

**CAIRNGORMS NATIONAL PARK AUTHORITY**

---

**DEVELOPMENT PROPOSED:**

Erection of distillery, 3No. warehouses, access, parking, offices, boreholes at U220 250M South East Of Spey Dam Laggan - Garvamore - Melgarve Laggan Highland

**REFERENCE:** 2023/0267/DET

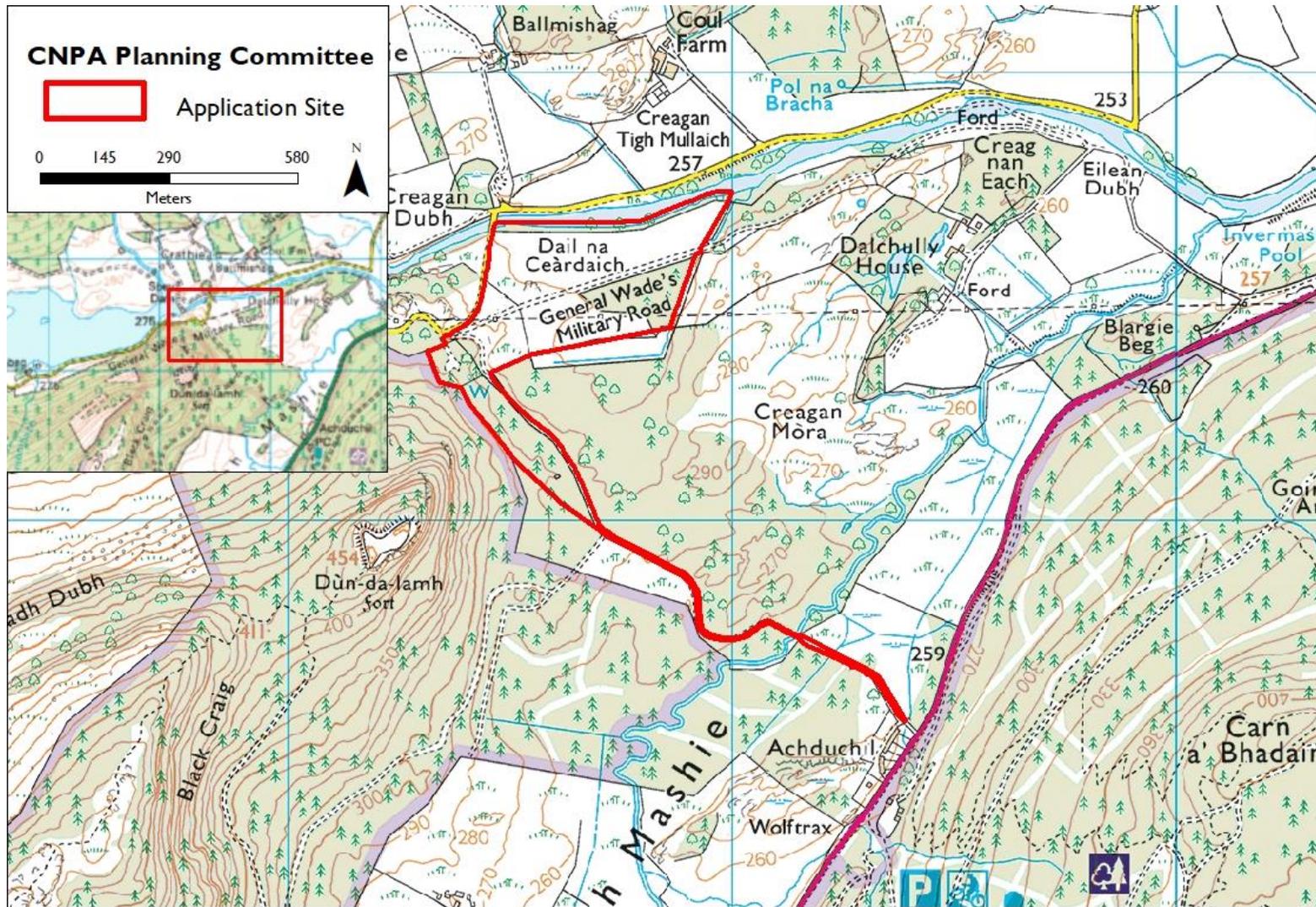
**APPLICANT:** Speyside Distillers Company Ltd

**DATE CALLED-IN:** 26 June 2023

**RECOMMENDATION:** Approve subject to conditions

**CASE OFFICER:** Katherine Donnachie Planning Officer

---



## **SITE DESCRIPTION, PROPOSAL AND HISTORY**

### **Site Description**

1. The application site is located to the southwest of the small village of Laggan and close to Spey Dam, where the U2014 public road runs westwards from Laggan towards Melgarve and the Corrieyairack Pass. It is currently accessed off this road via a field gate just to the southeast of the dam and the bridge which carries the road over the River Spey. There is a further construction bridge to the immediate west of the public road bridge which serves the renewable energy developments in the wider area to the west. It is understood that Spey dam was constructed in 1943 to allow waters to be diverted to Loch Laggan and onwards to Fort William to be used in hydroelectric power for metal production. This dam controls flows in the Spey.
2. The red line application site is around 27 hectares and the applicants control adjacent land as outlined in blue on the submitted application. The site presently comprises mainly grassland used for sheep grazing at the time of site visit with an “U” shaped area of plantation conifer planting in the eastern part of the site. There is some riparian planting along the River Spey which bounds the site to the north. There is a rocky outcrop in the middle of site close to the General Wade Road (which crosses the middle of the site) and sloping moorland in the western part with some areas of wetland/marsh here too. There are existing ditches within the site running along the south and east boundaries.
3. The site is gently undulating with some higher areas such as the outcrop and some level areas to the middle. The “Black Craig,” which is a distinctive pointed wooded hill, lies to the immediate west of the site forming a landmark feature in the local landscape. The scheduled monument of Dun na Lamh (prehistoric hill fort) is located on top of this hill.
4. There are a number of core paths in and around the site. As noted earlier the General Wade Road crosses through the site and this is a core path and right of way. To the north of the site the long distance route to the Corrieyairack pass runs along the public road leading westwards and another core path (the Corrieyairack link path) runs along an existing forestry track from the public road southward through to the A86 trunk road, where it emerges at the Strathmashie cottages close to the Laggan Wolftrax centre. (This track is proposed to be used as the access to the application site.) A further core path branches off this track and leads to the top of the Black Craig to the fort.
5. The River Spey itself is also a core path and it runs immediately to the north of the site. It is a designated Site of Special Scientific Interest (SSSI) and Special

Conservation Area (SAC). The River Mashie runs to the far south-east of the site and crosses under the existing forestry track.

6. There are a number of scattered rural properties in the surrounding area including Coul Farm and Crathie Cottage to the north on the other side of the Spey. Crathie Cottage is located on the hillside higher up, and Coul Farm closer to the valley floor. A row of cottages lies to the far south west at the end of the existing forestry track onto the A86 road at Strathmashie/Achduchil. Dalchully House, a category C listed building of architectural and historic importance, lies to the east, screened from the site by topography and planting.

## **Proposal**

7. The drawings and documents associated with this application are listed below and are available on the Cairngorms National Park Authority website unless noted otherwise:

<http://www.eplanningcnpa.co.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RWLSHHSIOCP00>

<b>Title</b>	<b>Drawing Number</b>	<b>Date on Plan*</b>	<b>Date Received</b>
Plan - Site Location Plan	0125.PL.001 Rev A	21/09/23	29/09/23
Plan - Borehole Locations	CO23	01/04/23	22/06/23
Plan - Location of site investigation trial pits and boreholes	CO21	01/04/23	22/06/23
Plan - Location of site investigation trial pits and boreholes (with levels)	C031 Rev C	22/09/23	29/09/23
Plan - Planting Plan	erz 22.36 PO5 Rev B	08/06/23	22/06/23
Plan - Site Detail Section 1	erz 22.36 SO3	22/05/23	22/06/23
Plan - Site Section 2 East West	erz 22.36 SO2	22/05/23	22/06/23
Plan - Site Section 1 North South	erz 22.36 SO1	22/05/23	22/06/23
Plan - Lighting Strategy	erz 22.36 SK230503	03/05/23	22/06/23
Plan - Topographical Survey	C020	01/04/23	22/06/23

**CAIRNGORMS NATIONAL PARK AUTHORITY**  
**Planning Committee Item 6 10/11/2023**

Plan - Tree Constraints Plan	erz 22.36 PO5 Rev A	08/06/23	22/06/23
Plan - Site entrance visibility splays	CO34	01/08/23	06/09/23
Plan - Distillery Elevations	0125.PL. 301 Rev C	22/09/23	29/09/23
Plan - Distillery First Floor Plan	0125.PL. 102 Rev A	22/09/23	29/09/23
Plan - Distillery Ground Floor Plan	0125.PL. 101 Rev A	22/09/23	29/09/23
Plan - Distillery Roof Plan	0125.PL. 103 Rev A	22/09/23	29/09/23
Plan - Distillery Sections AA and BB	0125.PL. 201 Rev A	22/09/23	29/09/23
Plan - Distillery Sections CC and DD	0125.PL. 202 Rev A	22/09/23	29/09/23
Plan - General Arrangement Plan	erz 22.36 PO2 Rev H	19/09/23	29/09/23
Plan - Marketing Suite NW and SW elevations	0125.PL.303 Rev A	22/09/23	29/09/23
Plan - Marketing Suite SE and NE elevations	0125.PL.304 Rev A	22/09/23	29/09/23
Plan - Marketing Suite Proposed floor plan	0125.PL.105 Rev A	22/09/23	29/09/23
Plan - Marketing Suite Sections	0125.PL.203 Rev A	22/09/23	29/09/23
Plan - Office Elevations	0125.PL.307 Rev A	22/09/23	29/09/23
Plan - Office plan	0125.PL.108 Rev A	22/09/23	29/09/23
Plan - Power House Plans	0125.PL.104 Rev A	22/09/23	29/09/23
Plan - Site Layout showing proposed drainage layout	C032 Rev C	22/09/23	29/09/23
Plan - Site Layout showing setting out	C030 Rev A	22/09/23	29/09/23
Plan - Site Layout showing swept path analysis	C033 Rev A	22/09/23	29/09/23

**CAIRNGORMS NATIONAL PARK AUTHORITY**  
**Planning Committee Item 6 10/11/2023**

Plan - Warehouse No. 1 Elevations	0125.PL.305 Rev A	21/09/23	29/09/23
Plan - Warehouse No. 1 Plans	0125.PL.106 Rev A	21/09/23	29/09/23
Plan - Warehouses 2 and 3 Elevations	0125.PL.306 Rev A	21/09/23	29/09/23
Plan - Warehouses 2 and 3 Plans	0125.PL.107 Rev A	21/09/23	29/09/23
Plan - Access Road Upgrade Works	CO37 Rev A	01/10/23	12/10/23
Plan - Tree Constraints Plan	erz 22.36 PO6 Rev A	08/06/23	22/06/23
Other - abnormal load assessment			22/06/23
Other - Design and Access Statement Part 1	0125.DAS001 Rev 3		22/06/23
Other - Design and Access Statement Part 2	0125.DAS001 Rev 3		22/06/23
Other - Design and Access Statement Part 3	0125.DAS001 Rev 3		22/06/23
Other - Design and Access Statement Part 4	0125.DAS001 Rev 3		22/06/23
Other - Design and Access Statement Part 5	0125.DAS001 Rev 3		22/06/23
Other - EIA non-technical summary	676491 Rev 2	30/05/23	22/06/23
Other - EIAR volume 1 written statement	676491 Rev 2	30/05/23	22/06/23
Other - EIAR volume 2 Figures Part 1	676491 Rev 2	30/05/23	22/06/23
Other - EIAR volume 2 Figures Part 2	676491 Rev 2	30/05/23	22/06/23
Other - EIAR volume 2 Figures Part 3	676491 Rev 2	30/05/23	22/06/23
Other - EIAR volume 2 Figures Part 4	676491 Rev 2	30/05/23	22/06/23
Other - EIAR volume 3 Technical Appendices Part 1	676491	30/05/23	22/06/23

**CAIRNGORMS NATIONAL PARK AUTHORITY**  
**Planning Committee Item 6 10/11/2023**

Other - EIAR volume 3 Technical Appendices Part 2	676491	30/05/23	22/06/23
Other - EIAR volume 3 Technical Appendices Part 3	676491	30/05/23	22/06/23
Other - EIAR volume 3 Technical Appendices Part 4	676491	30/05/23	22/06/23
Other - Phase 1/II Geo- Environmental and Geotechnical Interpretative report Part 1	2201-06	01/05/23	22/06/23
Other - Phase 1/II Geo- Environmental and Geotechnical Interpretative report Part 2	2201-06	01/05/23	22/06/23
Other - Phase 1/II Geo- Environmental and Geotechnical Interpretative report Part 3	2201-06	01/05/23	22/06/23
Other - Phase 1/II Geo- Environmental and Geotechnical Interpretative report Part 3	2201-06	01/05/23	22/06/23
Other - Phase 1/II Geo- Environmental and Geotechnical Interpretative report Part 4	2201-06	01/05/23	22/06/23
Other - Peat Management Plan			22/06/23
Other - Planning Statement			22/06/23
Other - Socio Economic Statement		01/06/23	22/06/23
Other - Transportation Assessment	22163 Rev 1a	17/05/23	22/06/23
Other - Pre Application Consultation Report		06/04/23	22/06/23
Other - Pre Application Consultation Report Appendices 1-4		06/04/23	22/06/23
Other - Dust and Air Quality Assessment			07/08/23

**CAIRNGORMS NATIONAL PARK AUTHORITY**  
**Planning Committee Item 6 10/11/2023**

Other - Noise Assessment	Rev 2		07/08/23
Other - SEPA COMAH statement	9070	04/09/23	12/09/23
Other - Outdoor Access Plan			15/09/23
Other - Flood Risk Assessment	KC2194 Rev 3	27/09/23	06/10/23
Other - EIAR volume 2 Figures Part 5	676491	30/05/23	22/06/23
Other - EIAR volume 3 Technical Appendix 4.4 Breeding Bird Survey	676491	28/06/23	07/08/23
Other - EIAR volume 3 Technical Appendix 4.5 Reptile Survey	676491	28/06/23	07/08/23
Other - Construction Method Statement			22/06/23
Other - Construction Noise Statement			22/06/23
Other - Construction Traffic Management Statement			22/06/23
Other - Visual Information - 2 D renders of distillery			30/10/23
Other - Visual Information - 3D renders of distillery			30/10/23

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

8. This application seeks full planning permission for a new distillery and associated infrastructure. The application is a major application under the terms of the Scottish Government's hierarchy of development and is also accompanied by an Environmental Impact Assessment.
  
9. The applicants currently operate an artisan distillery at Tromie Mills near Kingussie, and have outgrown these premises with their lease coming to an end. This has prompted the proposed relocation of the distillery operations to the proposed site which they explain will retain the connection to the River Spey, bring all aspects of the process together, provide long term security for the business, maintain and expand the workforce, and respond to the increased market demand for Scotch whisky which they submit supports growth in the Scottish and UK economy. At present the applicants transport their product to the central belt for maturation and wish to mature the product locally at the proposed site so supporting the whisky industry and government drive for sustainability. The applicants advise that the proposed

new distillery will not generally be open to the general public but rather to corporate clients and investors.

10. The proposal involves the following key components:

- a) Marketing suite - located on western part of site to north of General Wade Road. It will sit partly into the rocky outcrop, with steel pillars over lower ground. It is a pitched roof building with black metal standing seam cladding roof and walls on north elevation, timber cladding on gables and south elevation with louvres on glazed areas, steel walkways, and black aluclad windows and doors. It will include a woodburning stove, office/reception area, snug, toilets, marketing suite and covered viewing platform. This building will act as a tasting room and gallery with private corporate entertainment space and is served by raised, ramped walkways.
- b) Distillery - a double pitched roofed building with small pagoda feature on roof sited on fairly level grassland to the south of the General Wade Road and connected to the marketing suite by raised timber walkway/bridge. It will accommodate the production area including stills and mash tuns, small office area and gathering space on upper level. The north elevation will be finished in stone with other elevations finished in lime harling, with some stone feature work and black timber louvre features. The roof will be finished in black metal standing seam cladding. Lime harled wall of western elevation will be continued to link the building to the powerhouse.
- c) Power house - a pitched roof building proposed to south of, and connected to, the distillery. It will be finished in lime harl with black sinusoidal metal roof. This will accommodate plant room, sprinkler pump room, water treatment and electrical room.
- d) Offices - a "H" shaped single storey building located on level land to the south west of distillery complex on other (west) side of the internal access road with sloping moorland type land to west leading up to the access track through to Strathmashie Cottages. It will include meeting rooms, wood burning stove, breakfast area, office, and bedroom accommodation with shower. It is intended to accommodate business meetings and to provide occasional overnight accommodation for use in emergencies/bad weather etc. It will be finished in timber cladding painted black, with natural stone on the meeting room gables and black metal sinusudial roof. Black aluclad windows and doors are proposed with photovoltaic panels on the southwest facing plane of roof.
- e) Maturation Warehouses - comprising a total of three double pitched roof buildings finished in black box profiled insulated cladding with black roller shutter doors and louvred vents. These warehouses will be located in a row to the southeast of the new distillery building set in the eastern part of the site with existing conifer plantation planting to the north and south.

Additional new landscaping is proposed to the east of the new buildings where some existing plantation planting is to be removed. The first warehouse in the row has a lean-to extension with casking area with open air cask storage area to north for prefill and pipe bridge connecting to the distillery complex. The covered extension area will house spirit tank and disgorging tank for receiving distilled spirit from the distillery for diluting and transfer to casks to store in warehouses.

11. Other components of the distilling operation including a cooling tower, sprinkler tanks, in-ground tanks and these will be located to the south of the distillery complex and yard.
12. The wider site access is proposed from an existing private track which was constructed originally for windfarm and forestry traffic. It is approximately 1.5 km long and runs from its junction onto the A86 Trunk road to Spean Bridge at Achduchil (beside the Strathmashie cottages to the west of Laggan) northwards through forestry to emerge onto the minor unclassified U1204 road to Spey Dam a short distance west of the application site. Delivery, construction, and operational traffic will use this road. Access into the site itself will be via an upgraded access at generally the same location as the existing field gate here onto the U2104 road just west of the bridge over the Spey near to Spey Dam. This new access road will then run into the site to serve the various components, crossing over the General Wade Road which bisects the site. It will run round the back of the distillery where the service yard will be located.
13. Visitor parking is proposed close to the site entrance and the marketing suite, with further parking adjacent to the service yard together with bicycle storage. Bin storage is also proposed in this area. Two electric vehicle charging points are proposed adjacent to the office. Extensive areas of new planting are proposed on the site including avenue planting along the internal road, hedging and wildflower meadows.
14. Surface water from the roofs, roads and hardstanding areas of the development will be discharged to a SuDS system comprising lined attenuation ponds at the eastern end of warehouse buildings with discharge to existing ditches running round site. Source control for surface water will be undertaken by way of porous surfacing for car parking areas and swales. Natural drainage from the hills to the south will continue to be directed to the existing pond/wet area in southwest part of site with run off used to feed the new wetland and SUDS pond to the west of the distillery. Cooling water from the distillation process will be let out into a cooling pond to the east of the distillery. This clean water will be used to create a square pond designed to reflect the new buildings, sky and landscape. It is understood that water conservation will be achieved by reusing surface water run-off, collecting it

and piping it to the cooling ponds to assist in the cooling requirements of the distillery. The water when cooled will be recirculated in the distilling process on a closed loop system. Foul water drainage from the new buildings is proposed to be connected to a biodisc treatment plant with outfall to ditches on site.

15. Water for the proposed distillery will be from boreholes to be located in the northern part of the application site. It is anticipated that the whisky production will consume between 23, 000 to 33, 000 litres of water per week. Drinking water for the ancillary buildings will also be from a new private supply.
16. In terms of energy for the distillery there are existing power lines crossing the eastern part of the site and the applicants have explained that heating could be provided via a heat recovery system from the distilling process and/or air source heat pumps with photovoltaic panels proposed on the south elevation of the office building to help meet power demands. As noted earlier, cooling for the distilling process will in part be done passively using the proposed adjacent cooling pond so reducing power requirements. The applicants Design and Access Strategy explains that detailed energy demand and strategy is being evaluated. Much of the organic waste from the distilling process will be sent off site for animal feed, with any remaining waste disposed of off site as a by-produce. Emissions from the distillery will be controlled by best available techniques.
17. Numerous supporting documents have been submitted as set out in the list of plans and documents. Key documents include:
  - a) Dust and Air Quality Assessment;
  - b) Environmental Noise Assessment which explains the main noise sources within the development. Mitigation is set out including operational hours, use of electrically powered forklifts, restriction on reversing alarms, smooth roadways, design of buildings, access doors kept closed and fitted with self-closing devices together with preparation of construction method statement which shall include how to minimise construction noise;
  - c) Peat Management Plan which highlights that there are no areas of peatland affected by the development;
  - d) Outdoor Access Plan which explains how use of the General Wade Road right of way/core path through the site will be maintained with temporary diversion alongside the River Spey;
  - e) Construction traffic management statement, abnormal load assessment, transport assessment and construction noise statement;
  - f) Outline construction method statement.
  - g) Drainage Strategy;
  - h) Environmental and Geotechnical interpretative report;

- i) Planning Statement;
  - j) Socio Economic Statement.
18. As this development is a major application under the Scottish Government's hierarchy of development the following documents have also been included:
- a) Design and Access Statement.
  - b) Pre-Application Consultation Report which explains that two public consultation events were held at Laggan Village Hall in September and October 2022 with the information boards provided online. Seven feedback forms were provided at the first event with no further comments following the second event. Key issues raised were preference for traditional design for warehousing rather than large green shed; local employment required in area; concern regarding traffic speeds at the Strathmashie forestry houses and need to upgrade track; water abstraction issue and rationale for site selection.
19. An Environmental Impact Assessment Report (EIAR) was also submitted. The EIA submission covers the following key areas.
- a) Biodiversity - which considered impacts upon the Rivers Spey and Mashie, otter, fish, fresh water pearl mussels, reptiles, birds, amphibians, water vole and habitats. Breeding birds were also considered;
  - b) Water environment;
  - c) Landscape and visual including Special Landscape Qualities Assessment;
  - d) Cultural heritage;
  - e) Other matters such as air quality, noise, archaeology, climate change, population and human health, material assets, natural disasters and major accidents were covered by supporting statements within the EIAR.
20. Proposed operating hours are set out as generally 5 days per week Sunday evening to Friday afternoon with traffic relating to staff movements plus HGV movements including grain delivery, draff disposal, cask delivery and export plus general deliveries. The facility will not be open to the general public. 5 staff are employed, one will be on site overnight, and generally three on site at any one time.
21. Plans of the proposals are attached as **Appendix 1**.

## **History**

22. Pre application advice on the proposed development was provided by CNPA who fed into the Highland Council's response. This set out key areas to be addressed in any future submission (reference PRE/2022/0004).

23. CNPA also provided a consultation response to the Proposal of Application Notice (reference PRE/2022/0021) and the EIA Scoping Opinion (reference PRE/2022/0023).

### **HABITATS REGULATIONS APPRAISAL**

24. A Habitats Regulations Appraisal [HRA] has been undertaken to consider the potential effects of the development upon the conservation objectives of the Natura sites listed within the HRA document which is attached as **Appendix 2**. The Natura site in this case is the River Spey Special Area of Conservation (SAC) which runs along the northern boundary of the site and is designated for its Atlantic salmon, freshwater pearl mussels (FWPM) sea lamprey and otter interests.
25. The HRA considers that the current and potential distribution of Atlantic salmon or FWPM within the site would not be directly affected as there will be no development in the watercourse. However, pollution from construction activities (e.g., sediment, fuels, or oils) could occur introducing changes to water quality, albeit temporary. The HRA, however, concludes that any adverse impacts can be avoided/mitigated by the provision and implementation of a pollution prevention plan.
26. In terms of otter the HRA considers that the impact will be limited and therefore loss of habitats will be negligible and there will be no loss of any identified resting sites. Construction activities which may lead to disturbance of otter activity will be temporary and given the distance from the edge of the river, disturbance would be limited. Furthermore, given the distance of the proposed development from the river, disturbance during operational activities (e.g., noise, lighting) is considered unlikely with otters using the River Spey likely to be accustomed to some levels of disturbance in this area given the proximity to the road, Spey Dam and the access for nearby windfarms. Providing that a pollution prevention plan is implemented it is considered that there should be no significant effects on the prey species of otter.
27. The HRA concludes that a Construction Method Statement including site specific pollution prevention methods should be secured by condition and fully implemented during construction. On this basis the conservation objectives will be met and there will not be an adverse effect on site integrity for the River Spey SAC.
28. Nature Scot have confirmed agreement with these conclusions.

## **DEVELOPMENT PLAN CONTEXT**

### **Policies**

<b>National Policy</b>	National Planning Framework 4 (NPF4) Scotland 2045	
POLICY 1	Tackling the Climate and Nature Crises	
POLICY 2	Climate Mitigation and Adaptation	
POLICY 3	Biodiversity	
POLICY 4	Natural Places	
POLICY 5	Soils	
POLICY 6	Forestry, Woodland and Trees	
POLICY 7	Historic Assets and Places	
POLICY 12	Zero Waste	
POLICY 13	Sustainable Transport	
POLICY 14	Design, Quality and Place	
POLICY 18	Infrastructure First	
POLICY 19	Heating and Cooling	
POLICY 20	Blue and Green Infrastructure	
POLICY 22	Flood Risk and Water Management	
POLICY 23	Health and Safety	
POLICY 25	Community Wealth Building	
POLICY 26	Business and Industry	
POLICY 29	Rural Development	

<b>Strategic Policy</b>	Cairngorms National Park Partnership Plan 2022 – 2027	
<b>Local Plan Policy</b>	Cairngorms National Park Local Development Plan (2021) Those policies relevant to the assessment of this application are marked with a cross	
POLICY 1	NEW HOUSING DEVELOPMENT	
POLICY 2	SUPPORTING ECONOMIC GROWTH	X
POLICY 3	DESIGN AND PLACEMAKING	X
POLICY 4	NATURAL HERITAGE	X
POLICY 5	LANDSCAPE	X

POLICY 6	THE SITING AND DEISGN OF DIGITAL COMMUNICATIONS EQUIPMENT	
POLICY 7	RENEWABLE ENERGY	
POLICY 8	OPEN SPACE, SPORT AND RECREATION	
POLICY 9	CULTURAL HERITAGE	X
POLICY 10	RESOURCES	X
POLICY 11	DEVELOPER OBLIGATIONS	

29. All new development proposals require to be assessed in relation to policies contained in the adopted Development Plan which comprises National Planning Framework 4 (NPF4) and the Cairngorms National Park Local Development Plan 2021. The full wording of policies can be found at:

<https://www.gov.scot/publications/national-planning-framework-4/documents/>

and at:

<https://cairngorms.co.uk/wp-content/uploads/2021/03/CNPA-LDP-2021-web.pdf>

## **Planning Guidance**

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

Policy 1	Housing Supplementary Guidance	
Policy 2	Supporting Economic Growth Non-Statutory Guidance	X
Policy 3	Design and Placemaking Non-Statutory Guidance	X
Policy 4	Natural Heritage Non-Statutory Guidance	X
Policy 5	Landscape Non-Statutory Guidance	X
Policy 7	Renewable Energy Non-Statutory Guidance	
Policy 8	Open Space, Sport and Recreation Non-Statutory Guidance	
Policy 9	Cultural Heritage Non-Statutory Guidance	X
Policy 10	Resources Non-Statutory Guidance	X
Policy 11	Developer Obligations Supplementary Guidance	

## CONSULTATIONS

31. A summary of the main issues raised by consultees now follows:
32. **Transport Scotland** has no objections.
33. **Historic Environment Scotland** note that the development is close to a scheduled monument of national significance at Dun-da-Lamh, a large hill fort of late prehistoric date occupying the northeast end of the impressive steep sided Black Craig hill. They note that the development will be partly screened from the designated site by mature trees and that the distillery has been designed to fit into the landscape without impeding key views from the scheduled monument to the northeast into the upper Spey Valley. They conclude that the development is considered unlikely to have an adverse impact on the monument or its setting.
34. **Scottish Water** has no objections to the proposals. They note that there is no public water or drainage infrastructure in the vicinity whereby the developer will require to investigate private options. They have also confirmed that there are no Scottish Water drinking catchments or water abstraction sources designated as Drinking Water Protected Areas in the area that may be affected.
35. **SEPA** initially asked the agent for more information in relation to COMAH and flood risk requirements, including an assessment of blockage scenarios in relation to the two bridges to the west of the site. They also requested that a condition be applied requiring adherence to the mitigation measures outlined in the schedule of mitigation set out in table 9.1 of the EIA. They noted that the development will require to be authorised by SEPA in terms of regulation of water abstraction and discharge. Based on the information currently provided they have confirmed that they consider the proposals to be capable of being authorised by them, but full details will be determined as part of that application process. They have further advised, based on the information provided, that air and noise emissions will not be regulated by SEPA whereby the advice of the Environmental Health Service should be taken into consideration.
36. On receipt of a revised Flood Risk Assessment and clarification of modelling of bridges SEPA has now confirmed no objections.
37. **Spey Fishery Board** initially sought further information on volume of water abstraction from boreholes and use of water abstracted, as to whether it was for production and or/cooling use and whether the waters were to be reintroduced into the river after use. Following clarification provided by the

developer, in particular regarding the proposed closed circuit cooling system, they have confirmed no objections.

38. **The Highland Council Flood Risk Management Team** are content that the proposed distillery and infrastructure will be restricted to higher ground to the west and south of the site, outwith areas at risk of flooding, whereby the flood risk to the distillery is low. Accordingly, they have no objections to the application on grounds of flood risk.
39. They further advise that to ensure no loss of flood plain capacity or conveyance there should be no ground raising or development in those areas identified as being at risk of flooding during a 1:200 year plus climate change flood event as shown in the applicant's Flood Risk Assessment (FRA) - a suitable planning condition will be required to address this point. The Team also noted that a 6 metre wide buffer zone should be kept free from development beside the watercourse, and are content that this has been achieved with the proposed layout.
40. Finally with regard to flood risk, the Team noted that the FRA identifies that access/egress will be available to the west during any flood event. The Team has highlighted that parts of this public road are at risk of flooding at such times whereby passage could present issues, and that the applicant needs to understand and accept this risk.
41. With regard to surface water drainage, the Team notes that surface water will be directed through a series of swales to detention basin prior to discharge at a controlled rate into the small watercourse. On receipt of a revised Drainage Impact Assessment (DIA) to address initial comments seeking clarification of the runoff rate they have now confirmed that they have no objections subject to a condition that the final detailed surface water drainage design be submitted for review and approval.
42. **Nature Scot** was consulted on the Habitats Regulations Appraisal (HRA) for this development and have confirmed agreement with its conclusions and have no further comments to make.
43. **CNPA Ecology Officer** advises that the River Spey SSSI overlaps the proposed site boundary along the banks of the Spey. Although no construction is proposed here there is potential for significant effects if a pollution incident occurs- this can be reduced by appropriate mitigation by way of appropriate construction method statement (CMS) which should include detailed site-specific pollution measures to protect the water environment from all sources of pollution. The officer notes that felling of plantation trees is proposed (around 0.6 hectares) and that protected species, bird and peatland surveys have been carried out.

44. The Officer concludes that whilst no further survey work is required at this stage mitigation is required by way of pre-construction surveys for red squirrel, pine marten, otter, and badger which are on /around the site. Exclusion fencing is recommended to protect reptile habitats within the site boundary, and it is recommended that work should commence outwith the bird breeding season with any trees to be felled to be checked for nesting birds given the presence of crossbill within the woodland. Species Protection Plans (SPP) to be prepared for each of the species using the site and an experienced Ecological Clerk of Works (ECOW) appointed to oversee implementation of the CMS, SPPs and pre-construction surveys.
45. The officer further advises that no access or storage should take place on areas of heath/mire habitat and these areas should be protected by temporary fencing with a Habitat Management Plan produced which should include details of monitoring of any blanket bog within the site. Landscape plan should be implemented and measures to enhance biodiversity and promote ecological interest, as set out in the applicant's Environmental Impact Assessment Report (EIAR), should be secured including planting of SUDs basin and cooling pond with appropriate seed mix, and erection of bat and barn owl boxes.
46. Conditions to secure these mitigation and enhancement measures are recommended.
47. **CNPA Landscape Advisor** advises that the Landscape and Visual Assessment generally complies with guidelines with clear visualisations provided, Notes that the development lies within the Upper Spey Farmlands Coul Pinch Point landscape character area covering the narrow strath of the Spey which is strongly contained here by the steep slopes of Black Craig and rocky outcrops on the edge of the Monadhliath. The strath floor is patterned with pasture, riparian woodland and coniferous plantations. Special landscape qualities most pertinent here include the strong juxtaposition of contrasting landscapes, landscapes both natural and cultural, renowned rivers, focal cultural landmarks and dramatic historic routes.
48. The steep sided ridge of Black Craig and dense coniferous woodland screen views from Strathmashie with views from the north being from where the minor public road runs by the Spey and from tracks used by walkers together with some residential properties.
49. It is considered that the development has been carefully designed to minimise landscape and visual impacts, with larger and more utilitarian warehousing and service areas sited adjacent to existing conifer plantation to aid screening from the north. The distillery building is sensitively designed taking inspiration from vernacular buildings, resulting in an attractive yet relatively subdued and visually recessive building using a restrained palette of materials with the use

of black cladding on the warehouses reducing impact and allowing them to merge with the darker spruce woodland. Proposed landscaping is appropriate using native species, avenue planting and species rich grassland to provide a simple setting responding well to the rural character of the area.

50. Visual and landscape effects at the construction stage would be likely to be adverse and significant, but of relatively limited duration whilst at the operational phase the landscape effects would relate to diminishment of the presently undeveloped rural character, and the appreciation of the dramatic Black Craig. However, it is concluded that the sensitive siting and design would provide a degree of mitigation. In terms of visual effects upon visual receptors it is considered that views of the development will not be widespread and the advisor agrees with the conclusions of the Landscape and Visual Assessment that there will be significant adverse effects at two viewpoints, namely (1) Viewpoint 1 from the core path to the south west of the site where the development would be seen from a short section of track - proposed planting will provide a degree of screening over time and (2) Viewpoint 2 from the minor road between Laggan and Loch Spey where the development would form a focus which may diminish the visual contrast between the steep wooded slopes of Black Crag and the floodplain pasture- this is mitigated by the relatively low height of the development.
51. In terms of impacts on the Special Landscape Qualities, the advisor considers that there will not be widespread effects on a large number of these qualities, but that the key effects would relate to (1) the juxtaposition of contrasting landscapes in terms of viewing the flat strath of the Spey against the slopes of Black Craig with these effects mitigated by the scale, design and relatively contained footprint which would enable receptors to still appreciate this contrast and (2) focal cultural landmarks in relation to views of Black Craig and the Dun da lamh hill fort on its peak, by potentially creating competing focus in the views. Again, the design and siting mitigate this impact and it is considered that some receptors could perceive the development as forming a positive feature fitting with the cultural traditions and character within the National Park. The advisor concludes that the effects on the qualities would not be significant.
52. In conclusion it is considered whilst there would be some significant adverse landscape and visual effects, these would be limited in extent because of screening by landform and woodland. Appropriate mitigation measures are proposed whereby larger utilitarian buildings and more intrusive servicing and vehicle parking areas will largely be screened by existing woodland and the distillery building. The sensitive approach to design of the 'showcase' distillery and marketing suite buildings, including their relatively small scale in relation to the relief of the dramatically sheer-sided form of the peak of Black Craig, would minimise intrusion. These buildings have potential to be seen as a positive built landmark in future and the native woodland planting would also

enhance the character of the landscape, diversifying the simple patterns of coniferous plantations and farmland.

53. The advisor has noted that while the existing coniferous plantation will provide screening in key views from the north for the warehousing, the age and density of Sitka spruce and the felling required of part of this plantation to accommodate the proposed development, may increase the risk of wind throw. It will therefore be important to secure the future management of the plantation and to undertake new woodland planting at the earliest opportunity to act as a replacement screen if necessary. The proposed planting would enhance the landscape setting to the site and provide further screening and softening of buildings in the long term and it is recommended that the appropriate provenance of tree species should be specified in this sensitive location.
54. **Highland Council Transport Team** initially sought clarification on a number of issues. On receipt of further information including clarifying control of the access and that the development will not be open to the general public, the Team has confirmed no objections to the proposals. The Team welcomes the use of the private access track from the A86 trunk road at the small hamlet of Achduchil for construction and operational traffic, and recommend a condition to prevent any access to the site via the U2104 public road from Laggan which is inappropriate for this level of traffic. They also recommend conditions requiring;
- a) submission of Construction and Operational Traffic Management Plans to ensure that traffic is appropriately directed and managed and to show how traffic will interact with vulnerable users of the private access track;
  - b) details of arrangements to formalise safe school bus pick up and drop off at junction onto A86;
  - c) no uninvited public visitor access to the development – if such use had been proposed then proposals on how to deliver non car connectivity would have been required;
  - d) provision of visibility splays;
  - e) details of cycle parking;
  - f) details of final construction of site access and widening of the public road between the proposed site access and the existing junction onto the private forestry track which connects to the A86 in order to facilitate safe negotiation of the bend.
55. **CNPA Outdoor Access Officer** noted that the development will significantly impact upon a core path and right of way whereby an Outdoor Access Plan is required to cover construction and operational stages. A number of key routes to be considered were highlighted in this initial consultation response. The officer also noted that any fencing around woodland planting would need to provide suitable gates for public access. An Outdoor Access Plan was

provided by the applicants which is considered to be satisfactory in providing assurances that public access has been addressed. Further detail is required in terms of path specifications, details of the crossing point for the new internal access over the General Wade Road, and details of height clearance for horse riders using the General Wade road given the proposal for a pedestrian bridge over this road. The applicants have now confirmed that a temporary diversion route along the Spey will be available for horse riders which will address this point.

56. Appropriate conditions can be attached to secure these outstanding details.
57. **The Highland Council Environmental Health Service** note that the closest property to the site is some 630 metres away. They are satisfied that operational noise from the development will not have an adverse impact on any noise sensitive property and recommend that all mitigation measures set out in the Noise Impact Assessment should be in place prior to first occupation of the development. They also confirm they are satisfied with the dust assessment which concludes that due to distance from properties the risks of impacts are low. Following further discussion regarding impacts upon the properties at Strathmashie Cottages (beside the access track) the Service notes that the dust management scheme suggests that all unsurfaced roads will be sprayed with water at regular intervals. However it is not clear whether this was intended to cover this access track and if it would be practical given the distance from the development site. If this access track is resurfaced as is now being suggested by the applicant, the Service advise that would help minimise any dust. They further note that the dust management scheme states that all surfaced and public roads will be kept clean during construction and will be swept at regular intervals with a road sweeper. It would be expected that this would also be included as part of any construction traffic management plan and should further minimise any dust from road traffic.
58. The Service advise that the air quality assessment confirms that the proposed development will have a negligible impact on air quality. With regard to odour, it is noted that the applicants supporting statement sets out that any odours produced are likely to be contained within the buildings. However, as a precaution the Service recommends that an Odour Management Plan be agreed – this can be secured by condition.
59. Finally with regard to water supply issues, the Team note that water for servicing of goods, marketing suite, maturation warehouse and emergency accommodation will be served by a private water supply from a new borehole. The supporting report from High Water confirms that it should be feasible to establish one or more boreholes to serve the facility. The Service recommends conditions be attached to ensure there is a sufficient supply.

60. **The Highland Scientific Officer** notes that there are no known potentially contaminated land issues within the site boundary and has no comments.
61. **The Highland Council Forestry Officer** notes that none of the woodland around the site is recorded in the Ancient Woodland Inventory, but there is a narrow strip on the west side of the site and outwith the north side of the site which is recorded in the Native Woodland Survey of Scotland as immature upland birchwood. National Planning Framework 4 policy sets out that development which would sever or fragment woodland habitats is not supported unless appropriate mitigation is identified with woodland removal only supported where they achieve significant and clearly defined additional public benefits and where compensatory planting is delivered.
62. In this case a significant area of commercial woodland is to be felled including areas of windfirm woodland edge which could bring on windblow of the remainder of the stand of conifers. It is noted that the planning statement sets out that approximately 5,600 square metres of plantation is to be felled with approximately 40,000 square metres of new native woodland planting proposed. Whilst these outline proposals are welcomed the officer considers that there is a lack of detail, with little information to explain what mitigation has been taken to avoid woodland or on the public benefits of the proposals. Further information was requested to enable the officer to fully assess the proposals.
63. The applicant has now provided additional information regarding the public benefits of the proposals, explaining that the proposals will replace commercial plantation with mixed native woodland together with compensatory planting and management and gradual replacement of the remaining plantation planting. They consider their overall proposals will enhance the area by re-establishing riparian and wetland native tree cover on the valley floor, replacing both commercial monoculture planting and underused, poorly drained arable land. The public benefits of this include a better setting for the nearby hill fort on Black Craig, an enhanced corridor for the River Spey, as well as the proposals for a more sheltered and better drained walk along the General Wade road (which will be upgraded) and an additional pathway provided nearer to the River Spey.
64. The applicant also notes that Annex 4 of the Scottish Government's policy on control of woodland removal establishes that the Government's central purpose is to increase sustainable economic growth, including the provision of new housing or infrastructure to meet identified local or regional needs. They highlight that the proposal seeks to facilitate the relocation of an established whisky production business in the National Park with relocation necessary to sustain and support the ongoing business. Consequently, the development will support economic development to the area in line with the Government's central purpose of increasing sustainable economic growth.

65. On receipt of this further information the Forestry Officer has advised that this information adequately demonstrates significant and clear public benefit associated with the development, and highlights that provision of a Tree Protection Plan is important. If this is to be addressed by planning condition then a separate condition will be required.
66. **The Highland Council Archaeologist** is pleased to note that the remains of the former military road are to be protected. The findings in relation to the setting of the hill fort are accepted and providing that the full extent of the military road and associated bank and ditch, (with a buffer of at least 2 metres), can be retained within the development there are no concerns regarding the impact on this important, albeit non designated, monument. Any areas where the full extent of the road cannot be retained will require additional phases of archaeological excavation and recording which can be secured by planning condition.
67. **Laggan Community Council** have highlighted that they remain neutral in planning matters except where members of the community have approached them with concerns. In this regard they wish to pass on concerns from Laggan Community Housing and residents at the Strathmashie houses about the use of the existing access road onto the A86 as follows:
- a) The need to improve safety at bus stop with appropriate signage;
  - b) Limit lorry speed with sleeping policemen and signage;
  - c) Strengthen and tarmac track entrance from A86 junction to Laggan Forest Trust shed in order to protect water supply and wastewater pipes, and to contain excessive dust;
  - d) Make sure other users are unimpeded, highlighting that this is a heavily used track by both locals and visitors. It is used by Laggan Wolftrax to access the Blackwood trails and Dun na Lamh, by walkers on the East Highland Way and is a core path whereby account must be taken of all users.
68. They also note, with regard to dust issues, that submission of a dust impact assessment does not consider the Strathmashie properties as dust sensitive receptors which is a serious omission. A final concern of the community is the industrial nature of the proposed buildings in a very rural location, close to archaeological sites at Dun na Lamh, General Wade road, ruins of St Michael's church whereby it is important that these site are protected from disturbance and the concerns noted.
69. These comments are attached as **Appendix 3**

## REPRESENTATIONS

70. The application was advertised as a major application and as an application accompanied by an Environmental Impact Assessment Report (EIAR). A total of 4 letters of representation have been received – 3 objecting and one noting general comments. A copy of these comments is attached at **Appendix 4**. Key issues are summarised as follows:

- a) Site lies directly below the ancient Dun na Lamh hill fort which is inappropriate for industrial development, particularly within a National Park;
- b) Beautiful rural area popular with walkers and cyclists and tourists is an inappropriate area for industrial development;
- c) Site lies at junction of Corryairack Pass and the East Highland Way and development here will degrade the experience of users due to visual impact and road traffic;
- d) Roads around Laggan are already unsuitable for volume and size of vehicles using them. Proposed development would exacerbate this with more large vehicles and workers commuting to the site;
- e) Air pollution from increased traffic at a time of climate change – also concerns regarding dust pollution from road surface of access track particularly in dry weather, along with safety concerns from loose stones;
- f) Existing more suitable economic development sites closer to A9 and population centres which would avoid these negative impacts upon Laggan;
- g) Removal of water from Spey will further affect its levels and catchment;
- h) Development will have negative effects on local area and community and is unlikely to provide any real benefits;
- i) Adverse impacts on residents at Strathmashie cottages beside the access track as a result of construction and then operational/delivery traffic;
- j) Site access onto A86 is designated pick up stop for school buses with four children currently waiting using school transport with no lighting or pavement- safety concerns will be aggravated by increased traffic, with residents aware of speeds that HGVs use the access from the existing usage;
- k) Site access is well used by local residents, visitors, children, dog walkers and cyclists from nearby Wolfrax centre raising concerns regarding conflict with site traffic;
- l) Safety concerns for pets from increased traffic;
- m) Impacts on General Wade military road and St Kenneths Church which are to be affected by the development;
- n) No new job opportunities if existing staff being moved to the site;
- o) Concern that it is proposed to gate the access road;

*Planning Officer Comment* – it has been confirmed that this is not the case. The track is also a core path whereby public access requires to be maintained in any event;

- p) At public meeting the developers mentioned a house for workers, but it is unclear if this is proposed;

*Planning Officer Comment* – a worker’s house is not proposed - there is provision within the office building for emergency overnight accommodation if required on occasion.

- q) General queries relate to whether or not there is going to be a visitor centre at the site which would further increase traffic noting that this is unclear as a marketing suite would normally be designed to increase tourists

*Planning officer comment* – it has been confirmed that there will not be a visitor centre at the site.

## **APPRAISAL**

71. Section 25 of the 1997 Act as amended requires applications to be determined in accordance with the Development Plan. This now comprises the Cairngorms National Park Local Development Plan 2021, and the National Planning Framework 4. Where there is conflict between policies, NPF4 policies will be used.
72. The main planning considerations in this case are the principle of development, the impact upon landscape, siting and design, cultural heritage, environmental impacts, flooding, access and servicing, and impacts on amenity of residents in the area. These are considered in detail below.

### **Principle**

73. The National Planning Framework (NPF) sets out the objective of wanting future places to work for everyone bringing together environmental, social, and economic objectives to achieve sustainable development, highlighting that the global climate emergency and the nature crises have formed the foundations of the strategy as a whole. Within the section on the “national spatial strategy” the NPF sets out the aim that our future places will attract new investment, build business confidence, stimulate GDP, export growth and entrepreneurship, and facilitate future ways of working. It explains that planning will play a key role in creating a globally competitive, entrepreneurial, inclusive and sustainable economy, with thriving and innovative businesses, quality jobs and fair work for everyone. It states that rural revitalisation, achieved by distributing development, investment and infrastructure strategically and by actively enabling rural development in particular, will play an important role in this. It explains that key sectors including energy and food and drink focus on natural resources and provide significant employment in rural parts of Scotland. These sectors also depend

on supporting services and access to markets and there is significant potential for associated investment to develop a sustainable supply chain.

74. Set against this background the principle of a distillery in a rural location is in line with these strategic objectives.
75. More specifically **NPF4 Policy 29: Rural Development** seeks to support development proposals that contribute to the viability, sustainability and diversity of rural communities and the rural economy. This includes production and processing facilities for local produce and materials. The policy explains that proposals in rural areas should be suitably scaled, sited and designed to be in keeping with the character of the area and should consider how they will contribute to local living and take into account the transport needs as appropriate for the rural location. It also sets out that in remote rural areas such as this where new development can often help to sustain fragile communities, proposals will be supported where they support local employment, support and sustain existing communities, and are suitable in terms of location, access, siting, design and environmental impacts. The supporting text explains that the policy intent is to encourage rural economic activity, innovation and diversification whilst ensuring that the distinctive character of the rural area and the service function of small towns, natural assets and cultural heritage is safeguarded and enhanced.
76. Similarly **Policy 2: Supporting Economic Growth** of the Cairngorms Local Development Plan 2021 sets out that proposals which support or extend the economy or which enhance the range and quality of economic opportunities or facilities will be considered favourably where (a) they have no adverse environmental or amenity impacts on the site or neighbouring areas (b) are compatible/complimentary with existing business activity in the area and (c) support the vitality and viability of the local economy. The supporting text explains that economic growth is central in sustaining the long-term vitality of the National Park's town and communities and to retaining young people in this rural area. It notes that the economy of the National Park is based on a number of sectors including food and drink with tourism the most significant sector. This policy supports the National Park Partnership Plans policies and priorities.
77. In this case the development is required to replace and expand the applicant's existing distillery operation at Tromie Mills, near Kingussie where the site itself and the fact that the lease is running out curtails expansion here. The new distillery proposed at Spey Dam will replace this existing business within the National Park, securing the jobs of staff, whilst reducing traffic movements to the central belt by providing maturation warehouses on site. Furthermore, distilleries have a locational need based on water supply and transport links and historically form part of the rural landscape, and of Speyside itself

whereby a distillery is considered to be compatible/complimentary with existing business activity in the area as required by policy.

78. As set out in the applicants supporting material, they wish to retain a historic connection with the River Spey and to retain jobs in the local community which is in line with the policies of both the NPF4 and the Cairngorms Local Development Plan. It is considered that this retention of existing jobs together with the spin off work relating to construction, landscaping and future operation and maintenance will help to support the vitality and viability of the local economy.
79. As such the *principle* of a new distillery in this area is considered to comply with policies and with the drive for sustainable economic development subject to the detail of the proposal and compliance with all other planning policies which will be considered now.

### **Impacts on Landscape and Special Landscape Qualities**

80. **NPF4 Policy 4: Natural Places** sets out that development proposals which affect a National Park will only be supported where the objectives of designation and the overall integrity of the area will not be compromised and any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance.
81. **Policy 5: Landscape** of the Cairngorms Local Development Plan 2021 sets out that there will be a presumption against any development that does not conserve or enhance the landscape character or special landscape qualities of the Cairngorms National Park, with development that does not achieve this again only to be permitted where any significant effects are clearly outweighed by outweighed by social, environmental or economic benefits of national importance and all adverse effects on the setting have been minimised and mitigated
82. The applicants Landscape and Visual Assessment (as contained within their EIAR) explains how they have sought to create a design appropriate to its setting rather than to try and hide the development. This is to be achieved through sensitive use of topography, existing planting, new planting, natural water systems, protection of historic features, care with finishes and minimal use of lighting. It sets out the site lies within the Coul Farm Pinch Point landscape character area which forms a threshold between three different character areas which meet at this point
83. The development will be clearly visible from a number of viewpoints - notably from a section of the public road to the north of the site and again from this

road as it runs west immediately west of the bridge at Spey Dam, and from the start of the forestry track back to Strathmashie – all of which are core paths. Views from residences on the hill side to the north are from a distance.

84. Overall, this visibility is over a fairly restricted area, with views from the wider landscape and surrounding area limited due to the topography here where the site lies in a fairly enclosed landscape at the pinch point between the Coul valley and the Spey Dam upper Speyside area, with considerable areas of woodland/forestry providing screening and setting. This enclosed landscape almost forms a visual gateway into the Spey Dam area leading westward to the Corrieyariack Pass, with the Dam itself along with associated track and secondary bridge upstream of the public road bridge over the Spey creating an area characterised by a degree of infrastructure and development in the immediate vicinity of the application site. This is described in the applicant's EIAR as a place of change where the agricultural strath/valley floor meet the more industrial landscape of the Spey dam and reservoir.
85. The development will sit on the valley floor set against, but not intruding upon, the backdrop of the dramatic Black Craig hill with the existing conifer plantations and rocky outcrops providing a good visual setting for development. It will be set well back from the banks of the River Spey whereby it is not considered to have any adverse impacts on the setting of this important river or the special landscape quality of renowned rivers.
86. Landscape impacts of the development are considered to be satisfactorily mitigated by the site layout with differentiation between “front of house” distillery and marketing suite activities which are designed to be seen, and the more functional “back of house” parking, infrastructure and warehouses which are partly screened by the distillery buildings and existing conifer plantation. The extensive new proposed planting will over time provide further setting and screening as well as having the potential to enhance the character of the landscape, diversifying the simple patterns of coniferous plantations and farmland. Together with the use of recessive darker colours for new buildings this should help the development to sit into the landscape and reduce any visual and landscape impacts.
87. In terms of Special Landscape Qualities (SLQ) given the visual containment of the site (and as noted by the CNPA Landscape Advisor) there is not considered to be widespread effects on a large number of SLQs with the key SLQs affected being (1) *the juxtaposition of contrasting landscapes* in terms of viewing the flat strath of the Spey against the slopes of Black Craig. Any effects are mitigated by the scale, design and relatively contained footprint which would enable receptors to still appreciate this contrast and (2) *focal cultural landmarks* in relation to views of Black Craig and the Dun da Lamh hill fort on its peak and the potential for creating competing focus in the views. Again, the design and siting mitigate this impact and it is considered

that some receptors could perceive the development as forming a positive feature fitting with the cultural traditions and character within the National Park.

88. It is therefore considered that effects on the qualities would not be significant, and in these overall circumstances the proposed development is considered to comply with NPF4 and LDP policies.

## **Design and Siting**

89. **NPF4 Policy 14: Design, quality and place** states development proposals should improve the quality of an area and be consistent with the six qualities of successful places. It also sets out that proposals which are poorly designed and detrimental to the amenity of the area will not be supported. This echoes the requirements of **Policy 3: Design and Placemaking** of the Cairngorms Local Development Plan 2021 which also sets out principles of sustainable design to be met with new development including requirements to ensure that new development is sympathetic to the traditional pattern and character of the surrounding area whilst encouraging innovation in design and material, minimising the effects on climate change in terms of siting and construction and using materials and landscaping to complement the setting of development.
90. In this case the development has been sited to work with existing ground levels, using topography and existing planting to sit the new development into the landscape. The design of the new buildings incorporates use of contemporary (including standing seam roofs and steel walls) and traditional materials (lime harl, stone and timber cladding) in a muted palette of colours which will reduce the scale of the development and enable it to visually recede in the landscape. As noted earlier key front elevations are designed to be viewed from public viewpoints and the layout has been designed to follow ground contours, with the new access road and parking set behind buildings whereby it does not dominate the layout. Existing conifer plantations which provide visual enclosure for the large warehouse buildings are largely retained, although future management will be required to ensure that new planting is brought forward for when this plantation planting is harvested. New planting is extensive, and it is considered that over time this will provide an enhanced setting for the new development.
91. As noted by the CNPA landscape advisor the sensitive approach to design of the 'showcase' distillery and marketing suite buildings, including their relatively small scale in relation to the relief of the dramatically sheer-sided form of the peak of Black Craig, will help to minimise intrusion, with the buildings having potential to be seen as a positive built landmark in future.

92. The development is therefore considered to comply with NPF4 and LDP planning policies subject to appropriate planning conditions regarding finishes, full details of hard and soft landscaping including future maintenance, management and replacement of existing woodland.

### **Environmental Biodiversity, Ecology and Trees Issues**

93. **NPF Policy 6: Forestry, woodland and trees** supports development that enhances, expands and improves woodland and tree cover and sets out that development will not be supported where there are adverse impacts on native woodland and hedgerows of high biodiversity value or identified for protection. Fragmentation of woodland habitats is not supported. Any woodland removal must deliver significant and clearly defined public benefits with compensatory planting required.
94. For major developments such as this **NPF4 Policy 3: Biodiversity** requires that the development demonstrates that it will conserve, restore and enhance biodiversity including nature networks so that they are in a demonstrably better state than without intervention. This will include future management. It also requires the development to ensure that nature based solutions to be integrated into the development, with any negative effects fully mitigated and significant biodiversity enhancements provided along with consideration of local community benefits of the biodiversity and/or nature networks.
95. **NPF4 Policy 4: Natural places** does not support development which will have an unacceptable impact on the natural environment or which will have a significant effect on European Site designations which include Special Areas of Conservation and Sites of Special Scientific Interest.
96. **Policy 4: Natural Heritage** of the Cairngorms Local Development Plan 2021 similarly requires new development to have no adverse effects on the integrity of designated sites, the National Park or on protected species or habitats. Woodland removal is only permitted where it complies with Scottish Government policy on the control of woodland removal and where removal would achieve clearly defined additional public benefits, with a strong presumption against removal of ancient semi natural woodland.
97. In terms of impacts upon **trees and woodland** the proposed development will involve loss of around 5, 850 square metres (just under 0.6 hectares) of plantation planting with this loss informed by tree surveys. The development will have no impact on ancient woodland. The woodland removal is required to facilitate the proposed development which is of economic importance to the area, supporting existing jobs relocated from the existing distillery operations which are being replaced as well as reducing traffic movements to the central belt by providing maturation facilities on site. It is therefore considered there are clear and significant public benefits. It is proposed to plant around 37,970

(just under 3.8 hectares) of new native planting on the site which is considered to readily compensate for the loss as it will provide improved habitats over time.

98. It is however important to ensure that the tree felling does not result in further loss of trees as a result of windblow, and to ensure that suitable management measures are in place together with plans for advance planting in anticipation of future loss of the wider plantation planting. This may be secured by appropriate planning conditions. On this basis the application is considered to comply with NPF4 and Local Development Plan policies.
99. In terms of **biodiversity and ecology** interests it is considered that overall, the proposed development offers opportunities to enhance biodiversity on the site by creating new habitats as compared to the current largely grassland condition. Providing the landscape plan is amended to avoid planting on valuable heath and mire habitats on the slopes to the west of the office area, the requirement to enhance biodiversity should be readily achieved. There are also opportunities to secure biodiversity enhancements through careful planting of the proposed SuDS ponds and provision of bat/bird boxes. Suitable planning conditions will require to be attached in the event of the application being supported to secure these requirements.
100. Similarly, it is considered that protected species can be protected at the construction stage by suitably worded conditions requiring pre-construction surveys in addition to the mitigation measures set out in the applicant's EIAR which include construction method statement, bat boxes and control of lighting.
101. As noted earlier in this report whilst there are not considered to be direct impacts on the River Spey (which is a SSSI and SAC) given that the new development does not directly affect the river, but there is potential for impacts /pollution at the construction stage. This has been fully considered during the HRA process (refer to **Appendix 2**) which has concluded that there will not be an adverse effect on the integrity of the designated site and that the conservation objectives will be met providing a Construction Method Statement including site specific pollution prevention methods is secured by condition and fully implemented during construction.
102. Finally, as recommended by the CNPA Ecology Advisor, supervision by an Ecological Clerk of Works of the implementation of the construction method statement, pre-construction surveys and any Species Protection Plans will be required. This can be secured by planning condition.
103. In these overall circumstances the proposed development is considered to comply with NPF4 and Local Development Plan policies subject to appropriate planning conditions being attached.

## Water environment

104. **NPF4 Policy 22: Flood risk and water management** creates a presumption against all development at risk from flooding and seeks to ensure that there is no risk of surface water flooding to others, and that all rain and surface water is managed through sustainable urban drainage systems (SUDS) with area of impermeable surfaces minimised. **NPF4 Policy 20: Green and blue infrastructure** is also of some relevance. This supports development which incorporates new or enhanced blue and/or green infrastructure with proposals for their future management to be included. **Policy 10: Resources** of the Cairngorms Local Development Plan 2021 requires development to minimise the use of treated and abstracted water, treat surface water in accordance with the SuDS manual, ensure no adverse impacts on private water supplies, and ensure no detrimental impacts on the water environment as well as to be free from flood risk and not increase the risk of flooding elsewhere.
105. With regard to **Flooding** issues, the applicant's Flood Risk Assessment (FRA) concludes that the development is at low risk of flooding. It notes that the new development will take place on the higher land in the south-western part of the site which lies outwith the predicted 200 year plus climate change flood event. Furthermore, a distillery is considered as a "least vulnerable use" in terms of SEPA's guidance. The FRA also concludes that the site is at limited risk of surface water flooding and that it is not at risk of groundwater flooding. Whilst the site lies directly downstream of the Spey Dam and would be subject to inundation if the dam failed, such reservoirs are subject to strict regulation and maintenance requirements whereby the risk of flooding is considered to be low.
106. The technical consultee (Highland Council Flood Risk Management Team) has no objections on grounds of flood risk. They do however wish to ensure that there is no ground raising or development in areas identified as being at risk of flooding in the applicant's FRA- this area being land in the northern part of the site between the General Wade Road and the River Spey and the conifer planting in the southeastern part of the site. There is no proposal for development in these areas and this requirement can be readily addressed by a suitable planning condition.
107. The Team has also noted that the applicant's FRA identifies that access/egress will be available to the west during any flood event. The Team has advised that parts of this public road are at risk of flooding whereby passage could present issues, and that the applicant needs to understand and accept this risk. An appropriate information note can be attached to this end. to make the applicants aware of this.

108. SEPA also has no objection to the proposal on flooding grounds considering the development to be unlikely to be at risk of flooding.
109. With regard to **surface water drainage**, as noted earlier, this will be directed through a series of swales to detention basins prior to discharge at a controlled rate into the small watercourse which is acceptable to the technical consultee (Highland Council Flood Risk Management Team) subject to a condition that the final detailed surface water drainage design be submitted for review and approval. Sections of the ponds and details of the planting will also require to be agreed as this offers a good opportunity to secure biodiversity enhancements here.
110. With regard to **water supplies** existing private water supplies are located outwith the site some distance away and due to topography and distance unlikely to be adversely affected by the proposed development which will be using boreholes within this large site to provide water for the development with no abstraction from the Spey. The abstraction of water will be regulated by SEPA and there will be no discharge of water from the distilling process to the River Spey, but rather the cooling waters will be on a closed loop system as described earlier.
111. The private water supply for the office and marketing suite will be regulated by the Highland Council Environmental Health Service who wish a planning condition to be attached to secure full details of the supply – this can be readily addressed.
112. In these overall circumstances the proposed development is considered to comply with NPF4 and Local Development Plan policies subject to appropriate planning conditions being attached.

### **Amenity Issues**

113. **NPF Policy 23 – Health and Safety** has requirements with regards to noise and air quality. The policy explains that development proposals which will have an adverse effect on health will not be supported. **NPF Policy 26 Business and Industry** also explains that development proposals must take into account the impact on surrounding residential amenity, sensitive uses and the natural and historic environment. **Policy 3 Design and Placemaking** of the Cairngorms Local Development Plan sets also out that new development must protect the amenity enjoyed by residents including minimisation of disturbance caused by access to the development site.
114. In terms of visual amenity impacts, the nearest properties in the immediate vicinity of the site are at Coul Farm to the north west on the other ( north) side of the river Spey and the public road, and Dalchully House to the east

separated from the site by trees and topography. It is not considered that there will be any significant loss of amenity in terms of visual impact on for these properties given the distances and topography.

115. The potential for loss of amenity as a result of noise, dust and general disturbance has been considered in the applicant's noise impact and dust impact assessments. In terms of air quality from traffic emissions and dust emissions during construction phase these conclude that there will be a negligible impact on the existing good quality air here, with good working practises having potential to ensure no adverse impacts on amenity.
116. In terms of noise the applicant's Noise Assessment considered the potential impact upon existing noise sensitive receptors including Dalchully House, Coul Farm and Crathie Cottage and concluded that any impacts will be of low significance. Mitigation for any noise from the operations of the distillery is set out in the report including restricting hours of the service yard and maturation warehouse operations, use of quieter electrically powered forklifts and restriction on reversing alarms. Construction noise to be addressed in a construction management plan with recommendations included.
117. The applicant's construction traffic management statement also explains that a detailed construction traffic management plan will be prepared. The statement sets out that the applicant will remind the party preparing this plan of the site constraints at the entrance onto the A86 including residential properties at the entrance, use by walkers and will encourage the contractor to engage with the Strathmashie residents to ensure deliveries are undertaken outwith peak times for residents. The current statement explains that the speed restrictions and controls on deliveries will be imposed on the site during construction.
118. The technical consultee (Highland Council Environmental Health Service) is generally content with these conclusions and has no objections to the proposals subject to conditions requiring submission of an Odour Management Plan and implementation of the mitigation set out in the applicant's assessments.
119. However as noted by contributors, impacts on properties adjacent to the access track onto the A86 at Strathmashie cottages require to be considered in terms of the additional traffic that will be using the access track. This was raised with the applicants who have offered to continue the existing tarred surface of the access road at its junction onto the A86 for a further 50 metres, taking this surfacing beyond the existing access into the cottages and so help reduce potential dust and noise from traffic noise. The applicants have now provided a plan showing this and final details may be secured by planning condition. The applicants have also confirmed that they have the necessary control of the access track to deliver such works. The Highland Council

Environmental Health Service has advised that such measures should help mitigate any potential disturbance, whilst also noting that the level of increased traffic is unlikely to cause significant disturbance provided that HGV movements are within reasonable hours and avoid peak times.

120. In these overall circumstances the proposed development is considered to comply with NPF4 and Local Development Plan policies subject to appropriate planning conditions being attached.

### **Transport issues - vehicular access**

121. **NPF4 Policy 13: Sustainable Transport** supports new development where it is in line with the sustainable transport and investment hierarchies and where appropriate provides safe links to local facilities via walking, wheeling and cycling networks, is accessible by public transport, provides low or zero emission charging points and secure cycling parking, is designed to incorporate safe crossing for walking and wheeling and reducing the speed of vehicles, and takes account of the transport needs of diverse groups and adequately mitigates any impact on local public access routes. It also refers to requirements for developments proposals for significant traffic generating uses. **Policy 3: Design and Placemaking** of the Cairngorms Local Development Plan 2021 also requires development to have an appropriate means of access, parking and promote sustainable transport methods and active travel.
122. The development will not be open to the general public and the applicant's Transport Assessment (TA) sets out that 5 staff are employed, one of which will be on site overnight, and generally three on site at any one time. This equates to around 3 car trips per day to the site. There will also be HGV movements which are anticipated to be in the region of 5-6 per week although the TA has analysed impacts on the basis of 10 movements per week to give a robust analysis. This is not considered to be a significant traffic generating use in terms of NPF policy.
123. The access serving the site is taken from the A86 trunk road which is a road network capable of accommodating the additional traffic. (The alternative access to the site would be via the minor U2104 public road from Laggan which is not suitable for increased use) The access track from the A86 was used for construction traffic in connection with renewable energy construction in the area, and its junction with the trunk road is considered by the technical consultees (Transport Scotland and Highland Council Transport Team) to be a suitable access for the site. As noted by contributors there is a school bus pick off and drop off point at this junction and the Transport Team recommend that a condition be attached to secure improvements to the segregation of traffic at this junction from the schoolchildren waiting for the

bus in the interests of road safety. The applicants are agreeable to this recommendation.

124. The site access point onto the minor U2014 road from Laggan to Melgarve is also considered by the technical consultee (Highland Council Transport Team) to be suitable for the proposed use subject to road widening and provision of visibility splays. The proposed layout also makes provision for parking, electric vehicle charging and bike storage in accordance with the requirements of the consultee. Planning conditions as requested by the Transport Team will require to be attached in the event of the application being supported.
125. Although the location itself is remote from settlements it is served by a Trunk Road and the provision of maturation warehouses on site will mean that whisky is no longer sent south for storage and maturation which will reduce wider road miles. As noted by the technical consultee the applicant/s submission makes it clear that the development is unlikely to have practical connectivity by non-car modes due to its rural location and limited scheduled bus service. The Team has advised that this is unlikely to be a major issue given the low predicted staff and trip levels and the fact that there is not going to be a visitor centre/public access. Also the developer may be able to offer travel alternatives such as car sharing for staff. The application has therefore been assessed on this basis and it is important to ensure that this aspect is suitably controlled in terms of general public access which would raise connectivity and sustainable travel issues. An appropriate condition could be attached in the event of the application being supported to cover this point.
126. In these overall circumstances the proposed development is considered to comply with NPF and Local Development Plan policies subject to appropriate planning conditions being attached.

### **Public access/ Core paths**

127. **NPF Policy 13: Sustainable Transport** supports new development where it is in line with the sustainable transport and investment hierarchies and where they adequately mitigate any impact on local public access routes. **Policy 3: Design and Placemaking** of the Cairngorms Local Development Plan 2021 also requires new development to maintain and maximise all opportunities for responsible outdoor access including links into the existing path network and ensuring consistency with the Cairngorms National Park Core Paths Plan.
128. As noted earlier there are a number of core paths in and around the site, including the General Wade military road which crosses through the site and is a core path and right of way. This route, which is currently a grassed rough farm track with poor drainage, is to be retained and resurfaced. A new pedestrian bridge is proposed from the marketing suite to the distillery

complex and this is at a height which will not impede pedestrian access along the track although its height above the track at 2.7 metres means that it does not meet the requirements of the British Horse Society for horse riders riding under the bridge. The applicant has therefore proposed a solution of using the temporary diversion route proposed along the Spey on a permanent basis for horse riders. This is acceptable to the technical consultee (CNPA Outdoor Access Officer) subject to planning conditions regarding signage and gate design to facilitate use by horse riders. The consultee also wishes a condition to be attached to ensure that where the internal site access road crosses the Wade Road its design is such that pedestrians are given priority.

129. The other core path is the existing forestry track connecting the A86 at Strathmashie through to the Spey Dam minor U2104 road. This track is already heavily used by cyclists and pedestrians and is shared with the other commercial users and HGVs. The new development will increase use of the track, particularly at the construction stage, and it is therefore important to ensure that any potential conflicts are identified and appropriately managed. As suggested by the Transport Team this can be achieved by suitably worded planning conditions requiring construction and operational traffic management plans to be agreed.
130. In these overall circumstances the proposed development is considered to comply with NPF and Local Development Plan policies subject to appropriate planning conditions being attached.

## Cultural heritage

131. **NPF4 Policy 7: Historic Assets and Places** sets out that where there is potential for non-designated buried archaeological remains to exist below a site, developers should provide evaluation of the site an early stage, with non-designated historic environment assets and their settings to be protected and preserved in situ wherever feasible. This policy also seeks to ensure that any proposals affecting the setting of a listed building should preserve its character and special interest, with developments affecting scheduled monuments only supported where direct or significant adverse impacts are avoided. Cairngorms Local Development Plan **Policy 9: Cultural Heritage** has similar requirements.
132. In terms of archaeology the EIAR explains that trial trenching was carried out to inform the archaeological investigation and no archaeological features were noted. Although the General Wade road which crosses the site is not a designated site it is of cultural importance. It is being retained in the development proposals and it is proposed to resurface parts of it. At present it is being eroded by water run-off and poor drainage so this presents an opportunity to improve the drainage and condition of the road, which may also improve its attractiveness to users. The application indicates that stone

from the ruinous St Michaels Chapel site which lies within the applicant's control may be used in the improvement of the General Wade Road. This would need to be undertaken with care to ensure the heritage of both sites is preserved and enhanced and if the application is supported then a condition requiring further details would be required. This could include a requirement to include interpretation of the historic assets.

133. The technical consultee (Highland Council Archaeologist) welcomes the retention of the General Wade Road and has no objections to the application subject to an appropriate planning condition being attached requiring additional areas of archaeological excavation and recording as necessary. For example, where the full extent of the Wade road is not fully retained.
134. In terms of designated historic sites, the Dun Nan Lamh hill fort lies at the top of the Black Craig hill above the site. It is a scheduled ancient monument and is of national significance. As noted earlier the technical consultee (Historic Environment Scotland) do not consider that the fort or its setting will be adversely affected by the proposed development, with key views from the monument considered to be unaffected. Dalchully House to the east of the site is a listed building of architectural and historic importance. It is however separated from the site in terms of both distance and screening and its setting is not considered to be affected by the development.
135. In these circumstances the proposed development is considered to comply with NPF and Local Development Plan policies subject to appropriate planning conditions being attached

### **Sustainability and Climate Change - Energy/Carbon issues**

136. NPF4 is seeking to achieve sustainable development highlighting that the global climate emergency and the nature crises have formed the foundations of the strategy as a whole, with **Policy 1: Tackling the Climate and Nature Crises** setting out that when considering all development proposals significant weight will be given to the global climate and nature crises. **NPF4 Policy 2: Climate Mitigation and Adaptation** also seeks to ensure that development is sited and designed to minimise lifecycle greenhouse gas emissions as far as possible and to be able to adapt to climate change risks. **NPF4 Policy 19: Heating and Cooling** also seeks to ensure that major developments which generate waste or surplus heat and which are located in areas of heat demand will be supported with a heat and power plan demonstrating how energy recovered from the process will be used to produce electricity and heat. Underpinning these objectives **NPF4 Policy 26: Business and Industry** requires that all major applications for manufacturing or industry should be accompanied by a decarbonisation strategy to demonstrate how greenhouse gas emissions can be appropriately abated. **Policy 3: Design and Placemaking** of the Cairngorms Local Development

Plan 2021 also requires new development to minimise the effects on climate change in terms of siting and construction and to make sustainable use of resources.

137. In general terms the proposed development has been sited to minimise environmental impacts and to avoid climate change risks in terms of flood risk. The extensive planting proposed, with only commercially grown trees to be removed, also supports these principles along with the fact that once established the development will avoid travel journeys to maturation warehouses in the central belt.
138. In more detailed terms the proposals incorporate the use of photovoltaic panels with the supporting documents explaining that stills and equipment from the existing distillery will be reused in the new development, with local contractors and suppliers to be used for the construction of the development. The new buildings will be constructed to minimise energy usage through materials and orientation on site, and an energy assessment will be undertaken which will consider technologies such as combined heat and power and air source heat pumps with water cooling for distillation process partly achieved passively through use of pond so reducing power requirements. Further detail on this and the decarbonisation strategy can be achieved by appropriate planning conditions.
139. In these overall circumstances the proposed development is considered to comply with NPF and Local Development Plan policies subject to appropriate planning conditions being attached.

### **Community Wealth Building**

140. **NPF4 Policy 25: Community Wealth Building** sets out that development proposals which contribute to local or regional community wealth building strategies and which are consistent with local economic priorities will be supported explaining that this could include improving community resilience and reducing inequalities, increasing spending within communities, ensuring the use of local supply chains etc.
141. This proposal is considered to be consistent with local economic priorities as outlined earlier. It is also considered that the proposed development, which will secure local jobs and opportunities, as well as providing local economic spin off at the construction stage complies with policy.

## Waste and Soils

142. NPF4 recognises the need to minimise waste with **Policy 12: Zero Waste** seeking to encourage, promote and facilitate development that is consistent with the waste hierarchy. Similarly, **Policy 3: Design and Placemaking** of the Cairngorms Local Development Plan 2021 also requires new development to make arrangements for storage, segregation and collection of recyclable materials and provision for composting, and to make sustainable use of resources including minimisation of waste and energy usage. **Policy 10 Resources** of the LDP also seeks to ensure minimisation of waste during construction and life of developments.
143. From a construction perspective, and as part of any requirement for a Construction Environment Management Plan here, a site waste management plan can be required to ensure construction waste is minimised and that recycling is undertaken. From an operational perspective (other than waste from the office/staff building which will be collected by commercial operators for recycling etc.) there is no waste as such generated by the operations. By products of the processes such as draff, potale and spent lees are to be stored in separate tanks for collection and may be used productively locally. The applicants supporting material also explains that it is hoped that any boulders excavated during site works may be reused in landscape feature work or for road works depending on quantities and quality. The development is therefore considered to readily support zero waste objectives.
144. Associated with these above objectives to minimise waste **NPF Policy 5: Soils** states that development proposals will only be supported where they minimise the amount of disturbance to soils on undeveloped land and is undertaken in a manner that protects soils from damage including compaction and erosion. Whilst the application site does not involve prime agricultural land it is still important to protect soil resources and this should be capable of being readily achieved through a robust soil management plan. In this regard site construction soils should be able to be reused on site. Appropriate planning conditions can be attached to this end.
145. In these circumstances the development is considered to comply with NPF and Local Development Plan policies subject to appropriate planning conditions being attached

## Other Issues (including those raised in representations)

146. All issues raised by contributors have been addressed in this report. In terms of other land use planning issues, as noted by the technical consultee (Contaminated Land Officer), there are no contaminated land issues on this

site. There are also no issues regarding developer obligations which are not sought for industrial/commercial development such as this.

147. As noted in the description of the development there is provision for overnight accommodation in the office building – this is not considered to be a residential use in terms of a dwellinghouse and is ancillary to the overall use of the distillery development.

## CONCLUSION

148. NPF4 sets out the objective of wanting future places to work for everyone, bringing together environmental, social and economic objectives to achieve sustainable development in order to support the planning and delivery of:
- a) sustainable places where we reduce emissions, restore and better connect biodiversity;
  - b) liveable places where we can all live better healthier lives;
  - c) productive places where we can have a greener fairer and more inclusive wellbeing economy.
149. This is similar to the objectives of the Cairngorms Local Development Plan. The Cairngorms National Park also has the following aims as set out by Parliament which the Local Development Plan policies seek to implement:
- a) To conserve and enhance the natural and cultural heritage of the area.
  - b) To promote sustainable use of the natural resources of the area.
  - c) To promote understanding and enjoyment (including enjoyment in the form of recreation) of the special qualities of the area by the public.
  - d) To promote sustainable economic and social development of the area's communities.
150. The proposed development is considered to perform well on these objectives and aims, providing and securing local employment, using natural resources productively, helping to minimise onward travel to the central belt and supporting an important primary industry. It seeks to replace and expand an existing distillery operation so securing its sustainable future and local jobs which is welcomed. The design and landscaping of the site will help the new development to sit well in the landscape with no adverse impacts on local cultural and historic assets. The proposed landscaping and sustainable drainage solutions will provide biodiversity enhancements and the site can be accessed and serviced to the satisfaction of the technical consultees. Finally, there are no adverse effects on the integrity of designated sites or loss of amenity for residents, subject to appropriate planning conditions being attached.

151. In these overall circumstances the proposed development is considered to comply with the policies and objectives of NPF4 and the Cairngorms Local Development Plan 2021. All potential impacts of this proposal on the environment and infrastructure have been fully considered with any potential impacts capable of being mitigated appropriately. Approval is therefore recommended, subject to appropriate conditions.

## RECOMMENDATION

That Members of the Committee support a recommendation to **APPROVE** the Erection of distillery, 3No. warehouses, access, parking, offices, boreholes at U220 250M South East Of Spey Dam Laggan - Garvamore Melgarve Laggan Highland subject to the following conditions:

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

### Conditions

1. No development shall commence on site until a site-specific Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority in consultation with Nature Scot and the Highland Council Environmental Health Service. The CEMP shall include the following information, but not be limited to, and should be informed by consultation responses to this application and the measures outlined in the approved Environmental Impact Assessment Report (EIAR):
  - a) **Site Waste Management Plan including details of the management/storage of soil and construction materials;**
  - b) **Details of water management to prevent run-off from the site during construction work;**
  - c) **Construction Method Statement which shall include all measures to minimise construction related noise, dust and artificial lighting If any works are to be undertaken during the bird breeding season, (April to September) species protection plans for any birds that would be disturbed to be included. This should ensure that any trees to be felled are checked for nesting birds prior to felling (ideally within a 24 hour period before);**
  - d) **Details of appointed Environmental Clerk of Works (ECOW) their remit, scope of their work, and reporting and monitoring schedule; and;**
  - e) **Pollution Prevention Plan including site specific pollution prevention measures to protect the water environment from all sources of**

**pollution (sediment, oils, fuels etc) This plan should reflect standard good practice, such as maintaining a minimum 50 m buffer for storing chemicals/concrete wash out or any other potential polluting activity. Other relevant SEPA Guidance for Pollution Documents should also be referred to**

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

**Reason:** To ensure that the construction of the development is satisfactorily implemented and supervised in order to ensure that there are no adverse effects on the natural heritage of the National Park, including NATURA interests, or any pollution of watercourses in accordance with Policy 4 :Natural Places, Policy 3: Biodiversity, Policy 5: Soils, Policy 12: Zero Waste, and Policy 22: Flood Risk and Water Management of the National Planning Framework 4 and Policy 4: Natural Heritage, Policy 3: Design and Placemaking and Policy 10: Resources of the Cairngorms National Park Authority Local Development Plan 2021.

- 2. No development shall commence (including any tree felling) until pre-construction surveys have been undertaken by a suitably qualified ecologist and the results, together with any associated Species Protection Plans, have been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. The surveys shall include the following species (and any other protected species which may be resting within the site area) and be carried out in accordance with Nature Scot guidance:**
  - a) Otter- survey of all suitable habitats within 200 metres of the development site;**
  - b) Red squirrel - survey of all suitable habitats within 50 metres of the development site with protection plan to reflect the requirement for tree felling to take place outwith the breeding season where possible (February to September inclusive);**
  - c) Badger - survey of all suitable habitats within 100 metres of the development site;**
  - d) Pine marten - survey of all suitable habitats within 250 metres of the development site.**

**All mitigation measures shall thereafter be implemented in accordance with any approved Species Protection Plans and overseen by the appointed Ecological Clerk of Works**

**Reason:** to determine the effects of the development on the ecology of the site and to inform mitigation measures for protected species in accordance with Policy 3: Biodiversity and Policy 4: Natural Places of the National Planning Framework 4 and Policy 4: Natural Heritage of the Cairngorms National Park Authority Local Development Plan 2021.

3. **No development shall commence on site until a Habitat Management Plan has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. This plan shall include the following requirements:**
  - a) **No access or storage to take place on areas of heath/mire habitats;**
  - b) **Temporary fencing to be erected around the site and details of mitigation to protect heath/mire areas;**
  - c) **Include proposals for future monitoring and management including monitoring for blanket bog within the site;**
  - d) **Details of exclusion fencing to be installed to protect suitable reptile habitats (mire and heathland and riparian corridor habitats);**
  - e) **Confirmation that any potential reptile refugia shall be dismantled by hand under supervision and avoiding the timeframe when reptiles may be over-wintering (November to March);**
  - f) **Timetable for implementation.**

**The proposals shall thereafter be implemented, managed and monitored in accordance with the approved details under the supervision of the appointed Ecological Clerk of Works**

**Reason:** To ensure that any impacts on the natural heritage of the National Park are satisfactorily mitigated in accordance with Policy 3: Biodiversity and Policy 4: Natural Places of the National Planning Framework 4 and Policy 4: Natural Heritage of the Cairngorms National Park Authority Local Development Plan 2021.

4. **No development shall commence on site until details of the proposed biodiversity enhancements have been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. This plan shall reflect the principles set out in section 4.8 of the approved Environmental Impact Assessment Report including the requirement for bat and barn owl boxes. The development shall not be brought into use until these details have been implemented in accordance with the approved details under the supervision of the appointed Ecological Clerk of Works**

**Reason:** To ensure that biodiversity is enhanced in accordance with Policy 3: Biodiversity and Policy 4: Natural Places of the National Planning Framework 4

and Policy 4: Natural Heritage of the Cairngorms National Park Authority Local Development Plan 2021.

5. **No development shall commence on site until a detailed landscape scheme has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority in consultation with the Highland Council Forestry Officer. This plan shall reflect the principles of the submitted planting plan and shall include full details of:**
- a) **Proposed tree felling, management and maintenance of the existing plantation planting on site and of the new tree planting in the form of a Woodland Management Plan;**
  - b) **Details of all hard surfacing of paths, parking areas, boundaries and yards;**
  - c) **Timing of felling and new planting to compensate for loss of plantation planting to reflect the need to undertake new woodland planting prior to the construction of buildings;**
  - d) **All new planting which should reflect the need for trees of appropriate provenance and for planting to avoid areas of blanket bog and heathland as noted in sections 4.6.2 of the approved Environmental Impact Assessment and NVC survey plan (figure B);**
  - e) **Details of any riparian planting along riverside;**
  - f) **Details of planting of the SUDS basins and cooling pond to reflect principles contained in 4.8 of the approved Environmental Impact Assessment Report;**
  - g) **Details of future management and maintenance of all proposed landscaping**
  - h) **Timetable of planting.**

**Thereafter the approved landscape scheme shall be implemented in accordance with the approved details and timetable and maintained thereafter in accordance with the approved plans throughout the lifetime of the development hereby approved.**

**Reason:** To ensure the long-term retention of an appropriate landscaping setting, enhanced biodiversity, protection of trees and to ensure the development complements and enhances the landscape accordance with Policy 3: Biodiversity, Policy 4: Natural Places and Policy 6: Forestry Woodland and Trees of the National Planning Framework 4 and Policy 4: Natural Heritage and Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2021.

6. **No development shall commence on site until a Tree Protection Plan to British Standard 5837:2012 prepared by a professional arboriculturist has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority in consultation with the**

**Highland Council Forestry Officer. This plan to include details of specification and position of tree protection barriers, and no development shall commence until trees are protected in accordance with the approved plans and thereafter this protection to be retained during construction.**

**Reason:** To ensure the protection of trees and to ensure the development complements and enhances the landscape accordance with Policy 3: Biodiversity, Policy 4: Natural Places and Policy 6: Forestry Woodland and Trees of the National Planning Framework 4 and Policy 4: Natural Heritage and Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2021.

- 7. No development shall commence on site until details of the proposed lighting scheme for the development have been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. This scheme to include details of the strength, design and direction of all lighting, reflecting the need for lighting to be directed downwards in order to avoid impacts on dark skies. The scheme shall thereafter be implemented in accordance with the approved plans throughout the lifetime of the development hereby approved.**

**Reason:** To minimise light pollution from the development and ensure no impacts on dark skies special landscape quality or the Dark Sky Park in accordance with Policy 4: Natural Places of the National Plan National Park Local Development Plan 2021.

- 8. No development shall commence on site until details of the design and finishes of the sprinkler tanks, cooling tower, pipe bridge and check dam 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 details.**

**Reason:** To ensure the development complements and enhances the landscape in accordance with Policy 4: Natural Places of the National Planning Framework 4 and Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2021.

- 9. No development shall commence on the construction of any buildings, including footbridges, until samples of the 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 details.**

**Reason:** To ensure the development complements and enhances the landscape in accordance with Policy 4: Natural Places of the National Planning Framework

4 and Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2021.

10. **No development shall commence on site until the final detailed surface water drainage design, including maintenance arrangements, has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority in consultation with the Highland Council Flood Risk Management Team. These details shall include cross sections of the proposed detention basins. The development shall not be brought into use until the surface water disposal arrangements have been implemented in accordance with the approved details and thereafter scheme shall be maintained in accordance with the approved details throughout the lifetime of the development hereby approved.**

**Reason:** to ensure that a sustainable surface water drainage scheme avoiding unacceptable impacts on the environment is implemented in accordance with Policy 22: Flood Risk and water management of the National Planning Framework 4 and Policy 10: Resources of the Cairngorms National Park Local Development Plan 2021.

11. There shall be no ground raising or development in areas identified as being at risk of flooding during a 1:200 year plus climate change flood event as shown in Figure 10 of the approved Flood Risk Assessment.

**Reason:** to ensure no loss of flood plain capacity or conveyance in accordance with Policy 22: Flood Risk and water management of the National Planning Framework 4 and Policy 10: Resources of the Cairngorms National Park Local Development Plan 2021.

12. A six metre wide buffer zone shall be kept free from development beside watercourses.

**Reason:** to ensure no loss of flood plain capacity or conveyance in accordance with Policy 22: Flood Risk and water management of the National Planning Framework 4 and Policy 10: Resources of the Cairngorms National Park Local Development Plan 2021.

13. **No construction and operational traffic shall access the site via the U2024 road from Laggan and no development shall commence on site until (a) details of a direction sign scheme that deters distillery related traffic from using the U2014 road from Laggan and directs vehicles to the junction of the existing access track to be used for the development at Achducil at the A86 trunk road and (b) details of signage to deter public/visitor access to the site has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning**

**Authority in consultation with the Highland Council Transport Planning Team and Transport Scotland. The development shall not be brought into use until this scheme is implemented in accordance with the approved details and retained thereafter throughout the lifetime of the development.**

**Reason:** To prevent traffic using a road network that is not appropriate for the increased use, ensure that the development is satisfactorily serviced and as the traffic impacts of the development have been assessed on the basis of no public access (as put forward by the applicants) and in accordance with Policy 13 Sustainable Transport of the National Planning Framework 4 and Policy 3: Design and Placemaking of the Cairngorms Local Development Plan 2021.

- 14. No development shall commence on site until Framework Construction and Operational Traffic Management Plans have been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority in consultation with the Highland Council Transport Planning and Environmental Health Teams and Transport Scotland. These plans shall include details of (a) the steps to be taken to ensure that construction and ongoing operational traffic (including any visitors to the facility) are directed to the proposed means of access via the private track from the A86 and discouraged from using the inappropriate U2104 from Laggan (b) how interactions with non-motorised and vulnerable road users along the private track will be safely managed both during construction and the ongoing operation of the proposed distillery and (c) restricting operational vehicle deliveries to the development out-with the hours of 8am to 9pm and construction traffic to between the hours of 8am to 7pm Mondays to Fridays and (e) measures for the control of dust reflecting those set out in the dust and air quality assessment**

**The development shall thereafter be implemented in accordance with the approved plans during construction and throughout the lifetime of the development hereby approved**

**Reason:** To prevent traffic using a road network which is not appropriate for the increased use, safeguard the amenity of residents in the area, ensure that the development is satisfactorily serviced and to safeguard users of the core path network in accordance with Policy 13: Sustainable Transport and Policy 23: Health and Safety of the National Planning Framework 4 and Policy 3: Design and Placemaking of the Cairngorms Local Development Plan 2021.

- 15. No development shall commence on site until details of arrangements to formalise safe school bus pick-up and drop-off at the junction where the site access track meets the A86 trunk road at Achduchil, together with a**

timetable for delivery, have been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority in consultation with the Highland Council Transport Planning Team and Transport Scotland. These arrangements shall thereafter be implemented in accordance with the approved details and timetable.

**Reason:** To ensure that safe access and accessible public transport for school children accordance with Policy 13: Sustainable Transport of the National Planning Framework 4 and Policy 3: Design and Placemaking of the Cairngorms Local Development Plan 2021.

16. **No development shall commence on site until details of the surfacing, including details of drainage, gradients and any proposed ramps as shown on indicative drawing C037 A have been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority in consultation with the Highland Council Transport Planning Team. These arrangements shall thereafter be implemented in accordance with the approved details and prior to the track being used for construction vehicles.**

**Reason:** to minimise any amenity impacts of increased HGV traffic on the residents of Strathmashie Cottages in accordance with Policy 23: Health and Safety of the National Planning Framework 4 and Policy 3: Design and Placemaking of the Cairngorms Local Development Plan 2021.

17. **No development shall commence on site until visibility splays measuring 78 metres to the north and 104 metres to the south have been formed from a 2.4 metre setback within the mouth of the site access onto the U2014 public road. These splays to be retained and maintained free of obstruction throughout the lifetime of the development hereby approved. Clearance within the visibility splay shall be based on a driver's eye height at the 2.4m setback within the junction being 1.05m above the finished road level within vision of target height 0.6m above the road surface at the end of the visibility splay.**

**Reason:** to ensure that safe access with satisfactory visibility is provided at the site entrance and to ensure that drivers waiting at the junction are able to see the headlights of any cars approaching the junction along the public road in accordance with Policy 13 Sustainable Transport of the National Planning Framework 4 and Policy 3: Design and Placemaking of the Cairngorms Local Development Plan 2021.

18. No development shall commence on site until details of the design and construction of the proposed vehicular access from the U2014 public road have been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority in consultation with the Highland Council Transport Planning Team. The access shall thereafter be formed in accordance with the approved details before work commences on the construction of the distillery and its associated infrastructure.

**Reason:** in the interests of road safety and network management purposes and to support the likely construction access needs of the proposed development in accordance with Policy 13: Sustainable Transport of the National Planning Framework 4 and Policy 3: Design and Placemaking of the Cairngorms Local Development Plan 2021.

19. No development shall commence on site until details of the widening the carriageway of the U2014 Laggan to Melgarve public road between the site access and the junction with the private track that connects through to the A86(T) road have been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority in consultation with the Highland Council Transport Planning Team. This widening to reflect the requirement for two vehicles to pass safely. The access shall thereafter be formed in accordance with the approved details before work commences on the construction of the distillery and its associated infrastructure.

**Reason:** To ensure that safe access is provided in accordance with Policy 13: Sustainable Transport of the National Planning Framework and Policy 3: Design and Placemaking of the Cairngorms Local Development Plan 2021

20. No development shall commence on site until details of the design of the proposed cycle storage has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority in consultation with the Highland Council Transport Planning Team. These details to reflect the requirements of national document Cycling by Design. The provision shall thereafter be formed in accordance with the approved details before the development is brought into use and retained thereafter throughout the lifetime of the development hereby approved.

**Reason:** To support sustainable travel and ensure that the development is satisfactorily serviced in accordance with Policy 13: Sustainable Transport of the

National Planning Framework 4 and Policy 3: Design and Placemaking of the Cairngorms Local Development Plan 2021.

21. The development hereby approved shall not be occupied until all parking, access, turning paths and electric charging points have been completed in accordance with the approved plans. This infrastructure to be retained thereafter throughout of the lifetime of the development hereby approved.

**Reason:** To ensure that the development is satisfactorily serviced in accordance with Policy 13: Sustainable Transport of the National Planning Framework 4 and Policy 3: Design and Placemaking of the Cairngorms Local Development Plan 2021.

22. **No development shall commence on site until an updated Outdoor Access Plan based upon the principles of the submitted Outdoor Access Plan, but including the following details has been submitted to and approved in writing by the Cairngorms National Park Authority (CNPA) acting as Planning Authority in consultation the Highland Council Archaeology Team:**

- a) **Specifications for the newly constructed path sections and how these will integrate with the adjacent surfaces;**
- b) **Specifications for the road / path crossing point which should give priority to pedestrians ;**
- c) **Details of the waymarking of the proposed diversion of the Military Road route during the construction phase;**
- d) **Details of the proposed retention of this temporary path diversion route for future use by horses including proposed surfacing, signposting at either end (e.g., "Low bridge ahead, clearance 2.7m. Alternative route for horses [arrow]") and details of any gates along this route which should reflect the need for multi-user, self-closing gates with appropriate handles for mounted riders;**
- e) **Timetable for implementation which shall reflect the requirement for any diversion works to be in place before development commences on site and for all path works to be completed in accordance with the approved details before the development is brought into use.**

**The development shall thereafter be implemented in accordance with the approved details**

**Reason:** To maintain and maximise all opportunities for responsible outdoor access in accordance with Policy 13: Sustainable Transport of the National Planning Framework 4 and Policy 3: Design and Placemaking of the Cairngorms Local Development Plan 2021.

23. No development shall commence on site until an archaeological Written Scheme of Investigation (WSI) has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority in consultation with the Highland Council Archaeologist and a programme of archaeological works has been carried out in accordance with the approved WSI. The WSI shall include details of how the recording and recovery of archaeological resources found within the application site shall be undertaken, and how any updates, if required, to the written scheme of investigation will be provided throughout the implementation of the programme of archaeological works. Should the archaeological works reveal the need for post excavation analysis the development hereby approved shall not be occupied or brought into use unless a Post Excavation Research Design (PERD) for the analysis, publication and dissemination of results and archive deposition has been submitted to and approved in writing by the planning authority. The PERD shall be carried out in complete accordance with the approved details.

**Reason.** To ensure that the archaeological potential of the site including any works in the vicinity of cultural assets at the General Wade Military Road and St Michaels Chapel is evaluated and recorded in accordance with Policy 7: Historic Assets and Places of the National Planning Framework 4 and Policy 9: Cultural Heritage of the Cairngorms Local Development Plan 2021.

24. No development shall commence on site 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 Highland Council Archaeologist
- a) Details of the surfacing and drainage proposals for the proposed consolidation and maintenance of the General Wade military road which crosses the site;
  - b) Details of any proposed salvaging of stone from the St Michael's chapel site;
  - c) Details of any proposed interpretation of the cultural history;
  - d) Details of the protection of all historic assets during construction work.

These details to reflect the mitigation measures set out in chapter 8 of the approved Environmental Impact Assessment Report. The historic assets shall be protected in accordance the approved details before any development commences on site and all measures shall thereafter be implemented in accordance with the approved details before the development is brought into use.

**Reason.** To ensure that cultural heritage is protected and enhanced in accordance with Policy 7: Historic Assets and Places of the National Planning Framework 4 and Policy 9: Cultural Heritage of the Cairngorms Local Development Plan 2021.

25. **No development shall commence on site until a detailed Decarbonisation Strategy has been submitted to and approved in writing by the CNPA as Planning Authority. This plan shall include measures to minimise energy use, greenhouse gas emissions and use of resources. The strategy and actions shall thereafter be implemented in accordance with the approved details and timescales, unless otherwise agreed in writing with the Council, as Planning Authority.**

**Reason:** To ensure carbon emissions are minimised during the operation of the development, in accordance with Policy 26: Business and Industry of National Planning Framework 4 and Policy 3: Design and Placemaking of the Cairngorms Local Development Plan 2021.

26. The development shall be constructed and operated in accordance with the mitigation measures outlined in the schedule of mitigation set out in table 9.1 of the approved Environmental Impact Assessment Report (EIAR) together with the plans and information required under the terms of the conditions of this consent.

**Reason:** to ensure that development proceeds without damage to the environment and protects existing assets in accordance with Policy 4: Natural Places, Policy 3: Biodiversity, Policy 5: Soils, Policy 12: Zero Waste, Policy 22: Flood Risk and Water Management and Policy 23: Health and Safety of the National Planning Framework 4 and Policy 4: Natural Heritage, Policy 3: Design and Placemaking, Policy 5: Landscape and Policy 10: Resources of the Cairngorms National Park Authority Local Development Plan 2021.

27. The development hereby approved shall be constructed and operated in accordance with the mitigation measures set out in the approved Noise Impact Assessment, with all operational noise mitigation measures to be implemented in accordance with the approved Noise Impact Assessment before the development hereby approved is brought into use.

**Reason:** to minimise any amenity impacts upon residents in the surrounding area in accordance with Policy 23: Health and Safety of the National Planning Framework 4 and Policy 3: Design and Placemaking of the Cairngorms Local Development Plan 2021.

28. **No development shall commence on site until an Odour Management Plan has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority in consultation with the**

Highland Council Environmental Health Service. This plan to formalise and describe how odour issues will be managed on site, including any abnormal events and foreseeable accidents and incident. All approved mitigation measures shall be implemented in accordance with the approved Plan before the development hereby approved is brought into use.

**Reason:** to minimise any amenity impacts upon residents in the surrounding area in accordance with Policy 23: Health and Safety of the National Planning Framework 4 and Policy 3: Design and Placemaking of the Cairngorms Local Development Plan 2021.

29. No development shall commence until a completed Private Water Supply (PWS) Planning Questionnaire and a written report from a competent person (qualified engineer, hydro-geologist or other similarly qualified suitable person), that confirms the development will be served by a sufficient piped supply of wholesome water has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority in consultation with the Highland Council Environmental Health Service. The report must demonstrate the following:
- a) That there will be sufficient water to meet the demands of all properties on the supply. If other properties are already using the same water source, the report must clearly show that these will not be adversely affected by the proposed development;
  - b) That the water quality can meet water safety requirements (The Private Water Supplies (Scotland) Regulations 2006 or The Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017). The report shall include a risk assessment which identifies potential sources of contamination and states the measures which will be taken to minimise the risks to anyone using the supply
  - c) A description of any proposed treatment systems. The choice and design of any treatment system should take into account any foreseeable variability in raw water quality;

Prior to occupancy a water test shall be required to demonstrate that a wholesome supply of water can be provided to the development. Following approval of this test by the Cairngorms National Park Authority acting as Planning Authority in consultation with the Highland Council Environmental Health Service the water supply shall be provided and made available for use prior to the first occupation of any part of the development.

**Reason:** to ensure that a suitable water supply is provided for users of the site in accordance with Policy 22: Flood Risk and water management of the National Planning Framework and Policy 10: Resources of the Cairngorms National Park Local Development Plan 2021

## Informatives

1. The development hereby approved must commence within 3 years of the date of this decision notice. If development has not commenced within this period, then this planning permission will lapse.
2. The person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. Attached to this decision notice is a Notice of Initiation of Development for completion and submission. Submission of this information assists the Cairngorms National Park Authority Monitoring and Enforcement Officer in monitoring active work within the area to ensure compliance with the approved details and to identify and correct any potential problems, as they arise, rather than later when it may be more difficult and more costly to rectify. Failure to give notice would constitute a breach of planning control which may result in enforcement action being taken.
3. Following completion of the development, a notification of the completion shall, as soon as practicable, be given to the Planning Authority. Attached to this decision notice is a Notice of Completion of Development for completion and submission. Submission of this form will assist the Cairngorms National Park Authority Monitoring and Enforcement Officer in making a final inspection and checking compliance with the approved drawings and conditions. If the development hereby approved is to be carried out in phases, then a notice of completion should be submitted at the completion of each phase.
4. The developer should note the comments of The Highland Council Flood Risk Management team who have noted that the supporting Flood Risk Assessment has identified that access/egress will be available to west during any flood event. The developer should note that parts of this public road are at risk of flooding at such times whereby passage could present issues. Accordingly, the developer needs to understand and accept this risk
5. The developer should note the comments of the Highland Council Environmental Health Service who advise that as the premises are to be used for a commercial purpose, under the requirements of The Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017, The Highland Council must add it to the register of private water supplies. The supply must be risk assessed and the water tested on an annual basis to ensure it meets regulatory standards. There is a charge for this statutory function.

6. The developer should note the comments of SEPA regarding their regulatory regimes and good practise and ensure that they comply with all requirements and guidance.
7. The developer should note the comments of the Highland Council Transport Planning Team that (a) no works should commence on or directly adjacent to the existing public road network until a permit giving permission to undertake such works has been sought and accepted by the Highland Council as local Roads Authority – more information on link at end - and (b) as the bin store is located within the site the developer will require to make their own arrangements for commercial waste management [Waste Management](#).

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.