

THE HIGHLAND COUNCIL

**SOUTH PLANNING APPLICATIONS COMMITTEE
19 May 2015**

Agenda Item	5.2
Report No	PLS/025/15

**15/01214/PAN: Brian Macgregor and Sons Ltd
Land 970 Metres North-East of Gloonan, Daviot, Inverness**

Report by Area Planning Manager – South

Proposal of Application Notice

Description : Extraction of peat on approximately 100 hectares from existing and proposed areas, including use of an existing storage building and vehicle accessed operational area.

Ward : 20 – Inverness South

1.0 BACKGROUND

- 1.1 To inform the Planning Applications Committee of the submission of the attached Proposal of Application Notice (PAN).
- 1.2 The submission of the PAN accords with the provisions of the Planning etc. (Scotland) Act 2006 and was lodged on 26th March 2015. Members are asked to note this may form the basis of a subsequent planning application.
- 1.3 The submitted information attached includes:
 - Proposal of Application Notice
 - Location Plan
 - Copy of press advertisement

2.0 DESCRIPTION OF PROPOSED DEVELOPMENT

Extraction of peat on approximately 100 hectares from existing and proposed areas, including use of an existing storage building and vehicle accessed operational area.

3.0 SITE DESCRIPTION

The site is an extensive, irregular dumb-bell shaped area of undulating peat moorland between Moy and Daviot, east of the Highland Main Line. A combination of remoteness from most public viewpoints, intervening woodland, and the railway line's being in cutting, results in the area's seclusion from general public view. Access is from the B9154 via a forestry road which branches off from the north access to Moy Hall next to the Moy Burn and runs north towards the site. Peat has been extracted from the central and northern parts of the site. A storage building, machinery and open storage areas are grouped around the end of the access road.

4.0 DEVELOPMENT PLAN

The following policies are likely to be relevant to the assessment of the proposal:

4.1 Highland-wide Local Development Plan 2012

28	Sustainable Development
30	Physical Constraints
42	Previously Used Land
53	Minerals
55	Peat and Soils
61	Landscape
63	Water Environment
66	Surface Water Drainage
72	Pollution

4.2 Inner Moray Firth Proposed Local Development Plan 2014

No relevant Policies

4.3 Inverness Local Plan (as continued in force 2012)

No relevant Policies remaining in force

4.4 Adopted Supplementary Guidance

- Physical Constraints
- Flood Risk and Drainage Impact Assessment

5.0 POTENTIAL MATERIAL PLANNING CONSIDERATIONS

- Principle of protection of peat as a natural heritage resource and contributor to carbon storage
- Economic benefits of development
- Impacts on water environment
- Landscape/habitat enhancement opportunities post extraction including areas already worked
- Safety of the adjacent railway infrastructure
- Access to and from the site

Planning permission for the extraction of peat was granted by the Inverness Area Planning Committee of the former Highland Regional Council on 4th October 1982 for a temporary period expiring on 1st January 1992 (IN/1982/534).

Planning permission for the erection of a peat drying shed was granted by the same Committee (date unclear) in 1985 (IN/1985/584). This is the storage building referred to in the PAN. There is no evidence suggesting that the permission was other than a permanent permission (i.e. not time limited).

Despite the expiry of the founding permission, peat continued to be extracted after January 1992 and the site was mentioned in the preamble to Policy M7 (Peat Extraction) in the Highland Structure Plan 2001: *“Commercial peat extraction can also be for horticultural uses and one site at Moy, near Inverness, presently operates on this basis”*.

In October 2014, the applicants applied for a Certificate of Lawfulness for existing use or development but on the basis of a plan and documents which were readable as seeking certification that future extraction of peat within the site boundary was also lawful. The application (14/03754/CLE) was refused on 30th January 2015.

In March 2015, the applicants applied for a “screening opinion” i.e. the Council’s decision as to whether any future application for planning permission for further peat extraction would need to be accompanied by an Environmental Statement (ES) (15/01221/SCRE). An opinion that an ES would be required was issued on 21st April 2015.

6.0 CONCLUSION

- 6.1 The report presents the information submitted to date as part of the PAN. Summarised are the policy considerations against which any future planning application will be considered as well as the potential material planning considerations and key issues based on the information available to date. The list is not exhaustive and further matters may arise as and when a planning application is received and in the light of public representations and consultation responses.

7.0 RECOMMENDATION

It is recommended the Committee notes the submission of the PAN and advises of any material issues it wishes to be brought to the applicant’s attention.

Signature: Allan J Todd
Designation: Area Planning Manager - South
Author: Andrew McCracken
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 – Location Plan

PROPOSAL OF APPLICATION NOTICE
MOLADH BRATH IARRTAIS

The Town and Country Planning (Scotland) Act 1997 as amended by the Planning Etc. (Scotland) Act 2006
 Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008

The Council will respond within 21 days of receiving the Notice. It will advise whether the proposed Pre-application Consultation is satisfactory or if additional notification and consultation above the statutory minimum is required. Please note that a planning application for this proposed development cannot be submitted less than 12 weeks from the date the Proposal of Application Notice is received by the Council and without the statutory consultation requirements having been undertaken. The planning application must be accompanied by a Pre-application consultation report.

Applicant	Brian Mac Gregor J. Sons Ltd	Agent	STIRRAT TOWN PLANNING CONSULTANCY
Address	[REDACTED]	Address	8 Horsburgh Grove, Balerno Edinburgh EH14 7BU stirrat.planningconsultancy@blueyonder.co.uk 0774 763 4434
Phone No	[REDACTED]	Phone	
E-mail	[REDACTED]	E-mail	

Address or Location of Proposed Development Please state the postal address of the prospective development site. If there is no postal address, please describe its location. Please outline the site in red on a base plan to a recognised metric scale and attach it to this completed Notice

- MOY MOSS ON LAND 970M NE OF GLEONAN
 DAVOT, INVERNESS IV2 5XQ
 - OS SITE BOUNDARY PLAN, ATTACHED. [3/3]

Description of Development Please include detail where appropriate – eg the number of residential units; the gross floorspace in m² of any buildings not for residential use; the capacity of any electricity generation or waste management facility; and the length of any infrastructure project. Please attach any additional supporting information.

EXTRACTION OF PEAT ON APPROX. 100 HA FROM
 EXISTING AND PROPOSED AREAS, INCLUDING USE
 OF AN EXISTING STORAGE BUILDING AND
 VEHICLE ACCESSED OPERATIONAL AREA.

Pre-application Screening Notice

Has a Screening Opinion been issued on the need for a Proposal of Application notice by the Highland Council in respect of the proposed development?

If yes please provide a copy of this Opinion. LETTER OF 24 FEB. 2015
FROM LEGAL SERVICES,
THE HIGHLAND COUNCIL.

YES.......... NO..........

Community Consultation [See checklist of Statutory minimum consultation attached]

State which other parties have received a copy of this Proposal of Application Notice.

Community Council/s		Date Notice Served
STRATHNAIRN	[POST]	26 MARCH 2015
STRATHDEARN	[POST]	26 MARCH 2015

Names/details of any other parties	Date Notice Served
.....	
.....	

Please give details of proposed consultation


Proposed public event	Venue	Date and time
EXHIBITION	STORAGE BUILDING	FRIDAY & SATURDAY
	MOY MOSS SITE	10 & 11 APRIL
		10am - 4pm.

Newspaper Advert – name of newspaper	Advert date (where known)
THE INVERNESS COURIER	26 MARCH 2015

Details of any other consultation methods (date, time and with whom)

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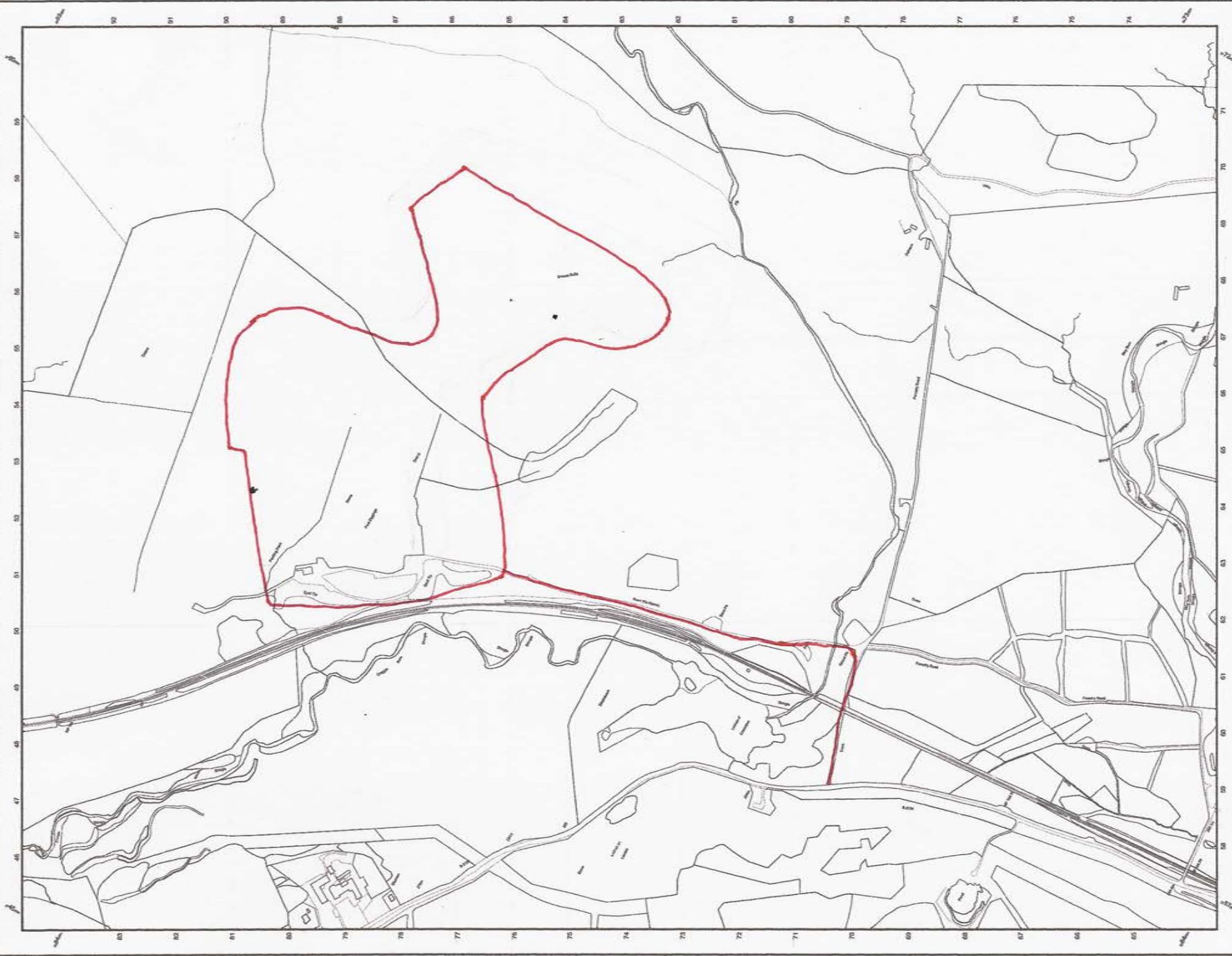
Signed  Date 26 MARCH 2015

Stival Town Planning Consultancy.



MOY MOSS – Planning Application - Site Boundary

Brian McGregor & Sons Ltd, 26 March 2015



This map is a reproduction of a map published by the Ordnance Survey. The Ordnance Survey is not responsible for any errors or omissions in this map. The reproduction of features as shown is no evidence of a property boundary.

Scale 1:5000

100m



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