



JACOBS®

Kyleakin Fish Feed Factory

Marine Harvest

Environmental Impact Assessment - Volume 2 of 4: Main Report

Chapter 4: Planning Policy

Final

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4 Planning Policy

This Planning Policy assessment has been prepared as part of the planning application by Marine Harvest (Scotland) Ltd (hereby referred to as MH or 'the Applicant') for the Proposed Kyleakin Fish Feed Plant (hereby referred to as 'the Proposed Development'). The Proposed Development includes terrestrial and marine development and therefore, the overall proposal requires both planning permission and marine license(s). An application for a marine license is being progressed separately from this planning application.

This chapter provides an assessment of the local planning policies identified by The Highland Council (THC) Pre Application Advice Pack document that was issued in April 2016 (Ref: 16/00734/PREAPP) and the Scoping Responses received in July 2016 (Ref: 16/01492/SCOP). While it is separate to the planning process, the chapter also provides a brief overview of the marine licencing process at Section 4.1 to acknowledge the consenting regime for those aspects of the Proposed Development below mean high water springs (MHWS).

Chapter 7 (Development Plan Designation and Planning Policy Appraisal) of THC's Pre Application Advice Pack provides a summary of the relevant local policy considerations for the Proposed Development, as well as other material considerations which should be taken into account.

This report also sets out the policy context for the Environmental Impact Assessment (EIA) that has been undertaken in relation to the Proposed Development, as well as identifying other relevant policies not set out in the pre-application response from THC.

A separate Planning Statement accompanied the planning application. The Planning Statement sets out the Proposed Development's compliance with applicable International, European, UK and Scottish policies in more detail, as well as assessing the overall acceptability of the Proposed Development in planning terms.

4.1 Marine Licence

In addition to planning permission, the development consents required for this project are Marine Licences from Marine Scotland under the Marine (Scotland) Act 2010 (**Ref. 4-1**) for the construction works below MHWS. Capital dredging and disposal of dredged materials also requires a licence under the same act; this will be applied for separately and supported by a Best Practical Environmental Option (BPEO, 2017). It is anticipated that a Marine Licence for maintenance dredging and disposal will be applied for as required by the operation of RICT.

In addition, an application to the owner of the sea bed, the Crown Estate, is necessary to obtain permission for any works, including capital and maintenance dredging and the reclamation of land, occurring below MLWS. The agreement of the Crown Estate will be subject to obtaining all necessary consents for the Scheme.

Under the Marine (Scotland) Act 2010 the Scottish Ministers are responsible for marine licensing system and enforcement in the Scottish inshore region from 0-12 NM and under the Marine and Coastal Access Act 2009 Scottish Ministers have responsibility for licensing and enforcement in Scottish offshore region from 12-200 NM. The licensing regime allows regulation of the deposit and removal of substances and objects in the seas around Scotland. Activities must take place in accordance with licence conditions.

A marine licence from Marine Scotland - Licensing Operations Team (MS-LOT), on behalf of the Scottish Ministers, is required if a person or organisation intends to carry out certain activities in Scottish waters. These activities can include:

- Marine construction works, including piers, slipways, land reclamation, bridge repair and construction and coast protection;
- Dredging of minerals, all capital dredging, maintenance dredging by means of water injection, agitation, plough, side-casting and removal of sediment (e.g. sampling);
- Disposal of dredgings at sea and beach replenishment; and
- Removal of substances/objects from the seabed using a vessel or similar.

Application forms are activity specific and include:

- Dredging and Sea Disposal;
- Marine Construction;
- Moorings;
- Sampling and Instrument Deployments; and
- Offshore Deposits.

The following activities described in **Chapter 3: Development Design and Alternatives** are therefore considered to require a marine licence(s):

- To construct, alter or improve any works within the Scottish marine area either in or over the sea, or on or under the seabed;
- To carry out any form of dredging within the Scottish marine area (whether or not involving the removal of any material from the sea or seabed); and
- All deposits below MHWS.

Therefore, separate marine licences will be required for:

- all construction works taking place below MHWS;
- capital dredging and disposal; and
- any maintenance dredging and disposal required.

It is acknowledged that the marine licence for maintenance dredging and disposal will be applied for at a later date, once the marine licence application(s) for the construction works and capital dredging have been approved. However, this ES assesses the potential effects of maintenance dredging, including disposal, from the Scheme, as requested in the Scoping Opinion (**Appendix 1.1**).

This chapter provides no further consideration of marine licencing, the sections below provide an overview of planning policy for the terrestrial elements of the Proposed Development.

4.2 Planning Policy Context

The 'Town and Country Planning (Scotland) Act 1997' ['the 1997 Act'] (**Ref. 4-2**) (as amended by the Planning etc. (Scotland) Act 2006 ['the 2006 Act']) (**Ref. 4-1**) provides the framework for land use planning and the development of planning policy in Scotland. The 2006 Act is an enabling Act. Its purpose is to amend existing planning legislation and provide a mechanism for the delivery of a modernised planning system. A key feature of the 2006 Act is the statutory role and application of the National Planning Framework (NPF). The National Planning Framework 3 (NPF3) (**Ref. 4-3**) contains a statement of priorities and a strategy for the long term spatial development of Scotland. The Scottish Government's influence on the planning system also extends to the production of Scottish Planning Policy (SPP) (**Ref. 4-4**), Circulars, Planning Advice Notes (PANs) and approval of strategic planning documents. Each of these policy documents is material to the development of local and regional policy and provides thematic guidance on planning for a broad range of land uses and developments.

The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 came into force on the 16th May 2017. However, as planning permission has already been achieved for the terrestrial elements of the Proposed Development (under THC reference 16/03869/FUL on 2nd March 2017) and the remaining required works for the construction works are below mean high water springs MHWS the applicable regulations fall under the Marine Works (Environmental Impact Assessment) Regulations 2017 (as amended) (MWR) (**Ref 4-5**). **Chapter 1: Introduction** provides more details regarding the MWR.

The following section sets out the planning policy context at a national level prior to assessing the Proposed Development's compliance against the policies identified by THC Pre Application Advice Pack.

4.2.1 National Planning Framework

The Scottish Government published the third iteration of the NPF in June 2014. The NPF3 is a statutory document and a material consideration in planning decisions.

NPF3 guides Scotland's spatial development over the next 20 to 30 years setting out strategic development priorities to support the Scottish Government's central purpose to “create a more successful country, with opportunities for all of Scotland to flourish, through increasing sustainable economic growth.” (paragraph 1.1)

The NPF3 sets out that “Aquaculture is an important aspect of the economy across parts of coastal Scotland, supporting many jobs – often in small communities – and representing a significant element of Scotland’s exports. The industry has identified ambitious growth targets which we want to see realised.”

NPF3 provides a vision for vibrant rural, coastal and island areas, with growing, sustainable communities supported by new opportunities for employment and education. To aid the delivery of this the planning system should:

- “promote a pattern of development in rural and island areas 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.”

4.2.2 Scottish Planning Policy (SPP)

Scottish Planning Policy was published on June 23, 2014. It sets out national planning policies which reflect Scottish Ministers’ priorities for operation of the planning system and for the development and use of land.

General policies of relevance

The principal and relevant subject policies contained in the consolidated SPP are summarised below in **Table 4.1**.

Table 4.1 : Scottish Planning Policy

Subject	SPP Paragraph	Summary
Sustainability	Paragraph 24 - 35	The SPP’s central purpose is to focus government and public services on creating a more successful country through increasing sustainable economic growth. This can be achieved through the planning system by supporting economically, environmentally and socially sustainable places and responding to economic issues, challenges and opportunities.
Planning Should Direct the Right Development to the Right Plan	Paragraph 40	To promote a sustainable pattern of development appropriate to the area, the SPP sets out that decisions should be guided by a number of policy principles. The key issues raised of relevance to the Proposed Development, include: considering the re-use or re-development of brownfield land before new development takes place on greenfield sites; and locating development where investment in growth or improvement would have most benefit for the amenity of local people and the vitality of the local economy.

Subject	SPP Paragraph	Summary
Promoting Rural Development	Paragraph 74 - 83	<p>The SPP sets out that development plans should set out a spatial strategy which:</p> <ul style="list-style-type: none"> reflects the development pressures, environmental assets, and economic needs of the area, reflecting the overarching aim of supporting diversification and growth of the rural economy; promotes economic activity and diversification, including, where appropriate, sustainable development linked to tourism and leisure, forestry, farm and croft diversification and aquaculture, nature conservation, and renewable energy developments, while ensuring that the distinctive character of the area, the service function of small towns and natural and cultural heritage are protected and enhanced; makes provision for housing in rural areas in accordance with the spatial strategy, taking account of the different development needs of local communities; where appropriate, sets out policies and proposals for leisure accommodation, such as holiday units, caravans, and huts; addresses the resource implications of the proposed pattern of development, including facilitating access to local community services and support for public transport; and considers the services provided by the natural environment, safeguarding land which is highly suitable for particular uses such as food production or flood management.
Development Plans	Paragraph 88 - 90	<p>In regard to Rural Development, the SPP sets out that Development Plans: <i>“should identify areas of largely developed coast that are a major focus of economic or recreational activity that are likely to be suitable for further development”</i>.</p> <p>It goes on to state that <i>“Plans should promote the developed coast as the focus of developments requiring a coastal location or which contribute to the economic regeneration or well-being of communities whose livelihood is dependent on marine or coastal activities. They should provide for the development requirements of uses requiring a coastal location, including ports and harbours, tourism and recreation, fish farming, land-based development associated with offshore energy projects and specific defence establishments”</i>.</p> <p>The locational requirements of the Proposed Development and the economic benefits associated with it make these policy requirements of particular relevance.</p>
Supporting Business and Employment	Paragraph 92 - 108	<p>This sets out that the planning system should continue to support the need for diversification of our rural economy to strengthen communities and retain young people in remote areas. Planning should address the development requirements of businesses and enable key opportunities for investment to be realised. It can support sustainable economic growth by providing a positive policy context for development that delivers economic benefits.</p>
Valuing the Historic Environment	Paragraph 135 - 151	<p>The SPP recognises that the historic environment is a key cultural and economic asset which planning has an important role to play in maintaining and enhancing the distinctive and high-quality, irreplaceable historic places. Planning authorities should safeguard designated and non-designated historic environments including individual assets such as scheduled monuments and archaeological resources; related settings, Historic Marine Protected Areas and the wider cultural landscape. The Government’s Scottish Historic Environment Policy (SHEP) and the Managing Change in the Historic Environment guidance note series, both published by Historic Scotland (now Historic Environment Scotland), should also be taken into account for development.</p>
Valuing the Natural Environment	Paragraph 193 - 218	<p>The SPP advises that planning authorities should conserve and enhance international, national and locally designated sites and protected species, taking account of the need to maintain healthy ecosystems and work with the natural processes which provide important services to communities. Development plans should address potential effects of development on the natural environment and authorities should apply the precautionary principle where the impacts of a proposed development on nationally or internationally significant landscape or natural heritage resources are uncertain but there is sound evidence indicating that significant irreversible damage could occur.</p>
Promoting responsible Extraction of Resources	Paragraph 234	<p>This sets out that planning should safeguard mineral resources and facilitate their responsible use. The Proposed Development’s location, and relationship with the existing quarry, is of particular relevance to this policy guidance.</p>

Subject	SPP Paragraph	Summary
Supporting Aquaculture	Paragraph 249 - 253	The SPP states that developments should play a supporting role in the sustainable growth of the finfish and shellfish sectors to ensure that the aquaculture industry is diverse, competitive and economically viable; guide development to coastal locations that best suit industry needs with due regard to the marine environment; and maintain a presumption against further marine finfish farm developments on the north and east coasts to safeguard migratory fish species.
Flood Risk and Drainage	Paragraph 254 - 268	The SPP sets out a precautionary approach to flood risk from all sources by safeguarding flood storage and conveying capacity. Planning authorities are required to take into account probability of flooding and associated risks when determining planning applications and preparing development plans, and developers should take flood risk into account prior to committing to development.

The table above sets out a clear policy basis for what constitutes acceptable development in the context of the Proposed Development.

Policy Specifically Relevant to the Proposed Development

There is no specific policy from the SPP about fish feed plants. However, there is detailed guidance about the aquaculture developments and the fish sector. As the Proposed Development will play an important role in supporting the fish farm industry, these policies are relevant to the assessment, albeit indirectly.

Paragraph 250 of the SPP sets out that the planning system should:

- *“play a supporting role in the sustainable growth of the finfish and shellfish sectors to ensure that the aquaculture industry is diverse, competitive and economically viable;*
- *guide development to coastal locations that best suit industry needs with due regard to the marine environment;*
- *maintain a presumption against further marine finfish farm developments on the north and east coasts to safeguard migratory fish species.”*

In terms of delivery, Paragraph 251 of the SPP states that local development plans should *“make positive provision for aquaculture developments”*. It continues to outline that *“Plans, or supplementary guidance, should take account of Marine Scotland’s locational policies when identifying areas potentially suitable for new development and sensitive areas which are unlikely to be appropriate for such development. They should also set out the issues that will be considered when assessing specific proposals, which could include:*

- *impacts on, and benefits for, local communities;*
- *economic benefits of the sustainable development of the aquaculture industry;*
- *landscape, seascape and visual impact;*
- *biological carrying capacity;*
- *effects on coastal and marine species (including wild salmonids) and habitats;*
- *impacts on the historic environment and the sea or loch bed;*
- *interaction with other users of the marine environment (including commercial fisheries,*
- *Ministry of Defence, navigational routes, ports and harbours, anchorages, tourism,*
- *recreational and leisure activities); and*
- *cumulative effects on all of the above factors.”*

These matters have been included in local guidance, and are assessed in Section 3 below.

Summary

SPP sets out an important policy basis for the Proposed Development. It is clear that there is policy support for the Proposed Development if the location can be demonstrated to be appropriate, and if the effects associated are not unacceptable. SPP supports the sustainable growth of the aquaculture industry, it promotes the coastal site specific location required by the industry and it encourages the re-development of existing sites as opposed to virgin greenfield land.

4.2.3 UK Marine Policy Statement (MPS)

The MPS (Ref. 4-6) was jointly published in March 2011 by all of the UK Administrations, including the Scottish Government. Its focus is to “enable an appropriate and consistent approach to marine planning across UK waters, and ensure the sustainable use of marine resources and strategic management of marine activities from renewable energy to nature conservation, fishing, recreation and tourism.”

The MPS provides the framework for preparing Marine Plans and taking decisions affecting the marine environment. Chapter 1 sets out that the MPS and Marine Plans will form a new plan-led system for marine activities. It is the duty of Marine Plans to outline how the MPS will be implemented.

The MPS also outlines the need for integration in regard to marine and terrestrial planning and how this is to be achieved through:

- consistency between marine and terrestrial policy documents and guidance;
- liaison between respective responsible authorities for terrestrial and marine planning; and
- sharing the evidence base and data where relevant and appropriate so as to achieve consistency.

Box 1 of the MPS provides the high level marine objectives, which include:

- achieving a sustainable marine economy;
- ensuring a strong, healthy and just society;
- living within environmental limits;
- promoting good governance; and
- using sound science responsibly.

4.2.4 Planning Circulars

Planning Circulars contain guidance on policy implementation through legislative or procedural change. The Circulars considered most applicable to the Proposed Development are included in **Table 4.2** below.

Table 4.2 : Planning Circulars

Circular	Title	Description
Circular 1/2015 (Ref. 4-7)	Planning Scotland's Seas	The circular refers to the relationship between the statutory land use planning system and marine planning and licensing. This outlines the relationship between the marine and terrestrial planning systems and provides guidance on inter alia marine licensing and aquaculture. The Circular does not provide specific guidance for dealing with Fish Feed Farms or similar developments, but does advise on how the National Marine Plan and Regional Marine Plans should be prepared to deliver “clean, healthy, safe, productive and biologically diverse oceans and seas”.
Circular 3/2015 (Ref. 4-8)	Planning Controls for Hazardous Substances	As the Proposed Development includes LNG tanks, this Circular is relevant. It describes the implementation of the land use planning elements of European Directive 2012/18/EU on the control of major accident hazards involving dangerous substances. It sets out what constitutes a dangerous substance, and what consents are required for these.

4.2.5 Planning Advice Notes (PANs)

Table 4.3 below lists the PANs (Ref. 4-9) from the Scottish Government that are relevant to the Proposed Development.

Table 4.3: Relevant Planning Advice Notes

Subject	Title	Title
Air Quality	Specific Advice	Air Quality and Land Use Planning
Community Engagement	PAN 3/2010	Community Engagement
Contaminated Land	PAN 33	Development of Contaminated Land (Revised Oct 2000)
Environmental Protection	PAN 51	Planning, Environmental Protection and Regulation (Revised 2006)
Flooding	PAN 69	Planning and Building Standards Advice on Flooding
Historic Environment	PAN 2/2011	Planning and Archaeology
Historic Environment	PAN 71	Conservation Area Management
Natural Heritage	PAN 60	Planning for Natural Heritage
Noise	PAN 1/2011	Planning and Noise
Transport	PAN 75	Planning for Transport
Waste	PAN 63	Waste Management Planning
Water & Drainage	PAN 79	Water and Drainage

4.2.6 Scotland's National Marine Plan (SNMP)

The SNMP (2015) (Ref. 4-10) covers the management of both Scottish inshore waters (out to 12 nautical miles) and offshore waters (12 to 200 nautical miles). Prepared in accordance with the EU Directive 2014/89/EU, it introduces a framework for maritime spatial planning and aims to promote the sustainable development of marine areas and the sustainable use of marine resources. It also sets out a number of minimum requirements, all of which have been addressed in this proposal.

There are a number of policies in the SNMP that are relevant to the Proposed Development. These are set in **Table 4.4** below:

Table 4.4 : SNMP Policies

Policy	Summary
GEN 1 General planning principle:	There is a presumption in favour of sustainable development and use of the marine environment when consistent with the policies and objectives of this Plan.
GEN 2 Economic benefit:	Sustainable development and use which provides economic benefit to Scottish communities is encouraged when consistent with the objectives and policies of this Plan.
GEN 3 Social benefit:	Sustainable development and use which provides social benefits is encouraged when consistent with the objectives and policies of this Plan.
GEN 4 Co-existence:	Proposals which enable coexistence with other development sectors and activities within the Scottish marine area are encouraged in planning and decision making processes, when consistent with policies and objectives of this Plan.
GEN 6 Historic environment:	Development and use of the marine environment should protect and, where appropriate, enhance heritage assets in a manner proportionate to their significance.
GEN 7 Landscape/seascape:	Marine planners and decision makers should ensure that development and use of the marine environment take seascape, landscape and visual impacts into account.
GEN 8 Coastal process and flooding:	Developments and activities in the marine environment should be resilient to coastal change and flooding, and not have unacceptable adverse impact on coastal processes or contribute to coastal flooding.

Policy	Summary
GEN 9 Natural heritage:	Development and use of the marine environment must: (a) Comply with legal requirements for protected areas and protected species. (b) Not result in significant impact on the national status of Priority Marine Features. (c) Protect and, where appropriate, enhance the health of the marine area.
GEN 10 Invasive non-native species:	Opportunities to reduce the introduction of invasive non-native species to a minimum or proactively improve the practice of existing activity should be taken when decisions are being made.
GEN 11 Marine Litter:	Developers, users and those accessing the marine environment must take measures to address marine litter where appropriate. Reduction of litter must be taken into account by decision makers.
GEN 12 Water quality and resource:	Developments and activities should not result in a deterioration of the quality of waters to which the Water Framework Directive, Marine Strategy Framework Directive or other related directives apply.
GEN 13 Noise:	Development and use in the marine environment should avoid significant adverse effects of man-made noise and vibration, especially on species sensitive to such effects.
GEN 14 Air quality:	Development and use of the marine environment should not result in the deterioration of air quality and should not breach any statutory air quality limits.
GEN 18 Engagement:	Early and effective engagement should be undertaken with the general public and all interested stakeholders to facilitate planning and consenting processes.
GEN 19 Sound evidence:	Decision making in the marine environment will be based on sound scientific and socio-economic evidence.

Part 2 of the SNMP also highlights the key issues for Marine Planning, these include:

- supporting economically productive activities;
- interactions with other users;
- living within environmental limits; and
- climate change.

All of the SNMP policies referred to above are reflected in local policies from the development plan and supplementary guidance. These are assessed in Section 3 below.

4.2.7 Regional Marine Plan

The SNMP also sets out that Marine Planning will be implemented at a local level within Scottish Marine regions through Regional Marine Plans (RMP) which will extend out to 12 nautical miles. The 'Draft Boundaries' for each RMP are highlighted within the SNMP at Map 2, page 9. The Proposed Development is located within the West Highlands RMP area. The RMP are to be developed by Marine Planning Partnerships and must be compliant with both the NMP and the Marine Policy Statement (MPS). It should be noted that at the time of writing the West Highland RMP has not yet been produced.

4.2.8 Policy Context Conclusions

The national policy guidance documents referred to above provide the national planning context for the Proposed Development. The following assumptions can be made and should be carried through to provide assistance in the assessing the level of compliance of the Proposed Development with the Development Plan and local guidance:

- **decision makers should make positive provision for aquaculture developments, subject to the individual proposals not having unacceptable effects on a range of matters;**
- **the site specific locational needs of aquaculture development should be supported;**

- **The use of brownfield sites is supported, particularly those within development boundaries and that are accessible;**
- **the protection of mineral extraction businesses is supported; and**
- **proposals that deliver social and economic benefits will be supported, again subject to the individual proposals not having unacceptable effects.**

4.3 Development Plan

With the policy context for the Proposed Development established, this document will now assess the Proposed Development for compliance against the policies identified by THC Pre Application Advice Pack document that was issued in April 2016 (Ref: 16/00734/PREAPP). The planning policies raised primarily come from the development plan, which forms the basis on which decisions about development and future land use are made, and incorporates the requirements of national planning policy within a strategic and local framework.

The Highland-wide Local Development Plan (HwLDP) (**Ref. 4-11**) was adopted in 2012 and forms the main policy guidance for the Proposed Development. The HwLDP and MIR are considered in this Section.

In addition to the HwLDP, the West Highland and Islands Local Plan (WHILP) (As continued in force – April 2012) forms adopted policy, and THC is in the process of preparing a new Local Development Plan for West Highlands and Islands, including Skye, called West Highland and Islands Local Development Plan. Consideration of the West Highlands and Islands Local Plan documents is given below.

4.3.1 Site Designations

A number of designations cover the Development Area or land close to it, which are relevant to the assessment of the Proposed Development. These have been highlighted in this Section and the relevant policy guidance identified, ensuring that relevant matters have been taken into account in the planning application.

- 1) The Development Area is within the Kyleakin Settlement Area in the West Highland and Islands Local Plan (WHILP) (As continued in force – April 2012), with the exception of the pier extension. This is addressed in Section 3.4 below.
- 2) The Development Area has been designated for “Industrial” use in the WHILP; with the exception of the pier extension. An area of “Local / Regional Importance” surrounds the site to the north, west and east; and a “Wider Countryside” designation sits immediately to the south. Finally, there are areas of National Importance located to the south and east of the Development Area. All of these matters are addressed in Section 3.4 below.
- 3) A site of Special Area of Conservation (SAC) surrounds the Development Area. It is outwith the Development Area. The SAC (Site Code: 8282) is known as Kinloch and Kyleakin Hills SAC, and is 5275.46ha in size. The features identified for the SAC include: Alpine and subalpine heaths; Blanket bog; Dry heaths; Upland habitat; Mixed woodland on base-rich soils associated with rocky slopes; Otter (*Lutra lutra*); Western acidic oak woodland; Wet heathland with cross-leaved heath. These matters are addressed in Section 3.2 and the ecological assessments which accompany the planning application submission.
- 4) The pier for the Proposed Development lies within the Inner Hebrides and the Minches candidate SAC (cSAC), for which harbour porpoise is the only qualifying feature. Draft conservation objectives are in place for the cSAC, which covers approximately 13,500 km² along the west coast of Scotland from the North Minch down to the southern tip of the Isle of Jura. The cSAC proposals are currently out to consultation, during which time the area has policy protection.
- 5) A Site of Special Scientific Interest (SSSI) also surrounds the Development Area. It is outwith the Development Area. The SSSI (Site Code: 8173) is known as Kinloch and Kyleakin Hills (Monadh Chaol Acainn is Cheann Loch), and is 5266.95ha in size. The features identified for the SSSI include: Alpine heath; Blanket bog; Bryophyte assemblage; Lichen assemblage; Otter (*Lutra lutra*); Subalpine dry heath; Subalpine wet heath; Torridonian; Upland oak woodland. These matters are addressed in Section 3.2 and the ecological assessments which accompany the planning application submission.

- 6) The Development Area also sits adjacent to the Lochs Duich, Long and Alsh Marine Protected Area. The MPA overlaps the Lochs Duich, Long and Alsh Special Area of Conservation (SAC), designated for extensive areas of tide-swept reefs, extremely sheltered rocky reefs and horse mussel beds. These matters are addressed in Section 3.2 and the ecological assessments which accompany the planning application submission.

4.4 Highland wide Local Development Plan (HwLDP) (Adopted April 2012)

HwLDP policy offers general, in-principle support for new development that generates employment within THC area, especially on the West Coast, where the local economy is more fragile and less diverse. The following policies were indicated within the THC Pre Application Advice Pack document (Ref: 16/00734/PREAPP) as being key to the decision making process.

4.4.1 Policy 28 Sustainable Design

Policy 28 (Sustainable Design) outlines the Council's support for developments which promote and enhance the social, economic and environmental wellbeing of the people of the Highlands. The policy lists a range of criteria against which proposals will be assessed.

The Pre-application consultation exercise with the Council identified the criteria of relevance to the Proposed Development (16/00734/PREAPP). These are noted and assessed in **Table 4.5** below.

Table 4.5 : Sustainable Design Criteria

Identified Criteria	Response
Service provision compatibility	The Proposed Development is on an existing quarry, and will utilise existing service provision, both by land and sea. A new grid connection is required which will form a separate planning application; the water supply will be provided from the Allt Anavig burn, which has existing abstraction consent.
Non-car accessibility	By utilising access to an existing brownfield site which is within the Kyleakin settlement boundary, the Development Area's accessibility by non-car transport should be deemed acceptable.
Brownfield sites	The Proposed Development is on a brownfield site and the existing quarry use will be able to continue, ensuring that there will not be a negative effect upon this existing use. The existing quarry use has permission to continue until 30 th April 2038, as approved by S.42 Planning Permission 12/01638/S42.
Physical constraints	The Proposed Development is affected by a number of the constraints from the "Physical Constraints on Development" Supplementary Guidance. These are fully explored in relation to Policy 30 below and assessed in this planning application, finding the effects to be acceptable.
Non-renewable resources	The policy seeks to reduce impact on non-renewable resources such as mineral deposits of potential commercial value. In this regard, the future of the quarry use is secured as the area of active quarrying is in a separate area of the quarry and will continue alongside the Proposed Development.
Heritage resources	Heritage resources are not envisaged to be affected by the Proposed Development due to the distance proximity of the Development Area from any designated sites or listed buildings. Further assessment of this can be found in the heritage assessment, which accompanies the planning application.
Design quality	The design of the Proposed Development is required to meet the business needs of Marine Harvest and therefore it is necessary for the Kyleakin Fish Feed Plant to operate effectively. The design has evolved through various iterations following feedback from the design team, members of the public and statutory consultees. This has improved the quality of the design and reduced effects, for example by scaling down the size of the pier and moving silos to the rear of the plant.
Social and economic impacts	The Proposed Development will bring significant social and economic benefits through investment, job creation and community benefits. Further assessment of this can be found in the socio economic assessment, which accompanies the planning application.

The policy test for non-conformity with this policy is “*significant detriment*” across the range of criteria that are relevant to the Proposed Development. The table above demonstrate that the Proposed Development will not have “*significant detriment*” across the range of criteria and, as such, it is compliant with Policy 28.

4.4.2 Policy 29 Design Quality and Placemaking

Policy 29 (Design Quality and Placemaking) sets out that new development should be designed to make a positive contribution to the architectural and visual quality of the place in which it is located, where appropriate. Applicants should demonstrate sensitivity and respect towards the local distinctiveness of the landscape, architecture, design and layouts in their proposals.

The re-use of a brownfield quarry site represents a sustainable use of the land, particularly given the continued use of the quarry facilitated by the proposed design / layout. The existing quarry use has permission to continue until 30th April 2038, as approved by S.42 Planning Permission 12/01638/S42.

The design of the Proposed Development has been shaped through balancing the specific requirements of delivering the Kyleakin Fish Feed Plant which works effectively with the physical constraints of the Development Area and the environmental considerations of the surrounding area. The Proposed Development represents the best balance of these constraints. The location of the Development Area will allow the Applicant to improve the quality and efficiency of their business, and the design will allow the Proposed Development to operate efficiently and effectively.

In terms of landscape and visual effects, there will be significant effects resulting from the construction and operation of the Proposed Development.

The Proposed Development would, however, be experienced as part of a wider landscape in which there are a variety of natural and man-made features that combine to create the landscape character. The carefully selected colours and materials, combined with landscape planting and mounding, have also been chosen for the Proposed Development with the intention of integrating the buildings and structures within the landscape and reducing the potential effects it may have on visual amenity. The effects on landscape and visual amenity should therefore be balanced against the longer term economic benefits of the Proposed Development in consideration of compliance with Policy 29.

4.4.3 Policy 30 Physical Constraints

Policy 30 (Physical Constraints) is relevant to the Proposed Development as it is within 400 metres of an active quarry and 15 metres from a protected waterbody and in an area with a proven mineral resource.

The policy requires consideration of noise effects, (individually and cumulatively), and ecological effects. These matters are fully assessed in the planning application submission, finding the noise effects to be within acceptable levels, and for there to be no unacceptable ecological effects in terms of land or aquatic ecology.

As a result, the Proposed Development is deemed to be compliant with Policy 30.

4.4.4 Policy 31 Developer Contributions

Policy 31 (Developer Contributions) may be applicable where the Council considers the Proposed Development to necessitate the requirement for new or improved public services, or infrastructure. The requirement for Developer Contributions will be discussed further during the planning determination period.

4.4.5 Policy 34 Settlement Development Areas

Policy 34 (Settlement Development Areas) offers support for proposals located within Settlement Development Areas (SDA) as outlined in area local development plans if they meet the requirements of Policy 28: Sustainable Design and all other relevant policies of the plan.

The Proposed Development at Altanavaig Quarry is located within the Kyleakin SDA with the exception of the pier extension, which uses existing infrastructure as the basis for the design. As set out above, the Proposed Development is deemed to be compliant with Policy 28: Sustainable Design.

As such, the Proposed Development is compliant with Policy 34.

4.4.6 Policy 41 Business and Industrial Land

Policy 41 (Business and Industrial Land) does not specifically mention Altanavain Quarry however, it offers general support for more business and industrial development where it already exists.

The Development Area is designated in local policy (See WHILP in Section 3.4 below) as being “Industrial Use”, (with the exception of the pier extension).

The existing quarry is defined as falling under Class 5: General Industrial in The Town and Country Planning (Use Classes) (Scotland) Order 1997, which is “Use for the carrying on of an industrial process other than one falling within class 4 (business)”.

The Proposed Development will also fall under this use class, so is deemed to be appropriate, and supported by Policy 41.

4.4.7 Policy 42 Previously Used Land

Policy 42 (Previously Used Land) supports development proposals that bring previously used land back into beneficial use. This is subject to the following two criteria:

- 1) site investigation and risk assessment are undertaken and demonstrate that the site is in, or is capable of being brought into, a condition suitable for the proposed development; and
- 2) the proposed development accords with all other relevant policies of this plan.

The Proposed Development allows for the quarry use on site to continue resulting in a dual use of this brownfield site. In addition, the existing pier infrastructure can be re-used as part of Proposed Development.

In the context of the above, the Proposed Development is deemed to be compliant with Policy 42.

4.4.8 Policy 49 Coastal Development

Policy 49 (Coastal Development) contains a range of requirements to ensure compliance. These are summarised and addressed in **Table 4.6**, below.

Table 4.6 : Coastal Development Responses

Policy Compliance Matter	Response
Show consideration to the range of existing interests ensuring best use of resources	The Proposed Development is a sustainable development as it is located within the Allt Anavig Quarry site which has an existing pier facility. In addition, it will make use of the current vehicular access and the layout arrangement allows for the continued use of quarry operations.
Proposals should not have an unacceptable impact on the natural, built or cultural heritage and amenity value of the area.	<p>The effects of the Proposed Development upon the natural environment are assessed in the terrestrial ecology assessments included as part of the accompanying planning application. They find there are no significant long-term residual impacts on ecological features predicted, provided that there is successful implementation of proposed mitigation measures which include adherence to environmental plans such as the CEMP and Species Protection Plans.</p> <p>The effects upon the built and cultural heritage are assessed in the heritage assessment included as part of the accompanying planning application. Due to the nature of the proposed design and proximity of the Development Area to heritage resources, there will be no unacceptable impacts in this regard.</p> <p>Finally, effect of the Proposed Development upon the amenity value of the area is assessed in the landscape and visual impact assessment, which finds that while there will be effects resulting from the location and scale of the fish feed plant, these should not be deemed as unacceptable given the brownfield location used and the design requirements of the Proposed Development</p>
The Council will promote the landward side of the road for development where proposals on the coastal side would otherwise interrupt scenic	The Proposed Development has a site specific need to be located adjacent to the coast in order to import, process and export the fish produce. As such, the location should be deemed as appropriate.

Policy Compliance Matter	Response
views over open water: unless a coastal position is necessary	
Where development on the coast is justified, opportunities for the development or reuse of previously used land and buildings should be considered in the first instance	The Proposed Development utilises existing infrastructure and features, it is an appropriate re-use of an existing brownfield site within the rural area.
The site should not be at risk from coastal erosion or flooding or cause an unacceptable impact	This matter is fully assessed in the flood risk assessment included as part of the planning application. The site is not at risk, and no effect should be deemed as unacceptable.
Other important factors will be potential landscape impact, and effect on the setting of coastal communities	It is not envisaged that the Proposed Development will have an unacceptable effect upon Kyleakin or other coastal communities. Other landscape effects should be viewed in the context of the existing quarry brownfield site being used, and the design requirements of a Fish Feed Plant.
Consideration will be given to the potential for any proposal to result in coalescence.	The Proposed Development will not result in any coalescence, so this is not relevant to the assessment

As required by the policy, the detailed proposals will be assessed against the requirements of the Highland Coastal Development Strategy: Supplementary Guidance. This is assessed later in this Section.

In the context of the above, the Proposed Development is deemed to be compliant with Policy 49.

4.4.9 Policy 53 Minerals

Policy 53 (Minerals) restricts development that is likely to sterilise existing economically significant, workable mineral reserves / operations.

The Proposed Development will not sterilise the existing quarry use. As noted previously, the existing quarry has permission to continue until 30th April 2038, as approved by S.42 Planning Permission 12/01638/S42.

The layout and design of the Proposed Development allows for the ongoing quarry operations to continue on the western portion of the site, with the Proposed Development operating in the eastern section. A second access road will be developed to allow the quarry vehicles to access the quarry without passing through the proposed development site, this will mean that construction and operation of the site will not impact quarry operations

In consideration of the above, the Proposed Development is considered compliant with Policy 53.

4.4.10 Policy 56 Travel

Policy 56 (Travel) requires consideration of any likely on and off-site transport implications of the Proposed Development. THC raised, as part of pre-application consultation (16/00734/PREAPP) that particular attention should be paid to the A87 site access junction.

The access to the A87 has been considered in the transport assessment, which accompanies the planning application submission. This finds that the additional traffic generated as a result of the anticipated construction programme will result in increases of traffic flows on the strategic, regional and local roads leading to the Proposed Development. A robust assessment has been undertaken, both in relation to the estimates of construction traffic and the distribution of construction traffic within the assessed road network. Despite the robustness of the assessment, when considering actual volumes of traffic, the predicted increase in flows are of a negligible magnitude and will not have an effect on the practical operating capacity of these roads. Notwithstanding this, appropriate mitigation measures have been identified, including the provision of a CTMP, which will ensure that any potential traffic impacts are kept to a minimum. As such, the overall environmental effect is therefore considered not significant in terms of the EIA Regulations, assuming the appropriate mitigation measures are implemented.

The number of LGVs is significantly reduced during operation than during construction although HGV numbers will remain relatively consistent. The increases to the levels of traffic anticipated during the operational phase of the Proposed Development are not significant in terms of the EIA Regulations.

In addition, the number of two-way HGV movements removed from the road due to the construction of the Proposed Development are estimated to be 23,174 per year; an average reduction of 52 two-way movements per day (assuming operations between 07:00-19:00 this averages a reduction of almost 4.5 HGVs per hour). This is the benefit of the site receiving the bulk of raw materials and the dispatch of finished product by sea rather than by road as is currently used by other fish feed plants in Scotland which supply Marine Harvest.

The assessment also confirms that the Proposed Development can be accessed appropriately for construction and operation purposes.

In the context of the above, the Proposed Development is deemed to be compliant with Policy 56.

4.4.11 Policy 57 Natural, Built, and Cultural Heritage

Policy 57 (Natural, Built, and Cultural Heritage) requires assessment of a proposal's effect on a wide range of features including heritage, habitats and species effects. The identified features will need to be assessed, minimised and mitigated.

As set out in Section 3.1, the Development Area is surrounded by a SAC and a SSSI. The designations set out features to be protected when considering proposed developments.

This Development Area is also adjacent to the Lochs Duich, Long and Alsh Marine Protected Area (MPA). The pier extension component of the Proposed Development is also within the MPA. MPAs are features of national importance and any development proposals that may negatively affect natural environment, amenity and heritage resource must demonstrate social or economic benefits that will support communities in fragile areas.

The matters raised above are addressed in the heritage assessment and ecological assessments, which form part of the planning application submission, where the effects of the Proposed Development upon the surrounding environment are set out.

It was found that, in terms of natural heritage there are no significant long-term residual impacts on ecological features predicted.

In terms of built and cultural heritage, the heritage assessment found that the Proposed Development will have no or very low effects upon archaeological remains, historic buildings or the historic landscape.

It is considered that the Proposed Development will not have an unacceptable effect upon the SAC, SSSI or any of the features identified to be protected.

The Proposed Development is deemed to be broadly compliant with Policy 57.

4.4.12 Policy 58 Protected Species and Policy 60 Other Important Habitats and Article 10 Features

Policy 58 and 60 set out the survey requirements assessing effects upon protected species.

In this case, a significant amount of survey work has been prepared to assess effects upon protected species and habitats, both on land and in the sea. This is set out in the terrestrial and aquatic ecological assessments which form part of the planning application.

The effects are set out in response to Policy 57, above.

In the context of the above, the Proposed Development is deemed to be compliant with Policy 58 and Policy 60.

4.4.13 Policy 61 Landscape

Policy 61 (Landscape) requires that new development should be designed to reflect landscape characteristics and special qualities identified in the Landscape and Character Assessment. A comprehensive landscape and visual impact assessment accompanies the planning application.

The assessment finds that there will be some effects upon the surrounding area due to the scale of the Proposed Development.

While it is accepted that there will be landscape and visual effects as a result of the Proposed Development, the requirements of the end user and the mitigation proposed to reduce these effects should be taken into account when considering compliance with Policy 61.

4.4.14 Policy 63 Water Environment, Policy 64 Flood Risk, Policy 65 Waste Water Treatment, and Policy 66 Surface Water Drainage

The assessment of these policies has been linked as they are relevant to one another, and the matters are all addressed in the Flood Risk Assessment included as part of the planning application submission.

A Flood Risk Assessment has been undertaken, and accompanies the planning application submission. It demonstrates there will be no increased risk to flooding from the Proposed Development will.

As a result, the Proposed Development is compliant with Policies 63, 64, 65 and 66.

4.4.15 Policy 72 Pollution

Policy 72 (Pollution) requires a detailed assessment report to show how pollution can be avoided and / or mitigated. Monitoring and a robust project environmental management process will also be required.

This matter is addressed in Chapter 5 of the Environmental Statement, which accompanies the planning application and demonstrates how the Proposed Development will ensure that pollution will be avoided and mitigated, both during the construction and operation of the Proposed Development.

The Proposed Development is deemed to be compliant with Policy 72.

4.4.16 Policy 73 Air Quality

Policy 73 (Air Quality) states that proposals which would result in an unacceptable conflict with the existing land use to air quality effects will not be approved, and requires an Air Quality Assessment where there is the potential for effects.

Air quality and odour assessments have been undertaken and accompany the planning application submission. The assessment has found that, with mitigation, the Proposed Development will have no unacceptable effect.

The Proposed Development is deemed to be compliant with Policy 73.

4.5 West Highland and Islands Local Plan 2010 (WHILP) (As continued in force – April 2012)

4.5.1 Kyleakin Settlement Development Area

The Development Area is within the Kyleakin Settlement Development Area and the site is allocated for industrial use, with the exception of the pier extension. Objectives in the WHILP (Ref. 4-12) include safeguarding the existing sand and gravel resource at Altanavaig Quarry.

The Altanavaig Quarry site allocation from the Proposals Map sets out the developer requirements for new proposals. These are noted and responded to in **Table 4.7** below:

Table 4.7 : Site Specific Requirements

Policy Compliance Matter	Response
Compatible with quarry operations	As set out previously, the existing quarry use will remain operational, and the associated resources protected.
Possible contamination assessment	This matter is addressed in the Geology, Groundwater and Contaminated Land assessment, which accompanies the planning application. It has been determined that there will be some effects resulting from the piling, as well as potential spills during construction. Most residual impacts are expected to be Slight significance or less, with the exception of expected impacts on groundwater flow. A residual impact of moderate significance is

	<p>expected on groundwater flow within the superficial deposits and a residual impact of slight / moderate significance is expected within the bedrock deposits.</p> <p>With appropriate mitigation suggested, these effects are not considered to be unacceptable.</p>
Structural planting to screen development from the A87	Earthworks and screen planting are proposed to the south-west of Proposed Development, adjacent to A87 road.
Retain existing woodland	No removal of woodland is proposed in the construction of the Proposed Development.
Flood Risk Assessment to be submitted	A Flood Risk Assessment has been prepared and included as part of the planning application submission. Details of this can be found in Section 3.2, where it is found that the Proposed Development is acceptable in this regard.
Safeguard potential cycle routes	No cycle routes will be affected by the construction of the Proposed Development.
Effect on the adjoining Natura Site	The Proposed Development's effect on the adjoining Natura Site is set out in the terrestrial and aquatic ecology assessments which accompany the planning application. Details of this can be found in Section 3.2, where it is found that the Proposed Development is acceptable in this regard.

No other policies retained in the 2012 version of the WHILP are relevant to the Proposed Development.

In consideration of the above, the Proposed Development is in compliance with the West Highland and Islands Local Plan.

4.6 Highland Coastal Development Strategy (HCDS) (2010) Supplementary Guidance

The HCDS (Ref. 4-13) sets out a "Strategy for the West Coast", which aims to safeguard the high natural heritage and recreational value of this coast and the bio-productivity of its inshore waters by close attention to the principles of sustainable development and use. The principles which are relevant to the Proposed Development are set out and responded to in Table 4.8 below.

Table 4.8 : Aims from the Strategy for the West Coast

Policy Compliance Matter	Response
Aim for greater co-operation and synergy between fishing and marine nature conservation interests particularly in semi-enclosed areas of inshore waters and around the major islands where tangible benefits to local communities should arise from this co-operation.	This matter relates more to marine developments such as fish farms, so not directly relevant to the Proposed Development. The Proposed Development will play an important role in supporting the fish farm industry, however, so should positively effect this aim.
Help local businesses to grow within spatially-defined communities by supporting development that does not detract from the immediate coastline.	The Proposed Development almost completely sits within the Kyleakin settlement area defined by the development plan, and is an acceptable use class for the site's designation. As such, it should be considered appropriate for this aim.
Protect the integrity of designated sites by discouraging inappropriate development.	The Proposed Development offers a use compatible with the Development Area's designation within the WHILP, and allows the continued use of the quarry, so is not an inappropriate development.
Manage access and development to safeguard the integrity and tranquillity of key areas of coastal wild land.	The Proposed Development sits within the Kyleakin settlement area, defined by the development plan, so should not be considered as being on coastal wild land. In addition, it is proposed to use existing roads to access the Development Area, which is appropriate in terms of this aim.

In the Highland Coastal Classification Map 2 from the HCDS, the Development Area is classed as being "Undeveloped", which is classified by low density settlements, minor roads and rail, and "noticeable presence e.g. fish farms".

The Proposed Development is appropriate for the classification as it is located on an existing brownfield quarry industrial location, can be appropriately accessed for construction and operation purposes, and is an appropriate use for an “Undeveloped” location. In addition, it would also integrate with the existing character of the area which includes the presence of fish farms. Whilst the Proposed Development is not a fish farm, it will play an important role in supporting the fish farm industry, and ideally located relatively close to them.

In the context of the above, the Proposed Development is deemed to be aligned with the HCDS.

4.7 Other Material (Planning Policy) Considerations

4.7.1 Highland-wide Local Development Plan 2 - Main Issues Report

The review of the Highland-wide LDP has commenced and THC has consulted on a Main Issues Report (MIR) (Ref. 4-14) between 25 September 2015 and 29 January 2016.

The LDP is at an early stage of preparation and should therefore be afforded limited weight at this time. The “Preferred” options put forward a number of policy aims. Issue 4b is relevant to the Proposed Development, where the preferred approach is to separate Policy 57 into “Historic Environment” and “Natural Environment”, compared with the combined Policy from the adopted LDP. There is no suggestion of a change in the nature of policy, however, so the assessment of Policy 57 further above remains relevant.

In addition to the above, Section 6: Other Amendments, covers various policy topics such as landscape, pollution and air quality, and physical constraints. The text, however, does not suggest any significant changes to the policies referred to above, so the assessment of these in Section 3 remains relevant. The lack of material change to these policies is noted in the Main Issues Report, where it is stated *“The policies covered in this section are being carried forward with only minor changes and merging of related planning policies. Due to the minor nature of these amendments no non-preferred approaches have been identified and the proposals below are to be considered the preferred approach”*.

The Highland-wide Local Development Plan’s 2 Main Issues Report does not raise any potential policy conflict issues with the Proposed Development.

4.7.2 West Highland and Islands Local Development Plan’s Main Issues Report

The new West Highland and Islands Local Development Plan’s Main Issues Report (MIR) (Ref. 4-15) has been published early in 2016 for consultation. As such, it should therefore be afforded limited weight at this time. The Development Area has remained allocated for industrial development, which is consistent with the Proposed Development’s use. The allocation does not cover the pier extension, currently outwith the Settlement Area. As set out previously, however, the pier extension utilises existing infrastructure, and is essential to the operation of the Proposed Development.

The Proposal Map further splits the Development Area into “Industry” and “Non-Preferred, Industry”. The Proposed Development covers both of these designations. In relation to the “Industry” allocation, (KAI1), the reason for this states: *“Site is distant from the village centre so most suitable for self-contained industrial or business use. Pier facility makes site particularly suitable for those uses that can gain a competitive advantage from seaborne access. Potential contamination issues. Need to safeguard sand and gravel economic resource by not hindering existing and potential future quarrying operations.”*

The Proposed Development can be considered to be appropriate for the allocation. It is a self-contained use, making use of the existing pier for the operation of the Fish Feed Plant, and allows the quarry operations to continue.

With regard to the “Non-Preferred, Industry” (KAI2) allocation, the accompanying reasons for is are the same as the KAI1 site, with the addition of the following: *“Site prominent in tourist views from A87 adjoining and from Skye Bridge so need for quarry restoration and retention of landward and seaward screens. Potential contamination issues, flood risk and woodland loss.”*

The additional points from the KAI2 text of the MIR have been fully addressed in the planning application submission. The prominence of the Proposed Development from the A87 and Skye Bridge, and woodland loss, are assessed in the landscape assessment. The other matters addressed in the Flood Risk Assessment. Whilst some impacts are expected, the Proposed Development is deemed to be acceptable in these regards.

As a result of these matters, the West Highland and Islands Local Development Plan's Main Issues Report does not raise any potential policy conflict issues with the Proposed Development.

4.8 Planning Policy Conclusions

This assessment sets out the policy context against which the Proposed Development should be viewed. This includes the promotion of the use of brownfield land; the site specific requirements of the fish feed industry; retention of mineral extraction uses; maintaining existing infrastructure; promotion of sustainable development; and supporting development which have social and economic benefits. These demonstrate an in-principle support for the Proposed Development.

The policy context also sets out the matters which need to be addressed to ensure the in-principle support referred to above, including ecological, landscape, heritage, noise, transport and aquaculture matters. All of these matters were reflected in policies from the Development Plan.

The policies highlighted by THC in the pre-application consultation response 16/00734/PREAPP dated 13/04/16 have been assessed for compliance against the Proposed Development. The consideration has been informed by the assessments prepared as part of the planning application submission. The policy consideration at Sections 3 and 4 has found that the Proposed Development is appropriate, with none of the effects deemed to be unacceptable.

The design / layout of the Proposed Development allows for the continued use of the existing quarry, which has permission to continue until 30th April 2038, as approved by S.42 Planning Permission 12/01638/S42.

This assessment has demonstrated the Proposed Development's compliance with all relevant policies from national policies and guidance; the Highland Wide Local Development Plan and associated supplementary guidance; the West Highland and Islands Local Plan and emerging policy.

4.9 References

Ref 4-1: Marine (Scotland) Act 2010

Ref 4-2: Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011

Ref 4-2: The Planning etc. (Scotland) Act 2006

Ref 4-3: The National Planning Framework 3 (NPF3)

Ref 4-4: Scottish Planning Policy (SPP) 2014

Ref 4-5: The Marine Works (Environmental Impact Assessment) (Amendment) Regulations 2017 (2017 No. 588), Environmental Protection Licensing (Marine) Marine Management, coming into force 16th May 2017

Ref 4-6: UK marine policy statement, 2011. Department for Environment, Food & Rural Affairs (DEFRA)

Ref 4-7: Scottish Government Circular 1/2015 The Relationship Between the Statutory Land Use Planning System and Marine Planning and Licencing, 2015

Ref 4-8: Scottish Government Circular 3/2015 Planning Controls for Hazardous Substances, 2015

Ref 4-9: Scottish Government Planning Advice Notes. Latest versions found at:
<http://www.gov.scot/Topics/Built-Environment/planning/Roles/Scottish-Government/Guidance>

Ref 4-10: Scotland's National Marine Plan, Scottish Government 2015

Ref. 4-11: Highland-wide Local Development Plan (HwLDP), The Highland Council, 2012

Ref. 4-12: West Highland and Islands Local Plan 2010 (WHILP) (As continued in force – April 2012)



Ref. 4-13: Highland Coastal Development Strategy (HCDS) (2010) Supplementary Guidance

Ref. 4-14: Highland-wide Local Development Plan 2 - Main Issues Report, The Highland Council

Ref. 4-15: West Highland and Islands Local Development Plan's Main Issues Report, The Highland Council

Ref. 4-16: Section 8 List of European, UK and Scottish Regulations and Design Standards available at:
<http://www.gov.scot/resource/doc/217736/0102070.pdf>