

Agenda Item	5.1
Report No	PLN/064/22

HIGHLAND COUNCIL

Committee: North Planning Applications Committee

Date: 13 September 2022

Report Title: 22/03450/PAN: Whyte & Mackay
Land To the West of Cromarty Firth Industrial Park, Invergordon,

Report By: Area Planning Manager – North

Purpose/Executive Summary

Description: Whisky maturation warehousing site and associated roads and infrastructure.

Ward: 06 – Cromarty Firth

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 an 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 made valid on 19 August 2022. The PAN is a statutory requirement for planning applications for major or national developments and must be lodged at least 12 weeks prior to the submission of a planning application. 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 (Application Form)
 - Location Plan
 - Proposed Site Layout Plan
- 1.4 In line with Covid-19 public health advice and temporary modifications made to the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, the developer proposes to undertake online public consultation. Two online engagement events are proposed, including a presentation and live chat session. The information from the events will be made available on a dedicated web page, going live on 3 October 2022 and remaining open until 28 October 2022. An email address will also be available to leave further comments. The online engagement events are scheduled as follows:
- **Event 1:** Monday 10 October 2022, between 3-7pm
 - **Event 2:** Monday 17 October 2022, between 3-7pm
- 1.5 The consultation is to be publicised and advertised in accordance with the appropriate statutory requirements, with an advert placed within the Ross -Shire Journal on 23 September 2022. Additionally, a telephone and postal contact will be provided for those who are otherwise unable to attend or contribute via the online events and channels. An invitation maildrop is also to be undertaken, during the week commencing 19 September 2022, incorporating the press advert text, to make local residents aware of the proposed development. The catchment for its wider distribution was agreed with the Planning Authority and covered a radius of 500m from the proposed site. The PAN form also indicates that Invergordon and Alness Community Councils, were notified in line with the statutory requirements.
- 1.6 In addition to the PAC requirements, the applicant also agreed to hold an 'in person' event at the Invergordon Distillery Cooperage on Monday 3 October 2022, between 3 - 7pm.
- 1.7 Any forthcoming application will be accompanied by a Pre-Application Consultation (PAC) report explaining the consultation undertaken, feedback received, and any resultant amendments made to the planning application.

2.0 DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1 The proposed scheme comprises a development of 42 whisky maturation warehouses, an office /welfare building and a security gatehouse alongside site access roads and Sustainable Urban Drainage (SUDS) infrastructure. The site is located partly within the Settlement Development Area (SDA) for Invergordon, and partly within a portion of the Hinterland, in its northern area. The eastern area of the site is located partly within designated site IG10: Cromarty Firth Industrial Park and the southern part of the site is located partly within site IG8: Invergordon Mains North, in the Inner Moray Firth Local Development Plan (IMFLDP) (2015). This latter site is a mixed-use allocation, with an indicative capacity for 243 homes as well as retail and community uses.
- 2.2 The developer has indicated that they intend to seek formal pre-application advice from the Planning Authority, through the Pre-Application Advice Service for Major Developments.
- 2.3 The developer has submitted an EIA screening request in respect of the proposals.

3.0 SITE DESCRIPTION

- 3.1 The PAN boundary comprises some 49 Ha of mainly agricultural land, although some of the eastern portions are part of the Cromarty Firth Industrial Park, formerly the Invergordon Smelter site. The site is approximately square shaped and is bounded to the north by an earthwork bund, to the east by the Cromarty Firth Industrial Park, to the west by the Academy Road public road, connecting to the A9 trunk road and to the south by the U4242Invergorodn – Saltburn Industrial Estate Distributor Road.
- 3.2 The site is generally of an open aspect, although sections of the original field boundaries and shelter belts remain. An overhead transmission line on timber poles runs through the western portion of the site.
- 3.3 There are no statutory natural heritage designations within the site boundary. The nearest are the Cromarty Firth Special Protection Area (SPA) and Site of Special Scientific Interest (SSSI). The SPA is noted for its use by internationally important breeding populations of osprey and common tern and wintering populations of whooper swan, bar-tailed godwits and greylag geese. The SSSI is noted for its for 42its intertidal sand and mud flats, saltmarsh habitats and for its nationally important populations of wintering whooper swan, bartailed godwit, wigeon, redshank and red-breasted merganser.
- 3.4 There are no national or local landscape designations within the application site boundary.
- 3.5 There are no Scheduled Ancient Monuments, Listed Buildings or Conservation Areas within the site.

- 3.6 A watercourse, known as Johnstone's Ditch, runs along the northern boundary of the site. This leads to an indicative risk of pluvial flooding in a 1 in 200 year flood risk event (with an allowance for climate change).

4.0 DEVELOPMENT PLAN

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

4.1 Highland Wide Local Development Plan (2012)

- 28 - Sustainable Design
- 29 - Design Quality and Place-making
- 30 - Physical Constraints
- 31 - Developer Contributions
- 34 - Settlement Development Areas
- 42 - Previously Used Land
- 51 - Trees and Development
- 55 - Peat and Soils
- 56 - Travel
- 57 - Natural, Built and Cultural Heritage
- 58 - Protected Species
- 59 - Other Important Species
- 60 - Other Important Habitats
- 61 - Landscape
- 63 - Water Environment
- 64 - Flood Risk
- 65 - Waste Water Treatment
- 66 - Surface Water Drainage
- 70 - Waste Management Facilities
- 72 - Pollution
- 77 - Public Access

Inner Moray Firth Local Development Plan (IMFLDP) (2015)

- 4.2 The site is located partly within the defined settlement development area (SDA) for Invergordon. The following issues are listed in the plan in relation to the settlement

- Strategic housing growth by consolidation and expansion of the settlement.
- Requirement for increased port facilities and to meet future growing demands within the energy, freight and tourism industries.
- Business and industrial expansion within existing estates and at Delny.
- Priority for decontamination and redevelopment of now vacant Seabank Tank Farm and regeneration of town centre.
- Improve the visitor experience particularly for cruise passengers.
- Additional local services including a supermarket.
- Infrastructure improvements, including upgrade to Tomich Junction.

- 4.3 As stated above part of the land is allocated (site reference IG8) in the IMFLDP for mixed residential, retail and business uses, with with an indicative capacity of 225 homes. The Developer Requirements are as follows;

- Developer to prepare masterplan /development brief for the site and adjacent sites at Invergordon Mains West and North to be agreed with the Council who may adopt this as Supplementary Guidance. This should address: integration of built form, circulation, green space and landscaping (in particular consideration must be given to the protection of setting of the nearby listed steading); footway provision on Castle Road/ Avenue; protection of existing boundary trees with appropriate set back from trees and water course; early structural tree planting;
- Transport Assessment;
- Flood Risk Assessment.

Inner Moray Firth Proposed Local Development Plan (2022)

4.4 Site IG8 is not proposed to be allocated in the Proposed Local Development Plan.

4.5 Highland Council Supplementary Guidance

- Construction Environmental Management Process for Large Scale Projects (Aug 2010)
- Developer Contributions (Nov 2018)
- Flood Risk & Drainage Impact Assessment (Jan 2013)
- Highland Historic Environment Strategy (Jan 2013)
- Highland's Statutorily Protected Species (Mar 2013)
- Managing Waste in New Developments (Mar 2013)
- Physical Constraints (Mar 2013)
- Public Art Strategy (Mar 2013)
- Roads and Transport Guidelines for New Developments (May 2013)
- Standards for Archaeological Work (Mar 2012)
- Sustainable Design Guide (Jan 2013)
- Trees, Woodlands and Development (Jan 2013)

4.6 Scottish Government Policy and Other Guidance

- Scottish Planning Policy (Jun 2014 and as amended Dec 2020)
- National Planning Framework 3 (Jun 2014)
- Historic Environment Policy for Scotland (Apr 2019)
- PAN 1/2011 – Planning and Noise (Mar 2011)
- PAN 60 – Planning for Natural Heritage (Jan 2008)
- PAN 61 – Sustainable Drainage Systems (Jul 2001)
- PAN 68 – Design Statements (Aug 2003)
- PAN 75 – Planning for Transport (Aug 2005)
- PAN 77 – Designing for Safer Places (Mar 2006)
- PAN 83 – Master Planning (Sept 2008)

5.0 POTENTIAL MATERIAL PLANNING CONSIDERATIONS

- a) Development Plan and other planning policy;
- b) Design and layout;
- c) Landscape and visual impact;
- d) Amenity impacts (including construction noise, operational noise and lighting);
- e) Open space and landscaping;

- f) Roads, access and parking (including impact on the operation of the Tomich junction);
- g) Active travel connectivity;
- h) Wider access (impact upon the Core Path network)
- i) Developer contributions (including contributions towards upgrading the Tomich Junction)
- j) Infrastructure Capacity
- k) Natural heritage (including protected species and impact upon trees);
- l) Water environment, flood risk and drainage; and
- m) 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.

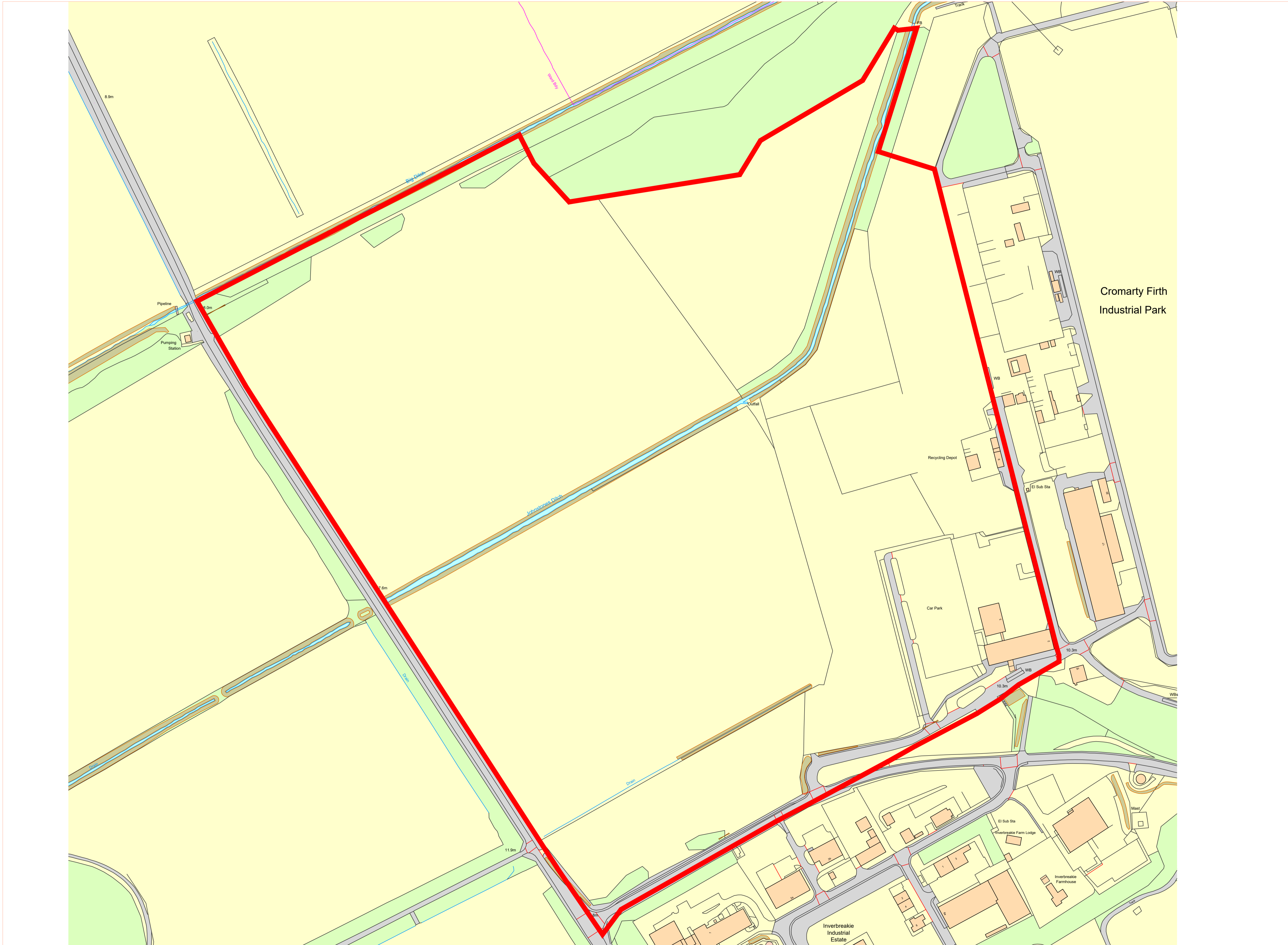
7.0 IMPLICATIONS

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 – North
Author: Michael Kordas
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 – Proposal of Application Notice
Plan 2 - EC22808:00:001 - Location Plan
Plan 3 - EC22808:00:002 – Proposed Site Layout Plan



Site Location Plan
Scale 1:2000



Revisions	Date	Drn.

PAN
APPLICATION

WHYTE & MACKAY Ltd

INVERGORDON
WAREHOUSING SITE

SITE LOCATION PLAN

Drawn: EMP	Ck'd: AA	Scale: AS SHOWN@A1
Date: Jul '22	Date:	DO NOT SCALE

BLYTH&BLYTH
Cornerstone, 60 South Gyle Crescent
Edinburgh EH12 9EB
Email: edinburgh@blythandblyth.co.uk
www.blythandblyth.co.uk Telephone: 0131 474 2700

Drawing No. EC22808:00:001	Revision -
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Legend	
—	SITE BOUNDARY LINE (48.690 Has = 120.31 acres)
— —	Security Fence
■	Satellite Toilets
□	Forklift Sheds
---	Fibre Optic
---	SSE 11kV cable
---	SSE 33kV cable
---	Scottish Water Foul Drainage
---	Scottish Water Surface Water

Revisions	Date	Drm.

PAN APPLICATION

WHYTE & MACKAY Ltd

INVERGORDON
WAREHOUSING SITE

PROPOSED SITE LAYOUT

Drawn: EMP	Ck'd: AA	Scale: 1:2500 @ A1
Date: Jul '22	Date: Jul '22	DO NOT SCALE

BLYTH & BLYTH
Cornerstone, 60 South Gyle Crescent
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Drawing No.	Revision
EC22808:00:002	-