

# Highland Council Inner Moray Firth Local Development Plan

## Comments received for the consultation that ended on 13th December 2013 ordered by Site

Customer Number  Name  Organisation

Agent Name amd Organisation (if applicable)

Section  Paragraph

Reference  Type  Comment Late

### Comment Changes

'Ports' in reference to Invergordon and Nigg in line 8 should be changed to 'Facilities'.

### Representation

Both Nigg and the Invergordon Service Base are much more than 'Ports' this should be recognised appropriately.

Allocated to

Customer Number  Name  Organisation

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Section  Paragraph

Reference  Type  Comment Late

### Comment Changes

### Representation

I purchased 5 clyde street after it was announced that the planning for 12 plots at the yard at clyde street (13/00580/ful) was passed as I recon that it would improve that area and would make my purchase a good investment, work was suppose to start in September but nothing has happened yet. I have now heard a rumour that a deal has been done with the port authorities with the ground along the rail way track (IG5)Can you inform me if this is correct and if so who is paying for the money that has been wasted on that ground to get it through planning also what is the figure that it has cost the council so far to get it through the planning stage?Also why the local people of Invergordon have not been consulted as this area is not appropriate for a car park for workers to use on the other side of a busy road, I also believe that for the sort time that it was used as a car park that the neighbours had nothing but problems from the people using it regarding litter and urinating near there vehicles. If it is not correct then can you inform me when work will start and why it isn't on the proposed development plan for Invergordon

Allocated to

Customer Number  Name  Organisation

Agent Name and Organisation (if applicable)

Section  Paragraph

Reference  Type  Comment Late

Comment Changes

4.50 Alness and Sustainable School Estate Review. If a single school is to be built and located in Invergordon, the best and most obvious location would be the Seabank Tank Farm which is listed as a priority for regeneration. 4.63 Invergordon. The port facilities should be developed for freight, cruise liners and tourists, not industrial. The energy sector future requirements can be accommodated at Nigg, Deephaven and Ardersier where there is ample room for growth. The coastal side of Invergordon should benefit from scenic views without interruption over open water. Improve the visitor experience particularly for cruise passengers.

Representation

4.50. Alness and Sustainable School Estate Review. If a single school is to be built and located in Invergordon, the best and most obvious location would be the Seabank Tank Farm which is listed as a priority for regeneration. It would remove an eye sore, bring redundant land back to use, would benefit from scenic views of the Firth and could not be any closer to the existing school. Being off-site would mean no disruption to the present school activities, leaving playing fields untouched. The Seabank will need to be cleaned at some stage in any case, better to do it now and chose the best long term location for a new school rather than a short term fix to try and get plans in earlier than competing areas. 4.63 Invergordon. The port facilities should be developed for freight, cruise liners and tourists, not industrial. The energy sector future requirements can be accommodated at Nigg, Deephaven and Ardersier where there is ample room for growth. Improve the visitor experience particularly for cruise passengers - This is in direct conflict with current Port expansion plans. Rig repairs, fabrication, welding, painting and shot blasting will drive away visitors, not to mention the disturbance for local residents. The coastal side of Invergordon should benefit from scenic views without interruption over open water. Site: IG11 Cromarty Firth Port Authority. Ensure no adverse effects on the Cromarty Firth Special Protection Area/Ramsar. The Highland Council cannot ensure there will be no adverse effects when they continually grant Permitted Development Rights to the CFPA. How will the HC regulate the CFPA expansion proposals when no Planning Permission is required? The list of requirements provided would all normally be Planning Conditions but cannot be enforced when there is no Planning Permission required. Examples: 1. The CFPA announced proposals to build a large Fabrication shed, described as such in information sheets made public. When it was pointed out this would be an industrial development requiring planning permission, they changed the title to Assembly Hall and then built a giant shed that towers over the town, dominating the landscape and all done under Permitted Development by simply changing the title. It is not credible to say that is not an industrial building. 2. The CFPA said they need to remove Linear Park as it was part of a phased development and would adjoin and enable the next larger phase 3 proposal. Once the public amenity was removed, plans were changed and phase 3 will now not adjoin Linear Park. As a phased development an EIA and planning consent would be required so the CFPA now claim it is not a phased development, although described as such in their master plans, and the HC have accepted the proposed reclamation of land is not phased and outside the tidal area despite being unable to provide any tidal evidence to support this assumption. I have twice requested this information but it has not been forthcoming. A visit to the area at low tide will show the majority of the area to be within the tidal range although as the land will be adjoined it should still be within the jurisdiction of the HC regardless of the tide.

Allocated to

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Comment Changes

Representation

Annex B to the Zero Waste Plan is the most recent published expression of Scottish Government Policy on the role of Land use planning in delivering waste infrastructure. Annex B sets out a variety of roles for organisations. Under the Heading "Role of Planning Authority (Development Plan)" Annex B re-iterates the requirement in Scottish Planning Policy that "All development plans must identify appropriate locations for all waste management facilities, allocating where possible specific sites, and providing a policy framework which facilitates the development of these facilities." This point is repeated in paragraph 257 of draft Scottish Planning Policy Paragraph 253 of the same publication states that:- "The planning system should support the provision of a network of infrastructure to allow Scotland's waste and secondary resources to be managed in one of the nearest appropriate installations, by means of the most appropriate methods and technologies, in order to protect the environment and public health. While a significant shortfall of waste management infrastructure exists, emphasis should be placed on need over proximity. However, as the national network of installations becomes more fully developed, there will be scope for giving greater weight to proximity in identifying suitable locations for new facilities." Annex B to Scotland's Zero Waste Plan states at paragraph 5.6:- "Development Plans must safeguard all active and consented waste management sites and identify appropriate locations for all waste management facilities, where possible on specific sites or supported by policy framework to facilitate development." The Local Development Plan is not consistent with existing or emerging Scottish Government Policy on waste management. Site IG10 in the proposed Local Development Plan is the Cromarty Firth Industrial Park. Identified uses include industry and business but this does not reflect the fact that there are existing waste management uses on site. As a matter of fact, the policy should be updated to reflect the waste uses which presently exist. Such an approach is required by paragraph 5.6 of Annex B. There is additional land within the Cromarty Firth Industrial Park which is suitable for waste management use. An Application for Planning Permission for a waste to energy combined heat and power plant was submitted to The Highland Council in 2008. In August 2009 the Council's Head of Planning and Building Standards, following a comprehensive assessment of the proposal, recommended that the Council grant Planning Permission for the facility. The Council refused the Application and Combined Power and Heat (Highlands) Limited appealed to Scottish Ministers. An independent Reporter appointed by Scottish Ministers concluded that the proposal at the site was acceptable and granted Planning Permission. That grant of Permission was quashed on a legal technicality in 2011. The matter was considered in significant detail for a second time in 2012 by a further independent Reporter. He too concluded that the proposal on the site was acceptable and granted Planning Permission. That decision is subject to legal challenge at present and the outcome is not yet known. Despite the legal challenges to the Reporters' decisions, the fact remains that two independent Reporters and the Council's own Head of Planning have concluded that an energy from waste facility within the Cromarty Firth Industrial Park would be acceptable. The second Reporter in particular assessed the proposal against all current Development Plan policies and material considerations and found that the proposal complied with all relevant policies. He found that the proposal complied with the criteria set out in paragraph 5.9 of Annex B to the Zero Waste Plan. These are the criteria which the Planning Authority must consider when identifying and assessing sites for waste management facilities to ensure that they support waste infrastructure investment and are in the most appropriate locations. The Council's response to CPH's representation on the Main Issues Report is that it would be inappropriate to change the designation of the site until the outcome of the Court process is known. With respect that is not a valid planning reason for failing to allocate the site for waste management uses. The Council should recognise in its Local Development Plan that Site IG10 is appropriate for waste management uses. Its failure to do so is not consistent with Scottish Government Policy. If the Council does not accept this representation it must set out valid planning reasons for doing so. The conclusion of 2 independent Reporters appointed by Scottish Ministers that the site is suitable for energy from waste use is a significant planning issue that the Council must properly consider and respond to.

Allocated to

Customer Number  Name  Organisation

Agent Name amd Organisation (if applicable)

Section  Paragraph

Reference  Type  Comment Late

Comment Changes

Representation

The 7th bullet point under developer requirements refers to 'Moray Firth Special Protection Area'. This should read Moray Firth Special Area of Conservation because it goes on to refer to disturbance effects of increased marine traffic in combination with other proposals, with reference to the 'Dolphins and Development' model. Bottlenose dolphins are a qualifying interest of the Moray Firth SAC. This is as per the Draft HRA Record.

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Comment Changes

Representation

The on going noise from the service base of generators all day every day. The banging noise of metal on metal every day the number of banks range at any given time from 5 or 6 to 10 or 20 or more horrendous at times, no peace from it at night either intermittently through out the night I have being woken up every night for the past 3 months sleep depravation at its worst, I object most strongly to any more development at this service base. I think the wording of the Inner Moray Firth plan is misleading as the highland council cannot ensure any adverse effects if they allow permitted Development of the new Inner Moray Firth development plan. These requirements are all planning conditions but there is no planning consent in the case of the Cromarty Firth port authority.

Allocated to

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Comment Changes

IG11 Requirements: Noise Mitigation Plan, should be clear that this is in-air noise with the purpose of minimising disturbance to birds. IG11 Requirements: Pilling method Statement (in accordance with JNCC guidance). This should be removed. IG11 Requirement: Demonstration of no adverse effects on integrity of the Moray Firth Special Protection Area through disturbance effects of increased marine traffic in combination with other proposals. See model in 'Dolphins and Development'. - Remove this requirement. IG11 Requirement: Demonstration of account being taken of the Moray Firth Special Area of Conservation Management Scheme. Flood Risk Assessment to ensure site will remain operational during flood conditions or if non-port related development is proposed; Transport Assessment (must demonstrate that adequate parking can be provided. The first sentence should be removed. The second sentence is unclear and needs reworded. Specific reference to adequate parking should be removed.

Representation

This mitigation measure is identified in the HRA, with particular regard to the SPA and RAMSAR. As such it related to in-air noise disturbing birds. This is not made clear within the proposed IMFLDP. This requirement is very specific to a given construction technique, and as such is a level of detail too far for the IMFLDP. This level of detail would be considered during the assessment of a proposed development. If it has been included due to the potential for piling during Phase 3 then this requirement and others in IG11 have already been identified and are likely to be incorporated by Marine Scotland in license conditions. As such there is no benefit of including it here. There is an 'Inner' Moray Firth Special Protection Area (SPA) this is designated for various bird species, and as such marine traffic is unlikely to impact upon it. There is a Moray Firth SAC which the HRA has identified potential in-combination effects however the most recent studies cover more than traffic in consideration of in-combination effects. The link to the 'Dolphins and Development' model no longer works, presumably this was the work commissioned by SNH in 2012 that has since been superseded. This is a fast moving area of research hence it would make be preferable to remove this requirement and include in-combination effects in the first point in requirements as per previous comment. Moray Firth Special Area of Conservation Management Scheme is voluntary, hence although it should be encouraged, it should not be listed as a 'requirement' as this is not in the spirit of the 'voluntary' nature of the scheme. It is noted that parking is not identified as an issue in the Transport Assessment supporting the IMFLDP. The focus as discussed in Section 2 of the document should be to focus on efficient forms of travel, including public transport services and the active travel network. This approach is welcomed by CFPA. The provision of additional parking does not align with Highland Councils stated vision to 'have more efficient forms of travel'.

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Comment Changes

The name of IG11 is currently Cromarty Firth Port Authority, this should be changed. Suggested alternative would be - Invergordon Harbour Area. IG11 the 'Requirements' title should be changed to 'Requirements/Issues for Consideration'. Alternatively move the boundary to exclude the area covered by CFPA permitted development rights. IG11 Requirements: Dependent on the nature of the development the following may be required to ensure there is no adverse effect on the Cromarty Firth Special Protection Area/Ramsar and/or Moray Firth Special Area of Conservation (SAC): Remove mention of the Moray Firth Special Area of Conservation (SAC). Alternatively include Dornoch Firth and Morrich More SAC, but make it clear that for these two SAC need considered for in-combination effects only. IG11 Requirements: Construction Environmental Management Plan (CEMP) (including pollution prevention). Operational Environmental Management Plan (OEMP) (including pollution prevention). Remove OEMP, this could replace with appropriate Environmental Management System (EMS) for Operations

Representation

No other areas are identified by the name of a land owner. It is inappropriate to do so. It is also misleading as area IG11 includes land not owned by CFPA, please see attached map. The CFPA Land within IG11 is subject to permitted development rights under the Harbour Act as such Highland Council has no mechanism to impose any 'requirements' (see attached map). They can 'request' things are put in place or considered by making representation during consultation processes with Marine Scotland for example if a licence is required under the Marine (Scotland) Act 2010. It is misleading to suggest that they can place requirements on the whole area. Many of the requirements listed relate to ecology, pollution and flood the lead agency for these issues are Scottish Natural Heritage and the Scottish Environmental Protection Agency, both of whom are statutory consultees to Marine Scotland and as such the inclusion of the requirements is duplication. The Habitats Regulations Appraisal (HRA) does not identify significant effects on the Moray Firth SAC if developments are considered in isolation. In-combination effects are however identified for Moray Firth SAC and the Dornoch Firth and Morrich More SAC. Hence there is an inconsistency in the identification of sites within the plan. OEMP and CEMP are identified in the HRA, Highland Council have produced guidance on CEMP's which CFPA have utilised recognising this as best practise. As per previous comments with regard to permitted development Highland Council have no mechanism to 'require' the production. The term OEMP is not recognised by CFPA, operations would normally be managed from an environmental perspective via an appropriate EMS. Hence request to remove/change the requirement. If this is request cannot be accommodated, then guidance on the content of an OEMP would need to be provided if 'requested' by Highland Council in the future.

Allocated to

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Reference  Type  Comment Late

Comment Changes

COMPLAINT REGARDING DEVELOPMENT AT IG11 - SPECIFICALLY OBJECTING TO A FENCE BEING PUT UP ON THE SHORE ROAD OPPOSITE OAKES COURT WHERE VISITORS PARK THEIR CARS TO VIEW THE LINERS THAT COME INTO PORT OF INVERGORDON AS THERE NOWHERE ELSE THEY CAN USE AS A VANTAGE POINT AS THE WHOLE AREA IS A NO PARKING ZONE.

Representation

As per comment changes representation.

Allocated to

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Customer Number  Name  Organisation

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Section  Paragraph

Reference  Type  Comment Late

#### Comment Changes

The Inner Moray Firth is an area of outstanding biodiversity and amenity which must be sustained. It offers some striking opportunities for waterfront regeneration at Inverness (river, canal and sea frontages) and Invergordon (Firth and surplus ex-MOD holdings). Further Invergordon port developments requiring deepwater jetty extensions and reclamation of backup storage land should face stringent examination of regional alternatives and EC 'public interest' tests. Conflicts of amenity and increasing awareness of safety issues surrounding fuel and other hazardous materials make it best to avoid proximity of new facilities to existing built up areas.

#### Representation

The Plan for Invergordon is conflicting and lacks vision with regard to the CFPA Port. The basic principle of Planning is "Better Places to Live" and there needs to be good separation between centres of population and heavy industry. This is not the case in Invergordon and plans to expand the Port oil service base are not only detrimental to the health and welfare of the neighbours but conflict with plans to encourage tourism e.g. through arrival of cruise liners. The Port's plans were formalised before Nigg re-opened and have not been properly revisited to account for latest Planning Applications that include new quayside developments at both Nigg and Evanton and proposals for Ardersier. These sites have ample space and using public money to reclaim more land from the sea at Invergordon would not stand Planning scrutiny. Although the CFPA Plans clearly describe their proposals as multi-phased and will have significant future land implications as the area is being expanded, the HC have chosen to ignore this and grant PD rights against their own initial legal advice. The expansion plans make no provision for the lack of infrastructure in the Town, e.g. parking and the whole Planning system is brought in to disrepute by allowing large bad neighbour developments to proceed without the usual rigours of the planning system. The old port (east side) with a harbour, ships, cruise liners is a good port whereas the oil service base (west side) with rig repairs, fabrication, etc is a bad neighbour, wrongly located and hiding behind PD rights for ports when in actual fact it is an industrial site poorly located. Examples of bad neighbour developments poorly located and built without going through the normal planning system include: The construction of a fish meal shed that blocked the outstanding views from the High Street and created smells - and caused the closure of the nearby primary school when it went on fire and burned for several days; The construction of a giant Fabrication shed that dominates the landscape, towering over the town; and The removal of a valued public amenity at Linear Park, all examples of a broken planning system - they tick nearly every box of the PD Order 1992 Schedule 2 Bad Neighbour Developments and yet have been allowed without even seeking planning permission. Planning is about making choices and the proposed Local Plan does not chose but expands what is currently in place making things worse rather than having a vision for the direction development within the Town should go. The HC sponsored document "Inner Moray Firth Ports and Sites Strategy 2050" published by HC in 2006 gave such a vision describing development of the Port but the latest Local Plan ignores these findings. The 2006 report stated: "while opportunities to develop alternative uses can be progressed in the vicinity of the West Harbour and the Admiralty Pier. This would facilitate the opening up and redevelopment of the waterfront as a commercial and leisure centre close by the traditional High St retail/service area. Wider opportunity and greater flexibility would be presented by the opening up of Nigg allowing a mix of development uses around Invergordon. It would open up the waterfront to public access, extend the parkway from the west, bringing back sailing craft and marine leisure activities to the centre of the town. It would provide a proper reception point and facilities for visiting cruise ships. It would kick start regeneration to tackle the contamination and eyesore of the Seabank tanks with consequent provision of further housing, community facilities and open space. An Urban Regeneration Company or similar organisation should lead this process." In response to specific sections of the Plan: 3.10 Vision The further expansion of Invergordon Port as an industrial base conflicts with the aims of the Plan to strengthen shopping, transport, performance/arts, tourist and education facilities. There is insufficient separation between heavy industry and residential property which is having an injurious effect on the health and welfare of local residents who are kept awake all night and throughout weekends by noise, have air pollution and damage to property (my car has been damaged by paint overspray 6 times while parked in front of my own house) to contend. Strategic choices need to be made, not more of the same and those choices should account for new sites such as Nigg re-opening and a change in emphasis in Invergordon toward harbour regeneration and tourism with a gradual transfer of industrial activity toward more suitable locations such as Nigg. Strategy 3.11 Industrial heart of the Highlands. The location of the fabrication industry should be at Nigg and Highland Deephaven but not Invergordon Port which is too close to residential property and does not have the infrastructure such as parking. Plans to reclaim land from the sea are a clear indication that Invergordon is not the right location, the Highlands is not short of space. 3.13 Travel. Invergordon port should be developed along traditional lines as a freight interchange, place for cruise liners, yachting, tourism, etc rather than a place for heavy industry and expansion of rig repairs. The two are in conflict and Plans

These representations are as submitted to the Highland Council and have only been changed (redacted) to exclude private contact details and invalid comments. The Highland Council will in due course summarise them and provide a response to those issues raised which are relevant to the development plan.

should recognise that fact. Transportation of large turbines via Tomich junction is an accident waiting to happen. 3.15 Benefit from an outstanding location for natural and cultural heritage. Development should not impact on the habitats of the Cromarty Firth. Well it does in a very negative way. The removal of the public amenity at Linear Park is an obvious example. A sculpture was sited adjacent to the former Linear Park and at the time had uninterrupted views up the Cromarty Firth toward the mountains of the Wyvis range but it is now surrounded by fences and heavy industry, hardly an attraction. The expansion of the Port is destroying natural landscape that has outstanding scenic value.

Allocated to

Customer Number  Name  Organisation

Agent Name amd Organisation (if applicable)

Section  Paragraph

Reference  Type  Comment Late

#### Comment Changes

The highland council cannot ensure any adverse effects if they allow Permitted development. These requirements are all planning conditions But there are no planning consent in the case of CFPO.

#### Representation

Constant night noise sleep deprivation at its worst for the last month.

Allocated to

Customer Number  Name  Organisation

Agent Name amd Organisation (if applicable)

Section  Paragraph

Reference  Type  Comment Late

#### Comment Changes

The site is likely to be at significant flood risk and it is uncertain whether the principle of development can be established in accordance with Scottish Planning Policy.

#### Representation

We therefore object unless it is removed from the Plan or a Flood Risk Assessment is carried out at prior to inclusion in the Plan which demonstrates that the proposals would comply with Scottish Planning Policy. A developer requirement to restore the watercourse should also be added.

Allocated to

Customer Number 04098 Name John M MacIntosh Organisation

Agent Name amd Organisation (if applicable)

Section 4.Development Allocations Paragraph

Reference IG12 Type Change Comment Late No

Comment Changes

Remove IG12 from plan as problems with smelter, when working with fallout as animals bones breaking.

Representation

Sufficient industry capacity in Invergordon already and not used. Loss of agricultural land and prone to flooding in winter. Existing road access, as not allowed new access from A9. Problems with junction at Tomich premature with plans as industry too close to houses.

Allocated to Invergordon IG12 Delny

Customer Number 04123 Name Christine MacIntosh Organisation

Agent Name amd Organisation (if applicable)

Section 4.Development Allocations Paragraph

Reference IG12 Type Change Comment Late No

Comment Changes

Removal of IG12 from plan.

Representation

Not identified at National Level in Scottish Planning Policy. Too much development in area already sufficient capacity in Invergordon - large parts are not utilised now Existing road access problems via Tomich access via village unacceptable - HGV's and increased traffic volume. Industry too close to housing - noise, dust, lights, odour, vibration etc. -Impact in past on other amenities. -Aluminium smelter polluted land and livestock. -Livestock slaughtered at 9 months due to build up of toxic levels of fluoride in bones resulting in fractures. -All crops removed and replaced -Vegetation - Broom and trees destroyed with pollutants. -Prevailing wind is over Broomhill. Loss of good agricultural land. SEPA raising concerns - land very prone to flooding - lots of standing water. Too close to Inner Moray Firth conservation area. Personally not allowed a house site in sight of A9 - yet massive development site proposed adjacent to A9! Highly visible.

Allocated to Invergordon IG12 Delny

Customer Number 00293 Name Fiona Porter Organisation Invergordon Community Council

Agent Name amd Organisation (if applicable)

Section 4.Development Allocations Paragraph 4.63

Reference IG12 Delny Type Change Comment Late No

Comment Changes

Invergordon Community Council would like this area to zoned for agriculture and NOT industry

Representation

Invergordon CC submitted responses to the main Issue Report in June 2012 where we stated that we did not want industry to be developed at this site. It was known as site 17. We also met with Planning officials in the Social Club Invergordon and discussed this site. The industrial zone appears to go back a long way in history to the 1970's when a petro chemical plant was planned. We were asked that evening if we wished to remove the industrial label. We said yes. We do not think that any more industrial development along the boundary of this part of the A9 is appropriate. This area is very near the notorious Tomich Junction which cannot cope at present with amount of heavy traffic using it. More industry will increase only increase this problem even more and make the junction even more dangerous than it is now. We wish you to reconsider zoning this site as industrial and leave it as agricultural.

Allocated to Invergordon IG12 Delny

Customer Number 00204 Name Mr Andrew Brown Organisation Scottish Natural Heritage

Agent Name amd Organisation (if applicable)

Section 4.Development Allocations Paragraph

Reference Invergordon IG12 Delny Type Change Comment Late No

Comment Changes

Amend text in 7th bullet point from Special Protection Area to Special Area of Conservation

Representation

The 7th bullet point under developer requirements refers to 'Moray Firth Special Protection Area'. This should read Moray Firth Special Area of Conservation because it goes on to refer to disturbance effects of increased marine traffic in combination with other proposals, with reference to the 'Dolphins and Development' model. Bottlenose dolphins are a qualifying interest of the Moray Firth SAC. This is as per the Draft HRA Record.

Allocated to Invergordon IG12 Delny

Customer Number 04438 Name John M MacIntosh Organisation

Agent Name amd Organisation (if applicable) Mr Alan Ogilvie G H Johnston Building Consultants

Section 4.Development Allocations Paragraph

Reference IG12 Type Change Comment Late No

Comment Changes

Insert in requirements section the need to maintain a buffer area of at least 150 metres setback from the A9 Trunk Road.

Representation

We act for Mr John MacIntosh of Broomhill, Invergordon an area that is bounded by this major industrial site allocation. We write to question how much longer the local development plan should continue to safeguard land for this purpose. We understand that this was originally a site of national importance safeguarded in national planning guidance at a time when the government sought to attract significant inward and heavily public subsidised investment. This approach brought the smelter to Invergordon which proved not to be sustainable. Other similar major developments in other parts of the country like pulp and paper mills, Far Eastern electronics factories and car manufacturing plants have all come and gone in the last 30 to 40 years. Whilst our client understands the need provide land for major employment uses, development of the scale that this land at Delny is safeguarded for will have a significant impact upon the local environment, not least at Broomhill Farm. In this regard one requirement that the Ross and Cromarty East Local Plan included was a landscape buffer area of 150 metres from the A9 Trunk Road. We note that this requirement is now excluded from the allocation at IG12 and we question why this is so. At least this would help provide some buffering to Broomhill and we request that this is restored.

Allocated to Invergordon IG12 Delny

Customer Number 04144 Name John Munro Organisation

Agent Name amd Organisation (if applicable)

Section 4.Development Allocations Paragraph

Reference IG2 - Roebank Type Change Comment Late No

Comment Changes

As our house 'Roebank' is going to be built all around with the purposed development of 'IG2' it would make more sense that the Council would purchase the property and incorporate it into their plans, as any future development will certainly hinder our plans to put our house on the market next year, as I have now reached 81 years of age.

Representation

Reasons as stated above

Allocated to Invergordon IG3 Cromlet

Customer Number  Name  Organisation

Agent Name amd Organisation (if applicable)

Section  Paragraph

Reference  Type  Comment Late

Comment Changes

Representation

We act for the MacKenzie family, owners of the substantial House of Rosskeen land and wooded grounds on the north west side of Invergordon. Our clients are pleased to note that their property is now allocated for development and we write to support the provisions as listed under IG4 in the Proposed Plan.

Allocated to

Customer Number  Name  Organisation

Agent Name amd Organisation (if applicable)

Section  Paragraph

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Comment Changes

Description includes retention and protection of ancient woodland. However the vast majority of this site contains existing woodland – all of which is an ancient woodland site. Housing development on remaining site likely to cause undue disturbance to the existing woodland. Any development on this site is opposed.

Representation

The Woodland Trust Scotland considers that any woodland included in Scottish Natural Heritage’s Ancient Woodland Inventory (AWI) which is present on historical maps or which exhibits a significant number of ancient woodland indicators can be considered as ancient and is therefore high value for conservation and worthy of further study and is likely to pose a constraint on development. We believe that ancient woodland is amongst the most precious and biodiverse habitats in the UK and is a finite resource which should be protected. Highland Council supplementary guidance notes that woodlands and trees offer multiple benefits in terms of addressing climate change, improving the water environment, providing valuable habitats, timber industry and creating recreational opportunities. Considerations include the cumulative impact of woodland removal, and fragmentation of habitat. Both Scottish Government policy and the Highland Wide LDP policy create a presumption in favour of protecting woodland. The Highland Wide LDP in policy 57 recognises ancient woodland as (depending on the category) of regional or national importance. Both the Woodland Trust Scotland and Scottish Planning Policy at para 148 consider ancient and semi natural woodland to be an important and irreplaceable national resource and should be protected and enhanced. The Woodland Trust Scotland would like to see a clear statement that the loss of ancient woodland cannot be mitigated, and therefore warrants protection from development. Development impacts on ancient woodland in a number of ways including chemically, disturbance by human activity, fragmentation, and colonisation of non-native plants. The cumulative effect of development is more damaging to ancient woodland than individual effects which should not be considered in isolation.

Allocated to

Customer Number  Name  Organisation

Agent Name amd Organisation (if applicable)

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Comment Changes

Representation

Whatever is planned for Invergordon, I trust that ample attention will be given to car parking. As I write, and in regard to the Catholic church on High Street/Station Road, we have seen a quite serious depletion of parking in that area. Maybe this is short-term, but the town as a whole is not well supplied with parking for cars. More development means more cars etc etc.

Allocated to

Customer Number  Name  Organisation

Agent Name amd Organisation (if applicable)

Section  Paragraph

Reference  Type  Comment Late

Comment Changes

Use the sidings as parking for the workers on the CFPA site

Representation

This site is about fifty meters in front of the Phase 2 development of the CFPA, which is a glorified industrial scrap yard, and an eyesore. Any idea that the sidings could become a "gateway site" is illusory, short of adult tree plantation, or similar measures of screening out the dock area. The sidings have a busy road in front, plus the dock area, and a railway line behind, so it seems an unpleasant place to live, but it would be possible to build some houses. It is suggested that, if built, the buildings should be one storey high, out of respect to the inhabitants of Cromlet. A more logical use of the sidings, and one of more service to the long-suffering population of Invergordon, would be to use the Sidings as a parking for the workers on the CFPA site. At present the people living in the lower town, find that every parking space is filled by worker's cars. Shoppers can no longer take their cars, because it is impossible to find a parking.

Allocated to

Customer Number  Name  Organisation

Agent Name amd Organisation (if applicable)

Section  Paragraph

Reference  Type  Comment Late

Comment Changes

Representation

Allocated to

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Customer Number  Name  Organisation

Agent Name and Organisation (if applicable)

Section  Paragraph

Reference  Type  Comment Late

Comment Changes

Representation

INNER MORAY FIRTH PROPOSED LOCAL DEVELOPMENT PLAN NOTICE OF PUBLICATION Customer reference 00974 I refer to the above and your response to my representation. Having read and fully digested your response, I do not think Highland Council has properly considered my representations regarding the Site MU3 in Invergordon which I will explain under the following separate points:- 1. It appears Highland Council is confused on this point when promoting the site for inclusion. The purpose of my raising the issue of the "Seabank Tank farm" description is that if one considers the actual description of what has happened on that site (which you have apparently accepted as being correct) then there is a disconnect between the name that you have used to label the site, and the actual use to which that land was previously put to. As a layman, it is my understanding that planning regime (created after this site was put to the use presently under discussion) is concerned with land use. That being the case, the average person could, quite conceivably, read over the proposed plan you have prepared and if they did not know anything about that site and accepted the "tank farm" description they could miss entirely the opportunity to contribute to the process. This is important because the redevelopment of that site could affect a great number of people who may presently be unaware what a "tank farm" actually is and what redevelopment of that site actually amounts to. Therefore considerable uncertainty is introduced into your consultation process as a result. 2. On the issue of the site being heavily contaminated - my point of concern was that you have failed to explain what the contamination amounts to? If the contamination and job of remediation is undefined then what you are doing is suggesting planning of something is possible and on merit worthy of inclusion in your development plan, which actually may be an ineffective allocation. Your point about planning conditions is based on a presumption for development. When actually, the exact feasibility of the allocation is not properly known, thereby the use of conditions would be illegal in such circumstances as these would be covering any eventuality - it would not be known at the point of allocation if the site is actually suitable for inclusion. 3. I made the point that the infrastructure connected to the land actually extends into the town of Invergordon itself. Therefore, the extent/outline of the curtilage as represented in your development plan is misleading; to develop the site as you suggest will involve ripping up public roads and infrastructure, as well as the site itself. For the avoidance of doubt, these installations are located across the town, and particularly below the road access to our property. Therefore, your explanation the site is "close to the town centre" is misleading – it is in the town centre. The infrastructure of the land in question is inextricably intertwined with the Town under discussion – you have not consulted with the broader community on that point, and the promotion and allocation is incompetent. 4. Regarding the point about pluvial flood risk - you have failed to address that as well: There is presently no conceivable risk of pluvial flooding from the site in question. However, the land fall on the site is such that significant soil sealing and impermeable surfaces will be required to facilitate the development you think is possible, thereby directing surface water run off toward our property and others. Your presumption of a flood risk assessment following any successful allocation is inappropriate because the Flood Risk Management (Scotland) Act 2009 and the Climate Change (Scotland) Act 2009 place a duty (notably not a power) on local authorities to act so as to reduce overall flood risk. You are presently failing on that count. Moreover, the new Scottish Planning Policy adopted in January 2010 was changed to minimise areas of impermeable surface and promote natural flood risk management. This cannot happen under the regime you suggest because in the absence of any natural watercourses presently attributed to the site, there must (by definition and logic) be an increase in flood risk as a result of the allocation you propose. In such circumstances, a flood risk assessment is pointless, as the present situation cannot be achieved/replicated. Furthermore, your reference to SEPA being part of any development management process is misleading: SEPA are not the decision maker in such matters. The decision to either increase the risk to people arising from such an allocation is a strategic decision to be taken by Highland Council, whereas if the site is simply allocated as you suggest with a presumption for development and down the road consultation with SEPA, you are simply propagating the 'planning by appeal' merry go round placing further unnecessary burden on the Scottish Government reporter, wasting public funds and introducing unnecessary dubiety and litigation into the planning system. Conclusion I accept that Highland Council is under an obligation to promote land it thinks may be suitable for development. However your approach is firstly misleading, and fails to understand the fundamental problems. I suggest the site should not be promoted, until these issues are bottomed out and a proper appraisal of the situation has taken place. I feel that is the sort of reasonable and logical approach Scottish Ministers envisaged would take place when they constructed the Planning legislation. Yours sincerely Mr & Mrs AF Bova

Allocated to Invergordon IG6 Seabank Tank Farm

Customer Number 04364 Name Katharine Rist Organisation Woodland Trust

Agent Name amd Organisation (if applicable)

Section 4.Development Allocations Paragraph

Reference IG8 Type Change Comment Late No

Comment Changes

Pleased to see protection of existing trees. Trees alongside Academy Road are ancient woodland.

Representation

The Woodland Trust Scotland considers that any woodland included in Scottish Natural Heritage’s Ancient Woodland Inventory (AWI) which is present on historical maps or which exhibits a significant number of ancient woodland indicators can be considered as ancient and is therefore high value for conservation and worthy of further study and is likely to pose a constraint on development. We believe that ancient woodland is amongst the most precious and biodiverse habitats in the UK and is a finite resource which should be protected. Highland Council supplementary guidance notes that woodlands and trees offer multiple benefits in terms of addressing climate change, improving the water environment, providing valuable habitats, timber industry and creating recreational opportunities. Considerations include the cumulative impact of woodland removal, and fragmentation of habitat. Both Scottish Government policy and the Highland Wide LDP policy create a presumption in favour of protecting woodland. The Highland Wide LDP in policy 57 recognises ancient woodland as (depending on the category) of regional or national importance. Both the Woodland Trust Scotland and Scottish Planning Policy at para 148 consider ancient and semi natural woodland to be an important and irreplaceable national resource and should be protected and enhanced. The Woodland Trust Scotland would like to see a clear statement that the loss of ancient woodland cannot be mitigated, and therefore warrants protection from development. Development impacts on ancient woodland in a number of ways including chemically, disturbance by human activity, fragmentation, and colonisation of non-native plants. The cumulative effect of development is more damaging to ancient woodland than individual effects which should not be considered in isolation.

Allocated to Invergordon IG8 Invergordon Mains North