

# AGENDA ITEM 6

## APPENDIX 2

2014/0232/DET

## REPRESENTATIONS

Re: 14/01488/EIA



Dear Teresa Ruggeri,

I enclose a copy of a letter I have written to the manager of Glenlivet Distillery about my frustration once again about the current noise levels from the distillery. I appreciate your involvement in the planning for the expansion, but felt it was relevant in the comments process for this. We will shortly be submitting our formal comments for the planning application.

Yours sincerely



Elizabeth Daniels





Ivanhoe  
Glenlivet  
Moray  
8/8/14

The Manager of The Glenlivet Distillery  
Glenlivet Distillery  
Glenlivet  
Moray

Dear Sir,

I am writing to express my ongoing frustration and concern about the issue of excessive noise coming from the distillery.

We have noticed an increase in the general noise level, mainly from the animal feed plant part of the distillery and or the cooling tower unit, since the distillery has restarted following shut down.

This is particularly obvious at night and is regularly disturbing our sleep – both getting off to sleep and if we wake, preventing us returning to sleep with a constant low to mid pitched noise, with added alarm type higher pitched noises at times. This noise is also very obvious in the early mornings, as well as a general increased amount of noise.

I phoned and spoke to Richard Clark in your absence, on Tuesday 5<sup>th</sup> August, as the noise seemed to reach unprecedented levels on Saturday 2<sup>nd</sup> August all day and night, with it being nearly as loud all day Sunday as well.

It was a constant noise as if an propelled type aeroplane was taking off, mainly coming from the animal feed plant, old distillery areas and cooling tower unit. It was a mid range noise with added higher tones. Two of our neighbours had also noticed the significantly higher noise levels.

I commented doors were open on the side of the old still house, the higher door open on the far side of the animal feed plant, and all 3 double doors of the new still house have been taped open for a while now. Whilst I am aware this will not be the main reason for the increased noise, I was assured this would be acted upon straight away and the doors kept closed, as well as a review carried out as to why the noise was so bad on those days.

All the doors mentioned have been continuously open 24hrs a day since that phone call, so I am left frustrated and concerned nothing will change regarding the noise levels, so this will continue to impact on our every day life.

We have lived here for 10yrs and moved well aware we were moving next to an industrial plant, but the cooling towers which were then much closer to us, caused no problem with noise pollution. The large expansion of the still several years ago seemed to occur with no formal planning or consultation and the animal feed plant

building seems wholly unsuitable to cope with such an expansion, emitting large amounts of noise. Metal sliding doors and a metal building seem to be poor houses for such a large amount of machinery and boilers.

I am aware the planned distillery alterations and further huge expansion may improve this area slightly, but given the poor response to my recently raised concerns, and ongoing significant noise levels despite environmental health monitoring, I remain very disillusioned and concerned things will never improve, and will worsen.

The new plans show sound proofing measure yet the buildings planned still have large boilers with several metal sliding doors which I fear would allow more noise transmission. This would be worse, if, as seems to be the case, doors are allowed to be wide open all the time. While I'm not versed in the technology of cooling towers they do appear to have a small outlet area meaning the gas/liquid is forced out at high pressure and meaning the fans work at a high revolution. Surely there is a design with a higher outlet area which would mean a big fan could be used thus reducing the revolutions of the fan. The towers themselves surely could be housed in some form of masonry with sound dampening materials added.

As I said, we are well aware the distillery is a major industry to the area and we accept we moved knowing this, but the extent of the increased noise and disturbance this now causes us on a daily and nightly basis is now at a stage we struggle to bear, and we are very fearful of this being even worse with such huge expansion.

We would be grateful to hear how this could be improved and the extent of the plans to reduce noise levels.

We will be submitting our comments for the planning application formally to the relevant department.

By copy of this letter I am asking if environmental health would consider further evaluation of the noise levels we currently experience.

Yours sincerely



Elizabeth Daniels

Copies to:

Douglas Cauldwell, environmental health officer, Moray Council  
Planning department, Moray Council

# Application Comments for 14/01488/EIA

## Application Summary

Application Number: 14/01488/EIA

Address: Glenlivet Distillery Glenlivet Ballindalloch Moray AB37 9DD

Proposal: New processing building (including additional distillery facilities) replacement bio plant alterations to evaporator and associated plant and landscaping at

Case Officer: Angus Burnie

## Customer Details

Name: Mr Brian Fowler

Address: Cragganbawn Glenlivet Ballindalloch

## Comment Details

Commenter Type: Member of the Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Activity at unsociable hours/behaviour
- Affecting natural environment
- Noise
- Road safety
- Traffic

Comment: Draft comments on Glenlivet Distillery Planning Application

Although I am aware of members of the community having other issues relating to the planning application for the proposed expansion of the manufacturing capacity at Glenlivet distillery, I would particularly wish to focus on the contents of Doc12, Transport Assessment, and the impact of traffic along the B9008 between the junction with the B9136 at Downan Graveyard and the A95(T).

i) Traffic volumes With the distillery having the facility to operate on gas or oil it is not clear if the volumes detailed in tables 4.1 and 4.2 are based on the latter which clearly has implications for the volume of deliveries. Extrapolating the figures given we have 10+ per hr. during the day time, one every 6 minutes and 3 per hr. through the night, one every 20 minute. Sundays appear to be a normal working day for deliveries. As detailed below this is for only one of four distilleries and the Glenlivet Water Bottling plant where the B9008 is the main transport route

ii) Road Capacity I would question if, as stated in para 7.10 the road is operating within their operational capacity. The reference of a capacity of 2,400 vehicles per hour, 1,200 per lane, is I believe based on roads substantially wider than we have here and the not the nature of the traffic we have i.e. oil tankers, bulk carriers, coaches and agricultural vehicles. The road has a lane width of 2.80 metres and the delivery vehicles and coaches are in the main 2.55 metres wide. I would

propose the road was not designed for the volume and type of vehicles now using it.

iii) **Traffic in General** Over the fourteen years I have lived along the B9008 there has been a marked increase in the volume of traffic due to increased production at, Braeval, Glenlivet, Tamnavulin and Tomintoul distilleries which are now operation 7 days a week for 24 hours. There is also the heavy traffic making collections from Glenlivet Water Bottling Plant together with agricultural traffic. Additionally there has been a substantial increase in private vehicles visiting the area such as the distilleries and the new cycle track at Carn Daimh and traffic passing through the area.

iv) **Vehicles Passing** As already detailed the road is 5.60 metres wide and with much of the heavy traffic being 2.55 metres wide this only leaves them with 0.5 metres to cover the gap between them and the verge and between passing vehicles. The length of the road being discussed is 4.3 miles and at 40 miles per hour it will take vehicles 6.5 minutes to traverse this stretch. Clearly during the daytime working period we are faced with almost all heavy vehicles have to pass one if not more vehicles going in the opposite direction.

v) **Nature of the road** The road has many blind bends and a particularly nasty bend at the top of the steep brow near Craggan Farm. Regular users of this road are used to seeing heavy vehicles having to reverse at this point as they meet oncoming vehicles. Additionally in the winter when we are regularly faced with icy and snowy conditions there are frequently blockages at this point due to vehicles unable to both go up and go down the incline.

vi) **Accident record** Contrary to what is said in the assessment, over the past two years there have been at least four accidents on this road. Three were vehicles going off the road, one of which was an army vehicle resulting in the road being closed for a period while it was pulled out of the ditch. More recently when two distillery delivery vehicles were passing near Beechgrove Cottage one sank in the soft verge. The road had to be closed while the load was removed before the vehicle could safely be removed without it falling down the bank. Regularly the road is made dangerous due to lorries catching the verge bringing mud onto the road and this is particularly frequent just north of Downan Cottage.

More frequently we are faced with ruts at the edge of the road as is currently the case opposite my own property.

vii) **Residential Properties in close proximity to the road** Surprised to note the assessment states there are none as there are actually fourteen all of which have to put up with the increasing level of noise from traffic both at day and night time including weekends. Literally the vehicles whether full or empty bounce along the road with them travelling at the maximum allowed by their speed governors. A number of the properties are particularly affected by the overhead cab lights the

vehicles have on at night and dark days in the winter

## SUMMARY

This stretch of the B9008 was not built with the heavy traffic it now carries in mind. The increasing level of vehicles particularly those making deliveries and collections from the distilleries with a width of 2.55 metres not only put increasing wear and tear on the road edges but increase the risk of collision and blockages on this road. Detours are long and can be life threatening for emergency vehicles.

This increase in production at Glenlivet will be the second seen in five years and while the increase in heavy traffic may be considered as only incremental I would say it is sufficient to justify a full assessment on the ability of this stretch of the B9008 to cope with the level and nature of traffic it now carries. This second major expansion at Glenlivet Distillery is indicative of the profitable nature of the underlying business and hence it is considered a term of the granting of any planning permission should incorporate a levy to bring the road up to the standard required to service the traffic it will carry.

## Deirdre Straw

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**From:** JOHN FEATHER [REDACTED]  
**Sent:** 20 August 2014 08:50  
**To:** Planning  
**Subject:** Fw: Application Comments for 14/01488/EIA

**Categories:** For Dee, Contributions

[REDACTED]

**Sent:** Sunday, 17 August 2014, 16:34

**Subject:** Application Comments for 14/01488/EIA

mr john michael feather,

You have been sent this email because you or somebody else has submitted a comment on a Planning Application to your local authority planning department using your email address. A summary of your comments is provided below.

Comments were submitted at 4:34 PM on 17 Aug 2014 from mr john michael feather.

### Application Summary

**Address:** Glenlivet Distillery Glenlivet Ballindalloch Moray AB37  
9DD

**Proposal:** New processing building (including additional distillery facilities) replacement bio plant alterations to evaporator and associated plant and landscaping at

**Case Officer:** Angus Burnie

[Click for further information](#)

### Customer Details

**Name:** mr john michael feather

**Email:** [REDACTED]

**Address:** larchgrove glenlivet ballindalloch

### Comments Details

**Commenter Type:** Member of the Public

**Stance:** Customer objects to the Planning Application

**Reasons for comment:**

- Activity at unsociable hours/behaviour
- Affecting natural environment
- Noise
- Over-development of site
- Road access
- Road safety
- Traffic

**Comments:** I fully endorse the comments which my neighbour Mr. Brian Fowler has submitted to Moray Council. I wish to add that in my case, my property being situated at the apex of two quite blind bends, in spite of the use of a mirror across the road, exit and entry can only be affected safely by the use of two persons, one to look and listen for approaching traffic. As I understand it, in



the last five years, distillery traffic has twice been predicted to increase twofold. (400 per cent) making access to Larchgrove even more dangerous.

\*\*\*\*\* The Moray Council: Internet E-mail Notice \*\*\*\*\*

Mr & Mrs D Beel  
Kenilworth  
Glenlivet  
Ballindalloch  
AB37 9DB



11/08/2014

For the attention of the EIA Dept(Planning applic.)  
Moray Council

Ref: Glenlivet distillery application No.14/01488/EIA

Dear Sirs,

With reference to the above we would to raise some concerns to this application;

1)We feel that the local infrastructure is overburdened at present without the vastly greater number of HGV's that would be needed to service the new requirements of there planned expansion.

2)We are also concerned that the extra noise factor would be environmentally unfriendly given that they are already running above the recommended EU standards off noise pollution.

3)We would also have a great concern that the water requirements needed would be far and above the capabilities of the local supply and could lead to shortages.

These three concerns are relevant in that they are going to run a 24hr seven days a week for Better than 48 weeks of the year.

Yours sincerely



Mr & Mrs D Beel

**From:**Margaret Smith  
**Sent:**29 Sep 2014 14:32:48 +0100  
**To:**Planning  
**Cc:**Jane Shepherd  
**Subject:**FW: Complaint: RE: Application Comments for 14/01488/EIA

Comments Details

Commenter Type:  
Neighbour

Stance:Customer objects to the Planning Application

Reasons for comment:  
- Affecting natural environment  
- Contrary to Local Plan

Comments:Impact on Private Water Supplies

I refer to the Cairngorm National Park Local Plan which presumes against development that adversely impacts upon private water supplies. I am concerned that, although discussed in sections 5 and 7 of the application, some aspects appear incomplete.

- in figure 5.1 the small stream adjacent to our property and our private water supply are not shown
- in figure 5.1 the private water collecting system supplying houses at Upper Castleton, which extends in a series of tanks up the shoulder of Carn Liath is not shown, but presumably overlaps with the area used for supply of process water to the distillery.

I note that the applicant states that surface water extraction will not increase, although I presume that overall whiskey production will; this presumably has the potential to increase the future volume of process water extraction. The Distillery is currently reported to be actively seeking additional local sources of water and has recently undertaken related surface engineering just to the north of my property.

Our existing private water supply is longstanding, but over the last 30 years has proved unreliable during periods of relative drought. The option of a transfer to the public water supply is not a simple alternative for our property.

Should there be reassurance that our water supply will be protected, or access to a mains supply be more readily available, I am otherwise happy to support the application.

**From:**DC-General Enquiries  
**Sent:**4 Sep 2014 15:08:48 +0100  
**To:**Sam Wainwright  
**Subject:**FW: Proposed Expansion of Glenlivet Distillery, Minmore Plan Ref 14/01488/E1A (A)(F)(c)

**From:** Charles Ironside [REDACTED]  
**Sent:** 01 September 2014 12:24  
**To:** Planning-Comments  
**Subject:** Proposed Expansion of Glenlivet Distillery, Minmore Plan Ref 14/01488/E1A (A)(F)(c)

Dear Sirs,

My wife and I reside at Blairfindy Keepers Cottage, Blairfindy, Glenlivet which overlooks the present Glenlivet Distillery development.

Whilst we recognise the benefit to the local community that the Distillery brings and do no object to it's proposed expansion I must ask clarification on where the water for extra production will be drawn from.

Our home is one of four properties using a private water supply drawn from Carn Liath hill (immediately south of the Distillery) from a series of ring tanks into holding tanks within a field at the foot of the hill.

There are Distillery ring tanks and various burns all around this area which obviously draw water from around us. Having been resident in our home for the past 24 years we have become acutely aware of how a dry season can affect both our water supply and that of the Distillery.

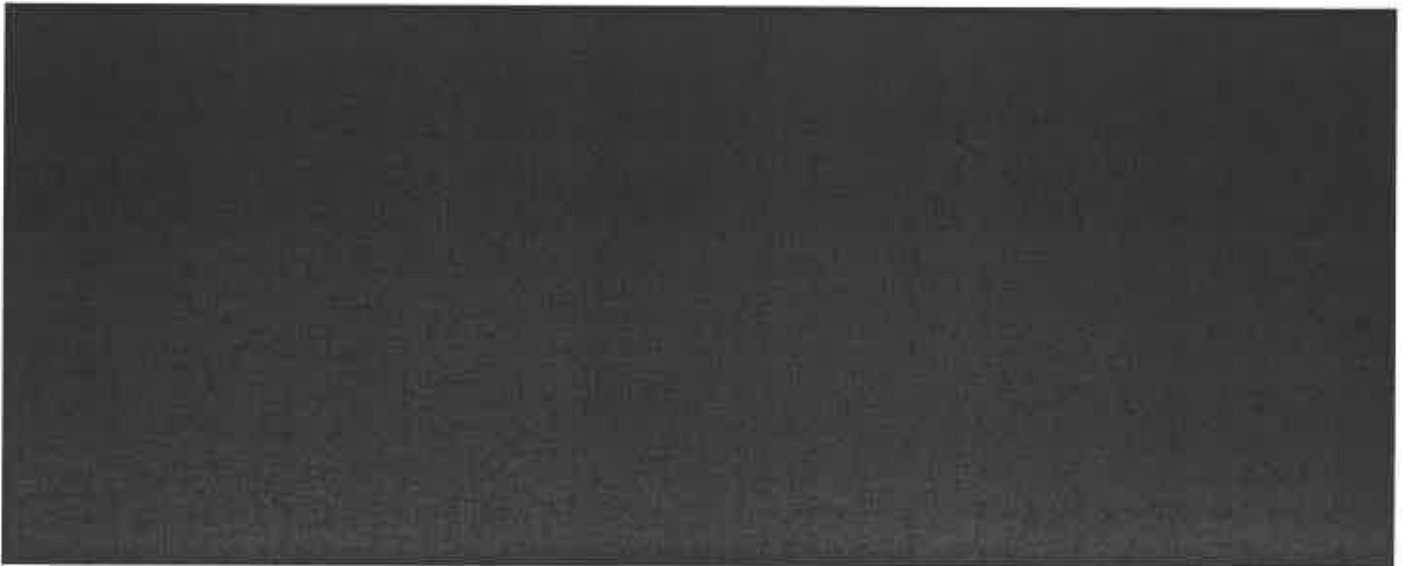
Our present water course and supply is not shown in Figure 5.1 and over the past months I have seen and had occasion to speak to geologists working on behalf of the Distillery attempting to trace water sources presumably to enhance their supply for increased production should their expansion go ahead.

Our existing water supply is longstanding but has been unreliable during periods of drought. Connection to mains water supply would not be an easy option due to our location.

We would seek reassurance from Moray Council that should the expansion of Glenlivet Distillery go ahead then no adverse affect would be impacted on our private water supply.

Yours Sincerely,

Charlie and Susan Ironside.



# Comments for Planning Application 2014/0232/DET

## Application Summary

Application Number: 2014/0232/DET

Address: Glenlivet Distillery Glenlivet Ballindalloch Moray AB37 9DD

Proposal: New processing building (including additional distillery facilities) replacement bio plant alterations to evaporator and associated plant and landscaping at

Case Officer: Katherine Donnachie

## Customer Details

Name: Mr Cliff Wright

Address: Tom-na-Craggan Glenlivet Ballindalloch

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I would like to raise several points regarding the Glenlivet Distillery planning application. Several statements about traffic impact upon the local community seem to have been made by people who do not know the area.

1) Regarding the number of properties affected by the increased traffic movements.

Of the 19 properties along this section of the B9008, 14 are close or very close to the road, with 5 at some distance from the road, our property is 7meter from the road and at times traffic noise is very high.

2) The traffic survey seems to be out of date as a traffic count taken over a 4 day period Monday to Thursday 8 am to 8pm shows an average of 854 vehicles an average of 71.1 vehicles per hour. They state that there will be 24/7 working but they only state traffic movements for 6 days.

3) The road is hardly suitable for the present traffic load as the width of the carriageway is only 5.3 meters with parts of the road edge crumbling further reducing the width; in general the road is now in a poor state of repair. The B9008 is the main transport route for four distilleries along with the water bottling plant, timber extraction, agriculture and everyday deliveries to homes, shops and hotels. With the expansion of activities in the Tomintoul area such as the cycle tracks along with other events has shown a further increase in traffic. As to the number of accidents they state a figure of accidents reported, many incidents are not reported, vehicles recovered after leaving the road and many near misses. This is mainly due to the speed of HGVs which have been recorded at speeds well in excess of their speed limit of 40 MPH highest recorded 61.3 MPH, these speeds increase the noise levels and pollution.

The ever increasing use of high level head lights (cab top Lights) increases the danger to car drivers and disturbs the sleep of people living at the roadside by lighting up the bedrooms.

At times during bad weather in the winter the road is closed by HGVs being unable to negotiate the Craggan brae and bends.

Any increase in traffic to the extent proposed will further degrade the quality of life for myself and my wife and others who live along the B9008 although the problems of transport are not covered by the planning application to be decided by CNP as they are outside the CNP boundary some consideration should be given to the impact upon the greater area and the quality of life which will be greatly degraded by any further increase in traffic.

## Objection to Planning Application Ref. 14/O1488/EIA

### New processing building, replacement bioplant, alterations to evaporator and associated plant and landscaping

I am writing to object to the above application on the grounds that the proposed mitigation for noise impact and traffic/transport are greatly insufficient and will hugely affect the amenity of the Glenlivet residential hamlet, as well as extensive impacts on landscape and light pollution on neighbours, and the impact on nature conservation in the River Livet from significantly increased abstraction, as well as increased risks of pollution from discharges from the plant, as well as the risk of catastrophic damage to the river bed from works to be carried out, are unacceptable and should not be accepted to any public body which values the natural resources of the area upon which the economy of the area, heavily reliant on tourism and fisheries, relies.

The development will not have appreciable socio-economic benefits to the area, as few local jobs will result from increased production. The sole economic benefit will lie with the applicant. Instead, the development will have a negative impact on visual attractiveness of this part of the national park and this, together with the dramatic increase in traffic and noise from the development, will negatively affect economies of those local businesses which cater for tourists and tourism, walkers, and cyclists who visit the area purely for the beautiful visual landscape, and tranquillity that the area gives them.

#### **Concerns regarding development within Cairngorm National Park**

There are issues with the development which I think are material considerations, particularly as the development is within the Cairngorm National Park. These are as follows:

##### **Impact on Landscape**

The development will have an adverse impact on the landscape. The development is proposed for land that is currently undeveloped, and is characteristic of the local landscape. There are a wide range of alternative options that would enable to development to take place within the area that is currently industrial within the distillery land rather than developing green land. In addition to the impact of the footprint on existing 'green' land, the construction of access roads and hardstanding will impact on over 3.5 hectares of the characteristic national park landscape, in a sensitive and stunning part of the park looking towards Ben Rinnes from the Speyside Way. Both the location of the development, and the scale/extent of the landscape impacted, are both counter to the National Parks aims and objectives.

The visual impact of the development as set out in the photographs with the application show that the development will have an overbearing presence near the boundary with those properties, particularly my property at Benview, to the detriment of neighbours. The new building would be visible from my house, and other neighbours will also be significantly affected by the development. The small community of Glenlivet is set within a stunning set of visual aspects, and a development on this scale near the existing distillery buildings has a negative impact on that. The noise impact and traffic implications of the development set out below will contribute to the overbearing nature of the detrimental impact of the development on neighbours.



## **Light pollution**

Light pollution is already a problem, particularly as heavily lit deliveries take place in the part of the distillery that is adjacent to my property. The lighting proposed for the new building will increase the levels of light pollution from the plant, to the detriment of people living in this location.

## **Traffic generation, vehicle access and road safety**

The information provided by the applicant indicates that the proposal will result in an additional 84 delivery movements over a 24 hr period. The applicant suggests that 80% of the movements (67) occur between 0600 and 2000 hrs, a period of 14 hrs, equating to an average of less than 5 movements per hour. The applicant, having had no engagement with those affected by those traffic movements, concludes that this "is considered to be inconsequential in traffic flow terms".

The applicant goes on to indicate that for "a very significant period within this 24 hrs, say 12 hrs, there will be very few other road users on the road network and therefore the potential for any conflict is likely to be negligible".

This information is misleading. While HGVs do make deliveries within that whole period, there are times when there are more than 5 movements per hour, and there are quieter periods. The C57H road between Glenlivet and the B9136 is a road which has not been upgraded in a long time, and at present there is a large volume of traffic for which that road was never designed. The type of traffic using this road includes farm traffic, non-distillery deliveries and a high volume of visitors to the area – not just the distillery visitors as there is good provision of holiday accommodation in the close proximity to Glenlivet. The road is not designed for the volume of traffic using it at present.

The proposals anticipate an increase in HGV deliveries from 68 HGVs a day just now, to 152 HGVs after the development. This will more than double the amount of HGV traffic on that small road. The weekly increase in HGV deliveries will go from 404 at present, to 908 in the future – based on the estimates provided by the applicant. This route was never designed with such a capacity in mind, regardless of what the applicant identifies as the potential carrying capacity of the network. I would encourage planners to carry out a site visit and see for yourselves whether this road is appropriate for the proposed scale of production and deliveries in its current state.

The road is also not designed in a way that allows vehicles to pass HGVs with a safe passing distance, and the sight lines along the road at several blind corners pose a growing risk of collision with HGVs, given increases in volumes. "Increasing HGV traffic is likely to increase instances of passing traffic on this road and in particular at locations where there are bends in the road or where there may be a narrowing of the road" – this is in information provided by the applicant.

I agree with objections made by my neighbours (Mr & Mrs Daniels and Mr Fowler) to this application.

The traffic survey suggests that critical points on the routes will require swept path analysis and assessment/mitigation to accommodate increased HGV traffic volumes. This is not sufficient to appease my concerns that wide-ranging traffic improvements have to be carried out to avoid serious accidents on this road (note that the traffic survey also identified that traffic on this road moves at an average of 30mph). I would rather see a strong and clear, legally binding commitment to road

improvements, including road widening at several points on the C57H, redesign of the junction between the C57H and the B9136 and the junction onto the main road to Tomintoul/Grantown (which is a notorious T-junction with poor visibility in either direction, and redesign of the approach to the proposed turning into the distillery to mitigate the approach to the blind corner immediately north of the distillery, and ongoing resurfacing works.

All in all, personally I do not agree that the traffic flow increases are inconsequential in traffic flow terms, nor do I agree that the potential for any conflict is likely to be negligible. Traffic flow increases, particularly the increase in proportion of HGVs in relation to other traffic, are significant and cannot be overlooked in terms of their impact on the roads and other road users. The potential for serious road accidents arising from the increase of traffic on these roads, particularly but not limited to the C57H, will be significantly increased as a result of this development unless wideranging improvements are made, at any cost.

### **Noise and disturbance resulting from use, including proposed hours of operation**

In the information provided by the applicant, the Noise Impact Assessment indicates that threshold limits of 45 dB (external daytime level) and 40dB (external night time level) would be appropriate. Measurements of noise at my residential premises set out in that Noise Impact Assessment are expressed to be 49 dB daytime and 46 dB nighttime. Not only are these noise levels unacceptably high, and in excess of the threshold levels sought by Moray Council, but they are also not representative of the higher levels of noise experienced from the distillery at present. There is more disturbance from noise between the early hours of 6am and 10am than the hours tested for daytime noise levels. So, not only are the existing noise levels as assessed in the impact assessment too high already, but they are lower than the real daytime noise levels. It is not competent to view the reduction in noise expressed at Table 4 in the noise impact assessment as conclusive – the period of testing is very narrow and direct comparison is inappropriate.

Instead, I have not found that the noise levels have reduced over recent years (screening and other mitigation has therefore not been effective), and the worst times for noise pollution are between the hours of 6 and 9 in the morning, and the pot ale collections have increased and seem to have become noisier. Noise disturbance in excess of recommended levels just now that arise from the distillery should not be a justification for higher levels of noise after the development has taken place. Instead, the baseline against which post-development noise impact must be assessed is the noise disturbance levels recommended by Moray Council. These are set out in the applicant's Noise Impact Assessment.

The information provided by the applicant shows that predicted combined noise levels show an increase from existing levels of noise, even with mitigation in place. In principle, the development should not be permitted to progress unless effective mitigation can be demonstrated – this means that the outcome of the planning controls should be that the noise levels at all residential premises (including my own) affected by the development should not be above the levels recommended by the local authority after the development has been completed, regardless of what the non-compliant levels of noise disturbance are now.

Furthermore, I insist that the predicted combined noise levels are greatly underestimated at 50dB because there are ambitious assumptions about screening impact, and reductions in night-time

noise (especially from cooling towers) which have not, in my experience, been demonstrated to have worked to the satisfaction of local residents or Moray Council's Environmental Health officer.

Mitigation controls on noise are proposed, but these are insufficient. It is not enough that tenderers include noise emission information in tender documents – the applicant must instead be required to install noise generating plant that offers the lowest noise emissions. The documentation submitted by the applicant promotes noise abatement measures that will reduce noise levels to 60 db outside the facility. I would rather see lowest noise emissions below this level to target measures at source rather than attempt mitigation from that high noise level. Further, louvers are ineffective when facility doors are left open – this is a constant aggravating feature of existing plant. Design of the building should ensure that locations for door openings (not only roller doors) reduce the levels of noise occurring at residential properties. All other noise mitigating controls recommended in the assessment should be required as planning conditions. In relation to those, tree planting can offer some noise mitigation control, but current screening proposals are vague and lacking in specification. I would consider an appropriate noise mitigation condition to stipulate that mature trees be planted alongside new bushes and trees to ensure that some noise abatement is in place from day 1, during construction in phase 1. Further noise abatement measures consistent with BAT (going beyond BPM) should be required, including solid noise screening instead of the ineffectual 'willow' screening proposed from the grains delivery facility. Construction materials that have been used in the last few years for improvements at the distillery have not reduced the noise impact – I would expect a strong commitment from the applicant to use effective construction methods and materials that actually do reduce noise impact (noise insulation and solid cladding), rather than promise much but deliver little.

The Transport assessment provided by the applicant shows that high numbers of deliveries are made in the period that begins at 0600, ends at 2000, and even then only captures 80% of deliveries. These deliveries contribute to the noise impact above, and stricter controls on times when deliveries are acceptable is needed, particularly in view of the proposed increase in delivery volumes.

I would also expect to see an ongoing requirement on the applicant to not only take completion measurements but also ongoing measurements on dates and at times agreed with nearby residences to be representative of noise levels at the site. The applicant should be required to implement noise control measures as an ongoing planning requirement that ensure appropriate noise levels in operating conditions going forward.

#### **Water abstraction and discharges – impact on nature conservation**

As well as these concerns, I also have some specific concerns impacts on the River Livet. These are relevant considerations because of the risk to the conservation characteristics and habitats supported by the River Livet, and which are a key part of the Cairngorm National Park. The species which may be affected by the development, in terms of increased water removal from the Livet, greater volumes of warmer water being discharged into the Livet, and increased volumes of effluent being discharged, re set out in the applicant's biodiversity documentation.

From my understanding of the proposals, the applicant seeks to increase the amount of water taken from the River Livet from the current consented abstraction volume of 1,000 m<sup>3</sup>/day to 7,630 m<sup>3</sup>/day (cf EIA Water Quality). The River Livet is an important waterbody for fisheries and other

leisure interests which contribute to the economic prosperity of the area. The river is on course for Good status, aside from the fish passage issues which are being prioritised in terms of the River Basin Management Plan process. The impact on the River Livet from significantly increased abstraction should not be allowed to threaten that economic and environmental position by allowing too much water to be taken without a full impact assessment on the prized ecology (see Ecology report).

As well as over-abstraction, the applicant is also seeking to increase the pollution which it intends to discharge into the River Livet. The applicant is asking to increase effluent discharge volume from 780m<sup>3</sup>/day to 1620m<sup>3</sup>/day. Again, the impact on fragile species in a highly prized waterbody is unpredictable and needs further assessment work. In principle, I object to increased risks to the river from pollution from discharges from the bio plant unless these can be demonstrated to show no adverse impact on the water environment.

It is proposed that current consented discharge limits will be increased from 3000m<sup>3</sup>/day to 9000m<sup>3</sup>/day – a threefold increase. Some of this increase results from increases in effluent being discharged from the bioplant. The remainder of the increase reflects the huge increase in cooling water which the applicant seeks to add to the waters of the Livet. This reflects the increase in water abstracted for this purpose, but with such an increase in the volume of warmer water (see indicative temperatures from the Water Quality EIA) entering the Livet at one place the impact on the River and its sensitive ecology is unpredictable and poses a threat to fisheries and other water users.

As well as over-abstraction, and excess pollution, there is a further risk to the River Livet from the proposed development, namely that of catastrophic damage to the river bed from works to be carried out to install the abstraction mechanism within the river bed, and the discharge point. The works proposed do not only affect the river bank (as is the case with most abstraction and discharge points) but instead these require heavy modifications to the bed of the river with increased risk of silt pollution and discolouration of the river from the works, and unpredictable impacts on ecology from the works need to be closely assessed and it is critical that effective controls are in place to safeguard from adverse impacts.

I am aware that these issues will be for the Scottish Environmental Protection Agency to assess going forward, but it is also within the Moray Council's planning control remit to impose conditions which control these risks. I would ask that the Council seek further information regarding the guarantees that the applicant is able to provide to ensure that the River Livet is not impacted adversely, and explore the possibility of suitable level of financial security being provided by the applicant to make sure that any remediation that is needed can be carried out without cost to the public purse.

**Beatrice Warner,**

**Benview,**

**Glenlivet**

**Ballindalloch**

**Speyside**

