

Agenda Item	<b>5.1</b>
Report No	<b>PLS/087/19</b>

## HIGHLAND COUNCIL

**Committee:** South Planning Applications Committee  
**Date:** 4 December 2019  
**Report Title:** 19/04622/PAN: Ardersier Port Ltd  
Former Fabrication Yard, Ardersier, Nairn  
**Report By:** Area Planning Manager – South

### **Purpose/Executive Summary**

**Description:** Renewal of planning permission in principle application reference 12/04225/S42 (original application reference 05/01294/OUTIN) for residential and leisure development including housing, marina, boat yard, yacht club, visitors centre, nature conservation zones and hotel with supporting community facilities and sewage treatment plant.

**Ward:** 17 – Culloden and Ardersier

### **Recommendation**

Members are asked to note the submission of the PAN and highlight any material issues they wish to be brought to the attention of the applicant before the submission of the application for planning permission.

## **1.0 BACKGROUND**

- 1.1 This report informs 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 15 October 2019. 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
- 1.4 The applicant has set out that their consultation event will be held at Ardersier War Memorial Hall on 13 December 2019 from 3pm - 7pm.

## **2.0 DESCRIPTION OF PROPOSED DEVELOPMENT**

- 2.1 It is understood that a new masterplan is proposed to be prepared for the site which will accompany an application seeking to renew the extant planning permission in principle for residential and leisure uses.
- 2.2 Based on the description of development contained within the proposal of application notice and the extant permission on the site, the forthcoming application is anticipated to comprise of the following mix of land uses:
  - 1,950 residential homes;
  - marina, boat yard and yacht club;
  - a hotel and visitors centre;
  - nature conservation zones;
  - supporting community facilities; and
  - waste water treatment works.
- 2.3 The applicant has not sought formal pre-application advice from the Planning Authority via the Pre-Application Advice Service for Major Developments prior to lodging this Proposal of Application Notice.
- 2.4 The applicant has sought an Environmental Impact Assessment (EIA) Scoping Opinion (ref 19/01132/SCOP) for the above development. The response outlines the environmental and technical assessment requirements which will help inform the design of the forthcoming revised masterplan.

## **3.0 SITE DESCRIPTION**

- 3.1 The site comprises the former fabrication yard at Whiteness, Nairn and covers an area in the order of 289ha. The land was reclaimed from marshes in 1970's through re-use of dredged material while forming the harbour. There are no elements of the previous development retained on the site.

- 3.2 The site has an extensive planning history. The most notable recent planning permission for the site is ref 19/04552/PIP granted on 4 February 2019. This was also a renewal of a former planning permission and sought to establish the site as a port for industrial / energy related use.

#### **4.0 DEVELOPMENT PLAN**

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

##### **4.1 Highland Wide Local Development Plan (2012)**

- 14 – Whiteness
- 28 – Sustainable Design
- 29 – Design Quality & Place-making
- 30 – Physical Constraints
- 31 – Developer Contributions
- 32 – Affordable Housing
- 35 – Housing in the Countryside (Hinterland Areas)
- 37 – Accommodation for an Ageing Population
- 38 – New Settlements
- 40 – Retail Development
- 41 – Business and Industrial Land
- 42 – Previously Used Land
- 43 – Tourism
- 44 – Tourist Accommodation
- 49 – Coastal Development
- 55 – Peat and Soils
- 56 – Travel
- 57 – Natural, Built & Cultural Heritage
- 58 – Protected Species
- 59 – Other important Species
- 60 – Other Importance Habitats
- 61 – Landscape
- 63 – Water Environment
- 64 – Flood Risk
- 65 – Waste Water Treatment
- 66 – Surface Water Drainage
- 72 – Pollution
- 73 – Air Quality
- 74 – Green Networks
- 75 – Open Space
- 77 – Public Access
- 78 – Long Distance Routes

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

The site is allocated in the IMFLDP as Strategic Employment Site. The site allocation WH1: Whiteness is for Industry use (renewables, innovation, manufacturing and maintenance hub). Developer requirements include the preparation of a masterplan / development brief which must address: phasing, scale of development, transport and travel, contamination, species, habitats and

other heritage issues, water environment (inc. flood risk, waste water treatment, surface water drainage pollution), air quality and geomorphology. The developer requirements also state no adverse impacts on the integrity of the Moray Firth SAC and Inner Moray Firth SPA and Ramsar via adherence to a number of construction and operational mitigation measures specified within the IMFLDP.

Other relevant IMFLDP Policies include:

Policy 1 - Promoting and Protecting City and Town Centres

Policy 2 - Delivering Development

Policy 4 - Water & Waste Water Infrastructure in the Inverness to Nairn Growth Area

The IMFLDP is currently under review. The Main Issues Report is anticipated in Spring 2020 with the Proposed Plan due in around Spring 2021.

#### **4.3 Highland Council Supplementary Guidance**

- Construction Environmental Management Process for Large Scale Projects (August 2010)
- Developer Contributions (November 2018)
- Flood Risk & Drainage Impact Assessment (Jan 2013)
- Green Networks (Jan 2013)
- Highland Historic Environment Strategy (Jan 2013)
- Highland's Statutorily Protected Species (March 2013)
- Housing in the Countryside and Siting and Design (March 2013)
- Managing Waste in New Developments (March 2013)
- Open Space in New Residential Developments (Jan 2013)
- Physical Constraints (March 2013)
- Public Art Strategy (March 2013)
- Standards for Archaeological Work (March 2012)
- Sustainable Design Guide (Jan 2013)

#### **4.4 Scottish Government Policy and Guidance**

- Scottish Planning Policy (The Scottish Government, June 2014)
- National Planning Framework 3 (The Scottish Government, June 2014)
- National Renewables Infrastructure Plan Stage 2 (HIE and Scottish Enterprise (July 2010)
- Designing Streets (The Scottish Government, 2010)
- Creating Places (The Scottish Government, 2013)

### **5.0 POTENTIAL MATERIAL PLANNING CONSIDERATIONS**

- a) Development Plan;
- b) Planning History;
- c) National Policy;
- d) Roads and Transport;
- e) Peats and Soils;
- f) Pedestrian and Cycle Links;
- g) Water, Flood Risk, and Drainage;
- h) Natural Heritage (including impact on designated sites);

- i) Built and Cultural Heritage;
- j) Design and Layout;
- k) Landscape and Visual Impact;
- l) Access and Recreation;
- m) Contaminated Land;
- n) Noise and Light Pollution;
- o) Construction Impacts;
- p) Phasing;
- q) Open Space and Landscaping;
- r) Infrastructure Capacity and Delivery (including education provision); and
- s) Any Other Material Considerations Raised within Representations.

## **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 IMPLICATIONS**

- 7.1 Not applicable.

## **8.0 RECOMMENDATION**

- 8.1 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.

Designation: Area Planning Manager – South

Author: Peter Wheelan

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	Ardersier Port Ltd	Agent	Kerri McGuire
Address	c/o Graham + Sibbald	Address	Graham + Sibbald
	.....		233 St Vincent Street
	.....		Glasgow
			G2 5QY
Phone No. ....		Phone	0141 567 5371
E-mail .....		E-mail	Kerri.mcguire@g-s.co.uk

**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

.....Former Fabrication Yard, Ardersier.....

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**Description of Development** Please include detail where appropriate – eg the number of residential units; the gross floorspace in m<sup>2</sup> 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.

Renewal of Planning Permission in Principle Application Reference 12/04225/S42 (original application reference number 05/01294/OUTIN) for residential and leisure development including housing, marina, boat yard, yacht club, visitors center, nature conservation zones and hotel with supporting community facilities and sewage treatment plant.

**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.

YES..... NO.....X...

**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

Ardersier and Petty Community Council 10/10/19

Further notification issued on 15/11/19 to advise of public consultation event details

Names/details of any other parties Date Notice Served

Councillor Roddy Balfour 10/10/19

Councillor Glynis Campbell-Sinclair 10/10/19

Councillor Trish Robertson 10/10/19

Further notification issued on 15/11/19 to advise of public consultation event details

**Please give details of proposed consultation**

Proposed public event Venue Date and time

Public Drop in Event Ardersier War Memorial Hall,  
Station Road, Ardersier,  
IV2 7SU 13/12/19  
3 – 7 pm

Newspaper Advert – name of newspaper Advert date(where known)

Nairnshire Telegraph 03/12/19

Inverness Courier 06/12/19

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

Signed [Redacted Signature]

Date..... 10/10/19.....

LEGEND:

- = PLANNING RED LINE BOUNDARY
- = HRO LIMITS OF JURISDICTION



**A.F.Cruden Associates**  
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Client:

PORT OF ARDELSIER

Project:

ARDELSIER PORT

Drawing

PLANNING RED LINE BOUNDARY  
& HRO LIMITS OF JURISDICTION

Drawing No.

CA4393/721

Drawn By

BT

Date 23/04/13

Scale 1:10000 @ A1

Rev. A

Revisions

Date

By

A	MHWS line updated in line with survey.	07/08/13	NW
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