

PLANNING APPLICATION: 12/01490/APP

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

The Proposal

- Application for planning permission for the erection of a combined heat and power plant (CHP) providing electricity to the grid (15 MWe (max)) and heat provision to the Macallan Distillery. (As a combined heat and power plant, the balance of power generated to heat export will vary: the greater the heat demand from Macallan (related to production) the lower the electrical power generation).
- The plant will be fuelled by biomass in the form of low grade commercial forestry products i.e. clean virgin wood, in particular small round wood, brash, and the waste product of the forestry industry consisting of tops and branches from trees, and sawmill residues.
- The wood will be chipped then burned to produce steam and piped via an insulated underground pipe to the Macallan Distillery, replacing the heat produced by their existing fossil fuel boiler. The steam will also be used to drive a turbine to produce electricity, partially for running the CHP plant (approx 10%) with the remainder being exported to the grid.
- The plant consists of a number of buildings including a boiler house/turbine hall, chimney with flue gas treatment unit (which projects above the boiler house), fuel storage building, wood chipper shed, workshop, air cooled condenser and substation.
- The boiler house/turbine hall is the tallest of the buildings at approx. 31m high, 50m long by 35m wide (at highest and widest points). The roof over the building is in two sections, the highest section at 31m high is 30m long and the lower section at 24m high is 20m long. The boiler house/turbine hall has a curved roof design which is asymmetric in its proportions.
- The fuel storage building measures approx. 18.5m high by 50m long by 35m wide and has a curved roof design. It will be used for storing chipped wood before being fed into the boiler house via a 14.5m long enclosed conveyor belt.
- The chipper shed measures approx. 6m high by 15.5m long by 13m wide and will be used for storing chipping logs before these are fed into the fuel store via a 56m long enclosed conveyor belt. This building has a flat roof.
- The workshop measures approx. 10m high by 35m long and 15m wide and will be used for storage of mobile plant, spare parts and general office space. This building will be finished with a shallow pitched roof.
- The air cooled condenser measures approx. 21m high by 49m long by 15.5m wide and the condenser is enclosed within a steel frame, the sides of which are part clad but open along the base of the frame and it also has no roof cover to allow for free circulation of air. The condenser will be linked to the boiler house via a 2m wide steam pipe.

- The substation building measures approx. 2m high by 13m long by 5m wide and will house electrical equipment to enable the site to connect to the wider electricity network. This building has a flat roof.
- For all of the above buildings, the walls and roof will be finished in matt dark green profiled cladding.
- A chimney projects above the boiler house and will be 49.5m high (max) and approx. 1 m in diameter. It will house a flue gas treatment unit and be light grey in colour.
- Other works associated with the development consist of a 2 ha wood storage area located immediately to the north west of the building. This area will be finished in hardcore and enclosed by a SUDS drainage arrangement (with swales and filter strips) taking all surface water run-off from the site to an approx 1m deep, 3000 sq m SUDs pond located to the north of the log storage area. The SUDs system as described will provide for an acceptable level of treatment of surface water from the site.
- A weighbridge and weighbridge office will be located between the fuel store and boiler house.
- 3 water tanks will be located to the south-east of the cooled condenser unit (which is also located to the south-east of the boiler house), to hold mains water and/or harvested rainwater.
- To the south of the water tanks is an oil tank, to provide fuel for the backup generator in the event of a power failure.
- A number of (large) areas of tarmac or equivalent are proposed around the buildings to provide circulation space for vehicle including HGVs manoeuvring/turning within the site together with 28 car parking spaces for staff and visitors located between the workshop and fuel store.
- Two pipelines will be laid underground to connect the CHP site to the Macallan Distillery, one carrying steam from the plant to the distillery, which will be completely insulated to avoid any heat loss and the second carrying water from the distillery to the plant to be heated and turned to steam. The pipelines will be located adjacent to the access road between the plant and the B9102 road and thereafter, the pipes are routed across agricultural land and between existing warehouses to/from the Distillery complex.
- Access to the site is proposed from the B9102 using an up-graded single track road approx. 270m long with the initial 20m length from the site access to be of two-way road width to allow HGVs to enter and exit the site without holding up traffic on the public road. Along the access road, a passing place large enough to accommodate an HGV will also be provided.
- Foul drainage to be disposed of via on-site septic tank and soakaway and a connection will be made to the public water supply.
- An underground electricity cable will be laid and follow forestry tracks northwards to connect to the national grid.
- Construction of the plant is expected to start in 2013/2014 with the CHP plant in operation approx. 18 - 24 months afterwards.
- Application accompanied by various supporting documents, including a Pre-application Consultation Statement, Design & Access Statement, Landscape and Visual Assessment, Noise Impact Assessment, Drainage Assessment (Interim Note), Mammal and Breeding Bird Surveys, Air Quality Assessment, Transport Statement, Forestry Management Plan (which indicates that the areas of mature forestry surrounding the site to the south east and west will be retained) and a Supporting Statement (which describes the development and considers relevant national and local planning policy, etc).

The Site

- The site (for the CHP plant etc) comprises 5.5ha of young commercial forestry plantation woodland and is located approx. 1.2km north west of Craigellachie, 4.4km east of Archiestown and 820m north of the Macallan Distillery, which the CHP plant will supply with heat.
- The site is surrounded to the south, east and west by mature forestry plantation woodland with an average height varying between approx. 22.5m to 27.2m.
- The height of the site varies between 170m and 174.5m AOD (above ordnance datum) with the finished floor level of the highest building i.e. the boiler house, being located at 173.35m.
- The site is approx. 15m to 20m higher than the B9102 to the south, is relatively level and will be enclosed by the adjoining forestry. The land rises by approx. 15m to 20m towards properties at Clachbrake and Whitehillock to the north west. The land remains relatively level (as a plateau) for some distance to the north and north east before dropping steeply down into the valley of the River Spey.
- The site will be accessed from the B9102 along an existing forestry track.
- The nearest noise sensitive properties lie approx. 470m to the south west at Overtown with residential properties approx. 480m to the east at Lynwood, Bruachburn, Tamarind and at 640m, Clachbrake to the north west.
- The site lies on the western edge but within the boundary of the Speyside Area of Great Landscape Value (AGLV) as designated within the Moray Local Plan 2008.
- The site also lies within the catchment of the River Spey which is designated as a Special Area of Conservation and Site of Special Scientific Interest (SSSI).

Policy / Objections-Representations / Consultations - See Appendix

History

12/00003/PE - Proposed biomass plant at Craigellachie Wood - response issued 2 April 2012 following pre-application meeting with applicant/agent and consultees, and identification of information expected to be included with the formal application.

12/00347/PAN - Proposal of Application Notice for Proposed Biomass Combined Heat and Power Plant, on site north of B9102 near Macallan Distillery -- response dated 27 March 2012 identifying requirements for consultation with the local community. (Note: PAN submitted by applicant/agent on the basis that this proposal for heat and power does not fall entirely within Class 4 (relating to generation capacity) but within Class 9 (based on site area exceeding 2ha) development as defined under the Hierarchy Regulations) Under Class 4 the proposal would not be a major development as the generating capacity is less than 20MW.)

12/01046/SCN - Screening Opinion dated 17 August 2012 confirms that proposed biomass CHP plant on site at Craigellachie is a Schedule 2 development but in absence of likely significant environmental effects being identified, the proposal does not require to be subject to current EIA Regulations although various information expected to be submitted with application.

Advertisement

Advertised as a Schedule 3 development and for neighbour notification purposes.

Observations

As a major development, the proposal was subject to pre-application discussion (12/00003/PE) and pre-application consultation procedures with the local community in accordance with the Proposal of Application Notice (12/00347/PAN). For the latter, a Pre Application Consultation report, along with other supporting documents, has been provided for this application and the details how the consultation with the local community was carried out, the feedback received and the response to issues raised as a result of the consultation.

During consideration of the proposal, amended design details were submitted which included a curved roof over the boiler house/turbine hall and fuel storage buildings, the proposed use of a matt dark green external finish for all buildings and the undergrounding of the pipework between the CHP plant site and the Macallan Distillery. These changes were subject to further notification and advertisement procedures. The determination of this application is based on the amended details.

Section 25 of the 1997 Act as amended requires applications to be determined in accordance with the development plan i.e. the approved Moray Structure Plan 2007 and the adopted Moray Local Plan 2008 unless material considerations indicate otherwise. In this case the main planning issues are considered below.

NATIONAL POLICY AND GUIDANCE

As material considerations, national policy frameworks provided by UK and Scottish Government favour the use and need to maximise renewable energy, the main driver being the need to reduce green house gas emissions and the dependence on fossil fuels in order to combat climate change. Generally, the proposal is in line with these strategies and will contribute to meeting targets identified therein, including those set by Scottish Government, for example in the 2020 Routemap for Renewable Energy i.e. 100% electricity, 11% of heat and at least 30% of overall energy demand to be from renewable sources.

Relevant national planning policy includes the following documents:

National Planning Framework 2 (NPF2)

NPF2 was approved by the Scottish Government in 2009 and sets out a spatial strategy for Scotland's long-term development by 2030. In terms of developing Scotland's renewable energy potential whilst safeguarding the environment and communities (para 144), NPF2 provides a strategic view for renewable/biomass development

- by highlighting the importance of addressing climate change, moving towards a low carbon economy and the importance of renewable energy and a local supply of heat and power;
- Para 58 on sustainable growth, identifies energy as a major resource for rural areas and the commitment to realising the power generating potential of all renewable resources of energy, with the long-term potential in new technology including biomass;
- Para 60 outlines that Scottish Enterprise has identified forestry amongst others as a priority industry at a regional level;

- Para 92 - 94 focus on the importance of expanding Scotland's woodland cover from 17% to 25% by 2020 and identify the need for compensatory planting where development will cause the loss of woodland;
- Para 97 - 100 highlight Scotland's landscapes as a national asset of the highest value, they continue to be important consideration in decision making on developments and the aim is to build environmental capital and pass well-managed high quality landscapes on to future generations;
- Para 135 outlines that biomass movements are of increasing significance and that timber harvesting is set to increase by 2020 as commercial forests mature. Increased levels of harvesting mean that movements of timber and other forest products will grow significantly and with improvements to infrastructure, this material could be transported by rail or water;
- Para 148 outlines that biomass plants should be located where they can make the best use of locally available resources;
- Para 164 and 165 emphasise the importance of decentralising energy supplies and identify that planning authorities have an important role in facilitating this. The benefits of combined heat and power woody biomass plants, particularly in rural Scotland in relation to local community heating schemes is also encouraged;
- Para 167 aims to encourage more heat for domestic, business and industrial purposes sourced from potential fuel stocks include biomass.

Scottish Planning Policy (SPP)

SPP (2010) provides a statement of Scottish Government policy on nationally important land-use matters and re-affirms that electricity generated from renewable energy sources is a vital part of the response to climate change

- Para 34 explains that the planning system has an important role in supporting the achievement of sustainable development through its influence on location, layout and design of new development and specifically that decision-making in the planning system should contribute to the reduction of greenhouse gas emissions;
- Para 37 and 41 indentify the Scottish Government commitment to reduce greenhouse gas emissions and protect and enhance the natural environment including biodiversity and the landscape, taking into account the implications of development on water and air;
- Para 43 stipulates that new development should take account of energy and heat requirements and be planned to make use of opportunities for decentralised and local renewable or low carbon sources of heat and power wherever possible;
- Para 45 outlines that planning authorities should support economic development in all areas by taking account of economic benefits in development management decisions, promoting development in sustainable locations, supporting development which will provide new employment opportunities and enhance local competitiveness;
- Para 48 outlines the importance of a high environmental quality in attracting inward investment and encouraging tourism and therefore, new development should safeguard and enhance an area's environmental quality;
- Para 125 - 133 highlight the importance of Scotland's landscape and natural heritage and outline that the countryside landscape is constantly changing. The aim should be to facilitate positive change whilst maintaining and enhancing distinctive character, and that different landscapes will have a different capacity to accommodate new development and the siting and design of development should be informed by local landscape character. The cumulative effect of incremental changes should be considered and careful planning and design can potentially minimise the conflict between development and landscape impact. However, there will be occasions where the nature or scale of the development

is such that a development should not be permitted and the level of protection given to local landscape designations should not be as high as that given to national or international designations;

- Para 148 outlines the importance of protecting and enhancing Scotland's current levels of woodland and with the presumption in favour of protecting woodlands, compensatory planting can be used in appropriate cases to form part of the balance;
- Para 182 - 186 highlight the importance of renewable energy as a vital part of the response to climate change, including contributions from biomass technology; Development plans should support and guide all scales of development associated with the generation of energy and heat from renewable sources ensuring an area's renewable energy potential is optimised in a way that takes account of relevant economic, social, environmental and transport issues and maximises benefit;
- Para 193 indicates that the location of large scale biomass plants will be determined by a number of factors including the economic costs of transporting fuel materials from source, the availability of feedstock during the year, the location of the end user and the scale of the plant. In some locations there will already be an adequate supply of feedstock from managed woodlands and secondary sawmill products which can be accessed immediately. Further options could be provided by growing energy crops and expanding woodland types in other areas. Development plans should identify sites with the potential to accommodate biomass plants which can be supplied from locally available resources, and identify the factors that will be considered when making decisions on planning applications, including amenity, air quality and transport issues.

Scottish Governments Online Renewables Planning Advice - Woody Biomass

From February 2011 the Scottish Government introduced web-based renewable advice intended to offer guidance on new technology and processes, and clarify the respective roles of all parties in enabling development. In terms of the specific advice relating to woody biomass proposal:

- Woody biomass is a key technology in delivering a significant proportion of the heat target by 2020
- The Scottish Government would prefer to see biomass deployed in heat only or combined heat and power schemes, off gas grid, at a scale appropriate to make best use of both available heat and local supply.
- In the face of difficulties associated with obtaining adequate wood fuel, applications should be supported by a clear plan for securing wood fuel supplies in the long term that minimise adverse land use, landscape and transport implications, both domestically and overseas.
- In terms of the potential benefits of using woody biomass, biomass derived energy or heat can provide economic benefits, relieve fuel poverty in areas and result in improved woodland management. Woody biomass operations can offer possibilities for combined heat and power (CHP), offer a reliable low-cost heat source for industrial or commercial use (such as a district heating system for a small community) together with electricity, that can be sold to the local grid.
- In terms of the potential negative effects from using woody biomass, forest management and harvesting in Scotland must comply with the UK Forestry Standard and associated guidelines. The Scottish Government is working with the UK Government to introduce sustainability criteria for biomass plants (see below). However, consideration should be given to the sustainability of imported raw materials; where plantations can result in a change in landscape character/way of life, where a single large scale biomass plant uses up the raw materials for smaller scale operations locally; where large wood chip piles are not contained properly or resultant liquids leach into watercourses.

- Whilst the Scottish Government is not categorically opposed to large scale development, it is likely that the larger the proposed scale, the more difficult it will be for the developer to utilise the heat generated and to source supply locally, hence any development should be scaled appropriately to make efficient use of the available heat and local supply. Large scale developments which do not maximise heat use may also displace supply from the priority of delivering heat targets.
- The Renewables Obligation (Scotland) Amendment Order 2011 introduced a requirement for all generators above 50 KWe to report against greenhouse gas and land use sustainability criteria from April 2011. This includes a minimum Greenhouse Gas (GHG) emissions reduction level, set at 60%, and restricts biomass use from land with high carbon stocks, high biodiversity and peatland. This minimises any potential negative impacts.
- Typical considerations in determining applications include the wood fuel source, the location of the plant including heat mapping, and physical aspects include the design of the plant, provision for storage, access, vehicle movements, air quality, noise, odour, boundary treatment and lighting together with air quality and defence considerations where appropriate.

Other information:

Other national documents include the Renewable Heat Action Plan and the 2020 Routemap for Renewable Energy in Scotland. These provide a further emphasis on the need to maximise the use of renewable energies including woody biomass. In addition, the Forestry Commission provides a significant amount of data and analysis of wood supply in the UK, in particular a 25-year Forecast of Softwood Availability. Additional further detailed national advice and guidance on a range of more specific subjects is provided through Planning Advice Notes, etc.

LOCAL POLICY

Moray Structure Plan 2007

The approved Moray Structure Plan 2007 aims to promote opportunities for the sensitive development of renewable energy (policy 2 l)) and more specifically in relation to biomass development, it indicates that there are also potential opportunities to develop medium/small scale biomass (energy) plants to take advantage of the locally available wood resource (page 30). Generally, the proposal could be considered to be in accordance with the provisions of the Structure Plan.

Moray Local Plan 2008

The adopted Moray Local Plan 2008 includes Policy ER1 Renewable Energy Proposals where, to be considered favourable, the assessment of renewable energy proposals, including applications for biomass must meet a number of criteria.

A number of these criteria are considered in more detail (below) but in relation to other criteria not specifically identified below, and subject to conditions where recommended, the proposal is not considered to result in loss or damage to prime agricultural land, not interfere with aircraft activity nor result in unacceptable impacts in terms of electro-magnetic disturbance, water course engineering or adversely impact on the built environment in terms of archaeological interests.

Additionally, Policy ED8 also permits new rural business proposals if they satisfy a number of criteria including matters similar to those identified in policy ER1 together with consideration of a locational justification for the development.

Policy IMP1 sets out various criteria for new development to be sensitively sited, designed and serviced appropriate to the amenity of the surrounding area.

A number of other related planning policy matters are also relevant and have also been taken into account in considering the proposal. The consideration of these individual policies also contributes to the assessment of the proposal in terms of ER1, ED8 and IMP1.

Locational justification, including heat demand and fuel source (1e, 2l, ED8)

Local and national policy considerations require consideration of a locational justification for the proposal, for example in terms of its location/siting and for the CHP to be appropriately scaled to meet heat demand, and fuel sourcing.

This biomass CHP plant is proposed to supply energy to the nearby Macallan Distillery as well as supply electricity to the national grid. The proximity of the CHP plant to the Distillery is important in efficiency terms to minimise heat loss when piping steam to the Distillery. The proposed plant is able to achieve that objective whereas at the pre-application stage an alternative location for the plant was considered approx. 3km away in a wood north of Whitecan but discounted due to poor access and the length of heat pipe required made the project potentially unviable.

In terms of other alternative sites, the applicants acknowledge that ideally the development should be sited on the Distillery site but there is not enough land available at the Distillery outwith the area reserved for potential expansion and any plant would be much more visible in the surrounding landscape. A further site, immediately north of Distillery in the field north of Overton and the B9102, was also discounted as it would be more visible close to, and highly visible from the road, and there would be an increased impact from noise.

As a result, the proposed location was considered to be the most suitable for the plant (taking into account access, screening and separation from property, etc) whilst still being able to achieve efficiencies in meeting heat demand from the Distillery.

Heat Demand: Information about heat demand is considered commercially sensitive and therefore confidential but following discussion with the applicant, it is understood that the Macallan Distillery has a substantial, constant and predictable heat demand that is currently being met by fossil fuel (gas). Moreover, heat demand from the Distillery is more suited to the biomass plant technology, which also aids the efficiency of the plant, because it affords a constant demand throughout the year with the exception of 1 or 2 shutdowns unlike a heat demand from a residential development which would fluctuate on a daily/seasonal basis, for example peak demand in the morning and evening, and high demand in winter and low demand in summer. As a result, it is understood that the plant has been scaled to ensure that the current and predicted future increase in heat demand at Macallan Distillery can be provided for, whilst also providing up to 15MW of electricity to the national grid although the level of electricity production will vary according to heat demand from the distillery: the greater the heat demand the less electricity produced. Compared with a heat only biomass operating at around 90% efficiency, CHP biomass operates around 60% efficiency although current incentive structures and Scottish Government encourage CHP biomass as the carbon saving from producing heat and electricity together is greater than that from producing heat alone.

Fuel source: The applicants state that the proposed plant will require up to 150,000 tonnes of feedstock per year and are confident that the majority of this can be sourced within a 50 mile radius of the site. The 50 mile radius is identified by the applicants following detailed research of timber production in the area. Information about fuel sourcing is commercially sensitive and therefore confidential but from discussion, it is understood that the research identifies a significant surplus in northern Scotland when taking into account existing and predicted demand, including the demands from other developments which rely on this wood source such as that from the recently approved biomass CHP plant at Stoneywood Mill in Aberdeen. This is also likely to encourage greater competition in the wood market and ensure that woodlands in the area are more actively managed improving productivity, encouraging/funding further woodland planting and boosting the forestry economy in the area, along with other industries such as haulage, all of which is in line with national policy and guidance.

In light of the above considerations a locational justification for the plant can be considered (in both national and local policy terms) not just based on its physical siting (and resultant impact) but also in terms of its relative close proximity to the distillery, to minimise heat loss when piping steam to the Distillery. The choice of technology and scale of the proposed plant is well placed to meet the opportunity for heat demand from the Distillery and for access to an available fuel source within the wider area.

Landscape and visual impact (1e, 2a, 2l, E7, ER1, ED8, IMP1)

The proposal is located within an area of approx. 5.7 ha of young forestry planting for the CHP buildings and fuel storage area which will require to be felled. The site, although surrounded by woodland (to be retained/managed), is elevated above the surrounding area. Given the nature and function of the proposed plant, it requires building elements of some height, notably the boiler hall/turbine hall and chimney (and any associated plume, when visible). Retention of the woodland surrounding the site will afford a degree of screening of the plant and it will be managed in accordance with the submitted Forestry Management Plan), meaning only the topmost section of the boiler hall (at 31 m high and extending over a 30m section of the roofscape (max), and the chimney at 49.5m (max) will be visible in terms of their projection above the woodland. The extent of projection varies according to direction of view and the elevation and height of the woodland. All other building and site layout arrangements are at, or below the current height of the woodland and the residual impact of these elements will be mitigated by retention and maturity of the surrounding woodland, etc.

There are limits to the extent to which the proposed design can address the impact of the development. Based upon the original design submission and in recognising that the development would occupy a skyline location from distant views, especially to the south, the applicant amended the design to take account of the rolling nature of the landscape within which it is set. Although the height of the chimney remains unchanged, the amended design now incorporates a curved roof over the boiler hall/turbine hall and fuel store buildings (the two tallest buildings on the site), reducing the visual intrusion of the development as well as providing a relationship between the plant and the undulating nature of the surrounding countryside, and a softening of the overall industrial-like appearance of the buildings. Additionally, the walls and roof of the buildings will be externally finished in a matt dark green colour to reflect the surrounding forestry location and this will also help to mitigate and integrate the visual impact and presence of the building into the landscape. The impact of the originally proposed sections of over-ground pipework to/from the Distillery has also been addressed and all pipework will now be undergrounded. Apart from cost implications, the applicants have advised that engineering works to reduce existing ground levels/lower the building further into the site would be difficult based on ground conditions and the potential to perch the water table.

In design and site layout terms and subject to the retention of the woodland in accordance with the proposed Forestry Management Plan and other conditions as recommended, the revised proposals are considered acceptable in terms of relevant planning policy.

In terms of landscape (and visual) impact, the site is not subject to any national landscape designation, hence no significant adverse impacts occur and any effects of this development on those designations would be indirect (visual) impacts mitigated by intervening distance and landscape cover.

The site is located on the edge of, but within the Spey Valley Area of Great Landscape Value (AGLV) and within the Upland Moorland and Forestry landscape character area as defined in SNH's Moray & Nairn Landscape Assessment. (It is noted here that although located in a Broad Farmed Valley designation within the more recent material consideration, the Moray Wind Turbine Landscape Capacity Study 2012, that consideration is part of the framework for determining wind energy proposals).

The submitted Landscape & Visual Impact Assessment (LVIA), as undertaken by the applicant, indicates that during the construction and operation phases of the development there would be a significant impact on the AGLV due to localised direct impacts and close indirect impacts on the AGLV whether as a result of the appearance of the plant during construction, or with the tallest building and chimney structure remaining prominent (visible) within and projecting above the forested landscape during its operation. However, when taken into context of the AGLV designation overall and/or within the 5km study area of the LVIA, the effects are not considered to be significant given the localised and limited extent of the change made within the landscape. The LVIA reaches similar conclusions in relation to the assessment of the landscape character area.

These conclusions are based upon the original rather than the amended design changes including alteration of the roof and its external colouration and if this mitigation is taken into account, the impacts would be no greater and possibly reduced from those already identified.

In cumulative (landscape) impact terms, taking into account a number of other prominent structures including other Distillery chimneys and telecommunication masts located within the area, no additional significant adverse impacts are identified on the AGLV and landscape character designations.

The LVIA notes that visibility of the plant is limited due to forestry plantations within the study area and the (original) proposal was assessed relative to 10 viewpoints within the surrounding area (as well as from roads (A95 and A941) and footpaths (Speyside Way)). The LVIA identifies only one viewpoint, near Whitehillock Farm approx. 1.3km to the north west (considered to be representative of a number of scattered properties to the west of the plant) where moderate adverse (significant) impacts would occur although the plant would form only a small part of the view likely to be experienced.

Views from viewpoints elsewhere are not considered to be significant, and the assessment reaches a similar conclusion when cumulative viewpoints are taken into account, with impacts ranging from slight adverse to negligible, taking into account the effects of the intervening distance, landform and vegetation cover and where the development forms only a small part of the view.

The LVIA does acknowledge that more localised moderate to substantial (significant) adverse visual impacts occur upon a limited number of receptors to the immediate west of the plant with potential face-on close views of the boiler house and chimney (and plume when visible) albeit screened by the foreground forestry however, the impact would progressively reduce to moderate adverse (significant) during the operation as the commercial forestry enclosing the site matures. Whilst acknowledging these localised landscape and visual impacts the assessment concludes that in the round, the impacts on visual amenity are not considered significant.

In considering the proposal it is important to note that the Spey Valley and surrounding landscape has one of the highest concentrations of distilleries in Scotland with various other associated warehouses, etc. This results in a very active landscape, where the natural beauty of the valley is often juxtaposed with large, dominant built forms or industrialised areas. It is this working landscape which forms the setting and basis for assessment of this development.

In terms of the proposed chimney, at 49.5m height (max) and associated plume (in temperatures lower than 10 degrees Celsius) it is inevitable that this will be a visible feature with the topmost part of this vertical structure protruding above the surrounding landscape: there is little that can be done to mitigate this impact, although its light grey colouration and relatively slim diameter assists to reduce some of the intrusive impact. Chimneys and plumes within the Spey valley and throughout Moray are not an unusual occurrence and whilst driving throughout Moray on a cold day the numerous plumes provide a strong identity and are part of the landscape character. Although the chimney projecting above the woodland will be an intrusive feature it is not considered that this element, when taken in context, would be so significantly detrimental to the overall appearance and character of the area in landscape and visual terms, as to warrant refusal of this application.

Apart from the chimney, the size/scale of the boiler hall/turbine hall will be the most prominent building, also projecting above but set against a background of trees (and higher ground to the north-west). In terms of any localised, close proximity visual impact of the plant, mitigation is proposed through the amended design arrangements and the plant being largely screened from view by existing trees when travelling along the B9102 immediately to the south of the site. A concern was raised regarding the bare trunks of the trees permitting views of the plant through the woodland and to mitigate this, the applicants will provide a planted bank along the roadside to provide a more immediate screen when driving past the site.

In terms of the potential intrusive impact of the boiler hall section of the building projecting into the skyline and above the woodland (area Y3 in the Forestry Management Plan) is approx. 28m high, meaning that it will screen a large part of the building apart from a 30m long section extending approx 3m (max) above the trees, The impact of this section of building has, as noted above, been mitigated by the amended roof design and external finishing colour (and reflects the rolling landscape form within which it is set). Taking account of this mitigation, the existing/proposed level of screening and the working character of the surrounding landscape, it is not considered that the actual extent of intrusion is so substantial as to warrant refusal of the development in terms that the development would significantly detract from the overall appearance and character of the surrounding area including the AGLV within which it is located.

In light of the above considerations and whilst acknowledging the potential for localised adverse impacts to occur the proposal overall is considered acceptable and would not conflict with relevant planning policy.

As part of the proposed mitigation, a Forestry Management Plan is proposed which modifies the current Rothes Forestry Management Plan (as approved by the Forestry Commission) to maximise the screening benefit of the surrounding trees yet still maintain silviculture best practices. The Plan notes that some areas of trees around the plant are due for felling and other young trees have yet to reach maturity. To maximise screening some areas will be retained not felled, to mitigate the short term impact whilst others will be felled and replanted (to mitigate the long-term impact) to integrate the development within the surrounding area and create and maintain a variable level height canopy and maximise the screening effect of the surrounding woodland. The proposed provisions of the Plan are considered acceptable subject to compensatory planting being undertaken to mitigate the permanent loss of woodland on the site of the plant, as recommended by the Forestry Commission and to reflect national policy.

Impact on Traffic and access/parking (T2, T5, ED8, ER1, IMP, IMP2)

A Transport Statement has been submitted in support of the application and is based on an assessment of operational requirement of 150,000 tonnes per annum of wood fuel deliveries. The Statement outlines that the development will generate an average of 24 HGV deliveries per day to site (approx 2 per hour during weekdays) equating to 48 two-way movements, 2 - 3 ash collection (HGV) movements per week, 3 - 4 filter residue collections per week and periodic maintenance access. In addition, the Statement indicates a proposed on-site provision of 28 car parking spaces and there will also be approx. 16 employees on site per shift.

Following consideration, the Council's Transportation Service has not objected to the application subject to conditions as recommended to ensure that the access to/from the site onto the B9102 is constructed to an acceptable safe and suitable standard, the junction of the B9102/A941 is upgraded to accommodate the additional traffic, access to the site during the construction process is appropriately managed and that adequate parking is provided within the site, etc. These conditions take into account road safety and policy considerations regarding adequate parking and the provision of a safe and suitable access as well as mitigating the impact of the proposed traffic on the surrounding road network, for example at the A941/B9102 road junction to accommodate an increase in (HGV) traffic . A condition is also recommended to limit the plant to a maximum of 150,000 tonnes of wood fuel deliveries per year to ensure that if there is any increase in deliveries, the (transport) impact of this can be assessed.

On the above basis the development is considered to comply with the requirements of relevant policy relating to transport and access.

Impact on Drainage (2i, EP5, EP10, ER1, IMP1)

Policy ED5 requires the provision of SUDS to address the disposal of surface water from the site. The applicant has submitted drainage assessment information including the proposed strategy to address surface water run-off wherein roof water will be collected for storage and use within the plant and for other external works including impermeable areas, surface water drainage will be collected and linked into an on-site SUDS drainage system including use of swales and a SUDs pond located to the north of the buildings and external storage area. Further details of the actual arrangements to be provided on site have yet to be submitted including provision of a construction surface water management plan. SEPA note that whilst the details indicate that there is space within the site for SUDS, the information provided does not indicate how this will be achieved in detail, hence the recommendation for a condition requiring further details of the SUDs arrangements to be provided.

In relation to foul drainage arrangements (policy EP10 refers) there are no public foul sewers in the area (as confirmed by Scottish Water), and the applicants propose a private drainage system, details of which will be agreed at the Building Warrant stage.

Based on the above considerations, there are no objections in principle to the proposed drainage arrangements and the proposal is considered to satisfy the requirements of relevant policy regarding drainage

Impact on noise, light and air pollution (1e, 2k, 2l, EP8, EP9, EP12, ED8, ER1, IMP1, IMP2)

SEPA has confirmed that they are responsible for controlling air emissions from the plant under Part B of The Pollution Prevention and Control (PPC) Scotland Regulations 2000. Emissions to air and therefore consideration of any adverse effects on air quality (policy EP12) will require authorisation under separate legislation.

In relation to noise emissions associated with the development, the applicant has submitted a Noise Impact Assessment, noting that during the day the dominant noise source is associated with the operation of mobile plant equipment around the site but at night, the air cooled condensers and ventilation area in the turbine hall are more significant sources. Following consideration, the Council's Environmental Health Manager has not objected to the proposal subject to conditions to ensure noise levels are within acceptable limits when measured at the nearest noise sensitive properties. Conditions restricting the hours of operation of the chipping machine and log conveyor are also recommended.

The applicant's Supporting Statement includes information about proposed (construction) working hours, taking into account the potential for construction activity disturbance and disruption impacts on any neighbouring residential, and it is recommended that these be adopted. Whilst the plant will operate continuously, it is proposed that there would be no external operations or vehicle movements occurring outwith prescribed times. The Environmental Health Manager has not objected to these proposed arrangements. It is also understood that the storage yard etc will require to be floodlit and in the absence of details a condition is required regarding the external lighting arrangements including times of operation to ensure that no adverse light pollution impact arises.

Following consultation there are no identified contamination risks requiring further investigation, thus the proposal is considered to satisfy policy EP9.

Reflecting the principles and commitment outlined in the applicants' submissions, a condition is also recommended by SEPA requiring the preparation and submission of a Construction Environmental Management Plan to systematically identify and address all pollution risks and aspects of the site development that might adversely impact on the environment along with all required/proposed preventative and mitigation measures during all phases of construction, reinstatement after construction and final site decommissioning.

A site waste management is also recommended (by SEPA) reflecting advice within SPP to minimise waste at source on construction sites.

Subject to separate authorisation being obtained and subject to conditions where recommended, the proposal is considered to comply with relevant policies in relation to noise, light and air pollution impact.

Impact on natural environment (2a, 2b, 2l, ED8, E1, E2, E3, ER1, ER3, IMP1, IMP2)

The applicants have submitted habitat and vegetation, mammal and breeding bird survey information. These assessments indicate that the site of the plant has limited ecological value although there are habitats on site that provide nesting for breeding birds and potential habitats for red squirrel and bats in the mature woodland adjacent to the site. Furthermore, whilst there are records of protected species in the surrounding area, there is no evidence of such species on the site except for use by bats for foraging, etc. Owing largely to the type of habitats involved and likely to be affected by felling and construction, SNH has advised that any impacts are unlikely to be significant and would be localised in their nature. On this basis SNH has not objected to the development subject to the commitment to the mitigations identified in the survey reports being incorporated into the overall construction environmental management plan (including those in the Habitat, Mammal and Breeding Bird Surveys to minimise any adverse impacts on bats, red squirrel and breeding bird species) and a condition to address this requirement is recommended.

The site is not subject to any international or national nature conservation designation, hence no significant adverse effects are identified. The site is part of the Speyside Boat O' Brig - Ballindalloch Site of Interest to Natural Science (SINS) designation, however no significant effects are identified in terms of the loss of the area relative to the total resource or upon the "qualifying" botanical (bird) and geological interests associated with this local designation

The main potential impact, as identified by SNH, is upon the River Spey which is designated as a Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI) and on protected species. This requires specific attention particularly during construction to ensure that no pollution or excess sediment reaches the watercourse, which would otherwise have the effect of reducing water quality or altering habitats. Subject to the required/proposed Construction Surface Water Management Plan incorporating appropriate detailed measures to address surface water run-off from the site, SNH consider that the construction and operation of the development should not adversely impact on the SAC or SSSI.

SNH has further commented in general regarding their support for renewable energy including bio-energy which should be developed within a wider sustainable development framework in Scotland. As with the response from the Forestry Commission, they highlight the Scottish Government's Control of Woodland Removal Policy which includes a presumption in favour of protecting woodland resources and as noted above, a condition is recommended regarding compensatory planting to replace that lost as a result of developing the site. The applicants have confirmed that they are agreeable to this approach.

With regards to the requirements of policy ER3, the site is considered to offer limited value in terms of biodiversity or recreational value given its current use as an immature, relatively high density and young woodland plantation. The development will also not restrict access to the remainder of the surrounding mature woodland. According to the Supporting Statement the small ecological impact on the site (as a result of felling to accommodate the plant) will be more than outweighed by the enhanced bio-diversity brought about by the improved forestry management in the wood fuel supply area, thus reflecting national policy encouraging bio-diversity in the surrounding environment.

In light of the above considerations the development is considered to comply with relevant policies relating to impact on the natural environment.

Impact on built (cultural) heritage (2f, BE1, BE2, IMP1)

The site is not considered to adversely affect any archaeological interest, noting here that the Council's Archaeological Advisor has not objected to the development.

The site is not part of any formal garden or designed landscape and any effects of the proposal upon the setting of any nearby designation are considered unlikely to be significant

A potential impact was identified in relation to the setting of the A listed Telford Bridge at Craigellachie, but following consultation, Historic Scotland has commented that close viewpoints of the bridge will remain unaffected. In terms of ensuring that the setting of the listed structure is adequately protected, further information/visualisations provided by the applicant indicate that the proposed building would not be seen in conjunction with the bridge due to the effects of distance, differences in levels, and the intervening landform and vegetation cover. From various viewpoints, the bridge and chimney will not be viewed in conjunction with each other and as such the development is not considered to have an adverse impact on the setting of the A listed bridge.

In light of the above considerations the proposal is considered to accord with relevant policies relating to cultural heritage/the built environment.

Impact on tourism and local economy (1e, ER1, ED8)

Planning policy recognises the importance of tourism to the economy. Based on other developments (for example wind farm developments) the assessment on the tourism impacts of the development, whether positive or negative in effect is difficult, often based on people's individual (but subjective) perceptions of the landscape and visual impacts, and the visual presence of the development may increase or decrease the experience or enjoyment and/or propensity to visit. The presence of the plant is considered unlikely to detract from the enjoyment or demand to visit an actual attraction although it may be evident in views to/from an attraction and it will be an additional component within the Moray and Spey Valley environment within which the whisky industry is located (where alongside Distillery complexes, dark grains plants, bonded warehouse developments and more recently, biomass plants have also been introduced). In the absence of any identifiable significant adverse effect upon tourism interests, the proposal can be considered to satisfy relevant planning policy.

Conclusion

As a material consideration, the proposal would be consistent with national planning policy and contribute to national renewable energy production targets, etc. Although elements of the proposal will intrude above the woodland enclosing the plant and there are acknowledged (significant) impacts at a local level, the proposal in terms of its siting and design (together with mitigation measures as identified) is not considered to have a significant adverse or detrimental impact upon the overall character and appearance of the surrounding area. As such the proposal is considered to comply with planning policy.

Approval is recommended.

Reason(s) for Decision

The Council's reason(s) for making this decision are:-

The development is considered to comply with development plan policies and national policies/guidance and there are no material considerations that indicate otherwise.

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APPENDIX

POLICY

Moray Structure Plan 2007 and/or Moray Local Plan 2008

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 on Listed Buildings with regard to listed building consent applications.

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.

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.

Policy 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 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 regeneration benefits can be demonstrated.

T5: Parking Standards

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

T6: Traffic Management

The road hierarchy will be used to assist the assessment of planning applications, in particular for the consideration of the appropriate road design and traffic management requirements. The road hierarchy will be used when considering appropriate traffic management options/schemes to optimise the performance of specific roads.

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.

E1: Natura 2000 Sites and National Nature Conservation Sites

Natura 2000 Designations

Development likely to have a significant effect on a Natura 2000 site will be subject to an appropriate assessment. Where an assessment is unable to conclude that a development will not adversely affect the integrity of the site, development will only be permitted where:-

- a. there are no alternative solutions; and
- b. there are imperative reasons of over-riding public interest. These can be of a social or economic nature, except where the site has been designated for a European priority habitat or species. Consent can only be issued in such cases where the reasons for over-riding public interest relate to human health, public safety, beneficial consequences of primary importance for the environment or other reasons subject to the opinion of the European Commission (via Scottish Ministers).

National Designations

Development proposals which will adversely affect Sites of Special Scientific Interest (SSSI's) or National Nature Reserves will be refused unless the developer proves that:

- a. the objectives of designation and overall integrity of the site will not be compromised, or

- b. any significant adverse effects on the qualities for which the site has been designated are clearly outweighed by social or economic benefits of national importance

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.

E7: Areas of Great Landscape Value (AGLV)

Development proposals which would have an adverse effect on an Area of Great Landscape Value will be refused unless:

- a. they incorporate the highest standards of siting and design for rural areas,

- b. they will not have a significant adverse effect on the landscape character of the area,
- c. they are in general accordance with the guidance in the Moray and Nairn Landscape Character Assessment.

The Council will require full detailed planning applications covering site layout, landscaping, boundary treatment, building design and material finishes for all proposals within AGLVs.

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.

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.

Policy EP8: Pollution

Planning applications that are subject to significant pollution such as noise, including RAF aircraft 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.

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.

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.

EP11: Hazardous Sites

The Council will have regard to the presence of major hazard sites, and apply the PADHI (Planning Advice for Development near Hazardous Installations) methodology for planning applications within the consultation distances around these sites. Formal consultation with the Health and Safety Executive will take place as appropriate.

EP12: Air Quality

Development proposals which, individually or cumulatively, may adversely affect the air quality in an area to a level which could cause harm to human health and wellbeing or the natural environment must be accompanied by appropriate provisions (deemed satisfactory to the Local Authority and SEPA as appropriate) which demonstrate how such impacts will be mitigated.

Some existing land uses may have a localised detrimental effect on air quality, any proposals to locate development in the vicinity of such uses and therefore introduce receptors to these areas (e.g. housing adjacent to busy roads) must consider whether this would result in conflict with the existing land use. Proposals which would result in an unacceptable conflict with the existing land use to air quality impacts will not be approved.

ER1: Renewable Energy Proposals

Renewable energy proposals will be considered favourably where they meet the following criteria:

- a. they are compatible with policies to safeguard and enhance the built and natural environment
- b. they do not lead to the permanent loss or permanent damage to, prime agricultural land,
- c. they are compatible with tourism/recreational interest and facilities, they do not interfere with aircraft activity,
- d. they do not result in an unacceptable impact in terms of visual appearance, landscape character, noise, electro-magnetic disturbance, watercourse engineering, peat land hydrological impacts, pollution, traffic generation or damage to the local ecology, and
- e. they do not result in an unacceptable cumulative impact.

Proposals are required to provide “decommissioning arrangements” to illustrate how the site will be reinstated if and when the plant ceases to operate. This may be enforced through a section 75 agreement.

Commercial wind energy developments should be located within a Preferred Search area identified in the Wind Energy Policy Guidance and meet the above criteria.

Policy ER3: Development in Woodlands

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

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.

Policy 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 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 which will be subject to stakeholder consultation before adoption. Moray Council's Roads Service can assist in providing a screening opinion 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 outwith designated Town Centres. 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.

Policy IMP3: Developer Contributions

Contributions will be sought from developers in cases where, in the Council's view, a development would have a measurable adverse or negative impact on existing infrastructure, community facilities or amenity, and those contributions would have to be appropriate to reduce, eliminate or compensate for that impact.

Where the necessary contributions can be secured satisfactorily by means of planning conditions attached to a planning permission, this should be done, and only where this cannot be achieved, for whatever reason, the required contributions should be secured through a planning agreement.

OBJECTIONS-REPRESENTATIONS

A total of 175 representations and 3 petitions (including 14 representations and 1 petition on the amended proposals) were received from

A N G Laing, Logie Estate Office, Forres, Moray IV36 2QN
Alan Paterson, Nether Tomlea Elchies, Craigellachie AB389NX
Alan Stevenson, Starwood Croft, Clachbrake, Craigellachie, Aberlour, Moray AB38 9SQ
Alex Matheson, Fresh Marketing (FSM LLP), Brahan, Dingwall, Ross-shire
Alison Davies, Moel Rinnes, Craigellachie, Aberlour, Moray AB38 9SQ
Alistair Gordon Cumming, Altyre House, Forres, Moray IV36 2SH
Alistair Nairn, Clashnoir Farm, Auchnarrow, Ballindalloch, Moray AB37 9JQ
Almuth Ernsting, Biofuelwatch, 14 Oxgangs Hill, Edinburgh EH13 9JR
Andrew Matheson, Brahan, Dingwall, Ross-shire IV7 8EE
Archiestown Village Council Anne Oliver (Secretary), Burnroy House. Archiestown, Aberlour, Moray AB38 7QZ
Beth Sands, Braehead, Elchies, Craigellachie, Aberlour AB38 9SQ
Campbell Cairns Julie Comins, Campbell Cairns, Elchies, Aberlour AB38 9SL
Captain S D Gross, Tamarind, Craigellachie, Aberlour, Moray AB38 9SQ
Chris Abbott Bradenton Florida USA
Christopher And Paula Peel, Aikenway Lodge, Aberlour, Moray AB38 9QS
Clodagh Farquharson, The Cotts, Dallas, Forres, Moray IV36 2RZ
Diane H McConachie, Strathelen, Craigellachie, Aberlour, Moray AB38 9SB
Dr George G Duncan, Rannchy, 76 High Street, Rothes, Aberlour AB38 7AY
Dr Michael Berry, 36 St Richards Road, Otley, West Yorkshire LS21 2AZ
Dr Terence D Ballard, Bruachburn, Craigellachie, Aberlour, Moray AB38 9SQ

Dr Thomas Gough, Parkhead Farmhouse, Ballindalloch, Moray AB37 9BJ
Duncan Dunbar-Nasmith, Pitgaveny, Elgin, Moray IV30 5PQ
Evelyn King, 6 High Street, Archiestown, Aberlour, Moray AB38 7QZ
Gavin S Strathdee, Collargreen, Hill Street, Craigellachie, Aberlour, Moray AB38 9ST
Heidi Sands, Braehead, Elchies, Craigellachie, Aberlour AB38 9SQ
Highlands & Islands Enterprise, Fraser Grieve, Ballantyre House, 84 Academy Street, Inverness IV1 1LU
Iain Sands, Braehead, Elchies, Craigellachie, Aberlour, AB38 9SQ
Ian Cuthbertson, Lynwood, Craigellachie, Aberlour, Moray AB38 9SQ
Ian Henderson, CAPCO, Mains Of Corgyle, Craigellachie, Aberlour, Moray AB38 9SL
Ian Mackintosh, Sandyhillock, Elchies, Craigellachie, Aberlour AB38 9SP
James Hill, Broadland Properties Limited, 137 Scalby Road Scarborough, North Yorkshire YO12 6TB
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Kerry Stewart, Nether Tomlea, Elchies, Craigellachie AB38 9NX
Lady Irwin, Drumaine, Craigellachie, Aberlour, Moray AB38 9QX
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Miss Amanda McCreath, 79 High Street, Rothies, Moray AB38 7AY
Miss Isla Fraser, 4 Allachy Terrance, Aberlour AB38 9PP
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Mr Frank Ogg, Smiddy-Neuk, Craigellachie, Aberlour AB38 9SA
Mr Lawrence Banks, Ridgebourne, Kington, Herefordshire HR5 3EG
Mr Alan G Hunter, Archiestown Hotel, Archiestown, By Aberlour, Moray AB38 7QL
Mr Alan Morris, Phaebuie Farm, Craigellachie, Banffshire AB38 9SQ
Mr Alan Shaw, 90 New Street, Rothies, Aberlour AB38 7BJ
Mr Alastair Hutcheson, Rainbows End, 3 Station Court, Aberlour AB38 9QG
Mr Alastair Miller, 25 Forteath Avenue, Elgin IV30 1TF
Mr Alexander Milne, Alcudia Boarding Kennels, Elchies, Aberlour AB38 9SD
Mr Alister William Coutts, Flat O, 25 Crown Street, Aberdeen AB11 6HA
Mr And Mrs Allcott, Cragganmore House, Ballindalloch, Moray AB37 9AB
Mr And Mrs R D McAllister, 72 High Street, Rothies, Aberlour, Moray AB38 7AY
Mr And Mrs W Ross, Rothies
Mr Andrew Hamilton, Strutt & Parker, 9-11 Bank Lane., Inverness IV1 1WA
Mr Andrew Noble, Laundry Cottage, Innes House, Elgin IV30 8NF
Mr Andrew Wells, The Crown Estate, 6 Bells Brae, Edinburgh EH4 3BJ
Mr Angus Coutts, 37 Quality Street, Edinburgh EH4 5BP
Mr Angus M Palham Burn, The Kennels Cottage, Dess, Aboyne, Aberdeenshire AB34 5AY
Mr Arthur Wilson, Sabhal, Brickfield Court, Craigellachie AB38 9TG
Mr Brian Cameron, Campbell Cairns, Craigellachie, Aberlour AB38 9SL
Mr C And Mrs E Shaw, The Steading, The Square, Archiestown, Aberlour AB38 7QL
Mr Calum Stronach, 3 Bridge of Westfield, Westfield, Thurso KW14 7QN
Mr Cameron Mackintosh, Sandyhillock, Elchies, Aberlour AB38 9SP
Mr Christopher Davis, Hillhouse, Maryhill, Orton, Fochabers IV32 7QE
Mr David McIntosh, 6 Distillery Cottages, Aultmore, Keith AB55 6QY
Mr Derek Ross, Birchfield Crossing, Near Rothies, Aberlour AB38 7AQ
Mr Derry Young, 7 Blenheim Close, Stafford ST18 0WB

Mr Donald Mclean, Mains of Ballintomb, Carron, Aberlour AB38 7QT
Mr Frankie Barton, Newholme, Buchrumb, Dufftown, Keith AB55 4BL
Mr George Irwin, Drumuaine, Craigellachie, Aberlour AB38 9QX
Mr George Miller, Craighdu, Thomshill, Birnie, By Elgin IV30 8GY
Mr Gordon Bremner, 36-38 High Street, Rothes AB38 7AY
Mr Graham MacWilliam, Easter Elchies House, Craigellachie, Aberlour AB38 9RX
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Mr Hamish Begg, Parkandubh, Lochailort PH38 4NG
Mr Heinz Beyer, Alnaboyle, Craigellachie, Aberlour AB38 9SQ
Mr Henry Schmechel, Burnside of Ballintomb, Archiestown, Aberlour AB38 7QU
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Mr James Cumming, 8 Spey St, Rothes, Aberlour AB38 7BG
Mr Jamie Evans-Freke, Smiths Gore, 7 The Square, Fochabers IV32 7DG
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Mr John Bruce, Lodge of Finlarig, Dulnain Bridge, Grantown on Spey PH26 3NU
Mr John Jack, Kinmuir, Elchies, Aberlour AB38 9SP
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Mr Robbie Walker, Nether Ringorm, Craigellachie, Aberlour AB38 9SB
Mr Stephen Strathdee, Viewfield Farm, Craigellachie, Aberlour, Moray AB38 9QT
Mr Steve Connolly BSc (For), MICFOR, MRICS, Cawdor Forestry, The Estate Office, Cawdor, Nairn IV12 5RE
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Mr Tim McAuley, Gable End, Elchies, Craigellachie AB38 9SL
Mr Toby Kirkwood, Culfoichmore, Advie, Grantown-on-Spey PH26 3PN
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Mrs Marion Ross, Birchfield Crossing, Glen of Rothes, Aberlour AB38 7AQ
Mrs Agnes Schmeche, Burnside of Ballintomb, Archiestown, Aberlour AB38 7QU
Mrs Angela Ambler, Arndilly Farm, Craigellachie AB38 9QS
Mrs Ann Cheyne, 25 Taylor Court, Aberlour, Banffshire AB38 9LA
Mrs Carol Byrne, Lyndale, Knockando, Aberlour AB38 7SD
Mrs Dawne Kilgour, Starwood Croft, Elchies, Aberlour AB38 9SQ
Mrs Doreen Aldridge, 20 High Street, Archiestown, Aberlour AB38 7QZ
Mrs Elaine Bain, 43 High Street, Archiestown, Aberlour AB38 7QZ

Mrs Elisabeth Mead, Tombreck Farm. Carron, Aberlour AB38 7QP
Mrs Gabrielle Lee, 9 Lowther Terr, Wigan WN6 9AL
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Mrs Helen Collie, Normount, Queens Road, Aberlour AB38 9LH
Mrs Irene Shaw, 90 New Street, Rothes, Aberlour, Moray AB38 7BJ
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Mrs Jane M Hunter, Archiestown Hotel, Archiestown, By Aberlour, Moray AB38 7QL
Mrs Janet Prescott, 59 Bluebell Hollow, Walton on the hill, Stafford ST17 0JP
Mrs Jean Richardson, 6 North Street, Rothes, Moray AB38 7BW
Mrs Jennifer Bremner, Lagan, Mary Avenue, Aberlour AB38 9QN
Mrs Joyce Davies, Maes Cantaba, Ruthin LL15 1YP
Mrs Lesley Cumming, 8 Spey St, Rothes, Aberlour AB38 7BG
Mrs Lesley Douglas, The Bungalow, Archiestown AB387QX
Mrs Lois Bee, Burnside, Dufftown, Keith AB55 4BJ
Mrs Margaret Shepherd, 75 New Street, Rothes AB38 7BQ
Mrs Mhairi Walker, Nether Ringorm, Craigellachie, Aberlour AB38 9SB
Mrs Rene Rabson, 77 High Street, Rothes, Aberlour AY38 7AU
Mrs Ron King, 6 High Street, Archiestown AB38 7QZ
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Mrs Simone Griffiths, 13 The Moorings, Harbour Street, Nairn IV12 4HR
Mrs Susan King, Balnuarin, Knockando, Aberlour AB38 7RX
Mrs Valerie Ireland, Glenochty, Auchnarrow, Ballindalloch AB37 9JN
Ms Barbara Taylor, 2 Westerton Cottages, Drummuir AB555JP
Ms Elizabeth Strath, The Old Drill Hall, 7 Victoria Terrace, Aberlour AB38 9PW
Ms Lucy Dolan, Highland House, Knockando, Aberlour AB38 7RP
Ms Sally D Worsdall, Tamarind, Craigellachie, Aberlour, Moray AB38 9SQ
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P N Lewtas, Alton Farm Partners, Alton, Carron, Aberlour AB38 7QT
Paddy Daly, Moel Rinnes, Craigellachie, Aberlour Moray AB38 9SQ
Partner Colin Keir, Main Street Offices, Urquhart, Elgin IV30 8LG
Peter Graham & Associates, Coneloch, Elgin, Moray, IV30 8SN
R N Eckersall, Knocknagore, Knockando, Aberlour, Moray AB38 7SG
Raemond Bradford, Flat 2/2, 799 Dalmarnock Road, Glasgow G40 4QB
River Nairn Swans & Wildlife Trust, Per Simone Griffiths (Secretary), 13 The Moorings, Harbour Street, Nairn IV12 4HR
Save Our Speyside, Per Ronald O Noble (Proprietor), Fresh On Spey Ltd, Aberlour AB38 9PB
Save Our Speyside, Per Alison Davies, Secretary Of Save Our Speyside, c/o Moel Rinnes, Craigellachie AB38 9SQ
Schmechel Thomas, Niederlassungsleiter Der, Hörmann KG Verkaufsgesellschaft, Niederlassung Leipzig, Gewerbeallee 17,04821 Brandis
Spey Fishery Board, Per Sally Wordsdall – Administrator, Spey Fishery Board, 1 Nether Borlum Cottages, Knockando, Abelour AB38 7SD
Susan Craig, Puligans@btinternet.com
The Rt Hon Earl Cawdor, Cawdor Estates, Estate Office, Cawdor, Nairn IV12 5RE
Tim And Gaynor Barry, Overton House, Craigellachie, Aberlour AB38 9SA

In relation to the original proposal:

- 160 representations were received of which
- 29 representations were received in support of the of the proposal
- 131 representations were received objecting to the proposal together with a petition with 170 signatures and an e-petition with 137 signatures submitted by Save Our Speyside (SOS), c/o Alison Davies (Secretary of SOS), Moel Rinnes, Craigellachie.

In relation to the amended proposal:

- 15 representations were received objecting to the proposal (of which 9 were from objectors who had submitted comments on the original proposal and re-iterate their original concerns, as the changes making little difference to their original comments), together with a further petition with 58 signatures submitted by Ronal O Noble, 121 High Street, Aberlour.

a) ORIGINAL PROPOSALS

i) From the 29 representations submitted in support of the development, the main points are

- The development will result in more jobs and benefit the overall economy with Moray needing all the jobs it can get at the moment.
- More jobs will help bring more people to the area and help support local community facilities such as shops and schools.
- The plant is sited well with the majority of it screened by woodland.
- The plant will be a good producer of green energy taking advantage of low quality wood.
- The vast majority of people are in favour of the development for the greater good of Moray.
- Carbon-neutral developments like this should be welcomed, particularly in the light of recent discoveries showing the accelerated melting of polar ice caps during the warmest summer ever recorded.
- It is an area where the natural beauty of the landscape combines well with a working environment, particularly around the distilleries.
- Creating a sustainable energy source is important for all industry and whisky is no exception. This type of biomass plant is exactly the sort that should be supported.
- This is nothing like the large plant being proposed for the Forth Ports and would not be put off visiting the area again and look forward to visiting again at the whisky festival next year.
- The Highlands need to support new and existing jobs in the area and help Scotland move towards energy independence. There is a need to support one of our strongest export sectors (whisky) both here and around the world. This is a small step in that direction.
- This project provides an alternative market for low grade wood and biomass which presently does not exist on any great scale in the north east for timber growers. The supply chain will benefit from more competitive pricing of raw material, provide jobs and should not affect the supply of timber over 14cm top diameter, unless of poor quality.
- Fully support this type of intelligent energy development and in the current climate of genuine concerns about global warming and the government's policy aims in this area, there can be nothing more logical than to use a readily available and renewable natural resource to provide not only green electricity for the grid but also heat energy to support one of the area's most important industries.

- The Scottish Government has already set a target to achieve 25% forest cover in Scotland. There can be nothing better to drive investors to plant more trees than a local, environmentally sustainable market for the produce, particularly one that can offer timber producers a long term continuity of demand.
- Unlike many energy developments, this development is well screened in an area of woodland close to the already existing distillery development and it is difficult to see how any nearby dwellings might be adversely affected or that there would be any negative impact on quality of life.
- In supporting growth of new markets for forest products, the Glenlivet Estate includes extensive areas of upland commercial plantations established in the 1950's and 60's much of which include timber of low value with limited marketing opportunities. The long-term viable management of these woodland areas and locally-based forest employment depends on the ability to harvest this timber in an economic way, to allow long term restructuring and multipurpose forest management to be carried out in a sustainable way. The project will utilise forest residues and low value timber and potentially allow areas of woodland to be brought into more active management, in line with long-term forest plan proposals.
- Concerns regarding additional traffic are often over-estimated and the proposed increase in traffic will hardly be noticed.
- Moray should be seen as a place that people wish to invest and this proposal should be encouraged to show Moray as a forward thinking area.
- The development brings together two traditional industries indigenous to the area, forestry and whisky distilling, in a perfect fit that will help underpin the sustainability for both in the longer term as well as helping to meet the ambitious targets set out by regional/national governments, which is supported on a cross-party basis.

Comments (PO): Details of the representations supporting the proposal are noted including the considered acceptability of the proposal, its contribution towards meeting national targets for renewable energy, and the impact of the proposal in promoting active management of woodland whilst supporting the whisky industry.

ii) From the 131 representations and 2 petitions received objecting to the development, the main points are

Scale, Location, Efficiency and Fuel Supply

- The proposal is a departure from policy E2, E7, ER3 and the Moray Structure Plan and SPP.
- The location for this power station has been chosen specifically to supply the waste steam to the Macallan Distillery. However only approx. 8MW of the 50MW thermal produced will be used in this way making the heat usage inefficient. The primary purpose of this development is to provide 15MW of electricity to the national grid and because Renewable Obligation Certificates (ROCs) are to be removed from wood based biomass plants over 10MW, the developer needs a heat partner to be classed as CHP, to fall into a different category for the grants they will receive.
- Under European legislation, Combined Heat and Power (CHP) plants should be 70% efficient yet this plant is considerably lower than that at below 50%. The Scottish Government wish to see biomass CHP being utilized preferably off the gas grid, which this is not as the Macallan are using gas, arguably as clean a fuel source as Biomass.

Comment (PO): The proposed plant will be 50 - 70% efficient and classed as 'good quality' when assessed under the governments CHP Quality Assurance scheme. Scottish Government encourages biomass CHP as the carbon saving from producing heat and electricity together is

greater than that producing heat alone, on the basis that the electricity produced will offset that produced by traditional means of burning fossil fuels. This helps to explain why the incentive structures that have been set up encourage CHP and not heat only, including recent announcements on ROCs supporting CHP up to 15MW, which would be the case here. The plant will provide for approx. 90% of heat demand required from Macallan Distillery whilst gas (at the Distillery) will still be used to provide rapid fluctuations in heat demand, as a CHP plant is not and cannot be designed to accommodate such demand.

- Estover have two other Biomass CHP power station planning applications in progress, for the Stoneywood Papermill at Bucksburn near Aberdeen and for Aesica Pharmaceuticals at Cramlington near Newcastle. Both of these power stations are to be sited within existing industrial developments and near to both major road and rail networks, therefore both proposed developments would blend into the surroundings without causing any visual impact and also benefit from the nearby transport links for wood deliveries unlike the proposed location for this application.

Comment (PO): All planning applications require to be assessed on their own merits in accordance with the development plan unless material considerations indicate otherwise. The CHP plant at Stoneywood has been approved and is for a larger plant in terms of both output and size/scale of building when compared to this current proposal.

- The Moray Structure Plan looks to support small and medium scale biomass plants which this development clearly is not.
- A 50MW installation is not small-scale biomass. The claim by Estover that this plant will be 15MW is actually the electric output only and in order to generate this, together with the waste steam required by the distillery, the power station would need to generate a total of 50MW. The DECC (Department of Energy & Climate Change) classifies eligible technologies for RHI (Renewable Heat Incentive) tariffs by their size i.e. small commercial Biomass (less than 200kWth), medium commercial biomass (200kWth - 1000kWth) and large commercial biomass (1000kWth (1MWth) and above) and under ROCs, for the generation of electricity all biomass plants over 5MW are classed as large scale.

Comment (PO): The supporting text, not Policy 1 or 2 (see Appendix) of the Moray Structure Plan, refers to small and medium biomass but these terms are not defined. A number of different classifications of scale exist based on a review of government and other guidance on this issue. However, the RHI tariff scales apply to heat only biomass boilers, not CHP. Under ROCs, all biomass electricity plants qualify for the same level of ROCs regardless of size but recently, Scottish Government have confirmed support for CHP up to 15MW. Both the European Renewable Energy Directive and the regulator, OFGEM's CHP Quality Assurance scheme (CHPQA) use a 25MW threshold for "large" schemes (and with the latter, the criteria change from account of primary energy savings to overall efficiency considerations).

In planning terms, the proposal is not "large", based on reference to the thresholds where proposals with a generating capacity over 50MW are determined under the Electricity Act 1989 by Scottish Ministers, nor is it a "major" development based on generating capacity exceeding 20MW. Based on the latter (planning) interpretations, the proposal is not "large" and therefore, not in conflict with the general support principles given in the Structure Plan.

- The 2020 Routemap states 'Policy to promote the use of woody fibre for biomass needs to be balanced alongside the policy to promote low carbon construction and other uses of wood such as by the wood panel sector, which "lock in" carbon to the benefit of wider carbon emission reduction targets, as well as of course providing value to the Scottish

economy. The energy target should not be to the detriment of the climate change target and wider Scottish economy'.

- The draft Electricity Generation Policy Statement 2012 (EGPS) states 'We would prefer to see biomass used in the heat-only or combined heat and power schemes, off-gas grid and at a scale appropriate to make best use of the available heat, and of local supply. Use of available heat-only and CHP schemes achieves 80-90% energy efficiency for the former and 50-70% for the latter, compared to 30% in electricity only schemes. ... Given the limited resource, we have to ensure that it's used as efficiently as possible ... Developments should be scaled appropriately so that they can make efficient use of the available heat and local supply. We believe that this will enhance security of supply, minimise carbon emissions and reduce the impact on other sectors competing for biomass material.
- The key position on biomass, as expressed in the Routemap and the draft 2012 EGPS, is further reflected in the Scottish Government's Report Low Carbon Scotland: Meeting the Emissions Reductions Targets 2010- 2022 which states 'The Scottish Government's policy is to promote the use of biomass plants for heat only or for combined heat and power, with new plants relatively small in scale. This is in order to optimise local supply, serve localised heat markets and maximise efficient use of a limited fuel source'.
- The Scottish Governmental General Biomass Scoping Advice (2010) states 'Applicants should consider the finite domestic supply of wood fibre; the potential demand on the Scottish and UK timber harvest should be set out by the developer within a robust fuel supply plan covering the life span of the proposal. [and]. In terms of scale, it is anticipated that new biomass plants will be relatively small in scale, both to optimise local supply and, where heat is deployed, to serve localised heat markets. Indeed, whilst biomass is a renewable resource, there is also a finite supply of sustainable biomass available at any one time and limited indigenous supply. If the potential for heat deployment from biomass plants is not utilised, these plants will use the available biomass resource in a way that does not use whole energy content effectively, and will increase the risk of Scotland falling short of its renewable heat target'.
- The Scottish Government online renewable guidance on "Woody Biomass" (2011) states 'In summary the Scottish Government would prefer to see biomass deployed in heat-only or combined heat and power schemes, off gas-grid, at a scale appropriate to make best use of both the available heat, and of local supply' [and] 'In the face of difficulties associated with obtaining adequate wood-fuel, applications should be supported by a clear plan for securing wood-fuel supplies in the long term that minimise adverse land use, landscape and transport implications, both domestically and overseas'.
- Scottish policy therefore identifies biomass as a limited, scarce resource which should be used for energy with high efficiency levels (CHP with at least 50-70% efficiency) and appropriately scaled and sited to make good use of local resources without competing with other forestry industries, such as the wood panel industry.
- Estovers' proposed plant will supply heat and is therefore classed as a CPH plant, the overall efficiency will be below the 50% minimum identified in the Scottish policy. In order for the power plant to produce approximately 15MW of electricity for export to the National Grid and approx. 8MW of steam to the Macallan Distillery, it would burn approx. 150,000 tonnes of wood supply per year and run for an average of 8,000 hours per year.
- Only 16% of the energy that would be produced by the plant would be used as heat/steam, which is both inefficient and considerably below a 'heat only' plant, which would be 90% efficient.
- Biofuelwatch (BFW) has undertaken an efficiency calculation of 38% in order to demonstrate that the proposed plant is inefficient. This is based on assumptions

including a proposal using 150,000 tonnes of wood with an estimated average of 50% moisture content. If this is correct, the power plant will operate well below optimal efficiency levels, and well below the 50% minimum for CHP plants referred to in Scottish policy.

Comment (PO): In responding to the representations, the applicants have advised that BFW has not responded to their invitation to discuss their calculations. Furthermore, they consider that the BFW efficiency estimation is largely incorrect: it uses estimated data and information that is not comparable to the Speyside CHP plant and each biomass plant is calibrated to the characteristics of the wood fuel in the surrounding forestry and to the industrial process that it will supply with heat, hence it is difficult to generalise. The applicant advises that detailed efficiency calculations will be produced during the engineering design phase, which takes several months and realistically, this will only happen after planning is granted.

In terms of the BFW efficiency assessment, the applicant indicates that the plant will use up to 150,000 tonnes of wood per year depending on design, and in terms of the BFW assumption that the plant will produce 'around 10MW of electricity for export as well as 10MW of steam for heat' it is considered that, at this stage and before detailed design, it is more accurate to state that the plant has an electrical capacity of up to 15MWe. The exact ratio between heat and electricity will be determined during the detailed design. However, for the purposes of this assessment the largest possible plant sizing can be used i.e. producing 15MW electricity and 15MW heat. Additionally, the applicants advise that the plant will have a runtime of 8060 hours (92% of the year); the moisture content of the fuel will be 45%, which is broadly consistent with the surrounding forestry; and contrary to the BFW assumption, no oven dried wood chips will be used in this plant. Furthermore the BFW term 'Gross calorific value for oven dried wood' is misleading where, for oven dried wood, the net and gross values are the same and according to the Forestry Commission Biomass Energy Centre, the correct net calorific value for wood at 45% moisture content is 2.6MWhr per tonne.

Using BFW's calculations and methodology, the applicant advises that the plant would have an estimated efficiency of 62%, although this is not an accurate representation of the actual efficiency of the plant which will be determined during the detailed engineering design and in discussion with DECC and the Scottish Government. Moreover, the applicant considers that the (BFW) calculation is not relevant as the principal method of ensuring that the CHP plant is efficient is through the Government's CHP Quality Assurance (CHPQA) scheme because certification of the inputs and outputs from a CHP scheme as 'Good Quality' under the CHPQA scheme is the route through which eligibility for a range of financial benefits is determined including ROCs and RHI. As such, it is of primary importance therefore that the plant is efficient.

The applicant notes that the CHPQA scheme has been in place throughout the UK for many years and there are well-established calculation methods in place for calculating if a scheme is 'Good Quality' and additionally, DECC has published specific rules and guidelines for biomass CHP schemes. Following the published guidelines for calculations, the Speyside scheme would achieve a Quality Index of over 100. This means it would receive 100% of ROC and RHI incentives available for this type of project. The Index score for the CHP plant increases from 102.2 as the Distillery takes more heat (i.e. becomes increasingly efficient). It is important to note that it is very difficult to achieve a score of over 100. Furthermore, the plant will be designed to be able to supply heat to Macallan Distillery in the event that it expands its production. Hence, the plant can only get more efficient from an already high baseline. (Further information on the assumptions for calculating good quality CHP under the CHPQA scheme is available online at <http://chpqa.decc.gov.uk>.)

Based on the applicant's analysis (using BFW's methodology) the estimated efficiency would fall within the Scottish Government's requirements for schemes to be considered as efficient i.e. within 50 - 70%, and the plant would be classed as 'good quality' by reference to the CHPQA scheme. The applicants have also confirmed that the project would not be financially viable without ROCs and to achieve this it must comply with the CHPQA scheme. As noted elsewhere, Scottish Government encourages CHP biomass as the carbon saving from producing heat and electricity together (CHP) is greater than producing heat alone, including CHP plants up to 15MW.

- The 'Description of Development' document states that the plant will be operational 24/7 all year and use on average 20 tonnes of wood per hour. 150,000 tonnes only equates to 8,000 hours of operation.

Comment (PO): According to the applicants, the plant will only operate for 92% of the year with 8% of the time being reserved for maintenance. This equates to 8060 hours which has been "rounded down" to 8000 hours. The plant will use up to 150,000 tonnes of wood per year. Notwithstanding this a condition has been recommended which limits the plant to a maximum of 150000 tonnes of fuel supply (taking into account the transport implications of the development).

- Estover claim that they will 'aim to' use low-grade wood (brash) from 'predominantly' within a 50-mile radius of the plant.
- Estover's current planning application to build a CHP plant for Stoneywood Paper Mill would be 25MW electrical and would require some 245,000 tonnes of wood supply per year, which is also set to come from within the same 50-mile radius.
- At present the UK produces 8-8.5 million tonnes of wood annually, by 2015 this would need to be 20 million tonnes to feed all the proposed biomass plants alone.
- In the report 'Wood Fibre Availability and Demand in Britain 2007 - 2025' (see Coniferous Forest Residues section) it states that annually until 2025 'In Scotland the potential maximum availability is forecast to be 361,320 tonnes (as delivered) of coniferous forest brash'.
- This does not take into account environmental issues associated with brash removal from forests and as a result, the contribution that forest residues can actually make to the supply of wood fibre in Britain compared with its potential availability is very much more limited than at first sight.
- This Biomass plant alone is estimated to require 150,000 tonnes per year using 50% brash (based on various information within the submission including Coniferous Residues (see Appendix 5, pages 28 - 30 and 50 - 53).
- Data from Scottish Forestry Strategy 2011-12 states that there are currently 217 non domestic wood fuel energy systems operating in Scotland already using 1.3 million tonnes of wood each year. A large-scale user of wood fuel, such as this Estover proposal, will impact on the local wood supply to these existing projects which are heating housing developments, schools, village halls and small businesses.
- Moray has other Biomass developments at Diageo Roseisle, the Rothes plant due to be operational in 2013 and another is planned for Glenlossie at Thomshill, only 8 miles away (and bio-energy plant applications are also planned for Diageo at Buckie and Glendullan Distilleries). Although these plants all claim to be using only the draff, a waste product from the distilleries, they will need to use a proportion of wood chip as well, as the draff is too wet to burn alone.
- All of this evidence indicates that despite Estover claiming to have contracts with local suppliers, the local brash supply simply cannot sustain this development in harmony with

all the other users of the same wood materials over the long term lifetime of this power station.

- A contract showing the whole power stations lifetime supply of local brash and small roundwood must be made a condition of planning approval should this proposal be approved.

Comment (PO): The applicants propose to make use of brash wherever possible, however, they do not anticipate that they will be able to supply 50% of their fuel source from brash, as indicated in their submission. The environmental impacts of brash harvesting/gathering at sites located beyond the proposed CHP is a separate issue and one for the Forestry Commission to manage. Based on separate analysis by the latter and in terms of land covered by forestry, Moray and the Highlands are best placed in the UK to take advantage of the available woody biomass resource due to close proximity to largely under-utilised supplies.

Use of a condition is neither recommended nor appropriate and as noted elsewhere, information about fuel sourcing is commercially sensitive and therefore confidential. However, from discussion, it is understood from research undertaken by the applicant (including account of information published by the Forestry Commission) that there is a more than adequate (surplus) fuel supply in northern Scotland when taking into account existing and predicted demands from this site and other consumers of the same forestry products, including the recently approved biomass CHP plant at Stoneywood. Although a separate matter, it is understood that the finance required to provide this project would not be released from the bank unless there is an adequate fuel supply for the plant.

- Of great concern is the evidence that other biomass plants in the UK and across Europe have gained planning permission based on locally sourced materials and when the supply is exhausted, they have gone elsewhere adding to the transport mileage of the supply and increasing carbon dioxide emissions.
- More worryingly, biomass plants can and do change the type of material they burn for example, a 13.5 MW plant in Scunthorpe started life running on poultry litter but in May 2000, the plant was re-commissioned to burn meat and bone-meal (MBM), as a result of the government scheme to combat the BSE crisis, and in 2004 planning permission was extended again to allow MBM from any source and any other biomass to be burned.
- 9 biomass plants in Germany (where the equipment for this power plant will be manufactured) have changed their base material from clean wood sometimes as early as only a few years after starting operations. (In Germany, they have different categories of biomass fuel, from clean wood, through used wood, recycled, dirty wood (including railway sleepers seeped in creosote) and biomass surrogate fuel/refuse derived fuel which includes tyres, bulky waste, household refuse). Reasons cited for the change of use include increased costs of the wood and transportation from further distances making the process uneconomical, or changes in recycling policy by Councils using biomass to incinerate waste instead of disposal to landfill. The prospect in future years of a waste incinerator in our midst is abhorrent.

Comment (PO): The application as applied for is for a biomass fuelled renewable energy plant using forest residue material derived from forestry operations, predominantly within 50m of the plant and it requires to be determined on that basis. Proposals to change the type of material would require to be the subject of separate consideration.

- Local foresters tell of areas that have been cleared and not replanted, and this information is backed up by a report done for the Confederation of Forest Industries which says that Scottish forests are at a real crossroads and that there is 'net' deforestation in both Scotland and Wales.

Comment (PO): There is a requirement for compensatory planting to be undertaken as part of the proposal, to replace woodland felled at the site of the CHP plant and fuel storage area. Felling and requirements for replanting elsewhere require separate consideration and are regulated via the Forestry Commission to ensure that forests are managed sustainably, in accordance with silviculture best practice and replanted after felling.

- With the biomass plant at Rothes it is questioned whether there is a need for a further plant.

Comment (PO): Regardless of other plant(s) elsewhere, the Council is required to determine the proposal as submitted, including the location of the plant. The proposed biomass plant will supply the Macallan distillery with heat, which the plant in Rothes does not do, being based on specific Distillery operations within Rothes. The feasibility, efficiency (and cost) of transferring heat between Rothes and Macallan Distillery would be questionable.

- A coastal location would be better so that supplies could be shipped to the plant, in a more environmentally-friendly manner

Comment (PO): Regardless of other alternative locations, this application must be considered as submitted, noting here that the plant is located in proximity to a large supply of available woodland and the source of heat demand (Macallan Distillery) which it is intended to serve, as well as access to the national grid.

Access and Traffic

- The proposal is a departure from local plan policy ED2 and Scottish Planning Policy 17 (Planning for Transport)
- Estover has stated that the wood fuel will 'predominantly' be transported in from a 50-mile radius, which will travel along the A96, A941 and B9012 affecting traffic flow through the local villages of Archiestown, Craigellachie and Rothes. Traffic in Rothes is already causing congestion through the High Street with the lorry deliveries passing through to feed the existing distilleries. This will increase further when the Helius Biomass Plant is operational as it will also require approx. 6 lorry loads of wood a day from the South.
- Estover predict that it will take an average of 24 lorry loads of wood to be delivered 6 days a week, 52 weeks of the year for 25 years to keep the plant operational. That is 48 wood lorry movements per day plus the additional 3 ash removal lorries per week. These figures are averages and will be affected by felling phases and weather conditions. For every day that deliveries cannot be made the following days will incur a doubling of activity.
- During prolonged winter conditions, when brash cannot be harvested or the lorries cannot travel, the 'knock on' effect will be enormous, leading to much higher volumes of traffic on the roads per day. There is no reference to a contingency plan in the planning documents as to how the site and surrounding roads would cope for example, with 40 lorry deliveries per day. On a day such as that, a lorry would be arriving and departing every 9 minutes for a 12 hour period. If, as the developer suggests, the transport hours would be reduced to avoid school drop off times etc. then the intensity of deliveries would increase at other times.
- Estovers' claim that this plant would use 150,000 tonnes of wood supply is questionable as the 14MW Western Wood Plant in South Wales uses 160,000 of clean wood chips each year (which burns far more efficiently than brash used at this plant). Therefore, this figure is underestimated and it can only be concluded that more than 150,000 tonnes will be consumed and subsequently more traffic will be generated.

- Added to the increased lorry traffic would be the additional staff and service vehicles, 7 days a week, further contributing to the increased congestion along the B9102.
- The two-year construction period traffic is averaged at 22 HGV's per day and 6 to 12 abnormal loads. No mention has been made to the number of other work vans and cars as experienced at the Macallan warehouse project.
- The junction of the A941 with the B9102 is a difficult one to cross on a high speed section, the Dandaleith/Macallan Brae is of concern given the steep banking to the south, the long winding incline and the winter conditions experienced over prolonged periods.
- The entrance to the site near Overton is on a blind bend.
- The village roads that lorries would have to travel through are not built to cope with sustained heavy goods traffic. It is usual to have queues forming for two lorries to pass on narrow sections or to negotiate parked cars. These villages have homes very close to the roads, which could sustain damage and there will be significant pedestrian issues, especially in Rothes where there is no zebra or pelican crossing.
- The extra pollution that these lorries will bring to the area is another important consideration let alone the danger to walkers, horse riders and cyclists who use our country roads.
- SPP par 168 on Transport states "Planning permission should not be granted for significant travel generating uses in locations which would encourage reliance on the private car and where: direct links to walking and cycling networks are not available; access to public transport networks would involve walking more than 400m; and it would have a detrimental effect on the capacity of the strategic road and/or rail network'

Comment (PO): Policy ED2 refers to the layout of designated employment land within settlements: this site is neither designated nor within a settlement and therefore that policy does not apply. Following consultation, the Council's Transportation Service has not objected to the application subject to conditions as recommended to ensure the access from the site onto the B9102 is constructed to an acceptable standard; the junction of the B9102 with the A941 is upgraded to accommodate the additional traffic; access during the construction process is managed; and adequate parking is provided within the site, etc. A condition is recommended to limit the plant to a maximum of 150,000 tonnes of wood fuel deliveries per year to ensure that if there is any increase in deliveries then the traffic impacts can be further assessed.

The representations raise concerns regarding the capacity of the existing road network, especially in relation to roads through local communities. The transportation consultation has taken into account road safety considerations, including the capacity of the existing road infrastructure to accommodate the development. The Transportation Manager has not objected to the development on road safety grounds or that the capacity of the surrounding road network is inadequate to cater for the level of traffic likely to be generated by the development: except for the mitigation works required at the A941/B9102 junction and at the site access, no other off-site transportation improvements (for vehicles or other transport modes) are required to accommodate the proposal. The Transportation Manager has not objected to the proposal as being contrary to the provisions of the SPP.

- Who's paying for all of the additional costs to maintain the local infrastructure, roads, bridges etc? Why has no planning gain been requested on this site?

Comment (PO): To facilitate the development the applicant is required to provide (at their expense) all transport improvements required as part of the development. Separately, a road wear and tear agreement is required to redress any "damage" to the existing road infrastructure attributable to the development although beyond this, and as is the case with other developments, there is no mechanism requiring a developer to continue to contribute to the long-term costs of maintaining the local transport infrastructure. The proposal was subject to

"developer contributions" consideration but following assessment, no contributions are required/sought. Additionally, the Council has previously agreed that any "planning gain" (community benefit) contributions associated with renewable energy proposals would be sought separately and addressed outwith the planning process.

Visual impact

- The developer has only sunk the buildings into the ground by 1 metre, building at 174m in an area that slopes from 175m down to 170m at the western boundary of the site.
- The trees on the roadside (B9102) are bare trunks for their bottom half so the power station will be visible through these.

Comment (PO): Although asked to "sink" the tallest buildings into the site further, the applicants have advised that due to the scale of the buildings, the operational relationships between the buildings, the presence of very hard rock underlying a thin layer of soil and difficulties with drainage, etc., the proposed finished levels within the site are the minimum feasible to make the project viable. With regard to visibility of the plant through the woodland, the applicants have agreed to provide a planted banking along the roadside to screen any views through the woodland to the plant from the B9102. The fact that buildings can be seen through trees is not a reason to refuse the proposal: retention of the trees enclosing the buildings is an acceptable form of mitigation to reduce any adverse visual impact that might otherwise occur.

- 34 families and 25 approved building plots lie to the western boundary of the site.

Comment (PO): The number of people or plots in the vicinity of the site is not a basis upon which to determine the application whereas development plan policy terms the consideration is based upon whether adverse effects occur and the extent of the significance of those effects.

- The visual impact of the proposed biomass power station would be felt by many local residents and visitors alike in this Area of Great Landscape Value (AGLV). There would be some trees retained in Craigellachie Wood for screening purposes, however given the height of the boiler hall and chimney, these will be noticeably visible above the tree line and also from the road through the thinned line of trees. The smoke plume from the chimney will be visible in temperatures below 10 degrees centigrade and for a considerable amount of the year. The whole wood yard will be floodlit for several hours in the mornings and late afternoons during the dark winter months to enable the plant to run 7am-7pm 6 days a week. These elements will make the whole power station considerably more visible for many miles around.
- Extracts from the Landscape and Visual Assessment indicate that during operation of the proposed CHP plant, the boiler house and chimney would continue to be locally prominent within the forested landscape and would be particularly experienced around the village of Aberlour and adjacent valley slopes (4.59); the resultant impact during the construction there will be Locally Moderate Adverse (significant) effects in the immediate vicinity of the development during construction and operation (4.52); and summary Table (page 18) shows that there are moderate adverse impacts which are locally significant to three of the four study areas, including most notably the Spey AGLV.

Comment (PO): The applicant's Landscape and Visual Assessment acknowledges that localised adverse (significant) impacts occur during construction and operation of the development (albeit the impact may be reduced with maturity of the surrounding woodland) but when considered in the context of the wider study area, no significant adverse landscape and visual effects occur. The significance of the effects need to be considered in the context of the existing working landscape within which the plant is located and all proposed mitigation measures, etc. Taking

all matters in account, the landscape and visual impacts of the proposal are not considered as being so unacceptable as to warrant refusal of the proposal.

- Scottish Planning Policy par 131 on Landscape and Natural Heritage states 'Landscape and the Natural Heritage are sensitive to inappropriate development and Planning Authorities should ensure that potential effects, including cumulative effect of incremental changes are considered when preparing development plans and deciding planning applications. '
- Together with the new Macallan Distillery warehouses (two further phases of development yet to be built) the wind farm at Drummuir to the east and the additional 3 turbines to be built at Hunthill to the north west this additional heavily industrialised proposed development would result in a detrimental loss of the rural character, and lead to an unacceptable cumulative effect giving a very industrial feel to this very special area of Speyside.

Comment (PO): In terms of cumulative impact, and when viewed in conjunction with the nearby Macallan Distillery warehouses, the plant would be an additional development feature within the landscape although its bulk will largely be enclosed/screened by woodland with the topmost section of the boiler hall/turbine hall (approx. 30m long and at least 3m high relative to height of woodland at site access although the trees vary in height around the site) and chimney being visible and projecting above the woodland when compared with the scale and extent of the warehouse buildings being built and visible at Overton (where those proposals were not rejected in terms of having an adverse effect on character and appearance of the locality). In cumulative terms, no significant adverse impacts are considered to arise and there will be limited overall change in the overall appearance and character of the area including the Spey Valley.

When viewed in conjunction with the Drummuir wind farm and the four consented turbines at Hunthill, wind turbines have an inevitable visual impact which is considered significantly different in character to any industrial-style building/chimneys, including those proposed here. Again, the turbine developments have been accepted as not having a significant adverse impact, they are taller and thus more visible and intrusive structures than the extent to which the proposed plant will be in terms of its projection into the skyline. Taking these structures into account, the limited additional change resulting from the addition of this plant is not considered to result in a significant adverse impact upon the surrounding area.

- The photo montages displayed at the Estover Exhibitions were produced from so far away using wide angle techniques and dull day conditions to 'disguise' the buildings and chimney. The sight of the Macallan buildings and the biomass plant in Rothes at various times of the day and in sunny conditions is evidence enough that you cannot blend these massive structures into their surroundings.

Comment (PO): Photomontages form only one aspect in the consideration of the likely resultant impact of the proposal and provide a helpful visual aid.

- The Zone of Theoretical Visibility (ZTV) study submitted with the application does not factor in the chimney plume or lighting and takes an average height of surrounding trees. As an example, these charts state that the site will not be visible from Ben Aigen. Photographs provided (by SOS) (Appendix 4) clearly show the entire area in which this power station will be sited on. Coupled with the aerial view document supplied by the applicant this must raise serious questions about the validity of the report.

Comment (PO): ZTVs should only be used as one aspect of an overall visual assessment and provide a helpful visual aid however, they are not the single basis on which to form views on visual impact. A number of factors need to be fed into a computer software package to produce

a ZTV, including assumptions on landscape characteristics based on OS mapping systems etc, which are largely correct, however anomalies can occur including the omission from the ZTV of the summit of Ben Aigen. This does not necessarily invalidate the Landscape and Visual Assessment but its limitations need to be taken into account in any determination. The plant is likely to be visible from the top of Ben Aigen but viewed as part of the wider landscape and taking account of the effect of intervening distance and vegetation cover, the resultant visual impact is not considered to have a significant adverse effect.

- The Landscape and Visual Assessment document produced by Estover clearly shows that there will be significant impact locally including that within the study area with three roads and the Speyside Way passing through, all of which are important tourist routes for visitors enjoying Speyside and the Malt Whisky Trail (par 4.32); the scenic quality for the Spey AGLV is considered to be high and the area is also valued as indicated by its designated status (par 4.33), the sensitivity to change of the type proposed for this AGLV and the Broad Farmed Valley and Upland Farmland Landscape Character Areas (LCAs) are considered to be high (4.34 and 4.47); and landscape mitigation for the proposed CHP development would include the retention of the existing forest for short and medium term screening (4.53).

Comment (PO): The visual impact at the local level is acknowledged within the Assessment and by Scottish Natural Heritage, although no significant adverse impact is considered to arise at a regional (which includes the AGLV designation) or national level

- What about the long term? What happens if the current infection of Dothistroma needle blight currently affecting 1,146 ha of forestry in Moray/Aberdeenshire and 1,245 ha of Inverness hits this area and the trees have to be felled? What if there is a forest fire? Both of these scenarios would leave this power station exposed in all its glory.

Comment (PO): It is accepted that these scenarios pose an element of risk and if they were to occur then removal of woodland screening around the site would result in greater visual impact. These perceived risks have yet to be substantiated however, from discussion with the Forestry Commission, they have advised that if the trees surrounding the plant became diseased it would be very unlikely that they would have to be clear felled. Monitoring of the woodland to identify disease would be expected as part of the Forestry Management Plan.

- The proposal of replanting other blocks for longer term screening is irrelevant as newly planted trees will take longer than the 25 year lifespan of the power station to reach any useful screening height.

Comment (PO): The proposed plant does not have a lifespan of 25 years and therefore any further surrounding planting will aid screening throughout the lifetime of the development.

- During construction there would be an area of the AGLV where the appearance of construction activities would be experienced due to a focus created by the movement of construction vehicles and structures associated with the works. This will result in a temporary reduction in scenic quality for this area.
- A 2 year construction period is not 'temporary' either for the local residents or the visitors to the area. Visitors may choose not to return during the period or thereafter, affecting local businesses during a time when Moray Council is actively marketing Speyside as a key tourist area.

Comment (PO): The applicant's submissions acknowledge that construction of the plant will take between 18 - 24 months. All such works are of temporary duration and the majority of construction including the provision of any site compound will occur within a site screened by existing woodland. Other mitigation measures are proposed, including construction hours etc to

limit the effects of any visual and/or physical disruption and disturbance effects associated with construction of the plant. The statement that such works will deter visitors or local business has not been substantiated. Any temporary construction compound should be located within the site of the plant and therefore screened by the trees.

- Views will be spoiled from surrounding property owners' houses.

Comment (PO): Impact on views is not a material planning consideration.

- It is not stated how this electricity will be transmitted. Will this be by overhead pylons not shown in this application? If so, another blot on the landscape.

Comment (PO): Electricity produced on site would be exported to the national grid with a grid connection proposed to the north of the site via an underground cable, as stated in the submission.

- The power station would consist of one chimney 49.5 metres high and 1 metre wide. The stack height determination report recommends a 44m height so why it is shown as 49.5m?

Comment (PO): The correct height of the chimney has yet to be determined as part of the detailed design for the PPC Part B permit to be authorised by SEPA. The applicants have determined that it will be no lower than 44m and no higher than 49.5m, hence they have based this planning application on the basis of a "worst case" of 49.5m.

- The Council recently refused a planning application for a wind turbine at Bluebell Quarry, Craigellachie, on unacceptable visual intrusion.

Comment (PO): Each application is considered on its own merits. A turbine was refused but comparing a wind turbine with the proposed plant is not directly comparable and each have their own differing merits, including location and resultant impacts, including the extent to which the proposal would be visually intrusive and evident within the landscape.

Impact on natural environment

- The proposal is a departure from Local Planning Policies E2, EP8, EP12 & SPP (Protected Species).
- Craigellachie Wood is known to SNH (Scottish Natural Heritage) as a long-standing healthy breeding ground to red squirrels. The red squirrels dreys are protected by law. Estover commissioned a study to be within 30 metres of the proposed development as per planning guidelines and although no evidence of rot holes for bats, there were a total of 37 bat passes during the survey on 30th May and 10 potential squirrel dreys are recorded directly adjacent to the site. The report stated that there was no evidence of badger setts, however we conducted our own study and found a considerable number of badger setts along the western fringes of Craigellachie Wood. The red squirrels, badgers and other wildlife would not tolerate a 20 - 24 month construction period followed by 25 years of daily heavy traffic, continual noise and light and therefore, would move out of the woodland for good.
- In addition to the Mammal Survey, Estover commissioned a Breeding Bird Survey and the report concluded that a total of 30 species of bird had been identified within 1km of the site, including Barn Owl, Capercaillie, Common Crossbill and Scottish Crossbill (according to the Interactive Map by SNH). There were a total of 21 species recorded within the site and 11 are regarded as confirmed, probable or possible breeding species. The main species of conservation concern to be affected by the loss include the Willow Warbler - Medium Conservation Concern; Song Thrush - probable breeding bird

identified as High Conservation Concern; and the Common Crossbill is a possible breeding bird and is of High Conservation Concern.

- Scottish Planning Policy par 144 on Protected Species states "Planning permission must not be granted for development that would be likely to have an adverse effect on a species protected under the Wildlife and Countryside Act 1981 unless the development is required for preserving public health or public safety. For developments affecting a species of bird protected under the 1981 Act there must also be no other satisfactory solution."
- The Breeding Bird Survey Report, commissioned by RSK Environment Ltd stated that 10 Common Crossbill were recorded and they are listed on Schedule 1 of the Wildlife & Countryside Act 1981 and are of high conservation concern.
- The Bird Survey report concluded that the project will result in permanent loss of nesting bird habitat from Sitka Spruce thicket; therefore, there is a risk of killing and/or injuring wild birds and disturbance to nesting birds, from associated tree felling and site clearance operations required to facilitate the construction of the new biomass plant and associated infrastructure.
- The biodiversity of our woodlands is vital to the health of our country and a huge attraction to bird watchers and animal lovers who come to experience the wonder of nature. This does not only apply to Craigellachie Wood but also across other woodlands where the brash would be removed.

Comment (PO): The representations acknowledge the findings already acknowledged by the applicants in their investigations of the ecological value of the site. The specific presence or absence of species whether on or adjoining the site does not make the proposal unacceptable but rather the findings have been used to inform that applicant's conclusion that the site of the plant is of limited ecological value but where habitats and species are identified, mitigation measures are proposed to address the impact of the development. Having been consulted on the proposals, SNH has not objected to the development and moreover, they consider that any impacts although localised are not significant impacts and they recommend that the mitigation measures identified in the applicant's survey reports be adopted within the overall construction environmental management plans required for the development of the site.

- The site lies in an area of woodland planted approx 13 years ago, all will be clear felled.

Comment (PO): The proposal does require felling of an area of woodland which is acknowledged in the applicant's submission. The woodland is not "protected" to any extent that would preclude it from being felled, and as part of any existing Forestry Management Plan it would be scheduled for felling at some stage anyway. That said, the Plan will be revised to reflect and take account of the development and the applicants have agreed to provide compensatory woodland planting to equal that lost as a result of the development, as recommended by the Forestry Commission.

- Concerns raised regarding brash removal.

Comment (PO): The removal of brash is a separate matter for the Forestry Commission and Scottish Government to manage and control, including any environmental impacts or otherwise associated with its removal not least because it will occur on sites located outwith this application site. The plant will use brash as part of its fuel source.

Impact on tourism and employment

- This is a departure from Local Planning Policies ER1, ER3, E7 and Local Plan - Environment & Resources)

- Moray is a highly valued tourist area for Scotland. The Speyside Area Forum has set up the Undiscovered Speyside.org website to promote the area, a large proportion of which would in some way be affected by this development.
- The visual and traffic impact of this power station may well damage tourist appeal for this part of Moray. This is an area of high amenity value and beauty and lies close to the Speyside Way, the River Spey famous for its salmon fishing and the Whisky Trail. These leisure activities alone bring significant numbers of tourists to our villages who would be horrified at the sight of a power station in our midst. Research done for the effects of Wind Turbines on Scottish tourism says that while they may not lead to significant drops in visitor numbers to Scotland they do lead to displacement of visitors as people simply choose to visit other areas where there is no visual impact. There are plenty more distilleries to visit outside our area, other stretches of the Spey to fish and the Speyside Way to walk. This plant would be industrial looking, noisy and create heavy traffic for the area.
- Outside of our immediate area the many walkers and photographers who visit Ben Aigen, The Convals and Ben Rinnes will have a 'bird's eye' view of the entire power station.
- The B9102 will be particularly badly affected as it would be sandwiched between the Biomass power station and the Macallan warehouses with Phase Two recently constructed and Phase Three soon to follow. Along with the approval for a new cooerage on the same site this whole stretch of road from Macallan to Overton will look like an industrial estate and would not be a welcome site to the visitors of Speyside.
- The B9102 is the scenic route to Grantown on Spey, the Speyside Caravan and Camping Club site is a mile from the Biomass site, the route also leads to B&B's, hotels and self catering accommodation and to the newly opened Knockando Wool Mill. The Macallan, Knockando and Cardhu distilleries encourage visitors to their sites. Everyone travelling this section of road by car, on foot, or cycling will be affected by the constant presence of the HGV traffic generated by this proposal.

Comment (PO): In the absence of information to the contrary the proposal is not considered to have a significant adverse impact on tourism within the area. The proposal will be located within a woodland setting reducing the extent to which it will be visible.

- Estover claim they will create up to 100 temporary jobs during the construction phase, up to 15-20 permanent jobs running the power station and up to 20 further jobs in the forestry sector. This represents less than 1 % of the inspirational target set in the Moray Economic Strategy to create 5,000 jobs in, amongst other sectors, renewables.
- The power station is pre-fabricated in Germany and the manufacturer offers a turn-key service for installation: it is therefore not possible to guarantee how many of these 100 jobs would go to local people. The very nature of the construction industry is that work is contractual so at best this development would sustain jobs, not be creating new ones. Some of the trades on site will only be required for days or weeks not for the 20 - 24 months so the headline grabbing claims of 100 jobs for Moray is not being accurately reported.
- Other biomass plants of this size employ between 10 - 20 people as they are highly automated plants. Again, no guarantees that these jobs will go to local people as some specialists will have to be brought in to manage the site.
- The same case goes for the forestry sector. The figures quoted already include the lorry drivers employed by local firms who would be awarded the contracts.
- An independent study should be carried out on the economic impact from the permanent employment that would be generated by this power station. The developer has stated

that this might represent an injection of over a million pounds into the local and regional economy however, it is not based on sound principles and therefore is not guaranteed.

- The development of this power station could have a detrimental impact on: -
- Other wood based industries competing for the same material. This concern is strongly supported by the Forestry Commission and Confederation of Forest Industries;
- The potential for job losses in tourist related businesses particularly those located within close proximity to the site where the visual impact and increase in traffic would be felt most severely;
- The significant loss to the building trade with the very real threat that 25 individual planning approved building plots to the west of the site could never be sold or developed for local housing leading to a) a loss of land value to local families of circa £2.5 million (based on average plot value of £100k); b) a loss of business to local architects, builders and suppliers to the value of £5 million (based on average house build value of £200k); and c) a loss of 25 new families bringing businesses to the area and disposable income to the local economy. There is already evidence that buyers are pulling out of purchasing plots citing the biomass proposal as the reason.
- There could very easily be as many permanent jobs lost as gained for our communities.

Comments (PO): Impact on property values is not a material planning consideration. The economic impacts, in particular the available employment opportunities associated the development cannot be regulated through the planning system. An economic case is not a pre-requisite for determination of a planning application.

Noise, Air (Emissions), Dust And Light Pollution

- This is a departure from Local Planning Policies EP8, EP11 and EP12
- In terms of noise, families living adjacent to the wood and nearby presently enjoy a peaceful and tranquil setting. This would all be destroyed with the continuous disruption of noise being echoed around the valley during the construction over a 2-year period, which was not detailed in the noise report submitted by Estover. This year (2012) we have already experienced an unacceptable increase with the continuous noise coming from the construction of the additional Macallan warehouses, just adjacent to the proposed site.
- The valley has quite a unique effect on the way noise travels in still conditions with a frequent echo being heard. Every noise doubled during these periods, usually early mornings and evenings when the construction site will still be active. The applicant claims that the weather patterns here are predominantly windy 95% of the time and the prevailing wind being from the SW. That data was gathered from the Aviemore weather centre and is not a reflection of more localised weather patterns.
- After construction, the local residents would be subjected for the following 25 years to 24/7 continual noise from the air condenser, chimney and boiler house operations; 24 lorries a day arriving and departing with associated reverse beepers; front loader tipper trucks moving wood fuel from outdoor storage to the chippers 7am-7pm; wood chipping operations and the conveyor belt system 7am -7pm.
- The noise report produced for Estover did not factor in the decibel levels for either the industrial wood chipping equipment or the 24 HGV's delivering wood.
- The transport plan also makes specific mention to the woodchip deliveries reversing up to the wood store and tipping their load onto a concrete base for inspection. Lorries coming in off the highway will not have their reverse beeper de-activated. How many times per day will local residents be hearing these additional noises and over what time period, from 7am for 6 days per week? Nearby residents should be given much more detail and a more accurate representation of actual noise levels should be commissioned.

- One of the mitigating measures used in the noise report was that the wood-piles would act as a sound barrier. If the wood is brash and twisted round wood this would not have the density of whole tree logs so will not create the same sound barrier and furthermore, these stacks are not being left as a permanent features but would be repeatedly moved and re-stacked to feed the boiler creating further noise disturbance nearer to the residential homes.
- Several of the buildings have open ventilation areas built into them allowing for further egress of noise. The wood chipping building has an open in-feed conveyor belt where further noise can escape from the building. It was suggested from the public consultations, that the buildings should be sound proofed, however the design of the building materials does not suggest that sufficient remedial measures have been taken.
- The surrounding trees will not be able to absorb all this noise before it reaches these homes and also carries across the valley.
- A second report on noise should also be done to reflect the difference in decibel levels once the middle sections of Z1 & Z2 along with Z3 of trees is removed as stated in the Forest Management Plan. This will have an increased adverse impact on the residential area to the west of the site.

Comment (PO): The applicants have submitted a Noise Impact Assessment in support of the application and following consultation, the content is sufficient for the Environmental Health Manager to recommend that the application be approved subject to conditions to ensure noise levels are restricted within acceptable limits at the nearest noise sensitive properties.

- In terms of lighting, Estover have confirmed that the plant will be lit at night. Having seen the illumination of these plants in other locations and given that there is no street lighting in the Elchies area, the impact will be very significant. This is a very 'dark' area where light pollution is currently at an absolute minimum.
- The wood yard, an area of 20,000 square metres will be floodlit for health and safety reasons for operators to work from 7am until 7pm. During the winter months this will be a minimum of 2 hours in the morning and around 3 hours in the evening. The wood yard ends beyond the tallest trees and is surrounded to the N and NW by young woodland so the lighting would be all the more prevalent.

Comment (PO): A condition is recommended regarding further details of the lighting arrangements to ensure no significant adverse light pollution occurs.

- In terms of air emissions, the burning of wood/brash will emit CO₂ and also NO (Nitrogen Oxide), a highly polluting gas.
- The Air Quality Assessment report appears to ignore potential wood dust emissions from; the wood chipping operations, movement of logs/brash from the wood yard to the chipping house, the tipping of woodchip deliveries onto concrete hardstandings. Some of this wood dust will be within the PM 10 and PM 2.5 size range.
- No cumulative air quality impacts, especially from the Helius Biomass plant in Rothes appear to have been assessed.
- The Air Quality assessment does not look at nitrogen, acid or ammonia deposition, i.e. air quality impacts on ecosystems.
- The amount of CO₂ coming from the wood transporting lorries alone will equate to approx. 1,184.21 metric tonnes a year (based on calculations for average fuel consumption from the Department of Transport National Road Statistics 2011 and on a 5 day operation over 50 weeks).
- Figures published for renewable projects seldom take into account the CO₂ emission levels of the manufacturing of the power plant (in this case in Germany) and its transport

here, the tonnes of concrete foundations and road infrastructure nor the loss of carbon store our trees provide. How long will it take before this power station is carbon neutral or will it ever be completely carbon neutral in its 25-year life cycle?

Comment (PO): Air Quality emissions are subject to separate authorisation from SEPA through the Pollution Prevention and Control (PPC) regulatory regime. To date no significant adverse impacts, with or without mitigation measures as appropriate, have been identified. The Environmental Health Manager has also not objected to proposal in terms of any adverse dust emissions resulting from operations and activities occurring within the site. As noted, the Scottish Government encourage/incentivise plants such as the one proposed on the basis that they will result in significant carbon saving in comparison to burning fossil fuels.

- In terms of fire risk, there are risks associated with spontaneous combustion within the storage piles of brash and wood chip. The moisture in the wood and the weight of the heaps leads to a build up in temperature, which has nowhere to escape. There was a major fire in a biomass wood pellet storage area in the Port of Tyne, South Shields in October, 2011 which took 30 fire fighters 12 hours to bring under control. Since then, there have been two more recent major fires which occurred at the Tilbury Power Station in Essex, the first was on 27 February 2012 where a biomass storage area containing 4,000 tonnes of wood pellets caught fire and it took 120 fire fighters and 15 fire engines to bring it under control then again on 29 July 2012, it took 8 fire crews to tackle a blaze in a turbine caused by a failure in a high pressure unit. We are faced with the potential of this happening in a woodland opposite warehouses filled with whisky.
- Not enough detail has been given to re-assure residents living on the boundary of this woodland as to the fire precaution measures included in the development. The local fire service is not full time and the whole vicinity (Elgin, Rothes, Aberlour, Keith) only has 5 fire engines.

Comment(PO): The Grampian Fire Service has advised that measures to address fire risk will be addressed through consideration of any application for Building Warrant required for the development but equally, it can also be noted that in principle, they have not objected to the development. Matters regarding fire risk and availability of fire equipment require separate consideration in terms of fire and health and safety practices which are not regulated by the planning system.

Departures from development plan

- The proposal is considered to represent a departure from the development plan wherein a number of representations, in particular that from the Save our Speyside Group identify and quote extracts (in full or in part) from policy ER1, ER3, E2, E7, ED1, ED2, ED8, IMP1, IMP2, IMP3, EP8, EP11, EP12, the Craigellachie Settlement Statement, Moray Structure Plan Policy 1 and 2, as well as the Moray Forestry Strategy, etc.

Comment (PO): Quoting extracts of planning policy does not explain how or why the proposal is considered to depart from planning policy. Some policies do not apply to the proposal, for example the site is not located within the settlement boundary of Craigellachie. This proposal has been assessed against development plan policy and no departures from policy have been identified.

- This is a green field area and not classed as an area for industry in the Moray Local Plan.

Comment (PO): It is correct that this woodland site is not specifically identified for industry in the local plan but the lack of designation does not mean that the proposal is unacceptable or that no development can occur. Much of the land area of Moray outwith settlements is not specifically designated in land-use planning terms but development can occur subject to

considering the merits of each application in accordance with relevant planning policy including in this case policy ER1 and ED8.

- The Moray Structure Plan refers to the amount of land in the 'rest of Moray', which is outwith the 5 key towns, for general industrial use up to 2 ha. The development would cover 5.5 ha and far exceed this provision.

Comment (PO): The structure plan identifies requirements to maintain a (minimum) industrial land supply which is then given interpretation within the local plan in terms of specific designations for new employment land within smaller town and villages (where business related proposals up to 2ha can be considered to meet local demand - see justification for policy ED1 in the adopted Moray Local Plan). This allocation does not preclude consideration of other sites including those located outwith settlement boundaries, whether for new development or extension of existing business activity and subject to meeting relevant criteria these can be favourably considered (ED8 refers).

- Concerns raised regarding additional dust from the plant and from the roads as a result of additional traffic on the roads.

Comment (PO): Neither the Environmental Health Manger nor the Transportation Manager have objected to the development in terms of any significant adverse effect of dust being generated by the proposal.

Compliance with national policy and guidance

- When granting planning permission, authorities should include conditions for the decommissioning of developments, including their ancillary infrastructure, and for site restoration. Authorities should also ensure that sufficient finance is set aside to enable operators to meet their restoration obligations and should consider financial guarantees through a section 75 agreement.
- Estover have not stated what will happen to the site in Craigellachie Wood once the development has run its course in approximately 25 years time, therefore a Section 75 Agreement should be a planning condition.

Comment (PO): A condition requiring an agreement is not competent. A condition requiring details of the decommissioning arrangements including site restoration is recommended.

- In terms of the SPP, 'The location of large scale biomass plants will be determined by a number of factors including the economic costs of transporting fuel materials from source; the location of the end user and the scale of the plant. In some locations there will already be an adequate supply of feedstock from managed woodlands and secondary sawmill products which can be accessed immediately. Further options could be provided by growing energy crops and expanding woodland types in other areas. Development plans should identify sites with the potential to accommodate biomass plants which can be supplied from locally available resources, and should identify the factors that will be considered when making decisions on planning applications, including amenity, air quality and transport issues.'
- Estover claim that this power station is an 'appropriate site scale proposed, with abundant locally available wood resources.' However, this plant is large scale and needs 24 lorry deliveries daily to operate from up to 50 miles and possibly even further.

Comment (PO): Account of the various matters identified has been taken into account, including the scale of the plant taking into account heat demand, proximity and abundance of fuel source and traffic generated as a result of the proposal.

- From SPP par 146. 'Ancient and semi-natural woodland is an important and irreplaceable national resource that should be protected and enhanced, as should other native and long established woodlands with high nature conservation value. The Scottish Forestry Strategy identifies the protection of woodlands of high biodiversity value as an important consideration in the development management process. Woodland of high nature conservation value should be identified in development plans along with relevant policies for its protection and enhancement. Planning authorities should consider preparing woodland strategies as supplementary guidance to inform the future development of woodland and forestry in their area. Advice on planning for forestry and woodlands will be issued by the Forestry Commission Scotland in early 2010. '
- Par 147 states that 'Other woodlands, hedgerows and individual trees, especially veteran trees, may also have significant biodiversity value and make a significant contribution to landscape character and quality so should be protected from adverse impacts resulting from development. If a development would result in the severing or impairment of connectivity between important woodland habitats, workable mitigation measures should be identified and implemented, potentially linked to the creation of green networks. Where appropriate planning authorities should seek opportunities for new woodland creation and planting of native species in connection with development schemes. Tree Preservation Orders can be used to protect individual and groups of trees considered important for amenity or because of their cultural or historic interest'
- Para 148 states 'The Scottish Government's control of woodland removal policy includes a presumption in favour of protecting woodland resources. Woodland removal should only be allowed where it would achieve significant and clearly defined additional public benefits. In appropriate cases compensatory planting may form part of the balance. The criteria for determining the acceptability of woodland removal and further information on the implementation of the policy is explained in the Control of Woodland Removal Policy and this should be taken into account when preparing development plans and deciding planning applications'
- Moray is one of the most forested areas in Scotland with some 28% of its land under forestry, compared to about 15% for all of Scotland. At present some 260,000 tonnes of timber are being produced from all the forests in Moray.
- The proposed plant for Craigellachie wood would require some 150,000 tonnes of wood supply per year not including other smaller biomass plants which are already using current supplies of wood.

Comment (PO): The site for the plant is neither ancient or semi natural woodland, nor is it protected for example by any Tree Preservation Order or similar: it is a young, as yet to mature, commercial woodland plantation crop and with the loss of this area of woodland, compensatory planting elsewhere is required, as recommended by the Forestry Commission. As noted elsewhere, the required level of fuel supply can be achieved from the surrounding area.

- Scottish Planning Policy par 38 states that decisions on the location of the new development should promote regeneration and the re-use of previously developed land; reduce the need to travel and prioritise sustainable travel and transport opportunities; and take account of the capacity of existing infrastructure.
- Scottish Planning Policy par 193 regarding Other Renewable Energy Sources states that 'The location of large scale biomass plants will be determined by a number of factors including the economic costs of transporting fuel materials from source, the availability of feedstock during the year, the location of the end user and the scale of the plant'

Comment (PO): These matters have been taken into account in the determination of the application.

- The Scottish Government is now entering another consultation period on whether the proposed restrictions on large-scale dedicated biomass over 10MW should also extend to CHP plants. The ROCs are only currently available to plants commissioned before 1st April 2015. This would explain Estovers' decision to apply for 3 developments now.
- If a decision to approve this development is taken before the Scottish Government has made its decision on the future support for Biomass CHP over 10MW, Speyside could be left with a 25 year legacy of a renewable technology that was no longer deemed suitable to be part of the energy generation policy for Scotland.

Comment (PO): Scottish Government published its response on 7 February 2012 to the supplementary consultation on changes to the Renewables Obligation (Scotland) legislation. This confirms support for biomass electricity will be restricted to stations no larger than 15MW installed capacity unless those stations are accredited as combined heat and power stations, as they could also attract vital investment in existing businesses, creating and preserving jobs. This response and confirmation over ROCs incentives gives endorsement of the scale and type of the proposed plant proposed.

Other matters

- The local maps produced for the exhibitions and to show the neighbourhood were not up to date and therefore did not show the 34 homes close to the proposed site.

Comment (PO): Although this comment is noted, the formal application has been assessed taking into account neighbouring properties and plots.

- A fully developed drainage strategy is not included.

Comment (PO): SEPA has assessed the development and the information submitted at this stage, which outlines the proposed drainage strategy to be adopted and that if acceptable, further details of the SUDs arrangements and a construction surface water management plan will then be provided. These initial arrangements are acceptable to SEPA and a condition is recommended requiring the detailed arrangements for the disposal of surface water from the site.

- The objectors do not agree that public access can continue round the site on the basis that the access will be restricted and not safe due to the amount of traffic using the same entrance and the close proximity to the power station.

Comment (PO): The submissions acknowledge that the plant will be fenced off during its construction and operation, to restrict public access for health and safety reasons, however, the public will still be able to access the woods surrounding the site. Greater care will need to be taken if using the access road leading to the plant to access the woodland, due to the vehicle movements in and out of the plant.

- Why can't the distillery be fuelled by solar power which could be placed on the roofs of the bonds?

Comment (PO): Irrespective of other renewable technologies being available (and any potential impacts arising from the use of large scale arrays of solar panels, etc on buildings which do not form part of the current application) the Council is required to determine the proposal as submitted which is for a CHP plant.

- It is difficult to comment on a planning application when documents keep being amended.

Comment (PO): It is feasible for applications to be amended during their consideration and in this case the amended design changes have been the subject of further neighbour notification and advertisement procedures.

- Concerns about the removal of documents from online display containing information in relation to environmental impact on protected species.

Comment (PO): In accordance with the Council's publication policy and Data Protection principles, "sensitive" information on protected species is withheld from publication online.

- Not all feedback forms from public consultation have been included in the pre-application consultation submission included with this application.

Comment (PO): All 44 feedback forms completed during the pre-application consultation (exhibitions) have been enclosed with the application.

b) AMENDED PROPOSALS

iii) From the 15 representations and petition received objecting to the development, the main points are

- In the updated view the building would apparently be below the tree height - it is not visible.
- Although the chimney size is unaltered (49,5m.) it is not shown in the updated image. This must be wrong.

Comment (PO): The plant and chimney are included in the visualisation. The chimney height remains unaltered but the revised roof design and proposed colouration combine to reduce the impact of the building and the extent to which it will be visible.

- When the trees are felled between the plant and the property known as Lynwood, there will be open views of the plant from this property.

Comment (PO): The woodland area immediately to the east of "Lynwood" is shown in the Forestry Management Plan as being young conifers, but they are already of a height which will screen the development from view. According to the Plan they will not be harvested for many years, however, by the time they are harvested the replanted trees in other blocks (Z blocks) will have matured and offer a good level of screening. In addition, other woodland blocks (Y1 - Y6) will be retained and not felled over the lifetime of the development, thus continuing to screen the development from view.

- The proposed green metal roofs will shine like burnished steel when the sun is on them, resulting in a negative visual impact which will be unacceptably striking.

Comment (PO): The proposed external finishes include the walls and roof of the buildings to be finished in matt green, intended to reduce any glare/reflection.

- The realization of the biomass plant in Rothes should cause all concerned to take note of the very significant pollution (visual and smoke (by day) light (at night) and noise (perpetual)).

Comment (PO): Direct comparisons between the two plants is difficult in terms of not using the same or like-for-like technology and differences in location/siting arrangements account for differences in the extent to which the premises will be visible. The potential for a plume (of steam) is acknowledged but this has not formed the basis for objection in other developments and conditions are recommended to address light and noise aspects of the development.

- The conditions recommended by Environmental Health are insufficient to ensure the amenity of the neighbouring residents.

Comment (PO): Conditions are recommended where considered as necessary to safeguard the amenity of the locality including any nearby noise-sensitive premises.

CONSULTATIONS

SEPA - No objection subject to conditions in relation to surface water disposal using SUDS, together with construction environmental management and waste management plans. Based on the net thermal input the site will be licensed by us under Part B of The Pollution Prevention and Control (PPC) Scotland Regulations 2000 and SEPA will control air emissions under the Part B Permit.

SNH - Support development of renewable energy including bio-energy. Development located on hillside above River Spey SAC but in implementing principles of environmental management and SUDS, including construction surface water management plan, the development should not adversely impact on SAC interests. From survey work undertaken, there is an absence of species including protected species from area affected by felling work. Given habitats affected by works, impacts on habitats mammals and breeding birds unlikely to be significant and localised in nature and identified mitigation should be included in construction managements plan. In terms of landscape and visual impact, surrounding forestry plantation offers screening to help conceal some of plant and SNH supportive of adaption of forest plan to improve duration of screening. Stack and plume will be visible about tree line and will have visual impact and likely to be of greatest significance locally. The impact is not of significance regionally or nationally.

Development Plans - Proposal indicates locational justification in terms of proximity to Macallan Distillery as end-user of energy created but justification diminishes if CHP installation is generating heat significantly in excess of Distillery requirements, raising issue of sustainability of location if no nearby population to utilize excess. Establishing boundaries of energy usage is important to assess whether a departure occurs. In addition, the wood fuel supply and security of supply is important and intention for wood supply from local sources. Plant is well screened from existing trees surrounding the plant albeit on high ground and whilst well-screened in close proximity but in the wider landscape, it will occupy a skyline and relatively prominent position although height of building reduced to mitigate landscape and visual impact upon AGLV and redesigned with curved roof has "softened" appearance of buildings and green colouration in keeping with setting and allow development to integrate sensitively into the rural landscape. Potential landscaping at site access should be considered where a number of trees are to be removed.

Environmental Health Manager - No objections subject to conditions regarding noise emissions and hours of operation of chipping machine and informatives.

Transportation Manager -Approve subject to conditions regarding construction traffic management plan, detailed design of access and works at site entrance and B9102/A941 9to be completed prior to commencement), parking arrangements, development to be limited to 150000 tonnes of wood/fuel delivered per annum and annual reports of estimated tonnage to be provided plus details of abnormal trial runs, etc.

Historic Scotland - No objections. Whilst there will be impacts on wider scenic views of the A-listed Telford Bridge, its setting will not be so significantly impacted on.

Planning Gain - No comments.

National Air Traffic Services (NATS) - No safeguarding objections to the proposal.

Regional Archaeologist - No objections.

Contaminated Land - No objections.

Scottish Water - No objections but approval does not guarantee connection to existing infrastructure. There are no public sewers in the vicinity of the development and the water network serving the development may be able to supply the new demand.

Ministry of Defence - Approve subject to conditions with mast fitted with red light or infra-red light and notification of various information prior to development commencing.

Environmental Protection - No objections as per pre-application discussion (to discuss/progress any required contribution towards aspirational core path otherwise no comment on immediate site area and informal access taken in surrounding woodland should not be unduly obstructed).

Forestry Commission - No objections subject to condition regarding compensatory planting (over 4.71 ha) to mitigate permanent woodland loss and to re-establish an equivalent woodland for that permanently lost of equal type and area.

Grampian Fire Brigade - Opportunity for input is at Building Standards stage of the process.