



Case reference	NA-DAG-029
Application details	Erection of Bonded Warehouse, formation of Access & Installation of Sewage treatment Plant on Land North-East of Annandale Distillery 18/0009/FUL
Site address	Northfield, Annan
Applicant	Annandale Distillery
Determining Authority	Dumfries and Galloway Council
Local Authority Area	
Reason(s) for notification	Objection by Government Agency (SEPA)
Representations	Nil
Date notified to Ministers	24 July 2018
Date of recommendation	31 July 2018
Decision / recommendation	Clear

Description of Proposal and Site:

- Planning permission (18/0009/FUL) is being sought for the erection of a bonded warehouse, formation of access road and installation of a sewage treatment plant to the west of the Annandale Distillery site, Northfield, Annan. The warehouse would measure approximately 0.54ha. The sewage treatment plan is a small private packaged treatment plant, located close to the warehouse as mains sewage is unavailable.
- The site comprises an area of ancient and semi-natural woodland and an agricultural field. The site has an unnamed burn to the north and the Gullielands burn to the south (see figure 1).
- Annandale Distillery is a historic distillery restored and brought back into use in 2014. The location for the warehouse was chosen to allow whisky that is produced, to mature in the same microclimate as the producing distillery, as current storage is off-site and this can have an impact on quality.

EIA Development:

- Following notification to Scottish Ministers, Dumfries and Galloway Council submitted a screening opinion that concluded that the development is unlikely to result in significant environmental effects.

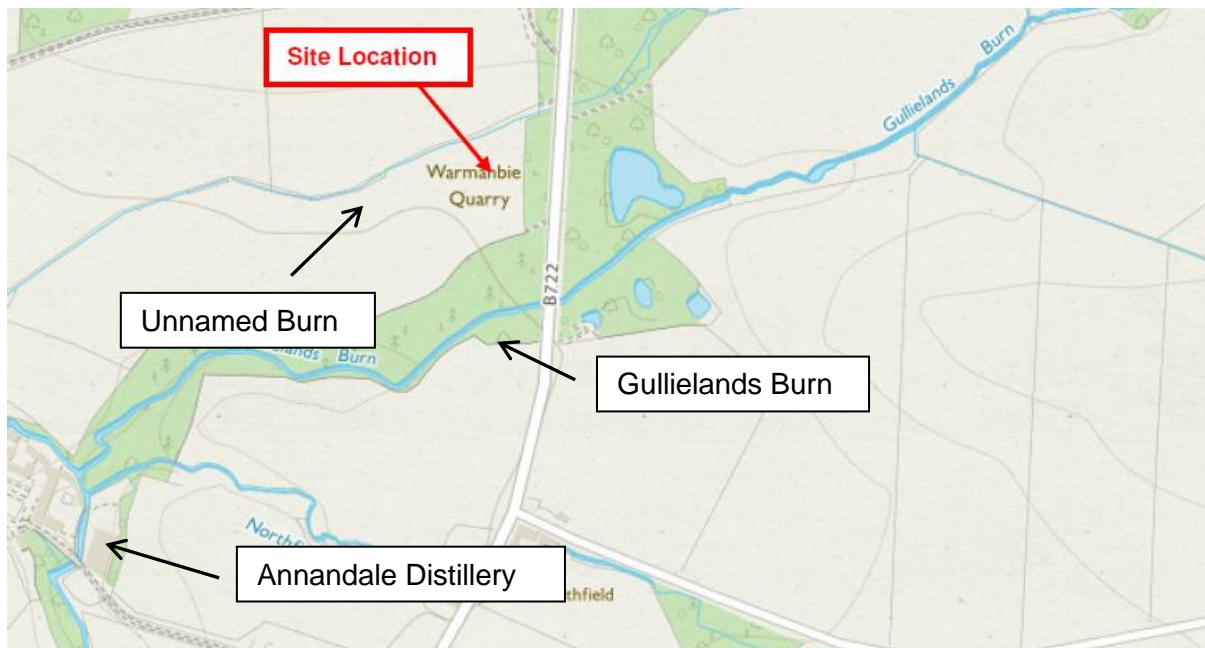


Figure 1 - proposed site location (adapted from developers flood risk assessment)

Consultations and Representations:

SEPA

- The Scottish Environmental Protection Agency object on the grounds that it may place buildings and persons at flood risk, contrary to Scottish Planning Policy (SPP)

Council's Flooding Team

- The committee report highlights that the flooding risk was assessed by the Council's Flood Risk Management Team who have no objection to the proposal as long as the developer has measures in place to manage surface water flows during and after construction.

Scottish Government Flooding Policy Team

- Following notification to Scottish Ministers, the Scottish Government Flooding Policy Team were consulted and consider that the proposed development does not raise any issues of national importance that would warrant its call in by Scottish Ministers.

Other

- There are no other objections from statutory consultees and no representations were made on this application.

Assessment:

1. As the Scottish Environmental Protection Agency (SEPA) object on flood risk grounds, the application has been notified to Ministers to ascertain whether there are any issues of national importance which warrant them calling in the application for their own determination.
2. SEPA object to the application on the grounds that it may place buildings and persons at flood risk which is contrary to SPP. SEPA state that the proposal is situated on a functional floodplain between two watercourses and has a probability greater than 0.5% (1 in 200 year) of flooding in any year. SEPA state that development on functional floodplains should be avoided and recommend that the warehouse is relocated.
3. The Council's Flood Risk Management Team (FRMT) have analysed the application and the submitted flood risk assessment and have no objection, subject to the developer having measures in place to manage surface water flows during and after construction. The FRMT opinion differs from that of SEPA with regards to whether the proposed site is on a floodplain. The FRMT consider that given the topography of the site, water would pass through the site and not form a floodplain. They are also of the view that the extent of the development will have no significant effect on the functional floodplain elsewhere. The FRMT also consider that the water depths on the carriageway are 150mm and therefore, there would be no issues with access/egress to the site.
4. The Council in their committee report highlight that the developer has proposed several mitigation measures to deal with an extreme flood event. They also highlight that should water enter the building, this is not a concern to the applicant as the whisky will be stored above floor level and the nature of the warehouse means it does not require constant on-site staffing or overnight accommodation.
5. The Council also highlight in their committee report that they consider the development's potential contribution to the economy to be a material consideration in favour of the proposal.
6. In summary the Council do acknowledge that the site is situated in an area that is at risk of flooding. However, they conclude that because of the small scale nature of the burn, the topography of the site, the low vulnerability of the warehouse's use and the proposed mitigation measures – the level of risk can be managed to allow the proposal to be granted.
7. The Scottish Government Flooding Policy Team (FPT) are of view that the flooding issues have been considered quite comprehensively by Dumfries and Galloway Council. And that this has been taken into account in the Council's decision. The FPT conclude that they do not consider this application raises any issues of national importance.

8. In light of the above information, it is not considered that this proposal raises issues of national importance to warrant intervention by Scottish Ministers.

Decision/Recommendation:

It is recommended that the application be cleared back to Dumfries and Galloway Council.