

**THE HIGHLAND COUNCIL**

**NORTH PLANNING APPLICATIONS COMMITTEE**  
**4 April 2017**

Agenda Item	<b>5.6</b>
Report No	<b>PLN/031/17</b>

**17/00414/FUL: Whyte and MacKay**  
**Invergordon Distillery**

**Report by Area Planning Manager**

**SUMMARY**

**Description :** Installation of anaerobic digester plant

**Recommendation - GRANT**

**Ward :** 07 – Cromarty Firth

**Development category :** Local

**Pre-determination hearing :** None

**Reason referred to Committee :** More than five objections

**1. PROPOSED DEVELOPMENT**

1.1 The application proposes the installation of a new anaerobic digester (AD) plant which will require the demolition of the existing Cooperage, Filling Store and Cask Shed (which are proposed to be rebuilt within the northern part of the distillery site subject to a separate planning application). It will also lead to the decommissioning of the dark grains plant including the associated Dark Grains chimney (a chimney with visible extract plumes which generates some of the existing odour to the local area). The proposed new AD plant will be designed and constructed by Clearfleau Limited and will replace the outdated existing systems on site to enable Whyte and Mackay to be more competitive, with a low energy output strategy for the site. The proposal will generate a local supply of bio-energy for the distillery and to the local grid. The new facility follows the Scottish Government targets to meet national carbon reduction.

1.2 The proposed plant includes the following main elements:

- Two Anaerobic Digester tanks (diameter 34.5m; height 20m);
- Two Sequencing Batch Reactor tanks (diameter 16m; height 5.6m)
- Pre-treatment tank (diameter 12.5m; height 11.2m);
- Balance Tank (diameter 12.5m; height 11.8m);
- Pot Ale tank (diameter 8.5m; height 10m);
- Anaerobic sludge tank (diameter 7.5m; height 7.3m);
- Aerobic sludge tank (diameter 4.7m; height 7.3m);

- Consolidation Tank (diameter 7.5m; height 6m );
- Final water tank (diameter 7.5m; height 7.2m);
- Settlement tank (diameter 6m; height 6m);
- Equipment Building (21m x 10m plus 10m x 7m L-shaped footprint x height 9m);
- Gas Upgrade Building (24m x 12m footprint x height 7.1m);
- Propane Storage Compound.

### 1.3 The process

- 1.3.1 The design is for a fully integrated and automated facility that will process feedstocks from the Invergordon, Dalmore and Tamnavulin distillery sites. Spent Wash will be transferred from the distillery via enclosed pipework into covered tanks. The spent wash from Invergordon Distillery represents 90% of the feedstock for the reactors. The rest is the pot ale from the two malt distilleries, representing around 7 tankers per day. The cleaned effluent from the AD plant will be discharged to the Cromarty Firth via an existing long sea outfall.
- 1.3.2 To balance out the flows and loads to the AD facility and to accommodate the weekly production cycle at the distillery, the plant will have 2 equalisation tanks each capable of holding 1,000 m<sup>3</sup>. The balance tanks will hold spent wash from the distillery, prior to being fed into the AD reactor. A separate 399 m<sup>3</sup> Pot Ale tank is required to allow for optimised metering of Pot Ale to the Digester. This tank will also include a mixing system with valves and controls.
- 1.3.3 Residue treatment and energy recovery is achieved by using an on-site anaerobic digestion system. Based on the load to the plant, optimising site layout and minimising costs, 2 AD tanks are proposed, each of approximately 12,693 m<sup>3</sup> working volume.
- 1.3.4 Solids (biomass) are generated in the process and are found in the digester liquors, as well as treated material. These solids need to be removed prior to any liquid being discharged to aerobic treatment and returned to the digestion process. The solids are removed using a scraper which carries the floated biomass to a trough where it is either pumped back to the digester or the sludge storage tank for disposal.
- 1.3.5 Effluent from the AD solids separation stage is pumped to an aeration tank. In the tank, aerobic biomass absorbs the residual organic material in addition to oxidising ammonia. Air is blown into the tank at the base through diffusers to assist biological activity.
- 1.3.6 Biogas is produced in the digestion process during the breakdown of the feedstock and stored in the headspace of each anaerobic reactor in a flexible double layered bio-dome. The pressure applied to the outer layer controls the pressure of the biogas exiting the dome. A measurement device between the two layers indicates when there is sufficient gas for the gas upgrade plant or if there is an excess that needs to be burnt off via a flare. The headspace biogas is the only temporary storage of methane on the site before it is transferred to the purification plant. The AD digesters contain 90% liquid. The vacuum/pressure relief device on the biogas line out of the digester protects the dome. This comprises a simple tank with water in a "U" tube. Water moves to either side depending on the pressure or vacuum in the digester, allowing air in or biogas out.

- 1.3.7 The biogas passes out of the digester, through a “drop out” pot. This allows any moisture that condenses or passes out of the gas to be collected and drained out of the system. After the “drop out” pot, the dry biogas passes through a booster that is set to increase the pressure to suit the requirements of the Gas to Grid system. The integrated biogas management and booster set include the emergency flare. The flare, which is a safety requirement, will only operate to reduce the level or pressure within the digester bio-dome. After the booster, the biogas generated is prepared for injection to the national gas network.
- 1.3.8 Anaerobic and aerobic sludge will be stored in individual storage tanks before being combined to feed two sludge screw presses. The presses increase the solids content, generating a solid material which is easier to transport off site and can be stored for later disposal.
- 1.4 An EIA Screening request was submitted last year (16/03514/SCRE) and a Screening Opinion issued 02.09.2016 advising that an Environmental Impact Assessment is not Required.
- 1.5 A formal pre-application enquiry request was submitted on 19.12.2016 (16/05743/PREAPP) however the planning application was submitted on 30.01.2017 before the expiry of the six week target date or a response could be provided.
- 1.6 It is proposed to use existing site infrastructure including the main distillery vehicle access from Golfview Terrace.
- 1.7 The following Supporting documents have been submitted with the application: Design Statement; Drainage Impact Assessment; Noise Impact Assessment; Odour and Air Quality Assessment; Transport Assessment; Visualisations; Geotechnical Statement; Statement Responding to Objections; Sunlighting/Daylighting Analysis.
- 1.8 **Variations:** None

## **2. SITE DESCRIPTION**

- 2.1 The application site for the new Anaerobic Digester (AD) Plant lies within the existing grounds of Whyte and Mackay's distillery in Invergordon. The overall site area of the existing distillery facility extends to over 43.5 hectares and the area to be used for the AD Plant is approximately 1.3 hectares. The location of the proposal is to the south end of the distillery site, situated in the area of the existing Cooperage, Filling Store, Cask Shed and Barrel Park. This southern section of the site adjoins the redundant Seafield Tank fuel storage base, which lies to the immediate south-west; housing at Seabank Road and Saltburn Road to the south; and the existing car park and site offices by the entrance to the site to the east. The eastern edge of the distillery site is defined by Golfview Terrace (where vehicle access to the distillery is taken) and the former distillery houses within this area, including Grosvenor Street, Cadboll Road, Elliot Road etc. Established houses at Westwood overlook Saltburn Road to the south-east.

### **3. PLANNING HISTORY**

3.1 The distillery site has been subject to numerous planning applications over the years. The most recent are as follows:

16/04293/FUL Installation of 500 cubic metre tank and associated bund - Planning Permission granted - 18.12.2016

15/04648/FUL Erection of bodegas, sherry vats, bunds and shed – Planning Permission granted - 01.02.2016

15/03232/FUL Formation of landscaping bund – Planning Permission - granted 07.10.2015

15/00054/FUL Erection of additional warehouse – Planning Permission - granted 25.02.2015

### **4. PUBLIC PARTICIPATION**

4.1 Advertised : Schedule 3 Development

Representation deadline : 24.02.2017

Timeous representations : 99 (92 from 90 households and 1 with no address supplied in favour; and 6 objections from 5 households)

Late representations : 4 (2 in favour, 1 neutral and 1 objection)

4.2 Material objections raised are summarised as follows:

- Scale and proximity of large tanks to existing houses inappropriate - will impact adversely on established amenity;
- Concern of overshadowing impact (loss of sunlighting and daylighting) on adjoining houses;
- Odour, gas, noise and dirt will impact on surrounding area;
- Concerns for public safety, particularly due to the increase in capture and disposal of the explosive gas, methane, in such close proximity to housing and transportation of chemicals;
- Alternative land available to north of distillery site further from houses, or on the site of the former Seabank tank farm to the south-west;
- Unsightly impact on established skyline;
- Lighting on site unclear and presumably will have to be increased, with impact on established amenity of adjoining houses;
- Concern over scale and height of flare tower;
- Nuisance, such as that caused by flies due to storage of organic waste matter;
- Increase in traffic causing road safety issues;
- Questions over possible malfunctions and future management of the plant;

- Proximity and impact on amenity of users of the public footpath along the southern boundary of the site linking the area with the town centre;
- Concerns over proximity of large tanks and other plant to raised beach line, which has proved to be less than stable in the past;
- As distilling only occurs for six months every year as at present, it is questioned what will happen to the AD plant for the 'quiet' period each year, with concerns that non-distillery waste is to be reprocessed.

4.3 Material points in favour raised are summarised as follows:

- The investment in the anaerobic digester plant is the only way to secure the site's future economically and environmentally and is the best way to secure jobs for the next generation;
- The project reduces distillery costs making it better able to compete in a highly competitive industry;
- The project is great for the environment making the distillery heat carbon neutral on the site and during the summer months supplying green gas to the grid from renewable sources;
- The project will reduce noise, smell and traffic movements for the site's neighbours.

4.4 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet [www.wam.highland.gov.uk/wam](http://www.wam.highland.gov.uk/wam). Access to computers can be made available via Planning and Development Service offices.

## 5. CONSULTATIONS

5.1 **Transport Planning:** No objections, subject to conditions requiring an Operational Traffic Management Plan and a detailed Construction Traffic Management Plan prior to works commencing.

5.1.1 The distillery site is split by the Inverness - Wick north railway line. The larger part of the site, which provides storage and maturation, lies to the north of the railway and the main process part of the distillery is located south of the railway. The main access to the distillery is at the southern part of the site and is accessed via Golf View Terrace. A secondary access to the northern area is accessed via Academy Road. A level crossing and footbridge are in place to enable vehicular and pedestrian movement between the respective parts of the site.

5.1.2 A Transport Assessment (TA) has been included in the applicant's submission. The TA demonstrates that the new plant and associated works will result in fewer vehicle crossings of the railway, but an increase in vehicle deliveries to the site. The additional deliveries will amount to approximately 7 no. additional tankers per day via the south access. It is considered that these additional vehicle movements can readily be accommodated on the local road network; however, given existing concerns regarding the A9 Tomich junction, it will be essential that these movements will not generate further right turn manoeuvres at this locus.

- 5.1.3 The TA recognises ongoing concerns with Tomich junction and a Traffic Management Plan for all distillery operations is proposed. It is intended that all large vehicles delivering to the site from the south shall leave the A9 at Dalmore, join the B817 coastal road to Invergordon and then either access the site via Golfview Terrace or continue to the CI063 and access the site via Academy Road. All south bound returning traffic will use the CI063 and join the A9 with a left turn at Tomich junction. Northbound traffic will travel to Kildary via the B817 and join the A9 with a left turn at that point. The Traffic Management Plan is welcomed and should be conditioned in any planning permission granted.
- 5.1.4 The construction phase of the development is expected to last approximately 6 months during which various additional traffic movements will be generated. When appointed, it is intended that the principal contractor will be subject to the requirements of the traffic management plan for the distillery, including provision of appropriate temporary signage. The requirement for a Construction Traffic Management Plan should be conditioned in any planning permission granted.
- 5.2 **Environmental Health:** No objections, subject to suspensive conditions requiring submission of a noise mitigation scheme, clearly explaining the mitigation proposed which has resulted in the most recent predicted noise levels; and requiring a transport noise assessment, including mitigation measures where appropriate.
- 5.2.1 Further to a request, the applicant has submitted updated noise information showing a maximum predicted level of under 37dB (A) at the nearest noise sensitive property. It is considered that if this level is adhered to, noise from this development should not have a significant impact on neighbouring noise sensitive receptors. Due to the elevated background levels from the existing plant as well as other sources it is not practicable to set a condition for just this aspect of the distillery site. It is advised that Environmental Health will be monitoring noise levels once the new plant is operational and will be looking at noise arising from the site as a whole in terms of the Statutory Nuisance provisions of the Environmental Protection Act 1990. It is therefore advised that the applicant continues to look at what noise mitigation measures they can introduce across the site in general.
- 5.2.2 With regard to additional transport movements, it is recommended that a transport noise assessment should be submitted for the approval of the Planning Authority. If it transpires that all the pot ale will come in the north entrance (as is currently being investigated), there won't be any issues. This would be the preferred option.
- 5.2.3 With regard to construction noise, Environmental Health (EH) has powers under the Control of Pollution Act 1974 to deal with any issues arising from construction noise. The applicant should be aware that if EH were to receive complaints an investigation would be made into noise levels, working hours, types of plant etc. and there may be a need to alter or restrict working practices at short notice. Therefore, the developer/contractor should be looking to adopt best practice at all times to reduce the impact of noise.
- 5.2.4 With respect to odour and air quality, the development will be subject to SEPA licencing that will regulate emissions to air. The applicant has submitted an Odour Impact Assessment/Air Quality screening assessment that indicates a low odour impact and insignificant impact upon air quality.

- 5.3 **Flood Risk Management Team:** No objections. There is little or no flood risk posed to the site based upon the information given in SEPA's online flood maps. There will be no increase to the impermeable area associated with the development, and no change to the method of surface water disposal from the existing method.
- 5.4 **Contaminated Land:** No objections. Old Ordnance Survey maps record former tanks and buildings at the location of the proposed new anaerobic digester plant, which may have resulted in land contamination. From the information provided as part of the application, the proposed development would not appear to materially change the risk of potential contamination, and a contaminated land condition which requires further investigation is not recommended for this application. However, it is recommended that the Applicant is informed of potential contamination issues in an informative on any decision as land contamination issues may affect property values, and all sites with a former industrial/commercial use may be investigated by the Highland Council in future under duties conferred by Part IIA of the Environmental Protection Act 1990.
- 5.5 **Forestry Officer:** No objections. There are no significant trees within the site. A broken line of mature trees run along the south east boundary on the opposite side of a small footpath. These should be unaffected by the proposed development. An area of landscaping is shown in the southern corner on the Proposed Site Plan, but no further information is provided. As a condition of any consent a detailed landscape plan and planting specification will be required, along with a schedule of maintenance.
- 5.6 **Invergordon Community Council:** No objections. It is highlighted that the distillery is a major employer in the area. The installation of an AD will support the commercial future of the distillery in a very competitive market. The distillery contributes significantly to the local economy in terms of wages and its use of local contractors and hauliers and it is understood that approximately 100 jobs will be protected. In the current climate, the Invergordon area needs these employment opportunities and a guaranteed sustainable future for the site. Without an AD the distillery would not be able to compete and closure would be inevitable.
- 5.6.1 In addition, an AD would allow the distillery to process its by-products to bio gas which will be used on site, the surplus being injected into the local grid. Along with the reduction in present gas usage because of the removal of the Dark Grain Plant, the distillery would then become almost gas neutral and its carbon footprint would be greatly reduced.
- 5.6.2 It is also considered that the new AD will be significantly quieter than present operations and below the local authority noise regulation levels. The new AD will reduce the odour from the site as the Dark Grain Plant which creates most of the current odour, will be completely removed. All the tanks in the new plant will be covered except the aerobic batch reactors which do not produce an odour. Another advantageous by-product of the AD would be the discharge of clean water into the Cromarty Firth. Also the pot ale from Dalmore Distillery will be used in the digester instead of being discharged into the Firth. With the removal of the cooperage, cask filling store etc. to the North side of the site, there will be a significant reduction in vehicle movement on site near the neighbouring houses.

5.6.3 Whilst the CC supports the application for the above reasons, there are split opinions in the community which should be highlighted, as follows:

- Suitability of Site - the proposed anaerobic digester will be in very close proximity to the neighbouring 'cottages' area of Invergordon.
- Height and Scale - the height and scale of the digester tanks is causing concern to these residents.
- Loss of Natural Light - owing to the height of the tanks, natural light especially in the winter may be lost.
- Road Surface - the approach to the distillery up the 'Cottage Brae' is already in a bad state of repair. Residents are concerned that the surface will continue to deteriorate during construction and thereafter during operations.

5.6.4 The CC requests the following conditions:

- Construction Traffic Management Plan - this should be in place during the construction phase, paying particular attention to the hours of operation. Deliveries and work should only be undertaken during these hours and not at night.
- Traffic Management Plan - This should be in place once construction is completed and regulate distillery operations as a whole to ensure safe and efficient movement of vehicles to and from the distillery. It is asked that the current regulation of no HGV's between 7pm and 7am is left in place.
- Local Residents - the needs and interests of local residents should be respected, especially the properties on Golf View Terrace. Delivery drivers should observe good practice at all times - e.g. no unnecessary acceleration or idling.
- Tomich Junction - there are ongoing concerns at this junction. In anticipation of further lorry traffic being generated, it is requested that the proposals put forward by Transport Planning are adhered to - i.e. there should not be any right hand turns at Tomich Junction. Heavy traffic from the South should leave the A9 at the Dalmore junction and approach Invergordon via the B817. Traffic returning North should travel to Kildary on the B817 and join the A9 there with a left turn. It should be noted that the B817 from Dalmore to Invergordon is extremely busy with coaches in the cruise ship season.
- Distillery West Gate - Aware that a feasibility study is currently being undertaken as to whether the pot ale tanker operation could be moved to the North Side of the site and therefore the West gate could be used for deliveries of pot ale. If this is possible, it is requested that this is a condition because it would reduce the number of lorries to the South gate by 240 per month.

5.7 **Saltburn and Westwood Community Council:** No response.

5.8 **Transport Scotland:** No objections.

5.9 **SEPA:** No objections. Initial objections removed on review of all additional supporting information received.

5.9.1 It is noted that the new plant will maintain the current outfall and discharge cleansed water from the anaerobic digestion and aerobic plant to the Cromarty Firth in line with the existing SEPA consent. Now satisfied that sufficient



information has been supplied via discussions with the SEPA Regulatory Team as well as submitted via an email, dated 6 March 2017, to confirm the discharge will remain within the existing limits of the current consent.

- 5.9.2 It is noted that a Drainage Impact Assessment has been submitted as supporting information. It is noted that a proprietary treatment system via an oil interceptor is proposed and that it was calculated as the minimum requirement according to the CIRIA SuDS Manual 753. Proprietary systems are not typically considered as a level of SuDS treatment; however they may be considered appropriate for constrained and existing sites. In this specific circumstance the objection on surface water drainage grounds is withdrawn, as SEPA regulates the existing discharge.
- 5.9.3 This site is already regulated by the Competent Authority (SEPA and Health and Safety Executive (HSE)) under the Control of Major Accident Hazards (COMAH) Regulations 2015. It is an Upper Tier COMAH establishment, due to the quantity of the flammable liquid ethanol (spirit) exceeding the Upper Tier threshold (50,000 tonnes). Further details have been submitted with regard to other hazardous substances which will be present on site. Satisfied that these will not impact on site layout or surface water drainage.
- 5.10 **SNH:** No response. It is noted that in response to the EIA Screening request (16/03514/FUL), SNH confirmed that as the discharge to the sea is in line with the existing consent and such discharge is maintained at existing or reduced levels then SNH had no comments to make.
- 5.11 **HSE:** No objections. Response directed Planning Authority to Self Service Consultation procedure through HSE's Planning Advice Web App. Self service consultation provided 'Do Not Advise Against' advice.
- 5.12 **Network Rail:** No objections. Network Rail considers that the proposed development will have no impact on railway Infrastructure.

## **6. DEVELOPMENT PLAN POLICY**

### **6.1 Highland-wide Local Development Plan (2012)**

The following policies are relevant to the assessment of the application:

Policy 28	Sustainable Design
Policy 29	Design Quality and Place Making
Policy 34	Settlement Development Areas
Policy 41	Business and Industrial Land
Policy 42	Previously Used Land
Policy 56	Travel
Policy 57	Natural, Built and Cultural Heritage

Policy 64	Flood Risk
Policy 65	Waste Water Treatment
Policy 66	Surface Water Treatment
Policy 67	Renewable Energy Developments
Policy 72	Pollution
Policy 73	Air Quality

## 6.2 **Inner Moray Firth Local Development Plan (2015)**

Within Invergordon Settlement Development Area. No specific allocation.

## 7. **OTHER MATERIAL CONSIDERATIONS**

### 7.1 **Highland Council Supplementary Planning Policy Guidance**

Flood Risk and Drainage Impact Assessment (Jan 2013)

Highland Renewable Energy Strategy and Planning Guidelines (May 2006)

Physical Constraints (March 2013)

Sustainable Design Guide (Jan 2013)

### 7.2 **Scottish Government Planning Policy and Guidance**

#### **Scottish Planning Policy (The Scottish Government, June 2014)**

Scottish Planning Policy (SPP) contains principal policies on Sustainability and Placemaking, and subject policies on A Successful, Sustainable Place; A Low Carbon Place; A Natural, Resilient Place; and A Connected Place. It also highlights that the Development Plan continues to be the starting point of decision making on planning applications.

### 7.3 **Other National Policy and Guidance**

National Planning Framework for Scotland 3

PAN 1/2011

PAN 1/2013

PAN 60 - Planning for Natural Heritage

2020 Routemap for Renewable Energy

## 8. **PLANNING APPRAISAL**

8.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

8.2 This means that the application requires to be assessed against all policies of the Development Plan relevant to the application, all national and local policy guidance and all other material considerations relevant to the application.

### 8.3 **Development Plan Policy Assessment**

8.3.1 The Development Plan comprises the adopted Highland wide Local Development Plan (HwLDP), the Inner Moray Firth Local Development Plan (IMFLDP) and statutorily adopted supplementary guidance. There are no site specific policies affecting this application site within the IMFLDP. The principal HwLDP policy on which the application needs to be determined is Policy 67 - Renewable Energy. The other HwLDP policies listed at 6.2 of this report are also relevant and the application must be assessed against these.

8.3.2 Policy 67 sets out that renewable energy development should be well related to the source of the primary renewable resource needed for operation, the contribution of the proposed development in meeting renewable energy targets and positive/negative effects on the local and national economy as well as all other relevant policies of the development plan and other relevant guidance. In that context the Council will support proposals where it is satisfied they are located, sited and designed such that they will not be significantly detrimental overall individually or cumulatively with other developments having regard to 11 specified criteria. Such an approach is consistent with the concept of Sustainable Design (Policy 28) to achieve the right development in the right place; it is not to allow development at any cost. If the Council is satisfied that there will be no significant adverse impact then the application will accord with the Development Plan.

### 8.4 **National Policy**

8.4.1 There is strong support for renewable energy development in national policy. The Scottish Government had a target of 50% of Scotland's electricity demand generated from renewable resources by 2015 and 100% of demand by 2020.

8.4.2 Notwithstanding the overarching context of support, SPP recognises that the need for energy and the need to protect and enhance Scotland's natural and historic environment must be regarded as compatible goals. The planning system has a significant role in securing appropriate protection to the natural and built environment without unreasonably restricting the potential for renewable energy. National policies highlight potential areas of conflict but also advise that detrimental effects can often be mitigated or effective planning conditions can be used to overcome potential objections to development.

8.4.3 The Council continues to respond positively to the Government's renewable energy agenda, however the contribution made both nationally and locally from anaerobic digestion is limited. Nationally anaerobic digestion is a growing sector with an installed capacity of 67MW at the end of Quarter 2, 2016. Highland anaerobic digestion energy projects in operation/under construction or approved as of end of Quarter 2, 2016 have a capacity of 2MW.

8.4.4 Notwithstanding any impacts that this proposal may have upon the amenity of the area, the development could be seen to be compatible with Scottish Government policy and guidance and increase its overall contribution to the Government, UK and European energy targets. Furthermore, the development will have an economic benefit to the area through its construction phase and in ensuring continued employment at the distillery.

## 8.5 Material Considerations

8.5.1 The applicant has prepared a statement to address the various issues raised by objectors detailed at Section 4 above. This can be summarised as follows:

- **Location of AD** - To locate the AD plant on the spare ground at the north end of the site would have involved running two 6" pipes and a gas pipe for around 1km under the railway or over a new pipe bridge to the new area, digging up roads and circumnavigating warehouses and other services such as electrical and gas mains. The estimated cost for this along with new service roads for the new site and running services to the new location would have been around £2Million. As the project is marginal in terms of payback, the applicant has advised that adding another £2Million to the costs would have made it untenable and the site would have been closed. The other significant issue is that the Control Room for the distillery is around 1 km away. The AD proposal is to be unmanned and run from the existing control room to reduce the costs and help make the development more competitive.

It was suggested by some that the AD plant is located in the NATO Oil tank area. Whyte and Mackay does not own this land and a previous attempt to buy some of this land in the past failed. It is also understood that the land is contaminated and the clean-up costs may be significant. It is designated in the local plans for retail, leisure and housing.

The Filling Store, the new cooperage and cask preparation shed are being moved to the north end of the site because operational efficiency wise they are best located there and this significantly reduces the amount of noise from the associated traffic movements currently at the south end of the site.

- **Scale of tanks** - The tanks are of the proposed size because that is the size that allows a residence time of around 20 days to allow the fibrous material (grain residues) in the solids part of the spent wash to be broken down and converted into gas. This allows compliance with the SEPA discharge consent to the Cromarty Firth.
- **Proximity of AD to footpath and embankment** - The digesters will be 40m back from the southern site boundary. This is comfortably within guidelines for building heavy structures in such locations. A separate detailed report is provided from HGA Engineers which substantiates this. The survey details the load bearing capabilities of the site and the dense gravelly sand provides very good conditions to form the foundation on.

- **Odour** – The applicant is confident that the AD plant going ahead will lead to a significant reduction in odour from the site as the current Dark Grains Plant, which creates most of the odour would be completely removed. All the vessels in the proposed AD plant would be enclosed with the exception of the aerobic batch reactor which does not produce an odour due to the technology employed. All displaced air from the vessels would be fed through activated carbon filter scrubbers before being discharged to atmosphere. A projected odour impact study is provided from Redmore Environmental Consultants which substantiates this. Environmental Health has not objected to the proposal.
- **Problem with Flies** - All the material to be processed in the proposed AD digesters is in liquid form from either the Invergordon distilling process or the malt distilleries. It is stored in closed tanks. The final effluent is discharged to sea via existing long sea outfall from enclosed tanks so there is no opportunity for flies to gather. The digestate/solids from the AD plant are loaded straight onto a lorry from the screw presses. Again there is no scope for storage of solid material on site and flies to gather.
- **Safety** - The proposed AD plant has already been significantly risk assessed as part of the design process and safety designed in. This style of AD plant is used extensively around the world and there have been very few incidents with them. Significant amounts of continual human and computer safety monitoring takes place. The applicant has advised that the management team at Invergordon has safely managed the distillery for two decades and are fully compliant with all legislation and regulation.
- **Noise** - A noise survey is provided from REC Acoustic Consultants. It shows that the proposed new AD plant is significantly quieter than the current operations and will easily be below local authority noise level regulations and the current site noise levels without any noise attenuation. Nonetheless it is planned to put additional noise attenuation on the noisier plant items so that the resulting site noise will be significantly lower than current and significantly below regulation levels. A noise mitigation scheme has been requested by Environmental Health and is safeguarded by a condition.
- **Lighting** - The AD plant will require security lighting in line with the existing buildings on site however the digesters will not be lit up, much the same way as the current grain silos aren't. Street lighting required will be at the same standard and heights as are already operated and any task lighting required will be switched to prevent any unnecessary light pollution.
- **Traffic** – The traffic study submitted with the application shows that there will be a net reduction of vehicle movements on site (that generate much of the site's noise) by 25% whilst the distillery is running and by 50% whilst the distillery is not running. Noise and disturbance caused by on site traffic movements will be reduced if the AD project goes ahead. Subsequently to this study, Whyte and MacKay is investigating moving the pot ale tanker operation from the malt distilleries to over the railway line and situating the receipt tank close to the West gate on the Tomich Road, well away from the

housing. If this goes ahead this would reduce traffic movements at the south end of the site on Golf View Terrace by another 240 lorry movements per month.

- **Toxicity** - Ammonia is temporarily produced as part of the AD process but it is dissolved in the liquid part of the effluent and is not present as a gas where it would smell and have the potential to be toxic. It is converted almost immediately to nitrate and then nitrogen gas as part of the aerobic process following the anaerobic stage enabling the site to achieve the very low SEPA consent levels for ammonia. There is no way gaseous ammonia could be released to atmosphere as part of this process as the pH is kept acidic in the digesters.

Hydrogen sulphide is produced in the gaseous phase in AD plant. The amount produced is considerably reduced by the addition of ferric chloride to the digesters resulting in the formation of the harmless ferric sulphide which goes out in the digestate to be spread to land on farms. Approximately 150 parts per million are left in the gas. Most of the remaining hydrogen sulphide is then scrubbed from the gas by passing it over activated carbon filters prior to its injection into the gas grid.

If the gas is flared at any stage, the flare proposed is a high temperature flare which converts hydrogen sulphide to sulphur dioxide. Any other odours in the gas are destroyed by the high temperature. Methane gas in itself is odourless. The other major constituent of this gas is carbon dioxide. All of these measures are proven technologies.

8.5.2 There are no outstanding technical objections and significantly SEPA, Environmental Health and Transport Planning are content that the supporting information submitted with the application demonstrates that there will be no significant environmental or transport problems associated with the proposed development, which is to be located wholly within an established industrial site. Suspensive conditions requiring the submission and approval of traffic management plans; and further noise assessment and mitigation schemes; before any work commences on site, will ensure that such issues are properly controlled.

8.5.3 **Visual Impact** - The visual impact of the plant and in particular the large AD tanks will be significant. The two tanks measure 20m in height, with diameters of 34.5m and will therefore be highly visible from nearby public roads and from the houses on either side of the site. Visualisations have been prepared by the applicant's agents to provide an impression of the visual impact from Seabank Road, Saltburn Road and Grosvenor Street. These demonstrate the scale of the tanks and highlight the relationship with adjoining established development. Whilst it is apparent that the tanks are high and bulky in relation to such development, it has to be acknowledged that they are contained within an established industrial site and will be seen in the context of the existing distillery. The large tanks are proposed to be set back 42m from the south-eastern boundary with the footpath running along the rear of the properties on Saltburn Road; 30m from the south-western boundary with the Seabank tank farm; and 60m from the north-eastern boundary with Golf View Terrace. There is one existing two storey detached house located adjacent to the south-west boundary corner, which sits at the end of Seabank Road. This dwelling currently overlooks the existing cooperage, yard and LPG gas tanks. The

new AD plant installation will still be visible to this dwelling but the large tanks are set back approximately 45m from the boundary of this property and the nearest plant, one of the SBR tanks (under 6m in height) is around 18m from the boundary. It is proposed to create a raised landscape mound and plant trees/shrubs to assist with screening and improve the visual appearance of this area. No details have been provided with regard to finished colour of the tanks or other plant however this can be secured by condition and it is suggested that a light, non reflective grey or green colour would be most recessive.

8.5.4 **Sunlighting** – The new structures are sited to the north and west of the nearest houses. In response to concerns expressed by objectors over impact on sunlighting/daylighting of adjoining houses, sun path analysis diagrams have been provided which demonstrate that given their position and separation distance the impact on properties outwith the site will be relatively minimal and limited to minor impacts on a few properties to the immediate north-east of the site in mid-late afternoon in mid-winter. It is therefore not considered that the impact on the sunlighting of adjoining properties will be materially changed by the proposed development.

#### 8.6 **Matters to be secured by Section 75 Agreement**

None

### 9. **CONCLUSION**

9.1 The proposed development has generated over 100 representations. A high proportion, (over 90%), of those are in favour and the majority of those are from employees or service contractors. The seven households who have objected live immediately adjacent to the site, on Saltburn Road, Golfview Terrace, Grosvenor Street, Cadboll Road, Murray Road and Elliot Road. As well as the specific concerns over certain aspects of the proposal outlined at Section 4 above, reference is made to deep seated issues over impact of the existing distillery operations and specifically the blackening of the houses, cars, washing etc. In response to such concerns, it is not appropriate to use the current application for the AD to address a historic problem allegedly associated with the distillery's existing operations.

9.2 The supporting information submitted with the application has adequately demonstrated that the proposed development can be accommodated as part of wider proposals to upgrade the distillery complex, which will result in no significant adverse impact on the wider environment or on adjoining properties. As the existing Dark Grains plant is due to be removed, this will reduce odour from the site; the overall number of traffic movements within the site will decrease significantly; and the relocation of the cooperage and barrel store to the north end of the site will allow the removal of dated buildings in poor condition.

9.3 The proposal will also result in the site becoming carbon neutral for heat and will be energy secure, with lower running costs. It will contribute to an improved gas supply for Easter Ross and will make the distillery more competitive, providing job security for around 100 people and thereby contributing to the local economy. The applicant has advised that the project would not be viable without government

support in the form of renewable heat incentive (RHI) and it is critical that a decision on the application is taken soon to secure such grant assistance to allow the project to proceed and to give the distillery the best chance of being successful in a highly competitive sector of the drinks industry.

- 9.4 All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

## 10. RECOMMENDATION

### Action required before decision issued N

**Subject to the above**, it is recommended the application be **Granted** subject to the following conditions and reasons / notes to applicant:

1. No work shall commence on site until a Traffic Management Plan (TMP), for distillery operations as a whole, has been submitted to, and approved in writing by, the Planning Authority in consultation with the Roads Authority, in accordance with the submitted Transport Assessment (P447-C1-17-01). Thereafter development shall proceed on the basis of the TMP as approved. The TMP shall be subject to regular monitoring and review to the satisfaction of the Planning Authority in consultation with the Roads Authority.

**Reason** : In the interests of road safety, and that the works involved comply with applicable standards.

2. No work shall commence on site until a detailed Construction Traffic Management Plan (CTMP), based on the above traffic management plan, has been submitted to, and approved in writing by, the Planning Authority in consultation with the Roads Authority. The plan shall be prepared by the appointed contractor for the works in consultation and agreement with the local Roads Authority and shall remain in place for the duration of the construction phase.

**Reason** : In the interests of road safety, and that the works involved comply with applicable standards.

3. No work shall commence on site until a noise mitigation scheme in relation to this development has been submitted to, and approved in writing by, the Planning Authority in consultation with the Environmental Health Authority. Thereafter development shall proceed on the basis of the scheme as approved.

**Reason** : In order to safeguard the amenity of neighbouring properties and occupants.

4. No work shall commence on site until a transport noise assessment and mitigation scheme in relation to this development has been submitted to, and approved in writing by, the Planning Authority in consultation with the Environmental Health Authority. Thereafter development shall proceed on the basis of the scheme as approved.



**Reason :** In order to safeguard the amenity of neighbouring properties and occupants.

5. No work shall commence on site until details of a scheme of hard and soft landscaping works have been submitted to, and approved in writing by, the Planning Authority in respect of the area of landscaping proposed in the south-east corner of the site. Landscaping works shall be carried out in accordance with the approved scheme. All planting, seeding or turfing as may be comprised in the approved details shall be carried out in the first planting and seeding seasons following the commencement of development, unless otherwise stated in the approved scheme. Any trees or 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 the proposed landscaping is established and maintained to a high standard in the interests of amenity.

6. No work shall commence on site until full details of any external lighting to be used within the site and/or along its boundaries and/or access have been submitted to, and approved in writing by, the Planning Authority. Such details shall include full details of the location, type, angle of direction and wattage of each light which shall be so positioned and angled to prevent any direct illumination, glare or light spillage outwith the site boundary. Thereafter only the approved details shall be implemented and thereafter maintained to prevent any direct illumination, glare or light spillage outwith the site boundary.

**Reason :** In order to ensure that any lighting installed within the application site does not spill beyond the intended target area, does not impact adversely upon the amenity of adjacent properties and does not result in 'sky glow'.

7. No development shall commence until details of the colours and finishes for all buildings, fixed plant, and machinery have been submitted to, and approved in writing by, the Planning Authority. Thereafter, the development shall be implemented in accordance with the agreed details.

**Reason :** In the interests of visual amenity and to ensure that the development is recessive in the context of the existing distillery.

8. Should the anaerobic digester plant hereby approved not supply gas for a continuous period of 12 months, it shall be deemed to have ceased to be required and, unless otherwise agreed in writing by the Planning Authority, shall be removed from the site, along with all associated plant and equipment.

**Reason :** To ensure that any development which has ceased to serve its intended purpose is removed from the site, in the interests of visual amenity.

## **REASON FOR DECISION**

The proposals accord with the provisions of the Development Plan and there are no material considerations which would warrant refusal of the application.

## **TIME LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION**

In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), the development to which this planning permission relates must commence within THREE YEARS of the date of this decision notice. If development has not commenced within this period, then this planning permission shall lapse.

## **FOOTNOTE TO APPLICANT**

### **Initiation and Completion Notices**

The Town and Country Planning (Scotland) Act 1997 (as amended) requires all developers to submit notices to the Planning Authority prior to, and upon completion of, development. These are in addition to any other similar requirements (such as Building Warrant completion notices) and failure to comply represents a breach of planning control and may result in formal enforcement action.

1. The developer must submit a Notice of Initiation of Development in accordance with Section 27A of the Act to the Planning Authority prior to work commencing on site.
2. On completion of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Act to the Planning Authority.

Copies of the notices referred to are attached to this decision notice for your convenience.

### **Accordance with Approved Plans and Conditions**

You are advised that development must progress in accordance with the plans approved under, and any conditions attached to, this permission. You must not deviate from this permission without consent from the Planning Authority (irrespective of any changes that may separately be requested at the Building Warrant stage or by any other Statutory Authority). Any pre-conditions (those requiring certain works, submissions etc. prior to commencement of development) must be fulfilled prior to work starting on site. Failure to adhere to this permission and meet the requirements of all conditions may invalidate your permission or result in formal enforcement action

### **Flood Risk**

It is important to note that the granting of planning permission does not imply there is an unconditional absence of flood risk relating to (or emanating from) the application site. As per Scottish Planning Policy (p.198), planning permission does not remove the liability position of developers or owners in relation to flood risk.

### **Scottish Water**

You are advised that a supply and connection to Scottish Water infrastructure is dependent on sufficient spare capacity at the time of the application for connection to Scottish Water. The granting of planning permission does not guarantee a connection. Any enquiries with regards to sewerage connection and/or water supply should be directed to Scottish Water on 0845 601 8855.

### **Septic Tanks and Soakaways**

Where a private foul drainage solution is proposed, you will require separate consent from the Scottish Environment Protection Agency (SEPA). Planning permission does not guarantee that approval will be given by SEPA and as such you are advised to contact them direct to discuss the matter (01349 862021).

### **Local Roads Authority Consent**

In addition to planning permission, you may require one or more separate consents (such as road construction consent, dropped kerb consent, a road openings permit, occupation of the road permit etc.) from the Area Roads Team prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local Area Roads office for further guidance at the earliest opportunity.

Failure to comply with access, parking and drainage infrastructure requirements may endanger road users, affect the safety and free-flow of traffic and is likely to result in enforcement action being taken against you under both the Town and Country Planning (Scotland) Act 1997 and the Roads (Scotland) Act 1984.

Further information on the Council's roads standards can be found at:  
<http://www.highland.gov.uk/yourenvironment/roadsandtransport>

Application forms and guidance notes for access-related consents can be downloaded from:  
[http://www.highland.gov.uk/info/20005/roads\\_and\\_pavements/101/permits\\_or\\_working\\_on\\_public\\_roads/2](http://www.highland.gov.uk/info/20005/roads_and_pavements/101/permits_or_working_on_public_roads/2)

### **Mud and Debris on Road**

Please note that it is an offence under Section 95 of the Roads (Scotland) Act 1984 to allow mud or any other material to be deposited, and thereafter remain, on a public road from any vehicle or development site. You must, therefore, put in place a strategy for dealing with any material deposited on the public road network and maintain this until development is complete.

### **Contaminated Land**

There is the potential for contamination at this site due to former tanks/buildings. As the proposed development would not appear to materially change the risk of potential contamination at the site an investigation is not required at this stage. However, be advised that all sites with a former industrial/commercial use have been prioritised by the Highland Council under duties conferred by Part IIA of the Environmental Protection Act 1990, and may require investigation in the future. In

addition, land contamination issues may affect property value. Should you wish to discuss potential contamination issues or commission your own investigation, please contact Community Services, Contaminated Land for advice.

### **SEPA Regulatory Advice**

SEPA notes that the site currently has a PPC Part B Permit for the operation of gas turbines of 40MW. Presuming the inputs to the AD Plant consist purely of distillery by-products as indicated in the application, then it is likely to be added to the existing PPC Permit as a Directly Associated Activity and the existing PPC Permit will be varied to remove the Dark Grains Plant.

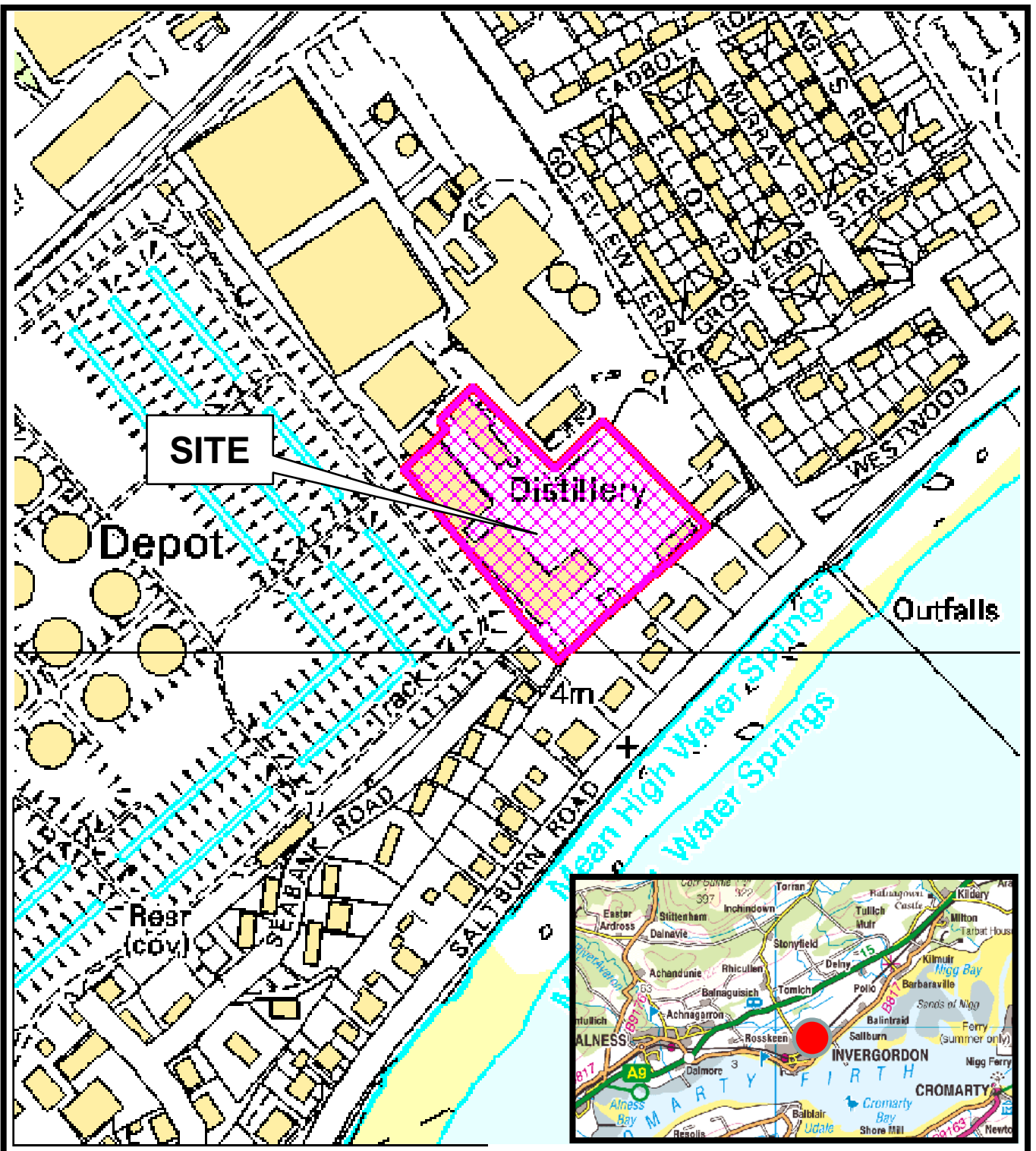
In relation to COMAH SEPA highlight the need to (1) amend the Hazardous Substances Consent covering the existing site to incorporate the changes proposed and (2) re-notify the Competent Authority on the modification of the establishment. This will lead on to the inclusion of the anaerobic digestion plant within existing safety management systems, and associated risk assessments required by COMAH to be presented in a COMAH Safety Report.

Details of other regulatory requirements and good practice advice for the applicant can be found on the Regulations section of SEPA's website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the Regulatory Services team in your local SEPA office at: Graesser House, Fodderty Way, Dingwall Business Park, Dingwall IV15 9XB Tel: 01349 862021.

### **Protected Species - Halting of Work**

You are advised that work on site must stop immediately, and Scottish Natural Heritage must be contacted, if evidence of any protected species or nesting/breeding sites, not previously detected during the course of the application and provided for in this permission, are found on site. For the avoidance of doubt, it is an offence to deliberately or recklessly kill, injure or disturb protected species or to damage or destroy the breeding site of a protected species. These sites are protected even if the animal is not there at the time of discovery. Further information regarding protected species and developer responsibilities is available from SNH: [www.snh.gov.uk/protecting-scotlands-nature/protected-species](http://www.snh.gov.uk/protecting-scotlands-nature/protected-species)

Signature:	Dafydd Jones
Designation:	Area Planning Manager - North
Author:	Dorothy Stott
Background Papers:	Documents referred to in report and in case file.
Relevant Plans:	Plan 1 – Location Plan
	Plan 2 – Site Layout Plan
	Plan 3 – North and South Elevations
	Plan 4 – East and West Elevations
	Plan 5 – Site Sections and 3D View



The Highland  
Council  
Comhairle na  
Gàidhealtachd

Planning & Development  
Service

**17/00414/FUL**

Installation of anaerobic digester plant  
at Invergordon Distillery,  
Golf View Terrace, Invergordon

N



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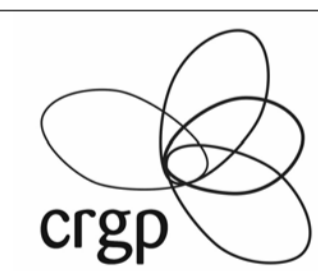
Rev	Date	Description	By
A	-	Original - First Issue	

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ADP - Section A - Planning



Architecture Building Surveying Project Management Quantity Surveying

CLIENT  
**WHYTE & MACKAY**  
Invergordon Grain Distillery  
Invergordon, IV18 0HP

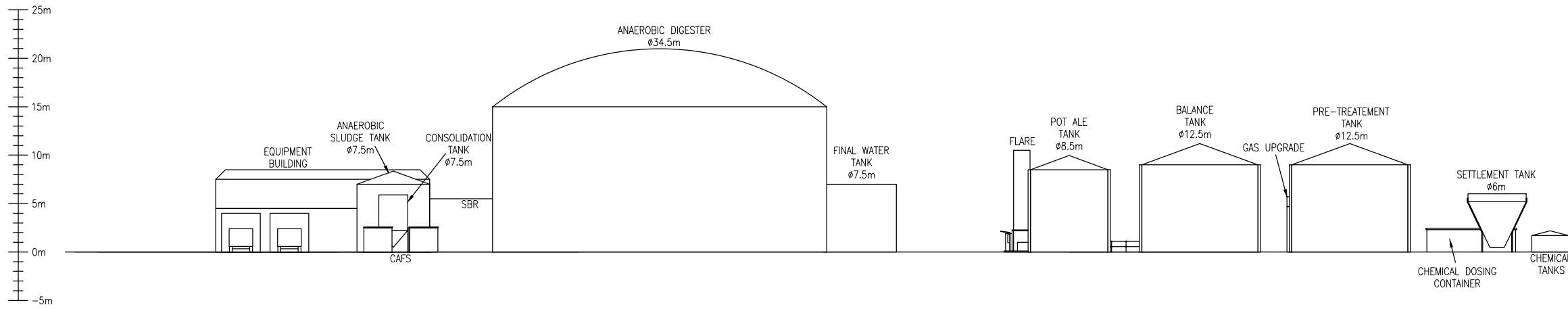
PROJECT  
**Anaerobic Digestion Plant**

DRG. TITLE  
**Proposed Site Plan**

STATUS	PLANNING		
DRAWN	WM	SCALE	1:500
CHECKED	BMcF	ORIGINAL	A1
JOB NO.	9265-P1	DATE	30/01/17
DRG. NO. - REV.	9265-P1 - PL(90)001-A		

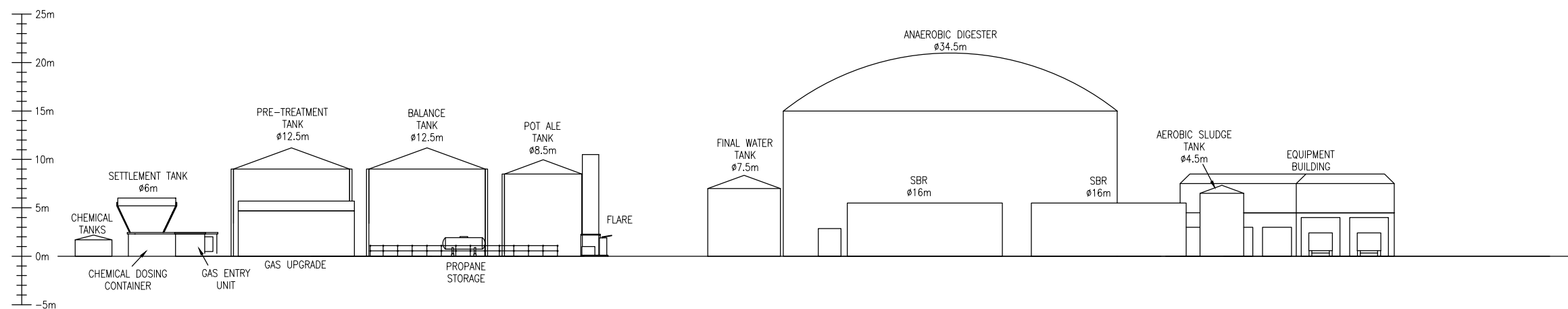


VIEW EAST TO WEST



- NOTES:
1. ALL ELEVATIONS IN METRES UNLESS STATED OTHERWISE
  2. ALL DIMENSIONS IN MILLIMETRES UNLESS STATED OTHERWISE
  3. ALL ITEMS ARE TYPICAL UNLESS STATED OTHERWISE
  4. VIEW OMITTING EXISTING BUILDINGS

VIEW WEST TO EAST



WM16142-G005	SITE LAYOUT		
DRAWING NO.	TITLE		
REFERENCE DRAWINGS			
3	27.01.17	PLANNING SUBMISSION	EC BS BS
REV NO.	DATE	REVISIONS	BY CHKD APPD

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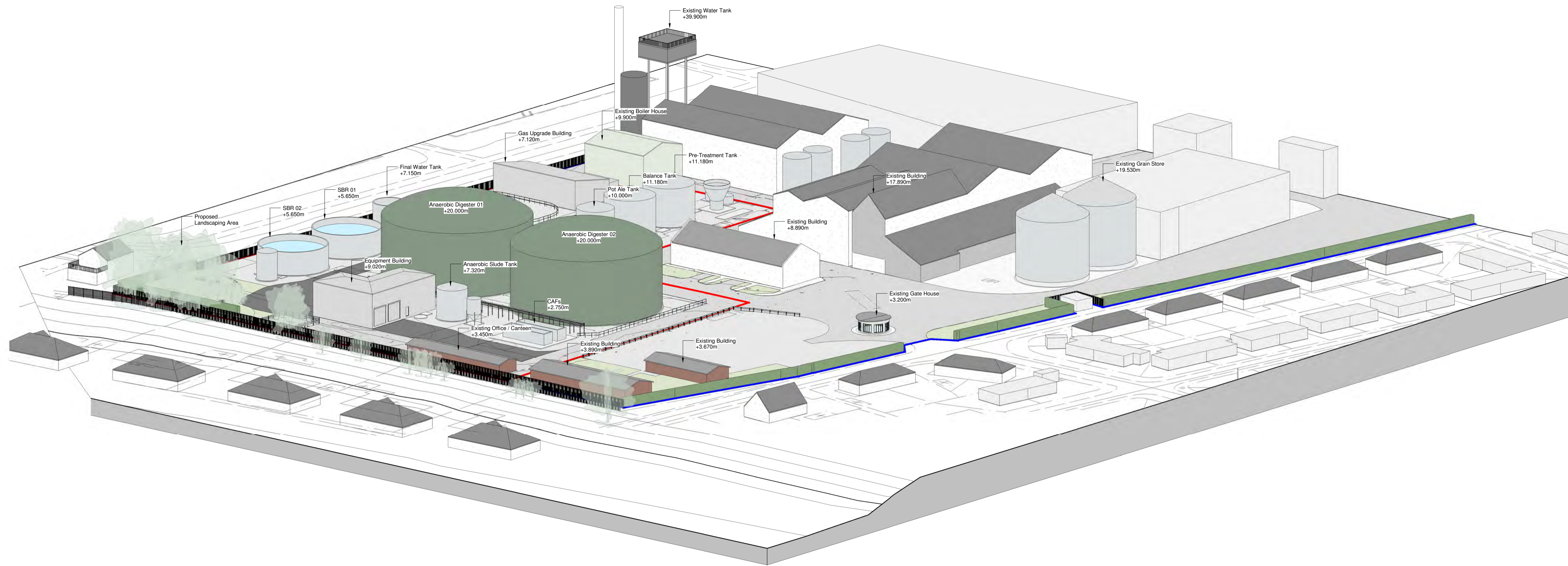
PROJECT  
WHYTE & MACKAY

TITLE  
SITE ELEVATIONS

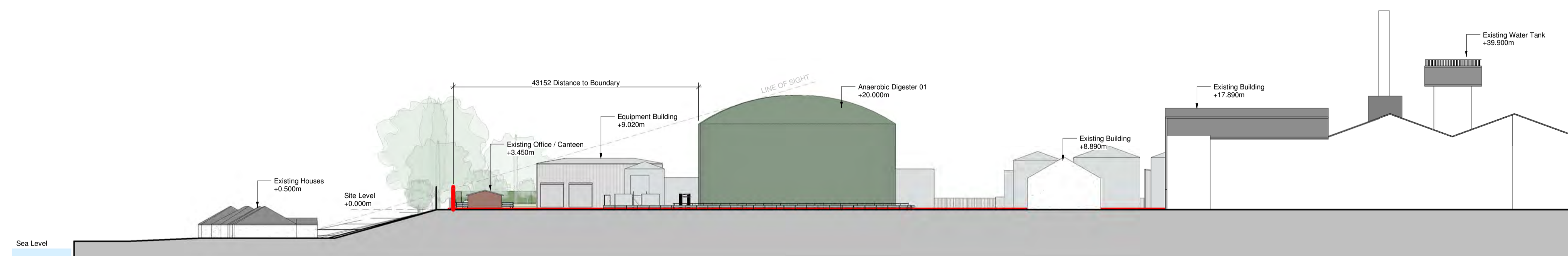
DO NOT SCALE IF IN DOUBT ASK	THIRD ANGLE PROJECTION	
SCALE 1:250 (A1)	DRAWN EC	CHECKED BS
CONTRACT NO. WM16142	DRAWING NUMBER WM16142/G006-1	REV. 3



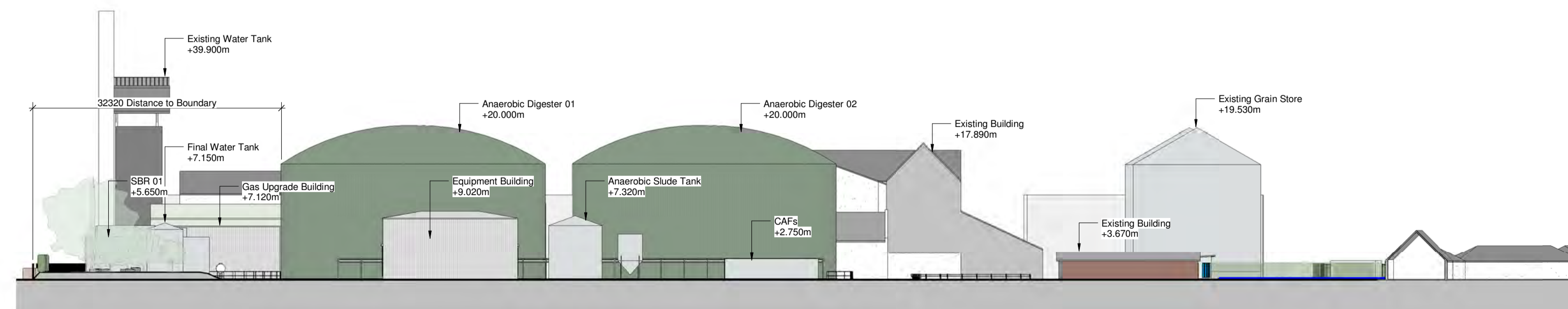
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3D View 01



Section A  
1:500



Section B  
1:500



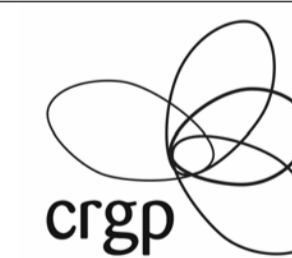
3D View 02 - Landscaping

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Architecture Building Surveying Project Management Quantity Surveying

CLIENT  
**WHYTE & MACKAY**  
Invergordon Grain Distillery  
Invergordon, IV18 0HP

PROJECT  
**Anaerobic Digestion Plant**

DRG. TITLE  
**Proposed Site Sections & 3D Views**

STATUS	PLANNING		
DRAWN	WM	SCALE	1:500
CHECKED	BM&F	ORIGINAL	A1
JOB NO.	9265-P1	DATE	30/01/17
DRG. NO. -REV.	9265-P1 - PL(05)001-A		