

---

**CAIRNGORMS NATIONAL PARK AUTHORITY**

---

**Title: REPORT ON CALLED-IN PLANNING APPLICATION**

**Prepared by: KATHERINE DONNACHIE  
(PLANNING OFFICER,  
DEVELOPMENT MANAGEMENT)**

---

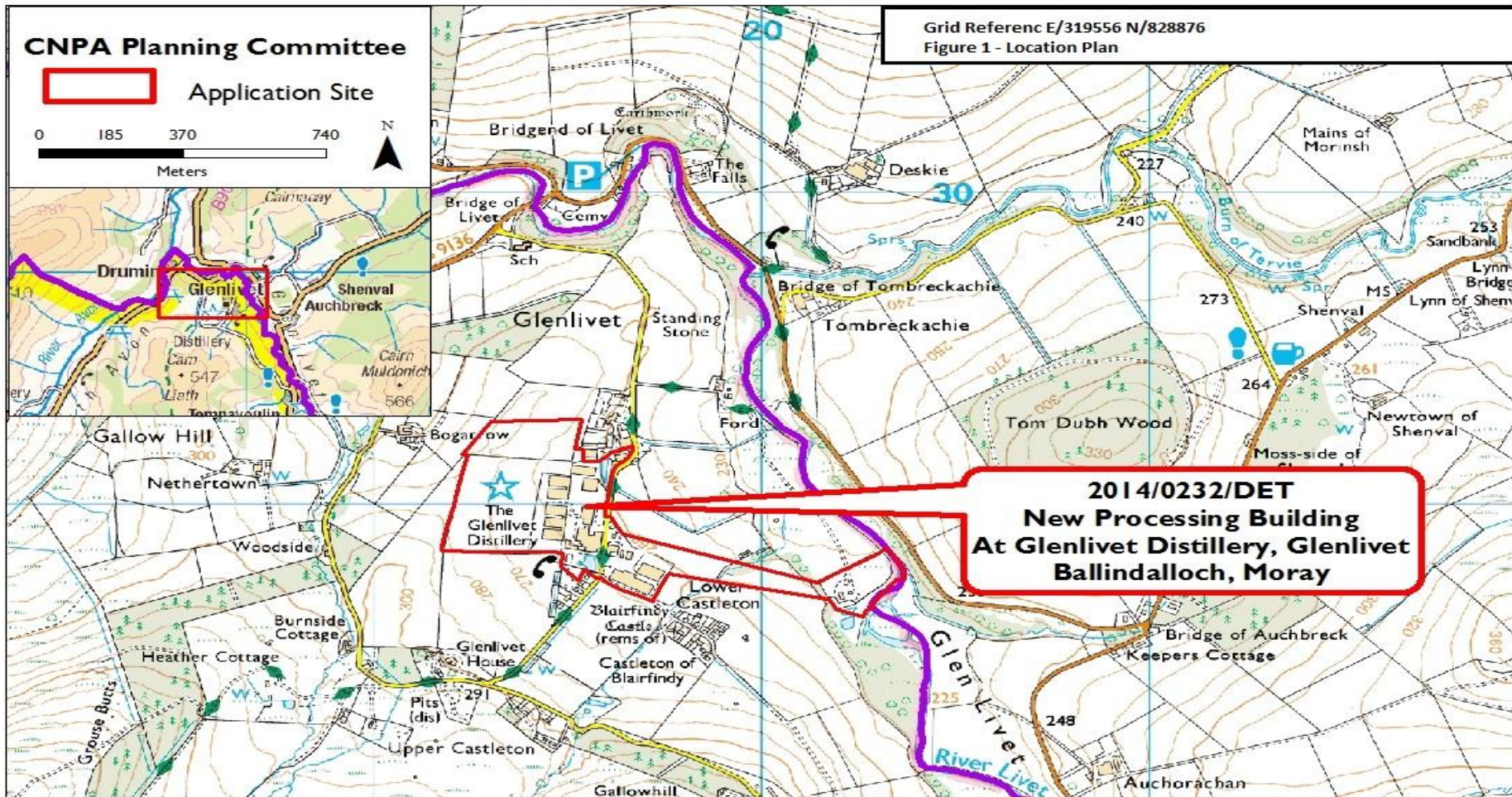
**DEVELOPMENT PROPOSED: New processing building (including additional distillery facilities) replacement bio plant, alterations to evaporator and associated plant and landscaping at Glenlivet Distillery, Glenlivet, Ballindalloch**

**REFERENCE: 2014/0232/DET**

**APPLICANT: Chivas Brothers Limited**

**DATE CALLED-IN: 4 August 2014**

**RECOMMENDATION: APPROVAL SUBJECT TO CONDITIONS**

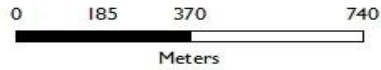


Grid Referenc E/319556 N/828876  
Figure 1 - Location Plan

CNPA Planning Committee



Application Site



Reproduced by permission of Ordnance Survey on behalf of HMSO. © Crown copyright and database right 2014. All rights reserved. Ordnance Survey Licence number 100040965 © SNH

**SITE DESCRIPTION AND PROPOSAL**

- I. The plans and documents submitted by the applicant and under consideration for this application are identified in the table below.

<b>TITLE</b>	<b>Drawing Number</b>	Date on Plan	Date Received
<b>Architect's Drawings</b>			
Location Plan	AL(0)001	22-07-14	04-08-14
Ownership Plan	AL(0)002	22-07-14	04-08-14
Site Plan as Existing	AL(0)005	22-07-14	04-08-14
Site Plan	AL(0)010	22-07-14	04-08-14
Site Plan Phase I	AL(0)011	01-10-14	02-10-14
Process Building Site Plan	AL(0)020	22-07-14	04-08-14
Feed Building Site Plan	AL(0)021	22-07-14	04-08-14
Bio Plant Site Plan	AL(0)022	22-07-14	04-08-14
Process Building Ground Floor	AL(0)023	22-07-14	04-08-14
Process Building First Floor	AL(0)024	22-07-14	04-08-14
Bio Plant Floor Plan & Elevations	AL(0)025	22-07-14	04-08-14
Process Building East Elevation	AL(0)030	22-07-14	04-08-14
Process Building West Elevation	AL(0)031	22-07-14	04-08-14
Process Building North & South Elevations	AL(0)032	22-07-14	04-08-14
Process Building Phase I Elevations	AL(0)033	22-07-14	04-08-14
Feed Building Elevations as Existing	AL(0)035	22-07-14	04-08-14
Feed Building Elevations as Proposed	AL(0)036	22-07-14	04-08-14
Process Building Section AA	AL(0)050	17-11-14	17-11-14
Process Building Section BB	AL(0)051	22-07-14	04-08-14
Proposed Site Plan	AL(0)012	04-12-14	04-12-14
<b>Architect's Drawings</b>			
Proposed Site Layout	EC21006-90-001F	29-07-14	30-07-14
Site Cross Sections	EC21006-90-002D	22-07-14	04-08-14
Proposed Building Layout	EC21006-90-003C	22-07-14	04-08-14
Surface Water & SUDS Scheme	EC21006-90-010	11-07-14	04-08-14
Existing Lighting	EC21006-98-100	07-14	04-08-14
Proposed Lighting Scheme	EC21006-98-101	07-14	04-08-14
Typical Abstraction Intake and Outfall Details	EC21006-90-100A	10-14	14-10-14
Typical SUDS Pond Cross Section	EC21006-90-101	10-14	14-10-14

**CAIRNGORMS NATIONAL PARK AUTHORITY**  
**Planning Committee Agenda Item 6 19/12/14**

Bridge/Culvert Details	EC21006-95-100F	10-14	14-10-14
<b>Landscape Architect's Drawings</b>			
Landscape Masterplan	I765L01H	13-10-14	14-10-14
Existing & Proposed Vegetation	I765L02	11-07-14	04-08-14
Bio Plant	I765L03	11-09-14	14-10-14
Phase 2 Landscape	I765L04	11-09-14	14-10-14
<b>Architect's Visuals</b>			
Visual 1			24-10-14
Visual 2			24-10-14
Visual 3			24-10-14
Visual 4			17-11-14
Elevations of Entrance Bridge by Archial Norr	undated		
Environmental Statement by Natura Capita Ltd	Document 1	21 July 2014	
River Spey SAC : Information to inform an Appropriate Assessment by Natura Capita Ltd	Document 2	18 July 2014	
Outline Construction Method Statement by Blyth and Blyth	Document 3 Revision A	12 October 2014	
Site Investigation Report by Mason Evans	Document 04	June 2014	
Design and Access Statement Revision B by Archial Norr	Document 05	21 July 2014	
Drainage Impact Assessment and SUDS strategy Revision I by Blyth and Blyth	Document 06	18 July 2014	
Ecology Report Version I by Ecos Countryside Services and Sue Swift	Document 07	4 July 2014	
Landscape and visual impact assessment by TGP Landscape Architects Ltd	Document 08	21 July 2014	
Noise Impact Assessment by Chris Steel	Document 09	18 July 2014	
Pre Application Consultation Report Revision A by Archial Norr	Document 10	21 July 2014	

**CAIRNGORMS NATIONAL PARK AUTHORITY**  
**Planning Committee Agenda Item 6 19/12/14**

Surface Water Management Plan Revision I by Blyth and Blyth	Document 11	3 Sept 2014	
Transport assessment Revision B by Sam Short Consulting	Document 12	13 Oct 2014	
Statement of Compliance with Park Policy revision A by Archial Norr	Document 13	16 July 2014	
Economic Benefit Statement by Chivas Brothers Ltd	Document 14	17 July 2014	
Chimney Details by Chivas Brothers Ltd	Document 15	22 July 2014	
Abstraction/Discharge Statement Revision A by Chivas Brothers Ltd	Document 16	17 July 2014	
Condition Report on Public Road Infrastructure by Blyth and Blyth	Document 17	12 Oct 2014	
Road Safety Audit by Wyllie Lodge	Document 18	13 Oct 2014	
Flood Risk Assessment by JBA Consulting	Document 19	Oct 2014	
Woodland and Tree Protection Statement by TGP Landscape Architects Ltd Rev A	Document 20	21 Nov 2014	
Bio Plant Ground Contamination Report	Document 21	17 Oct 2014	
Wader Management Plan by David Bell ECOS	Document 22	13 Nov 2014	



## The Site

2. The Glenlivet Distillery is situated to south of Ballindalloch and the north west of Tomnavoulin, close to Bridgend of Glenlivet. It sits within a clustered settlement comprising the distillery complex and residential properties at Castletown and Glenlivet. Blairfindy Castle lies to the south east of the distillery.
3. The application site comprises agricultural land to the west of the existing distillery and the existing bioplant which is located to the south east of the distillery and west of the River Livet. The distillery complex currently comprises around 8 hectares of land and includes offices, visitor centre, warehousing and feed plant which is located on the opposite (east) side of the minor public road (C57H) which runs through the site. The Speyside Way Spur from Tomintoul runs along this road through the site. The proposed expansion will cover around 5.5 additional hectares of land. **Figure 2** below shows the general layout.



**Figure 2: General Site Layout (extract from applicant's drawing)**

4. The surrounding landscape is characterised by rolling landforms with a pronounced field pattern of pasture fields and shelter woodlands. Outwith the immediate environs of the distillery and the housing at Castletown and Glenlivet, the landscape is characterised by scattered rural properties and farms. The distillery is a prominent feature in the locality with views on to it

from a number of directions, both from within and outwith the National Park.

5. The site is accessed via public road network. The minor road C57H runs through the site leading southwards from Glenlivet School to Casteltown connecting onto the back road running from Drumin to Tomnavoulin. The C57H connects northwards onto a short section of the B9316 (Tomintoul to Bridge of Livet road) then onto the B9008 which runs westwards to join the A95 Aberlour to Grantown trunk road. This wider road network serves other commercial and public use, including distilleries.
6. There are no specific environmental designations covering the application site. However, the River Livet forms part of the River Spey Special Area of Conservation and the application involves discharges and abstractions to this river. Land beside the River Livet lies within the functional flood plain, as identified in SEPA's fluvial flood maps.

### **Development Proposal**

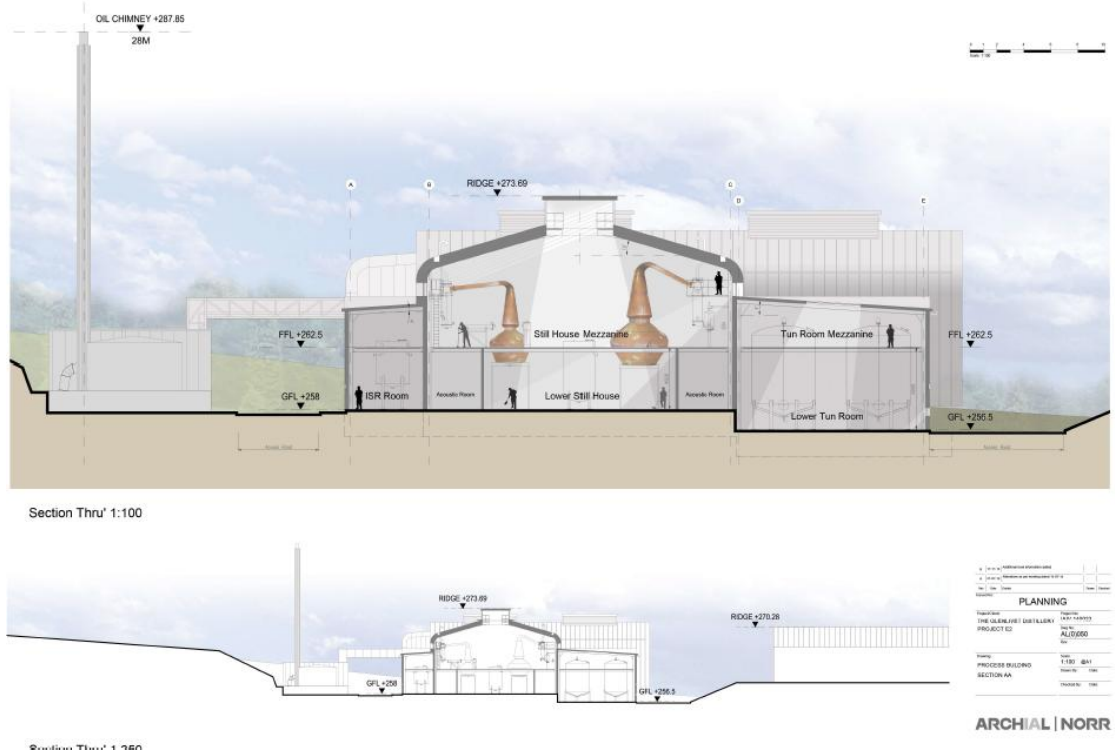
7. This application seeks full planning permission for a major expansion of the Glenlivet Distillery. The applicant has explained that the single malt market has been one of the most dynamic sectors of the spirit world in the last ten years with the Glenlivet whisky being the world's second largest single malt brand. Consequently more production capacity is required to meet anticipated future demand. The proposals will increase the production capacity of the Glenlivet Distillery from 10 million litres per year to 30 million litres per year once the entire development is completed. Once operational, the development will support 13 additional permanent jobs (100% increase on current levels). No change to visitor numbers to the wider site is anticipated. The opportunity will also be taken to provide upgraded effluent treatment facilities, improve access arrangements, upgrade the existing evaporator plant, and to use energy efficient process equipment as part of the expansion. No alternative sites were considered given that the Glenlivet whisky can only be produced at a single site under the Scotch Whisky regulations and the proposals were planned in a manner that ensured that existing production at the site could continue during the construction phase.
8. The proposals comprise a number of elements as follows:  
New process building of around 190m x 40m and 16m high occupying an area of around 5,300 square metres. This building will house the distilling operations and is split into two phases internally, each comprising tun rooms, still houses, mash houses, acoustic rooms, service areas and switch rooms. There will be a central malt silo and milling area between the two parts and two 28 metre high chimneys. **Figure 3** illustrates the new processing building by way of a photomontage with the new production building located to the rear of the existing warehousing.



**Figure 3 – Indicative Photomontage (extract from applicant’s visualisations)**

New Tank and Equipment Area: There will a new area for tanks (spirit, draff, water, effluent) in parallel with and to the rear (west) of this new building along with car parking (8 cars), cooling towers and a substation. Two new dual fuel (oil and gas) boilers will be located at the north and south areas of this tank farm area. This area will be enclosed by a retaining wall. **Figure 4** below shows the area in cross section.





**Figure 4 Cross Section of Processing Building Area (extract from Applicant’s plans)**

- **Groundworks and Landscaping:** land will be re-contoured to accommodate the building works and this will involve significant excavations – around 117,000 cubic metres of topsoil and subsoil will be excavated and then re-used in construction works and landscaping. A detailed landscape plan has been submitted to show landscaping proposals which include structure planting of native species “wrapped” around the new building to the south and west and full details of all internal landscaping. Four “scrapes” for wading birds on this land are also shown. **Figure 5** illustrates the extent of proposed landscaping.



**Figure 5 – Proposed Landscaping (Extract from landscape architects’ plans)**

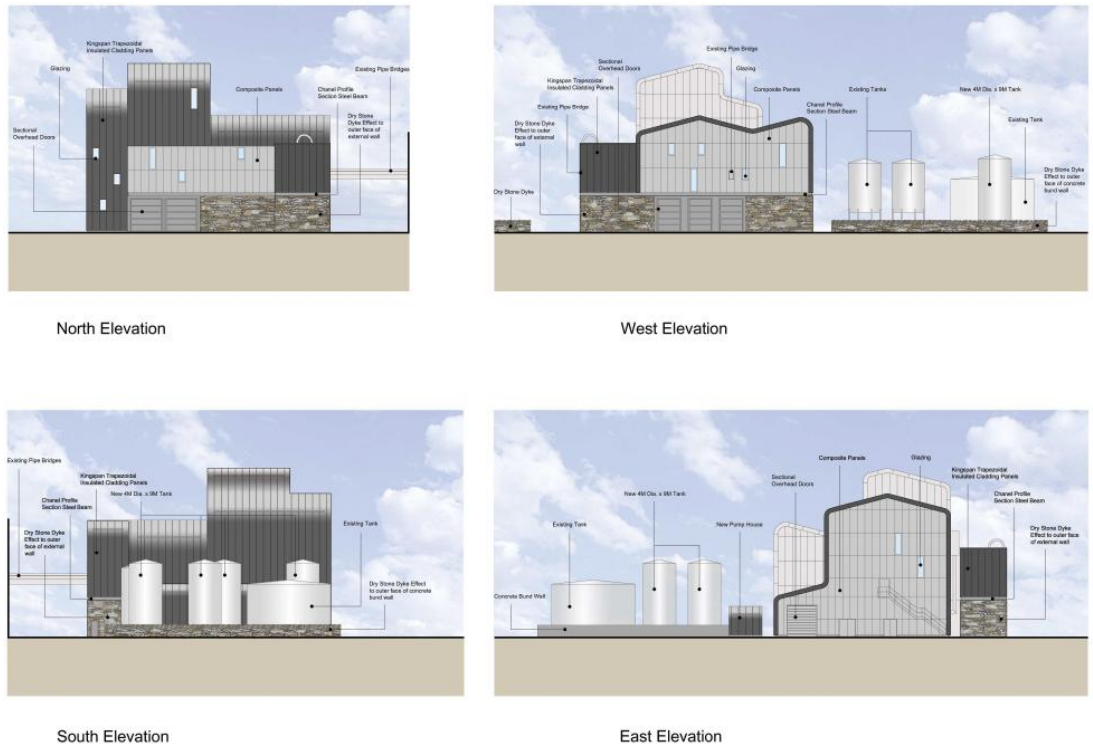
Replacement Bioplant: the existing distillery effluent plant (bioplant) located next to the River Livet will be demolished and a new plant erected. This site is accessed via an existing private track leading south from the C57H public road to serve other properties at Birchbrae and onto the bioplant site. The proposed new building will be of simple pitched roof design as shown in **Figure 6**.



**Figure 6: Elevations of Proposed Bioplant Building (extract from applicant's plans)**

New Pipework: a new underground cooling water discharge pipe and outfall is proposed between the distillery and the river (via the bioplant) which will follow the route of existing effluent and cooling water pipelines. This has discharge point located close to the existing water abstraction point. An upgraded cooling water abstraction intake will be required on the River Livet.

Remodelling/alterations to Existing Evaporator/Feed Plant which lies on the opposite (east) side of the public road from the distillery and is a prominent building of height up to 21 metres. The proposals involve re-cladding the building to match that proposed for the new production building, re-cladding existing concrete boundary walls in stone and removing some of the existing tanks and plant from this area (**Figure 7**) below.



**Figure 7: Proposed Alterations to Evaporator/Feed Building (Extract from Applicant's plans)**

- New Site Access –The new access arrangements will create a new access point onto the C57H road, together with a bridge over the existing distillery pond, to create visitor and delivery access. This will involve demolition of an existing warehouse and steading to north of site. Internal access arrangements and flows will be changed and this will result in improved flow of traffic close to existing houses to the south as illustrated in **Figures 8 (a) and (b)** below.

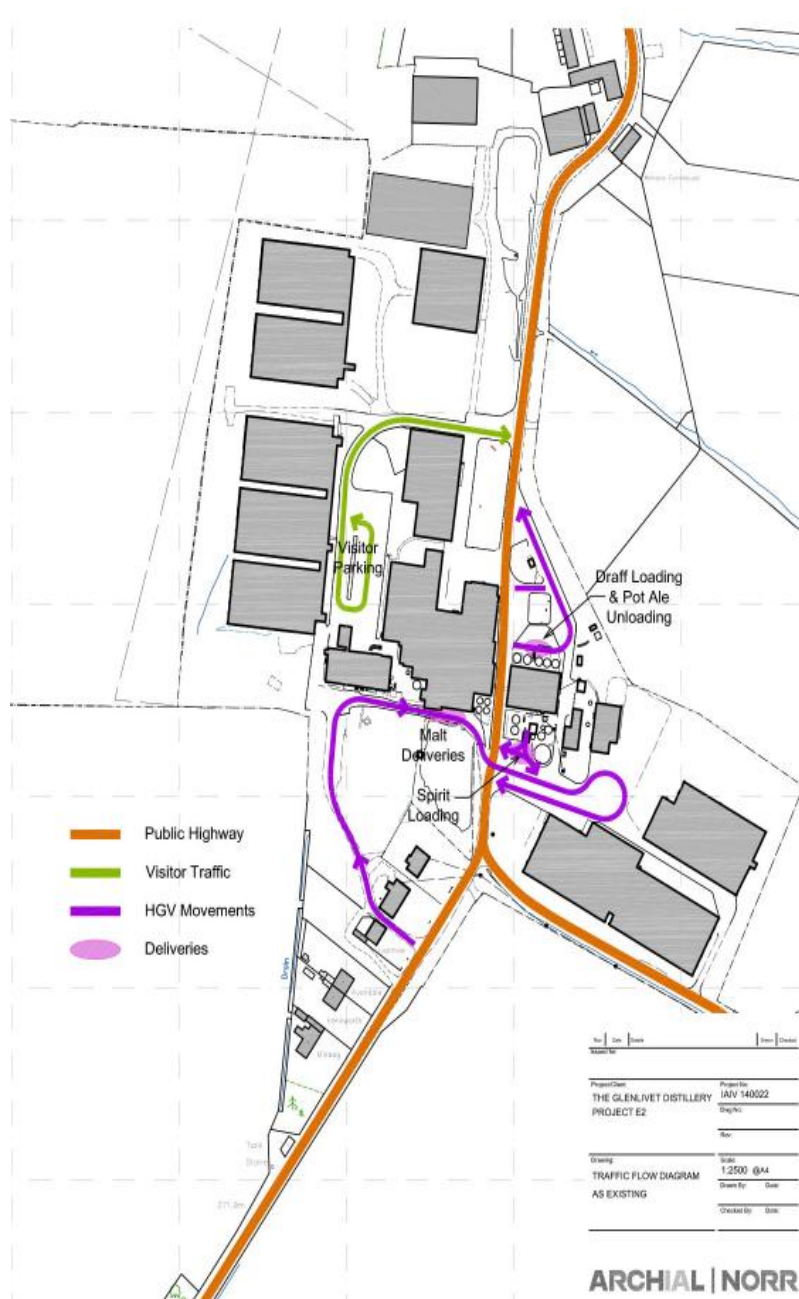
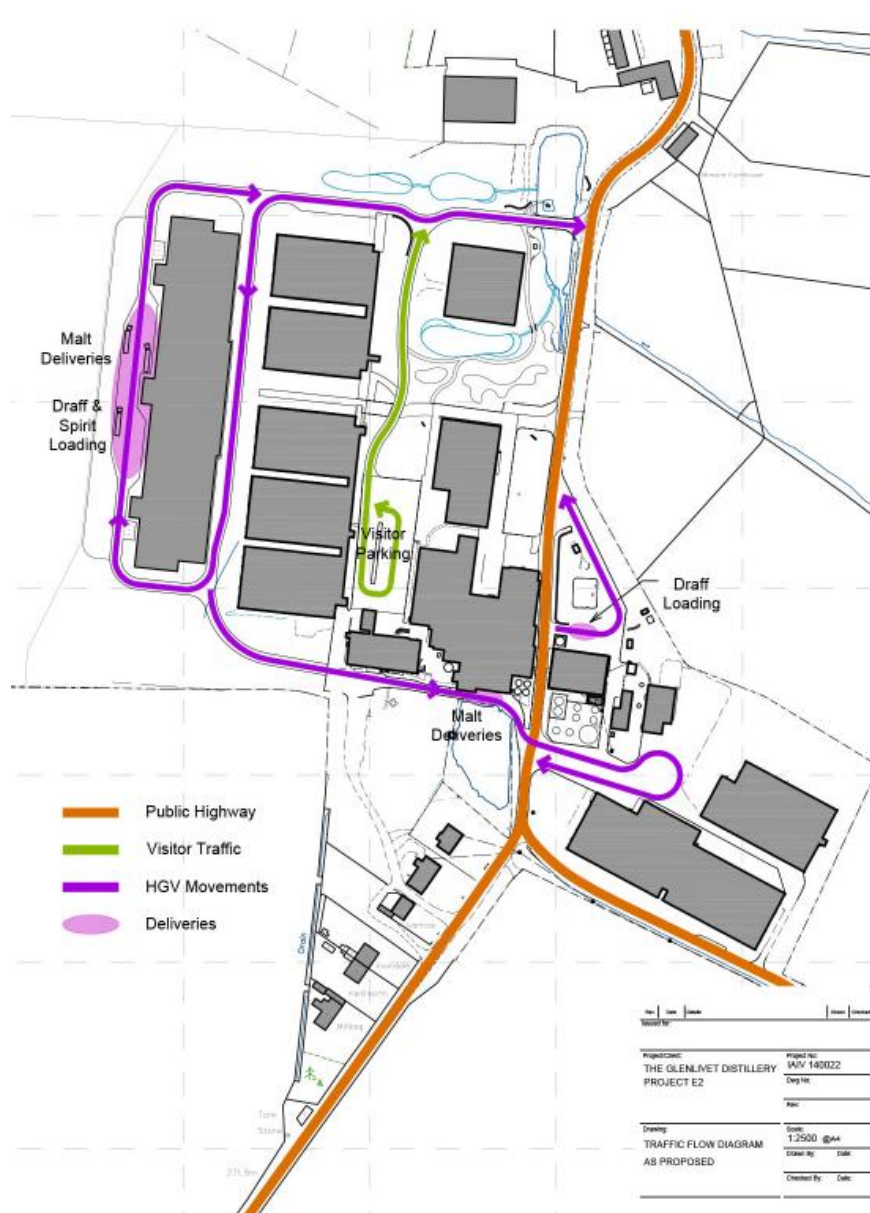


Figure 8 (a): Existing Traffic Flows Diagram ( Extract from Applicants' supporting information





**Figure 8 (b) – Proposed Traffic Flows Diagram (Extract from Applicant’s supporting information)**

New Surface Water arrangements: Three new drainage detention ponds will be formed to provide additional capacity for surface water from the new buildings, access and hard-standings. Two will be located to the north of existing warehousing and new access point, and one to the south.

- Proposed finishes for the new buildings are a mixture of white rendered blockwork for lower walls, composite panels and standing-seam effect panel system for walls. The colour palette proposed is a mixture of light and dark greys to reflect the colours of the existing distillery. Indicative samples will be available for viewing at the committee meeting.

10. The development is proposed as two phases. Phase 1 (including the first phase of the production facility) is due for completion in 2017. Phase 2 (comprising the northernmost second part of the new production plant) will be built at a later date when demand requires it.
11. In terms of traffic generation the applicant anticipates that there will be an additional 56 traffic movements per day as a result of the new development (total of “in” and “out” movements). Initially they indicated a higher number but have explained that some of the existing traffic movements will reduce as a result of the feed plant no longer taking pot ale deliveries from other distilleries once the new production distillery is. Hence there will be less movement of incoming traffic of this nature.
12. In terms of water supply, increased abstraction from the River Livet is proposed for cooling water purposes, but no additional abstraction of process water from hill water springs is proposed.
13. Due to the size and scale of the development this proposal constitutes a “major” application under the Scottish Government’s hierarchy of developments and was therefore the subject of statutory pre-application consultation with the community prior to submission of the formal planning application. Moray Council determined that an EIA was not required in this case but that sufficient information would require to be submitted to address various environmental and amenity considerations. Following pre- application discussion, the applicants decided to submit a voluntary EIA and this forms part of the current application.

### **Supporting Information**

14. The key supporting information in Environmental Statement and supporting documents is as follows:
  - Landscape and visual impact assessment: This assessment concludes that the landscape has capacity to accommodate the proposed changes with no significant effects upon character, and the effects on visual receptors softened by maturing landscape.
  - Transport assessment: This suggests that an additional 84 vehicle movements (total of in and out movements) per day would be generated. It concluded that overall levels of additional traffic generated were low in engineering terms and the road network had sufficient capacity to cope with the proposed increase. Measures to mitigate the impacts of construction traffic were set out including recommendations that a “wear and tear” agreement be entered into with the Roads Authority to rectify any damage caused at the construction stage to the public road network.
  - Outline Construction Method Statement: This makes particular reference to addressing any pollution risks and waste management issues including re-use of materials arising from demolition and ground-works and the anticipated sequence of works.
  - Drainage Impact Assessment and SUDS strategy: This explains how surface water will be dealt with at both construction and operational stages. Filter drains, swales and SUDS ponds will be constructed to

provide adequate level of treatment. Foul drainage will be dealt with and treated on site as existing with little additional requirement as a result of this development. A Surface Water Management Plan was also submitted.

- Abstraction/Discharge Statement: This summarises results of modelling assessments to determine potential environmental constraints on water abstraction from and discharge of cooling water to the River Livet. These results were submitted to SEPA as part of their CAR licensing requirements.
- Ecology surveys and assessments: This included results of habitat surveys of the River Livet for salmonoids and lamprey, Phase I habitat surveys, surveys for badger, red squirrel, breeding birds, bats, otter and water vole.
- Report to inform consideration of appropriate assessment of River Spey Special Area of Conservation (SAC): This draws upon the results of the above surveys and made recommendations for mitigation. This information has all been assessed by the CNPA Heritage Team as part of the Habitats Regulation Assessment of the proposals (see **Appendix I**)
- Economic Benefit Statement: This outlines the economic benefits of the proposed development, including the pre-planning employment (consultants, etc) and construction phase employment, highlighting that with the construction of another distillery in the area, orders placed with local companies had value in excess of £11 million with over 50 people from local companies working on site. Once operational, the development will support 13 additional permanent jobs.
- Noise impact assessment: This assesses sources of noise levels including existing activity in relation to receptors which range in distance from 200 to 600 metres from the new process building. Measures to mitigate noise are set out principally relating to design of buildings and plant/equipment in order to meet acceptable levels. It is recommended that once the works are completed, the situation be surveyed to ensure compliance with recommended levels.
- Report on site investigations: This considered potential contamination issues arising out of previous uses, investigated soil conditions concluding that there were no significant contamination risks.
- Other material submitted included a “Statement of Compliance with Park Policy” and Chimney Details.

15. A Report on Pre-application Consultation with the community was also submitted as required. The consultation took place during May 2014 with a public meeting held attended by 51 members of the public with 25 feedback forms returned. Key areas of feedback related to roads issues, light pollution, noise, visual impacts and impacts on water supply. These issues helped inform development of the proposals. The Community Association, Speyside Area Forum and Tomintoul and Glenlivet Development Trust were also consulted.

16. The Design and Access Statement explained the evolution of the site and the rationale behind the current design proposals which aim to create a discrete addition to the distillery complex and minimise visual intrusion. Improvements to public access are outlined. The statement includes information on energy efficiency and carbon reduction measures such as re-use of waste heat through condenser recovery process and energy reduction management practises leading to overall reduction in energy usage of 20%.
17. Following consideration of the application by consultees, information was submitted as follows:
- Updated Transport Assessment (TA) which set out why the developers considered that the existing public road network had sufficient capacity to accommodate the increased traffic flows which are now estimated as a total of 56 additional traffic movements (total of incoming and outgoing) per day – of this total, 36 movements will be by HGVs. This figure is understood to take account the reduction in traffic as a result of the fact that lorries from other distilleries will no longer be coming to the feed plant once the new operations are in place. At present lorries from other distilleries come to the plant with pot ale to be processed into pot ale syrup, but with the opening of the new processing building this capacity will be taken up by processing pot ale from the Glenlivet thus reducing incoming movements. The TA also outlines how traffic movement within the site will be improved as a result of the new layout and proposals.
  - Road condition report relating to a walkover survey carried out by the applicants' engineers on the C and B class roads serving the site. These reports conclude that the road network is of sufficient standard for the current and proposed uses. An offer by the applicants to contribute towards any future upgrade of the B9008 at Craggan is referenced.
  - Road Safety Audit relating to the proposed changes in site accessing arrangements at the Distillery including the new access point
  - Site specific Flood Risk Assessment which assessed the flood risk associated with the replacement Bio Plant, expanding on material contained in the original Environmental Assessment. The assessment concluded that the site lies outwith the functional flood plain and recommended final floor levels to take account of 1 in 200 year flood events plus allowance for climate change giving a final floor level elevation of 219.53 AOD. Other mitigation measures included consideration of access in event of flood event and monitoring of erosion of river bank.
  - Landscape and Ecology Information - A Revised Outline Construction Method Statement, new Woodland and Tree Protection Statement and visualisations of the proposed new building were provided along with amended landscape plans to show revised landscape proposals and provision of “scrapes” for wading birds. Associated with this a “Wader Management Plan” detailing areas to be managed, creation of scrapes and the level and ongoing monitoring arrangements has been provided.

### Planning History

18. The applicants participated in the Moray Council's major pre-application advice process involving a meeting of all relevant parties to identify key issues and the range of information requirements. A processing agreement was drafted prior to submission of the application which set out information requirements, and timetables for all parties including applicant, the planning authority and consultees. The applicants decided to submit a voluntary Environmental Statement.
19. There have been numerous planning applications for development at the Glenlivet Distillery and the adjacent Feed Plant considered by the Moray Council since the 1990s including cooling towers, evaporator, tank farm, chimney, change of use of warehousing to hospitality facility, and visitor centre. A hazardous substances consent application is currently pending with the Moray Council at a number of locations at Glenlivet Distillery (11/01723/HAZ)

## DEVELOPMENT PLAN CONTEXT

### National policy

20. **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 according to the development plan unless material considerations indicate otherwise. The content of 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.
21. The SPP sits alongside four other Scottish Government planning policy documents:
  - 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;
  - **Creating Places**, the policy statement on architecture and place, containing the Scottish Government's policies and guidance on the importance of architecture and design;
  - **Designing Streets**, a policy statement putting street design at the centre of placemaking. It contains policies and guidance on the design of new or existing streets and their construction, adoption and maintenance; and
  - **Circulars**, which contain policy on the implementation of legislation or procedures.



22. 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 to be given to the net economic benefit of proposed development.
23. SPP also highlights within the section on promoting sustainable transport and active travel the importance of efficient transport connections and the need to optimise the use of existing infrastructure, setting out the need for development management decisions to take account of the implications of proposals on traffic, patterns of travel and road safety and the role of transport assessments.

### **Strategic Policies**

#### **Cairngorms National Park Partnership Plan (2012-2017)**

24. The Cairngorms National Park Plan sets out the vision and overarching strategy for managing the Park and provides focus and priorities at a time of limited financial resources. The Plan also provides a strategic context for the Local Development Plan and shows how the four aims of the National Park can be achieved together. It sets out the strategic direction and priorities for the Park.
25. 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.

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 the outcomes is set out in the Plan.

26. Specific policies of the Plan seek to promote and enhance the special qualities of the Park including policy 2.3 which seeks to conserve and enhance the special landscape qualities and to enhance opportunities to enjoy and experience the landscapes of the Park. Policy 2.4 seeks to conserve and enhance habitat quality and connectivity whilst Policy 1.1 seeks to grow the economy of the Park by strengthening existing business sectors. The Plan also identifies the need to support the regeneration of Tomintoul and Glenlivet.

## Local Plan Policy

### Cairngorms National Park Local Plan (2010)

27. The Cairngorms National Park Local Plan was formally adopted on 29 October 2010. The full text can be found at :  
<http://www.cairngorms.co.uk/parkauthority/publications/results.php?publicationID=265>
28. The Local Plan contains a range of policies dealing with particular interests or types of development. These provide detailed guidance on the best places for development and the best ways to develop. The policies follow the three key themes of the Park Plan to provide a detailed policy framework for planning decisions:
- Chapter 3 - Conserving and Enhancing the Park;
  - Chapter 4 - Living and Working in the Park;
  - Chapter 5 - Enjoying and Understanding the Park.
29. Policies are not cross-referenced and applicants are expected to ensure that proposals comply with all policies that are relevant. The site-specific proposals of the Local Plan are provided on a settlement by settlement basis in Chapter 6. These proposals, when combined with other policies, are intended to meet the sustainable development needs of the Park for the Local Plan's lifetime. The following paragraphs list a range of policies that are appropriate to consider in the assessment of the current development proposal.
30. Policy 1: Natura 2000 Sites which sets out that any development likely to have an effect on a Natura 2000 site will be subject to an appropriate assessment and where this is unable to ascertain that the development will not adversely affect the integrity of the site, the development will only be permitted where that are no alternative solutions or there are imperative reasons of overriding public interest including those of a social or economic reason.
31. Policy 2: National Natural Heritage Designations – this policy seeks to ensure that new development does not have an adverse effect upon these designations, which include the National Park designation
32. Policies 4: Protected Species presumes against any development which would have an adverse effect European Protected Species
- Policy 5: Biodiversity which presumes against any development which would have an adverse effect on habitat or species identified in the Cairngorms Local Biodiversity Plan or upon European Protected Species. These policies are supported by natural heritage supplementary guidance.
33. Policy 6: Landscape: sets out that there will be a presumption against any development that does not complement and enhance the landscape character of the Park. Exceptions will only be made where any significant

adverse effects on the landscape are clearly outweighed by social or economic benefits of national importance and all adverse effects have been mitigated.

34. Policy 8: Archaeology which presumes in favour of preserving archaeological resources
35. Policy 9: Listed Buildings and Policy 11: The Local and Wider Cultural Heritage of the Park which seeks to ensure that listed buildings and features of architectural interest are preserved and to presume against development which does not protect or conserve and enhance features of cultural/historic interest.
36. Policy 12: Water Resources which seeks to ensure that resources are used sustainably, connection is made to public sewers and surface water is treated in accordance with SUDS principles. There is a presumption against development which does not meet various criteria relating to flooding including the need to ensure that the ability of the functional flood plain to store or move flood waters is not adversely affected.
37. Policy 14: Contaminated Land which sets out that development proposals on land which is contaminated or suspected of being contaminated will be supported where site specific assessments to identify any risks have been undertaken with effective remediation action taken to ensure there are no significant detrimental effects on the Park's special qualities or off site.
38. Policy 16: Design Standards for development: sets out the design standards to be met with new development and is supported by supplementary planning guidance in the form of a sustainable design guide.
39. Policy 17: Reducing Carbon Emissions in Development sets out that developments of over 500 square metres floor space should incorporate on site zero and low carbon equipment.
40. Policy 18: Developer contributions sets out that developments which give rise to a need to increase or improve facilities or infrastructure or will normally require the developer to make a fair and reasonable contribution in cash or in kind towards the additional costs or requirements. Further detail is provided in the Supplementary Planning Guidance on Developer Contributions
41. Policy 25: Business Development which specifies that development proposals which support economic development will be considered favourably where the proposal supports or extends an existing business, is compatible with existing business uses in the area, is located within an allocated business site or where it other criteria are met including supporting the viability and vitality of a business in a rural location.
42. Policy 29: Integrated and Sustainable Transport Network supports development where adequate consideration is given to maintaining or improving the

sustainable transport network. This policy requires submission of transport assessment where impacts are considered to be significant. This should cover local transport impacts and construction impacts.

43. *Policy 33: Tourism-Related Development* supports development which has a beneficial impact on the local economy through enhancement of the range and quality of tourism attractions and related infrastructure including accommodation, provided it will not have an adverse impact on the landscape, biodiversity or the culture and traditions of the National Park which outweigh that beneficial impact.
44. *Policy 34: Outdoor Access* Development which improves opportunities for responsible outdoor access will be encouraged. Development proposals which would result in a reduction of public access rights, or loss of linear access will only be permitted where an appropriate or improved alternative access solution can be secured to the satisfaction of the planning and access authorities.

### **Supplementary Planning Guidance**

45. In this case the key documents are the Guidance on Natural Heritage, the Sustainable Design Guide and the Core Paths Plan.

### **Proposed Cairngorms National Park Local Development Plan**

46. The Department of Planning and Environmental Appeals (DPEA) carried out an Examination of the proposed Cairngorms National Park Local Development Plan (LDP) over Spring and Summer 2014. The CNPA received the Report of the Examination on 8 September 2014. The CNPA Planning Committee approved post-examination modifications to the Proposed Cairngorms National Park Local Development Plan (Proposed LDP) on 21 November 2014. The CNPA has published notice of its intention to adopt the Plan and expects to adopt in February 2015. The Proposed LDP (as modified) is a material consideration and carries significant weight in planning decisions though it does not replace the adopted Local Plan until it is formally adopted.
47. There are no significant differences between the policies contained in the Proposed LDP (as modified) relating to the current application as compared to the 2010 Local Plan policies as noted above.
48. Within the Proposed LDP (as modified) there is a settlement statement for Glenlivet, which highlights that this is a small community with an economy based upon tourism and the whisky industry. It is noted that development should be limited to that which meets the needs of the community and this includes development which builds on its reputation as a focus for the whisky industry. Poor transport links are identified amongst the concerns of the community with a desire to maintain and improve services and infrastructure.

### Habitat Regulations Assessment (HRA)

49. A screening exercise was undertaken by the CNPA to look at which Natura sites may be affected by the development, what these effects may be and if there are any “likely significant effects” on Natura sites. This screening also considered the possible combination of effects between the proposed development and other plans and projects. It identified that there were likely significant effects in relation to the River Spey Special Area of Conservation.
50. An Appropriate Assessment was then undertaken to consider in more detail the nature of the effects and to determine if there are any adverse effects upon the conservation objectives of the Natura site and to then see if there was an adverse effect upon the integrity of the site.
51. The Appropriate Assessment concluded that there will be no adverse effect on species or habitat integrity providing mitigation measures are implemented as summarised below:
- Construction Environmental Management Plan (CEMP) is required to include the Pollution Prevention Plan, Construction Method Statement and recommendations from the Environmental Statement - this will address pollution risk and species and habitat protection during the construction and operational phase and must be adhered to
  - Pre-construction checks for otter and mitigation to prevent disturbance during the construction phase
  - The design and methods of installation for new or upgraded in river infrastructure (abstraction and discharge outfalls) should be agreed prior to construction
  - Limits set by SEPA under the CAR licence for abstraction and discharge must be adhered to, to prevent negative impacts on site integrity.
52. The full HRA document has been included as **Appendix I**.

### CONSULTATIONS

53. **CNPA Ecology Officer** notes that the River Livet is designated as part of the River Spey Special Area of Conservation and there are no other designations within the application site boundary with no ancient woodland affected. Further information was sought on a number of matters including impacts upon wading birds which currently use the fields to the rear of the existing distillery.
54. Further information was duly supplied including wader management plan and revised Landscape Masterplan to provide 9ha of meadow, and 4 wading bird “scrapes” (shallow areas scraped out of the soil for birds to use), with sole management for wading birds. A Wader Management Plan detailed the areas to be managed, the creation of scrapes and the level and timing of grazing for the area and monitoring proposals. The Officer considers the development to



be acceptable subject to planning conditions being attached to cover the following:

- A pre-construction survey for otter
- Provision for bird and bat boxes
- Compensation habitat for wading birds must follow details provided in the Wader Management Plan

The officer also advises that as oystercatchers are nesting on the buildings, any demolition must take place out with the breeding bird season (April – July inclusive) to avoid disturbing breeding birds and recommends that an advisory note be attached to this end.

55. **CNPA Landscape Officer** initially sought additional information including (a) site sections to show how the buildings and groundworks would sit in the wider landscape and (b) revised landscape plan to avoid creation of pronounced linear features and to help integrate the new building into the landscape. These recommendations were taken on board with a revised landscape plan and submission of further material.
56. The Officer advises that the distillery is a focal landscape feature within the Glenlivet area and the proposed additions and changes to the site will change the extent and form of the site. During construction there will be disruption and disturbance affecting the immediate landscape setting, but the level and nature of the change is consistent with the existing site use. The Environmental Statement explains that this will not have a significant adverse effect on landscape character or on visual amenity in the longer term.
57. The Officer is generally content with the landscaping elements of this proposal. However, it is noted that the earthworks will be very disruptive and to ensure that the proposal fully meets Local Plan Policy 6 on Landscape it is recommended that conditions be attached to cover the following:
- Submission of detailed Construction Method Statement
  - Implementation of landscape plan
  - Details of materials for new buildings
  - Plans of pipe discharge and abstraction points
58. **CNPA Economic Development Manager** notes that the value of Scotch whisky to the national economy is very significant, representing around 85% of Scottish food and drink exports and nearly a quarter of the British total with the current market strong particularly the demand for single malt. This demand means that distillers have had to invest significantly in production capacity. The National Park is home to one of the most famous whisky producing regions in the world with the sector being of both economic and tourism importance – agriculture also benefits from use of by products.
59. The officer notes that the proposal will support 13 permanent jobs (100% increase on current levels) and will require stimulate demand from local contracting businesses as well as the tourism attractions offered by the visitor centre.

60. Overall, it is concluded that the development will create significant employment (both long and short term), cater for increased visitors and build capacity in a product that has international demand and a strong brand. It is therefore considered to have a very positive economic contribution to the locality, National Park and Scotland. This benefit should continue for the foreseeable future as the forecasts for demand for Malt Whisky continue to be positive.
61. **CNPA Access Officer** notes that core path number GT24 ( Speyside Way to Tomintoul spur) crosses through the site along the public road. However, suitable mitigation is outlined in the applicant's Environmental Statement which explains that this route will be kept open during construction and that when any temporary closure is required, then a clearly marked diversion will be provided. Accordingly, the Officer is content with the proposals subject to planning conditions being imposed requiring that public access be maintained during construction with signage to this effect provided.
62. **Moray Council Transportation Manager** initially sought further information on details of the Transport Assessment, new access point and consideration of impacts upon the public road network and mitigation for these impacts. The Transportation Manager set out issues to be considered in respect of the existing road network in this initial response in relation to the condition of the C57H road serving the distillery, historic landslip on this road, condition of B9008 road leading to the main Grantown - Aberlour A95 road including poor road alignment at Craggan. Further information was supplied by the applicants in an updated Transport Assessment, access details, road condition report/survey and road safety audit. This information suggested that the road network had sufficient capacity to serve the proposed traffic levels. Further discussion took place and the applicants have now agreed to improve the C class road serving the site and to make a contribution towards improvement to the B9008 road once production begins in Phase 2 of the development.
63. This information has been further assessed by the Transportation Manager who considers the application to be satisfactory in terms of road safety with the new access onto the C57H acceptable. Appropriate mitigation is now proposed in respect of impacts upon the local roads network providing suitable planning conditions are attached to cover the following:
- Improvement of 650 metres of carriageway comprising resurfacing and geogrid reinforcement on the C57H
  - Provision of suitable construction traffic management plan
64. The Transportation Manager also advises that further mitigation is required in terms of impacts upon the B9008 road by way of carriageway improvements. This may be delivered through a financial contribution from the applicants towards improvements to the B9008 road and can be secured through a legal agreement with the Moray Council as Roads Authority under the terms of Section 48 of the Roads Act. The heads of terms for such an agreement have been drafted by the applicants and it is anticipated that the agreement will be

finalised and signed by the date of the Planning Committee. On this basis the Transportation Manager has no objections to the proposed development.

65. The Transportation Manager also notes that “wear and tear” agreements, to ensure that at the construction stage any damage to the public road network attributable to the applicants is rectified, can be secured under the appropriate roads legislation. The applicant has agreed to this course of action.
66. **Aberdeenshire Archaeology Service** (acting as service to Moray Council) has no objections, agreeing with the findings of the Environmental Statement that the proposed development will not have an adverse effect on the Glenlivet Battlefield or other designated historic assets within the wider, visible landscape. They also note the recommendation to undertake a watching-brief during ground breaking works and advise that, whilst this is best practice, they do not specifically require any archaeological mitigation in this instance.
67. **Historic Scotland** was consulted as the application was accompanied by an EIA. They have no objections to the proposal and consider that there will be no significant impacts upon heritage sites. Similarly **Transport Scotland** was consulted in view of the EIA submission and has no objections in respect of their interests.
68. **Moray Council Building Control Standards Service** confirm that a building warrant will be required.
69. **Aberdeenshire Council Planning Gain Service** (acting as service to Moray Council) do not consider that developer contributions are required in this case.
70. **Moray Council Environmental Health Service** has no objections in respect of water supply issues.
71. **Moray Council Contaminated Land Team** initially sought further contaminated land assessment information. On receipt of an additional Bio Plant Ground Contamination Report they noted that this identified a localised occurrence of asbestos fibres in soil and recommended that this should be excavated and removed off-site or re-located to a less sensitive area. It is recommended that a condition be attached requiring submission of a remediation method statement and validation methodology.
72. **Moray Council Environmental Health Officers** are content with the development proposal subject to conditions requiring construction to proceed in accordance with the noise mitigation information contained in the Environmental Statement (ES) and similarly that plant and machinery be operated in accordance with the mitigation measures contained in the ES. They also recommend that prior to the operation of the new development noise monitoring be undertaken by the applicants to confirm compliance with

these measures and noise levels with an acoustic report on the findings provided. Officers have also confirmed that lighting proposals are satisfactory.

73. **Glenlivet Community Council** was consulted and has not commented.
74. **Scottish and Southern Energy** was consulted in view of the fact that an electricity line crosses the site. They have not provided any comments.
75. **Scottish Environment Protection Agency (SEPA)** originally objected to the application on the basis of lack of information on flood risk and impacts upon groundwater dependent terrestrial ecosystems. On receipt of further information including a Flood Risk Assessment, SEPA have now confirmed they have no objections to the proposal providing a condition is attached to ensure that final floor levels of the bioplant are set at a minimum 219.53 metres AOD which is the 1 in 200 year plus climate change flood level at the site plus 0.9 metres freeboard. They further recommend that full consideration be given to other matters raised in the Flood Risk Assessment relating to emergency access and erosion of the river bank. SEPA also advise that this site has existing abstraction and discharge licenses from SEPA under the Controlled Activities Regulations (CAR). Applications to vary these licenses have been received in the light of the proposed increase in production and any impacts will be controlled and regulated through the CAR process.
76. **Moray Council Flood Prevention Team** initially sought submission of further information on flood risk. Having now assessed the flood risk assessment provided, they have no objections to the application providing mitigation measures outlined such as minimum finished floor levels and consideration of measures to slow erosion of the river bank as outlined in the Flood Risk Assessment are implemented. With regard to emergency access from the bioplant in the event of the existing access track being flooded, they accept the applicant's case that this is an unlikely scenario and that pedestrian access would in any event be possible. It is also recommended conditions regarding implementation of SUDS measures.
77. **Spey Fishery Board** noted that the area upstream of the existing bioplant is eroded with very sparse bankside vegetation and is a source of diffuse pollution. The current application could present an opportunity to address this through green engineering solutions coupled with drinking solutions for livestock such as fencing and enhancing the riparian corridor. They did not raise any objection to the application and have not commented further on the flood risk information provided by the applicant.
78. **Scottish Natural Heritage (SNH)** highlight that the site lies within the River Spey Special Area of Conservation (SAC) designated for its populations of otter, Atlantic Salmon, sea lamprey and freshwater pearl mussel and it is considered that it is likely to have a significant effect on all four species whereby the Planning Authority is required to consider the effect of the

proposal on the SAC through a Habitats Regulations Appraisal and Appropriate Assessment.

79. Appraisal of the impacts of water abstraction and discharge will be considered fully by SEPA under their Controlled Activities Regulations (CAR). In this regard SNH are aware that discussions between the applicants and SEPA have been ongoing and it is anticipated that the development will meet SEPA requirements whereby it is likely that the impact on the water environment of abstractions and discharges can be sustained without adversely affecting the four qualifying species.
80. SNH's response focuses on the impacts of the physical works to construct infrastructure needed to abstract and discharge to the river and they consider that, if the proposal is undertaken strictly in accordance with the following mitigation, it will not adversely affect the integrity of the site:
- Submission of construction environmental management plan
  - Design and installation of in river infrastructure (abstraction and discharge outfalls) to be approved
  - Pre construction otter survey to be undertaken
  - Otter mitigation measures as outlined in the Environmental Statement to be implemented.

SNH note that mitigation proposals are presented throughout the submission but the most relevant ones to the SAC are summarised in the "River Spey SAC: Information to inform an Appropriate Assessment Document 2" and they recommend that all these measures be implemented. SNH have attached an appendix containing their appraisal of the impacts upon the River Spey SAC to help inform the CNPA's Habitats Regulation Assessment and appropriate assessment.

## REPRESENTATIONS

81. The application was advertised and a total of eight representations have been received which are attached as **Appendix 2**. Key points of concern are summarised as follows:
- Adverse effect on River Livet arising out of increased abstraction and discharge proposals and the installation of the abstraction/discharge mechanisms in terms of impacts upon the river bed.
  - Light pollution will be aggravated as a result of lighting on new building
  - Adverse landscape impacts arising out of development on a greenfield site
  - Adverse visual impacts on residents from over-bearing new development
  - Negative effect on landscape and tourism
  - Noise from existing operations and animal feed plant is disruptive with complaints to operators not acted upon quickly hence concern regarding any expansion (*Note: with regard to existing operations the distillery manager has responded to one complainant outlining measures being taken to reduce any noise emissions such as closing doors*)
  - Increased noise emissions with no effective mitigation proposed



- Road safety – existing road network was not designed for volume of traffic now using it and the current proposed expansion. There is clear evidence of verge damage and also previous accidents. The roads should be brought up to suitable standard.
- Transport Assessment under-estimates number of residential properties alongside B9008 road (which leads northwards from Bridge of Livet to join the A95 Trunk Aberlour to Grantown road), outwith the National Park and the loss of amenity arising from high level head lights and disturbance.
- Traffic levels will increase greatly on road network which already carries considerable commercial traffic and HGVs resulting in road safety and amenity concerns.
- Impacts upon private water supplies which are not shown on the submitted information – concern is raised that increased abstraction for process water will adversely affect these supplies. *(Note: the applicant's agent has confirmed that they are aware of the supplies and abstract water below these supplies. There is no intention to abstract any additional water)*
- Activity at anti-social hours

82. The applicant's agent has requested to speak at Committee and has provided a response to the representations raised which is attached as **Appendix 3**.

## **APPRAISAL**

### **Principle**

83. This proposal involves the expansion of an existing well-established distillery which is an important contributor to the local economy in terms of both job creation and as a visitor attraction. As noted by the CNPA Economic Development Manager, the value of Scotch whisky to the national economy is very significant with demand for single malt strong. Within this market the Glenlivet is the second biggest selling malt whisky in the world. Accordingly the economic importance of this proposal is national as well as local.
84. Consequently in terms of sustainable economic development the principle of the expansion of the distillery complies with National and Local planning policies on economic development and tourism, providing it can be adequately serviced and there are no adverse impacts on residential amenity, the landscape or environment. These key planning issues are now considered in more detail below.

### **Landscape and Design Issues**

85. The proposed development involves a number of components all integral to the overall expansion of the Glenlivet Distillery. The upgrading and re-cladding of the existing evaporator/feed plant is welcomed as it will enable a visual improvement through use of integrated design and more muted finishes as opposed to the current finishes which render the building somewhat intrusive and detract from the appearance of the area and visitor experience.

Better boundary enclosures (stone clad) together with removal of some of the plant/tanks will contribute to enhancing the landscape here.

86. Similarly, the replacement of the existing older bio-plant building with one of more modern design and materials, together with implementation of the proposed landscaping, will also be of landscape benefit.
87. The biggest changes to the landscape will occur as a result of the new process building. Whilst this is a large industrial building and will inevitably be obvious in the local landscape, it is well related visually to the existing complex whereby it will read visually as an extension to this complex. It will sit to the rear of existing warehouses and the landscaping and re contouring proposals will help over time to create a good visual setting and backdrop for the new building. Through the design and massing the scale of the building has been reduced and given its distance from and orientation on site relative to residential properties in the areas it is not considered that it will have an unacceptable effect on visual amenity. Supporting material provided by the applicants and their landscape advisors demonstrates how the building will fit into the landscape and this is considered to be satisfactory.
88. The overall development is therefore considered to comply with Local Plan Policy 6 on Landscape having the potential over time and once landscaping is established to enhance the landscape as required by policy.

#### **Natural and Built Environment**

89. In terms of the built and cultural heritage of the Glenlivet area the proposed development is not considered to have any adverse impacts and this view is shared by relevant consultees (Historic Scotland and Archaeology Service).
90. The general impacts upon the natural environment have been fully considered by the CNPA heritage team and it is considered that, subject to appropriate planning conditions, such as requirements for pre-construction surveys and bat/bird boxes being attached in the event of consent being granted, the development will not have an adverse impact upon the natural environment.
91. The main impacts initially identified by the Heritage Team related to loss of wading bird habitat, but this has now been satisfactorily mitigated by the provision of wading bird management proposals and scrapes which cover a larger area of land and will provide additional suitably managed habitat for wading birds. Overall, these works, together with the implementation of a high-quality landscape scheme as proposed, should help to deliver an enhancement to the biodiversity of the site, thus ensuring compliance with Local Plan policies 4 and 5 on protected species and biodiversity.

### **Impact on Natura Sites (River Spey Special Area of Conservation)**

92. In addition to these general environment issues above, a key planning issue in this case is the impacts from the development upon the River Spey Special Area of Conservation and the need to ensure compliance with Local Plan Policy I on Natura Sites.
93. It has been concluded (see **Appendix I**) that significant effects could be mitigated by the measures outlined by the developers and that the development would not adversely affect the integrity of the Natura Site. Policy I can be complied with subject to appropriate planning conditions being attached regarding details of discharge and abstraction infrastructure at the River Livet, and measures to ensure protection of European Protected species. The HRA also highlights the role of SEPA as licensing authority in terms of the river habitat and SEPA along with SNH and the Spey Fishery Board were a consultee to the HRA process.

### **Technical Issues and Servicing**

94. In terms of technical issues, matters such as land contamination and site drainage have been fully considered with acceptable details now provided. Similarly, it has been demonstrated that potential flood risk at the bioplant site can be satisfactorily dealt with subject to appropriate planning conditions being attached regarding final floor levels and consideration of measures to reduce river bank erosion.

### **Access, Transport and Traffic Issues**

95. In relation to non-motorised access (walkers/cyclists, etc), the Speyside Way Spur runs through the site along the C-class road. There is no intention to block such access and measures can be put in place to ensure continued public access during any construction/road works stage. Accordingly, Policy 34 on outdoor access will be met.
96. The new access arrangements for the site will secure improvements in road safety overall by removing aspects of the existing arrangements whereby lorries are currently travelling between houses. In addition, the new bridge connecting to the C 57H is considered to be of good quality of design, capable of enhancing the entrance to the distillery. Overall, the new arrangements are welcomed and are satisfactory to Moray Council's Transportation Manager.
97. However, as noted by objectors and the Moray Council Transportation Manager, the wider road network serving the application site is not considered suitable for the increased use resulting from the proposed development unless improvements are made. The site is served by a C class road leading onto two B class roads before joining the trunk road. (A95) and it is this network of roads which has been considered in the various transport assessments.

98. Following ongoing discussion the applicants have agreed to improve the C57H road before production starts in the new distillery production plant. This matter should be covered by an appropriate suspensive planning condition as the works are wholly within the control of the Roads Authority who require improvement works to be undertaken to facilitate the new development.
99. The applicants have also agreed that before any production starts in Phase 2 of the development, they will make a financial contribution to the Moray Council to be used towards improvements (by way of edge strengthening and resurfacing) to the B9008 road. This matter can be readily controlled by means of a legal agreement under the terms of Section 48 of the Roads (Scotland) Act 1984 and the applicants are agreeable to entering into such an agreement.
100. At the time of writing, the heads of terms for an appropriate agreement are under discussion. These cover a commitment by the applicant to make an agreed financial contribution to the Moray Council as Roads Authority towards works on the B9008 to be carried out within a specified timescale or the contribution will revert to the applicant. Payment is to be made before production starts in Phase 2 of the development. It is anticipated that signature of the agreement may have taken place by the time of the Committee meeting.
101. As this agreement is critical to the Transportation Manager's support for the application, it is recommended that in the event of the application being supported the decision notice should not be issued until the agreement is signed.
102. On this above basis it is considered that the proposed development would comply with Policy 29 on Integrated and Sustainable Transport Network.

### **Impact on Residential Amenity**

103. There are a number of residential properties in the vicinity of the site. Whilst it is fully appreciated that the Distillery complex is a long-established industrial site it is important to ensure that its expansion does not cause unacceptable detriment to residents and in this regard key areas which have been considered are as follows:
  - Lighting: plans and information submitted by the applicants illustrate that lighting will be designed to minimise spillage and directed to avoid disruption to residents. The overall lighting at the wider site will be revisited to minimise light pollution. Moray Council Environmental Health Service have advised that the proposals at the site are acceptable and it is therefore considered that there should not be any additional adverse impacts arising out of the proposed development.
  - Traffic: increased traffic movement has potential to affect residential amenity. However, in this case this is considered to be mitigated by the

improvements to the internal layout of the site which will improve amenity for houses to the south of the site, and also by the improvements to the roads network which will be secured as a result of this proposed development and which will benefit all road users. Overall, it is considered that there is no undue detriment given this mitigation which is proportionate to the scale of the increased traffic generation, the existing industrial use here and the context of other industrial users using the wider roads network.

- Visual: these impacts have been considered earlier in this report.
- Noise: noise impacts have been fully considered with this application and the relevant consultee (Moray Council Environmental Health) is satisfied that there will not be an adverse impact, providing the development is operated in accordance with the mitigation and design proposals.

### Issues raised by Objections

104. Issues raised by objectors to the application are considered to have been covered in this report and in particular on above sections on transport and residential amenity. Matters raised relating to impacts on private water supply have also been addressed with the applicants confirming they do not intend to abstract more water from these supplies.

### CONCLUSION

105. In conclusion it is considered that this proposed development complies fully with Local Plan policies subject to the various mitigation measures and conditions outlined throughout this report. Overall, it is considered to be a well-designed and thought-out expansion of an important local industry offering considerable benefit to the local and national economy.
106. It is also considered that the long-term visual impact of this development will be positive, given its close visual relationship with an existing industrial site and the overall improvements arising from redevelopment/renovation of older buildings combined with the significant level of landscaping proposed which is also of biodiversity benefit. These benefits may also extend to ecological benefits in terms of securing long term, managed habitat for wading birds.
107. Any potential impacts from the development are considered to capable of being satisfactorily mitigated, with improvements to the public road network secured which will also outweigh any adverse impacts from increased traffic. In these overall circumstances it is recommended that the application be approved.

### IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

#### Conserve and Enhance the Natural and Cultural Heritage of the Area

108. Subject to the various mitigation measures outlined in the submission the application complies with this aim providing opportunities over time for

improved habitat for amongst other species, wading birds, and for providing a high quality landscape setting for the existing and proposed distillery complex thus enhancing natural heritage. There are no adverse impacts upon cultural heritage.

#### **Promote Sustainable Use of Natural Resources**

109. The proposed development incorporates a range of energy efficiency measures and will use locally sourced products where possible. As such it supports this aim.

#### **Promote Understanding and Enjoyment of the Area**

110. The proposed development relates to an existing important local visitor attraction and its continued expansion and prosperity will help support this aspect of the distillery operations so supporting this aim.

#### **Promote Sustainable Economic and Social Development of the Area**

111. The proposed development supports this aim, providing additional permanent jobs in the locality as well as supporting significant levels of local employment during the design and construction stages. It also supports this aim by facilitating the expansion of a nationally important industry.

### **RECOMMENDATION**

**That Members of the Committee support a recommendation to GRANT FULL PLANNING PERMISSION for New processing building (including additional distillery facilities) replacement bio plant, alterations to evaporator and associated plant and landscaping at Glenlivet Distillery, Glenlivet, Ballindalloch subject to:**

- (a) The applicant concluding an appropriate legal agreement with the Roads Authority regarding improvements to the B9008 road and**
- (b) the following planning conditions:**

#### **TRANSPORT CONDITIONS**

- I. No development shall commence until the following details have been submitted to, and approved in writing by, the Cairngorms National Park Authority acting as Planning Authority in consultation with the Roads Authority:
  - Details of improvements to 650 metres of carriageway on the C57H road from the junction with the B9136 up to the crest of the hill). These improvements shall comprise carriageway resurfacing including geogrid reinforcement.

**Reason:** In the interests of road safety and to ensure that a positive contribution is made towards the sustainable transport network in

accordance with Local Plan Policy 29 on Integrated and Sustainable Transport Network.

2. No part of the new production facilities shall commence production until the roads works specified in condition I have been completed in accordance with the approved details.

**Reason:** In the interests of road safety and to ensure that a positive contribution is made towards the sustainable transport network in accordance with Local Plan Policy 29 on Integrated and Sustainable Transport Network.

3. No part of the production facilities shall commence production until the car parking, access arrangements (including new access, junction, upgrades, internal roads and traffic flow proposals) have been completed in accordance with the approved plans.

**Reason:** In the interests of road and pedestrian safety in accordance with Local Plan policy 29 on Integrated and Sustainable Transport Network.

4. No development shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority in consultation with the Roads Authority. The Construction Traffic Management Plan shall include the following information:
  - duration of works;
  - construction programme;
  - number of vehicle movements (i.e. materials, plant, staff, components);
  - schedule for delivery of materials and plant;
  - full details of any temporary construction access;
  - full details of any temporary closures or diversions;
  - measures to be put in place to ensure that the Core Path Speyside Way Spur( CPG24) remains open and accessible to the public during works with details of any diversion proposals and associated signage provided in the event of any temporary closure.
  - measures to be put in place to prevent material being deposited on the public road;
  - traffic management measures to be put in place during works including any specific instructions to drivers;
  - parking provision, turning, loading and unloading areas within the site for construction traffic

Thereafter, the development works shall proceed in accordance with the approved details, unless otherwise approved in writing by the Cairngorms National Park Authority acting as Planning Authority in consultation with the Roads Authority.

**Reason:** In the interests of road and pedestrian safety in accordance with Local Plan policies 29 and 34 on Integrated Transport Network and Outdoor Access.



## GENERAL CONDITIONS

5. No development shall commence until (a) details of the remediation and validation methodology relating to the remediation of asbestos and (b) validation report to demonstrate there will be no risk to public health remaining or likely to occur, have been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority (in consultation with The Moray Council Environmental Health Section). Thereafter these works will be implemented in accordance with the agreed details.

**Reason :** In order to safeguard site users and the local environment from the effects of harmful ground contamination in accordance with Local Plan policy 14 on contaminated land

6. All sustainable urban drainage and surface water management proposals shall be constructed in accordance with the approved plans, with certification from an appropriately qualified professional to confirm this submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority in consultation with the Flood Prevention Authority, before production commences on site. The systems shall thereafter be maintained as constructed with regular visual inspection undertaken to reduce the risks of blockage.

**Reason:** To ensure that surface water at the site is satisfactorily dealt with and to ensure the development complies with Local Plan policy 12 Water Resource.

7. During the construction phase, noise and vibration emissions shall be suitably controlled and mitigated in accordance with Section 12.7.1 of the Environmental Statement supporting document for Chivas Brothers Ltd and titled "The Glenlivet Distillery Expansion Environmental Statement", and as detailed within the Construction Environmental Management Plan to be approved in writing as required by condition 17.

**Reason:** To ensure there is no loss of residential amenity in accordance with Local Plan Policy 16 on Design Standards for new development.

8. Throughout the operation of the development, fixed and mechanical distillery plant noise emissions associated with the development shall be suitably mitigated in accordance with Section 12.7.3 of "The Glenlivet Distillery Expansion Environmental Statement". No part of the new production facilities shall commence production until further noise monitoring is carried out by the developer's noise consultant to demonstrate compliance with the above requirements and an acoustic report of the findings submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority in consultation with the Moray Council Environmental Health Service. Any necessary mitigation required to ensure compliance shall

be implemented before any part of the new production facilities commences production.

**Reason:** To ensure there is no loss of residential amenity in accordance with Local Plan Policy 16 on Design Standards for new development

9. Lighting at the site shall be implemented in accordance with the approved lighting plans and documentation on lighting contained in the approved Environmental Statement.

**Reason:** To ensure there is no loss of residential amenity in accordance with Local Plan policy 16 – Design Standards for New Development.

10. The finished floor level of the new biopant building hereby approved shall be a minimum of 219.53 metres AOD.

**Reason:** To ensure there is no flood risk in accordance with Local Plan Policy 12 Water Resources

11. No development shall commence on the biopant site until details of measures for reducing and monitoring riverbank erosion on the adjacent land have been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority in consultation with the Flood Prevention Authority. These measures shall be implemented in accordance with the approved details before the biopant is brought into operation unless otherwise in writing by the Cairngorms National Park Authority acting as Planning Authority

**Reason:** to minimise flood risk in accordance with local plan policy 12 Water Resources

## ECOLOGY

12. No development shall commence, (unless otherwise agreed in writing), until a pre-construction otter survey has been undertaken and the results submitted to, and approved in writing by, the Cairngorms National Park Authority acting as Planning Authority – details of any mitigation require to be identified and agreed and thereafter implemented in accordance with the approved details before construction works commence.

**Reason:** In order to ensure there is no adverse impact upon the environment, Natura sites and European Protected Species in accordance with Local Plan policies 1, 2 3, 4 and 5.

13. All mitigation measures to ensure protection of mammals shall be implemented in accordance with the details contained in the Environmental Statement (including capping of pipes overnight and provision of means of escape from any construction works) throughout the duration of the construction works.

**Reason:** In order to ensure there is no adverse impact upon the environment, Natura sites and European Protected Species in accordance with Local Plan policies 1, 2 3, 4 and 5.

14. All water quality mitigation measures identified in Box 3.1 of the “River Spey SAC: Information to inform an Appropriate Assessment Document 2” shall be implemented during construction and operation of the development.

**Reason:** In order to ensure there is no adverse impact upon the environment in accordance with Local Plan policies 1, 2 3, 4 and 5.

15. No development shall commence on site until details of the design and installation of the proposed new and upgraded abstraction and discharge points and in river infrastructure have been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority in consultation with the Scottish Environment Protection Agency and Scottish Natural Heritage. These details to include site specific drawings which contain full details of the design and methods of installation. The development shall thereafter be implemented in accordance with the approved details before the installations are brought into use.

**Reason** – in order to ensure there is no adverse impact upon the environment, Natura sites and European Protected Species in accordance with Local Plan policies 1, 2 3, 4 and 5.

16. No development shall commence on the construction of any new buildings or demolition of existing buildings until details of provision of 20 bird boxes on buildings (to provide nesting habitat for swifts and swallows) and 20 bat boxes, to be sited on either trees or buildings, have been submitted to and approved by the Cairngorms National Park Authority acting as Planning Authority. The provision of the approved boxes to be implemented in accordance with the approved details before commencement of production on the site.

**Reason:** In the interests of conserving and enhancing biodiversity in accordance with Local Plan policy 5 – Biodiversity.

17. No development shall commence until a site-specific Construction Environmental Management Plan (which includes and expands upon material included in the Environmental Statement and outline construction method statement) upon for entire site (including bioplant site) has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority in consultation with the Scottish Environment Protection Agency and Scottish Natural Heritage. This statement shall cover the following points:

- Details of construction and subsequent restoration of route of pipeline which should also ensure that any damage to vegetation and trees is avoided

- Treatment , placement and management of all soils demonstrating compliance with guidance on Sustainable Soil use on Construction Sites produced by DEFRA
- Details of inclusion and protection of field drains
- Preparation of land for seeding and management
- Recovery and re use of turf and topsoil
- Details of storage of material to avoid compaction damage to trees and vegetation
- Pollution prevention during construction including silt prevention
- Details of construction and timetabling of all in river works
- Details of the Ecological Clerk of Works to be retained on site to oversee construction operations.
- Details of the control and mitigation of noise and vibration emissions
- The construction works shall thereafter proceed in accordance with the approved Plan.

**Reason** – in order to ensure there is no adverse impact upon the environment NATURA sites and European Protected Species in accordance with Local Plan policies 1, 2 3, 4 and 5

## LANDSCAPING/DESIGN

18. All landscaping and associated works, including wading bird scrapes (as detailed on the approved Landscape Masterplan and associated landscape details) shall be implemented in accordance with the approved plans in the first planting season following the date of production commencing in Phase I of the Production Building. The landscaping shall thereafter be maintained in accordance with the approved details and the approved woodland and tree protection statement throughout the lifetime of the development.

**Reason:** To ensure the development complements and enhances the landscape as required by Local Plan Policy 6.

19. All landscaping related to the bioplant (as detailed on the approved Bioplant landscape proposals) shall be implemented in accordance with the approved plans in the first planting season following completion of the new bioplant. The landscaping shall thereafter be maintained in accordance with the approved details and the approved woodland and tree protection statement throughout the lifetime of the development

**Reason** – to ensure the development complements and enhances the landscape as required by Local Plan policy 6.

20. All trees and vegetation shall be protected in accordance with the approved woodland and tree protection statement

**Reason** – to ensure the development complements and enhances the landscape as required by Local Plan policy 6.

21. No development shall commence on construction of any new buildings, new bridge crossing or redevelopment of the evaporator plant until samples of all proposed finishes have been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. The development shall thereafter be constructed in accordance with the approved samples. The samples to reflect the principles of the design and access statement submitted with the planning application.

**Reason** – to ensure the development complements and enhances the landscape as required by Local Plan policy 6.

**Informatives:**

1. In accordance with section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended), this permission lapses on the expiration of a period of 3 years beginning with the date on which this permission is granted unless the development to which this permission relates is begun before that expiration
2. Following completion of SUDS schemes as-built drawings should be provided in an acceptable format to the Senior Engineer (Flood Risk Management) at the Moray Council.
3. In the interests of good neighbour relations it is recommended that the developer advises local residents in advance of the commencement, timetable and programming of construction works.
4. Due to the presence of nesting Oystercatchers on buildings any demolition works should be undertaken outwith the bird breeding season (April to July inclusive in any year)
5. The developer should contact Scottish and Southern Energy regarding the electricity line which crosses over the site.
6. The developer will be required to adhere to all terms and conditions of SEPA's CAR license. The developer should take full note of all comments submitted by SEPA.

7. Please note the comments of the Roads Authority which outline the following key points:
- Planning consent does not carry with it the right to carry out works within the public road boundary and the applicant is obliged to contact the Transportation Manager for road opening permit in accordance with the Roads (Scotland) Act 1984. The Transportation Manager must always be contacted before any works commence. This includes any temporary construction access, which should be agreed with the Roads Authority prior to work commencing on it.
  - No building materials/scaffolding/builder's skip shall obstruct the public road (including footpaths) without permission from the Roads Authority.
  - Proposals to deal with extraordinary wear and tear to the C57H will need to be put in place. This will involve a condition survey and agreement in accordance with Section 96 of The Roads (Scotland) Act 1984. A bond or other security will be required as part of the agreement.
  - The applicants shall free and relieve the Roads Authority from any claims arising out of his operations on the road, extension to the road or as a consequence of any temporary diversions arising from the works
  - Construction Consent will be required under Section 56 of the Roads (Scotland) Act 1984 for the works indicated in the Transport Statement (new private access junction onto the C57H). Road Safety Audit will be required for proposed junction.
  - The applicant shall be responsible for ensuring that surface/ground water does not run from the public road into his property.
  - The applicant shall ensure that their operations do not adversely affect any Public Utilities, which should be contacted prior to commencement of operations.
  - No retaining structures or embankments shall be constructed along the edge of the road, whether retaining the public road or ground adjoining the public road without prior consultation and agreement of the Roads Authority.

Key Contacts in Roads Authority – The Moray Council		
Topic	Team	Email
S56	Transport Development	<a href="mailto:transport.develop@moray.gov.uk">transport.develop@moray.gov.uk</a>
Road Opening Permit	Traffic	<a href="mailto:roadspermits@moray.gov.uk">roadspermits@moray.gov.uk</a>
Construction Traffic Management Plan	Traffic	<a href="mailto:traffic@moray.gov.uk">traffic@moray.gov.uk</a>
Wear and Tear Agreement	Roads Maintenance	<a href="mailto:roads.maint@moray.gov.uk">roads.maint@moray.gov.uk</a>

**Officer Name: Katherine Donnachie**

**[planning@cairngorms.co.uk](mailto:planning@cairngorms.co.uk)**

**Date: 5 December 2014**

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.