

THE HIGHLAND COUNCIL

ROSS & CROMARTY EAST LOCAL PLAN INQUIRY

**STATEMENT OF OBSERVATIONS by the
DIRECTOR OF PLANNING and DEVELOPMENT**

ISSUE 17: Nigg – various land use

1. Introduction

- 1.1 The Highland Council (THC) has undertaken to hold a Public Local Inquiry to consider objections lodged by J Jenkins [CD30/10] in respect of policies contained within Chapter 6 Landward area para 41 Nigg Point Petrochemicals site, para 54 potential rail link to Nigg, para 73 Nigg or North Sutor Hill of the Deposit Draft and Cromarty Arts Trust [CD30/185] in relation Chapter 6, para 72 to the policy status of the Cromarty and Nigg Sutors wish to appear at the Inquiry.
- 1.2 Objection lodged by Scottish Natural Heritage [CD30/197] and RSPB [CD30/162] in respect of the indicative rail link to Nigg, para 54, are either resting on written submissions or withdrawn. Objections lodged by J Jenkins [CD30/10] in respect of Analysis and Background Mapping of remote areas and prime agricultural land are subject of written submission.
- 1.3 The Deposit Draft with proposed Modifications to Local Plan was advertised by the Council on 4 February 2005 with a closing date for further objections to be heard at this Inquiry of 18 March 2005. The proposal to redesignate the Cromarty and Nigg Sutors as Local Recreation Management Areas drew objections from J Jenkins [CD31/428] who wishes to appear at the Inquiry. Objection from Alan Whiteford [CD31/452], Pure Energy [CD31/414] and Ms Helen Barker [CD31/404] on this issue were lodged as written submissions.
- 1.4 THC will call Brian MacKenzie, Planning and Development Service as planning witness.
- 1.5 THC wishes to submit the following productions: -
[CD1] The Highland Structure Plan: Approved Plan: THC: March 2001
[CD4] Easter Ross Adopted Local Plan: THC: July 1992
[CD6] Development Plan Policy Guidelines: THC: October 2003
[CD8] Ross & Cromarty East Local Plan: Consultative Draft: THC May 2002
[CD9] Ross & Cromarty East Local Plan: Deposit Draft: The Highland Council: October 2003
[CD10] Ross & Cromarty East Local Plan: Statement of Publicity, Consultation and representations: THC October 2003
[CD11] Ross & Cromarty East Local Plan: Proposed Modifications to the Deposit Draft (Prior to Public Local Inquiry): THC February 2005

[CD14] SPP2: Economic Development: Scottish Executive: November 2002
[CD25] Ross & Cromarty Area Planning Committee Item: Representations on the Consultative Draft Local Plan: The Highland Council: 15 September 2003
[CD26] Planning Development Europe & Tourism Committee Item: Representations on the Consultative Draft Local Plan: The Highland Council: 1 October 2003
[CD27] Ross & Cromarty Area Planning Committee Item: Objections and Representations on the Deposit Draft Local Plan: The Highland Council: 25 January 2005
[CD30] Letters of objection and representation to the Deposit Draft Local Plan
[CD31] Objections to the Proposed Changes to the Deposit Draft Local Plan
[THC17/1] Macaulay, Land capability for Agriculture, map extract
[THC17/2] Planning Permission and Master Plan, Oil Refinery, Nigg, Ref E8069/D/4876, E7969/D/4877 & E8070/D/4878, extracts.
[THC17/3] NPPG 14 Natural Heritage, pp 13-14, 19-22 extract

2. Background

National Planning Guidance/Advice

National planning guidance SPP2: Economic Development [CD14], para 21 requires that,

“... Sites at Grangemouth (Kinneil Kerse), Mossmorran, Nigg, North Collielaw and St Fergus should continue to be safeguarded for petrochemical development through development plans.”

NPPG 14 [THC16/4] para 42 requires that “A development that would have an adverse effect on the conservation interests for which a Natura 2000 area has been designated should only be permitted where :

- *“there is no alternative solution and*
- *there are imperative reasons of over-riding public interest, including those of a social or economic nature”*

Para 71 also states that local plans should:

- *“include policies for the protection and, where appropriate, enhancement of all internationally and nationally designated areas and sites (including potential SPAs and SACs)”*

In regard to the Precautionary Principle, para 81 states that, *“the precautionary principle should be reflected in development plan policies relating to the protection of natural heritage and biodiversity”*

Highland Structure Plan

- 2.1 The approved Structure Plan reflects the national guidance offered in SPP2 and previous guidance NPPG2 Business and Industry to include policy in relation to Nigg petrochemical safeguard.

Policy B1 Industrial and business sites states:-

“Local Plans will safeguard and support a portfolio of industrial and business sites of the following types and locations:-

.....

- *large petrochemical site protected in the national interest (see Policy B5) - Nigg;”*

Also in relation to nature conservation, Policy B5:

“Policy B5 Oil-related development at Nigg and in Caithness

At Nigg the existing safeguarded site for oil related development will be redefined in the Local Plan to reflect the status of the Cromarty Firth as a site of international nature conservation importance.”

Further, The Council’s policy for the protection of nature conservation interests follows the hierarchical approach as set out in NPPG 14 Natural Heritage. Internationally important areas are Natura 2000 sites and Ramsar sites. Policy N1 states:

“Policy N1 Nature conservation

New developments should seek to minimise their impact on the nature conservation resource and enhance it wherever possible. The Council will seek to conserve and promote all sites according to the following hierarchy:

- ***sites and species of international importance*** – *Developments which would have an adverse effect on the conservation interests for which a site has been designated will only be permitted where there is no alternative solution and there are imperative reasons of over-riding public interest, including those of a social and economic nature. Where a priority habitat or species (as defined in Article 1 of the Habitats Directive) would be affected, prior consultation with the European Commission is required unless the development is necessary for public health or safety reasons.”*

Para 2.14.7 of the Structure Plan states in relation to AGLV’s that:

“Areas of Great Landscape Value (AGLVs), including coasts, will be reviewed and designated in Local Plans, and Strategic Policy G6 will apply to proposals within or affecting them. Existing AGLVs together with other designations will be reviewed for re-inclusion or omission.”

Adopted Local Plan

2.2 The Easter Ross Local Plan [CD4] was adopted in July 1992. This reflected the

extent of the approved petrochemical development at Nigg point in line with national and Structure Plan guidance. Identification of a forestry scheme at Nigg Hill included within the overall petrochemical area allocation was also highlighted. The Plan also provided a safeguard for a potential future rail link between East Nigg Bay and the main Inverness-Wick line.

Consultative Draft Plan

- 2.3 The Consultative Draft [CD8] of the Ross and Cromarty East Local Plan, was published in May 2002. This reaffirmed policy in regard to the extent of the approved petrochemical development in line with national and Structure Plan guidance and also the safeguarding of the Nigg rail link route. The plan also identified Areas of great landscape value as previously identified through the approved Structure Plan.
- 2.4 Objections were received in respect of the indicative line of the Nigg rail link from the Royal Society for the Protection for Birds [CD25/242] and Scottish Natural Heritage [CD25/59] on the basis that conflict existed with the route shown and the existing Cromarty Firth SSSI/SPA/Ramsar site and an RSPB Nature Reserve. The Council indicated that any such route would have to take into account of environmental and natural heritage interests as detailed in the Environmental Impact Assessment (Scotland) Regulations. No changes were offered in this respect.
- 2.5 Objections were also received from J Jenkins Associates [CD25/156] in respect of the extent of the identified Nigg petrochemical site. The Council indicated that the extent of the master plan was the basis of the Local Plan allocation and that to which national policy guidance referred. There was no basis on which to enlarge the site beyond that already allocated, although some of the minor boundary changes were incorporated as they reflected the factual boundary situation.

Deposit Draft Local Plan

- 2.6 The Deposit Draft [CD9] of the Local Plan was published in October 2003. The draft plan continued to support the Nigg rail link and also reaffirmed the retention of the Nigg petrochemical site and the AGLV covering the Sutors of Cromarty.
- 2.7 Objections were received from Scottish Natural Heritage [CD30/185] & RSPB [CD30/162] in respect of the continued inclusion of the safeguarded rail link and its potential impact on natural heritage interests and suggested that the potential for a rail link be expressed in a more general manner. Cromarty Arts Trust [CD30/185] lodged objection to the status of the Cromarty Sutors and sought a higher level of policy protection to be given to them. Also objections were lodged by J Jenkins [CD30/10] these related again to the extent of the Nigg petrochemical allocation. THC's response and reasoning is set out in [CD27].

Deposit Draft with Modifications (Proposed Changes)

- 2.8 Proposed changes to the Deposit Draft [CD 11] were approved in January 2005. The proposed changes with an implication for objections and comments indicated at paras. 3.3 to 3.6 below are:

Page 39, Environment, paragraph 73

- (a) in the first sentence after the word 'development' DELETE the words 'and . . . , facilities' and change 'L2' to '**L3**' and 'BP2' to '**BP3**'.
- (b) DELETE the sentence between the two sets of bullet points
- (c) after the second set of bullet points, ADD '***The Council will also encourage appropriate management measures and consider the scope for improved interpretations and small scale visitor facilities, in association with land owners, tenants, community groups and other interested parties***'.
- ADD '***The Cromarty and Nigg Sutors***'.

Page 37, Services & Infrastructure, Transport, paragraph 54 and delete indicative line

MODIFY the plans as follows:-

- (a) DELETE the indicative route of the potential rail link from the Proposals Map, but retain the policy reference number.
 - (b) REVISE the statement to read: "***The potential to attract certain uses to the Nigg yard and nearby industrial land may be enhanced by the provision of a rail link from the Far North rail line (TC1). Such a major infrastructure project would require to be the subject of an appropriate environmental assessment, accounting for the Cromarty Firth Special Protection Area.***"
- 2.9 Objections [CD31/414], [CD31/404] and [CD31/452] were lodged. These refer to the proposal to redesignate the Cromarty and Nigg Sutors as Local Recreation Management Areas and consequent change in policy status from Background Policy 2 to Background Policy 3 where development will only be approved if there are no significant effects on heritage amenity, public health and safety interests.

3. The Council's Observations

The Objections

J Jenkins [CD30/10]

3.1 Chapter 6 para 41 Area of Great Landscape Value

1. (a) East Ross Analysis map A shows 'a remote area' designation as marked. I am not familiar with the definition but there is a good road through the middle of it and ex arable land under most of the designation. I think this description should be removed especially as the eastern boundary does not coincide with any fence, land mark or change of use on the site.

(b) The description of part as prime agricultural land is a misnomer. It has been

under set-aside for 14 years and is in a very poor state. When this area was bought by Dow Chemical nearly 30 years ago it was graded as class 3 'and obviously has not been considered worthy of arable use since then. It was used in the 1960s for barley but yields even then were not economic and the lease abandoned. I think the map should be amended to reflect this.

(c) The line defining the edge of areas of great landscape value is naturally subjective but I suggest the line has been drawn at too low an altitude and to be consistent with the point where the line meets the cliff opposite Cromarty it ought to follow roughly the road to Castlecraig as marked. The line follows a route West of Bayfield Loch northwards at an altitude and in a landscape very similar to that above Nigg which is consistent with this analysis. From the many photographs it is clear there is a natural eye line running along the Castlecraig road. The line ought to be modified

Nigg Point Petrochemicals site

3.2 Chapter 06: Pol ED 41 2. The area marked as the industrial site has been reduced as marked. This was part of the area bought specifically by Dow for a petrochemical plant as the most suitable site and it should remain as part of the national site. Without it, it leaves one area too small for a major industry and without direct access to the sea. The logistics of the whole site are adversely affected without this area. The area is currently being investigated for a major project, and urgent resolution is needed. The fire authority require two access points to the site in an emergency. The gate as marked was put in. The road layout for the Dow proposal within the site was agreed. Its current use is set aside and rough grazing and whilst the steepest land next to the road will not be used for industry and will probably be planted the rest is prime industrial land. We have previous maps all showing this area as an integral part for development. Development for underground storage I presume is still extant. We hope this is a drafting error.

3. Chapter 06: Pol ED 41 3. The area marked seems to have been deleted from the industrial site area. It was considered as a storage area for the downstream products from the refinery. This is now unlikely to be built but is very important as an expansion area for the existing oil terminal which does not have any significant free land. Use by the oil terminal of the KBR site is very limited and downgrades the opportunities for manufacturing. New business for the terminal will need this land and a major project is being developed which will also need this land as part of its project as well as use of the terminal. The land south east of Mulloine is allocated to another project. A certain critical mass of site is necessary to minimise offsite/services costs and like para 2 above without this area the whole site logistics are destroyed.

4. The proposed settlement boundary as marked encroaches on the industrial site to the extent that it exceeds the Pitcalzean boundary. This was never hitherto disclosed and in several places covers part of the land proposed for direct use by projects. It is not understood how this area could be used as settlement. A right of way exists as marked which is required to develop the area south of Pitcalzean wood which has

been used for over 20 years and a further way leave for passage of pipes and cables through the wood.

5. A number of small pieces of land have been excluded as marked. The possible rail corridor is an important piece of infrastructure and whilst the line of the rails has not been finalised it would be better to give flexibility by drawing the industrial border as indicated. The very small piece of land at the south end may be important to include in the industrial area too to permit the line to go to Nigg beach. The two parallel boundaries at the south end of the dry dock need to be merged to permit a through connection between the dock wharfage and users in block 46 and 41. The wharf south of the dry dock next to Dunskeath House should be included in area 46. Although not designed for heavy traffic it could easily be upgraded for smaller vessels. It will be particularly important for smaller enterprises to get underway without the expense of new marine facilities or avoiding demurrage on the main dock wharf which has limited capacity. The foreshore opposite Dunskeath and the KBR training yard was planned for use by the refinery as a small boat area including a jetty and this should be included in the industrial area as before. The rest of the Nigg beach has been so designated.

Omitted land 1 is a result of the road realignment and belongs to the respective land owners. It is not maintained by the Council and should be included in area 46. The existing line follows an old internal fence line.

Omitted land 2 is part of the Cromarty Petroleum land and its omission was in part incurred by the contractor who erected the security fence in the wrong place as the contractor bringing rock to fill the KBR site had taken a short cut across the Cromarty land and tarmaced it! The correct route is the north boundary of the Hotel. This area was always included in area 41.

Analysis Map A – Background Policy 4

This objection was lodged as an addition to the original, however was not submitted for consideration due to a administrative error:-

I notice on Analysis map A that the sea off the Nigg beach has a BP4 designation. As you know permission was granted for a refinery including marine facilities which is still extant. The preliminary drawings of the marine facilities were agreed in principle with the Port Authority and include 5 major berths. Any development of the Nigg industrial site will require marine facilities. Since the BP4 northern boundary does not include the Nigg old jetty and crosses the 30m submarine contour 200m from the end and on the line of the Talisman oil jetty, I suggest that the northern boundary should be drawn as a straight line from that point eastward along the channel alignment until it cuts the 12m depth mark and thence north to the coast. See map 6. The policies in the area will then become consistent.

3.2 Cromarty Arts Trust [CD30/185]

Analysis Map B and BP3 & 4 Feature Maps

We maintain our objection to the categorisation of the top of the Nigg Sutor (i.e. the area above the Nigg Industrial Site) as BP2 and believe it should be re-categorised as BP3 or BP4 on the grounds of its importance to the wider landscape. It is clear from the Report on Representations page 2-51 source 4, that the Council

misunderstood our previous comment, assuming it referred to the Industrial Site when in fact we explicitly referred to the area outwith the site. The allocation for the Nigg petrochemical site provides no justification for not rezoning the adjoining area, especially since some of this area (the cliffs) are already zoned as BP3. The case for zoning the top of the hill as BP3 or 4 is the Cromarty and Nigg Sutors provide a striking and prominent feature in the landscape which provide a backdrop for Cromarty and a key view from many sites around the Cromarty Firth and further afield (e.g. along the Moray coast). The natural unspoilt scenery of the Sutors provide a dramatic entry point for those aboard cruise liners and other boats who enter the Cromarty Firth.

The Consultative Draft chapter 3, clause 12 notes that "There are a range of notable landscape character types recognised by national and local landscape designations, such as the Dornoch Firth and the Sutors of the Cromarty Firth." Clause 14 further highlights the importance of the Cromarty Firth as a port of call for Cruise Liners. The subsequent section on Strategy stresses the need to protect important views (p 14).

In the light of the Local Plan's own key issues and strategy framework as outlined above, we believe there is an overwhelming case to re-categorise the prominent areas of the Nigg Sutor as BP3 or 4.

Deposit Draft with Modifications (Proposed Changes)

The objections in this respect indicate

3.3 Pure Energy [CD31/414]

We object to the new designation of local recreational management area (policy 73) on the grounds that the boundary is not appropriate and should be well to the south and east of the Castle Craig Road. The land that would remain between the industrial site and the new boundary should revert to BP2.

3.4 Ms Helen Barker [CD31/404]

I was told on Friday 18th February, about the very recent exclusion which has been inserted into this plan, regarding the whole of Castle Craig and most of Nigg Hill except for Bayfield and Nigg farm Hill land. I object to this sudden alteration which the people concerned may not be aware of and I myself own land on Nigg Hill. I have been given to understand the exclusions are on visibility and amenity. Is this accurate?

Regarding visual impact – The windfarm development at Novar is not an eyesore and we see it often, so why not Nigg Hill?

Amenity area - I am not aware that Nigg Hill is an amenity area. Castle Craig Loch has long gone so no fishing there. The bonfire site used throughout the 20th Century was ignored for the Queen's 50th Jubilee for land overlooking Nigg Ferry on Castle Craig because those concerned considered it meant too much walking nowadays from the road to the 20th Century site. However Bayfield has a large fishable loch

and a nice amenity area around it not excluded by this plan therefore by the same token it is suitable for a windfarm. Has Shell been advised of this recent exclusion because they, I believe have done work at Castle Craig and afterall a lot of Castle Craig is not visible from Nigg except across the Moray Firth.

Is it the case that the Highland Regional Council would be prepared to consider windfarms on Nigg Hill provided the interested parties got together and worked under one umbrella as I understood the present government is interested in renewable energy. Further I see mentioned in the Ross-shire Journal of 18/02/2005 that the pulp mill team has taken an interest in Nigg Oil Yard, so how would this fit in with these recent exclusion areas?

The Highland Development Board which was formulated in 1965 made the Cromarty Firth and Industrial Priority etc, leaving other areas for amenity i.e. The Black Isle.

If you removed Nigg Hill (not the Sutors) from the amenity area etc I'd agree. The Cromarty Firth was designated an industrial priority in 1965, by the Highland Development Board. The Scouters themselves North & South, amenity areas as they command the entrance to the Cromarty Firth – to be excluded. However just inside the Scouters is the high fabrication yard, hardly an amenity, although valuable in other ways.

I refer to the recent exclusion of Castle Craig and Nigg Hill in the East Ross & Cromarty local plan.

I find it odd the way Castle Craig from, fence to fence is excluded and the same for the Dow Nigg Hill land – immediately beyond their boundaries, anything can occur. I own land within the Dow area 29 acres approx.

I am in favour of wind farms and do not find them ugly, anyway more than I do the rigs which are quite majestic, objected to earlier. No one objects to the large power lines which cover the country and have done so for years.

3.5 Alan Whiteford [CD31/452]

The redesignation of parts of Nigg Hill from the perfectly sensible BP2 to BP3 appears to me to be arbitrary and unjustified. Where is the supporting evidence to justify this redesignation? To what was any consultation carried out to allow some debate about the merits or otherwise of this proposal? To what extent were existing developments such as the scoping surveys for a potential windfarm taken into account before proposing such a redesignation? There is no supporting information to explain the boundaries of the new area.

3.6 J Jenkins [CD31/428]

Nigg Rail Link - 15 March 2005

I write to object to the proposal in the above plan, Feb 05 edition, not to continue full support for a rail link to the Nigg Industrial Area.

The need for a rail connection to Nigg has been supported by the Highland Council for some years after much discussion about the economic and environmental benefits. The arguments today are even stronger in favour of a railway. All the relevant authorities such as the HIE/RACE, CFPA, and business associations believe it is vital for the long term prospects of industry at Nigg, particularly those that need deep water access

It is not known why the change was made or why so late in the preparation of the local plan or why the interested parties were not consulted or how the decision was taken. The Highland council was aware that there was interest in a railway.

To that effect a private-public partnership was formed in 2004 to evaluate all the problems associated with a rail link to Nigg. The partners are RACE, CFPA, Highland Rail Group, Jonathan Jenkins Associates and Scott Wilson Railways Ltd.

A preliminary report shows the concept is both technically feasible and operationally sound. The report shows a route from Fearn station to the Talisman oil tanks at Nigg. The tanks represent the boundary of the industrial area where the railway leaves the private agricultural land and planning conditions change.

A map is enclosed. The route has two options around Ankerville which further studies will resolve. The next stage will involve land owners and others to refine the route.

Another report on the route south from the oil tanks to a terminal at Dunskeath House is on industrial land and is in preparation. The green line on the JJA map represents the approximate route largely following the west side of the B9175 road. Designs for additional terminals in the KBR yard and on the Cromarty Petroleum Ltd Land await commercial information from the interested parties but can be accommodated.

I wish to have the enclosed indicative maps as the protected rail routes reinstated in the local plan particularly as they do not impinge on the SSSI or RSPB interests but if necessary to argue the case at the local plan enquiry

Nigg Rail Link - 31 March 2005

Further work has allowed us to update the outline route map. The new map is enclosed. It should replace the corresponding map attached to the 15 March letter. The changes relate to the elimination of the Western option below Ankerville. It should be emphasised that the route is preliminary and subject to discussion with land owners and detailed engineering studies.

Chapter 6 Policies 72 & 73 – Area of Great Landscape Value & Local Recreation

Management Area - *The council answer to my objections of 21 Nov 2004 is not clear and does not seem to have been thought through. Who decided on the 'best characteristics' of Nigg Hill, on what basis? It still seems arbitrary and subjective.*

There is inconsistency in the criteria since the AGLV cuts off above Bayfield. By any standard the land above Bayfield is the same as Castlecraig and the high Cromarty Petroleum land. The original designation as BP2 for the whole area is reasonable.

You are aware of the huge amount of preliminary work for wind farms done on the hill by several groups with a no in principle objection from the council. The results are proprietary but are believed to be very encouraging. The BP3 designation is more restrictive and presents a disincentive to development for no measurable benefit.

The industrial area spreads up Nigg Hill where there is a presumption for development. Adjacent land at the same altitude is marked AGLV. This is not consistent.

Much of the AGLV is invisible except from an aircraft. How come this is of visual value? Another problem is that the AGLV comes too far down the hill which lower land has no visual value from anywhere.

Longer views have less definition visually. It is about 6 miles to Invergordon and Saltburn, further to the Moray Coast, and the view from Cromarty takes in the industrial area and very little of the designated area.

The council want to encourage industry at Nigg and use of all resources is implicit. Environmental considerations are designed to help good development not thwart it. Pending clarification of the status of the AGLV and its relationship to Policy 73 I wish to object to policy 72 and if necessary make representations at the local plan enquiry.

73 - Local Recreation Management Area

I wish to object to policy 73 in the Feb 2005 edition of the above plan and the new managed recreational area on Nigg hill.

This is an inappropriate designation for this area. Managed recreation on one of the bleakest sites in Easter Ross is irrational. Who wants to do what?

In fact, even though there is freedom to roam, no one does. For example on the designated footpath along the cliffs by Castlecraig only one sighting of a visitor can be remembered. The path is overgrown and virtually impassible. There is no right of way across the Cromarty land. Even at lower altitudes no one in 40 years has asked permission to visit Dunskeath Castle, nor has anyone been seen there. Realistically it is nonsense to talk of recreational management especially with a BP3 designation. The original BP2 designation was more than sufficient for the protection of the whole of Nigg hill. There is inconsistency in choosing Castlecraig and Cromarty land and not identical land further North. It is also clear that no regard has been taken to ascertain where the environmentally sensitive areas are. Decisions have been made without the benefit of local knowledge.

I also wish to know why the area was designated so late and at such short notice and why was there no consultation with the landowners. It is not good public relations. Local people are happy to have the help of the environmental bodies but not dictatorship. No evidence to support the change has been available. It looks arbitrary and bizarre. We need more common sense and openness. I understand that once the local plan has been issued no new changes were permitted. Why did this not apply to the Council? Why were the public not invited to make new changes apart from commenting on the councils changes.

I believe a mistake has been made and so we recommend that the land as per the original draft be left as a BP2 designation. If the above is not persuasive I would like to make representations at the local enquiry

The Council's Response

J Jenkins [CD30/10]

- 3.7 1.(a) Remote land is classified as land that is located more than 1km from an "A" class road and 0.5 km from other public roads. Under this classification the area falls within the area identified as remote.
- 3.8 (b) Prime agricultural land is described as that best available land capable of producing acceptable yields with acceptable inputs and minimal environmental damage. National planning policy indicates that planning policy should ensure that additional weight is attached to protection of prime land, which is Grades 1, 2 and 3.1 of the Macaulay Agricultural land classification scheme[**THC17/1**]. This definition is applied on a national basis of the classification, The Council therefore, has no remit to alter this classification as it describes the agricultural capability of the land and not any present use.
- 3.9 (c) The boundary as shown was drawn to best reflect the characteristics of the Sutors of Cromarty. In the past AGLV identified in Local Plans are generally small scale in nature and areas where visitor management is as much an issue as scenic or natural beauty. These are not strictly comparable with AGLV and similar designations elsewhere in Scotland, which tend to be much larger in scale. The Structure Plan therefore identified larger scale areas, which the Council considers are at least regionally important for scenic quality and may even be nationally important, subject to the NSA review. Their quality is valued beyond their immediate locale. The criteria for identifying these AGLV is indicated in page 95 of the Structure Plan and the Sutors were adjudged to have a significant level of importance in relation to several of these:-
- combinations of land character types which provide attractive or unusual scenery;
 - land forms and scenery that are unusual or rare in the Highland context;
 - dramatic and striking landscapes and coastlines;

The text of paragraph 2.14.7 (Structure Plan) finishes with reference to existing AGLV together with other designations being reviewed for re-inclusion or omission.

To be consistent with the Structure Plan the AGLV referred to in this Local Plan are those of regional significance. However, the former small scale AGLV are now indicated as Local Recreation Management Areas (para 73 in Chapter 6). To accord with this the areas of most value in scenic terms are to be redefined as an area of Local Recreation Management Areas.

3.10 Nigg Point Petrochemicals site

The area outlined in the objection was not included in the extent of land granted

- planning consent in 1976 by the then Secretary of State, and subsequently included in the Adopted Easter Ross Local Plan and referred to in the current Scottish Planning Policy 2: Economic Development. The location of the fully equipped integral fire station was to the south of the site within the main administration area nearby the main entrance to the site. Additional access was located south of the Pitcalzean Mains Tree Preservation area and offered access to the north and east of the site.
- 3.11 3. The area consented for processing and storage lies to the north of the Pitcalzean Mains Tree Preservation Area. The extent of this site was approximately 86 hectares and is accurately reflected within the boundary contained within the Deposit Draft Plan.
- 3.12 4. The boundary referred to is that of the Pitcalzean Mains Tree Preservation Order, the boundary contained within the Adopted Easter Ross Local Plan reflects the extent of the wooded area. The boundary contained in the Ross and Cromarty East Deposit Draft Local Plan shows the true extent of the TPO as placed. Review of TPO boundaries is likely to remove the artificial nature of the current boundary.
- 3.13 5. The areas indicated for inclusion adjacent the Oil Terminal should be included within the boundaries of the relevant operators. The area of land referred to in Policy 47(46) is allocated for business/general industrial or office use. No frontage to the wharfage is required and the inclusion of the area fronting to the wharfage may prejudice the use of the access for other uses. The foreshore area is not incorporated as it falls outwith the consent for the petrochemical plant, its inclusion may prejudice the use of the foreshore for other business uses. Adequate frontage to the sea if afforded through the area already allocated.
- 3.14 The areas of land omitted(1 & 2) from the allocation numbered 42 & 47 should be incorporated within their boundaries to reflect the entire extent of the sites mentioned. Modifications to the mapping in this respect were made to the Deposit Draft with modifications.
- 3.15 Analysis Map A – Background Policy 4
The area referred to in the Analysis and Background Mapping reflects the existence of the Moray Firth SAC as an international natural heritage designation. Such a major project would require to be the subject of an appropriate environmental assessment, accounting for the Special Area of Conservation. NPPG14 Natural Heritage states in para 81 that, “*the precautionary principle should be reflected in development plan policies*”. It is therefore appropriate to take account of the Moray Firth SAC natural heritage consideration in defining the boundary.
- 3.16 Cromarty Arts Trust [CD30/185]
The Sutors form part of a larger Area of Great Landscape Value which is significant in a Highland context. However, under General Policy BP2 the policy presumption for areas of this scale does not preclude development. Nevertheless, it is agreed that the Sutors are a striking and prominent feature worthy of greater protection from unsympathetic development. In this respect they would merit an additional

- designation as Local Recreation Management Areas under BP3. This places the Sutors in the same category as Balintore to Shandwick beach or the Fyrish Hill/Monument or Tarbat Ness. There is also the suggestion of potential improvements to interpretation and small scale visitor facilities in the future.
- 3.17 Changes were made in response to the objection the Cromarty and Nigg Sutors policy status and also in response to the requirements of the Structure Plan. The status of the Sutors is such that they merit recognition in line with other Local Recreation Management Areas under BP3.
- 3.18 Pure Energy [CD31/414], Ms Helen Barker [CD31/404], Alan Whiteford[CD31/452] and J Jenkins [CD31/428]
Chapter 6 Policy 73 - Local Recreation Management Area – North Sutor
In respect of objections to the proposed changes and further written submissions in regard to the inclusion of Local Recreation Management Areas at North Sutor the context for this is set within the Structure Plan. The response to 3.8 (c) above sets out the justification for the change in response to
- 3.19 The areas of most value in scenic and also most environmentally sensitive terms have been redefined as an area of Local Recreation Management Areas. The Sutors, comprise two opposing headlands, north and south, which guard the entrance to the Cromarty Firth are noted for being important headland features. The extent of the Local Recreation Management Area has been constrained to the steeply rising land and associated plateau. The North Sutor forms a key view from many sites, not least the South Sutor, around the Cromarty Firth and further afield (e.g. along the Moray coast).
- 3.20 The Sutors are a striking and prominent feature worthy of greater protection from unsympathetic development. In this respect they merit an additional designation as Local Recreation Management Areas under BP3. This places the Sutors in the same category as Balintore to Shandwick beach or the Fyrish Hill/Monument or Tarbat Ness. There is also the suggestion of potential improvements to interpretation and small scale visitor facilities in the future, although the main aim of the policy in regard to the Sutor is the protection of a valuable scenic resource which is often most appreciated from other areas. As such the area of interest stretches from the coastline up to the top of the Sutors which is reflected in the boundary definition for the Local Recreation Management Area.
3. 21 The change of policy to the Sutors does not preclude the potential for development within the area but raises the emphasis on the importance of natural landscape features in consideration of any development proposals. The allocation is not a consideration of potential renewables development but of an important landscape feature. The granting of permission for meteorological measuring masts at Nigg Hill does not constitute a consideration of a wind farm merely that of the two masts and should not be a consideration when protecting important landscape features. Land with the AGLV designation is removed from the Sutor headlands and that respect affords a lesser degree of constraint. The visual impact of windfarms to the

landscape is to a certain degree subjective, but demands full consideration through the planning application process.

- 3.22 Consultation of the Local Plan through the Deposit Draft with modifications provides the forum for the debate for policy changes contained within it. Changes were made in response to objections received in consultation of the deposit draft. Responses were sent to all objectors in relation advising of responses to objection including related responses to other parties.

3.23 **J Jenkins [CD31/428]**

Nigg Rail link

The indicative line was removed in response to the potential impact of the line on natural heritage interests. Policy wording was retained to indicate continued support for the development of the link. Your further submission makes it clear that the route is preliminary and as such could be subject to change. In this respect it would not be in the best interests of any potential rail link development to indicate a route that may differ from a final proposal. The inclusion of appropriate policy wording should ensure policy support for a future rail link development. The current wording can be made more positive through the replacement of the word “*may*” with “*would*” in the first sentence. And replacement of “*would*” with “*may*” in the second sentence to read as below:-

*"The potential to attract certain uses to the Nigg yard and nearby industrial land **would** ~~may~~ be enhanced by the provision of a rail link from the Far North rail line (TC1). Such a major infrastructure project **may** ~~would~~ require to be the subject of an appropriate environmental assessment, accounting for the Cromarty Firth Special Protection Area."*

4. Conclusion

- 4.1 In respect of the removal of the Nigg rail link the concerns in regard of the natural heritage interests to the showing of an indicative rail link have brought a change of view from the Council of how best to represent the potential for the future potential of such a link. The textual policy reference maintains the importance of a future link to the economic development of the area without prejudice to the actual route that a link may follow. This gives greater scope to the identification of a finalised route through the development application process.
- 4.2 The change of level of policy constraint from BP2 to BP3 to the Sutors does not preclude the potential for development within the area but raises the emphasis on the importance of natural landscape features in consideration of any development proposals on a non-renewable landscape resource, this is in line with national policy NPPG14 [THC17/3].
- 4.3 The extent of the petrochemical site at Nigg is tied to that of the 1976 master plan and subsequent policy emphasis for its safeguarding through national and Structure policy. This seeks to preserve the future long term use for the site and presume against proposals that would prejudice its full potential, consistent with national

guidance SPP2: Economic Development[CD14] and Structure Plan policy[CD1]. The retention of the primary energy related use identified for the site is the main aim of the policy.

- 4.4 **Accordingly, The Council would ask that the Reporter recommends no change to the content of the Deposit Draft with Modifications, in respect of these matters(excepting the amendment highlighted in paragraph 3.23 above).**