



Town and Country Planning (Scotland) Act 1997 Appeal Decision Notice

Decision by Sarah Foster, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: PPA-270-2323
- Site address: land 320 metres south west of Tore roundabout, Tore, Muir of Ord, IV6
- Appeal by Springfield Properties PLC against the decision by The Highland Council
- Application for planning permission in principle 22/04104/PIP dated 10 September 2022 refused by notice dated 5 December 2025
- The development proposed: phased construction and operation of a business park with low carbon vehicle hub and Park and Ride facility comprising ancillary Class 1A retail, Class 3 food and drink, Class 4 business (excluding office space development), Class 5 General Industrial (excluding heavy industry), Class 6 Storage and Distribution, and Class 7 Hotel, landscaping and biodiversity enhancement, access, roads, SUDS, and associated infrastructure
- Date of site visit by Reporter: 30 April 2026

Date of appeal decision: 30 June 2026

Decision

I dismiss the appeal and refuse planning permission in principle.

Preliminary matters

Schedule 2 of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 (the EIA Regulations) includes industrial estate development projects (10a) and urban development projects (10b) where the area of development exceeds 0.5 hectare and one hectare respectively. As such circumstances arise in the appeal proposal, it comprises 'Schedule 2' development.

The council did not issue a screening opinion and so the requirement to issue a screening direction would normally fall to me as decision maker. However, given that I have decided that the appeal should be dismissed, I did not find it necessary to issue a screening direction in this case.

Reasoning

1. I am required to determine this appeal in accordance with the development plan, unless material considerations indicate otherwise. In this case, this comprises the National Planning Framework 4 (2023) (NPF4), the Highland Wide Local Development Plan (2012) (HWLDP), and the Inner Moray Firth Local Development Plan 2 (2024) (LDP2). Adopted supplementary guidance also forms part of the development plan. Where incompatibility exists between an element of NPF4 and other parts of the development plan, whichever is the later in date prevails.

2. Having regard to the provisions of the development plan, I consider the key issues in this appeal are whether this is an appropriate location for the type of development proposed, whether the development would be compatible with the principles of local living, and whether there is sufficient infrastructure in the area to support the development.

Acceptability of the location

3. The site is located on the western side of the Tore roundabout where the A9, A835 and A832 meet. The settlement of Tore is otherwise dispersed around the roundabout with the primary school, village hall, and a cluster of twentieth century properties to the north of the appeal site. The older core of the village lies to the east, off the A832, and includes housing and a small service station with HGV parking. To the south and west are low density, largely detached dwellings situated between the A832 and the A9. The site itself is currently used for agricultural grazing. A watercourse running roughly north to south divides the site into two parcels, and the land generally slopes from north to south.

4. The area around Inverness, including the appeal site, lies within the 'North' in terms of NPF4's spatial portrait. This identifies an area of thriving communities depending upon local jobs and learning to support their quality of life. It identifies a need for an alternative to low skilled and low paid jobs. It also highlights the strategic connection that exists between Inverness and the north and northwest of Scotland.

5. At a more local level, Tore is identified as a 'local centre' on the HWLDP proposals map. LDP2's 'placemaking priorities 33' relates specifically to Tore. It does not allocate the appeal site for development. It describes Tore as being a strategically competitive location, central to Inner Moray Firth employment opportunities and the road network. However, it also says that expanding the settlement would not meet the council's reassessed priorities including addressing climate change. It states that Tore has few existing employment opportunities and that the roads inhibit active travel across the settlement. It concludes that the LDP2 should promote only 'very limited infill development at Tore'.

6. As the proposals indicate a range of potential end uses being brought forward in phases, a broad spectrum of development plan policies is engaged.

'Low carbon vehicle hub' - EV charging and Park & Ride

7. Policy 1 of NPF4 (tackling the climate and nature crises) requires significant weight to be given to the global climate and nature crises when considering all development proposals. Policy 2 (climate mitigation and adaptation) requires development proposals to be sited to minimise lifetime greenhouse gas emissions as far as possible. NPF4 policy 13 (sustainable transport) states at 13(a) that proposals to improve enhance, or provide active travel infrastructure, public transport infrastructure or multi-modal hubs will be supported and this includes proposals (i) for EV charging infrastructure and EV forecourts and that (iii) build in resilience to the effects of climate change and where appropriate incorporate blue and green infrastructure and nature rich habitats. Policy 13 also sets out at (d) that development proposals for significant travel generating uses will not be supported in locations which would increase reliance on the private car, taking into account the specific characteristics of an area.

8. LDP2 includes a transport strategy (map 3) that indicates local active travel/public transport network improvements focussed on Muir of Ord to the south west of Tore, and at Dingwall to the north. Park and ride/share opportunities are shown around Dingwall. The A9 between Inverness and Tore is shown as a sustainable travel corridor for buses and

cycling. EV charging points are indicated for the western shore of Loch Ness (A82), the A9 south east of Inverness, the A835 west of Dingwall, and the area around Cromarty. Map 3 is, however, high level and largely indicative rather than allocating specific locations. The only specific reference to EV charging in LDP2's placemaking priorities is for Tomatin.

9. Paragraph 78 of LDP2 states that the transport strategy shown on map 3 is to be delivered by applying policy 14 (transport). It states that for town and villages this means creating mini park and ride/share sites on strategic routes and, for more rural places, supporting the delivery of EV charging infrastructure at key destinations that rural communities can benefit from. Public transport and EV charging are considered to be part of the infrastructure network under LDP2 policy 9 (delivering development and infrastructure). Under policy 9, the impact of development proposals on the relevant infrastructure network and community facility capacity will be assessed.

10. The development plan therefore offers some support for a public transport interchange and for EV charging infrastructure in the general vicinity of the site, although it does not identify Tore specifically. It has also been brought to my attention in the submitted evidence and through further written submissions that a study was undertaken in 2023 to identify options for improving bus transport around Inverness. The study does not form part of the development plan and, as such, can be afforded limited weight, but it was publicly consulted upon and is a material consideration in so far as it sets out the evidence for various bus transport improvement options for the area around Inverness. Following the assessment of five different options, it concluded that the option with a transport hub located around Tore would be the most effective at reducing daytime bus journey times and reducing private vehicular traffic entering and existing the city from key arterial routes.

11. Both the public transport hub and the EV charging facilities would be of benefit to the local community as well as to the provision of more sustainable travel options within the wider area around Inverness and beyond. The proposals would enhance local infrastructure provision in this respect. Overall, therefore, the principle of a public transport hub and EV charging points located at Tore would accord with NPF4 policies 1, 2 and 13(a), and LDP2 policies 14 and 9.

Class 4, 5 and 6 uses (employment)

12. NPF4 policy 26 (business and industry) supports business, general industrial, and storage and distribution uses on unallocated sites where (i) 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. LDP2 policy 7 (industrial land), however, is somewhat less restrictive, reflecting historic difficulties in identifying a sufficient pipeline of industrial land for allocation in the council area. It therefore actively supports proposals for industrial development on unallocated sites if they are sustainably located and accord with other relevant policies of the plan. It sets out that consideration will also be given to whether the location supports sustainable travel, does not adversely impact the amenity of neighbouring properties, and does not adversely impact the environment.

13. I note that the development plan emphasises that access to high quality employment opportunities is key to ensuring sustainable communities around Tore and its environs, and that there is currently a lack of opportunities for such. The need for high quality employment land is therefore a material consideration in favour of this element of the proposals. The site is not allocated for business and industrial uses in the development plan and there is some conflict between the requirements of NPF4 policy 26 and LDP2 policy 7 in this situation.

However, LDP2 policy 7 is the later of the two policies and so, given the deficiency in allocated sites, if the location supports sustainable travel, protects amenity, and protects the environment, the principle of business and industrial uses may be considered acceptable in principle.

14. In this case, the location at present does not support sustainable travel, and its ability to do so would depend upon the early phasing of the proposed EV chargers, the park and ride facility being successfully brought forward, and better traffic management on the surrounding A roads to allow access on foot and wheels from the surrounding settlement. Currently, the nearest bus stops are 200m away on the A9 and lack appropriate pedestrian connectivity to the site. The lack of real accessibility is reflected in the fact that, as already highlighted, the LDP2 does not consider Tore to meet the council's objectives for development that would also address climate change. However, subject to the phasing of the public transport infrastructure proposals, the site could be made more sustainable in terms of public transport and travel, meeting the first requirement of LDP2 policy 7.

15. Whether neighbouring amenity can be adequately protected is more difficult to gauge with the level of detail provided at this planning permission in principle stage. I saw at my site visit that there are residential properties in close proximity to the site, with some dwellings being located at higher level looking across the site, so the chances of disturbance from noise, lighting, and additional vehicle movements are high. Whilst it is suggested that 'heavy industry' would be excluded from any permission, this still leaves considerable scope within class 5 for uses that may have characteristics likely to impact amenity but not necessarily classed as 'heavy industry'. This may include uses likely to affect air quality or to generate odour, for example. As no assessment has been made of any likely end users of the site, the potential for different types of impacts on amenity, aside from noise, has not been considered as part of this application. The noise assessment itself emphasises that this is a location with low background noise levels at night and so some form of mitigation is inevitable in order to protect amenity, or operating hours would need to be severely limited. Whilst conditions could be attached to any permission in principle, these may not be sufficient to guard against the unforeseen impacts of all potential end users on the residential amenity of dwellings within thirty metres of the site boundary. I am not, therefore, convinced that residential amenity would be protected as required by LDP2 policy 7.

16. In terms of protecting the environment, the site is currently undeveloped agricultural land with watercourses, trees and scrub present. The submitted information shows that, when the site was subject to field surveys in February 2022, there was deemed to be some potential for the site to be supporting mammals, reptiles, amphibians and breeding birds who may use the site to shelter or forage. The woodland to the west and the watercourses through and around the perimeter of the site were considered to have the greatest habitat potential, as were the site borders where there are trees and scrub. I note that the field surveys have not been refreshed since 2022, despite the submitted report recommending updates every two years and the submitted information thus now being out of date.

17. It is also notable that the submitted primary ecological appraisal recommended a Habitats Regulations Appraisal (HRA) be undertaken to assess the likely effects of development on the Moray Firth Special Area of Conservation, the Inner Moray Firth Special Protection Area, and the Inner Moray Firth Ramsar site. This is because the watercourses on the appeal site ultimately feed into these internationally designated areas. A pollution event on the site could therefore have an impact upon their integrity even though they are located some considerable distance away. In the absence of a HRA, compliance

with NPF4 policy 4 (natural places) cannot be assured and it has not been demonstrated that there would be no impact upon these internationally designated sites.

18. I note that there are biodiversity enhancement measures proposed for the site, that are considered by the appellant to be capable of increasing its ecological value. In the absence of a full and up to date understanding of what currently exists on the site and how it interacts with designated sites, I am unable to reach the conclusion that, even with these apparent enhancements, the development would protect the environment, as required by LDP2 policy 7, that the ecological value of the site would be enhanced as per NPF4 policy 3 (biodiversity), or that there will be no significant effects on existing or proposed European sites as required by NPF4 policy 4b.

Hotel, Retail, and Food and Drink

19. The hotel, retail unit (class 1) and food and drink unit (class 3) are generally considered to be town centre uses. NPF4 policy 27 (city, town, local and commercial centres) requires a 'town centre first' approach to be taken to development proposals, and sets out at (b)(ii) that such uses will not be supported outwith centres unless a town centre first assessment has been undertaken demonstrating that all centre and edge of centre options have been sequentially assessed and discounted; that the scale cannot be reasonably altered or reduced to fit the town centre; and the impact on existing centres has been assessed and there would be no adverse impacts. Similarly, LDP2 policy 6 advocates a town centre first approach for 'footfall generating' development, which includes retail and hotel developments. The policy states that only in exceptional circumstances will development which generates significant footfall be acceptable outside of town centres. Developments outwith town centres must provide a sequential approach which clearly demonstrates that there are no suitable sites available in the town centres and that there will be no adverse impact on town centres. Only allocated sites are exempted from the requirement for a sequential approach at application stage.

20. I consider that the retail and food/drink proposals at the site would, in all likelihood, be ancillary to the EV charging and park and ride proposals and the amount of floorspace proposed would be unlikely to have any real impact on the vitality and viability of nearby town centres. The hotel, however, would have around 61 bedrooms, and I do not consider this to be ancillary to any other proposed uses at the site. It will inevitably become a destination in its own right, even in the absence of any food and drink provision within the hotel, as it is likely to be used by visitors other than those charging vehicles, using the park and ride facilities, or associated with activities within the proposed commercial units. Whilst some of those visitors may decide to access Inverness and other areas by public transport, this is by no means guaranteed, particularly for those heading north, and guests could quite conceivably use this out of centre hotel as a convenient stop-over before travelling on by car. To encourage this would clearly be contrary to NPF4 policy 13d. LDP2 does not identify Tore as an area capable of accommodating growth whilst addressing climate change, and the development of a hotel here would seem to go against the principles of both LDP2 and NPF4 policies 1 and 2.

21. Furthermore, I have been provided with no information in relation to a sequential assessment having been undertaken as required by both NPF4 policy 27 and LDP2 policy 6. The committee report describes an 'economic and commercial impact assessment' and a 'town centre first assessment' supporting the proposals, but I have been provided with only a submitted 'economic and commercial property market overview' without any sequential or impact element to it. Whilst the HWLDP roughly indicates a local centre at Tore, this must be further east and is likely to be focussed on the existing service station. I

do not, therefore, consider the appeal site to be a town centre location. The lack of comprehensive sequential assessment and impact assessment means that I have no evidence before me to conclude that this is the most suitable or sustainable site for a hotel development in the area, and that there will be no adverse impact on the vitality and viability of local centres as a result.

22. Overall, therefore, I conclude that locationally, there may be some policy support for the development of an EV charging facility and public transport improvements at this location and that some ancillary facilities may be justified to support this. However, the majority of the site is shown given over to business and industrial floorspace which is not supported by LDP2 policy 7 based on the submitted information, as it does not confirm that there would be no likelihood of adverse impacts on the amenity of neighbouring residents or that the environment would be protected. Similarly, the hotel gains no support from either NPF4 policy 27 or LDP2 policy 6 as I have no evidence of a competent sequential assessment being undertaken that considers impact on local centres. I also find that this is unlikely to be a sustainable location for a hotel, even as a later phase of development, and would be contrary to NPF4 policies 1, 2, and 13d. Therefore, whilst some elements of the scheme would be consistent with the development plan and may offer local benefits, as a whole, the proposal is not consistent with the requirements of key development plan policies and so, on balance, I do not consider that it would represent sustainable development.

Principles of local living

23. NPF4 policy 20 (local living and 20 minute neighbourhoods) requires development proposals to contribute to local living by considering the existing settlement pattern and the level and quality of interconnectivity of the proposed development with the surrounding area. It is established in LDP2 that connectivity across Tore is poor due to the major road infrastructure that passes through the settlement, creating three separate pockets of development. Movement routes between these areas are limited. Both parties have drawn attention to the fact that Transport Scotland have devised an improvement scheme for Tore roundabout that would include signalisation and reduced speed limits, but that there are no agreed timescales for implementation.

24. At present, there are no signalised crossing points on any arm of the roundabout. I saw at my site visit that there are dropped kerb crossing points on all arms of the roundabout aside from the A9 to the south east. The lack of crossing point on the A9 means that there is no way of moving between the bus stops along this section of road without having to walk around the entire roundabout, crossing four A roads in the process. Traffic is continuous, even at quiet times, the pedestrian environment is hostile, and crossing any of the roads at the designated crossing points is not a pleasant experience. These observations are consistent with the findings of the A9 North Kessock to Tore study undertaken on behalf of Transport Scotland in 2021 and which describes pedestrians having to run when crossing the A9.

25. The appeal proposals indicatively include for an additional dropped kerb crossing on the A835 approximately 370m west of the roundabout, and an additional crossing on the A832 circa 250m south west of the roundabout to allow the full extent of the appeal site to be crossed from north to south on foot or wheels. This would provide a direct link between the housing development to the south of the roundabout and the area around the school and village hall to the north of the A835. Transport Scotland intends to reduce the speed limit on the A835 to 40 miles per hour. Until this speed limit reduction is implemented, the proposed crossing on the A835 is likely to be hazardous. A further crossing point on the

A832, closer to the roundabout, is also indicated on the masterplan and would link the housing to the south with the development site. This section of road is narrower and quieter than the A835 but the speed limit remains 60 miles per hour and so crossing the road, especially for children or those with reduced mobility, is potentially hazardous in the absence of any change to the baseline crossing provision, signalisation, or speed limit.

26. National Cycle Route 1 (NCR1) runs through Tore and utilises some of the dropped kerb crossing points on the roundabout arms. The additional crossing points proposed would be equally available to cyclists as to pedestrians and wheelers and so would offer some benefits in terms of improving permeability in the area.

27. The proposals also include a small shop and food/drink outlet which would be available to local residents. As there are few facilities in Tore at present, this would represent a community benefit and may reduce the need for local people to travel to other local centres. However, this would largely depend upon the final proposals for these indicative units and their end-users.

28. Overall, the proposals would offer some minor improvements to connectivity and permeability in Tore, particularly between north and south, and this is consistent with the general thrust of NPF4 policy 20. However, I do not consider that these minor improvements are sufficient to outweigh the more fundamental conflict I have already identified with other policies of the development plan. The viability and effectiveness of these improvements also depend upon the implementation of Transport Scotland's planned improvements to Tore roundabout, including reducing the speed limit, over which neither the appellant nor the council has any control.

Adequacy of infrastructure

29. The site is not currently served by any public sewers and the issue of adequate sewage disposal has been raised as a key issue in many of the representations. The proposals for the site would be brought forward in a phased manner with the first phase of development utilising a package treatment plant for wastewater that would be designed with a capacity of 100 population equivalent. This would serve the retail unit, the food and drink unit, the EV charging hub, and the park and ride/mobility hub. The later phase would require the installation of a public sewer and wastewater treatment works to increase capacity to 400 population equivalent. Scottish Water have confirmed in their representations that the proposed strategy to deal with foul drainage from the site is feasible, and I have seen no technical information that suggests a contrary position.

30. There does not, therefore, appear to be any conflict in principle between the proposals and NPF4 policy 18 (infrastructure first) which requires development to demonstrate that provision has been made to address impacts on infrastructure. Similarly, as it has been demonstrated that adequate capacity could be created to serve the proposal, I consider it would be consistent with the requirements of LDP2 policy 9 in this respect. However, this is not sufficient to overcome the policy conflicts I have identified above.

Other matters

31. I note that there is unlikely to be any direct impact of the development proposals on Linnie Wood to the west. Impact on the majority of existing roadside trees on the development site itself could largely be mitigated through the use of root protection zones and a tree protection plan. There is therefore no apparent conflict with NPF4 policy 6 (forestry woodland and trees), which requires impact on trees to be mitigated.

32. The site has some potential for archaeological remains, and a written scheme of investigation was submitted with the application. If fully implemented, this would be sufficient to mitigate any potential impact on below ground remains. There are no listed buildings or scheduled monuments in close proximity to the site whose setting may be affected by the development. As such, there appears to be no conflict with NPF4 policy 7 (historic assets and places).

33. The submitted flood risk assessment identified a risk of flooding from surface water run-off within the site itself, but no other potential sources of flooding. The proposed sustainable urban drainage system would be sufficient to reduce the identified risk of flooding to an acceptable level, and as such the Scottish Environmental Protection Agency (SEPA) raised no objections to the scheme in principle subject to the submission of further information and a detailed design at a later stage. There is unlikely to be any conflict with NPF4 policy 22 (flood risk and water management).

34. I note that the applicant is willing to make contributions towards transport improvements, public art, waste collection and management, and green infrastructure. However, I have identified fundamental conflicts between the development in principle and the adopted development plan. I do not consider that these conflicts can be mitigated through the use of developer contributions.

35. Similarly, whilst I have reviewed the indicative details relating to the design and layout of the proposals, as this is an application for permission in principle, this is necessarily high level and, given the conflict I have identified with other development plan policies, I have not given detailed consideration to the matter of whether the proposals would be capable of meeting the design requirements of NPF4 policy 14 (design, quality and place) or LDP2 policy 8 (placemaking).

Conclusion

36. Overall, therefore, the development of an EV charging hub and a park and ride at this location may serve to improve infrastructure north of Inverness and encourage some modal shift to public transport for accessing the city. I also acknowledge the lack of available industrial and employment land in the Highland Council area, and the need for sites to be brought forward to develop and sustain a skilled labour force. However, for the reasons described above, I do not consider this to have been adequately demonstrated to be a suitable location for the development of a hotel or a significant amount of employment floorspace. The submitted evidence does not convince me that the benefits of the development as a whole would outweigh the fundamental conflicts that I have identified with development plan policy.

37. I therefore conclude, for the reasons set out above, that the proposed development does not accord overall with the relevant provisions of the development plan and that there are no material considerations which would still justify granting planning permission.

38. I have considered all of the other matters raised but find none which would lead me to alter my conclusions.

Sarah Foster
Reporter