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## CAIRNGORMS NATIONAL PARK AUTHORITY

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### DEVELOPMENT PROPOSED:

Erection of a distillery, visitor centre, warehouse, car parking, road junction and associated infrastructure and landscaping at Land 350M SE of Lower Gaich, Dulnain Bridge

**REFERENCE:** 2019/0209/DET

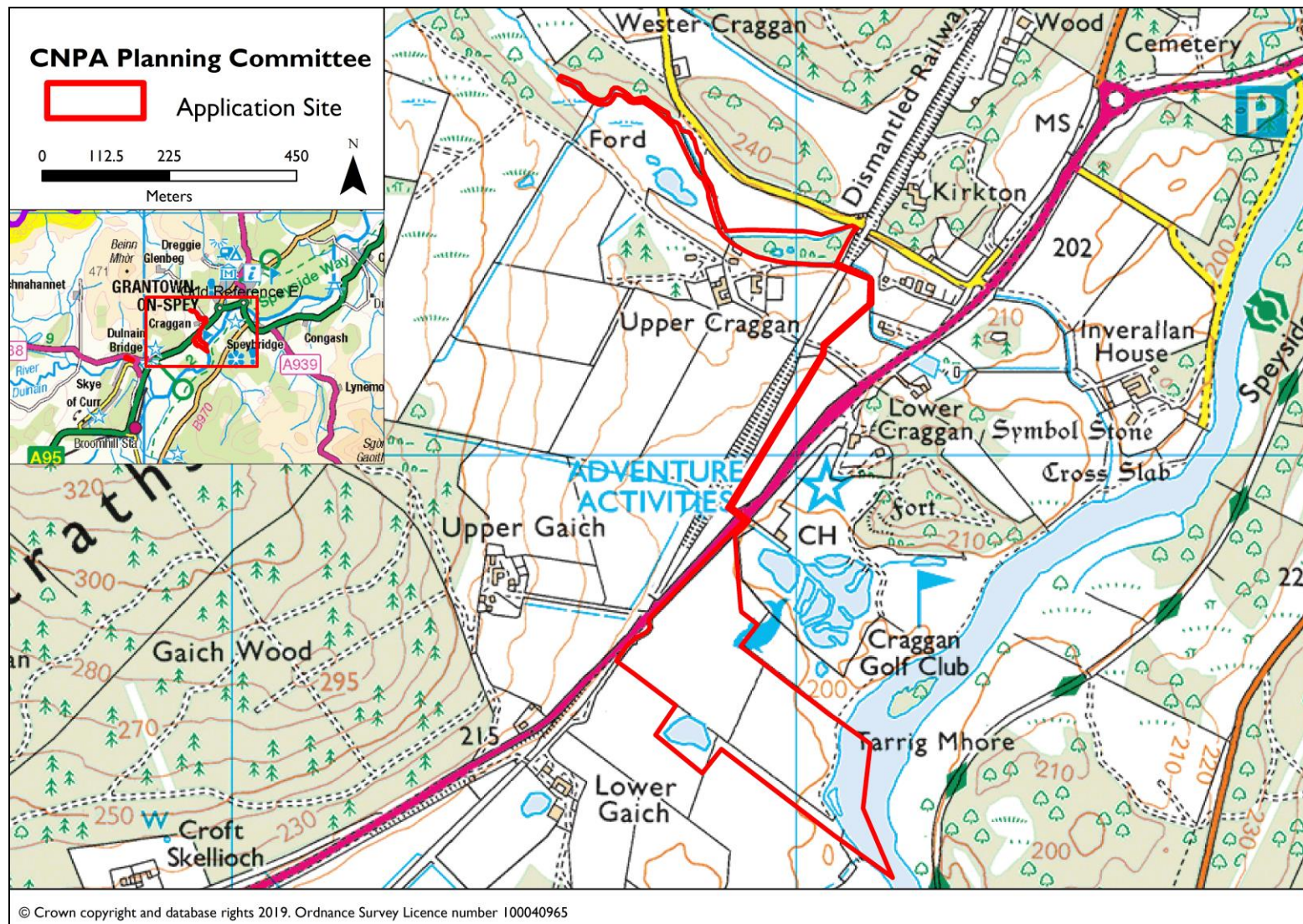
**APPLICANT:** Speymalt Whisky Distributors Ltd

**DATE CALLED-IN:** 8 July 2019

**RECOMMENDATION:** APPROVE subject to conditions and legal agreement

**CASE OFFICERS:** Katherine Donnachie and Stephanie Wade  
(Planning Officers)

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## SITE DESCRIPTION, PROPOSAL AND HISTORY

### Site Description

1. The application site is located to the south west of Grantown on Spey beside the A95 Grantown to Aviemore trunk road. The main development site is around 1.8 km from the edge of Grantown on Spey. The overall application site also includes a pipeline to a proposed water abstraction area. This infrastructure will be closer to Grantown, with the pipeline running approximately 670 metres north eastwards from the main distillery site towards Craggan House.
2. The A95 road effectively separates the application site into two parcels of land with the proposed distillery to be located on the southern section of the site and the water abstraction infrastructure located on the northern section of the site. These two portions are linked by the routing of the proposed water pipeline running through fields to the north of the A95. The site location is shown on the committee plan above and the location plan provided within **Appendix I- Plans**.
3. The southern site is located immediately to the south of the well-established Craggan Outdoors recreational facility including golf course, archery course, ponds and café. It comprises agricultural fields and slopes eastwards towards the River Spey and covers an area of just over 10 hectares. This sits within a larger area shown as being under the control of the applicants as illustrated in **Appendix I – Plans**. The River Spey is a designated core path, and on the other (east) side of the Spey is the Speyside Way. There are existing trees along the banks of the river Spey within the site. An existing fisherman's path runs alongside riverbank here leading northwards along the riverside and back to Grantown via Inverallan cemetery and on to the minor road leading to the town. The River Spey is a Site of Special Scientific Interest (SSSI) as well as a Special Area of Conservation designated for its Atlantic salmon, fresh water pearl mussels, sea lamprey and otter interests.
4. To the south of this part of the site is agricultural land and Lower Gaich Farm complex which lies approximately 225 from the southern edge of the application site. The A95 trunk road forms the western site boundary and on the other (west) side of the A95 is more agricultural land and also the line of the former Aviemore to Grantown railway line, with the remains of the old embankments clearly evident. Upper Gaich Farm lies some 280 metres to the west on this side of the A95 with Gaich also located on this side of the road. There are a number of farms and houses in the wider surrounding area with Upper, Lower and Gaich being the nearest properties to the site. This context is shown on the residential receptors plan included in **Appendix I- Plans**.
5. This southern site is undulating grazing land and includes an existing pond type area in the south western part of the site which at the time of writing is more a wetland depression. An electricity line crosses the site and it is proposed to underground this. The south eastern part of the site closest to the Spey lies within an area of medium likelihood (0.5% annual probability or 1 in 200 year) flood extent of SEPA's flood maps so may be at medium to high risk of fluvial flooding from the River Spey.

6. The second part of the application site is located on the west side of the A95 road and comprises land required to provide the pipeline link from the water abstraction point to the distillery itself. The pipeline route initially runs through agricultural land between the A95 and the former railway, then heads north-west into the wooded policies of Craggan House where it is proposed to locate the water abstraction point. This area comprises a mixture of garden/landscaped land with ponds and woodland. The Glenbeg burn runs through this part of the site and it is from here that it is proposed to abstract water for processing. The Glenbeg Burn is a tributary of the River Spey which is, as noted earlier is an SAC and SSSI designated NATURA site.

## Proposal

7. The drawings and documents associated with this application are listed below and are available on the Cairngorms National Park Authority website unless noted otherwise:  
<http://www.eplanningnpa.co.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PU0J0FSI0CH00>

Title	Drawing Number	Date on Plan*	Date Received
<b>Application Drawings</b>			
Site Location Plan (Document 6)	A10-06-01-dwg Rev.3	29 April 2019	08 July 2019
Site Application Area Plan (Document 7)	A10-07-09-01-dwg Rev.3	29 April 2019	08 July 2019
Site Master Plan (Drawing 8)	A10-08-01-dwg Rev.5	29 April 2019	08 July 2019
Site Layout Plan (Drawing 9)	A10-09-01-dwg Rev.3	29 April 2019	08 July 2019
Road Junction & Site Access Layout Plan (Document 10)	TCXX(90)400I	25 April 2019	08 July 2019
Site Infrastructure Plan (Document 11)	CLXX(90)400I Rev.P03	16 May 2019	08 July 2019
Ground Floor Distillery Plan (Document 13)	A20-00-00.rvt Rev.3	24 May 2019	08 July 2019
Mezzanine/ First Floor Distillery Plan (Document 14)	A20-01-00.rvt Rev.3	24 May 2019	08 July 2019
Second Floor/ Part Roof Distillery Plan (Document 15)	A20-02-00.rvt Rev.3	24 May 2019	08 July 2019
Distillery Roof Plan (Document 16)	A20-05-00.rvt Rev.3	24 May 2019	08 July 2019
Warehouse Plan & Section (Document 17)	A20-10-01-dwg Rev.1	03 May 2019	08 July 2019
Distillery Elevations Plan (Document 18)	A30-01-01.rvt Rev.3	24 May 2019	08 July 2019
Warehouse Elevations Plan (Document 19)	A30-02-01.rvt Rev.3	18 July 2019	30 July 2019
Pump House Elevations Plan (Document 20)	A70-01-01-rvt Rev.2	18 July 2019	30 July 2019
Site Cross Sections Plan	A32-01-01.rvt	17 July 2019	30 July 2019

<b>Title</b>	<b>Drawing Number</b>	<b>Date on Plan*</b>	<b>Date Received</b>
(Document 21)	Rev.5		
Overhead Rendered Image A (Document 22)			08 July 2019
Overhead Rendered Image B (Document 23)			08 July 2019
Site Visualisation A (Document 24)			08 July 2019
Site Visualisation B (Document 25)			08 July 2019
Site Visualisation C (Document 26)			08 July 2019
Landscape Layout Plan (Document 27)	L01 Rev.G	16 May 2019	08 July 2019
Planting Plan (Document 28)	L02	14 May 2019	08 July 2019
<b>Environmental Impact Assessment documents</b>			
EIAR Non-Technical Summary (Document 29)			08 July 2019
EIAR Volume 1 Chapters (Document 30)			08 July 2019
EIAR Volume 2 Figures (Document 31)			08 July 2019
EIAR Volume 3 Appendices (Document 32)			08 July 2019
EIAR Volume 4 Confidential Appendix (Document 33)			08 July 2019
<b>Application Supporting Information</b>			
Planning Statement (Document 3)		01 June 2019	08 July 2019
Design and Access Statement (Document 4)		01 June 2019	08 July 2019
Pre-application Consultation Report (Document 5)		01 June 2019	08 July 2019
Economic Statement (Document 34)		01 June 2019	08 July 2019
Construction Method Statement (Document 35)		01 May 2019	08 July 2019
Waste Strategy (Document 36)		01 June 2019	08 July 2019
Supporting statement of clarification from agent		24 July 2019	24 July 2019
Pedestrian Path Plan		29 July 2019	29 July 2019
Clarification from agent re footpath link		9 August 2019	9 August 2019
Addendum EIAR Non-technical summary para 13.3		29 July 2019	29 July 2019
Dimensioned site plan/parking area	A10-09-20	6 Sept 2019	10 Sept 2019

<b>Title</b>	<b>Drawing Number</b>	<b>Date on Plan*</b>	<b>Date Received</b>
Response on matters raised by transport planning consultation	Document by Ness Planning		10 Sept 2019
Proposed Access Junction Layout with visibility splay	TCXX(90)5006		27/09/19

*\*Where no specific day of month has been provided on the plan, the system defaults to the 1<sup>st</sup> of the month.*

8. The applicants are established whisky suppliers and own an existing distillery at Benromach, Forres. They wish to grow and expand their business by developing a state of the art whisky distillery and visitor centre at the start of the Speyside Whisky Trail. It is anticipated that production will be 375,000 litres of spirit per year, increasing over time to the maximum production capacity of 2 million litres of spirit per year. The distillery and visitor centre has been sized to accommodate up to 50,000 visitors per year with no coach parties permitted. The supporting information sets out that the choice of site was governed by a number of factors including availability of quality raw materials, land size, transport links, climate, landscape, access to water supplies and visibility and attractiveness to visitors.
9. The proposed development comprises a number of components including distillery, café, visitor centre, visitor warehouse, warehouse and associated infrastructure.
10. It is proposed to site the new distillery complex itself about halfway down the fields lying to the east of the A95 as shown on the proposed site and landscape plans contained in **Appendix I –Plans**. This location will be above the above the 200 metre flood level and will also enable the existing riverside trees to be retained.
11. The distillery complex has been designed as a contemporary cluster of buildings with key components designed in a circular form wrapping around the servicing area so avoiding any rear elevation and screening the service yard. The processing and servicing areas are part of this design concept with the process buildings and boiler house contained within this circular shape. This distillery complex will include the mash tuns; still house; water and effluent tanks; draff and malt silos; plant, and boiler and generator equipment. A small circular tasting room is also proposed. Plans of the layout are attached in **Appendix I – Plans**. The highest point of the building will be the boiler stack at around 16.8 metres high. Otherwise the distillery complex will have an overall height of 13.5 metres with the proposed vents on the south section of the building increasing this height to 14.6 metres. The building is set out over three levels accommodating lower and upper level tun, still and mash rooms. Space has been assigned in the design for future expansion. An underground visitor warehouse facility is proposed to the south east of this complex accessed from the main building. This building is formed in a semi-circular shape and constructed with sedum roof and stone faced wall facing towards the distillery building.
12. Visitor facilities comprising café, meeting room and retail area are proposed within a “drum” shaped building attached to the north eastern part of this circular distillery complex and commanding views towards the River Spey. This part of the development will also include the reception area and staff facilities. It extends over



three floors and is around 11 metres high at the highest point. Reception, shop, office and café facilities are proposed at ground floor level, with meeting/conference room and office facilities on the second floor, and further tasting room and dining facilities at third floor level with terrace. A water feature is proposed in front of this part of the building.

13. As noted above this circular shape is designed to avoid there being any “back” to the building and to maximise views to the Spey with the Design Statement explaining that the visibility of the site from the surrounding landscape informed this design approach, as this meant that every elevation was equally important with the design solution reflecting the approach that the roof would be seen as a “fifth” elevation. It is also designed to include functional operations and service areas for delivery vehicles in a way that ensures these operational areas are part of the main building yet screened from view. The applicants’ design statement explains that the design strategy seeks to integrate the visitor route into the design without compromising the whisky making process and allowing visitors to see into areas often little such as the lower still house, tun house and mash house.
14. Proposed finishes are a mixture of contemporary and traditional materials including sedum roof on the visitor warehouse and part of the main circular complex. The roof of the visitor “drum” type building will be finished in a grey membrane as will part of the main distillery complex. Natural ashlar stone is proposed on visitor centre “drum” walls and on the lower sections of the distillery building, together with timber and metal cladding upper walls with graphite grey finish. Extensive areas of glazing are also included. This is illustrated in the plans and visualisations contained within **Appendix I**.
15. A bonded warehouse for cask storage is also proposed which will be sited to the west of the distillery. This is of curved roof design with the end walls acting as retaining walls to banked up earth. The proposed height is some 6 metres and the roof will be finished in sedum to allow it to be part of the adjacent landscape. The side walls will be clad in profiled metal to match the distillery and to meet functional requirements of a bonded warehouse.
16. Mention is made in the planning statement of potential for a further warehouse and the potential for tourist based holiday lodges, but this does not form part of the application with any future proposals considered on their own planning merits.
17. Landscaping is proposed around the new buildings as shown on the landscape scheme including aspen-rich woodland on north side of site, wildflower meadow on south, planting alongside the access road into the site, and throughout the site together with retention of riparian planting beside the river Spey. A network of paths through the site is proposed to segregate vehicular and pedestrian traffic, with links at either side of the site proposed into Craggan Outdoors to the north and south towards Gaich.
18. A new site access will be formed onto the A95 trunk road on the site frontage to this road in the northernmost part of this site. This position has been designed with the future proposals for the extension of the Strathspey Railway to Grantown and its need to cross the A95 in mind. The application site access will split in two after the initial junction to keep visitor and operational traffic separate. The internal site roads

are to be single carriageway 3.3 metres wide with passing places. Visitor and staff parking comprising 40 visitor spaces (including 3 accessible spaces) and 10 staff parking spaces is proposed to the north west of the distillery building between it and the visitor warehouse. The parking has been designed in a circular shape to reflect the overall design. Cyclist and motor bike parking and electric charging point facilities are also included.

19. Other key infrastructure is the proposed water abstraction from the Glenbeg burn to provide the processing water for the distillery. This will be abstracted from the Glenbeg Burn downstream of the private water supply at Craggan House. The final abstraction point has yet to be finalised, but is likely to be north of the A95 and south of Wester Craggan. The water will be conveyed to the site by the proposed new pipeline over a distance of around 670 metres. At times of low flow abstraction will be supplemented by water abstraction from two new boreholes to be located at the southern point of the site to the east of the visitor warehouse.
20. Infrastructure is also proposed for the abstraction of water from the River Spey for cooling purposes and then subsequent discharge back into the river. This will take the form of two pipes with the abstraction pipe leading to a pump house into the distillery where it will be used once and then returned to the Spey upstream of the abstraction point whereby there will be no impact on water flows. As the water returning to the Spey will be at a slightly higher temperature modelling work was carried out to assess impacts on the river, concluding that there were low impacts. These discharges and abstractions will be controlled through SEPA's licensing CAR regime. The proposed pump house is of simple lean –to timber design.
21. It is proposed to connect to the public water supply with foul drainage from the visitor and staff facilities to be treated by a treatment plant, located close to the proposed pump house in the south eastern part of the site, with discharge via pipe to the Spey. The only industrial foul drainage will be from spent lees from processing which will be treated in this plant too with concentrated sludge removed off site for disposal. The treatment plant will be modular in nature. Other distillery processing effluent (pot ale, draff and washing waters) will be removed off site for treatment and disposal. It is understood that pot ale syrup and draff by products from distilling process will be supplied to the local agricultural sector.
22. Surface water will be treated by means of a SUDS system. This will include roadside swale, permeable paving to car parking areas, green roofs on buildings which offer source control, with the remaining small portion of roofs to be connected to the drainage system and so to a proposed ornamental pond to enhance aeration and health of the pond before being conveyed to the infiltration basin which is located to the east of the buildings as shown on the site plan. A maintenance schedule is included.
23. In terms of energy, the distillery will use LPG fired boilers and the approach will be to try and reduce energy use in the first place through efficiency measures.
24. It is proposed to operate the visitor centre/café 7 days a week and the distillery 5 days a week over weekend days to coincide with visitor demand. As production increases, operations may increase to 7 days per week with front and back shifts.



25. The application is a “major application” as defined in the Scottish Government’s hierarchy of development and is also an Environmental Impact Assessment (EIA) development under the terms of the Town and Country Planning (Environmental Impact Assessment)(Scotland) Regulations 2017. Consequently the application is supported by an Environmental Impact Assessment of the proposed development which seeks to identify, predict and evaluate likely environmental effects, with mitigation set out as necessary. This includes an assessment of the development when combined with other developments to consider cumulative impacts.

26. Key areas considered in the EIA process were:

- a) **Hydrology, hydrogeology and geology** - in terms of effects to surface ground water rocks and soils.
- b) **Landscape and visual** - The landscape and visual assessment (LVIA) set out to identify predicted landscape and visual effects resulting from the construction and operation of the proposed development. It includes photomontages to show the proposed development from various publicly accessible viewpoints at (1) post construction and (2) 10 years post construction stage in order to try and illustrate how the building will appear in the landscape in the future once tree planting becomes established. An assessment of the impacts upon the Special Landscape Qualities of the National Park was also included.

The LVIA concluded that landscape effects would primarily be concentrated within an approximate 500 metre radius of the site with significant effects localised. Similarly it concluded that significant effects on the special landscape qualities of the National Park would be at a very local level with visual effects restricted to a relatively small number of receptors. These would be mitigated by proposed landscape and ecological mitigation works.

The proposed landscape and ecological mitigation and enhancement works include retention of tree cover within the site (including riparian planting alongside the River Spey); new areas of aspen planting in the north eastern parts of the site and alongside the Spey; new parcels of woodland in north western part of site to facilitate glimpsed views from the A95; scattered parkland and avenue style planting within the central part of the site suggestive of the historic designed landscape at Castle Grant; enhancement of existing wetland habitat in southern part of the site for wading birds including species rich marginal wetland; species rich wildflower meadow around peripheral areas of site; and creation of network of paths within the site to link to wider network such as the fisherman’s path by riverside . It is also noted that where possible advance planting will be carried out. The submitted landscape masterplan illustrates these proposals and is included in **Appendix I – Plans**.

- c) **Noise and vibration** - baseline noise studies were carried out and impacts on noise sensitive receptors considered in relation to operational, construction and road noise. No significant effects were identified so no specific mitigation is proposed other than best practise during construction.

- d) **Air quality, dust and odour** - no significant air quality or odour issues were identified at the operational stage and it was concluded that dust impacts at the construction stage could be controlled by good practise and mitigation as developed by a Construction Environment Management Plan (CEMP).
- e) **Ecology and nature conservation** - this section assessed the impacts on the natural environment and set out mitigation measures. A suite of ecological studies were undertaken including surveys for bats, aspen bracket fungi, protected mammals, breeding birds, amphibians, freshwater pearl mussels and fish habitats. Bat roosting potential was found in mature alder trees by the riverside. There are no plans to fell or lop these. It was concluded that the proposed development was unlikely to have any likely significant adverse effects for designated sites. The only likely significant effects were identified to be for wading birds with mitigation recommended by way of preparation of detailed breeding bird protection plan with targeted mitigation proposed such as creation of more wader chick habitat. Biodiversity enhancement measures have been identified as follows - aspen expansion; goldeneye nest boxes added to riparian alders: restoration and permanent rewetting of pond: creation of new pond; and removal of American skunk cabbage along stream/ditch in north of study area. All these measures are detailed in an outline habitat management plan.
- f) **Archaeology and cultural heritage** - concluded that a watching brief should be undertaken in areas of the site where historic mapping indicated there may be some interest with archaeological trial trenching recommended before development starts.
- g) **Socio- economics, tourism and recreation** - this chapter outlines the potential effects and benefits, setting out that the importance of the whisky industry to Scotland's economy, noting that 20% of visitors to Scotland visit a distillery. The desire to employ local contractors is set out. Minor effects on the fisherman's path are predicted during construction. It is concluded that the development will help deliver the Cairngorms National Park Economic Strategy.
- h) **Transport and access** - assessed the impact on the transport network. In relation to visitor and employee trips it forecast that the greatest number of trips will be generated on Saturdays and this is likely to result in a maximum increase of 4.2 % increase in traffic flows on the A95 in the vicinity of the site which is considered to be minimal. No coach parties are to be permitted. In terms of distillery HGV servicing trips it is anticipated that there will be around 3 pot ale pickups and 1 yeast delivery per week, and 2 malt deliveries and 2-3 van deliveries per month; plus 1 load of casks out per month. It is submitted that suitable access can be formed onto the trunk road. Pedestrian access to the site was also considered and the assessment highlights that the applicant intends to support delivery of a shared use pedestrian/cycle facility to link Dulnain Bridge to Grantown. Further clarification on path links was provided by the agent who identified that links can be made to existing paths within the Craggan Outdoors complex and to the existing fisherman's path which runs alongside the River Spey from the bottom of the site which can provide access back to Grantown on Spey. The link to Craggan Outdoors is suggested in order to discourage cyclists from accessing the site via the new access junction. A link is also proposed to be

formed westwards within the site to potentially link to any future community path from Dulnain Bridge to Grantown. The Transport Assessment also outlines that there are cycle links from Grantown although at present this would involve travelling on the A95 for a short distance. A plan showing these various links is included in **Appendix I**. It is also highlighted that the local bus operator will stop on request in this rural area which could facilitate non-motorised access to the site. It is also proposed to develop a travel plan to encourage staff and employees to use non-motorised travel – a draft has been provided.

27. As this is a “major” planning application under the terms of the Scottish Government’s hierarchy of development, statutory pre-application consultation with the community is required. This has been carried out and a pre-application consultation report provided which sets out that over 150 people attended a public meeting in February 2019, and explains how feedback from the public was addressed in the emerging submission. The report outlines that 105 of the attendees agreed that the distillery would be beneficial to the local area.

28. Other supporting material includes:

- a) **Planning Statement:** This seeks to set out how the development complies with planning policies and to explain the planning rationale for the development.
- b) **Economic Benefit Statement:** This sets out that at the pre-planning stage in excess of ten locally and nationally based firms have been employed in preparing the application. At the construction and commission stage it is anticipated that between 50 –100 people will be employed on site with some using local accommodation and amenities. Equipment and building materials will be sourced locally where possible. At the operational stage it is anticipated there will be 3 permanent jobs in the distillery and 3 in the retail/ visitor centre part. At peak visitor times this number will increase by 4, so the total number of jobs will be between 6 and 10. According to the Environmental Impact Assessment Report this could increase to 20 full time equivalents if and when further shifts are introduced. Further employment is expected in the café outlet which will be franchised out to a locally based operator.

According to Scottish Whisky Association information, every distillery job supports 3.5 other jobs in support services, so providing further employment benefits. For example, supplies to both café and to the distillery itself in terms of raw materials, maintenance etc. It is also anticipated that the visitors attracted to the distillery will also improve visitor numbers to Grantown to use local amenities as well as international guests looking for accommodation. The footpath links to Craggan Outdoors also means that both businesses may benefit. Finally there will be economic benefits from rates and also the potential to expand the Speyside Whisky Festival to the site.

- c) **Construction method statement** - which explains that all excavated earth will be retained on site and used in landscaping works.
- d) **Drainage Impact assessment**

- e) **Waste strategy** - explaining how waste from both the visitor centre operations and the distilling by products will be managed.
- f) **Confidential appendix on fresh water pearl mussels** - to help inform the locations for intake and outflow pipes.
- g) **Visualisations.**

## History

- 29. Pre-application advice was provided through the Highland Council major applications pre-application service and the CNPA provided input to this process with a detailed response issued by the Highland Council in June 2018. This response set out the scope and extent of information which would be required in support of a planning application and identified those matters which should be addressed before submission of an application. (Highland Council ref: 18/02012/PREAPP).
- 30. A screening request was also submitted to the Highland Council in June 2018 to establish if Environmental Impact Assessment would be required under the terms of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017. It was concluded that EIA would be required. (Highland Council ref: 18/02599/SCR).
- 31. Further to this a scoping request was submitted to the Highland Council in October 2018 seeking advice on the scope of the matters to be addressed with any EIA submission. The CNPA input to this process (Highland Council ref: 18/0487/SCOP).
- 32. Early in 2019 CNPA took steps to bring together the key people associated with the four proposed developments between Grantown and Dulnain Bridge including the distillery, the extension of the steam railway, the upgrading of the A95 Trunk Road and the proposed multi-use path between Grantown and Dulnain Bridge. Information was shared and informal discussions took place that were advantageous to each of the projects.

## DEVELOPMENT PLAN CONTEXT

### National Policy

- 33. **Scottish Planning Policy** (SPP, Revised 2014) sets out national planning policies that reflect Scottish Ministers priorities for the operation of the planning system and for the development and use of land. Under planning law, planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The content of the SPP is a material consideration in planning decisions that carries significant weight. The SPP promotes consistency in the application of policy across Scotland while allowing sufficient flexibility to reflect local circumstances.
- 34. The SPP sits alongside four other Scottish Government Planning Policy documents:

- a) The **National Planning Framework** (NPF) which provides the statutory framework for Scotland's long term spatial development. The NPF sets out the Scottish Government's spatial development policies for the next 20 to 30 years;
  - b) **Creating Places**, the policy statement on architecture and place, containing the Scottish Government's policies and guidance on the importance of architecture and design;
  - c) **Designing Streets**, a policy statement putting street design of new or existing streets and their construction, adoption and maintenance; and
  - d) **Circulars**, which contain policy on the implementation of legislation or procedures.
35. Scottish Planning Policy (SPP) seeks to support business and employment and to facilitate sustainable economic growth. It sets out that the planning system should promote business and industrial development that increases economic activity, whilst safeguarding and enhancing the built and natural environment as national assets. Due weight is to be given to the net economic benefit of the proposed development.
36. SPP also highlights within the section on promoting sustainable transport and active travel, that the planning system should support patterns of development which optimise the use of existing infrastructure, reduces the need to travel and provides safe and convenient opportunities for walking and cycling for both active travel and recreation and facilitate travel by public transport.

## Strategic Policies

### Cairngorms National Park Partnership Plan (2017-2022)

37. The Cairngorms National Park Partnership Plan sets out the vision and overarching strategy for managing the Park and provides the strategic context for the Local Development Plan. The Plan also shows how the four aims of the National Park can be achieved together.
38. Three long term outcomes for the Park are set out as follows:
- a) A sustainable economy supporting thriving businesses and communities;
  - b) A special place for people and nature with natural and cultural heritage enhanced; and
  - c) People enjoying the park through outstanding visitor and learning experiences.
39. These outcomes address the interaction of the three main characteristics of the National Park; these being that the Park is an internationally important area for nature conservation; a fragile rural economy, and an internationally known tourism destination. Recognising the relationship of these outcomes is at the heart of the National Park. A series of work programmes to help deliver these outcomes is set out in the Plan.
40. Specific policies of the Plan seek to promote and enhance the special qualities of the Park including policy 1.3, which seeks to conserve and enhance the special landscape qualities and to enhance the opportunities to enjoy and experience the landscapes of the Park. Policy 1.4 seeks to conserve and enhance habitat quality and connectivity

whilst Policy 3.1 seeks to grow the economy of the Park by strengthening the existing business sectors which includes encouraging the growth of business sectors that draw on the special qualities of the Park such as sustainable tourism and food and drink.

## Local Development Plan Policies

Local Plan Policy	Cairngorms National Park Local Development Plan (2015) Those policies relevant to the assessment of this application are marked with a cross	
POLICY 1	NEW HOUSING DEVELOPMENT	
POLICY 2	SUPPORTING ECONOMIC GROWTH	<b>X</b>
POLICY 3	SUSTAINABLE DESIGN	<b>X</b>
POLICY 4	NATURAL HERITAGE	<b>X</b>
POLICY 5	LANDSCAPE	<b>X</b>
POLICY 6	THE SITING AND DESIGN OF DIGITAL COMMUNICATIONS EQUIPMENT	
POLICY 7	RENEWABLE ENERGY	
POLICY 8	SPORT AND RECREATION	<b>X</b>
POLICY 9	CULTURAL HERITAGE	<b>X</b>
POLICY 10	RESOURCES	<b>X</b>
POLICY 11	DEVELOPER CONTRIBUTIONS	<b>X</b>

41. All new development proposals require to be assessed in relation to policies contained in the adopted Local Development Plan. The full wording of policies can be found at:  
<http://cairngorms.co.uk/uploads/documents/Park%20Authority/Planning/LDPI5.pdf>

## Cairngorms National Park Local Development Plan 2020

42. The emerging Cairngorms National Park Local Development Plan ("Proposed Plan") which will cover the period 2020 – 2025 is currently being progressed. The proposed plan has been through a public consultation process and the formal responses have been assessed and submitted along with all other relevant materials to Scottish Ministers for examination. As the examination of the Proposed Plan is yet to start, the Proposed Plan and its contents currently carry limited weight. In addition, proposals and policies which received heavy objection following the public consultation process are afforded even less weight.

## Planning Guidance

43. Supplementary guidance also forms part of the Local Development Plan and provides more details about how to comply with the policies. Guidance that is relevant to this application is marked with a cross.

Policy 1	New Housing Development Non-Statutory Guidance	
Policy 2	Supporting Economic Growth Non-Statutory Guidance	<b>X</b>
Policy 3	Sustainable Design Non-Statutory Guidance	<b>X</b>
Policy 4	Natural Heritage Supplementary Guidance	<b>X</b>
Policy 5	Landscape Non-Statutory Guidance	<b>X</b>

Policy 7	Renewable Energy Supplementary Guidance	
Policy 8	Sport and Recreation Non-Statutory Guidance	<b>X</b>
Policy 9	Cultural Heritage Non-Statutory Guidance	<b>X</b>
Policy 10	Resources Non-Statutory Guidance	<b>X</b>
Policy 11	Developer Contributions Supplementary Guidance	<b>X</b>

## **CONSULTATIONS**

### **Summary of the main issues raised by consultees**

44. **Scottish Environment Protection Agency (SEPA)** has no objection to the proposal and has not identified any potential significant impacts relevant to their interests. They have confirmed that they are satisfied that flood risk has been avoided with development situated on land above 200 metres AOD. They also note that the applicant has determined that there are no private water supplies in the vicinity which are at risk of being impacted.
45. They have requested that a planning condition be attached requiring details of the storage and containment measures (including washings, spent lees and potale) on site to prevent potential pollution of the water environment. They also require a condition to be attached to secure the details of the proposed enhancement of the existing pond as a wetland habitat and the enhancement of the existing wetland habitat for wading birds.
46. The agency supports the proposals for a sedum covered roof on the main building and for a post construction reinstatement and restoration plan.
47. Finally SEPA has highlighted that a CAR license will be required from them, setting out the type of information which would be required. The CAR license will cover such matters as a construction site license, discharge of foul water, abstraction of water from the Glenbeg Burn and from possible boreholes and the return of cooling water to the River Spey. They have identified the regulatory regimes which will apply and informatives are recommended relating to the requirements of the medium combustion plant directive, waste management licensing regulations and Control of Major Accident Hazards (COMAH) regulations.
48. **Scottish Natural Heritage** has no comment on the building or any landscape issues. Their comments relate to impacts on the River Spey Special Area of Conservation. They conclude that there is a likely significant effect on this designated site in terms of impacts upon freshwater pearl mussels, but that the information provided shows that the proposals will not adversely affect the integrity of the site. Consequently, as appropriate authority, the CNPA will require to undertake an appropriate assessment of the impacts.
49. To assist this process SNH has advised that they have carried out initial appraisal and considered the following factors:
  - a) Construction of cooling water abstraction from River Spey and discharge back in noting the location has been chosen to avoid areas for which the site has been designated.



- b) Volume of abstraction will be controlled by CAR regime.
  - c) Discharge would be at a higher temperature than the river water which could have effects particularly if ranunculus (*flowering plants which include buttercups*) is present downstream of the discharge as this can grow better in the presence of warm nutrient rich water. However surveys have demonstrated that there are no fresh water pearl mussels downstream of the discharge.
  - d) Quality of discharge from foul water treatment plant (which will also be treating spent lees) to be controlled by CAR regime – given location the quality will need to be high.
  - e) Discharge from SUDS system into soakaway designed to avoid impacts on the river.
  - f) Mitigation proposed to avoid effects on otter.
  - g) Construction Environment Management Plan proposed which will include site drainage and pollution prevention plans to avoid pollution of the Spey.
  - h) Abstraction of processing water from the Glenbeg Burn and from aquifer via borehole will be controlled by CAR regime.
50. SNH has concluded that with the mitigation proposed by the applicants and the controls exercised by SEPA under their CAR regime there would be no impact on the integrity of the River Spey SAC.
51. **Spey Fisheries Board** has not responded formally but has advised that they have no concerns with the proposals.
52. **Scottish Water** has no objections noting that a public water supply is available. It will be the applicant's responsibility to arrange connection. There are no public drainage supplies in the vicinity so the applicant will require to make private arrangements. They also note that their records show that they have assets on the site so the developer must identify any potential conflicts and contact their Asset Impact Team. Finally they have advised that there are no Scottish Water drinking catchments or water abstraction sources designated as Drinking Water Protected Areas in the area.
53. **Highland Council Environmental Health Team** has advised that matters highlighted at the pre application stage have been addressed in the submission whereby they have no objections subject to the following points:
- a) Any noise, water supply and air quality and odour measures outlined in the Environmental Statement to be adhered to in order to protect residential amenity;
  - b) In order to protect residential amenity and in view of the fact that the application proposes, over time, 24 hour working, no deliveries are to be made out with the hours of 0800 hours to 1900 hours Mondays to Fridays, 0800 hours to 1300 hours on Saturday and not at all on Sundays or bank holidays; and
  - c) Construction hours to be limited to 0800 hours to 1900 hours Mondays to Fridays, 0800 hours to 1300 hours on Saturday and not at all on Sundays or bank holidays.

54. **Transport Scotland** was consulted as access is proposed to be taken onto the A95 trunk road. They initially sought additional information from the applicants in relation to the detail of the access point onto the A95 and the extent of the visibility splays. On receipt of further clarification they have confirmed that this aspect of the development is acceptable and recommend a planning condition be attached to ensure that the access is formed in accordance with the submitted plan.
55. They noted that a Construction Management Plan had been submitted which was acceptable in terms of basic principles but further detail would be required in terms of environmental control measures when working alongside the A95- this matter can be covered by a planning condition in the event of the application being supported.
56. Finally, Transport Scotland noted that the applicants' Transport Assessment highlighted that there were no formal bus stops in the vicinity of the development, with buses stopping on request. In view of the potential increase in public transport usage they requested further consideration to provision of bus stops with appropriate pedestrian connections. This matter has been the subject of further discussion between the applicants and Transport Scotland who have now confirmed that they have no objection to the proposed development subject to a planning condition being attached requiring that the details of the arrangements for the provision of bus stops and access to the bus stops be agreed.
57. Transport Scotland has also highlighted that their consent will be required from them for all works within the trunk road boundary and set out a list of advisory notes to be passed onto the applicants.
58. **Highland Council Flood Risk Management Team** has no objections to the application. They are satisfied that the proposed infrastructure is taking place on ground higher than 200m AOD and request a condition that no ground raising takes place on ground that is currently below this level. The Team are satisfied with the proposed surface water drainage arrangements, noting that surface water discharge will be limited to pre-development greenfield rates; for some return period storms this results in betterment; and that the drainage infrastructure is located outwith the functional floodplain and will be privately owned and maintained by the site owners.
59. **Highland Council Historic Environment Team (Archaeology)** concurs with the conclusions and recommendations outlined in Chapter 11 of the supporting Environmental Impact Assessment which includes proposed monitoring during construction over two specified sensitive areas, in addition to an evaluation by trenching which must be carried out in advance of the start of construction on site. A planning condition is recommended to ensure these required mitigation measures are undertaken.
60. **Highland Council Transport Planning Team** initially sought additional information in respect of, amongst other matters, dimensioned site plans and clarification on coach parking. At this time the Team highlighted that they wished to ensure that the new access onto the A95 did not adversely impact upon any future crossing of the A95 in relation to the Strathspey railway, as mentioned in the applicants' Design and Access Statement which noted that the access point will

facilitate this future crossing. The Team were concerned that the submitted plans showed the access point onto the A95 as indicative so wished to cover this point.

61. On receipt of further information the Team has confirmed that they have no objections to the proposals subject to conditions being applied to ensure that:
- a) The final access arrangements will not hinder the future reinstatement of the Strathspey railway crossing;
  - b) That coaches will not be permitted to access the site as the current layout does not provide parking or turning facilities for coaches;
  - c) Details of waste storage and collection are agreed;
  - d) Construction and operational traffic management plans are submitted which prevent construction and operational goods vehicles accessing the site from the A938 (Carrbridge – Dulnain road) and through Grantown town centre. This will limit the impacts of commercial traffic on the A938 and the town centre; and
  - e) Plans are provided to show electric charging points.
62. They have further noted that they welcome the segregation of vehicular and active travel routes within the site and the early separation of visitor and commercial traffic. The parking arrangements are considered to be satisfactory although no details of cycle parking has been provided and previously shown electric charging points have been removed.

**Note** – these electric charging points have now been shown on plan.

63. The Team have also noted that the applicants are promoting alternative means of travel with separate path access from Craggan Outdoors (which should be of adequate width to allow pedestrians and cyclists to pass safely) and the use of existing links to Grantown such as the fisherman's path. This is considered to be acceptable together with the proposals to support the possible future route of a proposed foot and cycle path from Dulnain Bridge to Grantown.
64. Finally they have noted that there are no existing bus stops within 400 metres of the development (although Stagecoach can be requested to stop at any location in rural locations, provided it is safe to do so) nor is there a safe route for pedestrians to access the development. Consequently they recommend that Transport Scotland be consulted as regards the safety aspects of service buses stopping on the A95 in the vicinity of the site.

**Note:** Transport Scotland has assessed this point.

65. **CNPA Outdoor Access Officer** assessed the proposals in relation to likely impacts on access rights and core paths, and the need to ensure that staff and visitors can access the development through active travel means such as walking and cycling.
66. In this regard the officer welcomes the inclusion of a path network within the site and links to the existing informal riverside path, highlighting that it is crucial to retain these access rights along the river given that the Land Reform Act 2003 states that land subject to change of use as a consequence of planning permission can be excluded from access rights. Similarly it is good that the banks of the River Spey will remain open for access rights as the Spey is a designated core path.

67. In terms of active travel, the Officer acknowledges the work done by the applicants to consider options for an active travel link between the development and Grantown. However, for an active travel link to be successful it must be coherent, direct, comfortable and attractive. The officer considers that the existing fisherman's path is not direct, well built or maintained and does not cater for cyclists and pedestrians; the proposed link east through Craggan Outdoors is not easy to navigate and requires the walker/cyclist to cross the road and travel on the verge for some distance; whilst the proposed link west back to a future Dulnain community path does not link well to ongoing proposals by the Dulnain Bridge Community Development Trust.
68. In these circumstances whilst it is accepted that the links to Craggan and the fisherman's path may offer a temporary link it is advised that the proposals being developed by the Dulnain community for link between Dulnain Bridge and Grantown on Spey are the best option for an active travel link from the site to Grantown. Accordingly the office recommends that the developer contributes towards developing this community link to secure the section from the application site back to Grantown, including a commitment to provide access for a future crossing point into the development site.
69. **CNPA Ecology Officer** has considered impacts on the qualifying interests of the River Spey Special Area of Conservation (SAC) and the comprehensive surveys provided with this application. In term of impacts on fresh water pearl mussels the officer advised that the proposed mitigation of impacts, relating to Pollution Prevention Plan, effluent treatment and use of SUDS scheme for surface water together with increased riparian planting will be further assessed through the Habitats Regulations Appraisal (HRA) process. Impacts upon otter and the proposed mitigation of pre-construction walkover survey, pollution protection plan, effluent treatment, SUDS scheme and Otter species protection plan will also be further assessed through the HRA process. Similarly mitigation for impacts on Atlantic Salmon including the modelling of the discharge of cooling waters will be further assessed through the HRA process. The officer has concluded that there will be no impacts upon sea lamprey as there are none present within the development area.
70. In terms of protected species the officer has concluded that there will not be an impact on bats or pine martens providing there are is no tree removal/trimming in order to install the outflow/inflow water pipes. Whilst no badgers were observed with the survey work to date a pre-construction survey will be required, and a pre-construction survey will also be required for wildcat. This can be covered by planning conditions in the event of the application being supported. There was no evidence of water vole, red squirrel or great crested newts so no further work is required although it is noted that the pond improvements and provision of new pond will benefit amphibians in the area and are therefore considered to be an enhancement.
71. In terms of breeding birds the mitigation proposed for wading birds are considered to represent an enhancement. Similarly the mitigation proposed for impacts upon habitats and aspen woodland by way of enhanced aspen planting, improved linkage between stands, restoration of the existing pond and provision of new pond plus new wildflower meadows are considered to represent positive enhancements. Finally in terms of impacts upon species the impacts upon aquatic macroinvertebrates have

been assessed and it is considered impacts will be negligible provided in the water quality treatment of the distillery effluent is sufficiently high – this is controlled by SEPA.

72. The Officer generally welcomes the proposed SUDS scheme and has made a minor recommendation that as water levels in the proposed ornamental pond (which is not formally part of the SUDS scheme but may play a role in extreme events, vary it may be a good idea to consider linking in with the glazed area run-off from the building to ensure that a steady water level is maintained during the summer to maintain visual attractiveness and as it would not benefit biodiversity to top up the pond with treated mains water. Grids to avoid otter being trapped in the SUDS scheme should be provided and a management plan for the SUDS scheme will be required.

**Note** – *maintenance arrangements for the SUDS scheme have been provided in the EIAR.*

73. In relation to construction impacts the Officer is generally satisfied with the mitigation proposed and the comprehensive pollution prevention plan. The officer is also generally satisfied with the proposed habitat management plan including the proposals for goldeneye boxes, links between aspen stands, retention of open areas and creation of scrapes for wader, restoration and creation of new ponds, creation of wildflower meadows, non-native invasive species control, and use of sedum and wildflower roofs for buildings.
74. The Officer has concluded that if works are taking place during the wader breeding season details of mitigation proposals will be required, and that a works schedule detailing Ecological Clerk of Works (ECOW) presence and reporting will be required, along with timetable for habitat mitigation works and subsequent monitoring.
75. As highlighted by SNH, a Habitats Regulations Appraisal (HRA) is required in order to assess impacts on the River Spey Special Area of Conservation and this has been carried out by the Conservation Officer. This is attached as **Appendix 2** with sensitive references to water pearl mussels duly redacted.
76. The HRA concludes that there will be no impact on the integrity of the River Spey SAC in terms of those aspects which are controlled under planning legislation and given the mitigations built into the proposals. Many other aspects would be controlled by SEPA under their CAR licensing regime which will be a separate process.
77. **CNPA Conservation Manager** has considered the landscape impacts and has concluded that there will be no impacts upon the integrity of the National Park designation, nor upon wildland or the special landscape quality of wildness. The officer considers that mitigation for effects on the landscape character is offered through the design and landscaping of the building with the requirement to make provision for wading birds limiting the level of planting. It is, however, recommended that the planting along the main site entrance be increased to a formal double avenue with planting along both sides of the road and the spacing reduced by 25% to make the historic connection with formal elements of Castle Grant grounds more apparent as well as to provide more tree cover and screening from the A95 and future railway.

78. Impacts upon the Special Landscape Qualities of the National Park have also been considered and the Officer notes that there will be moderate/major effects on two of the qualities. Firstly in terms of “broad farmed straths” in relation to the loss of pasture – this is unavoidable due to the nature of the development. Secondly in relation to impacts upon grand panoramas and framed views in that the building will become a focal point in the landscape especially from the A95. However these views re-establish themselves 300 metres beyond the site going south.
79. The officer concludes that there are some significant effects identified in landscape, visual and special landscape qualities. However, they are limited in extent and focused on the immediate surrounding area. The landscape effects can be summarised as having a new landscape element placed into the area. This will become a focal point from and to this area, indeed a new landmark. However this is not necessarily inappropriate in this location with the officer highlighting that there is a culture of whisky and distilleries within the region whereby the sight of distilleries isolated in open countryside is not uncommon in this wider region. The design of these vary and this proposal seeks to provide a modern building deliberately designed to fit in with the landscape and its location, with features specifically provided to do just this e.g. the form of the warehouse, façade materials, green roofs on buildings, aspen woodland and low levels of lighting. The curved floor plan is also intended to provide a form that is notably softer than more typical ‘boxes’ of other industrial buildings. The landscape plan has not sought to hide or screen off the building, but frame it and allow its qualities to be seen. This also allows it to respond to the needs of wading birds by keeping trees away from their nesting sites. The landscaping of the site, species rich grassland, aspen woodland, ponds and other tree planting also provide an outward face that is ‘naturalistic’ in character and contrasts with the more usual formal landscaping. This contributes to the more relaxed fit of the building to the surrounding landscape, although this is not natural habitat but managed farmland.
80. This design offsets major effects in landscape and visual terms and the officer considers that once established it is likely that this development will be regarded as a positive landmark in the area.
81. The officer recommends that planning conditions are attached to secure submission of a tree protection plan; detailed landscape plan and the establishment, maintenance and long term management plan for the site.
82. **Dalnain Bridge Community Council** has considered the application details and has no objections to the scheme proposed.
83. **Grantown Community Council** has been consulted and no response has been received to date.

## REPRESENTATIONS

84. The application has been advertised under the EIA regulations and no representations have been received. The applicant has requested to be heard at Committee.

## APPRAISAL

### Principle of Development

85. The main planning issue to consider in terms of a new distillery in the countryside is whether the principle of development in a rural location is acceptable. At a national level, Scottish Planning Policy presumes in favour of development that contributes to sustainable development, stating that the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of the proposal over the longer term. The aim being to achieve the right development in the right place.
86. Scottish Planning Policy encourages rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality. Emphasis is placed on the importance of promoting a pattern of development that is appropriate to the character of the particular rural area, with development encouraged where it provides suitable economic activity, while preserving important environmental assets, such as landscape and wildlife habitats that underpin continuing tourism visits and quality of place.
87. At strategic level, the National Park Partnership Plan sets out the aspiration to strengthen and diversify the economy of the National Park with a focus on strengthening the tourism sector to encourage visitors to stay longer and to strengthen other existing business sectors. The adopted Local Development Plan (2015) then sets out local planning policy for the determination of planning applications with **Policy 2: Supporting Economic Growth** stating that proposals which support or extend the economy or which enhance the range and quality of economic opportunities or facilities will be considered favourably where they are compatible/complementary with existing business activity in the area and support the vitality and viability of the local economy and the broader economy of the Park. Supporting text to the policy notes that the economy of the National Park is based on a number of sectors including land management, tourism, recreation, food and drink with sustainable economic growth key to the long term viability and vitality of our communities.
88. **Policy 2 – Supporting Economic Growth** also offers support for developments which enhance tourism and leisure based activities and attractions provided there are no adverse environmental impacts, it makes a positive contribution to the experience of visitors and adds to or extends the tourist season. Given the visitor related aspects of the proposed development in terms of café, shop and tours this part of Policy 2 is also relevant.
89. The applicants are an established independent distiller, bottler and retailer of Scotch Whisky. They purchased Benromach Distillery in Forres, in 1993, which now attracts over 13,000 visitors per annum and has recently expanded to include a gin distillery. The applicant is looking to continue expansion and growth of the business by constructing a second distillery described as “a state of the art whiskey distillery and



visitor centre” to be located at the start of the Speyside Whisky Trail, just south of Grantown on Spey.

90. By way of background and according to the Scotch Whisky Association, the Scottish Whisky sector generated £5.5 billion in gross value added to the UK economy in 2018 and accounted for 70% of Scottish food and drink exports, providing approximately 7,000 jobs in rural areas of Scotland across the Highlands and Islands. Whisky distilleries also account for adding to the tourist market with 2 million visits to Scotch whisky distilleries a year making the industry the third most popular tourist attraction in Scotland.
91. The applicant’s Planning and Economic Statements outlines the specific economic and business justification for the proposal which (as noted earlier in the description section of this report) explains that between 4 and 10 permanent jobs will be created when the distillery is operational with around 50 to 100 people working on the site at the construction stage. It is also anticipated that the new distillery will increase visitor numbers to the surrounding area and prove potentially beneficial to the adjacent business at Craggan Outdoors by attracting additional visitors into the vicinity. The development is understood to have an anticipated initial spirit production level of 375,000 litres of alcohol per annum and would operate at this level for approximately ten years before any change in production levels were instigated. The proposed facility has a maximum capacity level 2 million litres of spirit per annum, which would in turn produce approximately 100,000 cases of whisky generating £23 million per annum.
92. In these circumstances there is considered to be significant potential economic benefits to the area from the establishment of a new distillery which will attract more visitors, and create more jobs at both the construction and operational stages.
93. As the site lies outwith the settlement boundary of Grantown on Spey, it does not benefit from any specific allocations for economic development within the adopted Local Development Plan. The supporting text to Policy 2: Supporting Economic Growth outlines that whilst much economic development is expected to be within existing settlements, some will require a more rural setting with applicants to be asked for evidence to support specific locational requirements. It explains that the policy supports appropriate development undertaken in harmony with the location, noting that where large developments are proposed improvements to infrastructure to support the development and the wider economy should always be considered.
94. Consequently it is for the applicant to demonstrate that there is an economic need for the proposal to be in this particular location and that the pattern of development is appropriate to the character of this rural area.
95. The applicant provided information on the site selection criteria which were used to hone down site selection, all as outlined earlier in the description of the development. Key criteria are as follows:
  - a) Land size;
  - b) Access to an A road and strong transport links;
  - c) Visibility;
  - d) A climate ideally suited for the production and maturation of whisky;

- e) An abundant supply of quality raw materials;
  - f) Landscape in keeping with a whisky distillery;
  - g) Access to suitable water supplies for both process and cooling water; and
  - h) Attractiveness to visitors.
96. A key locational requirement for a distillery is a ready supply of water which narrows the number of suitable sites. Indeed it is not uncommon to have distilleries sited outwith settlements due to their reliance on natural resources, and the work undertaken for the EIA process has assisted in demonstrating the need for this rural location. Furthermore Speyside is the biggest whisky producing region in Scotland with the landscape character of the wider Speyside area interspersed with whisky distilleries along the River Spey forming part of the Speyside Malt Whisky Trail.
97. Overall it is considered that it has been satisfactorily demonstrated that the proposed development will add to the range of economic opportunities and facilities for the immediate area. The expansion of an established Moray business: the location (which will extend the Speyside Whisky Trail); the connectivity to an existing trunk road and the proximity to existing settlements, providing additional employment opportunities within the area and a further tourist attraction, all contribute to the ability of the proposed development to deliver sustainable economic development in accordance with the Policy requirements of **Policy 2: Supporting Economic Growth of the Cairngorms National Park Local Development Plan 2015**.
98. In these circumstances considered that the *principle* of the proposed development complies fully with the requirements of Policy 2: Supporting Economic Growth of the Cairngorms National Park Local Development Plan 2015. Consequently it is the siting, design, layout and servicing of the proposed development along with the landscape and environmental impacts which require to be considered in more detail now.

### **Landscape Impacts – Siting and Design**

99. Policy 5: Landscape of the Cairngorms Local Development Plan 2015 seeks to ensure that all new development conserves and enhances the landscape character and special landscape qualities of the National Park and the setting of the development. Any significant adverse impacts must be clearly outweighed by social or economic benefits of national importance and all adverse effects must be minimised and mitigated. Similarly policy 3: Sustainable Design seeks to ensure that development is suitably designed.
100. In terms of siting and development pattern, the immediate area is characterised by an agricultural landscape interspersed with farms together with the Craggan Outdoors complex. It is therefore a more managed landscape as part of the wider Strath here, with attractive views to the river Spey from the main transport route (A95) here.
101. The new building will be prominent in this immediate landscape particularly when viewed for a short stretch from the A95. It has however been carefully sited to fit into this landscape, using the slope of the site and grass/sedum roofs to help the building sit well in the landscape. This is further enhanced by careful use of

landscaping to provide a good, natural setting over time. This landscape fit is illustrated in the accompanying visualisations and plans.

- I02. The design of the main building is contemporary using a circular form which has been employed specifically to avoid having any “rear” elevation to the building. The design approach is innovative insofar as it does not seek to screen or hide the servicing and distilling components, but rather have made these elements part of the building design. Functional aspects such as the chimney stack are part of the design and may therefore also help to explain visually the use of the building. The visitor centre/café area is part of the overall circular design, whilst taking advantage of the commanding views to the river. The service yard where commercial traffic will be concentrated is however screened within the complex. This is considered to be an appropriate design for the site, creating a new landmark building with a design driven in part by the functionality of the building and its processes.
- I03. The proposed finishes are considered to be of a sufficiently high standard, subject to samples being agreed, to ensure the detailing helps deliver the design concept here. Together with the careful landscaping of the site, and subject to the minor changes recommended by the Conservation Manager regarding further tree planting alongside the access road, this should achieve a development which, over time, will conserve and enhance the landscape as required by policy.
- I04. Consequently in these overall circumstances the application is considered to comply with Policies 3 and 5 of the Cairngorms Local Development Plan 2015, subject to appropriate planning conditions being attached in the event of the application being approved.

## **Environmental Impacts – Ecology and NATURA Sites and the Water Environment**

- I05. **Policy 4:** Natural Heritage of the Cairngorms Local Development Plan 2015 seeks to ensure that there are no adverse effects on natural heritage interests, designated sites or protected species and that any impacts upon biodiversity are avoided, minimised or compensated. **Policy 10:** Resources also seeks to ensure that unacceptable detrimental effects on the water environment are avoided.
- I06. In this regard the main potential impacts of this new development relates to any impacts on habitats, species and importantly the qualifying interests of the River Spey Special Area of Conservation arising from the operations and associated infrastructure.
- I07. In relation to general environmental impacts on species/habitats, satisfactory survey work has been carried out in accordance with pre application advice to inform impacts. Mitigation for any loss of wading bird habitat is offered through the landscape scheme together with improved habitats arising from the proposed restoration and re-wetting works to the existing wetland pond. In addition existing riverside trees are to be retained so protecting any habitats for bats or birds. There are a number of environmental enhancements proposed including aspen expansion, goldeneye boxes, creation of new pond and removal of non-native species in other watercourses

related to the site. This will help ensure that the development mitigates any impacts on natural heritage and can be secured by planning conditions in the event of the application being supported. Sufficient information has been submitted to demonstrate that, in principle, the construction of the development could proceed without damage to the environment. In the event of the application being supported a suitable planning condition would be required to secure an appropriately detailed site specific construction environmental management plan.

108. A key aspect of the development relates to potential impacts upon the qualifying interests of the River Spey Special Area of Conservation (SAC) arising from abstraction of processing water from the Glenbeg tributary together with the construction of intake and outtake pipes to the River Spey to provide and return cooling water. These abstractions and intake/outtakes will be licensed and controlled by SEPA under their CAR licensing regime whereby it is important that the Planning Authority does not seek to duplicate SEPA's regulatory role. A Habitat Regulations Appraisal has been undertaken of the impacts which concludes that in terms of those aspects controlled under planning legislation there will be no impact upon the integrity of the SAC given the mitigations built into the proposal, stressing that many aspects of the development will be controlled by SEPA's licensing regime. SEPA has no objections to the planning application subject to conditions relating to obtaining further information on the pond and wetland enhancements which can be readily addressed.
109. In these overall circumstances it is considered that sufficient information has been provided to demonstrate that Policy 4: Natural Resources and Policy 10: Resources can be met, with the biodiversity enhancements welcomed. It is also noted that the applicants intend to employ an Ecological Clerk of Works (ECOW) which is important to ensure that the mitigation and enhancement work proceeds as per the material set out in the Environmental Impact Assessment Report (EIAR.) This can be covered by planning conditions in the event of the application being approved.

### **Environmental Impacts – Flooding and water supplies**

110. **Policy 10:** Resources seeks to ensure that new development does not have a significant adverse impact on water supplies and that all development should be free from significant risk of flooding or and should not increase the risk of flooding elsewhere.
111. The south eastern part of the site, closest to the River Spey, lies within an area of medium flood risk, with the building works to be located on higher ground outwith this area. Both SEPA and the Highland Council Flood Risk Management Team are satisfied with this layout, and conditions can be imposed to ensure that no ground raising takes place on land below the 200 metre AOD level.
112. In terms of impacts on water supplies, the applicants advise that the proposed abstraction from Glenbeg burn will be located downstream of private water supplies to ensure that there are no adverse impacts. This is satisfactory to technical consultees and an appropriate planning condition can be attached to cover this.

113. In these circumstances the development is considered to comply with Policy 10: Resources.

### **Servicing – Access Issues**

114. **Policy 3:** Sustainable Design of the Cairngorms National Park Local Development Plan 2015 set out the need for new development to be satisfactorily serviced and to include an appropriate means of access, egress and space for off-street parking. It also sets out that new development should be designed to maintain and maximise all opportunities for responsible outdoor access including links into the existing path network and to promote sustainable transport methods including making provision for the storage of bicycles and reducing the overall need to travel. This raises a number of issues to be considered as follows.

#### ***Access and parking arrangements***

115. The site is well located in terms of proximity to major transport routes and will be accessed via a new junction onto the A95 Grantown to Aviemore trunk road, immediately south of the existing Craggan Outdoors site. As such Transport Scotland is the roads authority in terms of the new access point onto the public network, as opposed to the local roads authority. Transport Scotland has no objections to the proposed access point subject to conditions to ensure it is constructed in accordance with the approved plans. The applicant will also require their specific consent for all works within the trunk road boundary.
116. Also in respect of access, and as noted by the Highland Council Transport Team, the Strathspey Railway aspires to extend their steam railway to Grantown over time. This will involve some form of crossing of the A95 near Gaich in the vicinity of the distillery site, and will be taken forward through the Transport and Works Scotland (TAWS) process. Pre-application discussion is ongoing between the Railway and the TAWS unit in this regard. Transport Scotland, as roads authority here, is aware of this context and has no objection to the proposed distillery access. As such it may be concluded that the final access arrangements will not hinder the future reinstatement of the Strathspey railway crossing and it is therefore not considered necessary to attach a planning condition as requested by the Highland Council Transport Planning Team in this case.
117. Satisfactory car parking is proposed with details of electric charging points now provided as requested by the Transport Planning Team. No coach parties are to be permitted at the site and a planning condition will be required to ensure this remains the case. This is because the layout has not been designed to facilitate coach access in terms of width of internal visitor access road and provision of sufficiently large parking bays.
118. Finally in terms of access the Highland Council Transport Planning Team has highlighted that construction and operation traffic management plans will be required and these should ensure that there is no commercial traffic routed along the A938 Carrbridge to Dulnain road or through Grantown town centre. A suitably worded planning condition can be attached to this end in the event of the application being supported.

### ***Non-motorised Access Issues***

119. The proposed site is located close to Grantown and, as such, is within ready walking and cycling distance. The applicant has identified a number of potential links from the site to the town but these are not considered to be long-term solutions given that (a) the fisherman's path alongside the River Spey due to its narrow unsurfaced nature is unsuitable for bicycle use, or indeed all year round pedestrian use and (b) any links back through Craggan Outdoors would end up with users walking or cycling alongside the busy A95 road where at present there is no link in place.
120. At present the Dulnain Bridge Community Development Trust are progressing with a long-held aspiration to form a path link from Dulnain Bridge to Grantown and this is understood to be at feasibility stage. They are looking at forming a link on the north side of the A95 – opposite side to the current application site. It is understood that this work will soon be moving to the detailed design stage. The applicants have identified that they would wish to support a link to this community path – however there is not a path in place in present.
121. In these overall circumstances, in order to meet the requirements of Policy 3: Sustainable Design to maximise all opportunities for responsible outdoor access and promote sustainable transport it is considered that a link of suitable quality will be required taking a direct route to Grantown. The route currently being considered by the Dulnain Bridge Community Development Trust is considered to have potential to meet this requirement, but involves land outwith the applicant's control and is only at the feasibility stage.
122. This situation has been discussed further with the applicants who are agreeable to entering into a legal agreement to make an agreed financial contribution to the CNPA to fund the delivery of a path from the distillery site to Grantown to meet the requirement to provide for sustainable travel to their site. Heads of Terms for an agreement have been agreed with the applicant in the event of the application being supported. This would involve staged payments related to trigger points such as development commencing on site, and setting out a timetable towards delivery, or the contribution will revert to the applicant.
123. Finally, in respect of sustainable travel there is at present no bus stop provision at the site. It is understood that the Stagecoach service operates a "request" system in this rural area whereby buses can be flagged down providing it is safe for them to stop. Transport Scotland has assessed this situation and considers that more formalised bus stop provision. The applicants are agreeable to this and a suitably worded condition can be imposed to secure the detail and implementation of this provision should the application be supported.
124. In these overall circumstances, subject to appropriate planning conditions being attached and conclusion of an appropriate legal agreement relating to delivery of a path link, the application is considered to comply with Policy 3: Sustainable Design.

## Servicing-drainage and Water Supply

125. **Policy 3:** Sustainable Design and **Policy 10:** Resources of the Cairngorms Local Development Plan 2015 seek to ensure that development can be satisfactorily serviced and that unacceptable impacts on the water environment are avoided.
126. A public water supply is available and in terms of drainage the site can be serviced to the satisfaction of technical consultees. Foul drainage can be treated by means of a private treatment plant, the outfall from which will be controlled by SEPA. In design terms the location of the plant is satisfactory as is the proposal for a low key modular type building subject to final details of its appearance being agreed. Sustainable Urban Drainage Systems (SUDS) are being employed for surface water drainage with a combination of swales, permeable surfaces and water features/infiltration ponds to be used which is welcomed and should help enhance the amenity of the site. Satisfactory maintenance arrangements are also proposed and minor amendments sought by the CNPA Conservation Officer to secure full ecological benefit /protection can be readily covered by planning conditions in the event of the application being supported.
127. On this basis the application is considered to comply with Policy 3: Sustainable Design.

## Other Servicing Issues

128. **Policy 3:** Sustainable Design and **Policy 10:** Resources of the Cairngorms Local Development Plan 2015 seek to ensure that development can be satisfactorily serviced in terms of waste management and that waste is minimised throughout the life of the development.
129. In this regard provision will be made within the site both for waste management collection and storage, and for the management of industrial waste from the distilling process with final details to be agreed. Accordingly the development is considered to comply with Policy 3: Sustainable Design.
130. **Policy 11:** Developer Contributions of the Cairngorms National Park Local Development Plan 2015 set out that where development gives rise to a need to increase or improve public services, facilities or infrastructure or mitigate adverse effects then the developer will normally be required to make a fair and reasonable contribution towards additional costs or requirements. It is not considered that an industrial development will have an impact on local services and amenities necessitating improvements to services with any impacts from the development in terms of roads and public access issues dealt with by appropriate planning conditions and agreements

## Residential Impact

131. **Policy 3:** Sustainable Design of the Cairngorms Local Development Plan 2015 seeks to protect the amenity enjoyed by neighbours including minimisation of disturbance caused by access to the development site.



- I32. There are a number of residential properties in the vicinity of the site and the applicants' submission has sought to address noise, odour, and air quality issues, concluding that no significant issues have been identified. The Council Environmental Health Team concurs with these conclusions. It is therefore considered that any operational impacts may be covered by submission of a site specific Construction Environment Management Plan and conditions can be imposed to this end if the application were supported.
- I33. Whilst increased traffic movement has potential to affect residential amenity this is not considered to be a particular issue in this case given the high levels of existing traffic on the A95 at present. However as noted by the Highland Council Environmental Health Team deliveries to the site should be controlled to standard working hours to minimise potential for disturbance to residents and again conditions can be attached to this end.
- I34. Finally, lighting has potential to cause residential impacts, and can be controlled by planning condition to ensure that final details are agreed and to ensure that the aspiration to have low level lighting is delivered.
- I35. In these circumstances development is considered to comply with **Policy 3:** Sustainable Design.

### **Culture and Archaeology**

- I36. **Policy 9:** Cultural Heritage of the Cairngorms Local Development Plan 2015 seeks to ensure minimal impact on cultural heritage. There are no particular impacts on cultural heritage in terms of impacts on listed buildings. The Highland Council Archaeology Team is seeking evaluation of any archaeological interest on the site. A planning condition can be imposed to this end, and initial trial trenching has been carried out on site throughout September 2019. On this basis the application is considered to comply with Policy 9.

### **CONCLUSION**

- I37. It is considered that the proposed development complies fully with Local Development Plan policies and supports the aims of the National Park, subject to the various mitigation measures and conditions outlined throughout this report. The siting of a new distillery in the countryside has been fully justified, and will create a landmark building in an iconic location beside the River Spey, close to Grantown-on-Spey.
- I38. Overall, it is considered to be a well-designed, well-sited and landscaped development which will provide an economic and visitor facility offering considerable benefit to the local and regional economy. Ecological impacts can be satisfactorily mitigated with enhancements of value to local biodiversity delivered. In addition SEPA, as key regulatory agency here, will be controlling aspects of the development such as those relating to water quality with the Habitat Regulations Appraisal undertaken for the development concluding that there will be no impacts on the integrity of designated sites.
- I39. Finally, the site can be satisfactorily serviced and accessed and will deliver a path link to Grantown which will be of wider benefit to the area. Accordingly in these overall circumstances it is recommended that the application be approved.

## RECOMMENDATION

That Members of the Committee support a recommendation to **GRANT FULL PLANNING PERMISSION** for the erection of a distillery, visitor centre, warehouse, car parking, road junction and associated infrastructure and landscaping at Land 350M SE Of Lower Gaich Dulnain Bridge subject to:

1. The applicant entering into an appropriate legal agreement to contribute to the construction of a path and road crossing from the site into Grantown on Spey
2. The following conditions:

*Those conditions listed below in bold text are suspensive conditions, which require to be discharged prior to implementation of the development.*

### Conditions

1. **No development shall commence on site until a detailed landscape scheme has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. This plan to include full details of future long term management and maintenance; tree protection proposals; and shall reflect the requirement to increase planting alongside the internal access road to a formal double avenue with planting along both sides of the road and the spacing reduced by 25% . Trees shall be protected in accordance with the approved plan before any work commences on site and the approved landscape scheme shall be implemented in accordance with the approved details in the first planting season following completion of the development, and maintained thereafter in accordance with the approved plans throughout the lifetime of the development hereby approved.**

**Reason:** To ensure the development complements and enhances the landscape in accordance with Policy 5: Landscape of the Cairngorms Local Development Plan 2015

2. **No development shall commence on site until a site specific Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority in consultation with SNH and SEPA. The CEMP shall include the following information and should be informed by consultation responses to this application and the measures outlined in the approved Environmental Impact Assessment Report (EIAR):**
  - a) **Site Waste Management Plan** including details of the management/storage of soil and construction material;
  - b) **Ecological Management Plan** including details of mitigation if any works are to take place during wader breeding season and consideration of need for further pre construction survey work for fresh water pearl mussels;
  - c) **Landscape Management Plan;**

- d) **Site Compound and site drainage plan including details of construction SUDS;**
- e) **Timing and details of all in river works;**
- f) **Construction Method Statement;**
- g) **Post construction reinstatement and restoration plan;**
- h) **Details of appointed Environmental Clerk of Works (ECOW) their remit, scope of their work, and reporting and monitoring schedule; and**
- i) **Pollution Prevention plan.**

**All work shall thereafter proceed in accordance with the approved details with monitoring reports from the ECOW provided to the Cairngorms National Park Authority.**

**Reason:** To ensure that the construction of the development is satisfactorily implemented and supervised in order to ensure that there are no adverse effects on the landscape character and natural heritage of the National Park, including NATURA interests, or any pollution of watercourses in accordance with Policy 4: Natural Heritage, Policy 10: Resources and Policy 5: Landscape of the Cairngorms Local Development Plan 2015.

3. **No development shall commence on site until a detailed Habitat Management Plan has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. This plan shall:**
- a) **Reflect the requirements of the outline Habitat Management Plan;**
  - b) **Include proposals for future monitoring and management;**
  - c) **Include details of the enhancement of the existing pond as wetland habitat for flora and fauna and the enhancement of existing wetland for wading birds, including the creation of species rich marginal wetland; and**
  - d) **Timetable for implementation.**

**The enhancements and habitat management and mitigation proposals shall thereafter be implemented, managed and monitored in accordance with the approved detail.**

**Reason:** To ensure that any impacts on the natural heritage of the National Park are satisfactorily mitigated and in accordance with Policy 4: Natural Heritage, of the Cairngorms Local Development Plan 2015.

4. **No development shall commence on site until details of storage and containment measures, including those for spent lees, washings and pot ale, have been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. These measures shall be implemented in accordance with the approved plans before the development hereby approved is brought into use.**

**Reason:** To ensure that there is no pollution of the water environment or adverse impacts upon NATURA sites in accordance with Policy 4: Natural Heritage, of the Cairngorms Local Development Plan 2015.

5. **No development shall commence on site until details of the proposed lighting scheme for the development have been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. The scheme shall thereafter be implemented in accordance with the approved plans.**

**Reason:** To ensure the development complements and enhances the landscape and that there are no adverse impacts upon natural heritage and protected species in accordance with Policy 5: Landscape of the Cairngorms Local Development Plan 2015.

6. **No development shall commence on site until pre-construction mammal surveys, and fresh water pearl mussel surveys if required by condition 3, have been undertaken and submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. Any requirements for further mitigation and species protection plans resulting from these surveys shall be prepared and submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority and thereafter implemented in accordance with the approved details and agreed timetable.**

**Reason:** To ensure that there is no adverse impact upon European Protected Species or upon NATURA sites in accordance with Policy 4: Natural Heritage, of the Cairngorms Local Development Plan 2015.

7. **No development shall commence on site until an Otter Species Protection Plan has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. The plan shall thereafter be implemented in accordance with the approved details.**

**Reason:** To ensure that there is no adverse impact upon European Protected Species or upon NATURA sites in accordance with Policy 4: Natural Heritage, of the Cairngorms Local Development Plan 2015.

8. **No development shall commence on site until the following information has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority in consultation with Transport Scotland and the Highland Council Transport Planning Team:**
- a) **Construction Traffic Management Plan** which should reflect the need to avoid construction related good vehicles routing along the A938 road and through Grantown town centre and include details of environmental control measures when working alongside the A95 ; and
  - b) **Green Travel/Operational Travel Plan** – this should also reflect the need to avoid operational related good vehicles routing along the A938 road and through Grantown town centre

**All work shall thereafter proceed in accordance with the approved plans.**

**Reason:** To ensure that the development is appropriately accessed and that there is no loss of residential amenity in accordance with Policy 3: Sustainable Design of the Cairngorms Local Development Plan 2015.

9. **No development shall commence on site until the new access onto the A95, as illustrated on Cundall Drawing Number TCXX (90)5006 is constructed in accordance with the approved plans and to the satisfaction of the Planning Authority in consultation with Transport Scotland. Visibility splays to be retained thereafter in accordance with the approved plans throughout the lifetime of the development hereby approved**

**Reason:** To ensure that the site is satisfactorily serviced and accessed and to ensure that the standard of access layout complies with the current standards and that the safety of the traffic on the trunk road is not diminished and in accordance with Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan 2015.

10. **No development shall commence on site until details of how access to the fisherman's path shall be safeguarded during construction have been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. The approved details shall thereafter be implemented during construction. Following construction access to the fisherman's path from the site and along the banks of the River Spey within the site shall remain unobstructed at all time.**

**Reason:** To ensure that responsible outdoor access is maintained and maximised in accordance with Policy 3: Sustainable Design of the Cairngorms Local Development Plan 2015.

11. **No development shall commence on site until a programme of works for the evaluation, preservation, and recording of any archaeological and historic features affected by the development, including a timetable for investigation (Archaeological Management Plan) has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority in consultation with the Highland Council Archaeology Team. The approved programme shall be implemented in accordance with the approved timetable for investigation and reporting.**

**Reason:** To ensure that the archaeological value of the area is evaluated and recorded in accordance with Policy 9: Cultural Heritage of the Cairngorms National Park Local Development Plan 2015.

12. **No development shall commence on site until details of the arrangements for the provision of bus stops and access to the bus stops have been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority in consultation with Transport**

**Scotland. The development shall not be brought into use until the approved details have been implemented.**

**Reason:** To be consistent with the requirements of Scottish Planning Policy (SPP) and PAN 75 Planning for Transport and to ensure that the development promotes sustainable transport methods in accordance with Policy 3: Sustainable Design of the Cairngorms Local Development Plan 2015.

13. **No development shall commence on site until details of the arrangements for the storage and collection of waste have been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority in consultation with the Highland Council Transport Planning Team. The development shall not be brought into use until the approved details have been implemented.**

**Reason:** To ensure that the satisfactory arrangements for the storage, segregation and collection of waste are provided in accordance with Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan 2015.

14. **No development shall commence on the construction of any buildings until samples of the proposed finishes have been approved in writing by the Cairngorms National Park Authority acting as Planning Authority. The development shall thereafter be constructed in accordance with the approved details.**

**Reason:** To ensure the development complements and enhances the landscape in accordance with Policy 5: Landscape of the Cairngorms Local Development Plan 2015.

15. **No development shall commence on the construction of the foul water treatment plant until details of its design and finishes have been approved in writing by the Cairngorms National Park Authority acting as Planning Authority in consultation with SEPA. The development shall thereafter be constructed in accordance with the approved details.**

**Reason:** To ensure the development complements and enhances the landscape in accordance with Policy 5: Landscape of the Cairngorms Local Development Plan 2015.

16. **No development shall commence on the construction of the water abstraction point at the Glenbeg burn, pipeline or intake/outfall infrastructure beside the River Spey until details of the exact siting of this infrastructure has been approved in writing by the Cairngorms National Park Authority acting as Planning Authority in consultation with SNH and SEPA. The development shall thereafter be constructed in accordance with the approved details.**

**Reason:** In order to ensure there is no adverse impact upon the environment, protected species, waterbodies and NATURA sites in accordance with

Policy 4: Natural Heritage and Policy 10: Resources of the Cairngorms  
Local Development Plan 2015.

17. There shall be no ground raising on land that is currently below 200 metres AOD.

**Reason:** To minimise any risk of flooding which may affect persons or property in accordance with Policy 4: Natural Heritage and Policy 10: Resources of the Cairngorms National Park Local Development Plan 2015.

18. The SUDS scheme shall be implemented in accordance with the approved plans with certification provided from an appropriately qualified professional to certify the works have been completed in accordance with the approved plans before the development is brought into use. The SUDS scheme shall thereafter be maintained in accordance with the approved maintenance schedule included in annex D of appendix 6 of the approved Environmental Impact Assessment Report (EIAR) throughout the lifetime of the development hereby approved.

**Reason:** In order to ensure there is no adverse impact upon the environment, protected species, waterbodies and Natura sites in accordance with Policy 4: Natural Heritage and Policy 10: Resources of the Cairngorms Local Development Plan 2015.

19. Any boundary enclosures around the site shall be of post and wire construction and retained as such throughout the lifetime of the development hereby approved unless otherwise agreed in writing with the Cairngorms National Park acting as Planning Authority.

**Reason:** To ensure that the development conserves and enhances the landscape and to promote permeability of wildlife through the site in accordance with Policy 4: Natural Heritage and Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2015.

20. All noise, water supply and air quality and odour measures outlined in the approved Environmental Impact Assessment Report (EIAR) shall be adhered to throughout the lifetime of the development hereby approved, unless otherwise agreed in writing with the Cairngorms National Park acting as Planning Authority.

**Reason:** In order to protect residential amenity and the environment in accordance with Policy 3: Sustainable Design and Policy 4: Natural Heritage of the Cairngorms National Park Local Development Plan 2015.

21. No deliveries shall be made to the development hereby approved outwith the hours of 0800 hours to 1900 hours Mondays to Fridays, 0800 hours to 1300 hours on Saturday and not at all on Sundays or bank holidays unless otherwise agreed in writing with the Cairngorms National Park acting as Planning Authority.

**Reason:** In order to protect residential amenity in accordance with Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan 2015.



22. The development hereby approved shall not be brought into use until it is connected to a public water supply.

**Reason:** To ensure that the development is adequately served by public services in accordance with Policy 10: Resources of the Cairngorms National Park Local Development Plan 2015.

23. The existing trees on the site beside the River Spey shall not be lopped, topped or felled and they shall be suitably protected in accordance with the approved Tree Protection Plan during construction and retained thereafter throughout the lifetime of the development hereby approved.

**Reason:** To ensure that trees on and around the site which contribute to the landscape character and biodiversity of the area, and which may contain bat and bird nesting/roosting opportunities are appropriately protected during construction works in accordance with Policy 4: Natural Heritage and Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2015.

24. There shall be no access to the site for coaches.

**Reason:** To ensure that the site is satisfactorily serviced and accessed and as no provision has been made on site for coach parking or turning, all in accordance with Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan 2015.

25. All parking, paths, electric charging points, bike stands, turning, and access arrangements including visibility splays shall be implemented in accordance with the approved plans before the development hereby approved is brought into use and retained thereafter in this use.

**Reason:** To ensure that the site is satisfactorily serviced and accessed in accordance with Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan 2015.

## Informatives

1. The development hereby approved must commence within 3 years of the date of this decision notice. If development has not commenced within this period then this planning permission will lapse.
2. The person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. Attached to this decision notice is a Notice of Initiation of Development for completion and submission. Submission of this information assists the Cairngorms National Park Authority Monitoring and Enforcement Officer in monitoring active work within the area to ensure compliance with the approved details and to identify and correct any potential problems, as they arise, rather than later when it may be more difficult and more costly to rectify. Failure to give notice

would constitute a breach of planning control which may result in enforcement action being taken.

3. Following completion of the development, a notification of the completion shall, as soon as practicable, be given to the Planning Authority. Attached to this decision notice is a Notice of Completion of Development for completion and submission. Submission of this form will assist the Cairngorms National Park Authority Monitoring and Enforcement Officer in making a final inspection and checking compliance with the approved drawings and conditions. If the development hereby approved is to be carried out in phases, then a notice of completion should be submitted at the completion of each phase.
4. The person undertaking the development should note that a Controlled Activities Regulation (CAR) license will be required from SEPA for the following activities construction site license; discharge of foul water; abstraction of water from Glenbeg Burn; abstraction of water from boreholes; return of cooling water to the River Spey. CAR rules will require to be followed for the discharge of surface water.
5. The person undertaking the development should note the detailed regulatory comments of SEPA provided within their consultation response which refer to the need to consider and comply with the requirements of the Medium Combustion Plant Directive; COMAH regulations (as whisky is classed as a flammable liquid) and the Waste Management Licensing (Scotland) Regulations 2011. Main contact SEPA office Elgin – telephone 01343 547663 (Lisa Forsyth).
6. The person undertaking the development should note that Scottish Water are unable to reserve capacity at their water treatment works for the proposed development. You will need to make a formal connection application to Scottish Water who will review capacity then and advise the applicant accordingly. You should also contact Scottish Water regarding any trade waste effluent requirements.
7. The person undertaking the development should note that Scottish Water has advised that their records show that they have assets on the site so you should contact their Asset Impact Team directly to consider any conflicts – email at [service.relocation@scottishwater.co.uk](mailto:service.relocation@scottishwater.co.uk).
8. The person undertaking the development should note that in order to comply with Condition 11- Archaeology the services of a professional archaeological contractor should be engaged.
9. Construction work (including the loading/unloading of delivery vehicles, plant or other machinery) should not take place out with the hours of 0800 hours to 1900 hours Mondays to Fridays, 0800 hours to 1300 hours on Saturdays or at any time on Sundays or Bank Holidays in order to minimise disturbance to residents in the area
10. The person undertaking the development should note that the granting of planning consent does not carry with it the right to carry out works within the trunk round boundary and that permission must be granted by Transport Scotland Roads Directorate. Where any works are required on the trunk road, contact details: Roads - Development Management Buchanan House, 58 Port Dundas Road, Glasgow, G4

OHF e-mail: [development\\_management@transport.gov.scot](mailto:development_management@transport.gov.scot) Trunk road modification works shall, in all respects, comply with the Design Manual for Roads and Bridges and the Specification for Highway Works published by HMSO. The developer shall issue a certificate to that effect, signed by the design organisation. Trunk road modifications shall, in all respects, be designed and constructed to arrangements that comply with the Disability Discrimination Act: Good Practice Guide for Roads published by Transport Scotland. The developer shall provide written confirmation of this, signed by the design organisation.

11. The person under the development should note that the road works which are required as a result of planning conditions 9 and 12 of this consent will require a Road Safety Audit as specified by the Design Manual for Roads and Bridges. Any trunk road works will necessitate a Minute of Agreement with the Trunk Roads Authority prior to commencement

The map on the first page of this report has been produced to aid in the statutory process of dealing with planning applications. The map is to help identify the site and its surroundings and to aid Planning Officers, Committee Members and the Public in the determination of the proposal. Maps shown in the Planning Committee Report can only be used for the purposes of the Planning Committee. Any other use risks infringing Crown Copyright and may lead to prosecution or civil proceedings. Maps produced within this Planning Committee Report can only be reproduced with the express permission of the Cairngorms National Park Authority and other Copyright holders. This permission must be granted in advance.