



Proposed Procedure for Determining Major Planning Application 2021/0357/DET Installation of a Marine Fish Farm Associated development including shore base, slipway, pontoon and road upgrades at Beinn Reithe, Loch Long

Agenda Item 9

National Park Authority Board Meeting
26 September 2022

Paper for decision

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1. Purpose

1.1. This paper seeks to update Members on the above planning application and outline the proposed procedures for its determination by the Board. Approval for a Hearing is sought, with an accompanying Site Visit. **This report does not consider the merits of the application and these must not be considered or discussed by Members at this time.** It includes a factual overview of the proposed development, the current status of the application along with a summary of the level of representations received to date. This informs the recommendation on the procedures the Authority should follow to determine the application.

2. Recommendation(s)

It is recommended that Members:

- 2.1. Note that, in accordance with Standing Orders 44 (c) of the Board and 7(d) of the Planning and Access Committee, the major planning application (2021/0357/DET) relating to the installation of a marine fish farm and associated development including shore base, slipway and pontoon and road upgrades at Beinn Reithe, Loch Long will be brought to the full Board for determination considering the level of public interest and the intended use of new technology in the application and proposal.
- 2.2. In accordance with Standing Orders 33 and 34 of the Planning and Access Committee, agree to holding a Hearing and Site Visit in relation to this major planning application and delegate to the Director of Place in liaison with the Convener to agree the appropriate procedures to be adopted and the date for these.
- 2.3. Note that a Special Board Meeting to determine this major planning application will be arranged following a Hearing and Site Visit. The Site Visit, Hearing and Board Meeting will provisionally be held on Monday 31 October 2022. In accordance with Standing Order 35 of the Planning and Access Committee, only Board Members who attend the Site Visit and the Hearing will be entitled to participate in the determination of the planning application.

3. Contribution to National Park Partnership Plan

- 3.1. The National Park Partnership Plan 2018-2023 will be a material consideration in the determination of the planning application. Any contribution that the proposal makes to the outcomes of that Plan will be outlined within the report to be considered at the proposed Special Board meeting.

4. Background

- 4.1. Both the Board and Planning and Access Committee's Standing Orders set out categories of planning applications that will be considered by the full National Park Authority Board. While the relevant requirements can only be fully applied once the officer recommendation has been prepared, this application will clearly meet one of the criteria that will result in the application being for the Board to determine. The relevant sections are outlined below:

Board Standing Orders

Paragraph 44(c)- Applications where the Chair of the Planning and Access Committee in consultation with the Director of Place is of the opinion that it would be appropriate for the Board to take the decision on the application for

reasons, including the application raising new or significant issues or public interest meriting determination at Board.

Planning and Access Committee Standing Orders

Paragraph 7(d)- Where the Director of Place in consultation with the Chair of the Planning and Access Committee is of the opinion that it would be appropriate for the Board to take the decision on the application for reasons, including the application raising new or significant issues or public interest meriting determination at Board.

When the Committee or Board are making the decision on the application, there is the availability before that decision is taken, of holding a Site Visit and Hearing to allow those who have commented on the application to make a short verbal presentation of the planning matters that they have raised and to allow Members to scrutinise these by asking questions. Additionally, such Hearings also allow the applicants to make a short verbal presentation on the application and to allow Members to scrutinise this by asking questions. Hearings are aimed at making the planning system more inclusive, allowing the views of applicants and those who have made representation (either for or against the application) to be heard before a planning decision is taken. A site visit would also provide the best opportunity for Members to fully understand the context and characteristics of the site and the surrounding area and how the development proposals relate to these.

Members may find the information outlined in the Planning Advice Notes helpful, which cover Hearings and Site Visits arrangement. Links are provided as background at the end of this paper.

5. Planning Application (20221/0357/DET)

5.1. Planning permission is sought (in detail) for the installation of a marine fish farm and associated development including shore base, slipway, pontoon and road upgrades, including the following:

- Shorebase- shorebase building and storage areas; oxygen storage vessels; feed silos; water treatment plant; mortality handling station/ensilage; a slipway; a pontoon; grid connection and generators; and a car park and HGV turning area.
- Marine enclosures- four circular marine enclosures and one square harvesting facility and pipes bundled together providing power and oxygen and removing waste and transferring data. Each marine enclosure would have a float collar which would house control cabinets, pipes, splashboard, access platforms and would include a walkway with handrail. Bird nets supported by poles would extend above the float collar.

- Road upgrades including widening and the installation of additional passing places. A new section of access track is proposed from the existing access track to the area of land where the shorebase would be located.

All of the planning application documents can be viewed on the e-planning portal using reference 2021/0357/DET.

6. Key Planning Considerations

6.1. In accordance with section 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 as amended, the decision on the application must be made in accordance with the Adopted Local Development Plan unless material considerations indicate otherwise. It will therefore be for Members to consider the proposal against the range of policies contained within the Plan and then in terms of the material considerations when determining this application at the proposed Special Board Meeting.

6.2. The range of considerations which might be considered 'material considerations' in planning terms is very wide but can be determined in the context of the case, and so, material considerations may include, but are not limited to:

- National Park Partnership Plan
- National Park Aims
- Scottish Planning Policy
- Scottish Government Planning Advice and Circulars
- Views of statutory and other consultees
- Public concerns and support expressed on relevant planning matters
- Impacts on existing infrastructure including roads, parking, sewerage and water
- Landscape capacity and impact
- Environmental Impacts
- Impacts on economy

7. Representations

7.1. At the time of writing this report the National Park Authority has received a total of 265 representations to this planning application. 60 representations have been made in support of the planning application and 201 in objection, with 4 representations neither supporting nor objecting.

7.2. These figures are subject to change as any further representations will be accepted and considered up until the recommendation report is being prepared by the case officer in accordance with our adopted practice. Board Members will be provided with an update on the final number of representations in the Officers Report and at the Special Board Meeting.

7.3. Members are reminded that anyone can comment on an application for planning permission. This not only means neighbours and people who may be most directly affected by a proposal, but also the wider community and even those who may not be directly affected but have views on a proposal which might constitute a material consideration.

8. Status of application/next steps

8.1. The planning application was subject to pre-application consultation and submitted with an Environmental Impact Assessment Report on 11 October 2021. Additional information, including an Environmental Impact Assessment Report Addendum was subsequently submitted on 28 June 2022. Re-consultation with the relevant consultees has been undertaken and the application has been re-advertised. The application continues to be in the assessment phase, particularly in regard to the additional comments and consultation responses being received.

8.2. Once the assessment phase has concluded, Officers will prepare a report that includes a recommendation that will be published in advance of the Special Board Meeting to consider the Report. Due to the level public interest and the intended use of new technology in the application and proposal it is recommended that a Hearing and Site Visit take place.

9. Conclusion

9.1. Members should note that due to the level of public interest and the intended use of new technology in the application and proposal, Standing Orders 44 (c) of the Board and 7(d) of the Planning and Access Committee have been engaged and this application must be determined by the Board. It is recommended that Members agree that a Hearing and Site Visit be arranged prior to the Special Board meeting to determine the application.

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Background Material

[Planning and Access Committee Hearings Advice Note](#) (hyperlink)

[Planning and Access Committee Site Visits](#) (hyperlink)