

23/00123/APP
13th February 2023

New distillery process building alterations to existing building to house bio-plant/evaporator and new office/labs building with associated infrastructure including a new access road at Miltonduff Distillery Miltonduff Elgin Moray for Chivas Brothers Ltd

Comments:

- Application is major development as defined under the Hierarchy Regulations 2009 for a general industrial development on a site which exceeds 2 hectares.
- Advertised for neighbour notification purposes, as a departure from the development plan and Schedule 3.
- 5 Objections/representations received.

Procedure:

- None.

Recommendation:

Grant Planning Permission - Subject to the following:

Conditions/Reasons

1. The development to which this permission relates must be began not later than the expiration of 3 years beginning with the date on which this permission is granted.

Reason: The time limit condition is imposed in order to comply with the requirements of Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended.

2. Prior to the commencement of construction, compensatory storage shall be provided in the area (420m³) to the east of the proposed SUDS pond, as illustrated on the drawing "Flood Risk Compensation Storage" (EC22832:00:010 C 20.4.2023). A second compensatory storage area located immediately to the south of the proposed bio plant and also illustrated on the drawing "Flood Risk Compensation Storage" (EC22832:00:010 C 20.4.2023 as "existing bunds to be decommissioned and removed on completion of new distillery"), shall be provided within 6 months of the cessation of production of the existing distillery. These

areas shall be retained as such in perpetuity.

Reason: To ensure that compensatory storage is provided to offset a localised increase in flood risk located in the immediate vicinity of the new bio plant.

3. No works in connection with the development hereby approved shall commence unless an archaeological written scheme of investigation (WSI) has been submitted to and approved in writing by the planning authority and a programme of archaeological works has been carried out in accordance with the approved WSI. The WSI shall include details of how the recording and recovery of archaeological resources found within the application site shall be undertaken, and how any updates, if required, to the written scheme of investigation will be provided throughout the implementation of the programme of archaeological works. Should the archaeological works reveal the need for post excavation analysis the development hereby approved shall not be brought into use unless a post-excavation research design (PERD) for the analysis, publication and dissemination of results and archive deposition has been submitted to and approved in writing by the planning authority. The PERD shall be carried out in complete accordance with the approved details. (NOTE: The exact specification of work is to be agreed with the archaeological contractor, but likely will require a monitored topsoil strip of select areas of the proposed development site. This is alongside the archaeological Level 1 Standing Building survey required of the 18th Century dovecot (Moray HER NJ16SE0001) and the photographic survey of the existing distillery buildings (Moray HER NJ16SE0114)).

Reason: To safeguard and record the archaeological potential of the area.

4. Upon completion and commissioning of the development (Phase 1) hereby approved, as shown on Drawing titled Proposed Site Plan – Phase 1, MILMP22-NOR-ST-ZZ-DR-A-07003 P08, all production from the existing distillery shall cease.

Reason: In order to avoid any ambiguity regarding the terms of this consent and to address potential cumulative impacts from the development in combination with the existing distillery.

5. Prior to the commencement of development details of the following shall be submitted to and approved by the Council, as planning authority in consultation with the Roads Authority:
 - a) a detailed survey of the route(s) for deliveries by abnormal indivisible load traffic to/from the site in accordance with the scope of the survey which shall previously have been submitted to and approved by the Council, as planning authority in consultation with the Council as Roads Authority. The survey shall identify and determine the locations of structures (e.g. bridges) and street furniture affected by any abnormal load vehicle movements together with a schedule of works including the location(s), design specifications and time-scales for undertaking works including all road improvement/ strengthening/ verge hardening works required/proposed to accommodate construction and abnormal load traffic; and

- b) detailed proposals for undertaking both trial runs and also delivery of abnormal indivisible loads, to include (but not be limited to) identification of all temporary and permanent modifications and measures required to protect the public road and structures together with the arrangements for traffic, vehicle holding areas and non-vehicular management during deliveries, time restrictions for deliveries i.e. outwith school crossing patrol times, etc.

Thereafter, all required/proposed modifications to the road network and the arrangements for undertaking trial runs shall be implemented in accordance with the approved details.

Reason: To ensure an acceptable development including the provision of additional information currently lacking from the submission and to ensure infrastructure is provided to facilitate the proposed delivery/construction route to the site access in the interests of road safety.

6. No works shall commence on site until a Construction Traffic Management Plan has been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority. The Construction Traffic Management Plan shall include the following information:

- duration of works;
- construction programme;
- number of vehicle movements;
- anticipated schedule for delivery of materials and plant;
- full details of any temporary construction access;
- construction traffic routes between the site and the A96;
- measures to be put in place to prevent material being deposited on the public road;
- measures to be put in place to safeguard the movements of pedestrians;
- traffic management measures to be put in place during works including any specific instructions to drivers; and
- parking provision, loading and unloading areas for construction traffic.

Thereafter, the development shall be implemented in accordance with the approved details.

Reason: To ensure an acceptable form of development in terms of the arrangements to manage traffic during construction works at the site.

7. No development shall commence until evidence of a satisfactory Wear and Tear Agreement has been submitted to and agreed in writing by the Planning Authority in consultation with the Roads Authority. The scope of the Wear and Tear Agreement shall be agreed with the Planning Authority in consultation with the Roads Authority and shall include a condition survey of the network undertaken jointly by the developer and a representative from the Council. The survey shall include the full extent of the agreed construction traffic route(s) (within Moray) between the site and the 'A' class road network. In addition, the wear and tear agreement shall also include condition surveys of all roads identified as 'unsuitable' which shall be identified by the Roads Authority.

Reason: To mitigate the potential risks from damage to the public road occurring during the construction phase of the development.

8. Prior to any other construction works being undertaken (unless otherwise agreed in writing by the Planning Authority in consultation with the Roads Authority), the work to form the proposed site access road and junction onto the C3E, shall be completed in accordance with the approved details. Thereafter the completed access shall be used for all construction traffic unless otherwise approved by the Planning Authority in consultation with the Roads Authority.

Reason: To ensure acceptable infrastructure is provided at the appropriate time to access the development in the interests of road safety.

9. A visibility splay of 4.5m metres by 215 metres shall be provided in both directions at the site access onto the C3E and maintained at all times clear of any obstruction above 0.26 metres in height, measured from the level of the carriageway.

Reason: To enable drivers of vehicles entering or exiting the site to have a clear view so that they can undertake the manoeuvre safely and with the minimum interference to the safety and free flow of traffic on the public road.

10. Parking for the proposed development shall be provided in accordance with the approved details prior to the proposed laboratory/offices being completed or becoming operational (whichever is soonest) and shall be maintained and available for use thereafter in association with the development unless otherwise agreed in writing by the Planning Authority.

Reason: To ensure the permanent availability of the level of parking necessary for staff/visitors/others in the interests of an acceptable development.

11. Notwithstanding the details submitted which indicate the provision of 16 EV chargers. Details shall be submitted in writing to confirm the location of a minimum of 5 EV charging points with a minimum output of 22Kw each. The EV charging infrastructure shall be provided in accordance with the approved details prior to the proposed laboratory/offices being completed or becoming operational (whichever is soonest) and shall be maintained and available for use thereafter in association with the development unless otherwise agreed in writing by the Planning Authority.

Reason: In the interests of an acceptable form of development and the provision of infrastructure to support the use of low carbon transport, through the provision of details currently lacking from the submission.

12. Construction works (including vehicle movements) associated with the development audible at any point on the boundary of any noise sensitive dwelling shall be permitted between 0800 - 1900 hours, Monday to Friday and 0800 - 1300 hours on Saturdays only, and at no other times out with these permitted hours (including National Holidays). The above construction hours shall apply, unless

otherwise agreed in writing with the Planning Authority, and where so demonstrated exceptional operational constraints require limited periods of construction works to be undertaken out with the permitted construction hours.

Reason: To protect local residents from noise nuisance in ensuring the construction phase is restricted within permitted hours.

13. Unless otherwise agreed in writing with the Planning Authority, the construction phase of the development shall be carried out in accordance with the agreed details in the supporting document by Blyth and Blyth , dated 12th December 2022, Project Number : EC 22832, and titled “Chivas Brother Ltd. Miltonduff Distillery – Construction Phase Environmental Management Plan and Construction Phase Traffic Management Plan.”

Reason: In order that environmental emissions are considered and managed at the construction phase, in order to protect local residents.

14. Unless otherwise agreed in writing with the Planning Authority, operational lighting shall be provided and maintained in accordance with the agreed details within the supporting document by ZG Lighting (UK) Ltd, dated January 2023, document 11 and titled “Miltonduff Distillery. Lighting Impact Assessment.”

Reason: To minimise the potential for light pollution disturbance upon the visual amenity of the surrounding area and nearby residential properties.

15. The rating level of noise associated with the development shall not exceed 38 dB at the nearest noise sensitive dwelling which is lawfully existing or has planning permission at the date of this permission in the location of Lochiepots Road to the south west and also dwellings around Heather Cottage to the south of the development. For the avoidance of doubt, the rating level associated with this condition is defined within BS 4142: 2014+A1:2019 Methods for rating and assessing industrial and commercial sound.

Reason: To protect local residents from noise nuisance due to the use of the development.

16. The rating level of noise associated with the development shall not exceed 29 dB at the nearest noise sensitive dwelling which is lawfully existing or has planning permission at the date of this permission in properties north of the development around the location of Ballantine Circle and/or located on the minor road C3E. For the avoidance of doubt, the rating level associated with this condition is defined within BS 4142: 2014+A1:2019 Methods for rating and assessing industrial and commercial sound.

Reason: To protect local residents from noise nuisance due to the use of the development.

17. Unless otherwise agreed in writing with the Planning Authority, the construction details and sound insulation values for the noise mitigation measures shall be implemented and maintained in accordance with Section 5.1.1 to 5.1.10 of the

approved Noise Impact Assessment document by RMP Report No.R-9170B-CL3-RRM, dated 22nd May 2023, and titled “Noise Impact Assessment: New Milntonduff Distillery, Elgin, Morayshire, IV30 3TQ.”

Reason: To protect local residents from noise nuisance due to the use of the development.

18. Unless otherwise agreed in writing with the Planning Authority, the earthwork and landscape mound north of the proposed new distillery shall be provided and maintained in accordance with the Proposed Site Plan, Drawing No. EC22832:00:003 Revision C, dated December 2022 and indicated as “Proposed Earthworks & Landscaping Mound”.

Reason: To protect local residents from noise nuisance due to the use of the development.

19. No development shall commence until details of timescales of all tree planting, landscaping works and biodiversity measures as detailed on drawing titled Landscape Mitigation Plan Figure 4, Rev E and the Landscape Strategy and document titled Landscape and Biodiversity Plan, prepared by TGP Landscape Architects Document 9, Rev C, have been submitted to and agreed in writing by the Planning Authority.

Thereafter the tree planting, landscaping and biodiversity measures shall be implemented in accordance with these approved plans and timescales. Any trees or plants which (within a period of 5 years from the planting) die, are removed or become seriously damaged or diseased shall be replaced in the following planting season with others of similar size, number and species unless this Council, as Planning Authority gives written consent to any variation of this planning condition.

Reason: In order to ensure an acceptable level of planting in the interests of the amenity and appearance of the surrounding countryside and to enhance biodiversity in the area.

20. That all tree works and tree protection measures on the development site shall be carried out in accordance with those detailed in the submitted Tree Protection Plan by SCOTTISH ARBORICULTURAL SERVICES dated 29 November 2022, unless otherwise agreed in writing with this Council as Planning Authority. No trees on the site other than those identified for removal in the abovementioned Protection Plan shall be removed without the prior written consent of the Council, as Planning Authority.

Reason: In order to protect trees within the site scheduled for retention.

21. The surface water drainage SUDS arrangements detailed in the approved drawings, Drainage Impact Assessment prepared by Blyth and Blyth dated 19 December 2022 shall be installed prior to first occupation or completion of the development whichever is sooner, unless otherwise agreed.

Reason: To ensure that surface water drainage is provided timeously and

complies with the principles of SUDs in order to protect the water environment.

22. The ecological mitigation, compensation and enhancement measures as detailed within the accompanying Ecological Impact Assessment (Table 8 refers), prepared by Latimer Ecology updated 24 March 2023, shall be fully implemented by the developer, unless otherwise agreed in writing by the Council, as Planning Authority. This shall include the submission of a repeat otter survey (with mitigation if required) of the Black Burn prior to works commencing on the installation of the two SUDs outfalls for the approval of the Council, as Planning Authority, as recommended within the Ecological Assessment.

Reason: To ensure that the development does not have an adverse impact on protected species or habitat, minimise disturbance to nature conservation interests and enhance biodiversity.

23. Prior to development commencing, a Waste Management Plan shall be submitted to and approved in writing by the Council, as Planning Authority. The Waste Management Plan shall address both the construction and operational phases of the development and include information on the following:
- a) identification of the likely waste sources associated with the construction and operation of the development;
 - b) proposed waste management requirements, including provisions to maximise waste reduction and waste separation at source; and
 - c) proposed waste management and storage strategy, which shall include details of:
 - i. measures to minimise cross-contamination of materials
 - ii. storage of waste and by-products (including measures to ensure waste is secure from wind/weather)
 - iii. provision of access for collection of waste, and
 - iv. recycling and localised waste management facilities.

Thereafter, the Waste Management Plan shall be implemented in full accordance with the details hereby approved.

Reason: To ensure waste is minimised as a result of the operation of the proposed development, in accordance with National Planning Framework 4 Policy 12: Zero Waste.

24. Prior to development commencing (unless agreed in writing with the Planning Authority), finalised details of the discharge outfalls to the Black Burn serving the SUDs ponds shall be submitted to and approved in writing by the Council, as Planning Authority. Thereafter the development shall be implemented in accordance with the approved details.

Reason: To ensure an acceptable form of development and as these details are currently lacking from the application.

25. The evaporator and bio plant hereby approved shall process pot ale from Milnonduff and Glen Burgie distilleries only, as detailed within the approved Transport Statement prepared by Blyth and Blyth Consulting Engineers, Version

4, dated 16 May 2023, document 14, unless otherwise agreed in writing by the Council, as Planning Authority.

Reason: To ensure an acceptable form of development and in order to avoid any ambiguity regarding the terms of this consent, which has been assessed based on the information submitted.

Reason(s) for Decision

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

The proposal represents an acceptable rural industrial development, which reflects the operational needs of the distillery and will contribute to sustainable economic growth.

Whilst the proposal is located immediately outwith the settlement boundary of Milnorduff (North) (as defined in the Moray Local Development Plan 2020), it will deliver sustainable economic growth, safeguard the quality of the natural and built environment and satisfactorily mitigate any potential impacts, and as such is an acceptable departure from Moray Local Development Plan 2020 Policy EP6 Settlement Boundaries.

Similarly although the proposal will require removal of approximately 0.35ha of woodland, the applicant has satisfactorily evidenced that it is technically unfeasible to retain the woodland due to site constraints. This, combined with the strong locational justification for the development, its contribution towards the key economic sector of distilling and substantial woodland planting and landscape proposals justify a departure from NPF4 Policy 6 (c) and MLDP Policy EP7 (c).

The proposal is in accordance with all other aspects of the National Planning Framework 4 and Moray Local Development Plan 2020, and there are no material considerations that indicate otherwise. Approval is therefore recommended, subject to conditions.

List of Informatives:

THE DEVELOPMENT MANAGEMENT AND BUILDING STANDARDS MANAGER has commented that:-

With regard to the proposal to carry out works to repair and restore the listed dovecot as described in the submitted Design and Access Statement, in order to establish whether these can be treated as 'like for like repairs' or alternatively, require formal listed building consent the applicant should submit a detailed schedule of the proposed works for the consideration of the Council, as Planning Authority.

The applicant is reminded that all wild birds, their nests and their eggs are protected by law under Schedule 1 of the Wildlife and Countryside Act 1981 (as amended) and that it is their responsibility to develop the site in accordance with

all wildlife legislation and that works should be timed carefully to avoid the times of year when wild birds are likely to be nesting, i.e. the breeding season.

During demolition work the applicant and/or the developer should remain vigilant for signs of bats, if they come across any bats or any signs of bats, all work in that area must cease immediately and Scottish Natural Heritage must be contacted for further advice.

It should be noted that as bats are a European Protected Species, as listed in the Conservation (Natural Habitats &c.) Regulations 1994 it is illegal to:

Deliberately kill, injure, disturb or capture/take European Protected Species of animal.

Damage or destroy the breeding sites or resting places of such animals.

Furthermore, where it is proposed to carry out works that will affect a European Protected Species or their shelter/breeding places, whether or not they are present, a licence is required from the appropriate licensing authority.

THE TRANSPORTATION MANAGER has commented that:-

Whilst the proposals for the Doocot parking layby and verge/footway alterations are acceptable in principle, the proposals will be subject to any changes deemed necessary under detailed design approval in accordance with Section 21 of the Roads (Scotland) Act 1984 including confirmation of the arrangements for the future maintenance/adoption of these areas.

Before commencing development, the applicant is obliged to apply for Construction Consent in accordance with Section 21 of the Roads (Scotland) Act 1984 for new roads. The applicant will be required to provide technical information, including drawings and drainage calculations, and where appropriate to provide a Road Bond to cover the full value of the works in accordance with the Security for Private Road Works (Scotland) 1985 Regulations. Advice on this matter can be obtained from the Moray Council web site or by emailing transport.develop@moray.gov.uk

Construction Consent shall include a CCTV survey of all existing roads drainage to be adopted and core samples to determine the construction depths and materials of the existing road. Any requirement for a Road Safety Audit may be determined through the Roads Construction Consent process or subsequent to the road construction prior to any road adoption.

Requirements for road construction materials and specifications and any SUDs related to the drainage of the public road must be submitted and approved through the formal Roads Construction Consent process.

Planning consent does not carry with it the right to carry out works within the public road boundary and the applicant is obliged to contact the Transportation Manager for road opening permit in accordance with the Roads (Scotland) Act 1984. This includes any temporary access joining with the public road.

If required, street furniture which needs to be repositioned will be at the expense of the developer. In addition any existing roadside ditch may require a pipe or culvert. Advice on these matters can be obtained by e-mailing transport.develop@moray.gov.uk

No building materials/scaffolding/builder's skip shall obstruct the public road (including footpaths) without permission from the Roads Authority.

The applicant shall be responsible for ensuring that surface/ground water does not run from the public road into their property.

The applicant shall ensure that their operations do not adversely affect any Public Utilities, which should be contacted prior to commencement of operations.

The applicants shall free and relieve the Roads Authority from any claims arising out of his operations on the road or extension to the road.

The Transportation Manager must always be contacted before any works commence. This includes any temporary access, which should be agreed with the Roads Authority prior to work commencing on it.

No retaining structures or embankments shall be constructed along the edge of the road, whether retaining the public road or ground adjoining the public road without prior consultation and agreement of the Roads Authority.

THE ENVIRONMENTAL HEALTH MANAGER has commented that:-

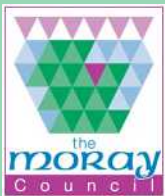
Odour emissions from the proposed bio-plant shall be suitably managed so as not to give rise to a statutory nuisance in terms of the Environmental Protection Act 1990.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT	
MILMP22-NOR-OF-ZZ-DR-A-07101 P04	Office & Lab - elevations sheet 1 of 2
MILMP22-NOR-OF-ZZ-DR-A-07102 P04	Office & Labs - elevations sheet 2 of 2
MILMP22-NOR-OF-OO-DR-A-07002 P04	Office & Labs - floor plans
MILMP22-NOR-ST-ZZ-DR-A-07101 P02	Process buildings - elevations Phase 1
MILMP22-NOR-ST-ZZ-DR-A-07102 P04	Process building - elevations Phase 2
MILMP22-NOR-PR-ZZ-DR-A-07002 P04	Process building - floor plans Phase 2

MILMP22-NOR-PR-RF-DR-A-07003 P02	Process building - roof plan phase 1 of 2
MILMP22-NOR-ST-ZZ-DR-A-07902 P01	Proposed 3D massing Phase 1
MILMP22-NOR-PR-ZZ-DR-A-07201 P02	Process building - sections Phase 1
MILMP22-NOR-ST-ZZ-DR-A-07903 P01	Proposed 3D massing Phase 2
MILMP22-NOR-ST-ZZ-DR-A-07101 P01	Smoking shelter/bin store/cycle
EC22832:00:007	Typical construction details sheet 1 of 2
EC22832:00:008	Typical construction details sheet 2 of 2
MILMP22-NOR-PR-ZZ-DR-A-07001 P02	Process building - floor plans phase 1
MILMP22-NOR-DG-ZZ-DR-A-07102 P04	Proposed elevations
MILMP22-NOR-DG-ZZ-DR-A-07003 P04	Proposed ground and roof plan
MILMP22-NOR-DG-ZZ-DR-A-07201 P03	Sections
EC22832:00:009	Proposed mound cross section
MILMP22-NOR-PR-ZZ-DR-A-07202 P03	Process building - sections Phase 2
EC22832:00:003 C	Proposed site plan
MILMP22-NOR-PR-ZZ-DR-A-07202 P01	Site sections
EC22832:00:006 C	Proposed drainage plan
EC22832:00:005 B	Proposed site access design and visibility splays
MILMP22-NOR-ST-ZZ-DR-A-07003 P08	Proposed site plan - Phase 1
EC22832:00:004 D	Proposed site plan with levels
ST-DR-A-0001 P07	Location plan
FIGURE 4 E	Landscape Mitigation plan
EC22832:00:010 C	Proposed compensatory storage plan
EC22832:00:011 A	Proposed site access vertical visibility splays
MILMP22-NOR-ST-ZZ-DR-A-07002 P10	Proposed site plan - Phase 2
MLMP22-NOR-DG-ZZ-DR-A-070004 P01	Construction phasing plan

Information to accompany decision:

1. Landscape Strategy and Biodiversity Plan Rev 02
2. Construction and Environmental Management Plan and Construction Phase Traffic Management Plan
3. Traffic Impact Assessment Rev 4
4. Ecological Impact Assessment
5. Lighting Impact Assessment
6. Noise Impact Assessment Rev 02
7. Flood Risk Assessment
8. Drainage Impact Assessment
9. Tree Protection Plan



PLANNING APPLICATION COMMITTEE SITE PLAN

Planning Application Ref Number:

23/00123/APP

Site Address:

Miltonduff Distillery

Miltonduff

Applicant Name:

Chivas Brothers Ltd

Plans, drawings and other material submitted to the local authority are protected by the Copyright, Designs and Patents Act 1988 (section 47). You may only use material which is downloaded and/or printed for consultation purposes, to compare current applications with previous schemes and to check whether developments have been completed in accordance with approved plans.

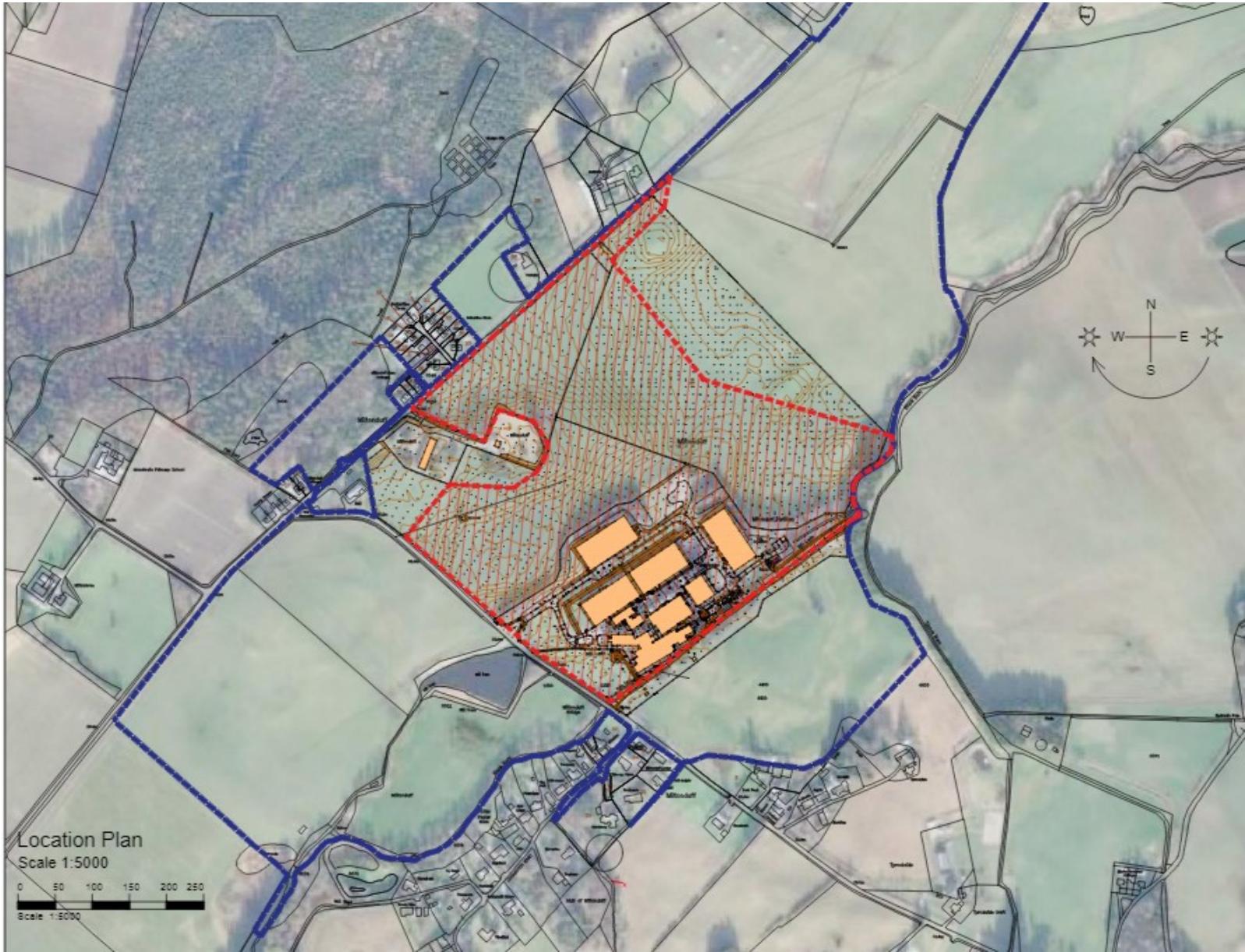
Further copies must not be made without the prior permission of the copyright owner.

Maps shown in the Planning Committee Report can only be used for the purposes of the Planning Committee. Any other use risks infringing Crown Copyright and may lead to prosecution or civil proceedings. Maps produced within this Planning Committee Report can only be reproduced with the express permission of the Moray Council and other Copyright holders. This permission must be granted in advance.

Location Plan

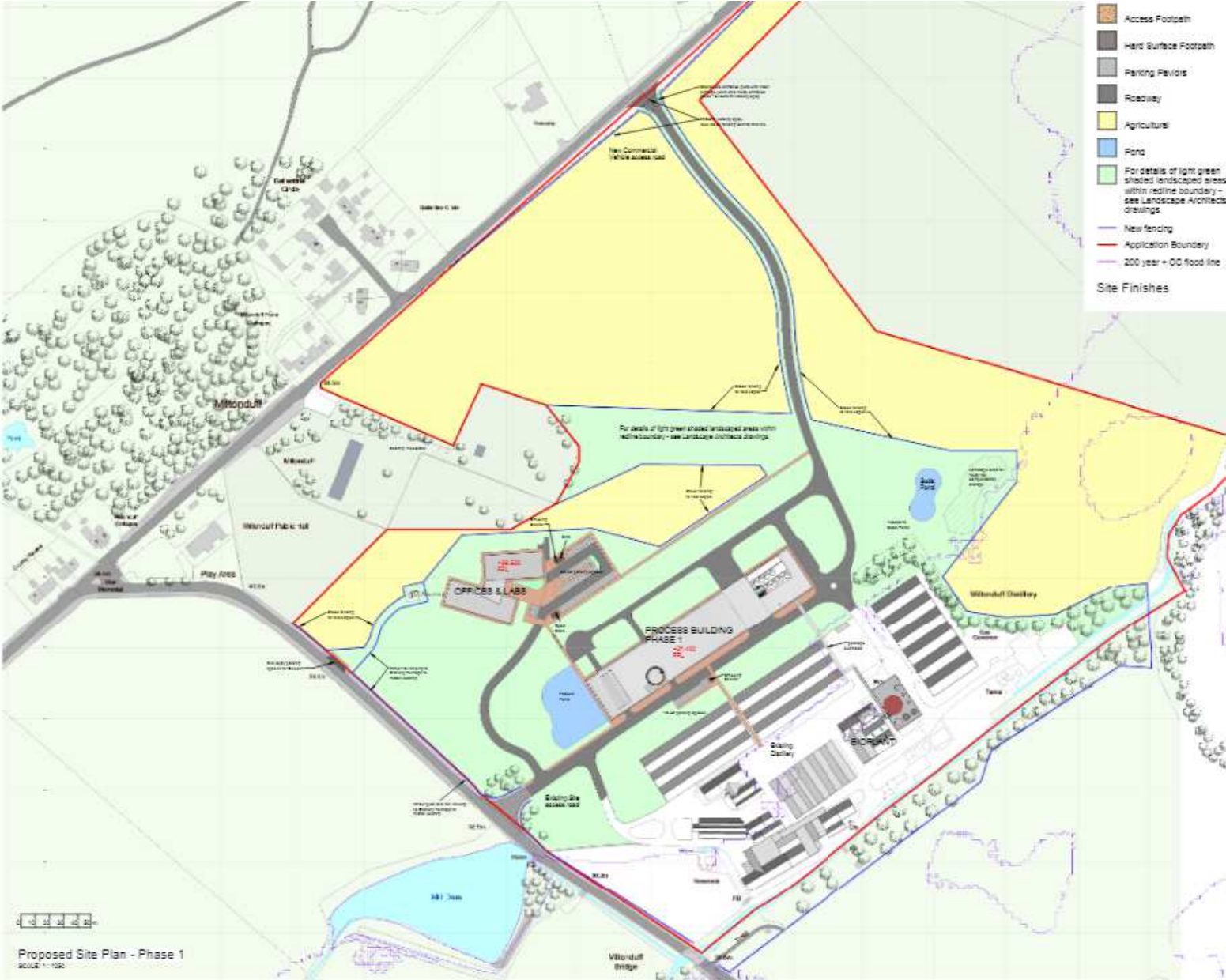


Site Location

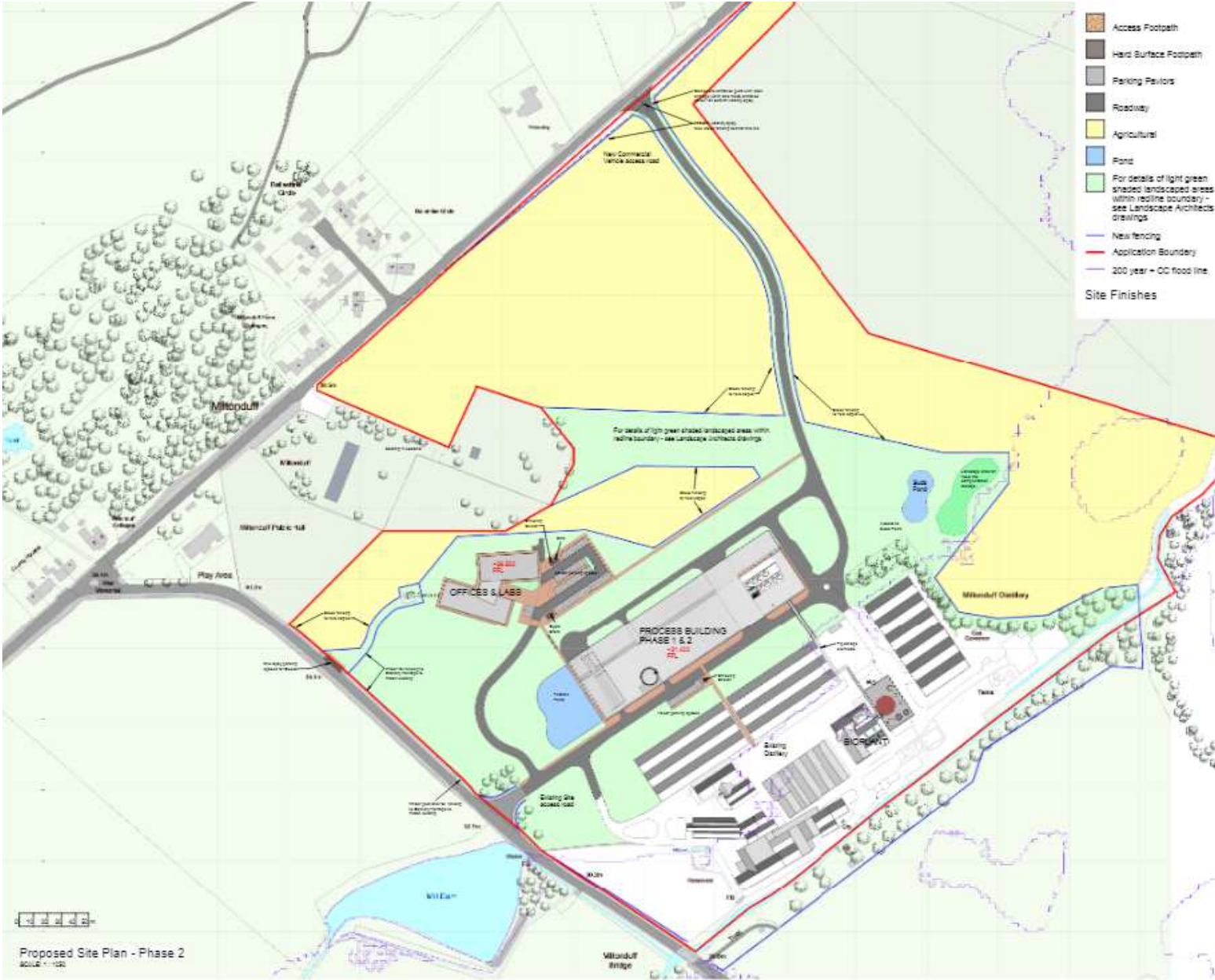


[illegible]

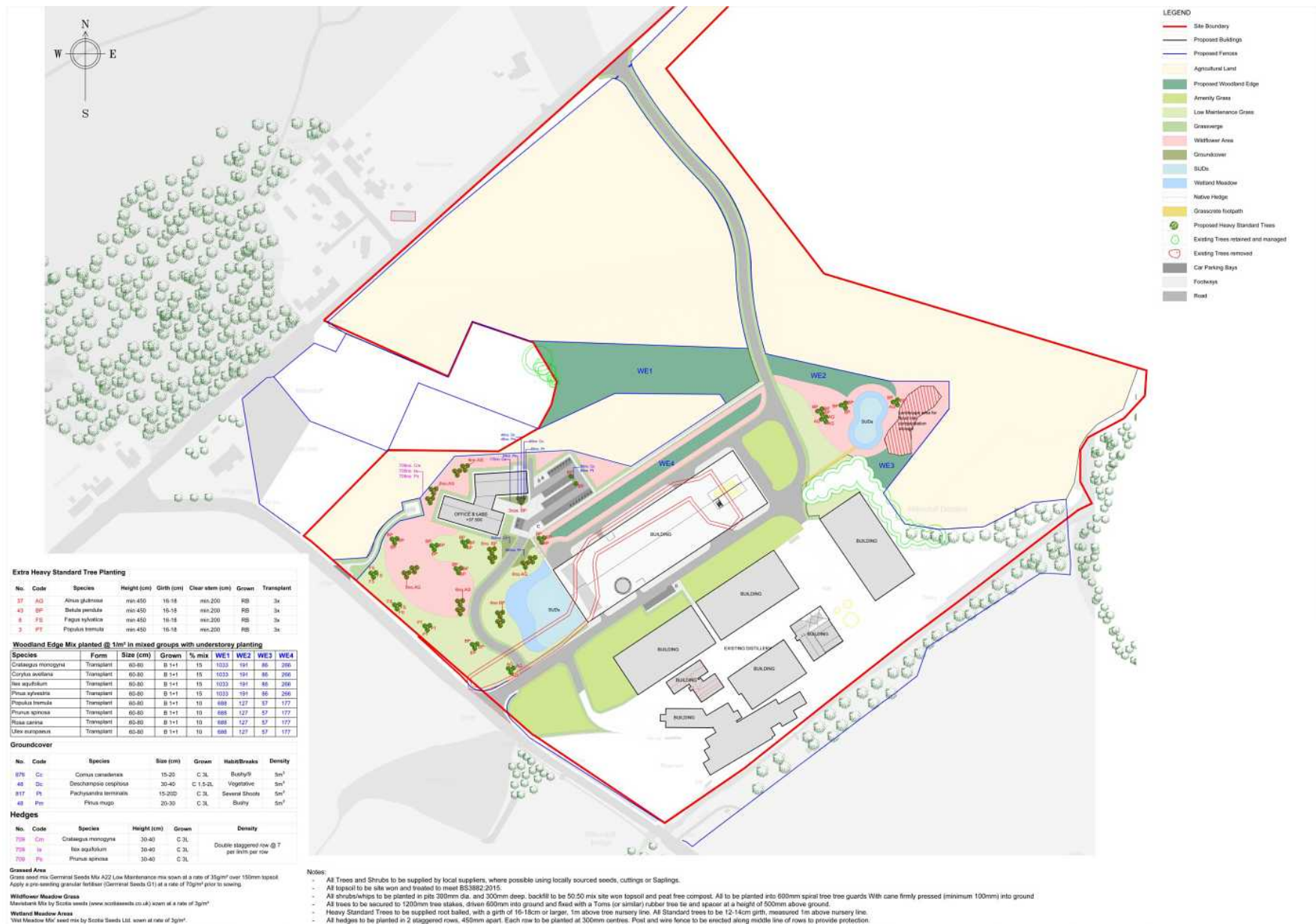
Proposed site plan Phase 1



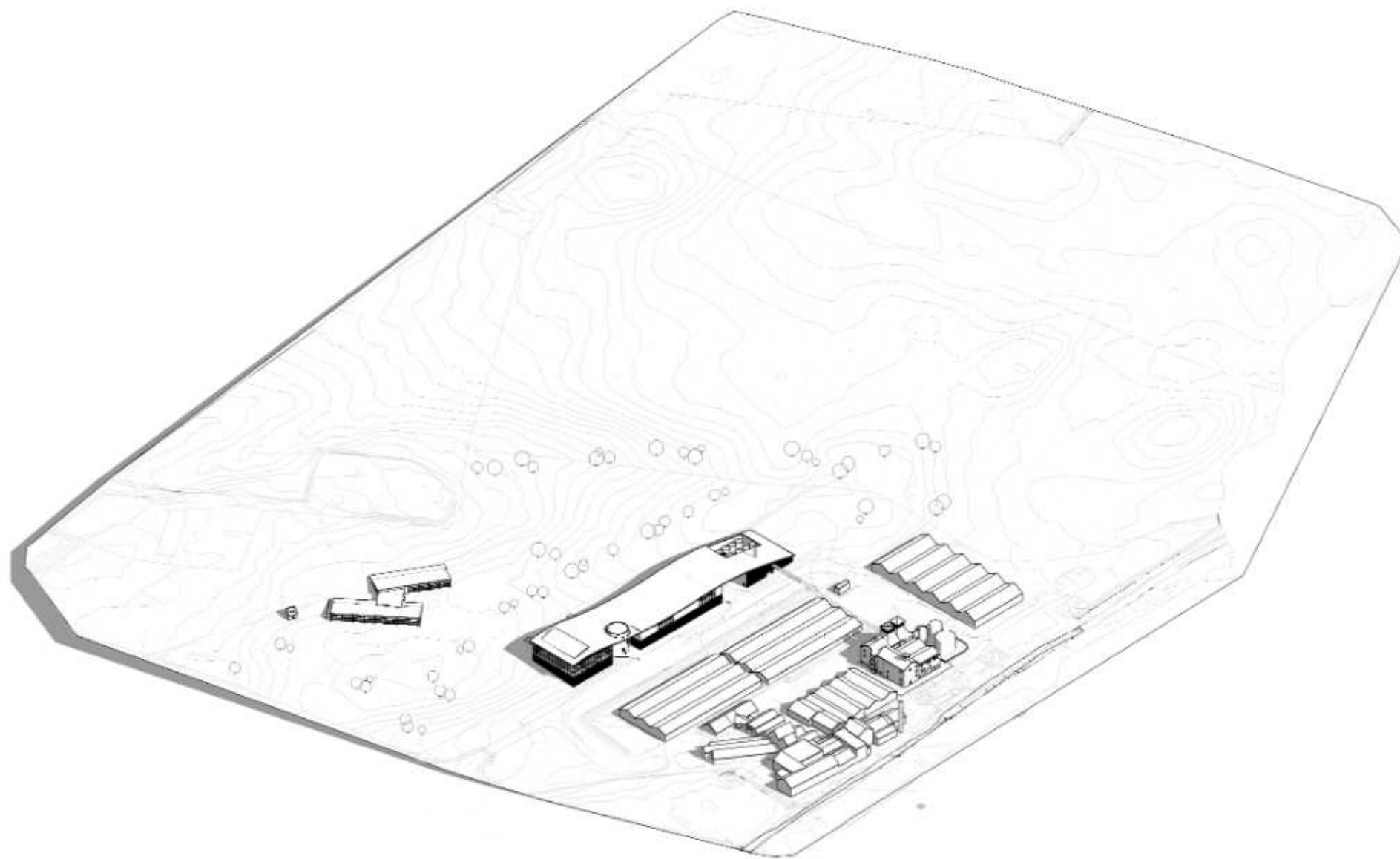
Proposed site plan Phase 2



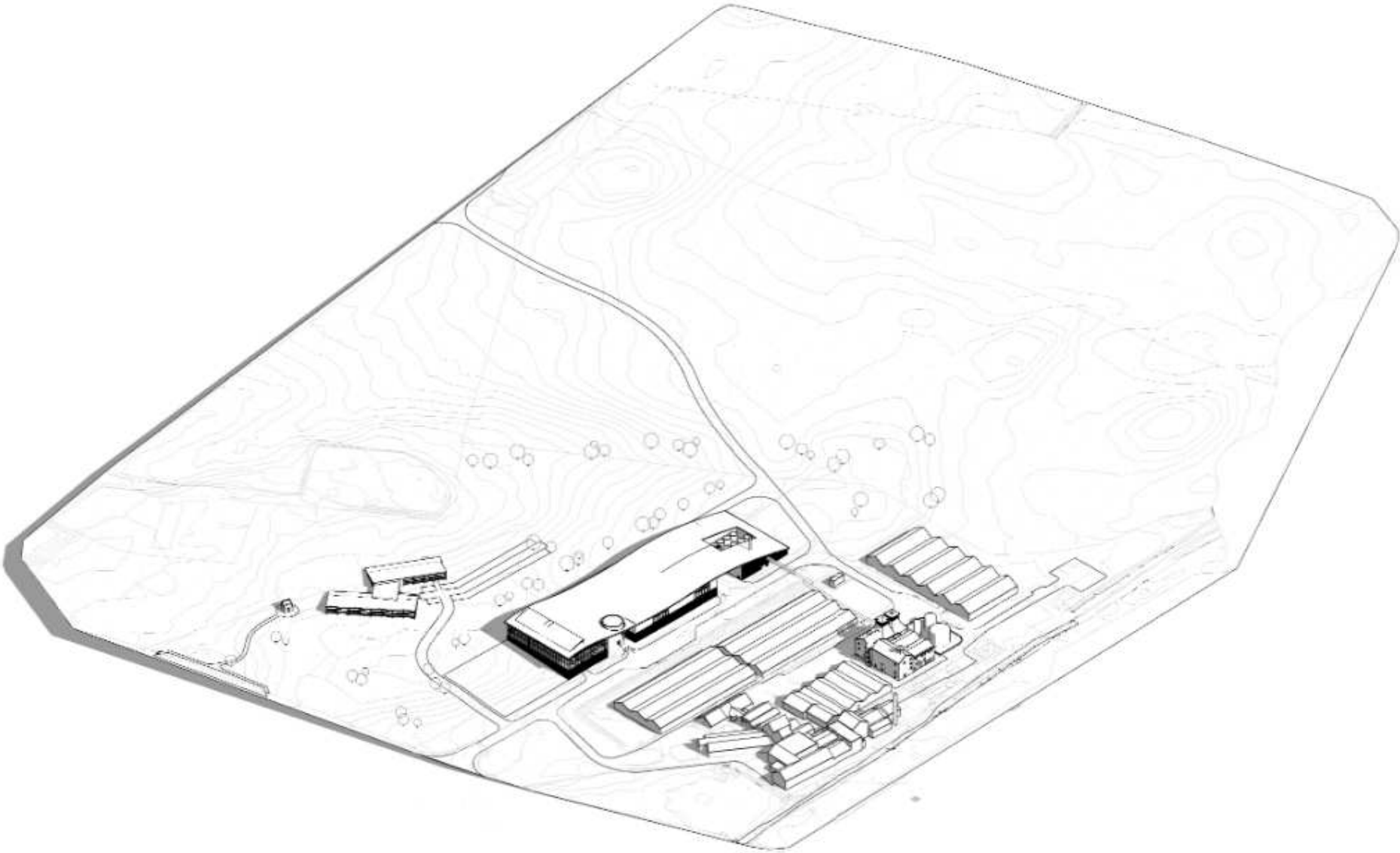
Landscape Mitigation Plan



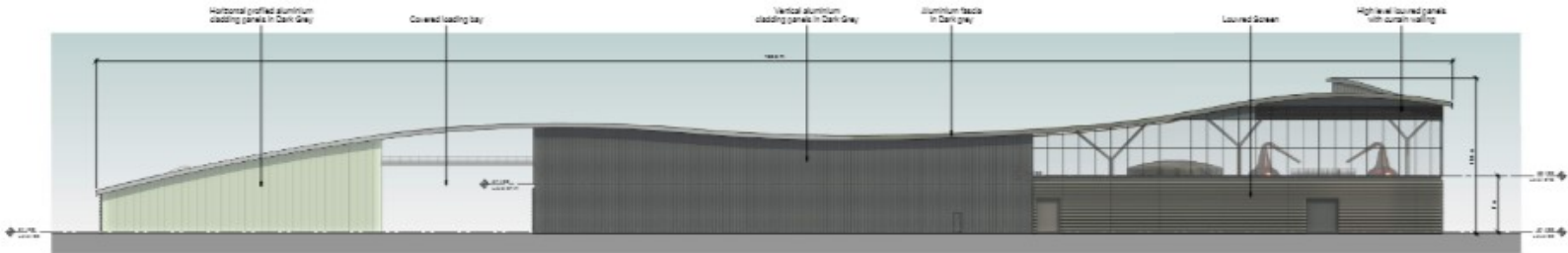
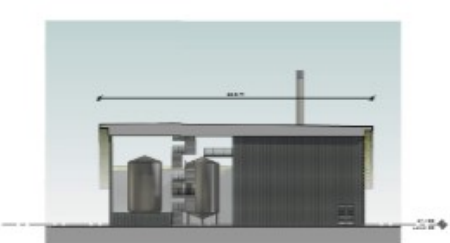
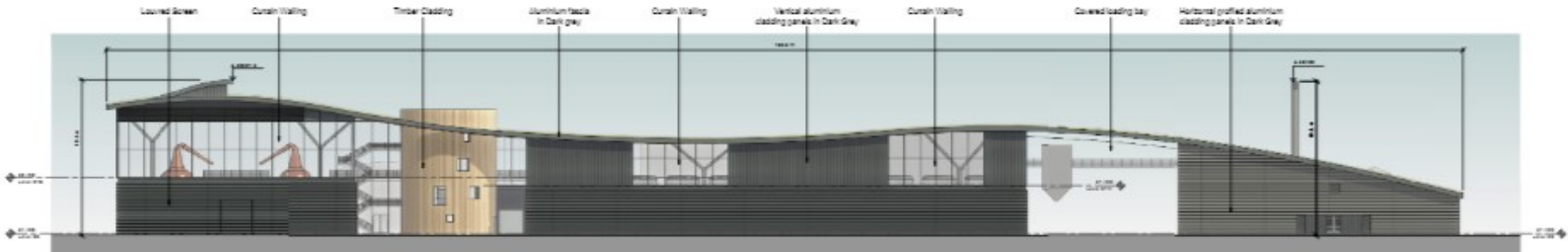
Proposed 3D Massing plan 1



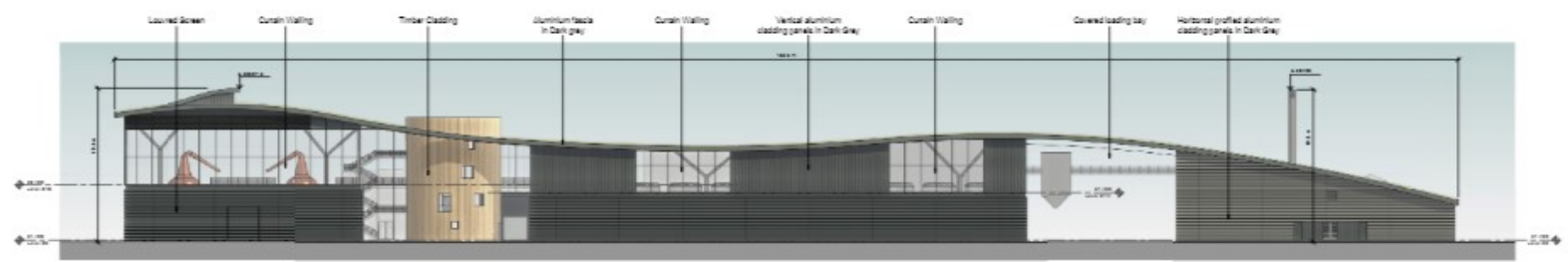
Proposed 3D Massing plan Phase 2



Process building elevations Phase 1



Process building elevations Phase 2



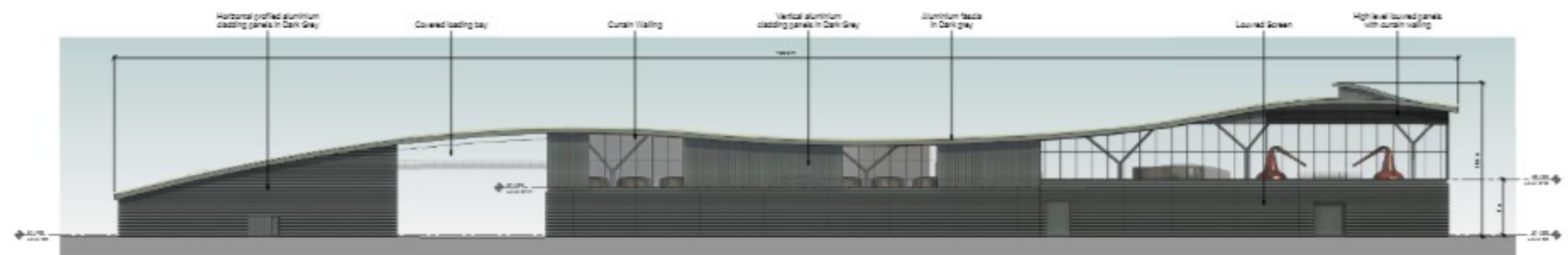
South Elevation - Phase 2



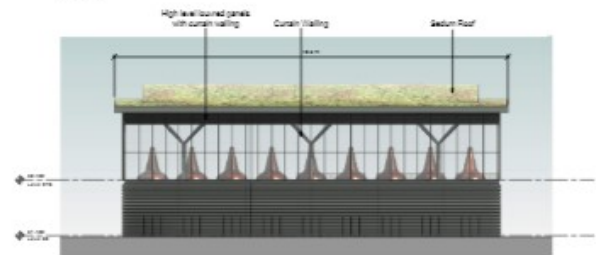
East Elevation - Phase 2

Service Yard East Elevation - Phase 2

Service Yard West Elevation - Phase 2

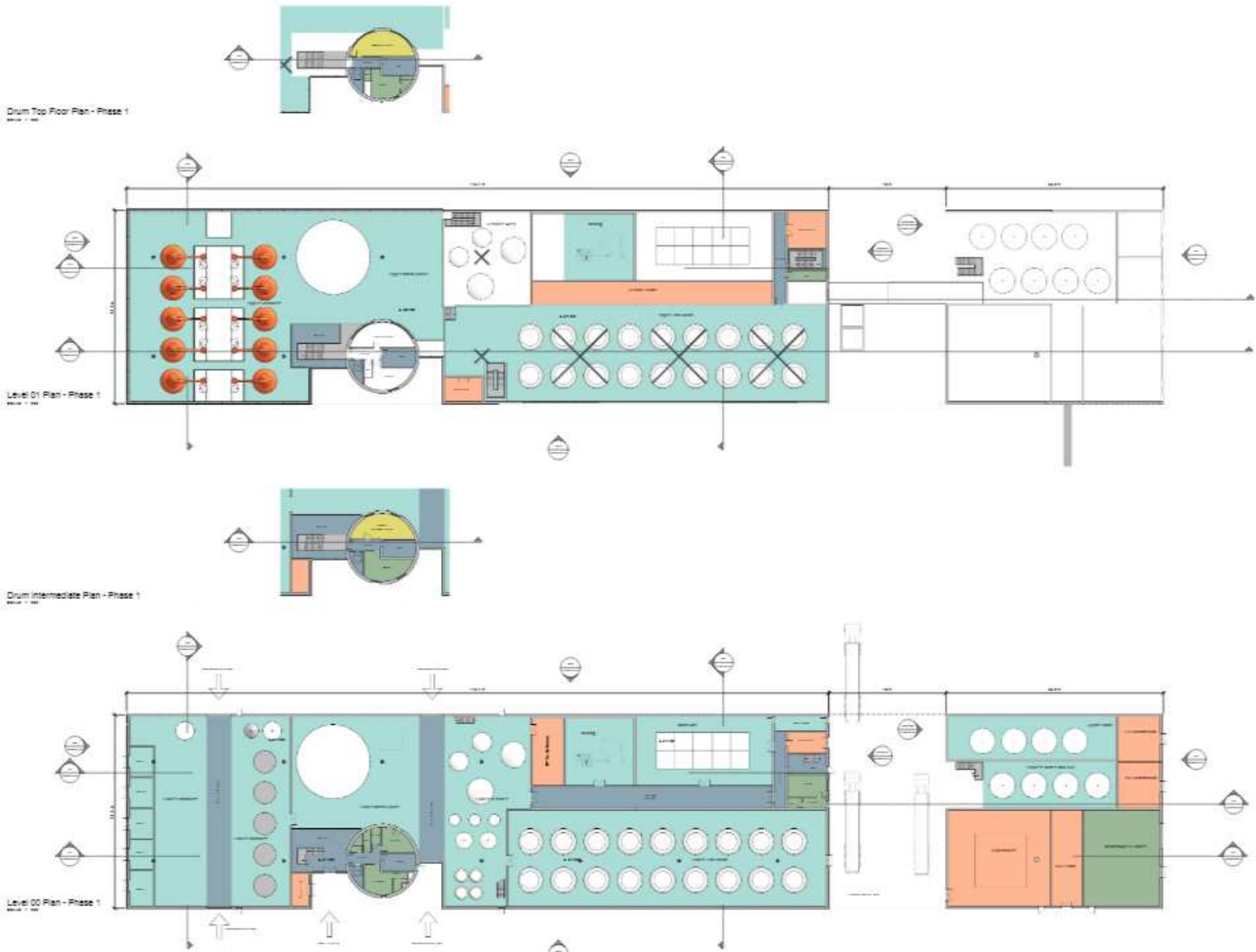


North Elevation - Phase 2

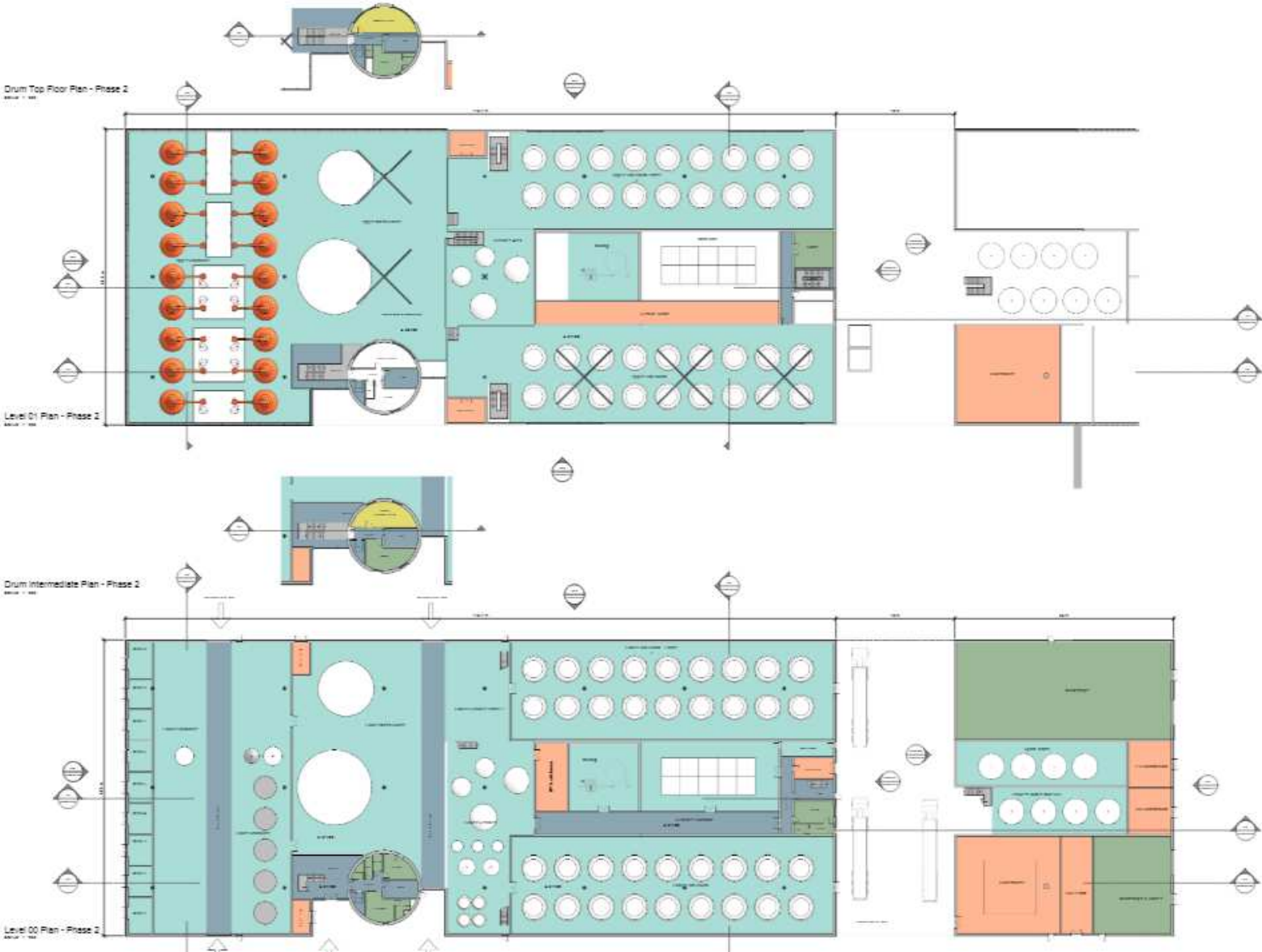


West Elevation - Phase 2

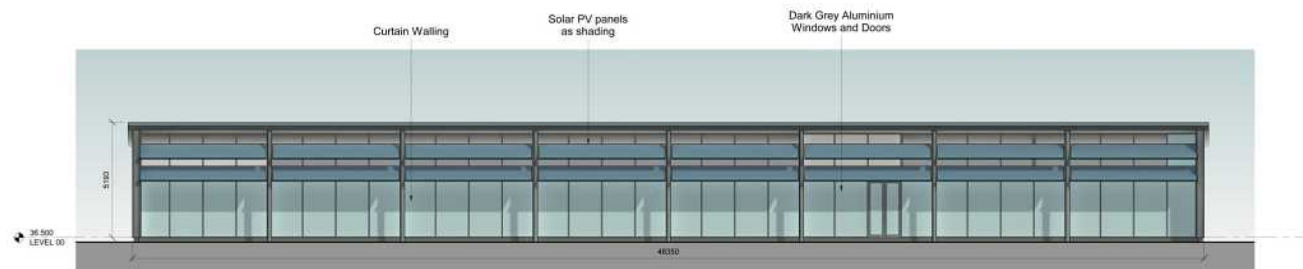
Process building floor plans Phase 1



Process building floor plans Phase 2



Office and Lab—elevations



Offices South Elevation

SCALE: 1:100



Offices East Elevation

SCALE: 1:100



Section B-B

SCALE: 1:100



Offices North Elevation

SCALE: 1:100



Offices West Elevation

SCALE: 1:100



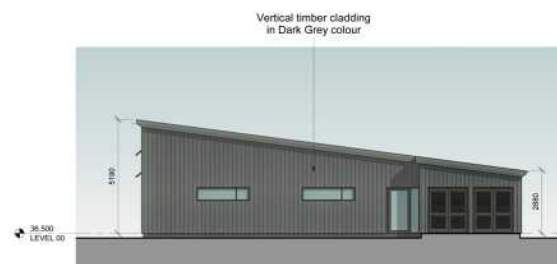
Section C-C

SCALE: 1:100

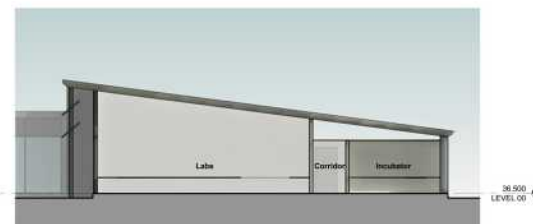
Office and Lab—elevations



Labs South Elevation
SCALE: 1 : 100



Labs East Elevation
SCALE: 1 : 100



Section A-A
SCALE: 1 : 100



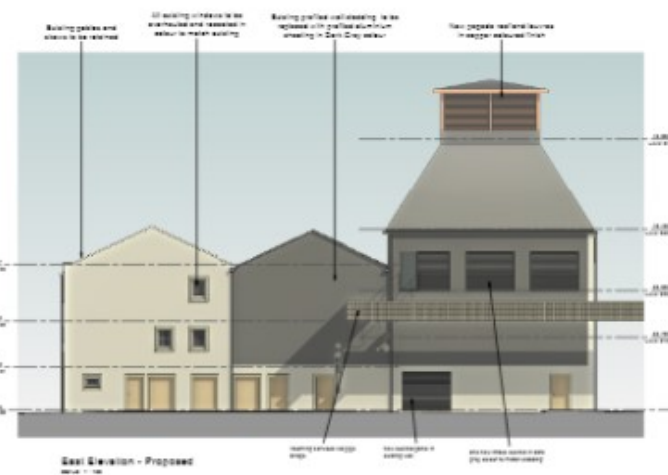
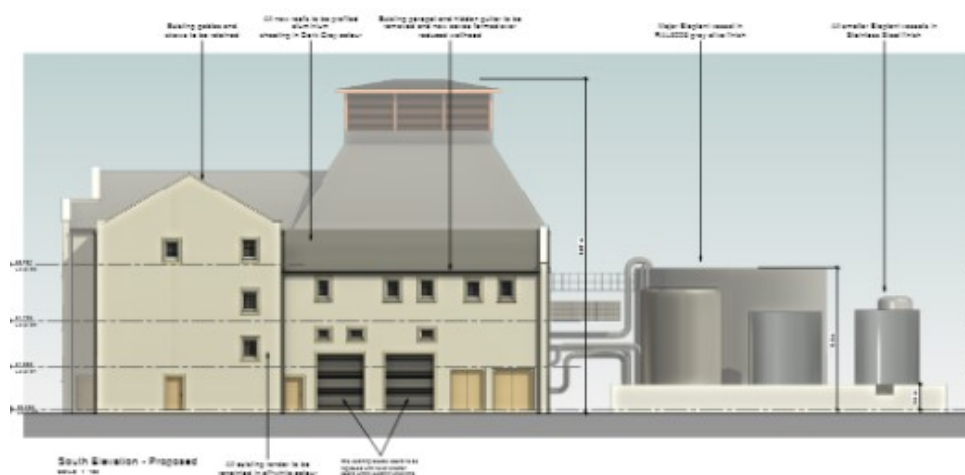
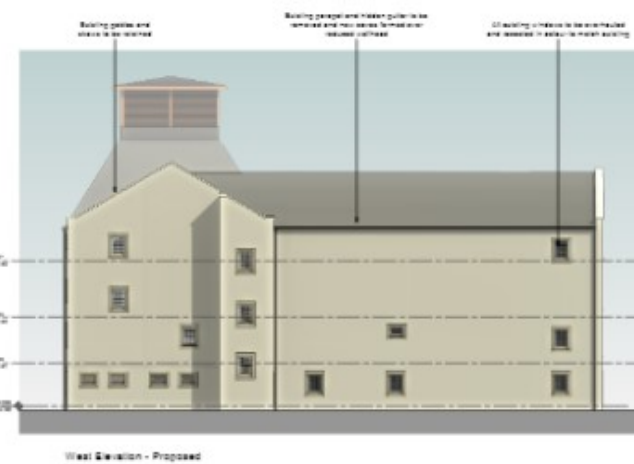
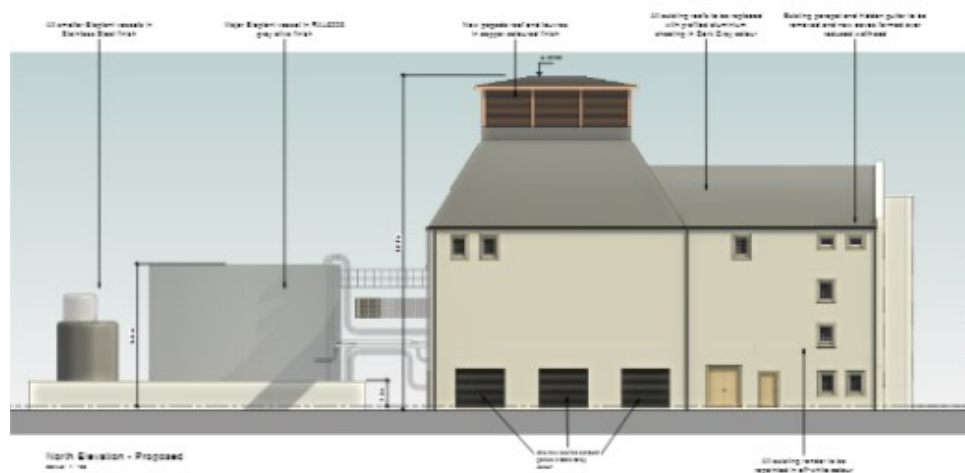
Labs North Elevation
SCALE: 1 : 100



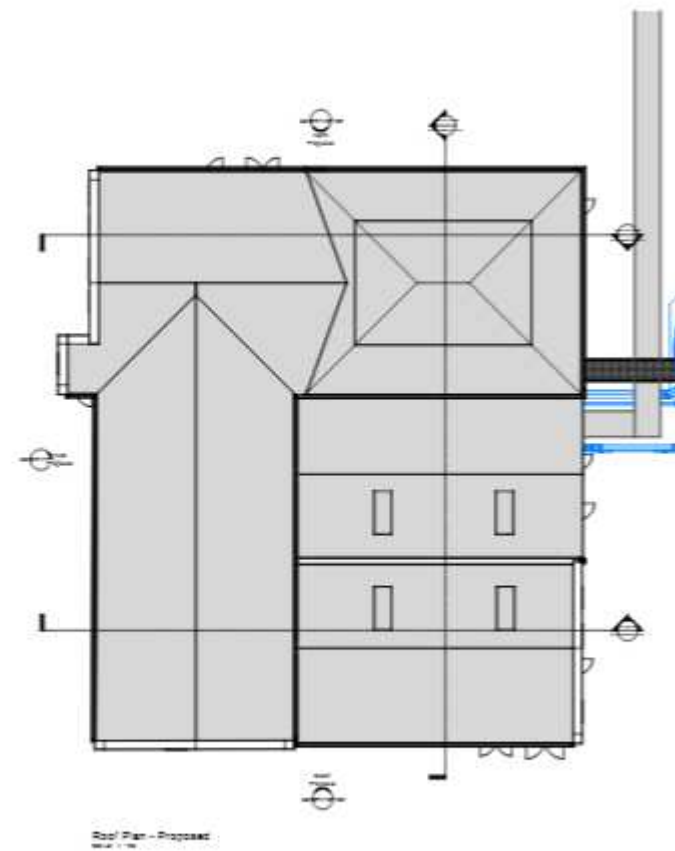
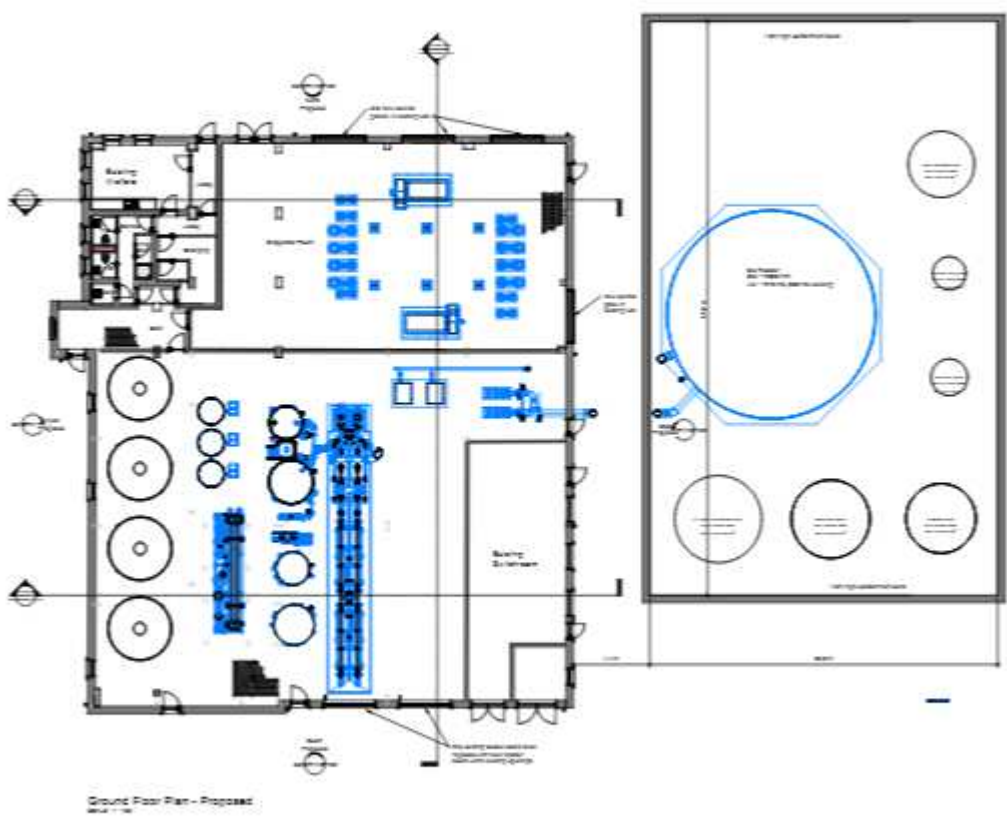
Labs West Elevation
SCALE: 1 : 100

[illegible]

Evaporator and bio Plant - elevations



Evaporator and bio Plant- ground floor plan and roof plan



23/00123/APP - Photograph Positions



Map Description: Arrows point in direction photograph was taken.

Scale: 1:5,000 @ A4



Photo 1



Photo 2



Photo 3



Photo 4



Photo 5



PLANNING APPLICATION: 23/00123/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

1. THE PROPOSAL

- Full permission is sought for the erection of a new 'net zero' distillery process building, alterations to an existing building to house a bio-plant/evaporator with associated tank farm, landscape re-contouring earthworks, and new office/labs building with associated infrastructure including a new access road, SUDs drainage, compensatory flood storage areas, car parking and landscaping at Miltonduff Distillery, Miltonduff, Elgin.
- The development is proposed to be built in two phases; the first phase would comprise the distillery process building with an footprint measuring 197 metres by 31 metres and maximum height of 19 metres, the bio-plant/evaporator and office/labs buildings, associated infrastructure and landscaping; the second phase would comprise the widening of the distillery process building (by 16 metres) with an enlarged footprint measuring 197 metres by 47 metres and height of 19 metres.
- The distillery process building would have a curved sedum roof and material finishes of dark grey aluminium cladding, glazed curtain walling, timber cladding and louvres.
- The altered/re-purposed building to house the bio-plant/evaporator would measure 28 metres by 33 metres, have a maximum height of 21 metres, and be finished in off-white render under a dark grey profiled aluminium sheet roof. The associated tank farm would measure 28 metres by 33 metres and contain various tanks and plant.
- The office and laboratory building would be a low profile single storey design consisting of two blocks measuring 41 metres by 17 metres and 48 metres by 17 metres with an intervening link, mono-pitched sedum roofs which rise to 5.2 metres, and finishes of vertical timber cladding and glazed curtain walling.
- Works are proposed to repair and restore the dovecot. An associated parking area and footpath leading to the dovecot are also proposed.
- Access would be via a new access point onto the C3E road which leads north from the distillery site.
- Surface water drainage network arrangements would comprise green roof systems, filter drains, pipework (and porous paving) which would convey water to a SUDs pond and detention basin, with outfalls to the Black Burn.
- Foul drainage arrangement would comprise a private package treatment plant (Biodisc or similar) to treat the foul drainage from the proposed buildings, with discharge via a soakaway.
- Landscape and biodiversity proposals include creation of new woodland and wetland habitats, with connections into the riparian corridor of the Black Burn, hedgerow planting, wildflower areas, parkland trees, shrubs,

- marginal planting around ponds and stock fencing.
- An area of 0.35ha of semi-mature woodland (Category C, semi-mature mixed broadleaves with conifers) to the north of an existing distillery warehouse is proposed to be removed to accommodate the new distillery process building. Areas of woodland including compensatory planting are proposed to the north and east of the process building, these extend to 1.05ha. A large part of the site extending northwards from the development will also be retained for agricultural use.
- The application is supported by a Planning, Design and Access Statement, a Statement of compliance with NPF4, Landscape and Visual Impact Assessment, Landscape Mitigation and Management Plan, Landscape Strategy and Biodiversity Plan, Ecological Impact Assessment, Preliminary Bat Roost Assessment, Flood Risk Assessment, Drainage Impact Assessment, Noise Impact Assessment, Lighting Impact Assessment, Odour Statement, Tree Protection Plan, Archaeological Evaluation, Pre-application consultation (PAC) Report, and a Construction Environmental Management Plan/Construction Phase Traffic Management Plan.

2. THE SITE

- The site extends to 21 hectares and comprises the Milntown distillery and an area of agricultural land 2.5km to the west of Elgin.
- The site lies within the Elgin Countryside Around Town (CAT) designation and between/ immediately outwith the Milntown (North) and (South) rural groupings, identified in the MLDP 2020.
- The site is bounded by the C3E road, fields, woodland and residential properties to the north/northwest, the Black Burn and agricultural land beyond to the south and the Tyrock Burn and agricultural to the east. It is also bounded by the U112E road, housing, agricultural land and a mill pond to the south/southwest and an area of woodland, scrub and dis-used farm building to the west.
- The site is irregular in shape and gently undulating. Boundaries are a mixture of hedgerows, trees and post and wire fencing.
- The proposed distillery process building would be sited along the northern edge of the existing distillery complex over the footprint of an existing warehouse, to be demolished. The building which is to be altered to house the proposed bio-plant/evaporator with associated tank farm lies within a central area of the existing complex. The proposed offices and laboratory building would be sited on land adjacent/to the northwest adjacent to the proposed distillery building.
- The south eastern part of the site lies within an area at flood risk from adjacent watercourses, as identified in the SEPA flood maps. This covers the southern part of the existing distillery complex and the building which is to be repurposed to house the bio-plant/evaporator and associated tank farm. The flood maps also indicate that that localised areas on the site are shown to be at risk from surface water flooding.
- The existing distillery and dovecot on the site are known sites of archaeological interest. The dovecot is also Category C listed.

- The proposal site is not located within any designated environmentally sensitive areas.

3. **HISTORY**

22/01474/SCN - Screening Opinion adopted 5 January 2023 for proposed new distillery process building (on site of warehouse which is to be demolished), bio-plant building, office building, alterations to existing building for new process evaporator, associated infrastructure including a new access road and landscaping at Milntonduff Distillery. Assessment confirmed the proposal to be a Schedule 2 development but not likely to result in significant environmental effects, and therefore not requiring to be subject to EIA procedures.

22/01048/PEMAJ - The applicants sought pre application advice under the major applications enquiry process in July 2022 for new distillery process building, bio-plant, offices, racked warehouses, and associated infrastructure including a new access road. Advice was provided on key policy and technical requirements.

22/00900/PAN - Proposal of Application Notice for new distillery process building, bio-plant, offices, warehousing, access road and associated infrastructure at Milntonduff Distillery - reported to Planning and Regulatory Services Committee on 16 August 2022. Members asked the developer to consider:

- assurances sought that noise levels will be minimal so that there is minimal disruption to activities in the Milntonduff Hall;
- consideration be given to potential wear and tear on the surrounding road network;
- consideration be given to a visitor centre being included in the development; and consideration be given to the design of the development being sympathetic to local history (present on site also).

22/00032/APP - Planning consent to upgrade and renovate existing tun room to the south of the site and remove malt store to erect a new plant room at Milntonduff Distillery - granted 23 February 2023.

4. **POLICIES**

National Planning Framework 4

Sustainable Places

Policy 1 – Tackling the climate and nature crises

Policy 2 – Climate mitigation and adaption

Policy 3 – Biodiversity

Policy 4 – Natural places

Policy 5 – Soils

Policy 6 – Forestry, woodland and trees

Policy 7 – Historic assets and places

Policy 8 – Green Belt

Policy 9 – Brownfield, vacant and derelict land and empty buildings

Policy 12 – Zero waste
Policy 13 – Sustainable transport

Liveable Places

Policy 14 – Design, quality and place
Policy 18 - Infrastructure First
Policy 20 - Blue and Green Infrastructure
Policy 22 – Flood risk and water management
Policy 23 – Health and safety

Productive Places

Policy 26 – Business and industry
Policy 29 – Rural development

Moray Local Development Plan 2020

Primary Policies

PP1 – Placemaking
PP2 – Sustainable Economic Growth
PP3 – Infrastructure and Services

Development Policies

DP1 – Development Principles
DP5 – Business and Industry

Environment Policies

EP1 – Natural Heritage Designations
EP2 – Biodiversity
EP4 – Countryside Around Towns
EP5 – Open Space
EP6 – Settlement Boundaries
EP7 – Forestry, Woodlands and Trees
EP8 - Historic Environment
EP10 – Listed Buildings
EP12 – Management and Enhancement of the Water Environment
EP13 – Foul Drainage
EP14 – Pollution, Contamination and Hazards

5. ADVERTISEMENTS

- 5.1 The application was advertised for Neighbour Notification, as a departure from the development plan and a Schedule 3 development.

6. CONSULTATIONS

Health and Safety Executive - Does not advise against the granting of planning permission on safety grounds.

Strategic Planning and Development - No objection.

- The principle of development is supported and a strong locational need for the site has been evidenced as the development is directly linked to a

long established, traditional business operation. It also aligns with NPF4 Regional Spatial Priorities for 'North' which recognises distilling as a key economic sector.

- Notes that the proposal is located, largely, outwith the Milntown (North) and (South) settlement boundaries and wholly within the Elgin CAT. The site is not a designated 'LONG' term development site being released under the terms of MLDP policy DP3 and therefore departs from MLDP Policy EP6.
- The proposal is for the redevelopment and extension of the existing Milntown Distillery and is of an appropriate scale and appearance with landscape and visual impact considered to be acceptable. The proposal is in keeping with the established character of development in this location and sufficient open space and landscaping is proposed around the development to protect the character of the wider CAT/green belt.
- The removal of approximately 0.35ha of woodland is considered to be a departure from NPF4 Policy 6 (c) and MLDP Policy EP7 (c). The Applicant has satisfactorily evidenced that it is technically unfeasible to retain the woodland due to site constraints and given the development's contribution towards the key economic sector of distilling, the proposal is considered to be an acceptable departure from these policies.
- The proposal complies with MLDP Policies PP2, PP3, DP1, DP5, DP9, EP2, EP3, EP4, EP8, EP10, EP12, and NPF4 Policies 1, 2, 3, 4, 5, 6, 7, 8, 9, 12, 13, 20, 22, 26 and 29 and is considered to be an acceptable departure from MLDP Policies EP6 and EP7 (c) and NPF4 Policy 6 (c).

Transportation - No objection, subject to conditions requiring provision of details regarding trail runs and delivery of abnormal loads (with proposed modifications to the road network where required), a Construction Traffic Management Plan (CTMP), a Wear and Tear Agreement, construction of the site access and junction onto the C3E road prior to any other construction work, provision of adequate visibility splays at the new junction, car parking facilities and EV charging infrastructure.

Environmental Health Manager - No objections, subject to conditions controlling hours of construction works (including vehicle movements), requiring adherence to the submitted Construction Phase Environmental Management Plan/Construction Phase Traffic Management Plan, implementation of operational lighting in line with the submitted lighting assessment, controlling operational noise levels, implementation of construction details and sound insulation values for noise mitigation measures as set out in the submitted approved Noise Impact Assessment, and provision of the earth mound north of the proposed new distillery as detailed on the proposed site plan and Noise Impact Assessment. Informative advice also recommended to address odour emissions from the proposed bio-plant, to be suitably managed so as not to give rise to a statutory nuisance in terms of the Environmental Protection Act 1990.

Contaminated Land - No objection.

Private Water Supplies - No objection.

Moray Flood Risk Management - No objection following submission of updated Flood Risk Assessment, Drainage Impact Assessment and revised drawings detailing provision of compensatory flood storage.

Developer Obligations - No obligations sought.

NatureScot - From review of the supporting Ecology and Protected Species Assessment Report notes that there will be no significant effects on ecological interests and nesting owls.

SEPA - Following provision of an updated Flood Risk Assessment and Drainage Impact Assessment, no objections subject to condition ensuring provision of compensatory flood storage (depressed landscape area immediately adjacent to SUDs pond and removal of bund) as detailed within revised drawings.

Aberdeenshire Council Archaeology - No objection subject to condition requiring a written scheme of investigation and programme of archaeological works. Specification of work to be agreed with the archaeological contractor, but likely to require a monitored topsoil strip of select areas of the proposed development site, an archaeological Level 1 Standing Building survey of the 18th Century dovecot and photographic survey of the existing distillery buildings.

Scottish Water - No objection. Advisory notes provided regarding Pre-Determination Enquiry Process to allow Scottish Water to fully appraise the proposal.

Heldon Community Council - Objects to application for the following reasons:

- Submitted Transport Assessment (TA) contains insufficient information to allow transport impacts to be fully considered and mitigation identified, requests further clarity, various bridges in the area currently closed affecting traffic routing including emergency vehicles, insufficient information provided on the capacity of the pot ale plant and if this will accommodate further capacity from the distillery, concerns regarding suitability/safety of the proposed access junction onto the C3E road which has a 60mph limit.
- Flood related queries regarding pot ale discharge to burn, requests for Flood Risk Assessment to be revised to remove reference to flood barriers and conditions to ensure that discharge to burn is from the two SUDs ponds only.
- Submitted Odour Statement is insufficient to allow analysis of odours.
- Submitted Landscape and Visual Impact Assessment shows that the proposal will impact the residential village and give rise to major/moderate visual effects experienced by local residents, currently distillery is behind tree screening on lower lying land, proposed expansion of distillery northwards would expose the distillery to the wider community, proposed office will be prominent and should be relocated behind the existing distillery buildings.
- Seeks conditions to ensure that noise levels are controlled to protect neighbour amenity (properties and gardens).
- Proposed office is too close to listed dovecot and is out of character.

- Lighting assessment should be updated to include light emitted from large glazed areas of proposed buildings.

(NOTE: The points raised above have been addressed throughout the Observations section below).

7. **OBJECTIONS-REPRESENTATIONS**

NOTE: Following the determination of this application, name and address details will be/have been removed (i.e. redacted) in accordance with the General Data Protection Regulations (paragraph 3 of Minute, Planning & Regulatory Services Committee 16 September 2014).

5 letters of representation have been received from:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Issue - Access and Traffic

- The proposal will generate additional traffic as the current distillery will remain in production alongside the new production facility.
- Traffic levels will increase substantially both in terms of importing ingredients as part of the distilling process and exporting whisky to bonded warehouses elsewhere, mitigation to the existing rural road network is required to address increased HGV traffic, application will lead to a significant increase in traffic during the build process.
- New access location will be onto a 60mph road posing road safety issues, and queries whether this been subject of a safety design review.
- Concerns raised regarding emergency vehicle access to the local area if roads are closed due to repairs or an accident, bridges currently closed in the area affecting traffic routes.
- Objects to material being brought in from other distilleries within the applicant's portfolio other than that highlighted within the Transport Assessment, nothing listed in the application to stop waste coming from other distilleries.
- The applicant intends to import pot ale from Glenburgie Distillery, the C26E road is the most direct route for traffic from there and is not suitable.
- Queries if routing of distillery traffic can be controlled to come from Elgin and not through the village as noted in the Transport Assessment and if there are preventative measures to prevent HGV traffic using the existing distillery access.
- Supports HGV traffic being diverted away from War Monument junction, but application does not show the existing distillery access being closed off.

Comments (PO)

- Supporting information confirms that the existing distillery will cease production once the new distillery commences production, and this shall be addressed by condition.
- The Transport Assessment submitted in support of the application assesses transport characteristics of the proposal and traffic levels; this concludes that the proposal will lead to a small increase in additional traffic over and above existing levels, will not compromise the operation of the road network and can be accommodated without detrimentally affecting road safety. The Transportation Section is content with these Assessment findings and considers the impact of the proposed development HGV traffic on the network to be low with no further mitigation considered necessary. On this basis, it has raised no objection subject to conditions regarding a Construction Traffic Management Plan (CTMP), a Wear and Tear Agreement, construction of the site access and junction onto the C3E road prior to any other construction work and provision of adequate visibility splays at the new junction.
- The location and design of the proposed access junction is acceptable subject to detailed design approval under separate statutory legislation, and a satisfactory Road Safety Audit has been submitted with the application.
- The conditioning of routing of distillery traffic would not be appropriate or enforceable given that the proposal will not result in a material increase in traffic associated with the applicant's existing operational distillery.
- The applicant has advised that there is no intention to accept pot ale from other distilleries and that it is bringing forward proposals to equip all of its distilleries with new evaporators as part of its net zero emission aims. A condition shall be attached to the decision notice to this effect to allow the processing of pot ale from Milnong and Glen Burgie distilleries only, as detailed within the supporting Transport Statement. The applicant has agreed to this condition. The applicant has confirmed that the new access road/junction will take only HGV traffic, and that the existing distillery access will be retained as access for the proposed office and lab building.

Issue - Flooding and Drainage

- The proposal will cause flooding to Black Burn and properties in the area, and is not in compliance with policy EP12, discharge from two ponds and bio-plant excess water and proposed flood wall will cause further flooding.
- Concerns regarding comments in Flood Risk Assessment regarding use of temporary flood barriers and inaccurate information submitted.
- Any flood measures to protect the new building at the expense of local housing and infrastructure would be unacceptable.

Comments (PO)

- The proposed development has been designed to ensure that it will have a neutral effect on flooding and that flood risk elsewhere will not be increased, in accordance with NPF4 policy 22 and MLDP 2020 policy EP12.
- The application is supported by a Flood Risk Assessment and supplementary flood risk information. This includes justification for locating the proposed bio-plant in the flood risk area which will displace an identified volume of floodwater, and the application proposes the provision

of appropriate compensatory storage for this floodwater. SEPA and Moray Flood Risk Management are content with these proposals and have raised no objection on flood risk grounds, subject to a planning condition requiring their provision.

- Surface water from the two ponds will be discharged to the burn in a controlled/ sustainable manner via two outfalls to ensure that it has a neutral effect on flooding. Similarly, residual treated water from the bio-plant will utilise an existing consented outfall to the burn and discharge to the burn in a controlled manner, with flow rates designed to be no greater or less than the existing. SEPA and Moray Flood Risk Management are content with these proposals.
- Temporary flood barriers do not form part of the proposals.

Issue - Planning Policy

- Notes that policy DP5 g) supports extensions to distillery operations, however the applicant has not provided sufficient justification in terms of compliance with other listed development plan policies or national planning framework 4 policies.

Comments (PO) - The application is supported by a Planning, Design and Access Statement and a Statement of compliance with NPF4. These provide sufficient justification for the proposal which represents an acceptable expansion and upgrade of a long established existing distillery operation, and demonstrate compliance with relevant NPF4 and Moray Local Development Plan policies.

Issue - Landscape Impact

- The application lacks sufficient information to show how the new facility fits into the village which will be visible from all directions.
- Limited information provided in relation to landscape mitigation and tree works.
- Removal of existing woodland will make the proposal more visible, view from properties will be impacted by new distillery being further north.
- Proposed office on higher level than Lochieposts Road will impact the setting and visual landscape of the village, office is urban sprawl and sits outside the distillery complex within the Elgin CAT; the office will be highly visible in landscape not as suggested in the Landscape and Visual Impact Assessment, is in the wrong location and will have a major visual impact on the community as the building is on a slope with no screening to the south and should be relocated to the east into the distillery complex.
- Proposed office is not one of the permitted exceptions of development listed in policy EP4 Countryside Around Towns.

Comments (PO)

- The application is supported by a Landscape and Visual Impact Assessment (LVIA) contains sufficient information to facilitate proper consideration of the proposal.
- Acceptable landscape mitigation and tree work/planting plans form part of the application; these include substantial woodland and landscaping plans which will assist to integrate the development sensitively into the landscape.
- The LVIA predicts that landscape and visual impacts are not likely to be

significant as the surrounding landscape is already influenced by the existing large scale infrastructure at Miltonduff distillery. The proposed tree removal is required to accommodate the expansion of the distillery northwards, away from the area at flood risk. The submitted LVIA visualisations demonstrate that the proposed development whilst notable from the immediate surrounding area and nearby properties will not give rise to unacceptable visual effects or be a dominant feature in the wider landscape. The gradual re-establishment of new woodland areas and park trees and hedgerows across the site would also soften the appearance of the proposed development. Any effects would also be offset by surrounding undulating landform and tree and woodland cover in the area which would screen the development depending on viewpoint location.

- The office and laboratory building, located immediately adjacent and to the north of the proposed distillery process building, forms a key element of the overall proposed development. It complies with MLDP Policy DP5, PP2 and NPF4 Policies 8, 26 and 29 as outlined within the observations section below, and with this policy support also accords with Policy EP4 Countryside Around Towns which permits development specifically allowed by other development plan policies.

Issue - Amenity

- The submitted Noise Impact Assessment is inaccurate in terms of describing the position of the distillery relative to existing properties to the southwest, conditions will be required to control noise levels at properties, the larger and louder new building will have a detrimental effect on the local environment.
- Understands that the bio mass system releases odours which will be unacceptable, insufficient information submitted to allow comment on odours.
- Queries how much light pollution will be caused by the development.

Comments (PO)

- The submitted supporting Noise Impact Assessment (NIA) contains the necessary information to allow for assessment of noise impacts; this concludes that with appropriate mitigation measures, including construction details and sound insulation values, the impact will be acceptable. The Environmental Health Manager is content with the findings of the assessment report and has raised no objection subject to conditions requiring implementation of these measures to control noise emissions. These, along with the separation distances to the nearest noise receptors are considered sufficient to protect residential amenity from the harmful effects of noise.
- In response to the representations raised, the Environmental Health Manager has advised that it is satisfied with the locations used within the NIA for looking at background noise, and results show consistency with previous NIA work done on existing distillery where Lochiepots was considered. Recommended conditions will set noise levels at Lochiepots and Heather Cottage (to the southwest/south) and Ballantine Circle (to the north) to reflect existing variation in current background noise between these areas. Any noise levels set will be well below the thresholds of daytime annoyance and therefore protect the amenity of the outdoor space around the Miltonduff Hall used by the local nursery.

- As noted from the application documents and supporting information the proposed bio plant will be fully enclosed, and based on experience of the applicant's existing bio plant operations elsewhere no odours will be generated by this facility. The Environmental Health Manager is content with these arrangements and has highlighted the powers available under Statutory Nuisance legislation to investigate complaints should they arise.
- The submitted Lighting Impact Assessment shows that the proposal is unlikely to give rise to unacceptable light pollution impacts. The Environmental Health Manager is satisfied with these arrangements, and has recommended a condition requiring implementation of operational lighting as proposed, in accordance with the assessment. In response to the query from Heldon Community Council, the applicant has confirmed that the lighting assessment takes account and models internal lighting, including that from the still house elevations, and that the lighting strategy is focussed on low level lighting, seeking to minimise lighting impacts. It has also been highlighted that in normal operations, staff are generally working in the control room so there is no real need for lighting to be on other than to provide background levels for safe access during night-time routine inspections.

Issue - Impact on Dovecot

- Proposed office building will impact and overpower the adjacent Category C Dovecot.

Comments (PO)

- Historically, the Dovecot was associated with the former Miltonduff Farm and House which previously stood to the northeast, and is now an isolated asset on open ground. The single storey office building of the scale, design and materials proposed, located 20m to the east of the dovecot is not considered to adversely impact the integrity or setting of the listed building.

Issue - Ecology

- Queries if a bat survey or assessment have been undertaken in terms of badgers and birds, any disturbance done without assessment will impact wildlife.
- The application indicates an intention to demolish two current buildings to the north of the site which house owls.
- Tree removal will impact ecology, and queries what biodiversity enhancement is proposed.
- Queries how will the building design address nesting seagulls.
- Artificial lighting from the development could affect bats.

Comments (PO)

- The application is supported by an Ecological Impact Assessment Report and Preliminary Bat Roost Assessment. These found no evidence of protected species on the site, but noted any works required on the banks of the burn i.e. installation of the SUDs outfalls should be preceded by a repeat otter survey as a precaution. This, along with other mitigation measures recommended within the assessment report shall be addressed by a planning condition.

- The two old farm buildings which lie to the north outside the red line boundary are unaffected by the proposed development and do not form part of the current proposal.
- The applicant has confirmed however, that if these are demolished in the future (which would not require planning consent), the recommendations in the Ecological Impact Assessment Report would be followed, particularly in respect of roosting barn owls.
- The application is supported by a detailed landscape strategy and biodiversity plan which describes proposed landscaping and planting plans, which form an integral part of the development and which will deliver significant biodiversity enhancements across the site.
- Measures to deal with nesting would be an operational matter for the application and are not a material planning consideration.
- As noted from the submitted lighting assessment, the lighting strategy is focussed on low level lighting, seeking to minimise any lighting impacts.

8. OBSERVATIONS

8.1 Section 25 of the 1997 Act as amended requires applications to be determined in accordance with the Development Plan, i.e. the adopted National Planning Framework 4 (NPF4) the adopted Moral Local Development Plan 2020 (MLDP), unless material considerations indicate otherwise.

8.2 The main planning issues are considered below:

Pre Application Consultation with the Community

8.3 The application is accompanied by a Pre-Application Consultation (PAC) Report, as prescribed under section 35C of the 1997 Act. This outlines the statutory consultation that the applicant undertook with the local community in relation to this application. The form and scope of the pre-application consultation was considered to be suitable, and agreed by the Council in response to Proposal of Application Notice 22/0900/PAN. This included consultation with the local Community Council, one public event/exhibition at Miltonduff Village Hall advertised in the local press and distribution of leaflets to households close to the application in advance of the exhibition.

8.4 The PAC report states that 69 people attended the exhibition and completed the register, and 36 feedback forms were completed, although it estimates that overall attendance was between 90 and 100 people, but not all signed the register or completed the form. The report details the feedback received as part of the PAC process and addresses how the points raised have been considered in formulating the application. This sets out that generally the feedback received was positive and supportive, with comments provided under the topic headings of traffic/roads, community benefit, environmental issues and other miscellaneous matters.

Environmental Impact Assessment

8.5 As noted from the planning history the proposed development was screened in relation to the Town and Country Planning (Environmental Impact Assessment)

(Scotland) Regulations 2017 as it is a Schedule 2 development in terms of the regulations (22/01474/SCN). Having considered the characteristics of the development, the location of the development and characteristics of the proposed development it was concluded that the proposal was not an EIA development.

Background

- 8.6 The Design and Access Supporting Statement outlines the rationale for the application and makes clear that there is a strong locational need for the proposed development. This sets out that the applicant's sale projections indicate an urgent need to increase capacity at the site, whilst at the same time the existing process buildings require a major investment in new plant and equipment to meet the applicant's net carbon neutral target. The rebuilding and expansion of the existing buildings would lead to a minimum 10-month interruption in production which is commercially unviable and with this in mind, the need for a new Process Building is considered to be the only realistic option.
- 8.7 The Statement states that the only sizeable area for expansion is to the north due to the flood plain to the south and east and the public road which forms a natural boundary to the west. This acknowledges that the proposals encroach onto an adjacent area of countryside around towns, but the area has been minimised by partially building on the site of an existing racked warehouse.
- 8.8 The Statement explains the design concept for the process building itself which will have a low profile curved roof and dark materials and sedum roof to assist with its integration into the landscape and increase biodiversity. The proposed office and laboratory building are single storey in scale, will incorporate a passiv accredited design and will replace existing buildings that are inefficient and not conducive to modern workplace practice. The proposal for the evaporator repurposes an existing redundant building.

Principle of Development and Compliance with Rural Development and Business and Industry Policy (NPF4 Regional Spatial Priorities (North) and Policies 26 & 29; MLDP 2020 Policies PP2 and DP5, and the Moray Economic Strategy 2019-2029)

- 8.9 In terms of the principle of development a number of NPF4 and MLDP policies are relevant to the planning consideration process and provide policy support for the application.
- 8.10 NPF4 Regional Spatial Priorities for 'North' and the Moray Economic Strategy 2019-2029 recognise distilling as a key sector which contributes to the economy and supports delivery of the spatial strategy for this part of Scotland.
- 8.11 NPF4 Policy 29 Rural development, part (a) supports development proposals that contribute to the viability, sustainability and diversity of rural communities and the rural economy. This includes production and processing facilities for local produce and materials with food production given as an example. The proposal to upgrade and expand the existing distillery with new energy efficient

facilities and associated economic benefits is considered to comply with policy 29.

- 8.12 NPF4 Policy 26 Business and Industry, part (d) is supportive of development proposals for business, general industrial and storage and distribution sites outwith areas identified for those uses in the LDP where there are no suitable alternatives allocated within the LDP or identified within the employment land audit, and the nature and scale of the development is compatible with the surrounding area. While the application site is not identified within the LDP for business and industrial uses, the application proposals have a strong locational justification as they relate to an existing established distillery site, and are directly linked to the upgrading of operations on the site.
- 8.13 The development is considered to be of an appropriate scale and appearance, with landscape and visual impact considered to be acceptable in principle, with further detailed design and landscape assessment being assessed in separate paragraphs below.
- 8.14 MLDP Primary Policy PP2 Sustainable Economic Growth allows for development proposals that support the Moray Economic Strategy to deliver sustainable economic growth where the quality of the natural and built environment is safeguarded. The proposal accords with this policy as it will contribute towards the delivery of sustainable economic growth and bring further investment to Moray through provision of distillery related development.
- 8.15 MLDP Policy DP5 Business and Industry, part g) supports extensions to existing businesses in rural locations, including distilling, where there is a locational need for the proposal and the proposal meets all other relevant policies. As already outlined the proposal to upgrade and expand the existing distillery, a long established traditional business in a rural area with a clear locational need is considered to comply with this policy.
- 8.16 Based on the above, the proposal is considered to comply with NPF4 Policies 26 and 29 and MLDP Policy PP2 and DP5.

**CAT/Green Belt and Miltonduff Settlement Boundary (North)
(NPF4 Policies 8 and 9; MLDP 2020 Miltonduff (North) & (South) and
Policies EP4 & EP6)**

- 8.17 The proposed site is located within the Elgin Countryside Around Town (CAT), and immediately outwith the Miltonduff (North) and (South) settlement boundaries, as identified in the MLDP 2020.
- 8.18 For the purposes of NPF4, the CAT allocations in the MLDP are considered to be 'Green belt'. NPF4 Policy 8 Green belts supports the principle of development within a green belt designation where they are for the intensification of established uses and are compatible with the surrounding countryside. The proposals involve the redevelopment, extension and intensification of the existing Miltonduff Distillery within the green belt, and as such are supported by this policy. The proposed development is of an appropriate scale and appearance, with landscape and visual impact considered to be acceptable as demonstrated by the supporting Landscape

and Visual Impact Assessment. The proposal is in keeping with the established character of development in this location and sufficient open space and landscaping is proposed around the development to protect the character of the wider CAT/Green belt.

- 8.19 The northern portion of the site where the proposed offices/labs building and access roadway are to be constructed is a Greenfield site, as it has not been previously developed. NPF4 Policy 9 (b) states that Greenfield development will not be supported except on allocated sites or where development is explicitly supported by policies of the MLDP. In this instance, while the site is not an allocated site, the development plan (NPF4 and MLDP) is supportive of the proposal which involves the intensification and expansion of an established business in a rural location, where there is a locational need and all other relevant policies are met. Furthermore, MLDP Policy PP2 as noted above seeks to support the delivery of sustainable economic growth and support development where the quality of the natural and built environment is safeguarded, there is a clear locational need and all potential impacts can be satisfactory mitigated. The proposed development is considered to meet this criteria and potential impacts can be mitigated as detailed below. The proposal is therefore considered to accord with NPF4 Policy 9.
- 8.20 MLDP Policy EP4 Countryside Around Towns sets out that only certain types of development are appropriate within CATs to protect their special character. This includes proposals which involve replacement or change of use of existing buildings or are specifically allowed under the terms of other Moray Local Development Plan policies. The proposed development involving the intensification and expansion of the existing Miltonduff Distillery, with a clear locational need, and supported by MLDP Policies DP5, PP2 and NPF4 Policies 8, 26 and 29 satisfies this criteria and accords with Policy EP4. It is considered to be of an appropriate scale and appearance, acceptable in landscape and visual impact terms, and to maintain the special character of this CAT.
- 8.21 MLDP Policy EP6 Settlement Boundaries sets out that settlement boundaries are drawn around each of the towns, villages and rural groupings representing the limit to which the settlement can expand during the MLDP period. The policy states that development proposals immediately outwith settlement boundaries will not be acceptable unless on a designated LONG site which this site is not. The aim of the policy is to maintain a clear distinction between town and country. This application departs from policy EP6 as the proposed offices and laboratory building would be sited immediately outwith the Miltonduff (North) settlement boundary.
- 8.22 In this case it is considered that there are material considerations which support a departure to Policy EP6. These include; 1) the support afforded to the proposal by NPF4 Policies 26, 29, 8 and 9, and MLDP Policies PP2, DP5 and EP4 as it would contribute to sustainable economic growth, has a locational need and any potential impacts can be satisfactory mitigated; 2) that the proposal involves the appropriate re-development and extension of a long established distillery operation into adjoining land, where the quality of the natural and built environment would be safeguarded; and 3) the incorporation of substantial woodland and landscaping plans to soften and visually contain the development and enhance the site for wildlife, with biodiversity benefits.

- 8.23 Based on the above, the proposal is considered to comply with NPF4 Policies 8 and 9 and MLDP Policy EP4, and is an acceptable departure from MLDP Policy EP6.

**Climate Change
(NPF4 Policies 1 and 2)**

- 8.24 NPF4 Policies 1 and 2 require significant weight to be given to the climate and nature crises in the assessment of all development proposals and seeks to encourage development that minimises emissions and adapts to the impacts of climate change. The Supporting NPF4 Compliance Statement and Decarbonisation Strategy sets out a number of measures to be implemented as part of the Applicant's wider commitment to achieving carbon neutral distillation. These include upgrading and recovery of reject heat, installation of mechanical vapour recompression and thermo-compressors to reduce the energy required at various stages of distillation, the creation of energy efficient buildings and workspaces and sustainable drainage to mitigate flood risk. The proposal is considered to comply with NPF4 Policies 1 and 2.

**Design, Siting and Landscape Impact
(NPF4 Policy 14; MLDP 2020 Policies PP1 and DP1)**

- 8.25 NPF Policy 14 states that development proposals should improve the quality of an area and be consistent with the six qualities of successful places echoing the requirements of MLDP Policy PP1 Placemaking. MLDP Policy DP1 Development Principles requires all development to be of a suitable scale, density and character and integrated into the surrounding landscape.
- 8.26 A submitted Design and Access Statement and Landscape and Visual Impact Assessment (LVIA) provide a detailed overview of the proposed development and assessment of landscape and visual impacts.
- 8.27 The Design and Access Statement sets out that the proposal has been designed to integrate with the local topography and would be located adjacent to the existing distillery buildings, which are an established feature within the landscape. The proposed designs, use of sedum roofs and a recessive coloured palette of high quality materials will ensure that the buildings are appropriate to the site's rural location and will integrate sensitively into their setting. The proposed native planting will also complement the surrounding vegetation, enhancing the landscape setting of the site and delivering biodiversity enhancements.
- 8.28 The LVIA includes a Zone of Theoretical Visibility (ZTV) map for the proposed development along with rendered photomontages from 7 viewpoint locations in the surrounding area of the existing site and proposal. The ZTV shows the area of theoretical visibility for proposal extending in all directions within the immediate locality of the application site including the adjacent settlements, and becoming more broken in extent with distance.
- 8.29 The LVIA predicts that landscape and visual impacts are not likely to be significant as the surrounding landscape is already influenced by the existing

large scale infrastructure at Milnong distillery. The existing distillery provides setting for the development and reduces the visual impact as the distillery is already a feature in the landscape. Any effects would also be offset by surrounding undulating landform and tree and woodland cover in the area which would screen the development depending on viewpoint location. The submitted visualisations demonstrate that the proposed development whilst notable in the immediate surrounding area, will not be a dominant feature in the wider landscape. The gradual re-establishment of new woodland areas across the site would also soften the appearance of the proposed development and reduce visual effects over time.

- 8.30 From the above considerations, the proposal accords with NPF4 Policy 14; MLDP Policy PP1 and DP1.

Special Landscape Areas (SLAs) (NPF4 Policy 4; MLDP Policy EP3)

- 8.31 Whilst the site is not located within a landscape designation, the Pluscarden Valley and Quarrelwood SLAs are within a 2.5km radius of the proposed site. Views of the proposed development from the Pluscarden Valley SLA would be limited due to intervening landform and tree cover therefore the development is not considered to have any significant adverse effects on the integrity of the designation. There will be no views of the development from the Quarrelwood SLA due to the intervening woodland. The proposal is therefore considered to comply with NPF4 Policy 4 and MLDP Policy EP3.

Landscaping & Biodiversity (NPF4 Policy 3 and MLDP 2020 Policies EP2 and EP5)

- 8.32 A detailed landscape mitigation plan and Landscape Strategy and Biodiversity Plan have been provided in support of the application. These make provision for the creation of large areas of new woodland and wetland habitats with connections into the riparian corridor of the Black Burn, heavy standard tree planting, wildflower areas, native hedgerows and grass areas. Sedum roofs are proposed on the process, office and laboratory buildings, and advanced planting is proposed where possible. The landscaping proposals will provide extensive good quality planting in a manner that has been designed to integrate the development into the wider landscape. The submission and approval of timescales for this provision shall be addressed by a condition to ensure that it is timeously undertaken.
- 8.33 NPF4 policy 3 and MLDP 2020 policy EP2 require development proposals to contribute to the biodiversity enhancement of the site. The provision of wildflower meadows, marginal wetland and sedum roofs will provide opportunities for butterflies and bees and other pollinators, and the proposed woodland, trees and hedging will provide nesting, foraging and sheltering opportunities for other birds and animals. In compliance with NPF4 Policy 3 and MLDP Policy EP2, the proposed development promotes and will deliver significant biodiversity enhancements across the site.

Impact on Protected Species (NPF4 Policy 4 and MLDP 2020 Policy EP1)

- 8.34 An Ecological Impact Assessment Report and a Preliminary Bat Roost Assessment have been provided in support of the application. The site is not covered by any natural heritage designation, the nearest being Quarry Wood SSSI (ancient oak woodland) 2.5km to the north east. These found no evidence of protected species on the site, but noted any works required on the banks of the burn i.e. installation of the SUDs outfall should be preceded by a repeat otter survey as a precaution. This, along with other mitigation measures recommended within the assessment shall be addressed by a planning condition. The assessment also found evidence of owls on adjacent land outwith the application site, however no nests were observed. The extensive planting proposals as already outlined will provide greater nesting opportunities for birds. The development will therefore comply with NPF4 policy 4 & MLDP 2020 EP1.

Access and Transport (NPF4 Policy 13; MLDP 2020 Policy DP1 and PP3)

- 8.35 A new access road to the site from the C3E public road to the north is proposed to serve the development that will connect onto the existing distillery road network. New car parking provision, EV charging points and covered cycle storage is also proposed.
- 8.36 A Transport Assessment has been submitted in support of the application which assesses the transport characteristics of the proposed distillery process building, new evaporator, bio plant, and offices and laboratories. This sets out that production capacity will increase from 5.8 million litres per annum to 10 million litres for phase 1 and a further 6 million litres for phase 2, and that upon completion of the first phase of the distillery, production at the existing distillery will cease. It also notes that any increase in traffic will be partially offset by the proposed evaporator and bio-plant which will process pot ale from the existing distillery (and Glen Burgie), thus removing the need for pot ale to be transported off site, as is currently the case. The assessment sets out that the proposal once complete will lead to an average increase of 4 HGV trips per day (i.e. 19, currently 15) (based on a 46-week production year and averaged over 7 days) and an additional 10 car and 2 van trips per day. The new site access junction will serve both construction and operational traffic and will be designed to comply with Moray Council design standards, and a Construction Traffic Management Plan will be agreed with Moray Council before construction activities begin. The assessment concludes that given the low volumes of additional traffic involved the proposal will not compromise the operation of the road network and can be accommodated without detrimentally affecting road safety.
- 8.37 The Transportation Section are content with the Assessment findings, and notes that at completion, the development is anticipated to result in a net increase of 4 additional two-way HGV trips per day compared with the existing operation. It considers the impact of the proposed development HGV traffic on the network to be low and no further mitigation is considered necessary in terms of network capacity. On this basis, the Transportation Section has raised no objection to the proposal subject to conditions requiring the provision of details regarding trail runs and delivery of abnormal loads (with proposed

modifications to the road network where required), a Construction Traffic Management Plan (CTMP), a Wear and Tear Agreement, construction of the site access and junction onto the C3E road prior to any other construction work, provision of adequate visibility splays at the new junction, car parking facilities and EV charging infrastructure. The recommended conditions will ensure that the development provides safe entry and exit and adequately mitigates impact on the public road network and therefore the proposal complies with policies NPF4 policy 13 and MLDP DP1 (ii) (a) and (c).

Noise, Lighting and Pollution (NPF4 Policy 23 and MLDP 2020 EP14)

- 8.38 NPF4 Policy 23 seeks to protect people and places from environmental harm; this includes requirements for applications to be supported by a noise impact assessment where effects are likely. MLDP EP14 seeks to control pollution (air, water, soil, light and noise) by ensuring submission of detailed assessments with applications along with mitigation (if required). The nearest dwellings are located off Lochiepots Road approximately 209 m to the southwest, Heather Cottage 230 to the south and off Ballantine Circle, approximately 279 m to the north.
- 8.39 A Noise Impact Assessment has been submitted with the application. This concludes that with appropriate mitigation measures, including construction details and sound insulation values, the impact will be acceptable. The Environmental Health Manager is content with the findings of the assessment report and has raised no objection subject to conditions requiring implementation of these measures to control noise emissions. These include requirements to control hours of construction works (including vehicle movements), adherence to the submitted Construction Phase Environmental Management Plan/Construction Phase Traffic Management Plan, controlling operational noise levels (which reflect existing variation in current background noise between these areas., implementation of construction details and sound insulation values for noise mitigation measures as set out in the submitted approved Noise Impact Assessment, and provision of the earth mound north of the proposed new distillery as detailed on the proposed site plan and in the Noise Impact Assessment. These, along with the separation distances to nearby noise receptors are considered sufficient to protect residential amenity from the harmful effects of noise.
- 8.40 As recommended a further condition shall be attached requiring implementation of operational lighting in line with the submitted lighting assessment to minimise light pollution disturbance.
- 8.41 Informative advice also recommended to address odour emissions from the proposed bio-plant, to be suitably managed so as not to give rise to a statutory nuisance in terms of the Environmental Protection Act 1990.
- 8.42 The above condition regarding adherence to the Construction Phase Environmental Management Plan/Construction Phase Traffic Management Plan shall also capture measures contained within the document to protect the water environment.

- 8.43 Subject to the proposed mitigation and recommended conditions the proposals comply with NPF4 policy 23 and MLDP 2020 Policy EP14.

Trees (NPF4 Policy 6 and MLDP Policy EP7)

- 8.44 NPF Policy 6 supports development that enhances, expands and improves woodland and tree cover and seeks to avoid the loss of areas of existing woodland. MLDP Policy EP7 requires development proposals to ensure healthy trees are maintained where development may impact on them and where it is technically unfeasible to retain trees, the provision of compensatory planting.
- 8.45 Approximately 0.35ha of woodland shelterbelt (Category C) which extends along the northern edge of the complex, is proposed to be removed to accommodate the new distillery process building. Policy states that woodland removal will only be supported where development would achieve significant and clearly defined additional public benefits. No justification has been provided to support the removal in accordance with relevant Scottish Government policy on woodland removal (Control of Woodland Removal Policy), and therefore the proposal is contrary to NPF4 Policy 6 (c) and MLDP Policy EP7 (c).
- 8.46 In this case, it is considered that a departure can be supported as the Applicant has satisfactorily demonstrated that it is technically unfeasible to retain this area of woodland due to site constraints, given that the only sizeable area for expansion where the new distillery process building can be sited lies essentially to the north, outwith the area at flood risk area to the south. These siting factors, combined with the strong locational justification for the development, its contribution towards the key economic sector of distilling and substantial woodland planting proposals are considered to be sufficient material considerations/grounds to justify the proposal as an acceptable departure from NPF4 Policy 6 (c) and MLDP Policy EP7 (c). Compensatory planting is also provided in compliance with MLDP Policy EP7 (e).

Flood Risk (NPF4 Policy 22; MLDP 2020 Policy EP12)

- 8.47 The south eastern part of the application site lies within an area at flood risk from adjacent watercourses, the Black Burn and Tyrock Burn, as identified in the SEPA flood maps. This area extends across the southern part of the existing distillery complex (as shown in the site plans) and includes the existing building which is to be repurposed to house the bio-plant/evaporator and associated bio-plant tank farm.
- 8.48 The application is supported by a Flood Risk Assessment and supplementary flood risk information to determine flood risk, the latter including justification for locating the bio-plant in the flood risk area which will displace an identified volume of floodwater (420 cubic metres). This proposes the provision of two areas to provide compensatory storage for the proposed bio-plant; the first is to be provided by forming a landscaped depression adjacent to the proposed SUDs pond to the east sized to provide the equivalent compensatory storage for the bio-plant; and the second, the removal of an existing bunded area immediately to the south of the plant providing supplementary storage. SEPA and Moray Flood Risk Management are content with these proposals and have raised no objection on flood risk grounds, subject to a planning condition

requiring provision of these proposals in a timeous manner. The proposals will ensure that the development will have a neutral effect on flooding and that flood risk elsewhere is unlikely to be increased. On this basis the proposals accord with the requirements of NPF4 policy 22 and MLDP 2020 policy EP12.

Drainage (NPF4 Policies 20 and 22; MLDP 2020 Policies EP12 and EP13)

- 8.49 The development is supported by a drainage impact assessment. Surface water drainage arrangements will include green roofs, porous parking, filter drains and underground pipework that will convey water to a detention pond and basin to the west and east respectively, with flows treated/attenuated and discharged in a controlled manner to the Burn via two outfalls. Moray Flood Risk Management are content with the proposals, and a condition is recommended to ensure that the proposals are implemented in full and in a timeous manner. The proposals will ensure that surface water is dealt with in a sustainable manner that has a neutral effect on flooding and incorporates the necessary blue and green infrastructure. On this basis the proposals accord with the requirements of NPF4 policy 22 and MLDP 2020 policy EP12.
- 8.50 The applicant proposes to install a private package treatment plant (Biodisc or similar) to treat the foul drainage from the proposed buildings, with discharge via a soakaway on the site. These works accord with MLDP Policy EP13 and will require a separate building warrant.

Historic Environment (NPF4 Policy 7; MLDP 2020 Policies EP8 and EP10)

- 8.51 The existing distillery and dovecot on the site are known sites of archaeological interest. The dovecot is also Category C listed.
- 8.52 The regional archaeologist has recommended that an Archaeological Written Scheme of Investigation (WSI) of groundworks, Level 1 Standing Building survey of the dovecot and photographic survey of the existing distillery buildings be undertaken prior to development commencing to safeguard and record the archaeological potential of the area. This will be addressed by condition as recommended.
- 8.53 The proposal seeks to repair and restore the dovecot to facilitate public access to it through the provision of a new layby and footpath. The proposed office and laboratory building will be located in close proximity approximately 20m to the east. Historically, the Dovecot was associated with the former Milnorduff Farm and House which previously stood to the northeast, and is now an isolated asset on open ground. The proposed single storey office building located adjacent to the dovecot is not considered to impact the integrity or setting of the listed building.
- 8.54 Informative advice shall be attached to the decision notice advising on submission of a detailed schedule of the works to establish whether these can be treated as 'like for like repairs' or alternatively require separate listed building consent.
- 8.55 Based on the above, the proposal therefore complies with NPF4 Policy 7 and MLDP Policies EP8 and EP10.

Impacts on Soil (NPF4 policy 5)

- 8.56 NPF4 policy 5 states that development on prime agricultural land will only be supported in limited circumstances, and seeks to minimise soil disturbance on undeveloped sites and protects soil from damage. Whilst parts of the site are currently used for agricultural purposes, the proposed site is not designated as prime agricultural land. The Supporting NPF4 Compliance Statement sets out that the proposed development has been designed to minimise development on undeveloped land whilst also recognising the need to maintain operations at the site. To this end the proposal utilises existing assets and previously developed land, wherever possible i.e. the proposed process buildings are located on the site of an existing distillery warehouse and proposed evaporator plant and bio plant will be housed in an existing redundant building, refurbished and extended to accommodate the plant. Where development is required on undeveloped land, the statement sets out that approach is to develop land immediately adjoining the existing distillery complex, adopting a compact approach to development, taking account of physical site constraints and minimising the need for undeveloped land. On this basis, the proposed development is considered to comply NPF4 Policy 5.

Zero Waste (NPF4 Policy 12)

- 8.57 NPF4 policy 12 seeks to reduce the waste of materials in construction and requires (part c) waste management plans for developments that will generate waste. The Supporting NPF4 Compliance Statement outlines that for the construction phase, where demolition is required, the proposals will seek to utilise recycled materials with suitable materials being crushed and re-used within the development, proposed buildings will incorporate the use of prefabricated, demountable components to minimise site waste and reduce construction times. In terms of operational waste the statement sets out this will be consistent with the outputs already generated by the existing distillery and the proposals will be integrated with the existing distillery waste management regime which supports the recycling of waste. Full details of these plans for both the construction (to be included in the CEMP) and operational phases shall be addressed by condition, and this will ensure compliance with NPF4 Policy 12.

Conclusion

The proposal represents an acceptable rural industrial development, which reflects the operational needs of the distillery and will contribute to sustainable economic growth.

Whilst the proposal is located immediately outwith the settlement boundary of Milnorduff (North) (as defined in the Moray Local Development Plan 2020), it will deliver sustainable economic growth, safeguard the quality of the natural and built environment and satisfactorily mitigate any potential impacts, and as such is an acceptable departure from Moray Local Development Plan 2020 Policy EP6 Settlement Boundaries.

Similarly although the proposal will require removal of approximately 0.35ha of woodland, the applicant has satisfactorily evidenced that it is technically unfeasible to retain the woodland due to site constraints. This, combined with the strong locational justification for

the development, its contribution towards the key economic sector of distilling and substantial woodland planting and landscape proposals justify a departure from NPF4 Policy 6 (c) and MLDP Policy EP7 (c).

The proposal is in accordance with all other aspects of the National Planning Framework 4 and Moray Local Development Plan 2020, and there are no material considerations that indicate otherwise. Approval is therefore recommended, subject to conditions.

REASON(S) FOR DECISION

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

The proposal represents an acceptable rural industrial development, which reflects the operational needs of the distillery and will contribute to sustainable economic growth.

Whilst the proposal is located immediately outwith the settlement boundary of Milnorduff (North) (as defined in the Moray Local Development Plan 2020), it will deliver sustainable economic growth, safeguard the quality of the natural and built environment and satisfactorily mitigate any potential impacts, and as such is an acceptable departure from Moray Local Development Plan 2020 Policy EP6 Settlement Boundaries.

Similarly although the proposal will require removal of approximately 0.35ha of woodland, the applicant has satisfactorily evidenced that it is technically unfeasible to retain the woodland due to site constraints. This, combined with the strong locational justification for the development, its contribution towards the key economic sector of distilling and substantial woodland planting and landscape proposals justify a departure from NPF4 Policy 6 (c) and MLDP Policy EP7 (c).

The proposal is in accordance with all other aspects of the National Planning Framework 4 and Moray Local Development Plan 2020, and there are no material considerations that indicate otherwise. Approval is therefore recommended, subject to conditions.

**Author/Contact
Officer:**

Richard Smith
Principal Planning Officer

Ext: 01343 563256

**Beverly Smith
Development Management & Building Standards Manager**