

# **AGENDA ITEM 8**

## **APPENDIX IC**

**PRE/2022/0021**

**PRE-APP RESPONSE**

## Pre Application Advice Service: Response

Planning Ref:	<b>21/05266/PREMAJ CNPA Ref. PRE/2022/0004</b>
Proposal Name	<b>Construction of 2 No. 1000m2 whiskey maturation warehouses and associated access roads and landscaping. Later phases of works include the construction of new distillery and associated infrastructure, visitor centre, car parking and landscaping.</b>
Date of Meeting	9 February 2022
Date of Response	23 February 2022

### Response

#### **General and Policy Background**

This proposal for the construction of two whiskey maturation warehouses and the subsequent new distillery with associated infrastructure, visitor centre and car parking and landscaping will be considered in relation to the policies of the Cairngorms Local Development Plan (LDP) 2021 and associated supplementary guidance as well as any other material considerations that may apply including the National Park Partnership Plan and Scottish Planning Policy.

The LDP and associated guidance are available on this web link:

<http://cairngorms.co.uk/park-authority/planning/>

#### **Principle of Development**

The principle of development must be considered against the relevant policies and guidance as contained within the Cairngorms National Park Local Development Plan 2021, the Cairngorms National Park Partnership Plan 2017 – 2022 and Scottish Planning Policy. These documents lend support to the principle of sustainable economic development subject to detailed assessment regarding the landscape and ecological impacts of the proposed development.

Policy 2: Supporting Economic Growth, of the Cairngorms National Park Local Development Plan supports this type of development in principle where it contributes to sustainable economic growth and where it is appropriate and compatible with its surroundings. In this instance a case a justification for this particular rural location will be required. As such information on the specific requirements of the development along with the site specific locational benefits of the site will be sought and should accompany any forthcoming application. This support in principle is also subject to meeting all policies of the LDP in terms of siting, landscape and design, natural heritage, access and servicing, amenity and resources.

## **Landscape Impacts and Design**

Policy 5: Landscape of the LDP sets out the need for new development to conserve and enhance the landscape character and special qualities of the National Park. Policy 3 Design and Placemaking also sets out the design consideration to be taken into account.

The impact on the landscape will be a key consideration in assessing compliance with this policy. The importance of a high quality of design, setting and landscaping cannot be over emphasised. The initial sketch proposals indicate an understanding of this importance, but further development will be required and this should be informed by a detailed assessment of landscape characteristics and of the special landscape qualities of the National Park as they apply here and an assessment of the historic value of any archaeological features, including Dun da Lahm pictish hill fort. This will inform detailed siting and design.

## **Environmental Impacts**

Policy 4: Natural Heritage of the LDP requires that new development fully considers and as necessary mitigates impacts on designated and local sites, and Policy: 10 Resources sets out key issues in relation to resource use. NatureScot will be advise further on impacts on designated sites and the requirements which will be necessary to fully consider impacts on the River Spey Special Area of Conservation and for the CNPA to carry out any Habitat Regulations Appraisals that may be required. Sufficient information will need to be submitted to enable such assessment to take place.

The site is bounded by forestry and the proposals will likely involve tree removal and as such a Tree Survey will be required to be undertaken – this should note the presence of any protected species, e.g. red squirrel. Compensatory planting will be required for any felled trees. This could be replanted as riparian woodland providing shading to the river, if there are no wader constraints (see below), and contribute to works undertaken by the Spey Catchment Initiative – further information can be given on this.

An extended Phase 1 Habitat Survey of the entire site must be undertaken to note the presence of habitats and the potential for protected species. Further future surveys should be discussed and agreed with the CNPA, e.g. waders may breed within the application site and therefore a survey will be required to develop appropriate mitigation. All relevant Species Protection Plans (for European Protected Species) must be undertaken prior to planning permission approval. It is also likely that the application site supports habitats and Species on the CNPA list ([Cairngorms Nature Action Plan](#)). There is also potential for peatland habitat which will be identified through the Phase 1 Habitat Survey. A fully detailed Ecological Constraints and Opportunities Plan should be included within the submission based on the habitats and species identified during the ecological surveys.

The outline design shows an indicative SuDS pond. The proposals provide an ideal opportunity to integrate SuDS for the disposal of surface water positively into the overall development to secure the maximum biodiversity and landscape benefits. Further information can be provided. There is no indication of a cooling pond on the outline plans. Should this be necessary modelling must be undertaken of thermal uplift on the River Spey SAC from any cooling water discharge. Clarification must be given of the treatment of wastewater on the site.

A Pollution Prevention Plan will be required for the construction phase to protect the River Spey SAC from silts, sediments and nutrients.

## **Access and Servicing**

Policy 3: Design and Placemaking of the LDP requires that new development maintains and maximises all opportunities for responsible outdoor access, including links into the existing path network. All developments must be consistent with the Core Paths Plan.

This development would have significant implications on access routes and core paths at the location. The proposed development site straddles General Wades Military Road – which is a Core Path (UBS30) and a Right of Way. In addition a further core path (UBS23) runs adjacent to the site, and the site also boundaries with the River Spey – core path LBS1, a public Right of Navigation.

It is advised that the applicant prepares an Outdoor Access Plan (OAP) which will assist them in identifying various issues, impacts and opportunities relating to public outdoor access and enable them to provide clear information on how these have been considered, how they will be impacted and managed or any mitigations proposed, etc. For example; if they intend to accommodate and incorporate General Wades Military Road into the development and how this would be done; or if they would be seeking to divert the route. If the applicant is proposing to re-route any core paths they should demonstrate a clear understanding that they are aware of the processes and timescales required to do this.

The OAP should also include measures such as safely managing public access along paths both during construction and during operation of the site.

The applicant is also encouraged to look for ways to enhance access opportunities and create links to existing access networks. Consideration should also be given to active travel e.g. how visitors could reach the proposed visitor attraction by public transport or cycle.

A brief guide to preparing an Outdoor Access Plan has been produced NatureScot (SNH) and is available here: [Microsoft Word - A409251.doc \(nature.scot\)](#)

Highland Council Roads team will provide advice on transport and road safety issues.

## **Amenity**

Policy 3: Design and Placemaking of the LDP requires that new development protect the amenity enjoyed by neighbours including minimisation of disturbance caused by access to the development site. In this regard potential noise issues will have to be fully considered and assessed as well as any issues relating to existing water supplies in the area. It is recommended that any neighbouring proprietors are kept informed of the proposals and their input actively sought.

## **Resources**

It is assumed that SEPA and the Highland Council Flood Prevention and Environmental Health Teams will be providing advice on any flooding, hydrology and drainage issues, including information on abstraction points, hydrology, existing water supplies etc. However there are also potential ecological issues arising from any water abstraction and water outflow in terms of the potential effect on low water on any protected species and any knock on effect of increasing water temperature from cooling water input back into the river. Similarly the impacts on these species in respect of the water outflow in terms of temperature and nutrient content. This will need to be fully considered and it is recommended that the Spey Fishery Board be contacted for advice at the earliest opportunity.

## Process

This proposal will likely constitute a major application under the Scottish Government's hierarchy of development so appropriate pre application consultation with the community will require to be undertaken.

In addition the proposal will require to be screened to establish if Environmental Impact Assessment is required – the applicant will require to make such a request to the Highland Council who will consult with the Cairngorms National Park Authority (CNPA).

Any application would be submitted to the Highland Council for validation. Thereafter once valid, an application for this type and scale of development would be called in by the Cairngorms National Park Authority (CNPA) for determination as it constitutes a Type 1 development under our criteria for call in – more detail on this link:

<http://cairngorms.co.uk/wp-content/uploads/2016/02/151218PANApplyingForPlanningPermissionV22.pdf>

The CNPA would then offer a processing agreement setting out a timetable towards determination and identifying which Planning Committee it would be considered at. All applications determined by the CNPA are decided at Committee. The CNPA would welcome ongoing discussion on the proposals prior to submission of an application.

## Conclusion

In order to fully consider any application we will need full supporting information as set out below. Submission of a *complete* package of information will help to facilitate swift processing, avoiding the need for re consultation with other parties and importantly enable the public to comment fully. It will also avoid, in the event of the application being supported, the need for extensive use of "suspensive" planning conditions which would later hold up a start on site. Information set out below represents our initial assessment and we will of course be guided by the responses of consultees who it is expected will be seeking additional information.

Key Points	Assessments to be carried out and/or submitted with application
Detailed Plans	<p><u>All standard plans to be provided</u></p> <p><u>Site Sections</u> - to show existing, proposed and restored ground levels across the site. These should extend across the entire site to clearly show the final ground contouring and treatment. Sections should be across the site in both directions.</p> <p><u>Plans, sections and elevations</u> showing all proposed built elements individually and collectively. Coloured up plans to illustrate finishes would be useful together with samples of finishes.</p> <p><u>Design and Access Statement</u> – this is required for any major application and more advice on matters to be covered is available on the Scottish Government website. In terms of access this should fully address pedestrian, cyclists and other non-motorised users as well as vehicles and the relationship to the adjacent core path at the River Spey. In terms of design it should cover the rationale and evolution of the design and include a sustainable design checklist as required by</p>

	Policy 3: Design and Placemaking. It should cover matters such as energy provision.
Landscape Impacts, Design and Siting	<p><u>Landscape and Visual Impact Assessment</u> (in accordance with the 3<sup>rd</sup> edition of the Landscape Institute's GLVIA). This should be informed by site assessment, ZTV analysis and consideration of a number of visualisations and photomontages. Locations for visualisations to be agreed with CNPA. The baseline for landscape character should be taken from the Cairngorms National Park LCA (2009): <a href="http://cairngorms.co.uk/caring-future/cairngorms-landscapes/landscape-areas/">http://cairngorms.co.uk/caring-future/cairngorms-landscapes/landscape-areas/</a></p> <p>Sequential and cumulative effects for landscape and visual receptors must be considered for promoted tracks and popular routes. Attention is drawn to the need to pay regard to elevated locations including: Munroe's, wolf tracks and the Dun da Lahm Pictish hill fort, as this will affect the ability to mitigate through trees and other measures.</p> <p><u>Special Landscape Qualities Impact Assessment</u> - consideration of the impacts of the development on the Special Landscape Qualities in order to consider compliance with policy. This assessment to be informed by the ZTV, visualisations and the assessment of landscape and visual effects. Current draft guidance is available from NatureScot. The baseline for Special landscape Qualities should be taken from: <a href="http://www.snh.org.uk/pdfs/publications/commissioned_reports/375.pdf">http://www.snh.org.uk/pdfs/publications/commissioned_reports/375.pdf</a></p> <p><u>Habitat-based landscape master plan</u> - to be informed by the landscape vision for the site which should be rooted in the conservation and enhancement of the special landscape qualities and the landscape characteristics which underpin these. Timing of landscaping and structure planting to be included with elements identified for early implementation particularly woodland structure planting and SUDs.</p> <p><u>Tree survey, Arboricultural Impact Assessment and Tree protection plan</u> – which should be used to inform the siting and design of the development. There appears to be a heavy reliance on the existing plantation woodlands. These must be assessed for longevity and condition and a statement on their future felling is required.</p> <p><u>Detailed landscape plans with full planting / seeding specifications and objective-based landscape management plan and landscape maintenance schedule</u> - this information should clearly identify areas to be planted, species mix and density, protection and future maintenance.</p> <p><u>Mitigation Proposals</u> – to include any off-site enhancements relating to the experience of landscape and special landscape qualities and any environmental impacts.</p> <p><u>Visualisations</u> to demonstrate from various viewpoints how the proposed development will fit into the landscape. This could usefully include photomontages and visual sections suitable for presenting the proposals to the Planning Committee. The CNPA is happy to input to viewpoint selection.</p>

	<p><u>Lighting plan</u> for the whole development including visualisations from key viewpoints (to be agreed with CNPA) This should seek to minimising impacts at night on landscape receptors and biodiversity.</p> <p><u>Construction Method Statement</u> – to include a construction soil management plan covering a) Areas to be stripped and identifying likely volumes of topsoils, subsoils and rock, b) Methods and timings for turf stripping, soil removal, stockpiling, sustainable storage, replacement, re-profiling, de-compaction and re-use of vegetated soils. c) Location for stockpiles. It should also cover the role and responsibilities of the Environmental Clerk of Works, including monitoring of works, channels of communication, reporting schedule, post-completion</p>
Environmental Impacts	<p><u>Natural Heritage / Ecology Reports</u> Breeding bird surveys in particular wading birds and birds on river banks; A Wader Impact Assessment – up to date survey information and historical data is available from the RSPB and must be used to inform the Wader Impact Assessment; Protected Mammals Survey (including otter in both in terms of holts and use of river banks, bat roosts in existing buildings and trees, water vole activity within the site area); Phase 1 Habitat survey; Information on water abstraction and outflow and consideration of any impacts on fresh water pearl mussels and Atlantic salmon; Badger Survey; Reptile Survey; Species Protection Plans will be required to demonstrate how impacts will be avoided, reduced or mitigated for any protected species that are likely to be affected by the proposal.</p>
Drainage	<p><u>Hydrology and Flooding Reports</u> – NatureScot, SEPA and the Spey Fishery Board will advise in more detail on this aspect on the type of information required such as fish surveys, timing of any works in river, relationship to existing ditches, changes to flow rates and water levels, water quality, private supplies, flood risk assessment etc. This information will be required for any Habitat Regulations Appraisal.</p> <p>Monitoring and review processes together with details of the construction programme including timings and phasing. A Site Waste Management Plan should be included too.</p> <p><u>Drainage Impact Assessment</u>, including information on foul and surface water drainage arrangements. This should reflect the need for SUDs to be used to maximise biodiversity and landscape enhancements. Information on maintenance to be included. Site drainage plan - existing and proposed- should also be included.</p>
Cultural Impacts	<p><u>Cultural Heritage</u> – consideration of any impacts upon any listed building, ancient monuments and features of archaeological interest (Standing Stones).</p>

Economic Impacts	<u>Economic Statement</u> – to explain the need for a rural location and economic benefits of the proposal covering matters such as number/type of jobs created and any other relevant information such as economic benefits of the development to the wider area and the role and purpose of the accommodation.
Residential Amenity	<u>Noise Impact Assessment</u>
Transport Impacts and Public Access	<u>Transport Impact Assessment</u> - Transport Scotland and Highland Council Roads Service will advise on this aspect, but from CNPA perspective information on anticipated vehicle numbers at both construction and operational stage and any mitigation measures proposed in respect of impacts identified on site and upon the surrounding roads network. Details of any visibility improvements and/or other roads works should be included with the submission. Any assessment should also consider non - vehicular movements, and the relationship to core paths in the area. It should also consider green travel initiatives (e.g. car sharing by workers, opportunities for staff to walk/cycle to work depending on their location, cycle racks etc.
Pre Application Consultation with the community (PAC)	<u>Pre Application Consultation Report</u> as required by Scottish Government legislation explaining how the public consultation process has informed development of the proposal and the measures taken to inform the public. It is also recommended that, aside from the neighbour notification process which will be carried out by the Highland Council, the developer advises residents in the area of the submission of the application in the interests of good practise and public relations as it is our experience that this type of proactive work is usually beneficial.

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