

Item: 5.1

Planning Committee: 27 April 2022.

Install Water Tank, Boreholes and Associated Pipework (Amendment to 21/300/PP) at Highland Park Distillery, Kirkwall.

Report by Corporate Director for Neighbourhood Services and Infrastructure.

1. Summary

1.1.

Planning permission is sought for the installation of two boreholes linked by underground pipes to a water storage tank, which would be used for production and cooling, at Highland Park Distillery, Kirkwall. This is an amendment to a previously approved development, after test boreholes confirmed the locations required for the proper function of the boreholes were outwith the area previously approved. Two objections have been received on grounds of visual impact and residential amenity. Based on additional information and consultation with the Environmental Health Service, the objections are considered of insufficient weight to merit refusal. The proposed development is considered to accord with Policies 1, 2, 4, 8, 9 and 10 of the Orkney Local Development Plan 2017. Accordingly, the application is recommended for approval.

Application Number:	22/021/PP.
Application Type:	Planning Permission.
Proposal:	Install a water tank, boreholes and associated pipework (amendment to 21/300/PP).
Applicant:	Edrington Group, Highland Park Distillery, Holm Road, Kirkwall, Orkney, KW15 1SU.
Agent:	Alfred Flett Limited, c/o Marty Flett, St Mary's, Holm, Orkney, KW17 2RU.

1.2.

All application documents (including plans, consultation responses and representations) are available for members to view at the following website address:

https://www.orkney.gov.uk/Service-Directory/D/application_search_submission.htm
(then enter the application number given above).

2. Consultations

No objections have been received from any statutory consultation body. It is considered that matters included in responses from consultation bodies can be adequately addressed by mitigation and planning conditions.

3. Representations

3.1.

Two objections have been received from:

- Mr George Borwick, Cransville, Highland Park, Kirkwall, Orkney, KW15 1SU.
- Mr Antony Hodgson, Highland Park House, St Ola, Kirkwall, Orkney, KW15 1SU.

3.2.

Objections are on the grounds of visual impact on the landscape and residential amenity, both of which have been considered in the assessment of the proposal.

3.3.

Other matters were raised which are not material planning considerations, and therefore do not form part of this report.

4. Relevant Planning History

4.1.

Reference	Proposal	Location	Decision	Date
21/300/PP	Install a water tank, boreholes and associated pipework	Highland Park Distillery, Holm Road, Kirkwall, Orkney, KW15 1SU	Approved	04.10.2021
11/773/PP	Demolish malt intake building and erect replacement steel framed building with profiled composite cladding to match adjacent malt bins building	Highland Park Distillery, Holm Road, Kirkwall, Orkney, KW15 1SU	Approved	27.02.2012
11/772/LB	Demolish malt intake building and erect replacement steel framed building with profiled composite	Highland Park Distillery, Holm Road, Kirkwall, Orkney, KW15 1SU	Approved	28.02.2012

	cladding to match adjacent malt bins building			
08/572/PPF	Demolish cooling tower and install water cooling plant	Highland Park Distillery, Holm Road, Kirkwall, Orkney, KW15 1SU	Approved	16.03.2009
06/622/PPF	Erect a storage shed and form new access	Highland Park Distillery, Holm Road, Kirkwall, Orkney, KW15 1SU	Approved	21.03.2007
06/630/LBC	Erect a storage shed and form new access	Highland Park Distillery, Holm Road, Kirkwall, Orkney, KW15 1SU	Approved	21.03.2007

4.2.

Planning permission 21/300/PP has been implemented and development commenced in relation to the water tank. The current application is an amendment to that previous application, namely different locations for the boreholes and associated pipework.

5. Relevant Planning Policy and Guidance

The full text of the Orkney Local Development Plan 2017 and supplementary guidance can be read on the Council website at:

<https://www.orkney.gov.uk/Service-Directory/D/Planning-Policies-and-Guidance.htm>

The key policies, supplementary guidance and planning policy advice listed below are relevant to this application:

- Orkney Local Development Plan 2017:
 - Policy 1 – Criteria for All Development.
 - Policy 2 – Design.
 - Policy 4 – Business, Industry and Employment
 - Policy 8 – Historic Environment and Cultural Heritage.
 - Policy 9 – Natural Heritage and Landscape.
 - Policy 10 – Green Infrastructure (Paths, Open Spaces and Green Networks).

6. Legal Aspects

6.1.

Section 25 of the Town and Country Planning (Scotland) Act 1997 (“the Act”) states that in making determinations under the Planning Acts the determination should be

in accordance with the development plan unless material considerations determine otherwise.

6.2.

Where a decision to refuse an application is made, the applicant may appeal under section 47 of the Act. Scottish Ministers are empowered to make an award of expenses on appeal where one party's conduct is deemed to be unreasonable. Examples of such unreasonable conduct are given in Circular 6/1990 and include:

- Failing to give complete, precise and relevant reasons for refusal of an application.
- Reaching a decision without reasonable planning grounds for doing so.
- Not taking into account material considerations.
- Refusing an application because of local opposition, where that opposition is not founded upon valid planning grounds.

6.3.

An award of expenses may be substantial where an appeal is conducted either by way of written submissions or a local inquiry.

7. Assessment

7.1. Principle, Location and Siting

7.1.1.

It is proposed to install two boreholes linked by underground pipes to a water storage tank, used for production and cooling at Highland Park Distillery, Kirkwall. Orkney Local Development Plan 2017 Policy 4 confirms "The plan supports the principle of expanding existing businesses...in appropriate locations". This development relates directly to the operation of the distillery, with functional justification for the proposed location. The principle of the proposed development is therefore considered acceptable.

7.1.2.

The location of the water storage tank is situated outwith the category B listed complex of buildings forming Highland Park Distillery and positioned in a more utilitarian area of the site, and at a scale compatible with the other structures in the area.

7.1.3.

Following investigative works, the two boreholes would be located approximately 80 metres to the south-east of the complex, as indicated on the Location Plan attached as Appendix 1 to this report.

7.2. Design and Appearance

7.2.1.

The above-ground valves associated with the boreholes would be fully screened by timber housing. These timber enclosures would be the minimum dimensions to screen the associated infrastructure and would be no taller than a typical domestic boundary wall. Sufficient details have been received of the scale and design of these enclosures, which would be simple and using natural materials. This is considered acceptable for the location. The finish and timing of erecting the enclosures would be subject to planning condition to protect the visual amenity of the area.

7.2.2.

Tradespark core path (K11) runs adjacent to the development site along the south and east boundaries. The development would have no physical impact on this route but would be readily visible. As noted above, the water storage tank would be viewed together with existing operational structures. Although the boreholes would be relatively isolated, the enclosures would be close together, minimising the presence of any above-ground plant within the field. The presence of the enclosures would be low impact and further integrated with its surroundings by use of timber, which would weather to a muted grey finish. All associated pipework would be underground to the proposed water storage tank, and therefore with no visual impact. As such, it is considered that the development can be accommodated in the proposed location with no unacceptable impact on users of the core path, or the character of the area.

7.3. Operation and Residential Amenity

7.3.1.

Noise and vibration during construction and operation are the principal concerns raised within objections. Following the advice of the Environmental Health Service, a condition would be attached to control hours of construction to safeguard the residential amenity in the area.

7.3.2.

Following installation, each borehole would be operated using a 5.5-kilowatt, 415-volt electric submersible pump installed at the bottom of the well, approximately 50 metres below ground level, and operated when the storage tank requires top up. Although the closest borehole would be within 10 metres of the boundary of the closest third-party neighbour, it is considered unlikely that any noise or vibration would be audible outside the development area from the boreholes. It is concluded that there would be no unacceptable adverse impact on the amenity of nearby properties.

7.4. Listing

The proposed elements are isolated from the complex of listed buildings that form the historic part of the distillery, and the development would be seen in conjunction with other plant and storage sheds. As such, it is considered that all features of

special architectural and/or historic interest, and their setting, would be unaffected by the development.

8. Conclusion and Recommendation

The design, scale and siting of the proposed development would integrate with both the immediate and wider landscape, with materials and finishes acceptable. Residential amenity would be safeguarded throughout the construction period and during operation. The objections are of insufficient weight to warrant refusal. The proposed development would accord with Policies 1, 2, 4, 8, 9 and 10 of the Orkney Local Development Plan 2017. Accordingly, the development is **recommended for approval**, subject to the conditions attached as Appendix 2 to this report.

9. Contact Officers

Dean Campbell, Graduate Planner, Email dean.campbell@orkney.gov.uk

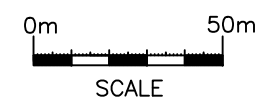
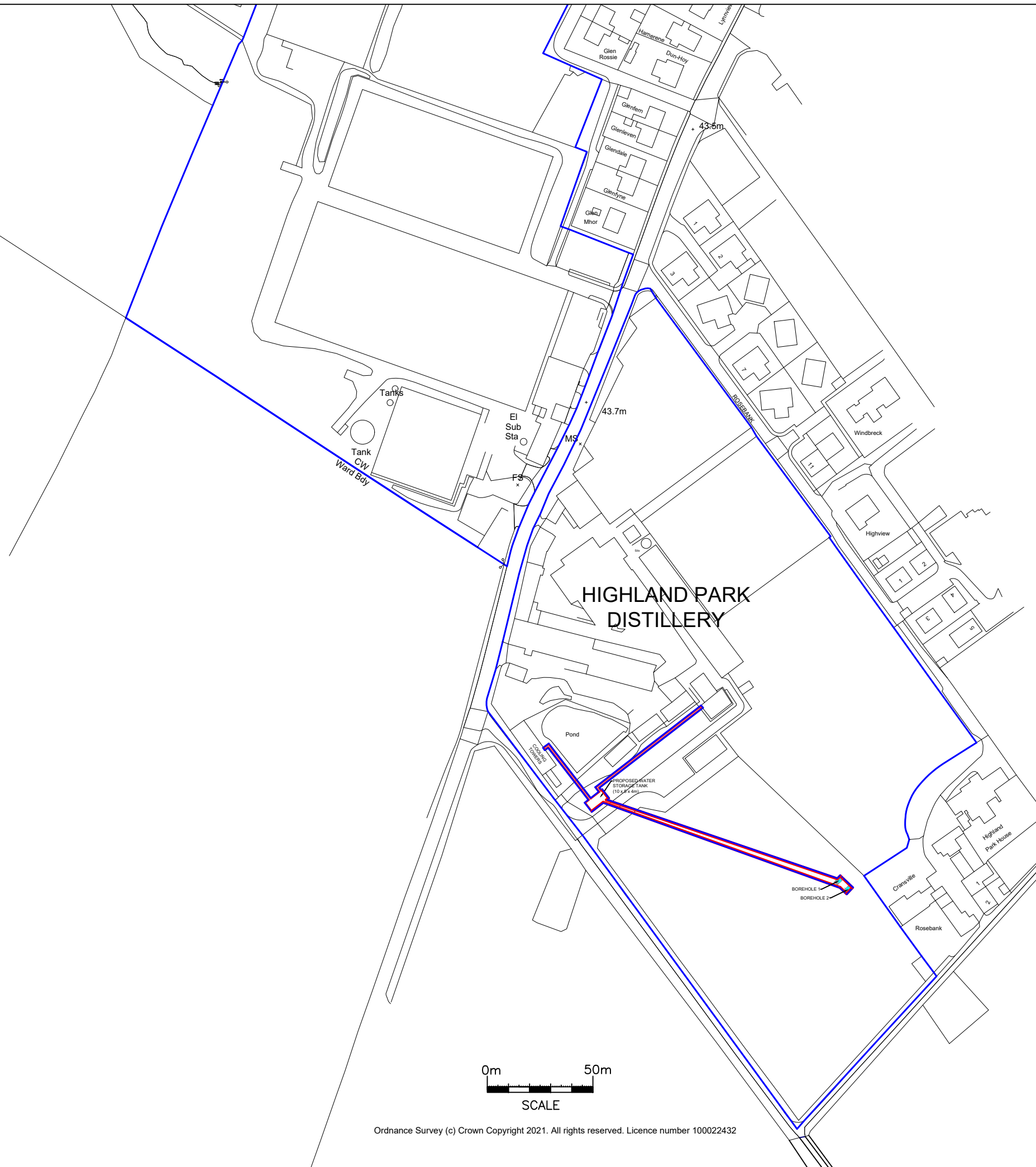
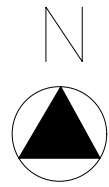
Jamie Macvie, Planning Manager, Email jamie.macvie@orkney.gov.uk

10. Appendices

Appendix 1: Location Plan.

Appendix 2: Planning Conditions.

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		AC ENGINEERING LTD Engineering Design & Consultancy Services email: andrew@ac-engineering.scot	
PROJECT		PROPOSED WATER TANK & BOREHOLES HIGHLAND PARK DISTILLERY, KIRKWALL	
DRAWING		LOCATION PLAN	
DRAWING NUMBER	REVISION	1:2000	A3
1028-01	05	22 FEB 2022	

Appendix 1.

01. Hours of work during the construction of the development hereby approved, involving the use of machinery and powered tools, or any other operation, for example hammering, that would generate noise audible beyond the boundary of the site, shall be restricted to 07:30 to 18:00 Mondays to Fridays, 08:00 to 13:00 on Saturdays and not at all on Sundays or the Christmas or New Year Public Holidays, unless otherwise agreed, in writing, with the Planning Authority.

Reason: In the interest of residential amenity of the area and in order to reduce any possible nuisance arising to nearby residents during the construction of this development.

02. The boreholes and associated equipment and fittings hereby approved shall be screened by timber enclosures as specified in approved drawings. Each enclosure shall be constructed and finished in timber left to weather naturally and shall be installed no later than six weeks after the installation date of the associated borehole, and thereafter shall be retained in situ throughout the lifetime of the borehole.

Reason: To ensure the screening of incongruous plant in land and to preserve the visual amenity of the area.