For the motion:- Mr M Baird, Mr R Bremner, Ms I Campbell, Mr R Gale, Ms L Kraft, Ms M MacCallum, Mrs M Paterson, Mr M Reiss, Mr K Rosie, Mrs M Ross For the Amendment:- Mr D Millar, Ms A MacLean	DJ
6.8	Applicant: Fig Power Ltd (24/02827/FUL) (PLN/018/25) Location: Land 100M East Of Caithness Flagstone Limited, Spittal Mains Quarry, Spittal (Ward 03). Nature of Development: Erection and operation of battery energy storage system (BESS) up to 49.9MW, substations, control buildings, landscaping, fencing and ancillary infrastructure. Recommendation: GRANT The Committee AGREED to GRANT the application subject to the conditions detailed in the report.	DJ
6.9	Applicant: Mr Gary Robinson (24/01710/FUL) (PLN/019/25) Location: Land 75M NW Of Pollbreac, Coldwell, North Kessock (Ward 09). Nature of Development: Erection of house and garage Recommendation: REFUSE	

	The Committee AGREED to REFUSE the application for the reasons detailed in the report.	
6.10	Applicant: Mr George Henderson (24/03303/FUL) (PLN/019/26) Location: Land 165M NE Of Northwood, Alcaig, Conon Bridge (Ward 09). Nature of Development: Erection of house. Recommendation: GRANT The Committee AGREED to GRANT the application subject to conditions with the drafting of the final wording of conditions relating to maintenance of visibility splays, drainage and a CTMP delegated to officers.	
6.12	Applicant: Mrs Michelle Schofield (23/00969/FUL) (PLN/021/25) Location: Land 30M East Of Willofield, Woodlands, Dingwall (Ward 06). Nature of Development: Siting of 6 modular buildings for workers accommodation (retrospective) Recommendation: GRANT The Committee AGREED to GRANT the application subject to the conditions detailed in the report.	
6.13	Applicant: Tulloch Homes Ltd (23/02245/MS) (PLN/022/25) Location: Land 150M West Of Wyndhill Industrial Estate, Muir Of Ord (Ward 06). Nature of Development: Erection of 60 residential units to Phase 1 (private and affordable) (discharge of Planning Conditions 1, 2, 3, 4, 7, 8, 9, 12, 13, 14 & 18 attached to planning permission ref. 19/00233/S42) Recommendation: GRANT The Committee AGREED to GRANT the application subject to the conditions detailed in the report.	
7	Decision of Appeals to the Scottish Government Planning and Environmental Appeals Division Co-dhùnadh mu larrtas do Bhuidheann-stiùiridh Riaghaltas na h-Alba airson Lùth agus Atharrachadh Aimsir	
7.1	Applicant: Garvary Wind Farm Limited (21/01921/S36) (WIN-270-20) Location: Land 4600M NE Of Invershin Community Hall Invershin Nature of Development: Erection and Operation of a Wind Farm Comprising 25 Wind Turbines, Access Tracks, Up To 4 Borrow Pits, Substation, Battery Storage Compound, Control Building, 2 Meteorological Masts, And Ancillary Infrastructure. During discussion, disappointment was expressed in the decision following the Council's objection to this development. The Committee NOTED the decision of the Scottish Ministers to grant consent under s36 of the Electricity Act 1989 for the reasons indicated in the enclosed decision letter.	
7.2	Applicant: Energiekontor UK Ltd (WIN-270-18) (22/02717/S36) Location: Strath Oykel Forest, Situated on Land 1700M SW Of Oape Ardgay, IV27	

	Nature of Development: Application Under S36 Of the Electricity Act 1989 To Install and Operate Strath Oykel Wind Farm Comprising of Up To 11 Wind Turbines, With A Generation Capacity Likely To Be Up To Approximately 72.6 Mw, 5Mw Battery Storage And Associated Infrastructure The Committee NOTED the decision of the Scottish Ministers to grant consent under s36 of the Electricity Act 1989 for the reasons indicated in the enclosed decision letter.	
	The meeting ended at 3.30pm.	