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| Agenda Item | 6.3 |
| Report No | PLN/085/23 |

HIGHLAND COUNCIL

Committee: North Planning Applications Committee
Date: 6TH December 2023
Report Title: 22/04757/FUL : Colliemore Farms Ltd
Land 100M NW Of Wester Coillemore Riding Centre, Invergordon
Report By: Area Planning Manager North

Purpose/Executive Summary

Description: Erection of 3 warehouses and shed with associated access

Ward: 06 – Cromarty Firth

Development category: Local Development

Reason referred to Committee: Call in by local members

All relevant matters have been taken into account when appraising this application. It is considered that the proposal does not accord with the principles and policies contained within the Development Plan and is unacceptable in terms of applicable material considerations.

Recommendation

Members are asked to agree the recommendation to **REFUSE** the application as set out in section 11 of the report.

1. PROPOSED DEVELOPMENT

- 1.1 The application site is an area of naturally regenerated woodland spanning some 2.5 acres, adjacent to the C1063, 3.5Km Northwest of Invergordon. The site is positioned immediately NorthWest of an existing bonded warehouse, which was formerly used as an equestrian centre, and had earlier usage as an agricultural building. The site is within designated woodland listed in SNH's Inventory of Ancient Woodland as 2b Long Established Woodland of Plantation Origin.
- 1.2 The application site was included within a previous application (ref 07/00958/FUL) to change the use of the adjacent agricultural building to an equestrian centre and consent was granted for the formation of a car park within this area of woodland. This car park consent was conditioned to be used only for purposes incidental to the equestrian centre adjacent and was also conditioned to be formed subject to a Woodland Management Plan. While the area was cleared of trees subsequent to this consent being granted, the woodland management plan was never implemented and the car park was never formed. It has since naturally regenerated.
- 1.3 A subsequent application 11/00063/FUL for four house plots within the woodland was withdrawn following advice from the Planning Service that it could not be supported.
- 1.3 Pre-Application Consultation: Preapplication advice was last given for 19/03417/PREAPP for the formation of 2 house plots and camping/caravan site, where the camping and caravan site was located on the current application site while the 2 house plots were on a separate plot of land some 170m to the North. The applicant was informed that the camping and caravan site within the woodland as proposed was considered to be contrary to HwLDP policy 52, which contains a strong presumption in favour of protecting woodland resources. The applicant was informed that any planning application would require to be supported by up to date tree survey information and include retained managed woodland within the site boundary, supported by a tree constraints plans and woodland management plan. Only where the proposal demonstrates clear and significant public benefit, could such a proposal be supported. Where this involves woodland removal, compensatory planting will usually be required.
- 1.4 Supporting Information: Tree Planting Plan, Tree Protection Plan, Design Statement, Sequential Assessment, Planning Support Statement, Supplementary Planning Statement, Site sequential Assessment, Further Statement (Jul 2023),
- 1.5 Variations: All drawings for consideration were submitted at the time of the initial application at validation. Varied supporting information received after validation includes the Sequential Assessment (December 2022), Planning Support Statement (March 2023), Supplementary Planning Statement (June 2023), Further Statement (July 2023) Site sequential Assessment (September 2023).

2. SITE DESCRIPTION

- 2.1 The site is an area of regenerated woodland containing mixed native species of Rowan and Birch. An area along the roadside edge also contains some older conifer trees which have demonstrated a susceptibility to windblow and some have fallen down. The land is bound by the C1063 road to the West, agricultural fields to the East, the existing bonded warehouse to the immediate Southeast and further woodland to the North West. The land slopes from the North to the lower lying South.

2.2 There is an adjacent equestrian warm up area used by the applicant's horses sited immediately East of the site, and a 27m high mast immediately South of it which is well screened from the roadside by the adjacent tree cover. The land to the North encompasses neighbouring rural properties and the existing bonded warehouse is well screened from these owing to the tree cover from the woodland in the application site.

3. PLANNING HISTORY

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| 3.1 | 29.11.2021 | 21/04035/FUL Change of use from equestrian centre to whisky bonded warehouse | Permission Granted |
| 3.2 | 10.12.2021 | 21/04890/FUL Erection of truck shed | Permission Granted |
| 3.3 | 10.08.2015 | 15/00642/FUL Installation of 27m SMART Metering mast with 3m omni antenna and ground based apparatus | Permission Granted |
| 3.4 | 02.05.2015 | 14/03782/FUL Installation of a 30 metre high SMART Metering lattice tower with a 3 metre Omni antenna | Withdrawn |
| 3.5 | 12.12.2011 | 11/00063/FUL Development of four serviced house sites and shared access road | Withdrawn |
| 3.6 | 28.05.2008 | 07/00958/FULRC Change of use of agricultural building to equestrian training and event facility | Permission Granted |
| 3.7 | 22.06.2004 | 04/00319/FULRC Equestrian Cross-Country Course | Permission Granted |
| 3.8 | 04.07.2003 | 03/00365/FULRC Erection of Agricultural Building and Sand School | Permission Granted |

4. PUBLIC PARTICIPATION

4.1 Advertised: Unknown Neighbour – Ross-shire Journal

Date Advertised: 11.11.2022

Representation deadline: 25.11.2022

Timeous representations: 1 representation

Late representations: None

4.2 Material considerations raised are summarised as follows:

- a) Developments of this type should be directed towards named allocated sites as these options avail of better transport links
- b) Highland wide LDP policies only support development of this nature outwith settlements provided no adverse impacts on transport, or the environment are evident which is not the case in this instance.
- c) The road is unsuitable for any intensification of HGV traffic and similar developments for industrial development in the vicinity have provided substantial investments in road improvements to mitigate the impacts of HGV usage.
- d) While the whisky industry supports tourism and the wider economy, this proposal for a bonded warehouse is not significant in terms of footfall or

employment and could be better located elsewhere.

- 4.3 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.

5. CONSULTATIONS

- 5.1 **Invergordon Community Council** did not provide any response.

- 5.2 **Transport Planning** initially indicated that there is the opportunity for this site to be served from an existing private access to the south and objected on the basis that a shared access should be pursued. However, the applicant provided a response indicating that:

- i. a new access will serve as a passing place opportunity,
- ii. constructing a new access from the public road will cost less than extending the existing access track into this site,
- iii. roadside trees are in poor condition, and
- iv. any future development to the north would come via the new access.

Transport Planning formally removed their objection having reviewed the latest information submitted and find that we accept the Applicant's reasoning for continuing to promote the development as is.

- 5.3 The **Forestry Officer objects** to the development as it would result in a permanent loss of woodland and must therefore be considered against the acceptability criteria given within Annex C of the Scottish Governments policy on the Control of Woodland Removal. From the information submitted, we do not consider the proposed change in land use to comply with this policy. The woodland on and surrounding this site is listed in SNH's Inventory of Ancient Woodland as 2b Long Established Woodland of Plantation Origin. This means that it appears as woodland on the first edition Ordnance Survey maps dating back to the 1860's.

The proposed site was cleared approximately 12 years ago, following planning permission (ref 07/00958/FUL) for parking associated with the equestrian building adjacent. This 2007 consent was granted prior to the Scottish Government's Control of Woodland Removal (CWR) Policy from 2009. The car park was not formed and the Woodland Management Plan was never implemented, and the area was left to naturally regenerate. The woodland has now successfully re-established with predominantly native species.

The applicant has submitted various statements and a site sequential assessment which involve some degree of repetition. Each one suggests that the felling of the site which took place following approval of 07/00958/FUL can be classed as initiation of development and therefore the change in land use from woodland to a carpark. They contend that this makes the application site an area of previously developed land and that no loss of woodland would therefore occur to site the bonded warehouse now applied for. The Planning Authority do not agree with this interpretation and can confirm that tree felling does not constitute initiation of development. Scottish Forestry were approached (although not formally consulted) for their views on the matter and confirmed that the woodland is recorded as established Woodland, irrespective of if it was felled and is now regenerating. It is recorded as Long Established of Plantation Origin ref. 5983 and in their view it would still meet the definition of Woodland even if felling has previously taken place. This is further expanded upon in Section 8 below.

5.4 Transport Scotland have no objection to the development.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 National Planning Framework 4 (2023):

Policy 1 - Tackling the Climate and Nature Crises

Policy 2 - Climate Mitigation and Adaptation

Policy 3 - Biodiversity

Policy 4 - Natural Places

Policy 5 - Soils

Policy 6 - Forestry, Woodland and Trees

Policy 23 - Health and Safety

Policy 26 - Business and Industry

Policy 29 - Rural Development

6.2 Highland Wide Local Development Plan 2012

28 - Sustainable Design

29 - Design Quality & Place-making

36 - Development in the Wider Countryside

51 - Trees and Development

52 - Principle of Development in Woodland

56 - Travel

57 - Natural, Built & Cultural Heritage

58 - Protected Species

59 - Other important Species

60 - Other Importance Habitats

61 - Landscape

64 - Flood Risk

66 - Surface Water Drainage

6.2 Inner Moray Firth Local Plan 2015 (as continued in force)

No specific policies apply

6.3 Inner Moray Firth proposed Local Development Plan

No specific policies

7. OTHER MATERIAL CONSIDERATIONS

7.1 Highland Council Supplementary Planning Policy Guidance

Flood Risk & Drainage Impact Assessment (Jan 2013)

Highland Historic Environment Strategy (Jan 2013)

Highland's Statutorily Protected Species (March 2013)

Sustainable Design Guide (Jan 2013)

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.

Determining Issues

- 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.

Planning Considerations

- 8.3 The key considerations in this case are:
- a) compliance with the development plan and other planning policy
 - b) any other material considerations.

Development plan/other planning policy

- 8.4 National Planning Framework 4 – became part of the development plan from 13th February 2023, following parliamentary approval. All planning applications must now be determined in accordance with the provisions of NPF 4 and the existing Local Development Plan, unless material considerations provide justification otherwise. If there is an inconsistency between NPF4 policies and an LDP which was adopted before 13 February 2023, the NPF prevails under Section 24(3) of the 1997 Town and Country Planning (Scotland) Act 1997 (as amended).
- 8.5 NPF4 Policies 1-3 apply to all development proposals nationwide. When considering all development proposals, significant weight will be given to the global climate and nature crises. Development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible. Development proposals will contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats and building and strengthening nature networks and the connections between them. Proposals should also integrate nature-based solutions, where possible.

Principle of development in Woodland

- 8.6 The proposed development is situated on an area of Long-Established Woodland of Plantation Origin and thus requires to be assessed under NPF 4 Policy 6 and HwLDP Policy 52. The site and the wider surrounding area to the Northwest is an area of woodland which has regenerated to comprise mixed native species. A 3,000sqm portion of this would require to be felled to accommodate the development and a further circa 9,000sqm area would require a loss of designated woodland status by forming the associated access and turning, and safeguarding clearance given the health and safety requirements of the safe storage of the contents inside. NPF 4 Policy 6 (c) states that, “Development proposals involving woodland removal will only be supported where they will achieve significant and clearly defined additional public benefits in accordance with relevant Scottish Government policy on woodland removal. Where woodland is removed, compensatory planting will most likely be expected to be delivered.” This is consistent with HwLDP Policy 52 which provides that, The Council will maintain a strong presumption in favour of protecting woodland resources.

Development proposals will only be supported where they offer clear and significant public benefit. Where this involves woodland removal, compensatory planting will usually be required.”

NPF4 Policy 6 (b) also notes that “Development proposals will not be supported where they will result in:

ii. Adverse impacts on native woodlands, hedgerows and individual trees of high biodiversity value; and

iii. Fragmenting or severing woodland habitats, unless appropriate mitigation measures are identified and implemented in line with the mitigation hierarchy.”

The Forestry Officer has reviewed the application and objected on the basis that it involves a permanent loss of woodland and fails to offer any wider public benefit in contravention of NPF 4 Policy 6 and Highland-wide Local Development Plan Policy 52.

8.7 The applicant has submitted various statements disputing the objection from the Forestry Officer. The first of these, the Design Statement (October 2022) contends that the site was cleared in association with permission (ref 07/00958/FUL) and therefore development had commenced, resulting in the change of use of the site from woodland to previously developed land to form the car park. While, it is accepted that the proposed site was cleared approximately 12 years ago, following planning permission (ref 07/00958/FUL for parking associated with the former equestrian building (now bonded warehouse) adjacent, the felling of trees does not constitute the commencement of development or the loss of woodland status. The car park was not formed and the Woodland Management Plan was never implemented, and the area was left to naturally regenerate. The woodland has now successfully re-established with predominantly native species.

8.8 The applicants planning support statement (March 2023) again contends that:

- the area was cleared of woodland following the granting of (ref 07/00958/FUL).

Planning response : We do not accept this interpretation and have made it clear to the applicant and their agents that the area is still considered as designated woodland.

- there exists wider public benefit in any event given that the bonded warehouse supports the whisky industry and the wider tourism industry as a whole.

Planning response : The Forestry Officer does not accept this interpretation and maintains that while the previous applications for an equestrian centre and preapplication advice for a caravan park demonstrated a potential public benefit through tourism, it is not accepted that a bonded warehouse meets this requirement, in contrast with a visitors centre.

- the proposal therefore accords with NPF 4 Policy 6 in that the compensatory planting creates and enhances woodland.

Planning response : The applicant was advised that the Forestry Officer is therefore unable to accept the principle of development for this specific change in land use as there is not a sufficient wider public benefit to justify the loss off woodland which is required before assessing the suitability of any compensatory planting required.

8.9 The applicants Supplementary Planning Statement (June 2023) reiterates that:

- The area proposed for this bonded warehouse occupies previously developed land.

Planning response : Again, this is incorrect, as the proposed site has never been developed.

- The car park and access relating to the original planning permission (07/00958/FULRC) for the change of use from an existing agricultural building to equestrian use, is still valid and could be built as the agricultural building was used as an equestrian centre and therefore the commencement of this change of use enacted the permission and resulted in the change of use of the woodland to a car park.

Planning response : The Planning Authority disagree with this view and make reference to the 07/00958/FULRC Decision Notice, Condition 2 is quite clear that 'For the avoidance of doubt the car parking area shall be used only for purposes incidental to the equestrian centre adjacent'. Approval for the change of use from equestrian to a bonded warehouse (21/04035/FUL) now means that the car parking area is invalid and cannot be built under this previous consent as its intended usage is no longer occurring to warrant the development of the car park.

- The proposals accord with the Control of Woodland Removal (CWR policy) and demonstrate public benefit.

Planning response : The Forestry Officer again concludes that this does not demonstrate a significant and clearly defined additional public benefit and therefore does not meet the acceptability criteria for woodland removal. It is not simply the case that 'woodland can be removed provided compensatory planting is secured' as suggested within the statement.

- Woodland removal was approved for this site back in 2007 suggesting that this sets a precedent for current proposals.

Planning response : The applicant was reminded that the CWR policy was introduced in 2009 to control the loss of woodland, largely in relation to development pressure such as this, and an application preceding this cannot be used as a precedent.

- Further woodland removal was approved for this site in 2015 for 15/00642/FUL, which again sets a precedent.

Planning response : The Planning Authority contend that this application relates to the installation of a 27m SMART Metering mast to the west of the existing building and is a micro-siting of a mast which had a minimal impact on the level of woodland lost and could clearly be demonstrated as providing a wider public benefit. The consent also included conditions to protect the surrounding trees with protective barriers in recognition that the surrounding trees provided screening for the mast. The access to service the mast fell on land outwith the woodland designation and thus resulted in no loss of woodland to form these aspects. It is not accepted that the granting of this consent therefore sets a precedent for the loss of over 13,000sqm of designated woodland.

8.10 The applicant's Statement (July 2023) further argues that the Control of Woodland Removal Policy (2009) provides that more flexibility can be afforded to other areas

of priority native woodland habitats, of lower biodiversity value, including semi-natural woods established within the last 25 years or so, and recently planted native woods. The statement maintains that this proposal can be supported if heed is taken of the flexible approach the Scottish Woodland Policy identifies, as the proposed site comprises regenerating birch and rowan. It is not a managed woodland nor is it a commercial plantation. It is less than 25 years old and has developed through ad-hoc regeneration.

The Planning Authority do not accept this interpretation which ignores the fact that it is a Long-Established Woodland of Plantation Origin (LEWPO) site which is important due to the continuity of woodland cover (which can include felling), not the age or size of the trees.

8.11 The applicant's Site Sequential Assessment (September 2023) outlines the current application site as the preferred site while discounting other alternatives within the applicant's landholdings. The statement:

- Gives significant weighting to the loss of neighbouring agricultural land, yet little value attributed to the permanent removal of long-established woodland habitat.
- References to NPF4 Policies 3 (biodiversity) and 6 (woodland) and contends that the proposal supports these policies.

Planning response : The Planning Authority do not accept this interpretation and reiterate that these policies relate to the enhancement and expansion, not the removal of these important habitats, as is being proposed.

- Outlines again the compensatory planting proposed within the applicant's landholdings.

Planning response : With reference to the Scottish Government's policy on the Control of Woodland Removal and associated guidance, the offer of compensatory planting is not relevant as the proposed development fails to meet the acceptability criteria for a permanent change in land use, as it does not demonstrate a clear and significant net public benefit. This is an important point, as ignoring the acceptability criteria and defaulting to woodland removal with compensatory planting undermines the policy protection currently in place.

8.12 In summary, despite numerous statements which dispute the classification of the site as woodland, or contend that it is of lesser quality and can be replaced with a larger area of replanted woodland elsewhere, the Planning Authority maintain that the development as proposed would be contrary to NPF 4 Policies 3 (Biodiversity) and 6 (Forestry, Woodland and Trees), and also HwLDP Policies 52 (Principle of development in Woodland) and 28 (Sustainable design) as the proposals do not demonstrate a wider public benefit to justify the permanent loss of Long Established Woodland of Plantation Origin.

Principle of development

8.13 The proposed bonded warehouse falls within the use of Class 5 – General Industry and requires assessment against the determining policies of NPF 4, including Policy 31 Business and Industry, where Policy 31 (d) provides that, "Development proposals for business, general industrial and storage and distribution uses outwith areas identified for those uses in the LDP will only be supported where:

- i. It is demonstrated that there are no suitable alternatives allocated in the LDP or identified in the employment land audit; and
- ii. The nature and scale of the activity will be compatible with the surrounding

area.”

And Policy 31 (e) provides that, “Development proposals for business and industry will take into account:

- i. Impact on surrounding residential amenity; sensitive uses and the natural and historic environment;”

The applicant’s Site Sequential Assessment (December 2023) contends that the proposed development is better suited in the application site than on allocated business/industrial land within a nearby settlement owing to the required area of clearance required around the building for fire safety. They maintain that this required clearance which is approximately 25m in this instance, would be a poor use of valuable allocated land and is better suited to the proposed location. The applicant maintains that additional land would need to be purchased in order to locate this proposal on allocated land which would not be viable. They currently own no land within any of the nearby allocated sites of Delny, Fearn, Deephaven and Tain. The Planning Authority does not accept this as there are numerous cases of similar applications for bonded warehouses with sufficient fire safety clearance for whisky storage on allocated land. It is not considered that the proposed development accords with Policy 31 (d) as the nature and scale of the activity is not compatible with the surrounding area insofar as it results in a permanent loss of designated woodland. The proposal is similarly considered to conflict with Policy 31 (e) insofar as it results in adverse impacts to the natural environment with regards to the loss of designated woodland.

8.14 The proposal is also assessed against NPF 4 Policy 29 (Rural Development) where the policy intent is to encourage rural economic activity, innovation and diversification whilst ensuring that the distinctive character of the rural area and the service function of small towns, natural assets and cultural heritage are safeguarded and enhanced. Policy 29 (a) provides that, “Development proposals that contribute to the viability, sustainability and diversity of rural communities and local rural economy will be supported, including:

- i. farms, crofts, woodland crofts or other land use businesses, where use of good quality land for development is minimised and business viability is not adversely affected;
- ii. diversification of existing businesses;
- iii. production and processing facilities for local produce and materials, for example sawmills, or local food production;
- iv. essential community services;
- v. essential infrastructure;
- vi. reuse of a redundant or unused building;
- vii. appropriate use of a historic environment asset or is appropriate enabling development to secure the future of historic environment assets;
- viii. reuse of brownfield land where a return to a natural state has not or will not happen without intervention;
- ix. small scale developments that support new ways of working such as remote working, homeworking and community hubs; or
- x. improvement or restoration of the natural environment.”

The applicants Design Statement (October 2022), Sequential Assessment

(December 2022) and Statement (July 2023) contends that the proposal will deliver significant benefits to the rural economy through the diversification of the existing farm business. Given the presence of an existing bonded warehouse for whisky storage nearby, the agricultural land to the East and South, and further tourist accommodation on land to the Southeast (approved under ref 03/00364/FULRC), it is accepted that the applicant already holds a diversified farming business. The proposal is accepted to meet criteria (i) of Policy 29 (a) above insofar as it minimises prime agricultural land by developing land not suitable for agricultural development, but as reiterated previously, this land is not considered to be brownfield or previously developed land and is considered designated woodland. The proposals appear to meet criteria (ii) of Policy 29 (a) above insofar as it is accepted that they could be considered as the diversification of an existing business.

- 8.15 NPF 4 Policy 29 (b) provides that, “Development proposals in rural areas should be suitably scaled, sited and designed to be in keeping with the character of the area. They should also consider how the development will contribute towards local living and take into account the transport needs of the development as appropriate for the rural location.” The applicant’s Design Statement (October 2022) proposes that 2 HGV trips per day to the warehouse would be anticipated until it is full, and then none thereafter. The nature of the building means that it does not create footfall or direct employment. Transport Scotland were consulted as to their views on whether this degree of vehicular movements was significant in relation to the Tomich junction of the A9, which would service the development, but they have no objection in this regard. The proposal is however not considered to comply with NPF 4 Policy 29 (b) above insofar as it is not suitably and sensitively sited given it requires a permanent loss of designated woodland, which has a significant adverse impact on the character of the area.
- 8.16 The site is within an area classed as Remote Rural using the Urban Rural classification and thus NPF 4 Policy 29 (c) applies, which provides that, “Development proposals in remote rural areas, where new development can often help to sustain fragile communities, will be supported where the proposal:
- i. will support local employment;
 - ii. supports and sustains existing communities, for example through provision of digital infrastructure; and
 - iii. is suitable in terms of location, access, siting, design and environmental impact.

As previously, mentioned the nature of the building means that it will not provide direct employment for works based permanently at the site. The applicant’s Supplementary Planning Statement (June 2023) argues that the development will however support the whisky industry and therefore have indirect impacts on supporting employment in visitor attractions and tourism. These are not quantified statements but rather are presented as information in a general sense. It is accepted as reasonable that local employment may well be supported indirectly through the construction of the development, and the logistics and distribution to the warehouse until it reaches capacity, but it is not considered that the proposal provides any medium or long term support to sustain local communities as per Policy 29 (c) criteria (ii) aforementioned. Nor is it considered that the development, is suitable in terms of location, siting and environmental impact as per Policy 29 (c) criteria (iii) aforementioned, again due to the result of a permanent loss of designated woodland, which conflict with other determining policies.

Other material considerations

- 8.17 In terms of siting and design, the proposed bonded warehouse consists of three adjoining compartments, each separated by two-hour fire walls and the total footprint of the building encompasses 38m x 80m, amounting to approximately 3,000 sqm. The proposed external materials are green metal cladding to the walls and roof with three roller shutter doors on the Northwest elevation, one for each respective compartment. The proposed site access onto the C1063 and turning area is comprised of tarmac, which adjoins a quarry scalping access track extending along the Northwest perimeter of the building to access the rolling shutter doors, each with their own respective concrete plinth at the entrance. It is considered that while the proposed building may appear as part of a wider development owing to the adjacent existing bonded warehouse, the felling of the woodland means that the proposed development fails to demonstrate sensitive siting in accordance with HwLDP Policy 28. The proposed development would have less screening from the views of nearby houses to the North owing to the significant amount of woodland required for felling to accommodate the development. The trees near the roadside edge may provide screening initially, the stability of these trees would be compromised by the opening of a non wind-firm edge and the level of screening afforded by the remaining woodland would therefore not likely to be significant into the medium term as these trees would be susceptible to windblow.
- 8.18 Under Policy 5 of NPF 4, there is a presumption against the loss of prime agricultural land by changing its use into other uses. In this regard, the proposal presents no departure from policy as the application site is within an area graded as 3.2 Land capable of average production though high yields of barley, oats and grass can be obtained., and does not therefore result in a loss of the most valuable agricultural soil classes (1-3.1). In any event however, the woodland status of the site benefits from its own policy protections, even were the site to be within a higher soil classification.
- 8.19 The applicant's Supplementary Planning Statement (June 2023) references NPF 4 Policy 9 which relates to Brownfield, vacant and derelict land and empty buildings. It is not accepted that this is a determining policy relevant to this development due to its woodland status and the fact that is not considered to be previously developed land.
- 8.20 The application proposes a new access onto the C1063, approximately 80m Northwest of the existing access serving the current bonded warehouse and the wider farm holding. Transport Planning accept that the access as proposed could provide an additional passing place and have removed their objection. Transport Scotland similarly have no objections to the development and the transport aspects of the proposals therefore appear to be acceptable and should be conditioned to proceed in accordance with the submitted plans should planning approval otherwise be granted.
- 8.21 The proposal contains information regarding the proposed compensatory planting which is outwith the red line boundary of the application site, on land some 550m Northwest of the development, and covers an area of 927sqm. The applicant's Planning Support Statement (March 2023) argues that the development would enhance biodiversity, as now required by NPF 4 Policy 3 (c) which states that, "proposals for local development will include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. Measures should be proportionate to the nature and scale of development." The

planning statement refers to additional tree planting and pollinators. It is however not considered that the loss of an area of regenerating woodland (which is of higher biodiversity value than the plantation woodland it replaced) complies with NPF 4 Policy 3, due to the associated conflict with NPF 4 Policy 6. It is however accepted that details of such improvements can be secured by condition for inclusion within further applications, should planning permission otherwise be granted.

8.22 Developer Contributions

Policy 31 requires that, where developments create a need for new or improved public services, facilities or infrastructure, the developer makes a fair and reasonable contribution in cash or kind towards these additional costs or requirements

No developer contributions are sought for this application.

9. **CONCLUSION**

9.1 The proposal fails to accord with NPF 4 Policies 3 (Biodiversity) and 6 (Forests, Woodland and Trees), and additionally Policies 52 (Principle of Development in Woodland) and 28 (Sustainable Design) of the Highland wide Local Development Plan with respect to woodland removal insofar as:

- i. the proposal involves a permanent loss of Long-Established Woodland of Plantation Origin and offers no wider public benefit;
- ii. the proposal fails to demonstrate sensitive siting as a result of the loss of woodland required to accommodate the development;
- iii. the proposal if granted risks setting a precedent of further woodland removal within the vicinity with associated negative impacts on biodiversity.

9.2 The proposal fails to accord with NPF 4 Policy 31 (Business and Industry) insofar as

- i. the nature and scale of the activity is not compatible with the surrounding area insofar as it results in a permanent loss of designated woodland, and
- ii. This loss of designated woodland results in adverse impacts to the natural environment.

9.3 The proposal fails to accord with NPF 4 Policy 29 (Rural Development) insofar as

- i. it is not suitably and sensitively sited given it requires a permanent loss of designated woodland, which has a significant adverse impact on the environment and character of the area.

9.4 It is considered that the proposal is particularly disappointing given the availability of other sites within the applicants control for which support could be offered, regrettably the applicant declined to pursue this, seeking the determination of this application as submitted.

10. **IMPLICATIONS**

10.1 Resource: Not applicable

10.2 Legal: Not applicable

10.3 Community (Equality, Poverty and Rural): Not applicable

10.4 Climate Change/Carbon Clever: Not applicable

10.5 Risk: Not applicable

10.6 Gaelic: Not applicable

11. RECOMMENDATION

The application is recommended for refusal for the reasons set out below.

Reasons for Refusal

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|----|---|
| 1. | <p>The proposal fails to accord with NPF 4 Policies 3 (Biodiversity) and 6 (Forests, Woodland and Trees), and additionally Policies 52 (Principle of Development in Woodland) and 28 (Sustainable Design) of the Highland wide Local Development Plan with respect to woodland removal insofar as:</p> <ul style="list-style-type: none">i. the proposal involves a permanent loss of Long-Established Woodland of Plantation Origin and offers no wider public benefit;ii. the proposal fails to demonstrate sensitive siting as a result of the loss of woodland required to accommodate the development;iii. the proposal if granted risks setting a precedent of further woodland removal within the vicinity with associated negative impacts on biodiversity. |
| 2. | <p>The proposal fails to accord with NPF 4 Policy 31 (Business and Industry) insofar as</p> <ul style="list-style-type: none">i. the nature and scale of the activity is not compatible with the surrounding area insofar as it results in a permanent loss of designated woodland, andii. This loss of designated woodland results in adverse impacts to the natural environment. |
| 3. | <p>The proposal fails to accord with NPF 4 Policy 29 (Rural Development) insofar as</p> <ul style="list-style-type: none">i. it is not suitably and sensitively sited given it requires a permanent loss of designated woodland, which has a significant adverse impact on the environment and character of the area. |

Signature: Dafydd Jones
Designation: Area Planning Manager – North
Author: Meadhbh Maguire
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 - 2021 056 - 500 FLOOR-ELEVATION PLAN
Plan 2 - 2021 056 - 500 LOCATION PLAN
Plan 3 - 2021 056 - 503 LOCATION PLAN
Plan 4 - 2021 056 - 505 FLOOR-ELEVATION PLAN - SHED

Appendix – Details for Section 75 Agreement or Up Front Payment

If this is for 1 to 3 house applications, delete the below tables and copy and paste in the details from the calculator. This table is required even though the application is refused in case of appeal.(delete this text box once actioned as appropriately).

Delete the full appendix if no contributions would be required on this development (delete this text box once actioned as appropriate).

Developer Contributions

| Type | Contribution | Rate (per house) | Rate (per flat) | Total Amount*1 | Index Linked | Base Date*2 | Payment Trigger*3 | Accounting Dates*4 | Clawback Period*5 |
|-------------------------------|---|------------------|-----------------|----------------|--------------|-------------|-------------------|--------------------|-------------------|
| Schools | | | | | | | | | |
| Primary – Build Costs | Insert what contribution is for | £0.00 | £0.00 | £0.00 | BCIS | Q2 2018 | TOC/CC | Apr/Oct | 15 or 20 |
| Primary – Land Costs | Insert what contribution is for | £0.00 | £0.00 | £0.00 | BCIS | Q2 2018 | TOC/CC | Apr/Oct | 15 or 20 |
| Secondary – Build Costs | Insert what contribution is for | £0.00 | £0.00 | £0.00 | BCIS | Q2 2018 | TOC/CC | Apr/Oct | 15 or 20 |
| Secondary – Land Costs | Insert what contribution is for | £0.00 | £0.00 | £0.00 | No | | TOC/CC | Apr/Oct | 15 or 20 |
| | | £0.00 | £0.00 | £0.00 | | | | | |
| Community Facilities | Insert what contribution is for | £0.00 | £0.00 | £0.00 | BCIS | Q2 2018 | TOC/CC | | 15 or 20 |
| | | | | | | | | | |
| Affordable Housing | | | | | | | | | |
| On-site provision | X units. Insert details of unit size and timescale for delivery if agreed | | | | No | | | Apr/Oct | |
| Off-site provision | X units. Insert details of location, unit size and timescale for delivery if agreed | | | | No | | | Apr/Oct | |
| Commuted Sum | £0.00 per affordable unit not delivered on/off site. Insert expected timescale for payment - can be in installments | | | £0.00 | No | | | Apr/Oct | 5 Years |
| Agreement for Delivery Needed | Y/N. If delivery for affordable housing has not yet been agreed, enter Y and specify the date/timescale that the scheme for delivery is to be | | | | | | TOC/CC | Apr/Oct | |

| Type | Contribution | Rate (per house) | Rate (per flat) | Total Amount*1 | Index Linked | Base Date*2 | Payment Trigger*3 | Accounting Dates*4 | Clawback Period*5 |
|------------------------------------|---------------------------------|------------------|-----------------|----------------|--------------|-------------|-------------------|--------------------|-------------------|
| | submitted for approval | | | | | | | | |
| | | | | | | | | | |
| Transport | | | | | | | | | |
| Active Travel | Insert what contribution is for | £0.00 | £0.00 | £0.00 | BCIS | Q2 2018 | TOC/CC | Apr/Oct | 15 or 20 |
| Safer Routes to Schools | Insert what contribution is for | £0.00 | £0.00 | £0.00 | BCIS | Q2 2018 | TOC/CC | Apr/Oct | 15 or 20 |
| Public Realm | Insert what contribution is for | £0.00 | £0.00 | £0.00 | BCIS | Q2 2018 | TOC/CC | Apr/Oct | 15 or 20 |
| Wayfinding | Insert what contribution is for | £0.00 | £0.00 | £0.00 | BCIS | Q2 2018 | TOC/CC | Apr/Oct | 15 or 20 |
| Public Transport | Insert what contribution is for | £0.00 | £0.00 | £0.00 | BCIS | Q2 2018 | TOC/CC | Apr/Oct | 15 or 20 |
| School Transport | Insert what contribution is for | £0.00 | £0.00 | £0.00 | BCIS | Q2 2018 | TOC/CC | Apr/Oct | 15 or 20 |
| Road Improvements | Insert what contribution is for | £0.00 | £0.00 | £0.00 | BCIS | Q2 2018 | TOC/CC | Apr/Oct | 15 or 20 |
| Parking | Insert what contribution is for | £0.00 | £0.00 | £0.00 | BCIS | Q2 2018 | TOC/CC | Apr/Oct | 15 or 20 |
| EV Charging | Insert what contribution is for | £0.00 | £0.00 | £0.00 | BCIS | Q2 2018 | TOC/CC | Apr/Oct | 15 or 20 |
| Traffic Signals | Insert what contribution is for | £0.00 | £0.00 | £0.00 | BCIS | Q2 2018 | TOC/CC | Apr/Oct | 15 or 20 |
| Lighting | Insert what contribution is for | £0.00 | £0.00 | £0.00 | BCIS | Q2 2018 | TOC/CC | Apr/Oct | 15 or 20 |
| Road Traffic Orders | Insert what contribution is for | £0.00 | £0.00 | £0.00 | BCIS | Q2 2018 | TOC/CC | Apr/Oct | 15 or 20 |
| Cumulative Transport Contributions | Insert what contribution is for | £0.00 | £0.00 | £0.00 | BCIS | Q2 2018 | TOC/CC | Apr/Oct | 15 or 20 |
| | | | | | | | | | |
| Green Infrastructure | | | | | | | | | |
| Open Space | Insert what contribution is for | £0.00 | £0.00 | £0.00 | BCIS | Q2 2018 | TOC/CC | Apr/Oct | 15 or 20 |
| Green Network | Insert what contribution is for | £0.00 | £0.00 | £0.00 | BCIS | Q2 2018 | TOC/CC | Apr/Oct | 15 or 20 |
| Built/Natural Heritage | Insert what contribution is for | £0.00 | £0.00 | £0.00 | BCIS | Q2 2018 | TOC/CC | Apr/Oct | 15 or 20 |
| | | | | | | | | | |
| Water and Waste | | | | | | | | | |
| Catchment Improvement Works | Insert what contribution is for | £0.00 | £0.00 | £0.00 | BCIS | Q2 2018 | TOC/CC | Apr/Oct | 15 or 20 |
| Strategic Flood Scheme | Insert what contribution is for | £0.00 | £0.00 | £0.00 | BCIS | Q2 2018 | TOC/CC | Apr/Oct | 15 or 20 |
| Maintenance of SuDs | Insert what contribution is for | £0.00 | £0.00 | £0.00 | BCIS | Q2 2018 | TOC/CC | Apr/Oct | 15 or 20 |
| Off Street Waste Storage | Insert what contribution is for | £0.00 | £0.00 | £0.00 | BCIS | Q2 2018 | TOC/CC | Apr/Oct | 15 or 20 |
| Recycling Point Provision | Insert what contribution is for | £0.00 | £0.00 | £0.00 | BCIS | Q2 2018 | TOC/CC | Apr/Oct | 15 or 20 |
| Glass Banks | Insert what contribution is for | £0.00 | £0.00 | £0.00 | BCIS | Q2 2018 | TOC/CC | Apr/Oct | 15 or 20 |
| | | £0.00 | £0.00 | £0.00 | | | | | |
| Public Art | Insert what contribution is for | £0.00 | £0.00 | £0.00 | BCIS | Q2 2018 | TOC/CC | Apr/Oct | 15 or 20 |

*1 Adjust total to take account of flat exemptions

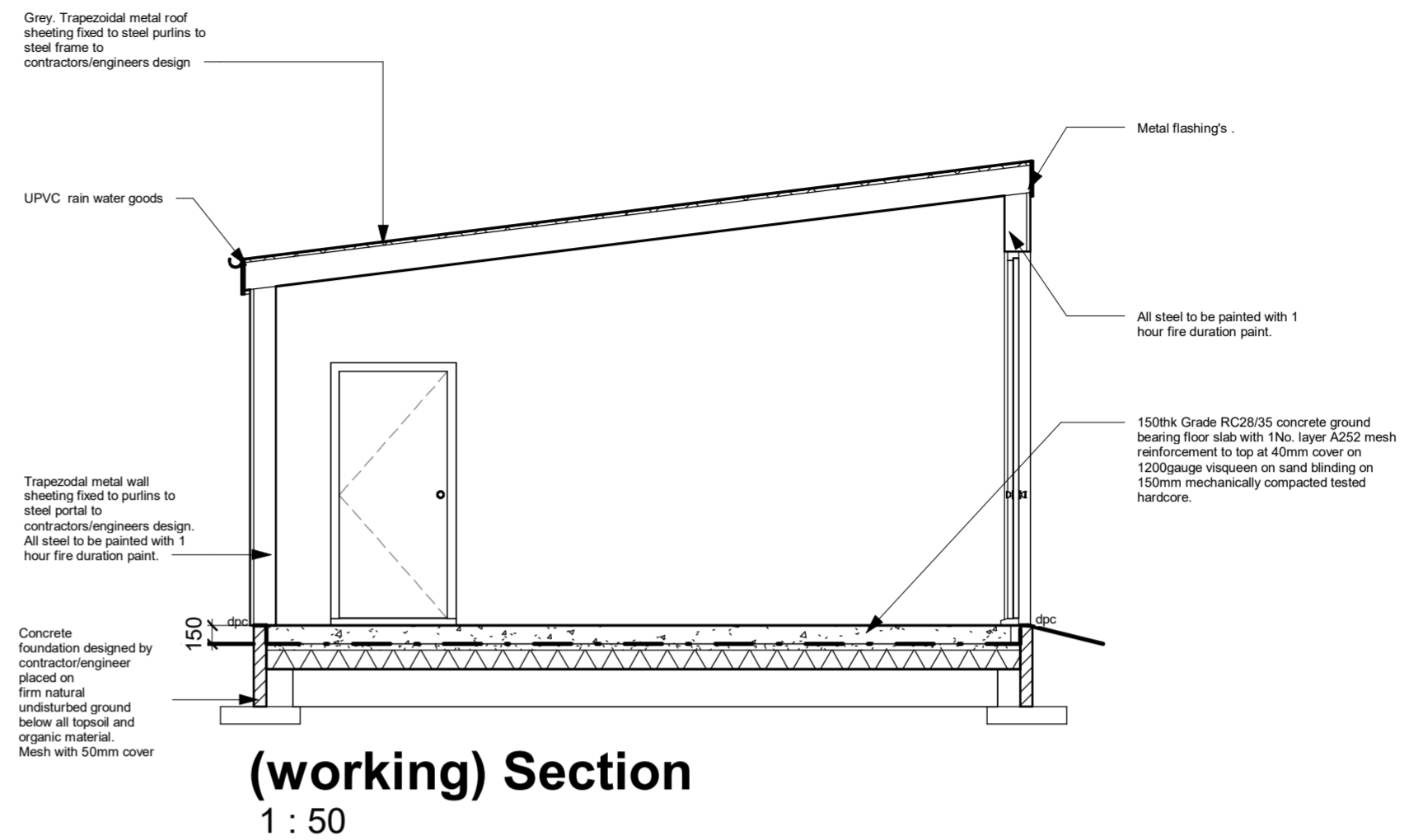
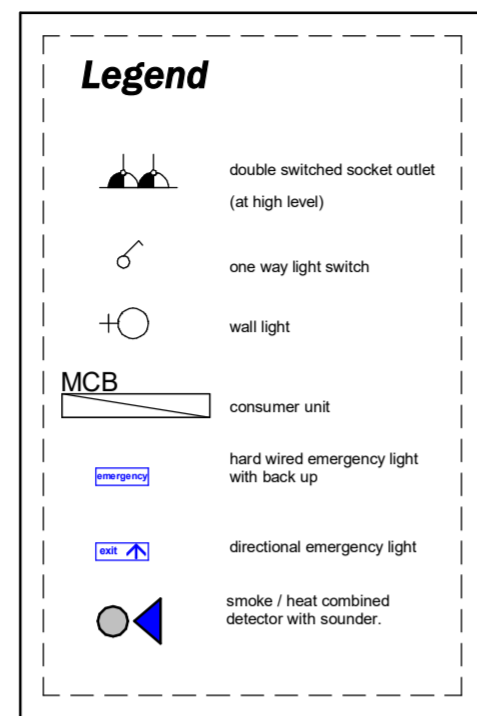
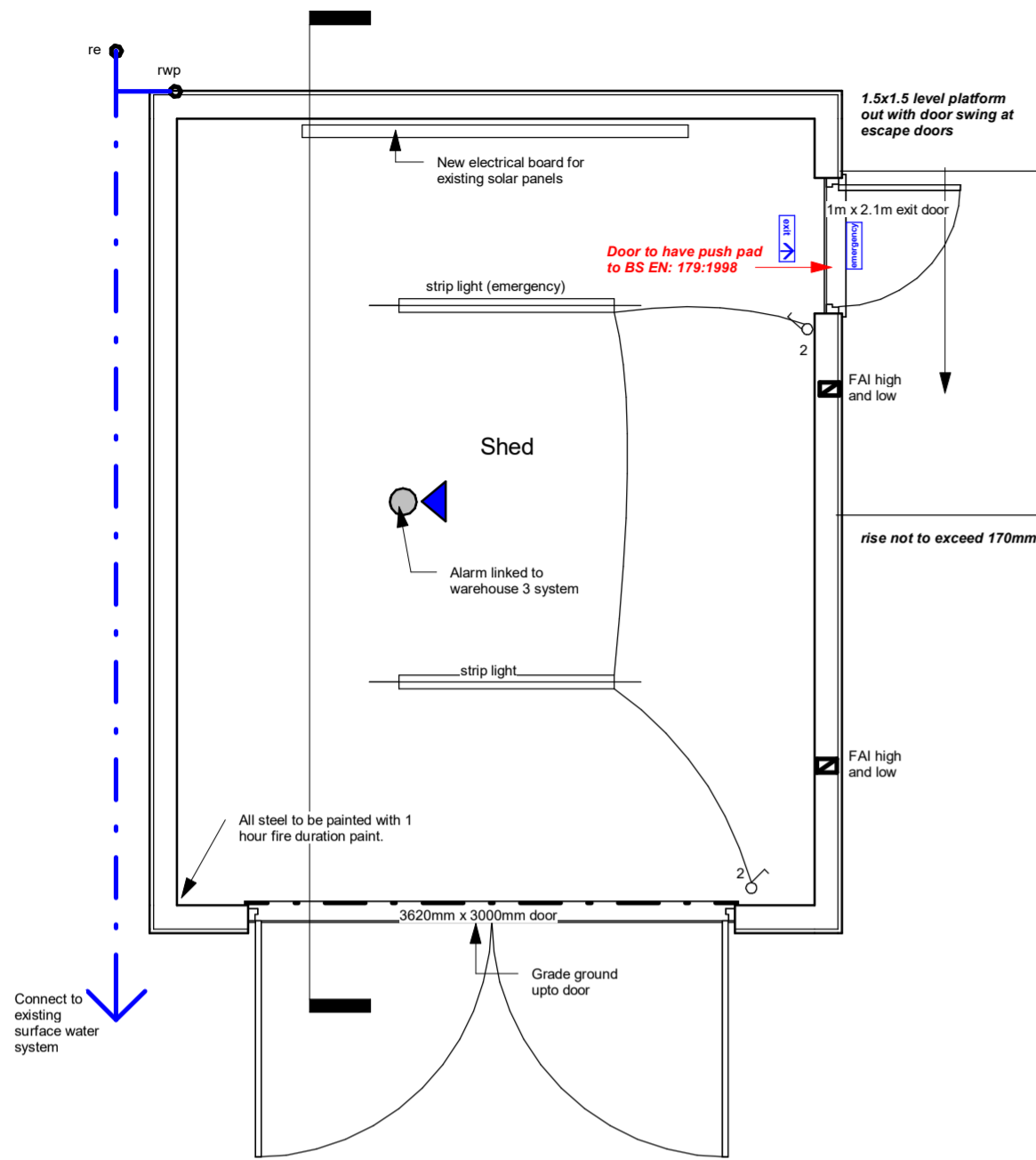
*2 Base Date – Set out in Supplementary Guidance on Developer Contributions

*3 TOC/CC – The earlier of the issue of either a temporary occupation certificate or a completion certificate – or specify alternative time if appropriate

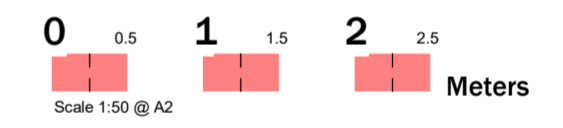
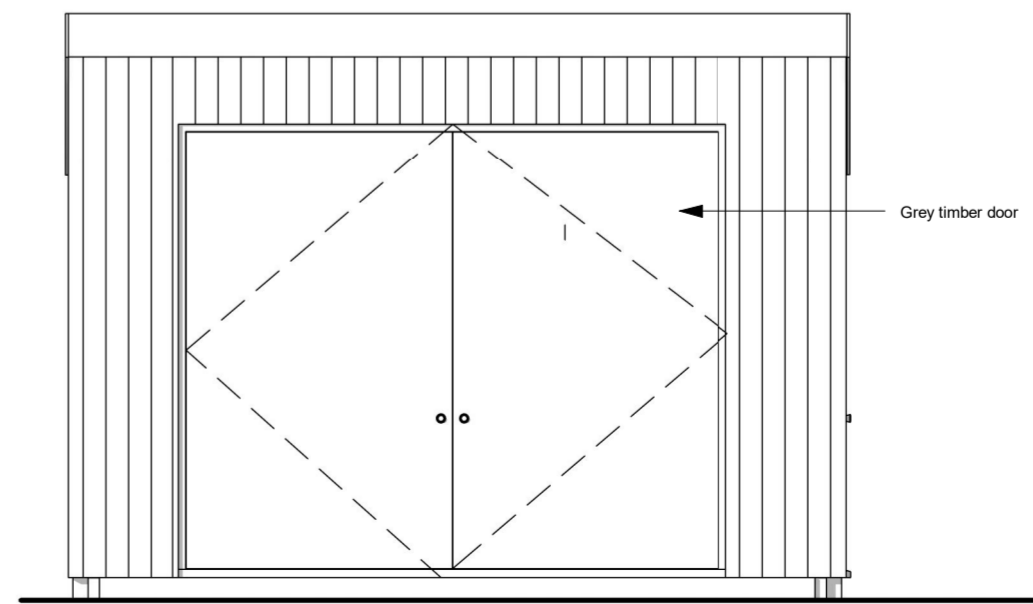
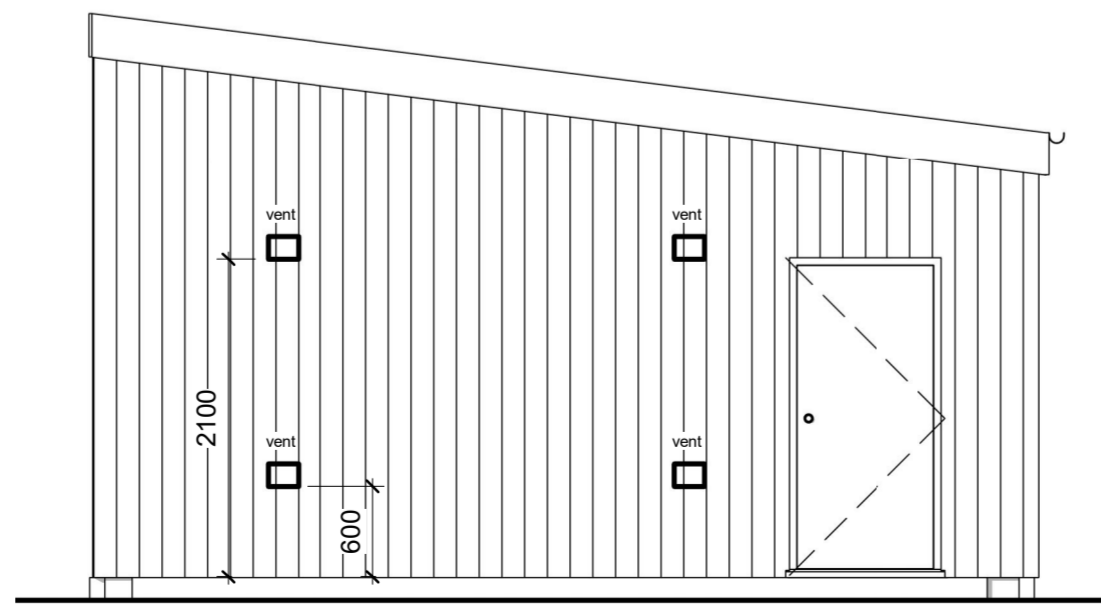
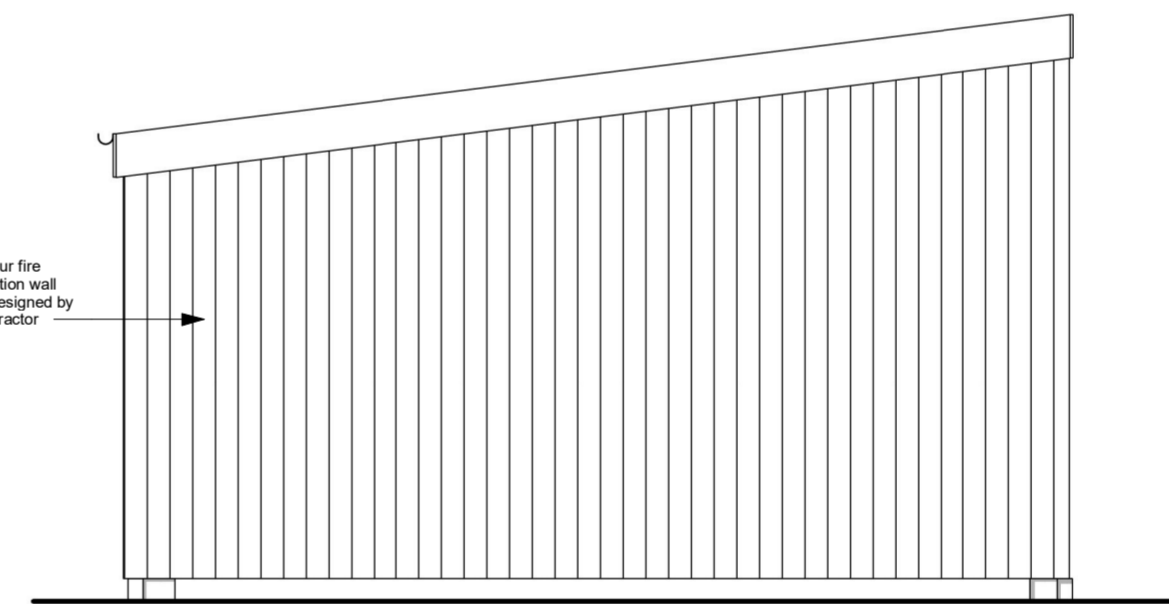
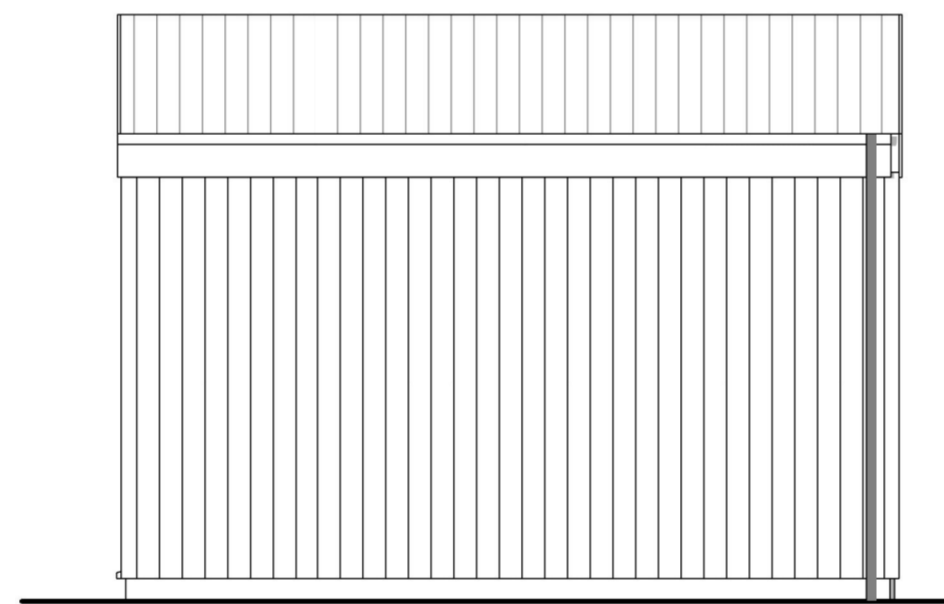
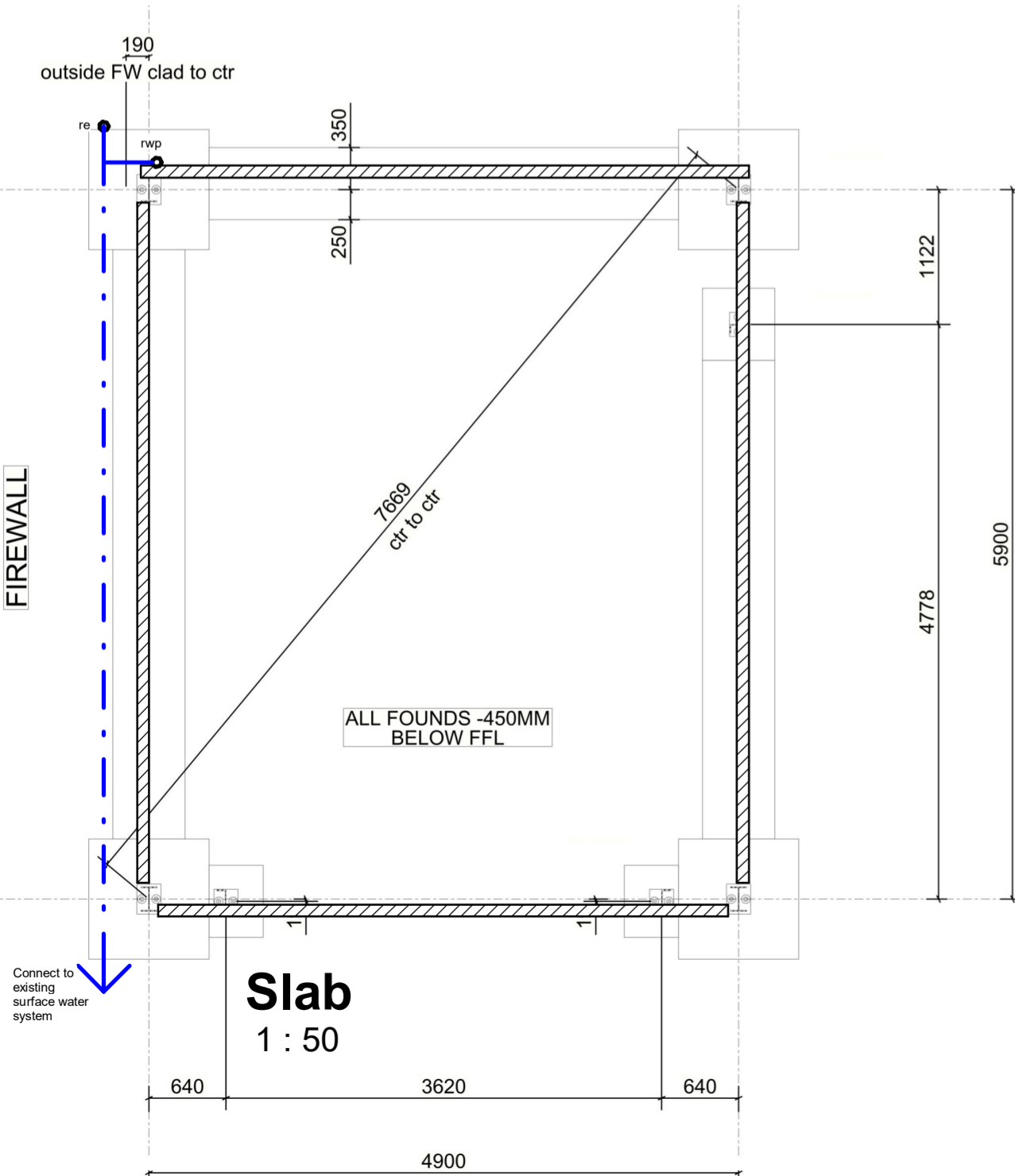
- *4 Accounting dates - 1 April & 1 October each year of development
- *5 Clawback – 15 years for Major development; 20 years for Local development

Other Section 75 Agreement requirements

| Type | Details |
|-------------------------|---|
| Bond | 1. Describe the purpose of the Bond |
| | 2. Specify the amount to be secured |
| | 3. Restriction on Bond provider |
| | 4. Set the review date and mechanism for review |
| | 5. Describe the call on circumstances |
| | 6. Any other relevant details |
| Habitat Management Plan | 1. Describe what the Plan is to cover |
| | 2. Describe the area the Plan is to cover (and provide a plan) |
| | 3. Set the timetable for submission of the Plan |
| | 4. Set the timescale for implementation of the Plan |
| | 5. Describe requirements to consult third parties |
| | 6. Specify the financial contribution (if any) |
| | 7. Specify the clawback period (if any) |
| | 8. Any other relevant details |
| Road Survey | 1. Specify the timescale for the initial survey |
| | 2. Describe which roads are to be surveyed (provide a plan) |
| | 3. Specify an interim survey date (if required) |
| | 4. Specify the final survey requirements and timescale |
| | 5. Any other relevant details |
| Land and Asset Transfer | 1. Describe the area of land / asset to be transferred (provide a plan) |
| | 2. Describe the use of the land / asset |
| | 3. Specify the cost of transfer |
| | 4. Any other relevant details |



Ground floor
1 : 50



| Planning/ warrant issue | | |
|-------------------------|-------------|------|
| No. | Description | Date |

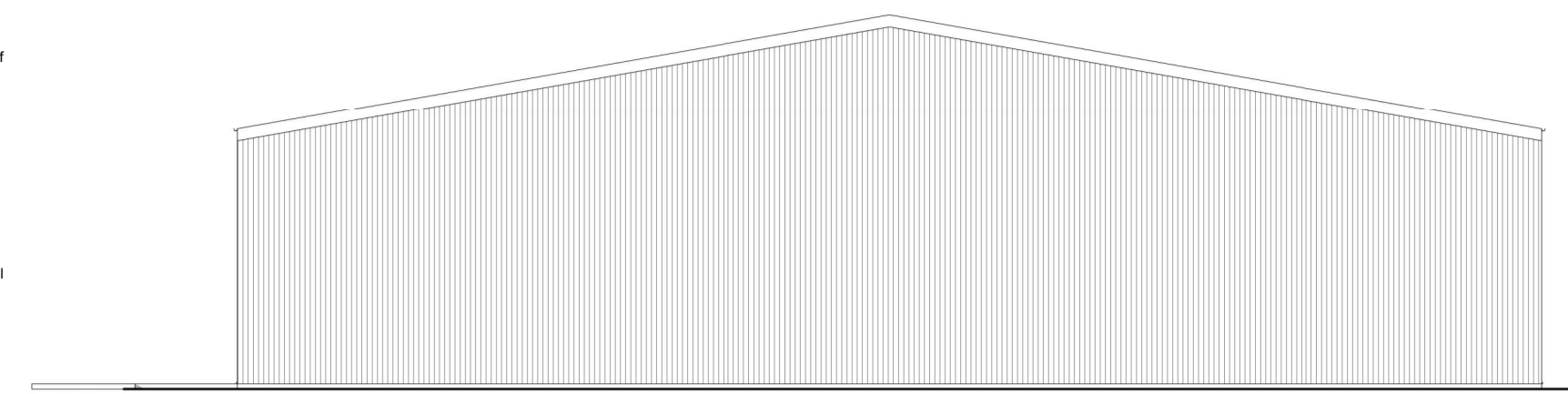
Coillemore Farms Ltd
Bonded Warehouse, Colliemore Farm,
Invergordon

| Fork truck shed | |
|-----------------|----------|
| Date | 18.10.22 |
| Drawn by | GIR |
| 2021 056 - 505 | |
| Scale | 1 : 50 |

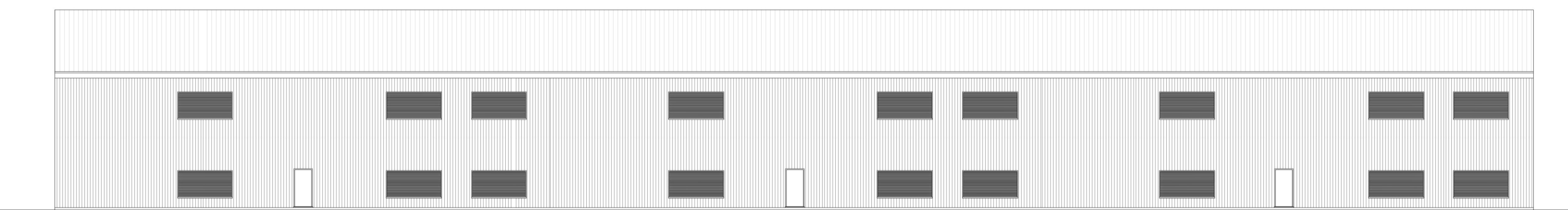
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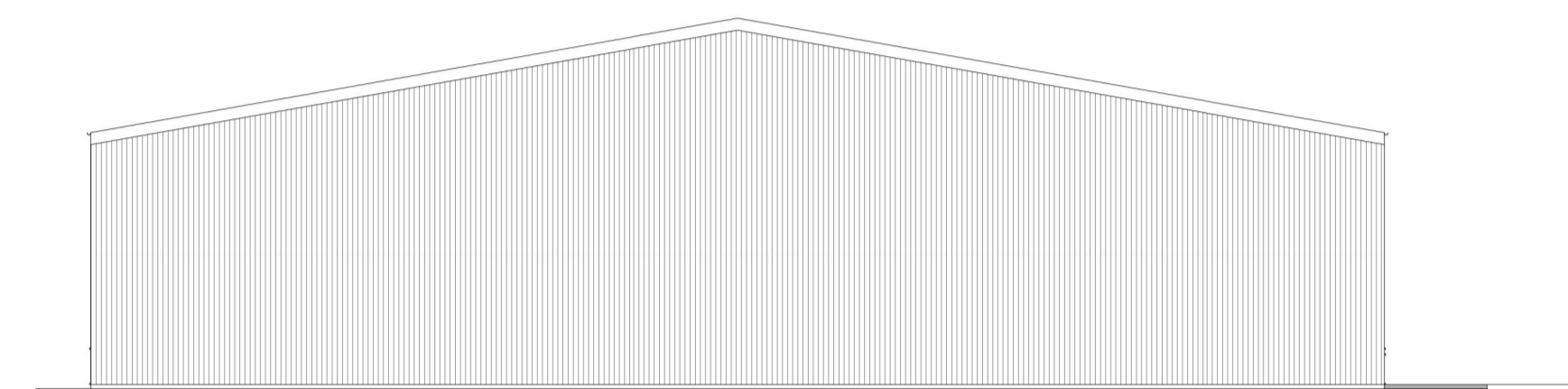
North
1 : 200



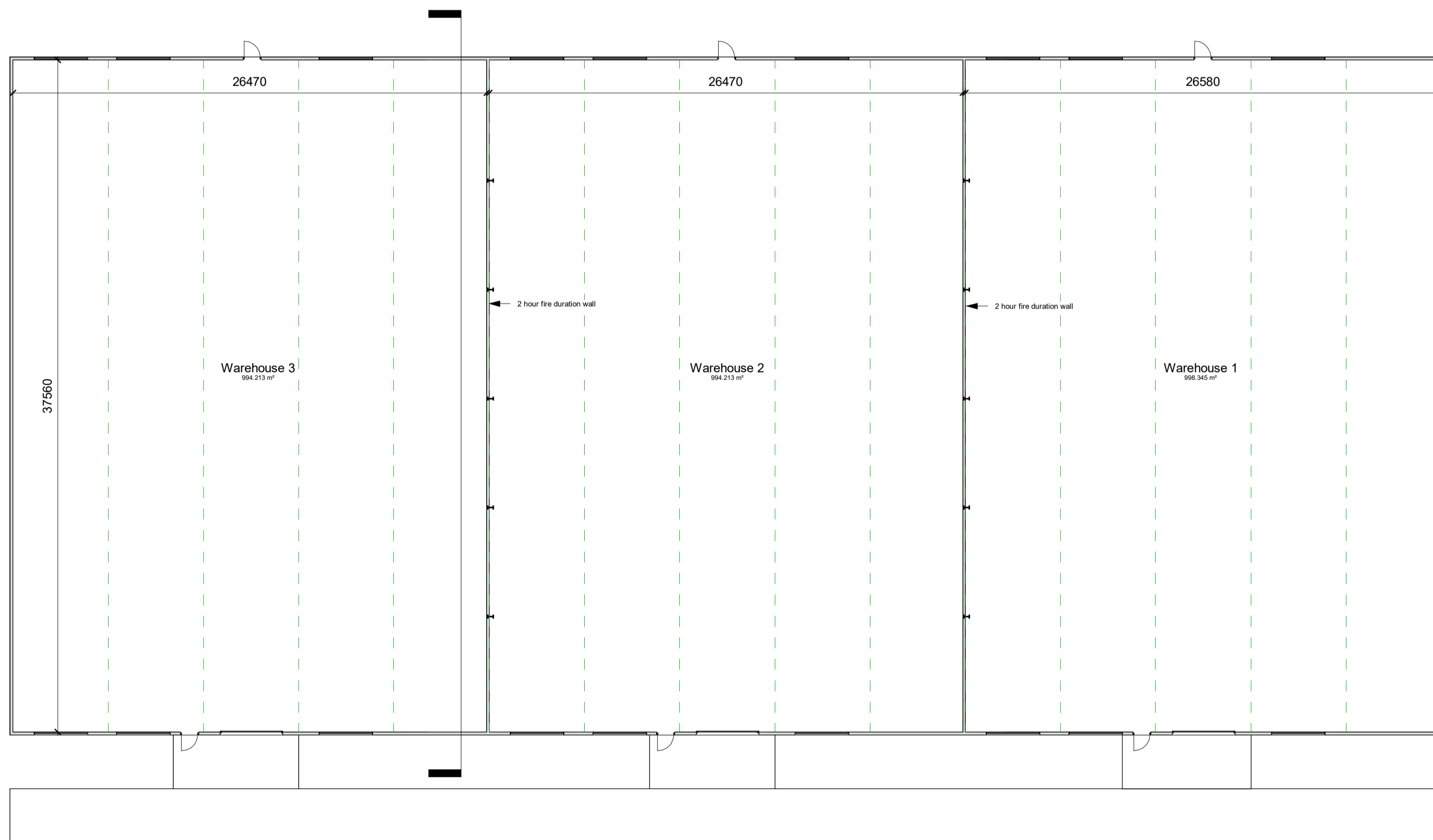
West
1 : 200



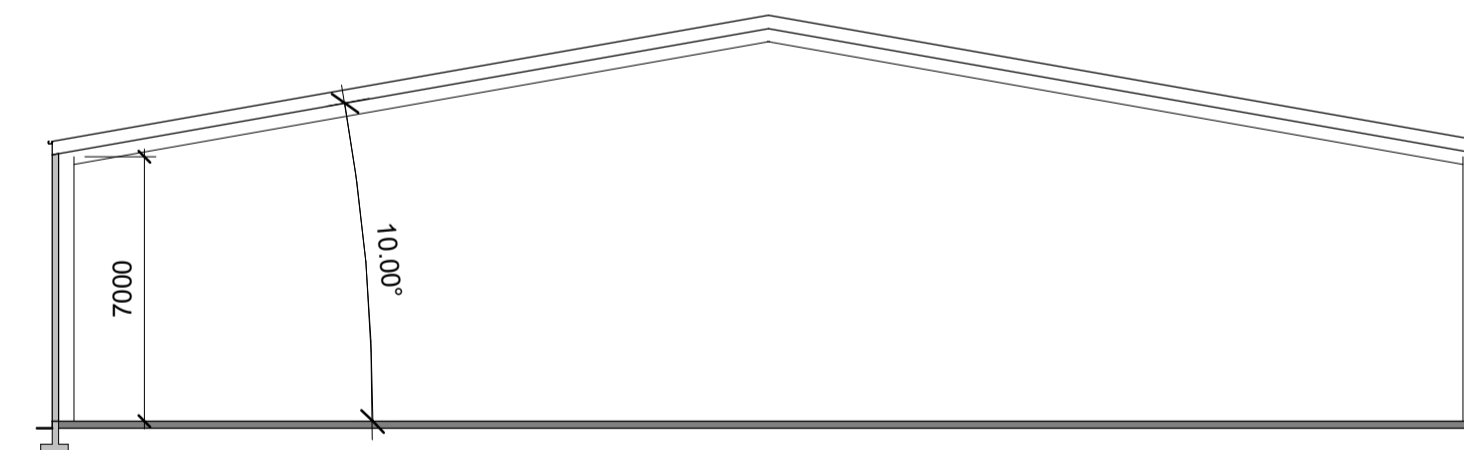
South
1 : 200



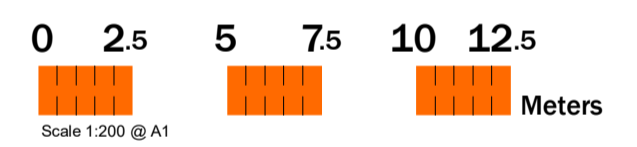
East
1 : 200



Ground floor
1 : 200



Section 1
1 : 200



Scale 1:200 @ A1

Planning issue

No. Description Date

| No. | Description | Date |
|-----|-------------|------|
| | | |

Coillemore Farms Ltd

Bonded Warehouse, Coillemore Farm,
Invergordon

Floor Plans

Date 02.09.22

Drawn by GIR

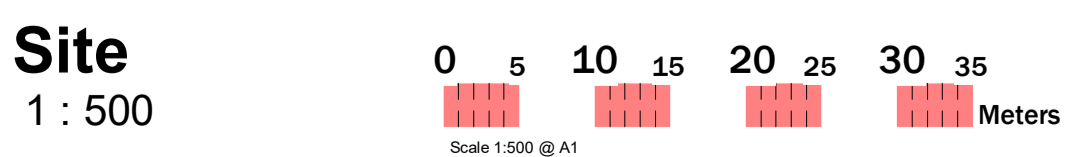
2021 056 - 500

Scale 1 : 200

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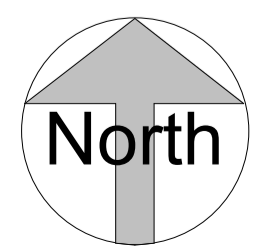
Location
1 : 2000



| Planning issue | | |
|----------------|-------------|----------|
| No. | Description | Date |
| A | Alterations | 18.10.22 |

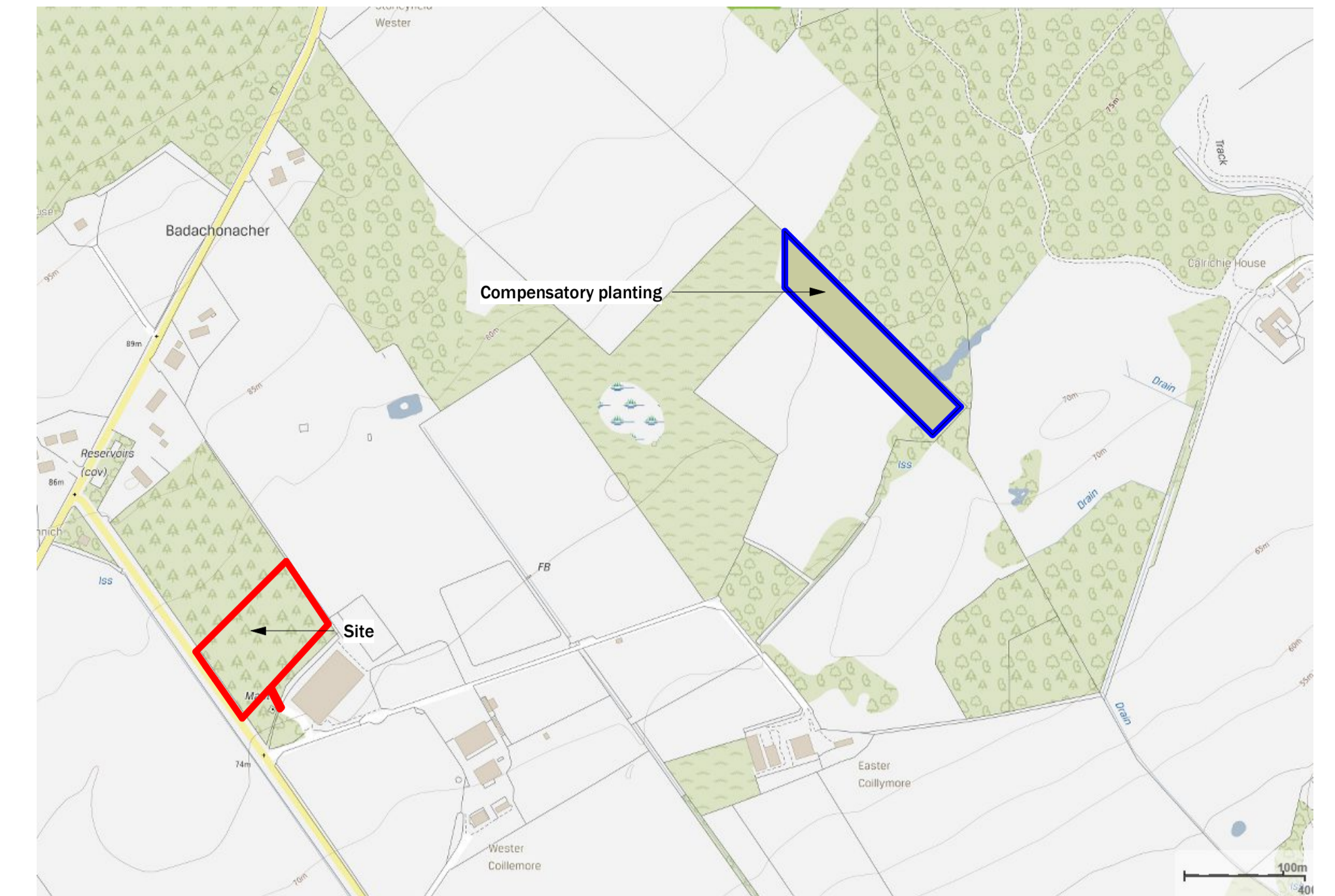
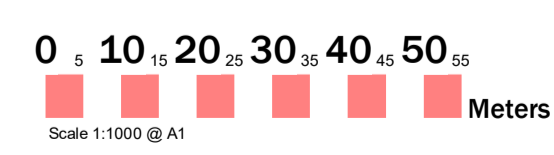
| | |
|-----------------------------------|--------------|
| Colliemore Farms Ltd | |
| Bonded Warehouse, Colliemore Farm | |
| Site plan | |
| Date | 02.09.22 |
| Drawn by | GIR |
| 2021 056 - 500 | |
| Scale | As indicated |

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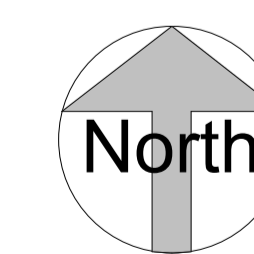




Compensatory planting
1 : 1000



Farm location
1 : 5000



| Planning issue | | |
|----------------|-------------|----------|
| No. | Description | Date |
| A | Alterations | 18.10.22 |

| | |
|-----------------------------------|--------------|
| Colliemore Farms Ltd | |
| Bonded Warehouse, Colliemore Farm | |
| Location of compensatory planting | |
| Date | 02.09.22 |
| Drawn by | Author |
| 2021 056 - 503 | |
| Scale | As indicated |

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