

**PLANNING APPLICATIONS: 04/01198/FUL &
04/01199/LBC**

In the event that a recommendation on these planning applications are overturned the Committee is reminded of the advice contained on the front page of the agenda for Reports on Applications

The Proposal

- Change of use and conversion of Distillery, including bonded warehouse and piggery building to travel lodge, restaurants, music studio, shop and entertainment centre and office accommodation together with new access, parking and drainage arrangements.
- Existing stone/slate (former) Distillery to be converted to :
 - at southern end, a travel lodge with 22 bedrooms (17 on first floor) (1918m²) together with ground floor reception area and restaurant (228m²), kitchen, toilets and stores, etc.
 - at northern end, a music studio (161m²) and shop (252m²) plus restaurant (130m²), kitchen and toilets, etc.
 - within former bonded warehouse, an Entertainment Centre (1247m²) with 1500-people capacity, to include an auditorium with stage, storage and changing rooms, toilets and bar area.
 - within former 'piggery' building, office accommodation (185m²) with new glazed windows and doors provided on both gable ends of building.
- All proposed uses contained within existing buildings where possible, existing openings re-used/enlarged or infilled and new windows finished with masonry to match existing. Glazed canopy over entrance to the Entertainment Centre and glazed canopies supported by steel columns located over entrances to travel lodge/restaurant and music studio/restaurant.
- On A941, new bus shelter/lay-by arrangements proposed adjacent to existing access (southbound) or opposite Distillery Cottages (northbound) with improved footpaths and crossing point.
- Existing access to Distillery off A941 to be stopped up with bollards, to be retained as an emergency access and for pedestrian access.
- New access junction (with right turn stacking lane) to be located on A941 approx. 190 metres north of existing access.
- New section of road, approx. 200 metres long, with 7.3/6 metre wide carriageway and 2 metre wide footpaths to be formed between new access junction and existing driveway leading to Distillery through existing woodland. For much of its length, road will be at, or below, existing ground level with excavation into landform required where the new road joins the existing driveway.
- 125 parking spaces (permanent) to be formed, including 26 spaces to rear of travel lodge/restaurant, 6 adjacent to music studio and 62 spaces around entertainment centre and office buildings.
- 'Overspill' car parking provided with 201 spaces using a conventional parking arrangement, or 309 spaces is parking is subject to a marshalled/stewarded/funnelled arrangement. These spaces will be formed with hardcore and enclosed by bitmac surfaced roads.

- 10 coach spaces to be provided and accessed separately from the overspill parking arrangements.
- 105 metre long section of existing forestry track off new access road to be up-graded to 3 metre wide hardcore surface for access to a new effluent treatment plant area, approx. 105 x 30 metres and enclosed by 1.8 metre high chain link fencing. The plant includes a reed bed treatment system and at its southern end, a hardcore surfaced area with underground settlement tanks and pumping station, and a treatment building, 12 x 6 x 5.8 metres (to ridge), externally finished with grey metal profile sheeting.
- Effluent from development to be collected in underground settlement tank (located to north of Entertainment Centre) and pumped underground to treatment plant but bridged over the Glen Burn.
- Surface water disposal includes SUDs with filter drains, permeable surfaces and two infiltration/detention basins with attenuated discharge to Glen Burn.
- Proposed public water supply.
- Application accompanied by various documents including Drainage Impact Assessment, Transport Assessment and Travel Plan.

The Site

- Category B Listed Building, former Distillery located along valley of Glen Burn with former railway line along eastern boundary and surrounded by woodland and farmland.
- The main distillery complex comprises a range of slate/stone buildings of varying sizes and shapes, separated by an access road through the site from the low, slate/stone (white washed) 'piggery' building to the south west, and the 4-bay slate/stone (white washed) former bonded warehouse to the north west.
- Existing distillery complex accessed from existing access off the A941 adjacent to residential property, including Linden Lea.
- The new access junction on A941 is located approx. 180 metres north of the existing access and together with the new section of road and the effluent treatment plant, is located within an area of coniferous woodland, part of which has been felled and replanted (by others).
- The coach and overspill car parking areas are located in fields to south east of Distillery complex between Coleburn House and Station House, both set on higher ground and screened by existing woodland.

Policy / Objections-Representations / Consultations - See Appendix

History

03/02787/PE -

Without prejudice, proposed travel lodge, five star restaurant, fast food restaurants, shops and music studio requires Planning Permission and Listed Building Consent and must demonstrate compliance with policy. Further detailed information required regarding landscaping, noise, transportation, all proposed or required alterations to the listed buildings, drainage and contaminated land, etc. Pre-application discussion with all consultees recommended. As submitted, the proposal would detract from the appearance of the listed buildings, use of the existing A941 access was unsuitable, parking provision was insufficient and there were concerns about whether the required standard of effluent treatment could be achieved.

**03/02653/PE and
03/01353/PE -**

Without prejudice, pre-application advice on two proposals for residential use included requirement to take account of development plan policy, planning history and provision of further information to address issues regarding housing in the countryside, impact on character and appearance of the listed buildings and the locality, transportation, drainage, natural heritage, archaeology, contaminated land and developer contributions.

01/00772/LBC -

Listed Building Consent to remove all plant items from distillery buildings, Coleburn Distillery - granted 3rd August 2001 following notification to Historic Scotland. The inventory of items identified the removal of the wash and spirit stills.

**95/00939/FUL and
95/00940/FUL -**

Planning and Listed Building Consent applications for change of use of warehousing, including removal of plant and machinery, demolition of warehousing building and former piggery to provide 55 flats and 20 houses at Coleburn Distillery - withdrawn.

Advertisement

- As a bad neighbour development.
- As a development affecting listed buildings.
- As a departure from the development plan (regarding new access only).

Observations

The proposal as amended (August 2007) includes changes in the external appearance of the buildings, use of a public rather than private water supply and details of the surface water drainage arrangements. In addition, the application site boundary was altered to include the foul effluent treatment plant, the new access junction and road, public transport and pedestrian arrangements, and the coach and overspill parking arrangements. The Transport Assessment and Travel Plan were subject to correspondence and discussions. More recently, the introduction of the emerging Moray Local Plan 2008, as a material consideration in determining applications, has required re-assessment of the proposal.

Under Provision of Car Parking (L/T7 and emerging policy T5)

In terms of policy L/T7 and emerging policy T5, proposals must comply and conform to the Council's parking standards. Excluding the Entertainment Centre, 74 spaces are required for the other uses, based on floorspace or amount of accommodation, or the maximum number of users for the music studio (in the absence of a defined standard). Together with 10 coach spaces, 125 permanent car parking spaces are proposed, including 50 spaces for a 150-people event at the Entertainment Centre. In terms of coach and car parking provision, the Transportation Manager considers that this level of parking i.e. 10 coach and 125 spaces is acceptable for the day-to-day operation of the other uses in tandem with a 150-people event at the Entertainment Centre.

There is no prescribed parking standard for the Entertainment Centre. In such cases, the amount of parking is assessed on its merits: in this case, its 1500-people capacity, its multi-purpose use and the remote rural location being likely to attract a high percentage of travellers attending by car and where public transport, cycling and walking options are restricted.

For a 1500-people event, the applicant's Transport Assessment suggests a maximum parking demand of 650 spaces. The Transportation Manager considers 'one space to three persons' as an absolute minimum standard for the Centre and only acceptable if supported by a robust Travel Plan i.e. 500 spaces or 574 spaces for a 1500-people event in tandem with the other uses. However, in addition to the 50 permanent spaces, a further 201 or 309 'overspill' car parking spaces are proposed, depending on whether or not parking is marshalled/stewarded. For the larger 1500-person event there is an under-provision of at least 140 spaces, or 248 spaces depending on whether or not the parking arrangements are marshalled/stewarded. On this basis the proposal results in an under-provision of parking and does not comply or conform with policy L/T5 and T7.

The applicant acknowledges that adequate parking for the 1500-people event cannot be catered for on site and that no further overspill parking area is available. The identified level of under-provision of parking spaces will not, in itself, do anything to discourage people arriving by car. The Transportation Manager considers it is inevitable that any cars which cannot park within the site and/or in designated parking areas will be tempted to park along the A941 adjacent to the site entrance, on a de-restricted section of road where the national speed limit applies. The consequences of an overspill of parking onto the public road are unacceptable in road safety terms.

The applicants were advised that even with this minimum level of parking, it may be possible through a Travel Plan or similar to demonstrate that the shortfall in parking would not have an adverse impact on the public road network. In the Travel Plan the applicant could consider alternative means of transport and demonstrate that they could control the number of people arriving by car such that car park capacity would not be exceeded.

Despite several requests for information and amendment, the Travel Plan (January 2008) is unacceptable. The Transportation Manager does not consider it sufficiently robust in providing the necessary assurances that appropriate arrangements can be made, that sufficient control can be exercised over the means of travel to the site to guarantee that parking capacity will not be exceeded or that travel can be provided without risk of an overflow of parking. The applicant has acknowledged that it is not possible to guarantee numbers or control how people attempts to arrive on site. For un-ticketed events, stewards would turn people away once car park capacity is reached and whilst events, where practicable, will be ticketed and car parking numbers controlled by tickets, this will not preclude others arriving by car even if alternatives are provided e.g. a shuttle bus.

In the absence of a robust Travel Plan to demonstrate that adequate arrangements for alternative transport modes could be guaranteed, consideration was given to whether a maximum attendance figure could be set based on the number of available spaces. Subject to an appropriate means of control over maximum attendance figures, the Transportation Manager estimated event sizes less than 1500-people i.e. of 900- and 650-people events depending on whether or not parking is marshalled/ stewarded.

The 1500-people capacity for the Entertainment Centre is stated in the Transport Assessment, yet the basis on how this figure is derived or achieved is not explained. The applicant acknowledges that it is not possible to control numbers attending the site for events. Reliance on other legislation such as licensing controls would not limit or restrict people numbers for the type of events specified and similarly, the use of planning conditions and agreements would not fulfil the relevant 'tests' regarding reasonableness and enforcement. Whilst the Transportation

Manager's concerns relate to larger events, the ability to limit numbers cannot be guaranteed, even for the smaller 150-person event.

The applicants believe that they have agreed revised figures for these lesser-sized event capacities (which were identified as subject to an appropriate control mechanism being in place). The issue is not numbers but how people travel to the site, which they acknowledge cannot be guaranteed. Even for these lesser sized events, a robust Travel Plan has not been provided, to the satisfaction of the Transportation Manager, to demonstrate that adequate and appropriate arrangements are in place to address the impact of the development including measures to control numbers arriving by car and other means.

Departure from the Development Plan: New Access Junction on A941 (L/T2, L/T4 and emerging policies T1, T2)

The amended proposals include a new access junction onto the A941, and a new section of road between the new road junction and the existing driveway leading to the Distillery. As the development site is located outwith any settlement or rural community boundary, policy L/T2 presumes against new accesses onto the A941.

In this case a departure can be considered. The existing access is not considered suitable or safe for the expected amount of traffic likely to be generated by the proposal. Following objections by the Transportation Manager, the application was amended to include the new access junction (with 2-lane exit) to provide a safe and suitable access. The Transportation Manager has not objected to the new access layout in terms of its design specification, including visibility, or for requirements for road straightening or widening.

The access junction will be formed in an area where trees have been removed (by others). It will appear, at least initially, as intrusive given its roadside location. Although the height of any landscape planting within the visibility splay will be restricted, allowing the (replanted) trees to establish and mature behind the visibility splay will assist in mitigating the impact of the new access arrangement. As such the proposal will not have a significant adverse impact on the natural environment. The applicant's agent indicates that existing landscaping will be retained however, the woodland located outwith the application site is not in the applicant's ownership/control.

For reasons as indicated, the proposal is considered to accord with emerging policy T1 and T2. Apart from the initial formation of the access, the proposal is not considered to have a significant adverse environmental or landscape impact.

Other Transportation Considerations (Policies 1 and 2, L/ED15, L/ED16, L/IMP2, L/IMP6, L/T4, L/T9, L/T10 and emerging policies ED8, ED9, IMP1, T2, T7 (IMP3 -cannot use))

Excluding car parking arrangements, and subject to their provision, the proposed arrangements for the new site access and road, bus/coach parking, public transport and pedestrians are acceptable in terms of infrastructure provision and comply and accord with current and emerging policy. Rather than up-grade an existing track from the site towards Fogwatt, a contribution towards the Core Path initiative is recommended.

Impact on Character and Appearance of Category B Listed Building, Coleburn Distillery (L/ENV14, L/IMP2, L/IMP3 and emerging policies BE1, BE2, ED9, IMP1)

The proposed conversion and re-use of these listed buildings wherever possible, is in keeping with current policy and guidance that encourages their retention and re-use. The proposed new

use is considered acceptable, in terms of its impact upon the listed buildings. Consent has already been granted (and implemented) to remove internal plant and machinery. Limited changes in the external appearance and fabric of the buildings are proposed (see below). The removal of more 'modern' structures beside the main range of buildings is not considered to have an adverse impact of the appearance and setting of the listed buildings.

Where possible, existing openings are retained and re-used albeit with new windows and doors and limited new or additional openings are formed, thus maintaining much of the existing overall character and appearance of the buildings with any alterations to be made good in materials to match the existing stonework. All ventilation/extraction systems will be housed internally within the existing roof structure prior to venting through the existing kiln vents, for uses within the main range of distillery buildings, or via existing openings in the rear elevation of the Entertainment Centre. These arrangements also limit the need for additional external alteration of the existing building. The most substantive, but acceptable, change is the enlargement of the first floor vent openings in the Malting barn where cills are lowered to accommodate sash and case bedroom windows to the travel lodge.

Compared with the original proposals, the amended plans introduce more sympathetic alterations including removal of an intrusive external fire escape from the end gable of the travel lodge and removal of an unsympathetically designed extension from the front elevation of the Entertainment Centre. These have been addressed internally and/or by a simple glazed canopy reflecting the canopy arrangements over the entrances to the music studio and travel lodge/restaurant reception area.

Parking arrangements have also been revised, including retention of much of the area to the south side of the travel lodge/restaurant in grass. The parking areas is proposed around Entertainment Centre and Office and the location of the overspill parking areas do not significantly intrude upon the setting of the listed buildings.

Overall the amended proposals are acceptable and do prejudice the character and appearance of the listed buildings, including their setting. The agents written submissions also address issues raised in Historic Scotland's informal consultation response. Subject to conditions as recommended, the amended proposals are considered acceptable in listed building terms and do not depart from current or emerging policy.

Drainage and Flooding (Policies 1 and 2, L/ED15 L/ENV21, L/ENV24, L/ENV26, L/IMP7 and emerging policies EP5, EP7, EP10, IMP1, IMP2, (ED9 - cannot use))

To accommodate the development a new treatment plant with a reed bed system is proposed and will be located within, and screened by the existing woodland. In addition, the arrangements for the disposal of surface water are also satisfactory, including provision for SUDs with porous surfaces and infiltration basins to attenuate flows prior to discharge to the Burn. No adverse flood risk impact is identified. The proposed finished floor levels for buildings and the effluent pipe to be bridged over the Glen Burn will be located above the 1 in 200 year flood event level for the area. Consultees have not objected to the proposals on drainage and flooding grounds. The proposals are considered to accord with drainage and flooding policies, including emerging policy EP5 where a Drainage Impact Assessment has been provided.

Impact of Use on Locality (Policies 1 and 2, L/ED15, L/ED16, L/ENV2, L/ENV4, L/ENV8, L/ENV21, L/ENV22, L/IMP2, L/R6, L/R8 and emerging policies E2, E3, ED8, ED9, EP4, EP10, IMP1, IMP2, R3, R4 (EP9, ER2, ER3 - cannot use))

The Distillery is located along the valley of the Glen Burn. The enclosing effect of the surrounding topography and woodland is such that, except when viewed from within the grounds of the Distillery, the existing buildings and the proposed development itself, including the overspill parking areas are not visually intrusive within the surrounding area. The external lighting arrangements are unlikely to result in light pollution although a revised lighting plan is required to replace the submitted details based on the original layout,

As noted above allowing the replanted trees near the site entrance to become established will mitigate the impact of the new site access. The impact of the new section of road and the effluent treatment plant is also mitigated by their location within the woodland. These proposals are not considered to conflict with policy L/ED13 and in terms of policy L/ENV4 and E3 provision is made for new planting around the parking areas near the buildings and retention of trees along the Glen Burn.

Although a long service connection will be required, subject to Scottish Water agreement, the proposed public water supply connection will also reduce the impact of the development on neighbouring property (e.g. Station House), which use an existing private supply. The woodland location of the effluent treatment plant also reduces the potential for nuisance to neighbouring property. Likewise, the location and use of the new access junction and road also reduces the potential for disturbance from traffic that might otherwise occur to neighbouring property (e.g. Linden Lea) if the existing access were used, particularly from traffic entering/leaving the site.

Some disturbance to Coleburn House and Station House may arise as vehicles leave the overspill parking area after events. This short-term impact will depend on the number, frequency and type of event use and the extent to which the overspill parking area is used. However, the Environmental Health Manager has not objected to the proposal on this basis, nor in terms of potential noise impacts associated with the uses of the building, in particular the Entertainment Centre. However, this is subject to noise being mitigated through implementation of measures identified in the applicant's noise impact assessment. Conditions are recommended to ensure specified noise levels are achieved during the night-time period.

The proposed shop will retail gifts and musical items. Policy L/R6 presumes against retailing outwith defined town centres however, the nature and scale of the proposed retail activity is unlikely to prejudice retail policy. In floorspace terms the retailing operation can be held to be ancillary to the proposed business use of the site, as supported by emerging policy R4 where the retail floor area is less than 10% of the total gross floorspace.

Policy L/ED16 supports, in principle, the provision of tourist facilities and accommodation. This would include elements such as the travel lodge and events hosted at the Entertainment Centre. In terms of policy L/ED16, the proposal is acceptable in terms of the identified important considerations of visual impact and access arrangements for reasons as indicated above. However, parking provision for larger sized events at the Entertainment Centre is unacceptable. On this basis the proposal would not accord with emerging policy ED9.

Policy L/ED15 provides similar encouragement for rural business including the proposed rehabilitation of the existing buildings. As noted above and following consultation, the proposal is acceptable in terms of its siting, design, visual impact and emissions, environmental interests (including listed building considerations, natural heritage interests e.g. protected bat species and

contaminated land) and infrastructure (including water supply, drainage and road access). However, the proposal conflicts with this policy because proposals involving rehabilitation must have acceptable parking arrangements yet, as noted above, parking provision for larger sized events hosted by the Entertainment Centre is unacceptable. On a similar basis the proposal would not accord with emerging policy ED8.

In terms of energy reduction, and although a development over 500m, emerging policy EP2 cannot be used yet SPP 6 on renewable energy is a material consideration in its own right. Recent advice, PAN 84, indicates that requirements to reduce carbon emissions would not apply, as this proposal is a change of use and not a new build development. As such, no further information has been sought from the applicant.

Recommendation

For **application 04/01198/FUL**, **refusal** is recommended based on the under-provision of parking arrangements particularly for larger sized events and the implications for road safety.

For **application 04/01199/LBC**, **approval** is recommended based solely on listed building considerations associated with the development.

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APPENDIX

POLICY

Moray Structure Plan 2007 and/or Moray Local Plan 2000

Policy 1: Development and Community

The policy set out below identifies the strategic community development requirements for the delivery of the structure plan strategy-

The Moray Structure Plan Strategy will be supported by:

- a) the identification within the local plan of the business and industrial land allowances set out in Schedule 1 and the provision of strategic business locations at Elgin and Forres Enterprise Park and business park opportunities at Buckie, Keith and Lossiemouth;
- b) the encouragement of tourism development opportunities;
- c) the identification within the Local Plan of the housing allowances set out within Schedule 2;
- d) the provision of affordable housing in association with new housing development where a demand is identified in the Local Housing Strategy;
- e) the encouragement of low impact, well-designed development in the countryside to support local communities and rural businesses;
- f) sustaining the vitality and viability of town centres through the support of opportunities and proposals for retail and commercial development in accordance with the sequential approach;
- g) promotion of the strategic transport links as set out in Proposal 2;
- h) the protection and enhancement and new provision of facilities for community use, healthcare, sport and recreation;
- i) the inclusion within Local Plans of a policy requiring appropriate developer contributions towards healthcare and other community facilities.

Policy 2: Environment and Resources

The Moray Structure Plan Strategy will be supported by: -

- a) protecting international, national and local nature conservation and scenic designations from inappropriate development;
- b) protecting the wider natural environment and local biodiversity from inappropriate development and promote opportunities for environmental enhancement and restoration where possible;

- c) working in partnership with the Cairngorms National Park Authority and other interested parties to implement the objectives of the National Park;
- d) restricting development within coastal areas outwith settlements to only that in which social and economic benefits outweigh environmental impact;
- e) providing protection from development to the countryside around the towns of Elgin, Buckie, Keith, Forres and Lossiemouth;
- f) conserving and enhancing the areas built heritage resources and their settings;
- g) supporting proposals aimed at regenerating the area's natural and built environment including good design;
- h) providing waste management facilities to deliver Area Waste Plan and National Waste Plan objectives and ensuring that new development is designed to facilitate waste management practices and promotes the minimisation of waste;
- i) promoting sustainable urban drainage systems (SUDS) in all new developments;
- j) promoting schemes to alleviate flooding in a sustainable and sensitive way using natural ecosystems and features where possible and also restricting development within flood risk areas following the guidance set out in the Risk Framework in SPP7: 'Planning and Flooding' and promoting flood risk management schemes to tackle flooding that threatens existing development and considering development proposals against the Flood Risk Framework set out in Table 5;
- k) safeguarding the area from pollution and contamination;
- l) promoting opportunities for the sensitive development of renewable energy and promoting renewable energy in new development;
- m) safeguarding resources for the production of minerals, preferred forestry areas, and prime agricultural land.

Policy L/ED13: Development in Woodlands

For development proposals within or adjacent to woodlands, the commercial resource of forestry is to remain the primary consideration, and development which is considered to prejudice the commercial management of the forest, is likely to be refused. However, non-native woodlands may be suitable for certain developments such as holiday chalets, and, in appropriate circumstances, the location of individual house plots. In order to ensure that the new use neither conflicts with, nor poses a danger (e.g. through fire risk) to remaining trees, the Forestry Authority will be consulted in such cases.

All new planting proposals are guided by the locational criteria set out in the Grampian Indicative Forestry Strategy.

Policy L/ED15: Rural Business Operations

Recognising their role as traditional, established land uses in rural areas, proposals related to indigenous industries (e.g. agriculture, forestry including forest and timber products, distilling, fishing and food processing), will generally be supported in principle.

New business developments in all sectors will be subject to:-

- i) strict control over siting, design, visual impact and emissions. In view of the rural location, industrial estate/urban design may not always be appropriate; (Full details on the relevant criteria are contained in Chapter 8 (Implementation)).
- ii) a possible locational justification for the site concerned if serviced industrial land is available nearby.
- iii) the capacity of the local infrastructure, (roads, drainage, water supply etc).
- iv) environmental considerations including the impact upon natural heritage.

Where regulations require, an Environmental Impact Assessment will be carried out in order that full account is taken of the potential impact of major developments. When the criteria requiring a formal EIA are not reached the Council may still request some supporting economic justification be submitted in support of any adverse environmental impact.

Proposals involving the rehabilitation of existing properties (e.g. farm steadings) to provide business premises will be encouraged, provided access and parking arrangements are acceptable. Where noise, emissions or any other aspect are considered to present "bad neighbour" circumstances, there will be a presumption to refuse development proposals.

Policy L/ED16: Tourist Facilities and Accommodation

- i) Proposals for holiday accommodation and tourist visitor attractions (hotels, visitor centres, guest houses, caravans/chalet/lodge/ timeshare developments) will in principle be supported, given their function as part of the tourism infrastructure.
- ii) Applications for holiday accommodation will be subject to the same guidance and advice as applies to housing in the countryside for siting and location. The Council generally accepts the integration of holiday chalet development within woodland settings, although conservation and natural heritage implications will be taken into account for proposals which involve native woodlands and natural habitat.
- iii) In countryside locations, visual impact and access arrangements will be important considerations. Proposals must demonstrate what landscaping measures will be taken to assist with the integration of the site into its rural setting, in addition to providing for on site amenity. Rigid formal layouts should be avoided, with stances/units separated to provide discrete locations/surroundings.
- iv) Developments built as holiday accommodation should be retained for that purpose, and not permitted to become permanent residences. Conditions will be applied to planning consents in order to control this aspect.
- v) Implementation policies in Chapter 8 will apply where relevant.

Policy L/ENV4: Tree Preservation Orders and Controls on Trees

The Council will serve Tree Preservation Orders (TPO) on potentially vulnerable trees which are of significant amenity value to the community as a whole.

Within Conservation Areas the Council will not normally agree to the felling or removal of trees and advice will be sought to determine when there is a need to serve a TPO.

The Council may attach conditions on planning consents ensuring that existing trees and hedges are retained or replaced. An applicant may be required to survey and identify those trees to be protected within the development site.

When imposing planting or landscaping conditions on certain developments especially in rural areas, the Council will specify the use of native species of trees and will prioritise the re-establishment and extension of hedgerows and/or shelter belts.

Policy L/ENV8: Light Pollution

Where developments incorporate exterior lighting within rural communities and the countryside, the Council will require designs which minimise light spillage through use of low pressure sodium lights, full cut-off lanterns and other measures as appropriate.

Policy L/ENV12: Archaeological Sites

The Council shall seek to protect and preserve, and where appropriate, enhance all important sites of Archaeological interest and their settings. The Council will not permit development which will adversely effect significant Archaeological Sites and when determining applications on or near such sites, the Regional Archaeologist, and other relevant bodies (e.g. The Moray Society) will be consulted to establish a site's significance in national, regional and local terms.

Where, in exceptional circumstances, the preservation of Archaeological features does not prove feasible, the Council shall require the excavation and the recording of a site where the primary aim of preservation has not been achieved.

Where new development is proposed which will effect national or regionally important archaeological sites, developers will be required to carry out an Archaeological assessment prior to commencement of works and fund subsequent intervention.

Policy L/ENV14: Listed Buildings

The Council will adhere to the guidelines laid out in Historic Scotland's Memorandum of Guidance of Listed Buildings with regard to listed buildings consent applications.

- i) Applications for development which affects a listed building will require to be submitted in detail and will be advertised.
- ii) Demolition of Listed Building will not normally be permitted unless it is demonstrated beyond reasonable doubt that every effort has been exerted by all concerned to find practical ways of keeping it.

- iii) Development on a site adjacent to a Listed Building will not be permitted to prejudice the character and setting of the Listed Building.
- iv) Traditional building material will be specified for any alterations or extension of a Listed Building and utilised sensitively to ensure that existing quality is not compromised.
- v) Buildings which are allowed to fall into a state of disrepair may be placed on the Buildings at Risk Register and remedial work to buildings in disrepair may be enforced in the public interest.

Policy L/ENV21: Private Waste Water Treatment and Drainage

The applicant must satisfy the Council in consultation with, SEPA and NOSWA that proposals for private sewage treatment can be implemented without adverse impacts on groundwater, and watercourses and provide for the efficient treatment of effluent.

Consideration will be given to advanced biological systems and new technology solutions as well as the more traditional septic tank and soakaway system. Disposal must satisfy testing procedures as required by the Council in consultation with SEPA and NOSWA and as outlined in appendix 3.

Policy L/ENV22: Pollution Conditions

Where there is a risk of pollution from a proposed development, which is the subject of a planning application, the council will apply conditions to a consent, or enter into an agreement with a developer, to ensure a specified reduction or removal of the pollution element and will require subsequent independent monitoring of pollution levels.

Policy L/ENV23: Private Water Supplies

The Council will require all applicants who propose to use a private water supply, to mark the supply and all works associated with the supply to the site e.g. the well, holding tank, supply pipe accurately on the application plan to enable the appropriate authorities to advise on adequacy, wholesomeness and pollution risks. This will require the applicant to provide specific information regarding the proposed water supply prior to determination of the planning application.

Policy L/ENV24: Surface Water Drainage: Sustainable Urban Drainage System

In consultation with SEPA, NOSWA and the Council's Road Service, Sustainable Urban Drainage Systems (SUDs) will be sought on all development sites as identified in the settlement plans and on all 'windfall' sites (i.e. redevelopments and undesignated sites) accommodating in excess of 10 residential units or measuring in excess of 2,000 sq. m of non-residential development land.

Settlement statements and development briefs shall identify sites where an explicit surface water management plan requires to be submitted and approved as part of the planning application.

Where SUDs are proposed applicants must specify provisions for long term maintenance to the satisfaction of the Council and the regulatory authorities.

Policy L/ENV26: Control of Development in Flood Risk Areas

(i) High Risk Exclusions

The Council (advised by SEPA, NOSWA and the Council's Roads Service) will direct developments considered of 'high risk' away from areas, known to be at risk from flooding and will presume to refuse applications for such proposals that fall within such areas. Proposals will be considered a high risk if they fall within areas considered by the Council to be liable to flooding and;

- a) represent an unacceptable threat to public safety, or
- b) are likely to cause unacceptable levels of pollution or contamination of flood waters if inundated, or
- c) may give rise to high levels of public expenditure on flood protection works.

Examples of developments considered as 'high risk' would include; hospital, medical and the emergency services; special care residential developments for the physically impaired or elderly; commercial developments that involve polluting or contaminating processes such as sawmills, furniture restoration, unsecured chemical or fuel storage and distribution etc.

(ii) Managed Risk Proposals

The Council will seek to manage the threat from flooding for developments not considered as 'high risk'. Within this approach there is an acceptance of risk on the basis that developments must adopt appropriate mitigation measures and have the potential to make a contribution to the improvement of flood water management within the area at risk. Applications will only be approved where they can demonstrate that the development;

- a) has been designed to minimise risk of inundation and will not contribute to or increase the risk of flooding elsewhere.
- b) has adopted all reasonable measures to improve the management of flood waters on and adjacent to the site and to assist the protection of properties within the vicinity of the site.
- c) does not impede the flow of flood water or the ability of the floodplain to store water and to flood naturally and takes account of the impact on riparian habitat and wetland.
- d) incorporates building design measures and materials to assist evacuation and minimise damage from inundation.
- e) employs, where possible, the use of Sustainable Urban Drainage Systems in the disposal of surface water run-off to the satisfaction of SEPA and the Council, and provides for their maintenance.
- f) can provide for the maintenance of any approved privately funded flood defence measures, to the satisfaction of the Council, (river engineering works associated with flood protection must also meet the requirements of policy L/ENV25).

The Council will be advised on the acceptability of risk/mitigation measures by its Planning, Roads and Building Standards Services together with SEPA and NOSWA on the basis of the precautionary principle as defined in NPPG7.

Applicants may be required to submit hydrological survey and assessment information in support of their proposals and may be required to make a contribution to flood defences under the terms of policy L/F1.

Policy L/T2: A95/ A941 and A98

Outwith the Settlement and Rural Community boundaries, there will be a presumption against new accesses and against development on new sites within 50m of these roads, in order to allow for extensive straightening and widening opportunities. Road improvements should seek to minimise or mitigate their potential impact on the natural environment.

Policy L/T4: Provision of Road Access

The Council will require that a suitable and safe access from the public highway is provided.

(i) Design of Road Access

Since the formation of a new access by unmade track or surfaced private road (particularly in rural areas) can often result in a scar on the landscape (e.g. if it dissects an agricultural field, involves extensive tree felling or traverses a hillside), then unless a proposed new access is carefully designed within the landscape the proposal will be unacceptable.

(ii) Road Access Standards

Where access to the site is by unmade/private track the Council may require it to be surfaced to a specified standard. If the access is of significant length and may serve more than one development site, some widening and the provision of passing places may additionally be imposed as a condition of any consent.

(iii) Unmade Private Tracks

Where a site takes access from an existing unmade private track which is outwith the ownership of the applicant and is considered to be of such a poor standard as to be unsuitable for additional vehicular traffic, the Council may consider the proposal unacceptable, unless the applicant can either:-

- a) secure ownership of the track to allow for improvements to be made to the satisfaction of the Council, or
- b) demonstrate that an appropriate agreement has been concluded with the existing owner to allow for improvements to be made to the satisfaction of the Council.

(iv) Phasing of Road Improvements

Where a new access roadway is to be provided the Council may require the road to be made up to a specified standard before work on the new property commences.

Policy L/T7: Parking Standards

Proposals for different forms of development must comply with the Council's 'Car Parking Standards' (available from the Council's Roads Service).

Where development (including housing) within the defined town centre cannot reasonably supply parking on site, (or where it is appropriate not to include parking), the developer will

require to comply with the Council's system for 'commuted payments' for parking. Housing development in town centres which need not provide residential parking on site, must make provision for vehicular access for deliveries and emergencies.

In housing developments of over 30 houses, provision must be made for communal off-street parking, in addition to in-curtilage in order to permit the parking of large commercial vehicles away from road frontages.

L/T9: Transport Impact Mitigation

Where a transport assessment identifies necessary off-site improvements for the development to be able to proceed the developer will be expected to fund them by entering into a formal agreement with the Council. In addition to normal developments this will also apply to situations such as the need to upgrade off-site infrastructure related to forestry planting or harvesting.

Policy L/T10: Cycle Tracks and Footpaths

As part of the implementation of the Cycling Strategy and the Aberdeen to Inverness National Cycle Route, new development on designated and windfall sites will require to provide cycle tracks and footpath connection to the existing network; these may be required as part of a developer contribution (Policy L/F1) if outwith an application site.

Policy L/CF4: Countryside Recreation: Access and Trails

Development proposals will not be permitted to prejudice established routes for walking, cycling, trails and cross-country skiing for which access arrangements have been agreed.

Policy L/R6: Retailing Outwith Defined Town Centres

Favourable consideration will be given to retailing proposals outwith the four defined town centres if they accord with the terms of Policies L/R7 and L/R8 for neighbourhood or ancillary retailing. There is a presumption against approval of other out-of-centre developments unless the developer can demonstrate either that the proposal would only comply with the Moray 2000 development plan retailing strategy, including provisions within individual town plans, or justify a departure from them. That demonstration will have to include consideration of alternative sites within and closer to the defined town centres, and the likely effect on their viability and vitality. In so doing, developers will be particularly, but not exclusively, required to give consideration to the following:-

- i) the demand for additional retail provision and the likely impact upon the existing types of retailing in the town centre or centres likely to be affected. The Council will seek a formal Retail Impact Assessment where there is likely to be an adverse impact.
- ii) the potential scale of net employment opportunities associated with the proposed development.
- iii) the environmental consequences of development - including the potential loss of natural and amenity land, and the ability of the identified site to absorb the proposed scale and design of building. Significant retail development proposals will be expected to contribute positively in design terms to the surrounding environment.

- iv) the feasibility, costs and payment for linking development to the existing infrastructure network including road access, sewerage links, water run-off and Sustainable Urban Drainage System.
- v) the accessibility of the site and its ability to be linked with the principal transport routes and public transport services. The development should contribute positively towards access for pedestrians, cyclists and the disabled.

L/R8: Ancillary Retailing

Industrial and commercial businesses outwith the town centres may only retail goods from their premises when such retailing operations are ancillary to the business as a whole. (For the purposes of this policy, ancillary is defined as 10% of total retail floorspace or 10% of turnover). See Policy L/ED2 Business Uses on to Industrial Estates.

Policy L/F1: Developer Contributions

Where a development proposal is considered to have a measurable and potentially negative impact on the infrastructure, community facilities or amenities related to that development, the Council will seek an agreement with the developer that he redress the elements of impact by funding the provision of, or contributing towards, such mitigating works as are reasonably necessary to enable the development to proceed.

If this cannot be achieved by conditions of consent, then agreements must be concluded before a consent is granted.

Policy L/F2: Commuted Payments

Where the Council has planned proposals to provide facilities related to, and in the neighbourhood of a proposed development, contributions by a developer justified under the terms of Policy L/F1 may be made in the form of a commuted payment to a Bond set up for that purpose.

Policy L/IMP2: Development in Rural Areas

The Council will seek to ensure that all proposals for development in the rural area (i.e. all areas in Moray outwith town settlement and rural community boundaries) are compatible in terms of character, amenity and design, integrate sensitively into the environment and, where possible, located within easy walking range of public transport (this latter requirement will particularly apply to large scale developments). The Council will, therefore, pay special regard to matters such as traffic and landscape impact, accessibility, loss of productive or biodiverse land, siting, scale, colour and energy conservation. The Council will consult relevant organisations such as Scottish Natural Heritage, the Scottish Environmental Protection Agency etc. on significant development proposals and 'The Moray Landscape Character Assessment' report as prepared by Scottish Natural Heritage will be utilised to inform decisions on siting and locating within the landscape.

Policy L/IMP3: New Building Design

(i) Design Principles

All building development must be designed to respond adequately to the locality. Applications must meet the following requirements:-

- a) appropriate location in landscape or townscape
- b) careful placement on a site, particularly in relation to character, amenity and energy conservation
- c) appropriate size and form in relation to existing buildings, sky line and landform
- d) appropriate density, layout and orientation in relation to character, amenity, privacy of neighbouring properties and energy conservation
- e) sensitive use of materials and colours in relation to existing setting and environmental impact

Standardised solutions to building design are not encouraged and will not be acceptable unless existing context (the design and character of the existing surroundings) suggests otherwise. Design solutions which seriously compromise the amenity and character of the area will not be permitted.

Highly innovative, experimental solutions will be encouraged but may not be suitable in every situation. In certain circumstances, the Council may request written design statements explaining various aspects of design solution e.g. explaining why a particular approach has been taken, and expect applications to show new buildings in their wider relationship with surrounding properties and the site (plans and elevations/perspective/ photomontages showing adjacent buildings, trees, landform etc)

(ii) Design Briefs

For sites where development may have significant local impact; the Council will produce detailed Design Briefs which will provide an analysis of context and existing character and state important design principles, major factors affecting the Development and other material considerations.

(iii) High Profile/Landmark Sites

Where a building is either high profile or will have high impact within the townscape or open countryside, i.e. along the A class road network and high street frontages, within defined town centres, and at major visitor attractions and prominent rural locations, The Council will expect high quality solutions and may consult with bodies such as The Royal Fine Arts Commission, the Royal Institute of Architects in Scotland, the Scottish Civic Trust, Historic Scotland and the Association for the Protection of Rural Scotland, to assist with the assessment of the design impact.

On sites considered to be high profile, the Council will encourage applicants and landowners to sponsor design competitions prior to the submission of a planning application under the rules and procedures as advised by the RIAS Competitions Unit.

(iv) Materials

The Council will particularly encourage the use of materials which are sustainable. The use of salvaged or recycled material is encouraged in most circumstances subject to local situation and there is a strong expectation that traditional materials will be used on heritage structures. The Council will discourage the over use of high energy materials (i.e. those which require high energy levels to make and dispose) where alternatives can be used and is also concerned about the potential long term affects of using Tropical Hardwoods, from non-managed sources.

Policy L/IMP4: Maintenance of Landscaped and Amenity Areas

Applicants must demonstrate that satisfactory arrangements have been made to secure the maintenance of all landscaped and amenity space in perpetuity. Such arrangements must be put in place prior to any planning consent being issued. These arrangements shall be to the satisfaction of the Council and limited to:-

- i) a Section 75 Agreement (under the terms of the Town & Country Planning (Scotland) Act 1997) with a Bond in perpetuity, or
- ii) an Agreement leading to adoption by the Council (normally involving a capital sum equal to 1 year's maintenance x 20 with transfer of title), or
- iii) an Agreement to transfer title and responsibility for the provision and maintenance of the amenity and landscaped spaces to a maintenance company such as the Scottish Greenbelt Company or such other similar company constituted to secure maintenance in perpetuity, as is acceptable to the Council.

Policy L/IMP5: Environmental Impact Assessment

The Council will require an Environmental Impact Assessment to be prepared for developments proposed within or adjacent to national and international designations of natural heritage (see L/ENV1), and for other major proposals identified by the Regulations (or by the revised Directive) which are likely to adversely affect the environment.

Policy L/IMP6: Transport Impact

Developers shall provide transport impact assessments for developments which may have a significant impact on traffic flows, pedestrians and cyclists and contributions shall be sought towards any mitigating transport measures shown to be necessary. All proposals must meet the requirements of policies L/T4 (Access), L/T7 (Parking), L/T9 (Mitigation) and L/T10 (Cycling) in Chapter 4 if relevant.

Policy L/IMP7: Drainage Impact

New development must connect to a public sewer for the disposal of foul drainage if one is available within a Town, Village or Rural Community. If it is not available alternative forms of treatment may be considered and must meet with the approval of NOSWA and SEPA. The Council will promote the employment of Sustainable Urban Drainage Systems (Sustainable Urban Drainage Systems) in the disposal of surface water run-off, and unless otherwise advised by SEPA, will operate a presumption against the disposal of surface water directly to a watercourse. Proposals must meet the requirements of policies L/ENV21 (Private Waste Water Treatment and Drainage), L/ENV22 (Pollution Conditions), L/ENV23 (Private Water Supplies),

L/ENV24 (Surface Water Drainage) and L/ENV26 (Control of Development in Flood Risk Areas) in Chapter 2, if relevant.

Policy L/IMP8: Departures From The Local Plan

Departures from the local plan will be managed in accordance with advice as laid down in Planning Advice Note 41: Development Plan Departures (The Scottish Executive). Proposals which involve substantive or significant policy changes or which are judged to involve major social, environmental or economic impacts, will be the subject of formal alteration procedures to amend the local plan. Such procedures will allow for a structural community participation input and may include a Public Local Enquiry.

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ER2: Energy Reduction Requirements in New Development

Proposals with a cumulative floorspace of 500 m² or more must include on site zero and low carbon equipment contributing at least an extra 15% reduction in CO₂ emissions beyond the 2007 Building Regulations carbon dioxide emissions. The location of the equipment should not significantly detract from the amenity, appearance or character of the site.

ER3: Development in Woodlands

Development proposals within woodlands will be refused where it would adversely affect the biodiversity or recreational value of the woodland or prejudice the management of the forest.

ED8: Rural Business Proposals

New business developments, or extensions to existing industrial/economic activities in the countryside will be permitted if they meet the following criteria:

- a. careful control over siting, design, landscape and visual impact, and emissions. In view of the rural location, industrial estate/urban designs may not be appropriate,
- b. a locational justification for the site concerned if serviced industrial land is available nearby,
- c. the capacity of the local infrastructure to accommodate the proposals,
- d. environmental considerations, including the impact upon natural and built heritage designations, with appropriate protection for the natural environment; the use of enhanced opportunities for natural heritage integration into adjoining land, and
- e. the location of the development close to populated rural areas where appropriate.

Proposals involving the rehabilitation of existing properties (e.g. farm steadings) to provide business-premises will be encouraged, provided access and parking arrangements are acceptable. Where noise emission or any other aspect is considered to be incompatible with surrounding uses, there will be a presumption to refuse.

ED9: Tourism Facilities and Accommodation

The Council will generally support, proposals which contribute towards Moray's role and image as a tourist area. Proposals will require to:-

- a. be compatible with policies to safeguard and enhance the built and natural environment,
- b. provide adequate infrastructure arrangements (e.g. roads, parking, water, drainage), and
- c. demonstrate a locational need for a specific site.

Developments built as holiday accommodation (e.g. caravans or chalets) should be retained for that purpose and not become permanent residences. Conditions will be applied to planning consents to control this aspect.

For caravan and chalet parks in countryside areas, visual impact and access arrangements will be important considerations. Proposals must demonstrate what landscaping measures will be taken to assist integrate the site into its rural setting, in addition to providing on-site amenity. Rigid formal arrangements should be avoided with stances/units separated to provide discrete locations/surroundings

E2: Local Nature Conservation Sites and Biodiversity

Development proposals which will adversely affect Local Nature Reserves, Sites of Interest to Natural Science, Ancient Long Established or Semi Natural Woodland, raised peat bog, wetlands, protected habitats or species or other valuable local habitats or conflict with the objectives of Local Biodiversity Action Plans will be refused unless it is demonstrated that;

- a. local public benefits clearly outweigh the nature conservation value of the site, and
- b. there is no suitable alternative site for the development.

Where there is evidence to suggest that a habitat or species of importance exists on the site, the developer will be required at his own expense to undertake a survey of the site's natural environment.

Where development is permitted which could adversely affect any of the above designated sites the developer must put in place acceptable mitigation measures to conserve and enhance the site's residual conservation interest.

Development proposals should protect and where appropriate, create natural and semi natural habitats for their ecological, recreational, landscape and natural habitat values.

E3: Tree Preservation Orders and Controls on Trees

The Council will serve Tree Preservation Orders (TPOs) on potentially vulnerable trees which are of significant amenity value to the community as a whole, or trees of significant biodiversity value.

Within Conservation Areas the Council will only agree to the felling of dead, dying, or dangerous trees. Trees felled within Conservation areas or subject to TPO protection should be replaced, unless otherwise agreed with the Council.

The Council may attach conditions on planning consents ensuring that existing trees and hedges are retained or replaced. An applicant will be required to survey and identify those trees to be protected within the development site. A safeguarding distance should be retained between mature trees and proposed developments.

When imposing planting or landscaping conditions on certain developments especially in rural areas, the Council will specify the use of native species of trees and will prioritise the re-establishment and extension of hedgerows and/or shelterbelts.

EP8: Pollution

Planning applications that are subject to significant pollution including noise, air, water and light will only be approved where a detailed assessment report on the levels, character and transmission of the potential pollution is provided by the applicant to show how the pollution can be appropriately mitigated. Where the Council applies conditions to the consent to deal with pollution matters these may include subsequent independent monitoring of pollution levels.

BE1: Scheduled Ancient Monuments and National Designations

National Designations

Development proposals will be refused where they will adversely affect Scheduled Ancient Monuments and nationally important archaeological sites or their settings unless the developer proves that any significant adverse effect on the qualities for which the site has been designated are clearly outweighed by social or economic benefits of national importance.

Local Designations

Development proposals which will adversely affect sites of local archaeological importance, or their settings, will be refused unless it can be demonstrated that;

- a. local public benefits clearly outweigh the archaeological value of the site, and
- b. there is no suitable alternative site for the development, and
- c. any adverse effects can be satisfactorily mitigated at the developers expense.

Where, in exceptional circumstances, the primary aim of preservation of archaeological features in situ does not prove feasible, the Council shall require the excavation and researching of a site at the developers expense.

The Council will consult Historic Scotland and the Regional Archaeologist on development proposals which may affect Scheduled Ancient Monuments and archaeological sites.

BE2: Listed Buildings

The Council will encourage the protection, maintenance, enhancement and active use of listed buildings.

Development proposals will be refused where they would have a detrimental effect on the character, integrity or setting of the listed building(s). Alterations and extensions to listed buildings or new developments within their curtilage must be of the highest quality, and respect the original structure in terms of setting, scale, materials and design.

The demolition of listed building(s) will not be permitted unless it is demonstrated beyond reasonable doubt that every effort has been exerted by all concerned to find practical ways of retaining the building and that the community would benefit from the redevelopment. All applications for the demolition of listed buildings should be supported by a report on the condition of the building, a study on the viability of retaining the building in active use a report on the steps taken to advertise and market the building and, the proposals to recycle existing building materials into the future use of the site. Any proposed replacement of a demolished listed building should be of comparable quality in terms of construction and design.

Buildings which are allowed to fall into a state of disrepair may be placed on the Buildings at Risk Register and remedial works to buildings in disrepair may be enforced in the public interest.

Proposals should be in accordance with guidelines laid out in Historic Scotland's Memorandum of Guidance of Listed Buildings with regard to listed building consent applications.

EP1: Waste Management and Disposal Facilities

Proposals for the development of new facilities for the management or disposal of waste will be supported if the following criteria are met:

1. any location must have acceptable, safe access arrangements and be close to an existing primary road, railhead or suitable harbour facilities and be capable of satisfactorily accommodating the potential transport impacts within the surrounding road network; and
2. proposals should be strategically located within the existing waste collection network and be close to the principal sources of waste arising to accord with self-sufficiency and proximity principles.
3. the proposal is required as part of the implementation of the Area Waste Plan or the Council Waste Plan (for municipal waste proposals) and helps deliver the objectives of National Waste Strategy/National Waste Plan;
4. The proposal should be located where it will not generate a significant adverse impact on international, national, regional or locally significant designated areas;
5. Any proposal should be suitably located, preferably within an existing or proposed industrial area; a brownfield site, (policy ED6) derelict or degraded land (unless adverse ground conditions pose an unacceptable risk) or existing waste management site;

6. Greenfield sites should only be considered for development if it can be demonstrated that there are no other suitable locations. Any greenfield site also needs to take into account the impact on the surrounding landscape;
7. Proposals should not generate adverse impacts on ground water resources and surface waters and should not be located within an area subject to flooding (1:200 year event);
8. Energy from waste recovery facilities should be located adjacent to suitable National Grid infrastructure and close to users of heat and power;
9. Where proposals can offer additional benefits for the locality or community then these factors should be taken into account in the finalisation of the location.
10. The development has no adverse on impact residential and environmental amenity and that where appropriate (e.g. landfill) satisfactory details of restoration are provided.

EP10: Foul Drainage

All development within or close to settlements (as defined in the Local Plan) of more than 2,000 population equivalent will require to connect to the public sewerage system unless connection to the public sewer is not permitted due to lack of capacity. In such circumstances, temporary provision of private sewerage systems may be allowed provided Scottish Water has confirmed that investment to address this constraint has been specifically allocated within its current Quality and Standards Investment programme and the following requirements apply:

- i. systems shall not have an adverse impact on the water environment;
- ii. systems must be designed and built to a standard which will allow adoption by Scottish Water;
- iii. systems must be designed such that they can be easily connected to a public sewer in the future. Typically this will mean providing a drainage line up to a likely point of connection.

All development within or close to settlements (as identified in the Local Plan) of less than 2,000 population equivalent will require to connect to the public sewerage system except where a compelling case is made otherwise. Factors to be considered in such a case will include the size and dispersal of the settlement, the size of the proposed development, whether the development would jeopardise delivery of public sewerage infrastructure and existing drainage problems within the area. Where a compelling case is made, a private system may be acceptable provided it does not pose or add to a risk of detrimental effect, including cumulative, to the natural and built environment, surrounding uses or the amenity of the general area. Consultation with SEPA will be undertaken in these cases.

Where a private system is deemed to be acceptable (within settlements as above or small-scale development in the countryside) a discharge to land (either full soakaway or raised mound soakaway) compatible with the Technical Handbooks (which set out guidance on how proposals may meet the Building Standards set out in the Building (Scotland) Regulations 2004) should be explored prior to considering a discharge to surface waters.

EP2: Recycling Facilities

Proposals for new retail, business and residential development must include appropriate provision for storage of recycling facilities for the collection of recyclates. The waste strategy document (prepared by the Council's Waste Manager) will be referred to for use in planning applications and the scheme should be designed in consultation with the Waste Manager.

EP4: Private Water Supplies

The Council will require all applicants who propose to use a private water supply, to mark the supply (and all works associated) to the site e.g. the well, holding tank, and supply pipe, accurately on the application plan to enable the appropriate authorities to advise on the environmental impact, adequacy, wholesomeness, capacity of supply for existing and proposed users and pollution risks.

EP8: Pollution

Planning applications that are subject to significant pollution including noise, air, water and light will only be approved where a detailed assessment report on the levels, character and transmission of the potential pollution is provided by the applicant to show how the pollution can be appropriately mitigated. Where the Council applies conditions to the consent to deal with pollution matters these may include subsequent independent monitoring of pollution levels.

EP5: Surface Water Drainage: Sustainable Urban Drainage Systems (SUDS)

Surface water from development should be dealt with in a sustainable manner that avoids flooding and pollution and promotes habitat enhancement and amenity. All sites should be drained by a SUDS system or equivalent. A Drainage Assessment will be required for developments of 10 houses, or greater than 100 sq metres for non residential proposals. Applicants must agree provisions for long term maintenance to the satisfaction of the Council, SEPA and Scottish Water.

EP7: Control of Development in Flood Risk Areas

Proposals for development in areas considered to be at risk from flooding will only be permitted where a flood risk assessment to comply with the recommendations of National Guidance and to be satisfactory to both SEPA and the Council is provided by the applicant. The assessment must demonstrate that any risk from flooding can be satisfactorily mitigated without increasing flood risk elsewhere. New development should not take place if it would be at significant risk of flooding from any source or would materially increase the possibility of flooding elsewhere. Due to continuing changes in climatic patterns, the precautionary principle will apply when reviewing any application for an area at risk from inundation by floodwater. The following limitations on development will also be applied to take into account the degree of flooding as detailed in National Guidance;

- a. in areas of little or no risk (less than 0.1%) there will be no general constraint to development.
- b. areas of low to medium risk (0.1% to 0.5%) will be considered suitable for most development. However, these areas will generally not be suitable for essential civil infrastructure such as hospitals, fire stations, emergency depots etc. Where such

infrastructure has to be located in these areas or is being substantially extended, they must be capable of remaining operational and accessible during extreme flooding events.

- c. in areas of medium to high risk (0.5% or above)
 - i. in built up areas most development may be acceptable if flood prevention measures exist, are under construction, or are planned.
 - ii. essential civil infrastructure will generally not be permitted.
 - iii. undeveloped and sparsely developed areas are generally not suitable for additional development. Exceptions may arise if a location is essential for operational reasons.

EP9: Contaminated Land

Development proposals on potentially contaminated land will be approved if:

- a. site specific risk assessments are undertaken by the applicant to identify any actual or possible significant risk to human health or safety, or to the environment and that any previous historic uses are not continuing to cause significant pollution to the water environment, and
- b. effective remediation measures are agreed to ensure the site is made suitable for any new use granted consent, and
- c. appropriate measures for the disposal of any contaminated material is agreed with the Council.

The Council will consult SEPA in respect of pollution of controlled waters and licensing issues arising from remediation works.

T1: Transport Infrastructure Improvements

The Council will promote the improvement of road, rail, air and sea routes in Moray and priority will be given to:

- a. dualling the A96 Aberdeen to Inverness route, including bypasses at Elgin, Fochabers/Mosstodloch and Keith.
- b. improving the A95 (Keith to Aberlour), A941 (Lossiemouth to Elgin to Craigellachie) and A98 (Fochabers to Cullen) routes.
- c. improving the Aberdeen to Inverness railway for passengers and freight by providing additional passing opportunities.
- d. improving harbour facilities for freight and leisure.
- e. improving access to air facilities, in particular through public transport

Proposals that compromise the implementation of these priorities will not be acceptable.

SPP17 details that there will be a presumption against new accesses onto a trunk road, and that the Scottish Executive will consider the case for such junctions where nationally significant economic growth or where regeneration benefits can be demonstrated.

T2: Provision of Road Access

The Council will require that a suitable and safe road access from the public highway is provided to serve new development and where appropriate any necessary modifications to the existing road network to mitigate the impact of development traffic, and the provision of appropriate facilities for public transport, cycling, and pedestrians. Access proposals that have a significant adverse impact on the surrounding landscape and environment that cannot be mitigated will be refused.

SPP17 details that there is a presumption against new accesses onto a trunk road and that the Scottish Executive will consider the case for such justifications, where nationally significant growth or regeneration benefits can be demonstrated.

T5: Parking Standards

Proposals for development must conform with the Council's policy on parking standards.

T7: Cycling, Walking and Equestrian Networks

The Council will promote the improvement of the cycling, walking, equestrian and motorised sport path networks within Moray. It will give priority to the path networks and to long distance routes including the Aberdeen to Inverness National Cycle Route and the Speyside Way. Development proposals that adversely impact on the routes and cannot be adequately mitigated will not be acceptable.

Dependant on funding the Council will examine the possibility of an extension of the Elgin to Lhanbryde footpath network.

CF3: Countryside Recreation: Access and Trails

Development proposals will not be permitted which prejudice rights of way, identified paths and trails for non-motorised public access, inclusive of routes from the statutory Moray Core Paths Plan and the wider Moray Local Access Development Plan. Continued monitoring of impact will be required in environmentally sensitive areas.

R3: Out of Centre Development of Significant Retail and Commercial Proposals

Outwith town centres retail development proposals over 1000 square metres gross must:

- a. comply with the sequential approach which requires that locations for new development be considered in the following order of preference: town centre sites; edge of town centre sites; other commercial centres identified within the development plan; and out of centre sites in locations which are, or can be made, easily accessible by a choice of modes of transport.

- b. not impact adversely on the vitality and viability of relevant town centres, this being demonstrated where appropriate, by a Retail Assessment,
- c. meet any requirements for linking development to existing infrastructure including roads access, parking, as demonstrated by a Transport Assessment, sewerage, water run-off and Sustainable Urban Drainage Systems (SUDS),
- d. provide specific opportunities for access by public transport, pedestrians, cyclists and the disabled, and
- e. contribute positively to the built environment of the area by having a high standard of design.

Proposals outwith settlement boundaries will not be acceptable.

R4: Neighbourhood and Local Shops, Ancillary Retailing, and Recreation or Tourist Related Retailing

Neighbourhood and Local Shops, Ancillary Retailing, and Recreation or Tourist Related Retailing will generally be acceptable in the following circumstances:

- a. new shops up to 1000 square metres gross, or extensions of less than 50% to the gross floor space of an existing shop up to a combined total of 1000 square metres gross, which are intended to primarily serve the neighbourhood needs of local area within a settlement boundary
- b. ancillary retail operations to an industrial or commercial business. In this case ancillary is defined as up to 10% of total gross floorspace of the business, and up to 1000 square metres gross total of retail floorspace, where the retail operation is directly linked to the industrial or commercial production and where the goods are produced on the same premises.
- c. farms or farm buildings for the retailing of farm produce, or,
- d. specialist retailing associated with recreation or tourist development.

In all cases, satisfactory provision must be made to ensure that the environment is not compromised and that there is appropriate access and parking, and other service provision.

IMP3: Developer Contributions

Where a development proposal is considered to have a measurable impact on the provision of infrastructure, community facilities, healthcare or amenities related to that development, the Council will seek appropriate contributions from the developer to redress that impact by funding provision of, or contributing towards such mitigating measures as are reasonably necessary to allow the development to proceed. In particular circumstances at the discretion of the Council a developer may be allowed to make the contribution in the form of a commuted payment.

The contribution or commuted payment should be achieved by condition of consent or by agreement to be concluded prior to the grant of consent.

IMP1: Development Requirements

New development will require to be sensitively sited, designed and serviced appropriate to the amenity of the surrounding area. It must meet the following criteria:

- a. the scale, density and character must be appropriate to the surrounding area,
- b. the development must be integrated into the surrounding landscape,
- c. adequate roads, public transport, and cycling and footpath provision must be available, at a level appropriate to the development,
- d. adequate water, drainage and power provision must be made,
- e. sustainable urban drainage systems should be used where appropriate, in all new developments
- f. there must be adequate availability of social, educational, healthcare and community facilities,
- g. the development should, where appropriate, demonstrate how it will incorporate renewable energy systems and sustainable design and construction. Supplementary Guidance will be produced to expand upon some of these criteria,
- h. provision for the long term maintenance of public landscape and amenity areas must be made,
- i. conservation of natural and built environment resources must be demonstrated,
- j. appropriate provision to deal with flood related issues must be made, including the possibility of coastal flooding from rising sea levels and coastal erosion,
- k. pollution, including ground water must be avoided,
- l. appropriate provision to deal with contamination issues must be made, and
- m. the development must not sterilise significant workable reserves of minerals, prime quality agricultural land, or preferred areas for forestry planting.
- n. where appropriate, arrangements for waste management should be provided.

IMP2: Development Impact Assessments

The Council will require applicants to provide impact assessments in association with planning applications in the following circumstances:

- a. an Environmental Assessment (EA) will be required for all developments within or adjacent to international or national natural heritage designations, and for other major proposals that are likely to have significant environmental affects under the terms of the EA regulations.

- b. a Transport Assessment (TA) is required for developments that raise significant transport implications such as additional peak hour traffic, traffic late at night in a residential area or road safety concerns. The indicative thresholds contained in the related guidance to SPP17 will be used. However it should be noted that Transport Assessments could be required no matter the size of the site. Moray Council will develop its own thresholds and promote these through Supplementary Guidance. The Moray Council's Roads Service can assist in providing a screening option on whether a Transport Assessment will be sought.
- c. a full Retail Impact Assessment (RIA) will be required for all retail proposals of 1000 square metres gross or more. For smaller developments the Council may require a retail statement to be prepared by the applicant.
- d. where appropriate, applicants will be asked to carry out other assessments e.g. noise; air quality; flood risk; badger or bat surveys to confirm the compatibility of the development proposal.

OBJECTIONS-REPRESENTATIONS

a) *Letters received (on original and amended plans) from:*

- D Goodey, Linden Lea, Coleburn Longmorn Elgin IV30 8SN*
- Mrs A Meldrum, Station House, Coleburn, Longmorn Elgin IV30 8SH*
- Mr & Mrs J Sugg, Linden Lea, Coleburn Longmorn Elgin IV30 8SN**

* for original submission only

** for amended submission only

The main points of the letters are:

- **Impact on water supply**
- Whilst having no objection in principle to the development, assurance required that quality and quantity of water supply shared with other householders and the development will be at least equivalent to current standards. (Meldrum)
- Not fundamentally opposed to the development but properties in area rely on private water supply, often insufficient in the summer to adequately supply all houses. The ability to provide a water supply sufficient for the development over and above the existing houses should be proven prior to granting consent. (Goodey)
Comment: As originally submitted, a private water supply was proposed. Details of the supply arrangements were requested however, the proposal was amended to include a public supply and the application is now being determined on this basis. A public connection would not impact on other properties currently served by an existing private supply. Correspondence from the agent indicates that a response is awaited from Scottish Water, who have advised that there is no known mains supply in the vicinity of the site (see Consultations).
- **Impact on noise**
- The development should be soundproofed so as to avoid disturbance from regular music events. (Goodey)

Comment: The Environmental Health Manager has recommended conditions to ensure that noise mitigation measures are implemented for the Entertainment Centre, as indicated in the applicant's noise impact assessment. Noise 'levels' are also prescribed to minimise the impact on noise sensitive property.

- **Impact on access**

- Concern over increased traffic flow along rather old and poorly maintained access road to the Distillery. (Goodey)

Comment: As originally submitted, use of the existing access to the Distillery off the A941 was proposed. The Transportation Manager recommended refusal of that arrangement, the existing access being unsuitable for the proposed development in road safety terms. However, the amended plans include a new access junction (with 2-lane exit) onto the A941 north of the existing access, which is acceptable in transportation terms. The existing access will be retained for pedestrian access and for use by vehicular traffic in an emergency. Bollards will be placed across the existing road to preclude vehicles.

- **Impact on access on Linden Lea**

- Whilst not objecting to the proposed development, bollards should be located beyond the sole entrance to Linden Lea which is located 15 metres down lane from existing junction with A941.
- If this entrance is bollarded off, access to Linden Lea to be off the new road and the lane but will not be able to access property directly in winter months, as steep section of lane is frequently frozen and/or snowbound.
- Use of new access would make a mockery of deliveries, no doubt leading to vehicles parking on A941 roadside.

Agent's Comment: Only Linden Lea takes access on to the existing road. It is proposed to position the bollards to allow occupants of Linden Lea to enjoy their existing access. The remaining properties use a separate access arrangement off the A941.

Comment: The applicant's amended plans indicate bollards positioned between the existing Distillery access off the A941 and the access to Linden Lea, thus precluding direct access to Linden Lea and requiring that property to use the new access junction and road. The Transportation Manager has not objected to the suggested repositioning of the bollards to allow Linden Lea to maintain and continue the existing access arrangement direct of the A941. A condition is recommended requiring the bollards to be re-sited.

b) in support of the application various correspondence from agent, the main points being:

- Public water supply will be used, application made to Scottish Water (April 2005) and awaiting response (October 2007).
- Applicants involved in the music and entertainment industry. In this location, there is a need for a proper entertainment centre for teaching purposes and hosting music festivals. The Distillery is located in a pleasant picturesque valley landscaped on all sides. The site is surrounded by woodland and it is not intended to remove any trees from the site.
- The buildings are ideal as all roofs are timber pitched structures and clad in slates, which lends to the character of project and being in a hollow surrounded by landscaping, this assists in reducing noise levels. The project allows the continued use of the buildings, in a different format and provides additional employment opportunities.
- The Entertainment Centre, with a 1500-people capacity, will stage plays, orchestras and concerts of traditional Scottish Music. It will be multi-disciplinary and capable of use for weddings, etc. With multi-folding partitions fitted, it can be divided into sections for lectures and teaching. It will be open to the early hours of the morning, similar to other licensed premises.

- The travel lodge will be used by guests during training. The music studio will be used for group training and recording purposes and the retail outlet will be for gifts and musical items.
- The scheme utilises the listed buildings (which have lain vacant and unused for 20 years) in their present format. All existing masonry openings are retained, with no disturbance except where indicated on the drawings. All new door and window openings, including reformed first floor vents and openings to rear of beer store, will be finished with sandstone masonry to match existing. All proposed windows to be traditional sash and case timber, painted white and doors will be timber, painted white. The entrance canopies will re-use existing steel columns from warehouse with glazed structure over and all astragals covered in lead. The roofs over existing buildings are all slated, in reasonable condition. General repairs will be carried out where required with skewes and ridges pointed to blend with existing stonework, which is in good condition and will be picked and pointed with lime mortar. The copper stills within building were removed by previous owners.
- The former Malting barns will be converted into the travel lodge as the building has character and the existing floors are of suitable strength for the proposed loading. However, the forming and lowering of cills of the first floor vents into sash and case windows is required to comply with Building Standards. The originally proposed fire escape has been re-routed off the gable end of Malting via door in front elevation.
- No parking to be provided between entertainment centre, travel lodge and music studio area. This area will be landscaped with seating and a water fountain using existing water pump.
- The existing boiler house will be used for the heating system. Plant and machinery for air conditioning, en-suite mechanical ventilation (e.g. from en-suite bedrooms) and kitchen extractions to be located in roof voids and terminate in the existing kiln vents, which will be used for extraction. For the entertainment centre, the ventilation and extraction arrangements will re-use the upper window openings at the rear of the building.
- Relevant photographs for archaeological purposes will be undertaken prior to commencement.
- External lighting will illuminate the buildings and emphasise interesting key architectural features, hence lighting will be aesthetic and functional with ambient lighting to public walkways and areas adjacent to buildings and for security cameras. Specialist computer programmable external flood lights (colour changing) will be used and strategically positioned in sympathy with surroundings so as not to create light pollution and all exterior lights will point down acting as down-lighters.
- Construction programme will be contingent on when planning consent achieved and will work with SNH to meet requirements and conditions.
- 900- or 650-people using marshalled or conventional parking respectively would be acceptable with the proviso that these numbers can be re-visited after a track record and sufficient information has been gathered to satisfy Transportation and the applicants that numbers could be increased.
- Applicants believe they have agreed adequate and sufficient levels of parking with the roads department and planning for a reduced number of event attendees. Any further car park provision would only result in a higher capacity event based on the car parking provided.
- The original 1500 capacity figure can not be catered for on the site given the car parking available. There is no additional space for any further overspill parking at this stage.
- Events where practicable will be ticketed and car park tickets issued. There is of course no possible means for controlling how many people attempt to arrive on site as is the case for any development anywhere. An advertised event may suddenly take everyone's fancy in the area and result in large queues of traffic beyond the site's capacity arriving at site. However

- there are no normal means of controlling/limiting numbers as a level of parking to an agreed standard is provided and it is accepted that queuing during peak periods may be an actuality.
- There is no real way of guaranteeing a level of attractiveness to a site or event at any given time.
 - With respect to the commitment to limiting the numbers on site to the parking spaces provided, is this not why the Planning Application is to be for the lesser sized events? Events will be stewarded and car park numbers will be controlled by car park tickets being issued for ticketed events and stewards will simply have to turn people away once capacity is reached for un-ticketed events. Events/sites like this will be self-policing to a certain degree. Where problems occur either with parking and access to a site, as is the case for any event site, people change their travel behaviours based on experience. They will not travel to the site one person per car, or by car, or travel at all to a venue if it is not easily accessible.
 - The actual figure for a capacity is not the issue but how persons travelling to site are controlled cannot be guaranteed by any means. Numbers entering the site can however be controlled by stewards only allowing those with either parking tickets into the site or by tracking the ins and outs of the car park for an un-ticketed event ensuring the capacity is not exceeded.
 - Moray could miss out on a £10-15 million pound development, 150 jobs and a major tourism attraction. Up until this point, not gone down the road of media coverage and in absence of inclusion in the March planning meeting, now have to seriously consider this line of action especially in light of all the other major planning issues that are in the spot light at the moment.

Bat survey (September 2006) - indicates buildings and structures used by small number of pipistrelle bats as mating roost sites. Some mitigation is required for loss of bat roosts where buildings used by bats are converted. A licence will be required. A number of bat boxes fixed to structures not demolished or trees around the site will be provided as an alternative or replacement mating roosts to those being demolished/disturbed.

Drainage Impact Assessment (amended, April 2006) - the nearest sewer connection is 7 km away and effluent would need to be pumped. The three-stage treatment plant will be located in the woodland with foul effluent pumped to it from the development and treated effluent will discharge to a soakaway. The proposed foul water effluent treatment system on site will treat foul water to a high standard and ensure the impact of the development is minimised. The system will be managed and maintained by the owners as a single unit and the quality of effluent will be continuously monitored

Although the site is not suitable for infiltration based SUDs techniques, these will be included to enable maximum opportunity for surface water to infiltrate when conditions allow. Post development run-off will be improved with two levels of treatment, including swales/infiltration basins and soakaways/filter drains under parking and courtyard area and provide better treatment than the pre-development experience.

The site has not suffered from recent flood problems from the Glen Burn but some buildings are at risk from flooding. To minimise this, floor levels in the buildings at risk will be set 500 mm above the 1 in 200 year event level. Existing obstructions in the Burn should be removed to ensure maximum channel depth and size is maintained through the site. The proposed development will reduce the impact that the site contributes to any existing flood problems if the proposed SUDs are implemented.

Transportation Assessment (September 2006) - the total parking requirement excluding the Entertainment Centre is 74 spaces. The Entertainment Centre will be used for a variety of uses including conferences, theatre productions, concerts, and as a hotel function room for weddings, etc with maximum capacity of 1500 persons (expected once a month) and smaller functions attracting around 150 people, expected on a more regular basis. In response to concerns over the applicability of parking standards for rural stand-alone sites, alternative approaches have been considered and used to determine parking requirements. This includes assumed typical travel patterns and use of TRICS database to predict trips and car park occupancy rates for similar large capacity events and a 650-space requirement for 1300 persons travelling to the site by car.

When large capacity events take place, stewarding will be in place to provide traffic management ensuring the through flow of traffic and that vehicles are parked to maximise overspill car parking capacity. Although there is no standard requirement, 10 coach spaces will be provided.

Proposed improvements to local public transport infrastructure include improved footpath links, new bus lay-by and shelter arrangements and pedestrian drop kerbs. A combined cycleway/footpath link using the existing single-track road towards Fogwatt is proposed. Travel Plan initiatives encourage sustainable modes of transport to/from the site. The new site access junction is over capacity for a maximum 1500-person capacity event but this does not take account the stewarding and traffic management arrangements, and accords with relevant design standards. The required visibility splays can be achieved on land within the developer's control.

Travel Plan (amended, January 2008) - This framework document provides a means to manage travel to/from the development. It aims to identify sustainable transport objectives, measures to be carried out by the development, identify initial targets and a time-scale for monitoring. It aims to control vehicle numbers to remove the risk of car parking under-provision. A Travel Plan Co-ordinator (TPC) will be appointed to promote, review and amend the plan annually. Land ownership issues preclude the use of the former dismantled railway line as a cycle/footpath route. Provision is made for public transport and improved footpaths, including a dedicated pedestrian access link using the existing access road off the A941 and a new bus lay-by and shelter, plus showers, lockers, changing facilities and cycle storage for staff/visitors.

A staff and visitor questionnaire will be carried out within six months of initial occupancy (or full opening of the development as also indicated elsewhere in the Plan) to determine current travel patterns. Information about local public transport services will be provided on staff/visitor notice boards and in travel information packs, etc. The TPC will liaise regularly with local bus operators regarding bus provision and further initiatives may be considered. Car sharing (to work) and cycling will be encouraged, and provision made for secure cycle parking. The TPC will liaise with organisers of one-off special events to minimise the number of trips to/from the development by car. For ticketed events, car parking tickets will be sold/issued with tickets for the event to ensure maximum car parking capacity is not exceeded, transfers to/from Elgin can be arranged for hotel patrons and a shuttle bus provided for one-off special events. For large one-off events, funnel/restricted parking arrangements may be used for cars. Travel by free private bus, shuttle bus or car sharing is recommended and parking charges introduced to discourage under occupancy of vehicles. A staff bus would be provided where special event numbers exceed 150. Further initiatives may or will be identified after the measures identified have been assessed and/or the analysis of questionnaires.

CONSULTATIONS

Building Standards Manager, Development Services - Building Warrant required.

Environmental Protection Manager, Direct Services - No objections.

Environmental Health Manager, Development Services - Noise mitigation measures for Entertainment Centre to be implemented in accordance with submitted report (December 2004) ensuring that entertainment noise should not exceed representative background noise. Noise from fixed plant and machinery not to exceed specified noise rating at noise-sensitive properties. Informatives recommended that odour from drainage system does not cause statutory nuisance and proposal must meet workplace and food safety regulations. As applicant has advised that the proposal will be served by mains water, not a private supply, no comment.

Contaminated Land, Development Services - Condition recommended regarding remediation if significant unsuspected contamination is found.

Scottish Water - No comment on proposed private drainage and treatment facilities. There are no known public sewers in the vicinity of the development. There are no known public water mains at the site.

Transportation Manager, Direct Services - Recommend refusal. Whilst the level of parking proposed is acceptable for the day-to-day operation of the centre in tandem with the “smaller” 150-people event, the level of parking proposed for the “larger” 1500-people event is not acceptable and does not comply with the Council’s parking standards. There is no provision for further overspill parking arrangements. The resultant under-provision of parking would have a potentially detrimental impact on road safety, the likely result being an overflow of vehicles onto the A941.

In the absence of adequate parking the applicant was advised that the minimum level of parking could only be accepted if it were supported by robust information demonstrating that the applicant could control the numbers arriving by car and give a clear demonstration of how the remainder of people would arrive at this site by other means. Whilst a robust Travel Plan was required, the revised Travel Plan (January 2008) is not acceptable. It does not specify an outcome for observed car parking levels and general car trip reduction nor demonstrate that sufficient control can be exercised over the means of travel to the site for the larger event to guarantee that car park capacity will not be exceeded. Having been asked to supply this information several times and having failed to do so, it is clear that the applicant is either unable or unwilling to give the necessary assurances that appropriate arrangements can be made. Further, the provision of a robust Travel Plan is not going to be achieved to satisfactorily demonstrate that travel to the site for the 1500-person event can be provided without risk of an overflow of car parking. The applicant is unable to demonstrate that travel arrangements can be put in place for the 1500-person event such that the available car parking will be adequate and is unable to control the number of people attempting to arrive on site by car to attend their “larger” event.

The proposed access road layout including the 2-lane exit and changes to the A941 road layout and re-location of the proposed advance direction sign, are acceptable. The proposed public transport and bus/coach facilities are acceptable. The pedestrian route from the A941, a new footway between the new access road and the distillery and closure of the existing access road to through traffic to form part of the pedestrian route with appropriate lighting provided is

acceptable. The developer has proposed to enhance a possible pedestrian and cycle route between the site and Fogwatt through the erection of signposts and appropriate upgrade of the track/route to an acceptable standard. Due to land ownership issues it is considered more appropriate that a developer contribution is taken towards the proposed Core Path identified in the Moray Core Path Plan (Consultative Draft).

SEPA - Following amended proposals (August 2007), no objections to foul drainage and surface water drainage proposals. Objection on flood issues now withdrawn as proposal considered to meet SPP 7 based on information from applicant's consultants. This confirms existing floor levels on buildings and road levels are all above the estimated 1 in 200 year flow level for the Glen Burn, proposals for bank raising are now omitted and the SUDS basins located outwith the 1 in 200 year flood event area, have sufficient design volume to ensure the Burn is protected including the use of flap valves, etc. Proposals must comply with SEPA's Pollution Prevention Guidelines and separate consent for foul drainage system required.

Moray Flood Alleviation - No objections. Concern that effluent pipe bridged over the Burn likely to cause blockages addressed by details indicating level of pipe above the 1 in 200 year flow level.

Scottish Natural Heritage - Following consideration of bat survey, objection to development now withdrawn subject to conditions that works in areas where bats were found are completed outwith the mating season, mid-August (15th) - end-October (31st), and provision made for similar number of pipistrelle bats through details of number, siting, location and design of bat boxes. (Note: Subsequent details provided on number, location and design of bat boxes acceptable).

Historic Scotland (informal comments) - With formal notification, recommend information/amendments or conditions addressing any external alterations which require Building Warrant including all terminals for heating, servicing, ventilation of interior and structural voids of the building; typical window details clarifying opening methods (vertically sliding) and finishes with trickle vents to be omitted; full specifications of external finishes (paint not stain); full specification of external repairs to historic fabric, full specification of external lighting, drawing details and specifications of entrance canopies, and retention of copper stills.

Archaeology - Photographic record required of structures/buildings that will be altered with photographs to be lodged in Council's Sites and Monuments Record before construction commences, in the interests of safeguarding Moray's industrial heritage.

Developer Contributions - None identified following consideration.