

## PLANNING APPLICATION: 22/00981/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*

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### 1. **THE PROPOSAL**

- Full planning permission is sought for the redevelopment and expansion of an existing sawmill site at the James Jones site at Mosstodloch to increase production capacity at the site.
- Access will be via a new access point from the B9015 road from Mosstodloch to Garmouth, with the road frontage along the entire sawmill site frontage widened to 7.3 metres and a new 3 metre wide shared cycle way/footway provided along western side of the road with roadside swale adjacent. Other existing accesses to the south serving the wider sawmill site will be retained.
- A perimeter road will be formed within the new site coming in off the new access point.
- Cars will use new access to lead to a new car parking area in the north-west corner of the site, with turning lane for cars proposed to segregate HGV and car traffic.
- Car parking area will accommodate 41 spaces with electric charging points and cycle parking to be provided – no details of covered cycle parking provided at this stage. Parking area will be broken up by landscaping along its southern frontage with screen planting/bunding to north.
- New office building adjacent to car park measuring some 28.3 metres 8.2 metres and height to ridge of just under 4 metres. This building is of pitched roof design finished in timber with grey roof tiles and is to be connected to either septic tank drainage or public systems. (The existing office building further south in the site will remain).
- The perimeter road leads eastwards past a new weighbridge then circling round the new site to serve the various components.
- A new log line area is proposed with timber storage area in the northern part of the site where logs will be unloaded from the HGVS then loaded and graded into different sizes/uses for onwards processing within the site. Logs are debarked and bases trimmed as necessary at the log line. The majority of logs then proceed to the sawmill, with a small amount diverted to other processes such as the rounding line for fencing production.
- New sawmill building proposed to south of the log line closest to the existing industrial site at Mosstodloch and the existing James Jones workshop building (former British Steel/Tata steel building). Double pitched roof design finished in blue sheeting and roof, measuring some 150 metres by 55 metres and height to ridge of just under 16 metres. There will be dust extraction filters on the building and photovoltaic panels

on the roofs. Logs will be sawn into the required sizes/products in this building. Packs of sawn timber will be transferred into the existing site for storage or further processing which may include re-sawing, kilning, planning, and treatment at existing facilities here.

- The in-feed area into the sawmill will be enclosed to help contain noise - this is located on the eastern elevation of the building.
- Co-products building measuring some 60 metres by 30 metres and height to ridge of around just over 12.5 metres proposed to east of sawmill connected by upper level sealed chip and sawdust conveyors – this will be an open sided pitched roof building with photovoltaic panels on roof.
- To the east of this building is an area where sawdust and chip produced will be loaded and there is also a secure area where covers can be installed on trailers prior to dispatch.
- To north east of new sawmill a rounding line and treatment pitched roof building is proposed measuring some 50 metres by 30 metres and height to ridge of just over 8.5 metres. Proposed finishes are blue sheeting roof and walls with photovoltaic panels on roof. Logs which have been kiln dried will be treated here.
- Rounding line kilns are proposed to the north of the treatment building- 6 kilns are contained within a flat roofed structure measuring around 52 metres by 22 metres and height to top of roof of 9 metres. Logs will be kiln dried here and the external finish will be aluminium sheeting.
- Rounding line building measuring some 40 metres by 27.5 metres and height to ridge of just under 8.5 metres is proposed to north of the kilns. Proposed finishes are blue sheeting roof and walls with north elevation finished in timber and photovoltaic panels on roof. Some of the logs arriving at the site, dependent on their properties, will be rounded here and pointed if necessary before proceeding to kiln area.
- Surface water is to be drained and treated through three levels of treatment including solids interceptor, SUDS ponds, swales and a final wetland area in the eastern part of the site which is split into three sections. A high level overflow is proposed for high rainfall events in the form of a perforated pipe running eastwards over agricultural land and terminating in an infiltration trench in the field. Trench will be some 64 metres away from the River Spey to the east and the end of the perforated pipe will be around 80 metres from the Spey.
- 4 metre high rounded top landscaped bunding (varying in width from around 10 -15 metres) is proposed around east and north perimeters of site, and for part of the western boundary with further landscaping around the SUDS ponds including wildflowers and native species edge planting.
- Pedestrian access to the landscaped areas and SUDS ponds is to be provided for employees to access these areas via barked walkways with timber barriers.
- Biodiversity enhancements by way of bird and insect boxes to be located within the landscaped bunding to north of site.
- Existing trees along the western (B9015) and eastern boundaries (Stynie Road) to be retained.
- An area of trees to the north west of the site on the other side of the public road is to be removed to facilitate road widening and visibility – compensatory planting of equivalent area is proposed beside the SUDS pond in the south east corner of the site.

- Co-products will be used locally.
- Existing logging line at the existing sawmill complex will no longer be required with this area used for storage.
- Existing sawmill will be used for secondary processing.
- Mitigation works are proposed at the existing sawmill site to reduce noise emissions.

The application is a major application as defined in the Scottish Government's hierarchy of developments and as such statutory pre application consultation with the community was carried out. The results of the consultation are detailed in the accompanying pre application consultation report.

The development was also screened prior to submission as to whether Environmental Impact Assessment (EIA) was required and it was concluded EIA was not required in this instance.

The application is supported by a suite of supporting documents and plans including:

- Operational Plan which explains the wider (proposed and existing) site layout and processes.
- Utilities Plan.
- Biodiversity Plan.
- Visualisations to show how development may sit in the landscape.
- Design and Access Statement.
- Public Consultation Report.
- Planning Statement setting out how applicants consider proposals to comply with policy.
- Transport Statement.
- Junction Swept Path Plans and Road Safety Audit and Road Widening Drawings.
- Construction Traffic Management Plan.
- Drainage Strategy and Plans.
- Tree Surveys.
- Landscape Plans, Sections and Notes.
- Visual Appraisal.
- Ecological Assessment which concludes that there will be no impacts on the River Spey designated site with no protected habitats or species on the site.
- Initial Site Strip and Soil Management Plan.
- Lighting Assessment and Plans.
- Noise Impact Assessment.
- Site Masterplan which sets out the wider site is to be developed and includes a phasing programme with the SUDS network, road improvements, office weighbridge, log line, internal roads and yard programmed for 2023 to 2024. Phase 2 is construction of sawmill and demolition of existing log line by 2026 and erection of rounding and kiln buildings by 2027.

## 2. THE SITE

- The site lies immediately adjacent to the north of the designated settlement boundary of Mosstodloch.
- Comprises around 17 hectares of undulating agricultural land - it is not designated prime agricultural land.
- It is located to the north of the existing James Jones site at Mosstodloch (which is a site of around 11 hectares) and the Mosstodloch Industrial Estate.
- To the northeast are agricultural fields leading to the River Spey. Stynie Cottage is also located here.
- To the south east on the other side of the Stynie road which marks this boundary is new housing at Speymouth Drive.
- Speymouth Hall and recreation grounds lie to the south of the site beside an area shown for SUDS provision.
- To the west is the B9015 Mosstodloch to Garmouth public road which runs alongside the site boundary.
- Beyond this, further west, is more agricultural land.
- There are some assorted trees along the west boundary which are to be retained.
- On the west side of the public road is whin/gorse bushes with woodland to the north west.
- To the south west is a core path running westwards and to the south of this is the residential properties at Pinewood Road.
- To the north is further agricultural land and to the north east are some residential properties at Stynie House and Stynie Orchard, farm building and commercial garages/outbuildings separated from the site by mature trees. Stynie Cottages lie to the east of the site.
- Stynie House is a category B listed building of architectural and historic importance, as is Speymouth Parish Church further north.
- To the south lies an industrial estate, the former British steel/Tata building which is now under the control of the applicant and the wider James Jones sawmill site.
- The access road B9015 Garmouth Road leading to the site runs northward from the main road through Mosstodloch – (former A96) road then up past Mosstodloch Primary School.

## 3. HISTORY

There have been numerous applications for new development within the confines of the existing sawmill site some dating from the 1990s. More recent history includes:

**19/01615/APP** - Proposed Biomass building and storage area approved.

**21/01290/PEMAJ** -The applicants sought pre application advice under the major applications enquiry process in 2021 and advice was provided on key policy and technical requirements.

**21/01316/SCN** - An Environmental Impact Assessment Screening request submitted - advice was provided to confirm that EIA was not required in this instance.

**21/01817/PAN** - Proposal of Application Notice submitted which set out the measures to be taken for pre application consultation with the community.

#### **4. POLICY**

##### **National Planning Framework**

###### **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 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 25 Community Wealth Building

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

EP5 – Open Space

EP6 – Settlement Boundaries  
EP7 – Forestry, Woodlands and Trees  
EP8 – Historic Environment  
EP12 – Management and Enhancement of the Water Environment  
EP13 – Foul Drainage  
EP14 – Pollution, Contamination and Hazards

## 5. **ADVERTISEMENTS**

5.1 The application was advertised in the Northern Scot as a departure from the development plan and a Schedule 3 development.

## 6. **CONSULTATIONS**

**Scottish Water** - No objections - note that public water and drainage supplies are available. Surface water will not be accepted to their combined systems. Confirm that there are no Scottish Water drinking catchments or water abstraction sources designated as drinking water protected areas which may be affected by the proposals.

**Scottish Forestry** - Have advised that it is encouraging to see the proposal coming forward in terms of net zero targets and valuable jobs in the fragile rural economy. Their main interest areas are availability of sustainably managed timber without the necessity to haul from source a distance of more than around 50 miles, albeit sea and rail alter that equation to a degree. They would also like to see a much increased capacity to utilise Scots pine both because it is native and better suited to the north east climate. They are encouraged to note that the applicant mentions the increase supply of pine in the North East as a reason for the investment, and the resilience the increased capacity will provide for events such as last winter's storms.

**Spey Fishery Board** - No comments provided.

**Nature Scot** - Following submission of further detail on drainage arrangements they have noted that the end point of the perforated storm water pipe and soakaway will be in an agricultural field, beyond which there is an embankment and vegetated/treed area leading to the riverside. The off-site drainage layout drawing (AA6913/P/102) shows this in relation to the current bank of the River Spey and the applicant's surface water drainage strategy states that there will be no new hard permanent outfall structure to the River Spey.

The River Spey Special Area of Conservation is internationally important for its populations of Atlantic salmon, European otter, freshwater pearl mussel and sea lamprey, all of which are dependent on the quality of the freshwater environment.

They advise that there will be no likely significant effect on any of the interests of the River Spey SAC as a result of this proposal and therefore an appropriate assessment is not required.

**SEPA** - Have no comments on the planning application. They note that the applicant should engage with them regarding the aspects of the proposed development which will be regulated by SEPA, in particular water engineering. They further note that activity at the existing site is authorised by Pollution Prevention Control (PPC) Part A and Part B Permits and they have advised that applicants that they would require a Variation of the Part B permit for the proposed activities.

They have confirmed that SEPA will address all matters relating to regulation when the appropriate regulatory application is made.

**Environmental Health Manager** - Initially requested additional information relating to operations, noise mitigation and queries on aspects of the Noise Impact Assessment (NIA). On receipt of further information and revised NIA they have advised that they have no objections to the proposed development subject to conditions relating to controls over construction hours, provision of Construction Environment Management Plan, adherence to noise levels during both night times and day times, operational hours of log line and sawmill, details of (and implementation of) noise mitigation measures at existing and proposed sawmill sites, ensuring the existing log line is phased out at the existing sawmill once the new one becomes operational and details of lighting.

**Contaminated Land** - No objections.

**Private Water Supplies** - No objections.

**Access Manager** - No objections.

**Archaeology Service** - Note that the application affects two areas of cropmarks indicative of prehistoric activity, with many other known archaeological sites in the surrounding landscape indicating the potential for previously unrecorded archaeological features to survive within the proposed development area. They have therefore requested a planning condition requiring a written scheme of investigation and a programme of archaeological works.

**Transportation Manager** - The Team have recommended that a developer obligation be sought to undertake the design and construction of improvements to the narrow footway on the east side of the B9015 Garmouth Road between numbers 1 and 13 Garmouth Road. On this basis the Team has no objections to the proposals subject to appropriate planning conditions to secure final details relating to parking provision and visibility splays.

**Flood Risk Management Team** - No objections. Following receipt of revised layout of SUDS pond to enable more compensatory planting the Team has confirmed they have no objections to the changes.

**Developer Obligations** - No developer obligations sought other to cover transportation requirements.

**Strategic Planning** - Initially sought further information including landscaping details to fully consider the proposals. On receipt of further information they

have noted that the proposal is for an expansion to the existing sawmill at Mosstodloch and that it is understood that expansion is required to upgrade the sawmill in order to process future volumes of timber from the north east of Scotland. The expanded mill site will increase production, increase the number of employees on the site and will support other businesses/jobs within the supply chain. The proposal is therefore considered to closely align with the objectives of the Moray Economic Strategy and the Forestry and Woodland Strategy.

The team has considered the proposal in relation to the policies of the Moray Local Development Plan and the National Planning Framework and the application is considered to comply with these policies, but due to its location outwith the settlement boundary of Mosstodloch it is considered to be a departure from policies EP6 Settlement Boundaries, and DP5 Business and industry of the Moray Local Development Plan. However given the locational justification provided in terms of Policy PP2 Sustainable Economic Growth and the sustainable economic benefits associated with the proposal it is considered an acceptable departure subject to comments from other consultees in respect of safeguarding the environment, mitigation of impacts and submission of decarbonisation strategy.

**Innes Community Council** - As this is a major application the local Community Council were consulted. They have raised serious concerns as follows:

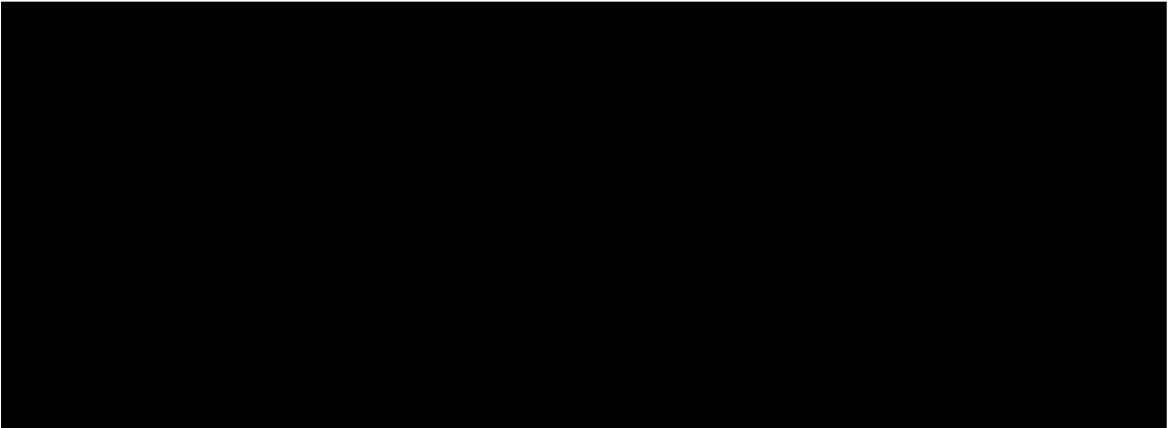
- Lack of awareness of proposals in the community.
- *Note: the applicants have undertaken pre application consultation with the community as required by statute as set out elsewhere in this report.*
- SUDs proposals do not take sufficient account of impacts on River Spey
- Number of HGVs using the site will increase.
- Community concern regarding volume of traffic at certain times and backspills onto the old A96 with no parking provision for parents dropping off children at the primary school and no safety measures in place other than a flashing school sign. No parking provision for carers working in the area either.
- Concern regarding possible vibration on Balnacoul Road.
- Conclude that the proposals will have severe/dangerous impacts on the community and recommend that the applicants/Moray Council look at funding from HIE to construct a feeder road from the Cowfords roundabout avoiding housing and schools.
- Suggest short term mitigation such as funding a school crossing patroller; funding a permanent pelican crossing outside the school; regular monitoring of vehicle emissions and 20 mph limit from old A96 to extent of new development.

NOTE: The points raised above will be addressed throughout the objections and observations sections 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





Key issues raised are as follows:

### **Access and Traffic**

**Issue:** Road safety and inadequate road network serving site including the junction of B9015 onto Garmouth Road where it is currently not possible for lorries to enter and exit from any direction without crossing lanes so creating a road safety hazard. This also results in damage to drainage systems and verges.

**Comments (PO):** The applicant's submission includes a Transport Assessment and Road Safety Audit which has concluded that there will be no material traffic impacts upon the safe and efficient operating of the surrounding road network and the technical consultee (Transportation Team) has raised no objections. It is therefore considered by the appropriate authorities that the road network is physically suitable and has capacity for the additional HGV traffic with the new access onto the B9015 taking into consideration the turning movements of heavy goods vehicles entering and exiting the development, including the widening of the road at the access and the re-surfacing of the B9015 across the entire width of the road at the new access point.

**Issue:** Alternative road access should be looked at for example coming from Cowfords roundabout so avoiding big lorries coming through the village, with the Community Council recommending that the applicants/Moray Council look at funding from HIE to construct a feeder road from the Cowfords roundabout avoiding housing and schools.

**Comments (PO):** The applicants have explained that it is not economically feasible for them to install a new feeder road. Such a road would require planning consent in its own right and does not form part of the application under consideration. The Planning Authority requires to consider whether the current proposals are acceptable or not in road safety terms and it has been concluded that they are, subject to the footway infrastructure improvements and conditions suggested by the Transportation Team.

**Issue:** Road safety issues relating to proximity to school with no lollipop service in place and no way to control when lorries arrive at site to avoid school times. This area is congested with cars parked on roads which results in lorries constantly being on the wrong side of the road to avoid them creating a road

safety hazard. As noted earlier the Community Council conclude that the proposals will have severe/dangerous impacts on the community, noting that carers also park in this area and need to access their clients. Community Council suggest that short term mitigation such as funding a school crossing patroller; funding a permanent pelican crossing outside the school; regular monitoring of vehicle emissions and 20 mph limit from old A96 to extent of new development be looked at.

**Comments (PO):** These concerns regarding the potential conflicts with HGV traffic and pedestrians/school children are appreciated and were a key issue when considering this application. At present HGVs from the sawmill site and from the industrial estate use this B9015 road past the primary school where there is a temporary 20 mph speed limit with the required supporting signage in operation at key times during the school day. Whilst this proposed development will add to the traffic levels, as noted earlier, it is considered that the network is physically capable of coping with the additional traffic. The key issue to consider with regard to these concerns is any potential for unacceptable conflicts in terms of pedestrian safety as a result of the increased traffic.

At school dropping off/picking up time there is evidence of indiscriminate parking on the roads which is similar to many other schools in Moray, despite many schools trying to encourage more sustainable travel options such as walking to school. The suggestion of a school crossing patroller would be contrary to a decision taken by the Moray Council on patrollers. Scottish Government are currently gathering information for a National Strategy for 20mph. Any consideration of promoting a permanent 20mph speed limit on the B9015 within Mosstodloch would need to comply with the national approach to 20mph speed limits.

The Transportation Team have considered these issues and conclude that the situation may be mitigated by improving the narrow footway on the east side of the B9015 road from the junction onto Main Road northwards to 13 Garmouth Road which is located immediately adjacent to the existing sawmill site. This will help to improve pedestrian safety in the area and the applicant is agreeable to funding such works.

The Primary School has also recently been approached by officers, following complaints from residents, to see if they would like to take part in a 'Park Smart' initiative which encourages parents and carers to park appropriately during school drop off and pick up times and to consider active travel instead of driving.

**Issue:** No continuous footpath link on west side of Garmouth road to link in with the proposed cycleway/pathway.

**Comments (PO):** The provision of the improved footway on the east side of the B9015 as noted above should help address this concern, whilst the applicants have extended the proposed cycle way on the western side of the road to come as far south as the core path which runs along the rear (north) of Pinewood Road.

**Issue:** Drainage issues with sawdust and bark from lorries already affecting drainage of road network.

**Comments (PO):** The applicants have advised that they have a procedure in place for lorries to be cleaned before leaving site – this is essentially a management issue. If there are regular issues on the road then the Roads Authority can ask for it to be cleared.

### **Residential amenity Issues**

**Issue:** Traffic pollution especially around the school.

**Comments (PO):** It is not considered that the additional traffic will cause an undue issue. The site is not located within an Air Quality Management Area with no such areas designated in Moray.

**Issue:** Vibration Impacts.

**Comments (PO):** The technical consultees (Environmental Health Service) has considered the impacts of the development and has no objections subject to conditions regarding operation. Vibration was not highlighted as a particular issue and it is not considered overall that the increased traffic movements along the road will give rise to particular impacts.

**Issue:** Light and noise pollution affecting both wildlife and residents - spotlights can already be seen from some distance away and this will be aggravated by new development Screening by trees for noise and light pollution affected when trees lose their leaves, also proposed screening will take time to establish.

**Comments (PO):** As noted earlier the technical consultees (Environmental Health Service) has considered these impacts and has no objections subject to conditions including the requirement for a more detailed lighting plan which will help ensure there is no light pollution issues arising from the proposed development. With regard to impacts on wildlife it is noted that the applicant's lighting assessment refers to blue light content to minimise effect on flora and fauna. It explains lighting may be on 24 hours so impacts have been assessed on this basis, and proposes use of light shields on some 10 metre high floodlights to minimise impacts on amenity.

With regard to noise emissions it is not considered that the new development will adversely affect wildlife particularly given the proposals for extensive landscaping and biodiversity enhancements throughout the site which will offer opportunities for habitat creation as well as providing a buffer between the site and the wider countryside around it. Noise impacts on residents have been fully considered by the technical consultee (Environmental Health Service) with mitigation proposed for both the existing and proposed operations. The Service is satisfied that subject to conditions to control noise levels, with lower levels at night, and other operational controls as set out in their suggested planning conditions, the development should be able to operate without significant or unacceptable impacts.

It is also noted that there is significant landscaped bunding proposed between the development and the residences at Stynie (including the cottages) which will also offer mitigation in addition to the existing tree belt south of Stynie Orchard. Whilst trees may lose leaves in the winter the sizeable bunding will remain.

**Issue:** Increased working hours and disturbance, activity at unsociable hours - existing sawmill already starts at 6 am with associated noise, beeping of alarms, logs being loaded/unloaded and bringing the development closer to residences will make this worse.

**Comments (PO):** The applicants' Noise Impact Assessment (NIA) has demonstrated to the satisfaction of the technical consultee (Environmental Health Service) that noise should not be worse as a result of the development as a result of mitigation measures proposed at the existing site together with the mitigation measures proposed for the expanded site where modern equipment and insulated buildings will be used. Whilst there could be a potential increase in noise levels at night if both sawmills were on occasion operating, the Environmental Health Service has sought to control this by setting overall noise limits at night as well as daytime, bearing in mind there are presently no noise restrictions at this site. The applicant has also set out in their NIA how the site may be operated to reduce noise including the potential for limits on reversing beepers with use of lighting or other alternatives.

The Environmental Health Service has proposed conditions setting out noise levels to be met at residences based on this information which may help to secure more control over the existing situation given that there are currently no noise conditions in place for the wider sawmill site. Key pieces of equipment such as the log liner and sawmill will also have some limits on the operational hours which again provides more control over the new site. In addition the Environmental Health Service do have the ability to take action under their regulations should noise nuisance arise- hopefully this should not arise as the suggested conditions should ensure that levels are below any potential nuisance levels.

**Issue:** Existing extraction system at sawmill is very loud and strategically placed logs will not address this.

**Comments (PO):** Mitigation has now been implemented with regard to reducing noise levels from the dust extraction system at the existing sawmill whilst with the proposed new sawmill it is proposed to site the dust extraction system to the rear of the building furthest away from housing. These measures should help address this issue whilst strategically placed log piles are intended to help to act as a barrier to sound propagation from operations in the yard.

**Issue:** Submission suggests that sound insulation will be discussed with residents affected – this is not welcomed due to the upheaval etc. Note that there is no way of sound proofing a garden.

**Comments (PO):** Any measures to install sound insulation in existing properties would involve the agreement of third parties and as such cannot be enforced by the Planning Authority, but rather is a matter for the applicants to agree with such parties. The application has not therefore been assessed on the basis of such proposals, but rather upon the mitigation proposed which is within the applicant's control. The technical consultee has therefore considered the impacts in this manner.

**Issue:** Dust Issues.

**Comments (PO):** Dust extraction systems are proposed for the sawmill and this is not considered to be likely to be a significant issue. It is noted that both

SEPA and the Environmental Health Service have regulatory provisions to control any dust nuisance which may arise.

**Issue:** Residents are already affected by noise from the premises and this has not been addressed to date.

**Comments (PO):** Complaints about noise from the existing premises are investigated by the Environmental Health Service. This will continue to be the case. It is understood that there have been a limited number of complaints over recent years, which have been appropriately investigated by the Service.

**Issue:** Noise readings should be carried out by independent party and be over at least a 7 day period – note that there are unexplained high noise reading near residences –this may be due to seagull noise. Consider noise assessment is vague and believe the reported figures are less than they actually are.

**Comments (PO):** The submitted Noise Impact Assessment has been fully considered by the technical consultee (Environmental Health Service) who requested further information and clarifications during the course of this consideration. The Service is now satisfied with the accuracy and conclusions of the assessment. The Service has not taken the unexplained high noise background noise readings mentioned in the NIA into account when setting noise levels given that following investigation by the Service these levels appear to relate to bird noise. Instead the Service has set levels related to more standard lower background levels which are considered to be more representative of a rural area.

### **Policy Issues**

**Issue:** Site not zoned for development in local plan - site too large for small village and is overdevelopment.

**Comments (PO):** The site is indeed located outside the designated settlement boundary of Mosstodloch and as such represents a departure from the development plan. As explained later in this report it is considered to represent an acceptable departure from policy. In summary the proposed development is for an expansion of an existing sawmill which will help to process future volumes of timber from the north east of Scotland, increase production, and number of employees, and help support other businesses/jobs within the supply chain. This aligns with the objectives of the Moray Economic Strategy and the Forestry and Woodland Strategy with a suitable locational justification as required by policy PP2 provided. Consequently the application is considered to be an acceptable departure from policies EP6 Settlement Boundaries, and DP5 Business and Industry of the Moray Local Development Plan 2020 given the locational justification and the sustainable economic benefits associated with the proposal.

Although the site is large this is necessary to accommodate the functional processes, ensure safe operations and importantly to make provision for sustainable urban drainage systems (SUDS) within the site and also deliver the level of landscaping necessary to create a good visual setting and provide noise attenuation.

## **Environmental Issues**

**Issue:** Affecting natural environment - increased noise and light pollution may affect wildlife.

**Comments (PO):** The application is supported by an Ecological Assessment which has concluded that there are no particular habitat or species interests on the site which is on part of an agricultural field. The technical consultee (Environmental Health Service) is satisfied that the lighting will not cause pollution, subject to planning conditions. It is also noted that the applicant's lighting assessment refers to blue light content to minimise effect on flora and fauna. It explains lighting may be on 24 hours so impacts have been assessed on this basis - proposes use of light shields on some 10 metre high floodlights to minimise impacts on amenity.

With regard to noise emissions it is not considered that the new development will adversely affect wildlife, with the proposed landscaping, SUDS ponds/wetland and insect/bird boxes offering the opportunity to create connecting wildlife corridors over time which should be beneficial to wildlife.

**Issue:** SUDs proposals do not take sufficient account of impacts on River Spey.

**Comments (PO):** There will be no discharge to the River Spey and the proposed storm water discharge pipe and infiltration trench is separated from the Spey by a vegetated bank and agricultural land whereby the proposals are not considered to have any significant effects. This is confirmed by the consultation response from Nature Scot. As such it is considered that there will be no likely significant effect on any of the interests of the River Spey SAC whereby an Appropriate Assessment is not required in this case.

## **Other Issues raised**

**Issue:** Property devaluation arising from introducing industrial development in rural area.

**Comments (PO):** Property devaluation is not a material land use planning consideration, although loss of residential amenity is a land use planning consideration. In this regard the proposed development is located beside an existing industrial estate and sawmill and is considered to be suitably sited and landscaped with appropriate noise mitigation proposed whereby it is not considered that there will be any significant adverse effects on the amenity of the surrounding area.

**Issue:** Adverse effect on views over open countryside and loss of privacy – being overlooked.

**Comments (PO):** Again loss of view is not a material land use planning consideration. The fit of the development in the countryside/landscape is however a consideration which is fully considered later in this report where it has been concluded that the development will not have an adverse impact on visual and landscape qualities. Due to distances of existing properties from the development site with proposed intervening landscaping/screening there is not considered to be any particular privacy issues arising.

**Issue:** Works will only create temporary jobs which are likely to be outsourced with plant likely to be automated, again not providing full time jobs of benefit to the village.

**Comments (PO):** The applicants have explained in their supporting documentation that at present direct employment at the site is 100 and it is anticipated that this will increase to 150 employees once the development is completed- these jobs are understood to be for highly skilled operator/engineering roles. In addition they consider that there will be a positive impact upon rural employment with an estimated 600 related jobs created across a range of associated industries such as forestry, engineering, transport and administration as well as jobs at the construction stage.

In these circumstances it is considered that the proposed development will be of economic benefit to the surrounding locality.

**Issue:** One supporting letter has been received which welcomes the development noting that the sawmill is a key business and employment source in Mosstodloch with the proposed expansion being a positive way to sustain the business.

**Comments (PO):** Noted.

**Issue:** Community Council raised concern regarding lack of public awareness of the proposals.

**Comments (PO):** Statutory pre application consultation with the community was carried out prior to submission of the application as outlined later in this report. This was considered to be satisfactory with all necessary steps taken to ensure that the public were aware of the proposals.

## **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. National Planning Framework 4 (NPF) and the adopted Moral Local Development Plan 2020 (MLDP) unless material considerations indicate otherwise. The main issues are now considered below.

### **Pre Application Consultation with the Community**

- 8.2 As this is a major planning application, under the terms of the Scottish Government's Hierarchy of Developments there is a requirement for statutory pre application consultation with the community. The applicants Pre Application Consultation Report explained that a public consultation exhibition was held on 9 December 2021 in the Speymouth Hall which is adjacent to the development site. This was advertised in the local press. At this event fliers were provided for people to take away and e mail their comments, as well as the noting of questions at the event. Around 62 people attended and the report summarises how comments were taken into account. The information boards and feedback forms were also provided online so that people could input and it is understood

that fliers were delivered to all households in the village advising them of the events in advance.

- 8.3 The form and scope of the pre-application consultation was considered to be suitable, and was agreed by the Planning Service in response to Proposal of Application Notice (reference 21/01817/PAN).
- 8.4 A further event was held in the Speymouth Hall on 10 August 2022 prior to formal consideration of the application by the Planning Authority. Around 26 people attended and the results of any feedback was summarised in the report.

### **Environmental Impact Assessment**

- 8.5 Prior to submission 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. 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.

### **Principle of development and Locational Justification (NPF4 1, 9 ,26 & 29 MLDP 2020 PP2, EP6, EP7 & DP5)**

- 8.6 The NPF sets out the objective of wanting future places to work for everyone, bringing together environmental, social and economic objectives to achieve sustainable development, highlighting that the global climate emergency and the nature crises have formed the foundations of the strategy as a whole. With this in mind a series of planning policies are contained in the NPF which seek to support development that helps to meet greenhouse gas emissions targets, with Policy 1 Tackling the Climate and Nature Crises setting out that when considering all development proposals significant weight will be given to the global climate and nature crises.
- 8.7 Set against this background the principle of the development which secures the ongoing future of a local sawmill with the intention of enabling the expansion of processing of locally grown timber and so reducing transport is in line with these objectives.
- 8.8 With regard to the principle of development NPF Policy 29 Rural Development is also relevant. This policy seeks to support development proposals that contribute to the viability, sustainability and diversity of rural communities and the rural economy. This includes production and processing facilities for local produce and materials with sawmills given as an example. The proposal to expand the existing sawmill business here with the associated benefits to local supply chains is considered to comply with the principles of policy 29.
- 8.9 However the NPF takes a similar policy approach to the MDLP with respect to new business proposals outwith designated areas with Policy 26 Business and Industry stating that development proposals for business, general industrial and storage and distribution sites outwith areas identified for those uses in the LDP will only be supported where it is demonstrated that there are no alternatives allocated within the LDP or identified within the employment land audit. The



nature and scale of the development must also be compatible with the surrounding area. Policy 9 also states that development of Greenfield sites will not be supported unless the site has been allocated for development or the proposal is explicitly supported by policy in the LDP.

- 8.10 The overarching primary policy of the MDLP is also relevant to the principle of development here. Policy PP2 Sustainable Economic Growth sets out that development proposals that support the Moray Economic Strategy to deliver sustainable economic growth can be supported where the quality of the natural and built environment is safeguarded, there is a clear locational need and all potential impacts can be satisfactorily mitigated.
- 8.11 The proposed expansion of the existing sawmill is located on land which lies outwith the designated settlement boundary of Mosstodloch as defined in the Moray Local Development Plan 2020 (MDLP). As such Policy EP6 Settlement Boundaries applies. This explains 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. Policy EP6 this sets out 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. Accordingly this application has been advertised as a “departure” from policy EP6.
- 8.12 It has also been advertised as a departure from Policy DP 5 Business and Industry which seeks to direct employment uses to the most appropriate site within a hierarchy of designations. Mosstodloch is a tertiary settlement with land designated for employment uses. The scale of the proposal and level of employment associated with this are reflective of a location within a tertiary growth area. The proposal is for the expansion of an existing business that is located within the settlement boundary however the proposal is on undesignated land outwith the settlement boundary. This proposal is therefore a departure from the hierarchical approach within the policy.
- 8.13 In this case MDLP Policy EP7 Forestry Woodland and Trees is also relevant setting out that proposals which support the economic, social and environmental objectives and projects of the Moray Forestry and Woodlands Strategy will be supported where they meet the requirements of other relevant MLDP policies.
- 8.14 It is understood that the development is required to expand the sawmill site in order to process future volumes of timber from the north east of Scotland. The expanded mill site will increase production, increase the number of employees on the site and will support other businesses/jobs within the supply chain. Jobs will primarily be highly skilled relating to machine operation, engineering and administration/management support.
- 8.15 The applicants have explained in their Planning and Design and Access Statements that the total volume of timber growing in north east Scotland forests is forecast to increase by 40% over the next 20 years with the volume of pine logs due to increase by up to 80% with an increase in the average size of these sawlogs. This is due to forests reaching maturity and it notes that the

growth of the forests is outpacing the locally available processing capacity. The proposed development will realise the value of this resource, ensuring that timber is processed and utilized as close to the forest as possible and adding value to the local economy. This increased capacity will also provide flexibility to process unplanned volumes of windblown timber as occurred with recent seasonal storms and so minimising losses for growers, business and landowners.

- 8.16 The applicants also explain that the proposed development represents a continuation of their investment in the site, with expansion on an adjacent site being the most efficient way to develop the operations. This will involve an investment of around £65-70 million and would increase the capacity at the site from processing 180,000 cubic metres of logs into 100,000 cubic metres of sawn timber and 80,000 cubic metres of co products (bark, sawdust, woodchip) to a total of 300,000 cubic metres of logs to be processed into 180,000 cubic metres of timber. At present direct employment at the site is 100 and it is anticipated that this will increase to 150 employees once the development is completed- these jobs would be for highly skilled operator/engineering roles. In addition they consider that there will be a positive impact upon rural employment with an estimated 600 related jobs created across a range of associated industries such as forestry, engineering, transport and administration as well as jobs at the construction stage.
- 8.17 The applicants have explained that this will help respond to the increased demand for timber as a sustainable construction material with sales focussed on the local and Scottish market, displacing imported timber so providing wider environmental benefits. Processes for adding value will focus on fencing, construction timber, pallet and packaging materials with increased production helping to explore further opportunities for product development and co products such as horticulture and biomass uses supporting local industries including distilleries. They conclude that this will secure the long term sustainability of the business, and support a move to a net zero carbon economy.
- 8.18 Related to this background the Moray Woodland and Forestry Strategy is framed around a 20 year vision of growth of forests and woodlands and recognises the contribution of the forestry sector, including timber processing, to the local economy. Harnessing the economic potential of Moray's woodland is a key theme of the strategy and the employment associated with the wider industry is recognised. It also looks to promote local processing to reduce timber miles. The role of timber industries is also recognised within the Moray Economic Strategy as contributing significantly to economic growth and states that the scope of innovation in this subsector provides exciting future opportunities.
- 8.19 In these circumstances the proposed development has clear links to the Moray Economic Strategy and sustainable economic growth and is considered to be in line with MDLP policy PP2 Sustainable Economic Growth, providing any potential impacts can be satisfactorily mitigated and the locational need is established. It is also closely aligned to the objectives of the Forestry and Woodland Strategy, complying in principle with Policy EP7.

- 8.20 In these overall circumstances it is considered that the principle of the expansion of a long established existing forestry related business in Moray complies with key and overarching planning policies, subject to the locational need for a site immediately outwith the designated settlement boundary of Mosstodloch being established.
- 8.21 The locational need for the proposal is set out by the applicants in their Planning and Design and Access Statements. This explains that the proposed site allows for the expansion of the existing business. Location on other designated sites would split operations in two and would result in increased vehicle movements between the existing site and any alternative location. This would also mean double handling of timber/logs. Location. Alternative locations were therefore not considered to be suitable or viable.
- 8.22 Expansion of the existing site will enable the applicants to increase processing capacity, improve production efficiency and process larger diameter logs, and to reach the development's full potential economically and commercially. It will also help to address existing health and safety issues on site in relation to separation of vehicular and pedestrian movement and upgraded welfare facilities.
- 8.23 In these overall circumstances the locational justification is considered acceptable and to provide grounds for a departure from Policy EP6 Settlement Boundaries on the basis of the sustainable economic benefits associated with the proposal and its delivery of sustainable economic growth. This is of course subject to the quality of the natural and built environment being safeguarded and potential impacts being satisfactorily mitigated which will be considered later in this report.
- 8.24 Similarly it is considered that a satisfactory case has been made for departure from Policy DP5 Business and Industry with sufficient locational justification provided as required by Policy PP2 on the grounds of the sustainable economic benefits associated with the proposal.
- 8.25 This locational case and the economic benefits of the proposals are also considered to enable compliance with NPF policies 9 and 26.
- 8.26 The detail of the design, siting, layout and impacts of the proposed development will also require to be fully considered in order to assess compliance with all relevant NPF and MDLP policies and will be considered below.

#### **Transport Issues (NPF Policy 13, MLDP PP1, PP3 & DP1))**

- 8.27 NPF Policy 13 Sustainable Transport supports new development where it is line with the sustainable transport and investment hierarchies. Various criteria are set out to achieve this including, where appropriate, the need to provide safe links to local facilities via walking, wheeling and cycling networks, be accessible by public transport, provide low or zero emission charging points and secure cycling parking, designed to incorporate safe crossing for walking and wheeling and reducing the speed of vehicles. This policy also refers to when transport assessments will be required.

- 8.28 MDLP Policy PP3 Infrastructure and Services sets out how new development should be coordinated with infrastructure to ensure that places function properly and are adequately serviced, highlighting that mitigation/modification to the existing transport network to address impacts of development may be required. MDLP policies PP1 Placemaking and DP1 Development Principles set out the need for appropriate servicing, parking and access. As noted earlier, the proposed development proposes to take access from the existing Mosstodloch to Garmouth B9015 road which runs north past the Primary School then past the existing and proposed sawmill site. Objections received raise concerns regarding the adequacy of this roads network to serve the additional traffic associated with the new development, with particular concern around conflicts at school times and also with existing parking provision in the area which makes the area congested. Officer comments in the representations section of this report seek to address these concerns.
- 8.29 It is not economically feasible for the applicants' to construct a new feeder road from the Cowfords roundabout - this also involves land outwith the control of the applicants. Accordingly the applicants submitted this application which involves widening of the B9015 along the site frontage and provision of a new cycle /path way along the western edge of the road to improve connectivity to the site and deliver some road improvements. Suggestions made by the Community Council and objectors to consider for example measures such as introduction of school crossing patroller are not within the applicant's control and are also contrary to previous decisions of the Moray Council.
- 8.30 Accordingly the proposals have been considered as submitted by the technical consultee (Transportation Team) who have noted that the proposals estimate an increase in staff numbers from 100 to 150 and an increase in HGV traffic from 60 to 100 vehicles movements per day. Given this increase in traffic a Transport Statement (TS) was provided in support of the proposals the scope of which was agreed with the Team. Due to the low traffic numbers at the B9015 (Main St/Garmouth Rd) junction no capacity testing of this junction was undertaken. However surveys were undertaken of pedestrian crossing movements on Garmouth Road and Main Street to identify the peak times, volume and locations where the main crossing movements occurred. These highlighted the peak periods to be 0800-0900 and 1500-1600 and that the main crossing location was located between the school main entrance and the Glebe Road/Pinewood Road crossroads.
- 8.31 The Team further noted that surveys undertaken of the background traffic (which also break down the trips related to the applicants and the existing industrial estate) highlight that there were 10 HGV movements during the morning school peak (0800-0900) of which 4 related to the existing sawmill operations. In the afternoon school peak (1500-1600) 13 of a total of 19 HGV movements related to the existing operations.
- 8.32 The Transport Statement estimates that the number of HGV movements will increase by 3 during the morning school peak hour and 9 during the afternoon school peak hour. The total HGV traffic in the afternoon peak school hour is therefore estimated to be 27 movements of which 22 will be related to the applicants. This equates to approximately 1 HGV movement every 2 minutes

compared to approximately 1 every 3 minutes previously.

- 8.33 The Transport Statement concludes that *'The proposed development will not have any material traffic impacts on the safe and efficient operation of the surrounding road network'*.
- 8.34 A Stage 1 and 2 Road Safety Audit (RSA) was undertaken and submitted in support of the application. Issues raised in the RSA related to the proposed scheme of road widening and cyclepath provision. The Transportation Team sought clarity to confirm that the RSA had also considered any existing issues associated on the B9015 from the scheme south to its junction with Main Street and requested confirmation of the extent of the network, which had been assessed. A further submission was received (Drawing AA6913/SK/25) which indicates that this section of Garmouth Road was considered as part of the RSA and raised no issues.
- 8.35 Having considered this information the Transportation Team have recommended that a developer obligation be sought to undertake the design and construction of improvements to the narrow footway on the east side of the B9015 Garmouth Road between 1 Garmouth Road (at the southern end of the B9015 just to the north of the filling station) and 13 Garmouth Road further north just beside the existing sawmill site) This will provide more space for pedestrians to pass each other on the existing footway and enhance pedestrian safety in the vicinity of the Primary School. It would be in line with MDLP Policy PP3 Infrastructure and Services which seeks to secure mitigation/modification to the existing transport network to address impacts of development in terms of safety and efficiency as considered necessary and appropriate by the Planning Authority. It is also in line with NPF policy 13 Sustainable Transport which seeks to prioritise sustainable travel and NPF Policy 18 Infrastructure First which seeks to ensure that the impacts of development proposals on infrastructure are mitigated.
- 8.36 Whilst the applicant's Transport Assessment concluded that no further improvements are needed, there is no doubt that there will be additional traffic generated by the development. The application represents the opportunity to secure improvements which will be of benefit to the community (as well as to the applicants in terms of the relationship between HGVs and pedestrians), and to address the impacts of the development upon the community in a proportionate manner. These works are considered to be necessary to make the development acceptable in planning terms, relate to the impacts of the proposed development and serve a planning purpose, with the scale of the works considered to relate fairly and reasonably in scale and kind to the development. The work would be undertaken by the Moray Council and funded by the applicants. The Transportation Team has assessed the potential to achieve this improvement on site and it is considered to be feasible. The team has provided indicative costings for the design and construction of such a scheme. This includes legal costs, contingencies, land costs, estimated inflation of costs and an allowance any compulsory purchase orders which may be required, dependent on the scheme design. The applicants have confirmed their willingness to enter into an appropriate agreement to fund these works. If the application is supported then an appropriate legal agreement would be required to secure the funding.

- 8.37 On this basis the Team have raised no objections to the proposals.
- 8.38 In terms of the details of the site layout and access arrangements the Team has noted that parking for 41 cars has been indicated on the site layout plan with no details for the provision of disabled parking, electric vehicle (EV) charging or cycle parking provided. A lay-by for approximately 4-5 HGV vehicles is also indicated adjacent to the internal road layout at the northern boundary of the site. No details are provided to confirm the number of vehicles, which would be stored at the site however the internal road layout allows for two-way vehicle movements at most locations and could potentially be utilised to accommodate parked vehicles.
- 8.39 Planning conditions are recommended to secure outstanding details, and also to secure visibility improvements at the access point onto the B9015 and full details of the new cycle path alongside the B9015. On this basis the Team has no objections to the proposals and it is considered that relevant polices are complied with.

### **Amenity Issues (NFP Policy 23 & MLDP, EP14)**

#### Background

- 8.40 NFP Policy 23 – Health and Safety has requirements with regards to noise and air quality. The policy explains that development proposals which will have an adverse effect on health will not be supported. NFP Policy 26 Business and Industry also explains that development proposals must take into account the impact on surrounding residential amenity, sensitive uses and the natural and historic environment.
- 8.41 MDLP Policy EP14 Pollution, Contamination and Hazards sets out that proposals which may cause significant air, water, soil or light or noise pollution or exacerbate existing issues must be accompanied a detailed assessment report with measures to mitigate any impacts. In this case the operation and construction of a sawmill could give rise to potential pollution whereby detailed assessments were required. To this end Noise Impact and Lighting Assessments have been carried out and have been assessed by the technical consultee (Environmental Health Team).
- 8.42 Set against this background the key amenity issue to consider is whether the proposed expansion of the existing sawmill site will give rise to adverse impacts upon the amenity of the surrounding area. There has been an existing operational sawmill at Mosstodloch for many years which has no operational restriction upon it in terms of planning conditions. It is understood that these operations have given rise to limited complaint over the years However the new sawmill site will move closer to some properties, notably those at Stynie Orchard , farmhouse and cottages to the north and will significantly extend and expand the operations so it is important to fully assess how this will impact upon the area.
- 8.43 In this regard the applicant's Noise Impact Assessment (NIA) considered the existing and proposed development setting out that the aim is to ensure that noise emissions from the new site do not significantly increase the sound

emissions from the existing site which has been operating without complaint as far as the applicants are aware, with new housing approved nearby without any need for noise assessment.

In regard as noted earlier there have been limited complaints about this site, most recently about a mobile chipper which was addressed.

#### Proposed Noise Mitigation Measures

- 8.44 Mitigation for the new site is proposed by way of works to enclose or shield the log sorter input, 4 metre high landscape bunding around the site, use of strategically placed log stacks in the timber yard to help absorb sound when loaders are working, positioning of sawmill air extraction system to rear of new sawmill building in order to shield houses, and enclosing the log intake into the new sawmill.
- 8.45 The NIA explains that the applicants are also considering further noise reduction measures such as more concrete at structure of infeed to help deaden noise with less steel plate reverberation: curtains or series of open curtains on open sides, limit on reversing beepers replacing them by lights or other alternatives; and the use of quieter electric vehicles/cranes where possible. The NIA also explains that the applicants are in discussion with nearby neighbours about other mitigation measures should the need arise e.g. double glazing although this would be a third party agreement outwith the remit of the Planning Authority.
- 8.46 It is also proposed to implement mitigation measures at the existing yard in order to reduce overall noise levels by way of enclosing the dust extraction system (this has now been implemented and has reduced the sound power level from this system by 10 Dba) mitigation measures at the south east corner of the processing shed, and a proposed 4 metre high acoustic barrier to north of Speymouth Park. In addition the existing log line will be removed once the new site is operational thereby removing an existing noise source which has no particular mitigation at present.
- 8.47 With regard to operating hours the applicants have explained the current yard has no time restrictions whereby the sawmill has been able to operate at any time of day and night if required. This has not caused any disturbance as far as the applicants are aware and they consider that with the proposed reduction in sound emissions of the existing facility, (both proposed and implemented) there is not a case to change this. They have clarified that in the proposed extended area the log sorting equipment itself will operate 0600 up to 2300 hours to provide the required capacity for operating the new sawmill and that the new sawmill and other closed production buildings will operate from 0600 up to 0200 hours to ensure the processing of timber is as efficient as possible, The applicants are agreeable to planning conditions relating to the operational hours of these items.
- 8.48 They have also explained that flexibility with the operating hours is required to run this type of operation efficiently and economically. Any other restrictions on operational hours would inhibit the operations and bring into question the long-term viability of the development itself particularly considering the scale of the investment.

## Conclusions on Noise Issues

- 8.49 The applicants' Noise Impact Assessment (NIA) has sought to demonstrate that noise should not be worse as a result of the development due a result of mitigation measures proposed at the existing site, together with the mitigation measures proposed for the expanded site where modern equipment and insulated buildings will be used, also explaining how the site may be operated to reduce noise including the potential for limits on reversing beepers with use of light or other alternatives. These conclusions have been accepted by the Environmental Health Service who are satisfied in principle that with mitigation proposed for both the existing and proposed operations and subject to conditions to control noise levels (with lower levels at night) and other operational controls as set out in their suggested planning conditions, the development should be able to operate without significant or unacceptable impacts and that the amenity of residents in the area can be adequately safeguarded.
- 8.50 It could also be considered that the proposed conditions setting out noise levels to be met at residences should help secure more control over the existing situation in that there are presently no noise conditions in place for the wider sawmill site. Key pieces of equipment such as the new log liner (which along with its associated processes is likely to generate noise) will have some limits on the operational hours (0600 to 2300 hours) which again provides more control compared to the existing site. Similarly operating hours are proposed for the sawmill and the associated closed production buildings (0600 to 0200 hours) which again affords more control. In addition the Environmental Health Service do have the ability to take action under their regulations should noise nuisance arise- hopefully this should not arise as the suggested conditions should ensure that levels are below any potential nuisance levels.

## Dust Issues

- 8.51 Extraction systems are proposed for the new sawmill and this is not considered to be likely to be a significant issue. It is noted that both SEPA and the Environmental Health Service have regulatory provisions to control any dust nuisance which may arise. Odour is not anticipated to be a particular issue.
- 8.52 The site will also be regulated by SEPA who will control matters such as emissions/dust.

## Lighting Issues

- 8.53 The lighting assessment refers to blue light content to minimise effect on flora and fauna. It explains lighting may be on 24 hours so impacts have been assessed on this basis and proposes use of light shields on some 10 metre high floodlights to minimise impacts on amenity. The Environmental Health Service has reviewed this information and consider it to be acceptable in principle, recommending a condition be attached to secure final full details.
- 8.54 In these overall circumstances the development is considered to comply with policies of the NPF4 & MDLP subject to appropriate planning conditions.



These conditions have been discussed with the applicants to ensure that they are workable in terms of their operations.

### **Sustainability, and Climate change**

- 8.55 As noted earlier the NPF is seeking to achieve sustainable development highlighting that the global climate emergency and the nature crises have formed the foundations of the strategy as a whole, with Policy 1 Tackling the Climate and Nature Crises setting out that when considering all development proposals significant weight will be given to the global climate and nature crises.
- 8.56 NPF policy 2 Climate Mitigation and Adaptation also seeks to ensure that development is sited and designed to minimise lifecycle greenhouse gas emissions as far as possible and to be able to adapt to climate change risks. Guidance on how to demonstrate this has been recently agreed by the Council in relation to carbon sequestration, carbon assessment and future management and monitoring.
- 8.57 Underpinning these objectives NPF Policy 26 – Business and Industry requires that all major applications for manufacturing or industry should be accompanied by a decarbonisation strategy to demonstrate how greenhouse gas emissions can be appropriately abated. An indicative strategy has been provided in this case which explains the wider background to the applicants' decarbonisation strategy across their businesses. This is satisfactory in general terms. Specific actions for the application site include transition from natural gas to biomass for kilning and site heating, increased use of renewable energy and PV panels, zero timber waste in manufacture, focus on local supply market to reduce mileage and use of energy efficient motors and lights.
- 8.58 MDLP Policy DP1 Development Principles similarly seeks to ensure that development is designed to ensure that new buildings avoid a specified and rising proportion of greenhouse gas emissions from their use through the installation and operation of low and zero carbon generating technologies.
- 8.59 Set against this policy background in general terms the proposed development, which secures the ongoing future of a local sawmill with the intention of enabling the expansion of processing of locally grown timber and so reducing transport, is considered to be in line in principle with these objectives, supporting a sustainable timber industry and helping to reduce timber miles.
- 8.60 In more detailed terms the proposals incorporate the use of renewable energy technologies on the buildings through the use of photovoltaic panels. A biomass plant is already operational on site and large areas of planting are proposed all of which should help contribute to a sustainable development. The applicant's indicative decarbonisation strategy also sets out actions to achieve these policy objectives as noted earlier. Further detail on the actions and timing of them can be achieved by appropriate planning conditions. This would also ensure compliance with new Council guidance for implementation of Policy 2.

### **Community Wealth Building (NPF Policy 25)**

8.61 NPF Policy 25 Community Wealth Building sets out that development proposals which contribute to local or regional community wealth building strategies and which are consistent with local economic priorities will be supported explaining that this could include improving community resilience and reducing inequalities, increasing spending within communities, ensuring the use of local supply chains etc. This proposal is indeed consistent with local economic priorities as outlined earlier.

8.62 With regard to the community wealth building guidance on what is expected here, this has only recently been agreed by the Planning and Regulatory Committee with no community wealth building strategy in place at the time of the submission of this application. However it is considered that the proposed development (which will secure local jobs and opportunities) would be able to readily comply with this policy whereby an appropriate planning condition could be attached to secure submission of a satisfactory community wealth building plan as required by the guidance.

### **Waste and Soils (NPF Policies 5 and 12, MLDP Policy PP3)**

8.63 The NPF also recognises the need to minimise waste, with Policy 12 – Zero Waste seeking to encourage, promote and facilitate development that is consistent with the waste hierarchy. Similarly MDLP policy PP3 Infrastructure and Services seeks to implement the waste hierarchy.

8.64 From a construction perspective and as part of any requirement for a Construction Environment Management Plan here, a waste management strategy will be required to ensure construction waste is minimised and that recycling is undertaken. From an operational perspective, (other than waste from the office/staff building which will be collected by commercial operators for recycling etc.) there is no waste as such generated by the operations. All by products of the processes such as bark and chips are used productively locally including at biomass plants and re-processers creating for example chip board and pellets. The development is therefore considered to readily support zero waste objectives.

8.65 Associated with these above objectives to minimise waste NPF Policy 5 – Soils states that development proposals will only be supported where they minimise the amount of disturbance to soils on undeveloped land and is undertaken in a manner that protects soils from damage including compaction and erosion. Whilst the application site does not involve prime agricultural land it is still important to protect soil resources and this should be capable of being readily achieved through a robust soil management plan. In this regard site construction soils should be able to be reused on site following site works/excavations to create the landscaped bunds. Appropriate planning conditions can be attached to this end.

8.66 In these circumstances the proposals are considered to comply with both MDLP and NPF Policy.

### **Design, Siting and Landscape Impacts (NPF policy 14 & MLDP PP1, DP1 & EP5)**

- 8.67 NPF Policy 14 – Design states 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. It also sets out that proposals which are poorly designed and detrimental to the amenity of the area will not be supported.
- 8.68 MDLP Policy PP1 Placemaking seeks to ensure that new development is designed to create successful healthy places that improve people’s wellbeing, safeguard the environment and support economic development, promote character and identity and biodiversity. MDLP Policy DP1 Development Principles sets out the new development will be supported where it meets a number of criteria including ensuring density, scale and character is appropriate to the surrounding area and creates a sense of place and supports the principles of a walkable neighbourhood. DP1 also requires that development does not adversely impact upon neighbouring properties in terms of privacy, daylighting or overbearing loss of amenity. MDLP Policy EP5 Open Space states that all new development must incorporate multi-functional open space of appropriate quality and quantity and provide green infrastructure to connect to wider green/blue networks. It sets out in detail how open space in new development needs to meet the accessibility, quality and quantity standards.
- 8.69 The applicants’ supporting visual appraisal has assessed the landscape and visual impacts, including from a series of viewpoints around site. It concludes that the proposed development will not result in any material adverse effects upon the existing landscape character providing boundary landscape treatments are sensitively designed to interface with the agricultural setting to the north. It notes that the landscape proposals include substantial investment in earth bunds and structural planting which is considered to readily compensate for any loss of hedgerow vegetation. With regard to visual impacts it concludes that there is limited visibility of the development in the surrounding area, and where it is visible impacts are likely to be minor and acceptable with screen planting and bunding providing effective mitigation for any adverse impacts on residential amenity at the closest houses. It is concluded that the substance of residual landscape and visual effects are considered to be minor and acceptable. Their Design and Access Statement also concludes that the development is of an appropriate scale and design, and although of significant scale is simple in terms of design and operation, forming a natural extension to the existing sawmill operations and fitting in with the context of the site.
- 8.70 These conclusions are broadly supported with the layout of the site taking on board pre-application advice to create a good visual setting for the new development which will help to anchor it visually in this rural edge of village landscape. The proposed bunding serves two primary purposes – noise mitigation and creating a visual setting. The proposed planted bunding and rolling profile of the top to the bund seek to achieve a more natural visual effect which over time should help to create a good landscaped setting. Integration of the site with the surroundings has been a key consideration with the proposed landscaping helping to soften and mitigate impacts whilst also creating places for people and nature. Hedging and tree planting is also proposed along the roadside frontage to the B9015. The applicants have also amended the security

fencing which is required around the site to be coloured green with landscaping around it to try and reduce its impact. It is considered that the green colour and proposed bunding will be sufficient to create an acceptable new edge to the north of the settlement of Mosstodloch.

- 8.71 The scale and character of the buildings themselves is dictated by the operational requirements. Importantly they will sit within the context of, and against the backdrop of, the existing sawmill and neighbouring industrial estate when viewed from the north when approaching Mosstodloch, with their positioning designed to site new buildings in the southern part of the site nearest to the existing industrial development here. The materials used are reflective of the design and purpose of the buildings using steel sheeting which helps afford noise insulation. Dark colours are proposed to help the buildings to recede visually in the landscape and the use of timber finishes has been included where possible. Noise mitigation proposals for the intake to the log line and the sawmill itself may involve some additional covered enclosure structures. In the case of the sawmill revised plans have been provided which show the intake (which is located on the eastern gable of the new sawmill) to be a covered extension which has little additional visual impact. Details of any enclosed intake to the log line are required with indicative sketches showing this could be a building located in the western part of the site just north of the sawmill building. This is unlikely to introduce any significant additional visual impacts subject to suitable finishes, such as timber or dark coloured cladding.
- 8.72 With regard to the internal site layout effort, has been made to create multi-purpose open. Space which serves landscape, SUDS and recreational space. These areas may be accessed by the workforce for walking/relaxing at break times via segregated pedestrian routes. The landscape bund proposed and SUDS scheme help to achieve 15% open space across the site while also benefiting biodiversity and minimising impacts on the surroundings. The larger log yard improves safe flow of transport on site with better segregation of transport and pedestrian routes designed into the layout.
- 8.73 The amount of open space provision is considered to comply with MDLP policy EP5 and overall the development is considered to comply with NPF and MDLP policies on siting and design.

#### **Biodiversity, Ecology and Trees (NPF4 Policy 6, MLDP EP1, EP2, EP7)**

- 8.74 NPF Policy 6 – Forestry, Woodland and Trees supports development that enhances, expands and improves woodland and tree cover and sets out that development will not be supported where there is adverse impacts on native woodland and hedgerows of high biodiversity value or identified for protection. Fragmentation of woodland habitats is also not supported. Any woodland removal must deliver significant and clearly defined public benefits with compensatory planting required.
- 8.75 For major developments such as this NPF Policy 3 – Biodiversity has a similar approach to MDLP Policies , but also requires the development to ensure that nature based solutions have been integrated into the development, with any negative effects fully mitigated and significant biodiversity enhancements provided along with consideration of local community benefits of the biodiversity

and/or nature networks.

- 8.76 MDLP Policy DP1: Development Principles sets out that development should conserve and enhance the natural and built environment and cultural resources. This is reinforced by Policy EP1 Natural Heritage Designations which seeks to ensure that development does not have an adverse effect on any Protected Species or upon any wildlife sites or other valuable local habitats. Policy EP2 Biodiversity seeks to ensure that all development proposals promote biodiversity. Policy EP7 Forestry Woodland and Trees sets out that healthy trees should be retained and included within a development proposal with protection plans to be included.
- 8.77 The proposals mainly involve development on agricultural land which ecological surveys have demonstrated is of limited habitat value. Mature trees along the site boundaries are to be retained and protected. Scrub whins/gorse to be removed to facilitate road widening along the B9015 road will be compensated for by the proposed landscaping on and around the site. In this regard the proposed layout includes large areas of landscaping which together with the proposed SUDS pond should serve to enhance biodiversity over time and create habitat corridors/links across the site. An appropriate Biodiversity Plan has also been provided which shows insect and bird boxes to be provided and this plan explains how biodiversity has been embedded into the design, setting out how the planted bunds, SUDS/wetland and grassland will help create new habitats and support biodiversity.
- 8.78 There may be some community benefit in that the workers at the site will be able to access and use these open spaces with footpath links now shown on plan.
- 8.79 In terms of impacts on trees, the proposal requires removal of 0.3ha of woodland to the north west of the site to facilitate road improvements. Policy EP7 part c) states that permanent woodland removal will only be permitted where it would achieve significant and clearly defined public benefits and where removal will not result in unacceptable adverse effects on amenity, landscape, biodiversity, economic or recreational value of the woodland or prejudice woodland management. The woodland removal is required to facilitate road improvements to support road safety and provide suitable access to the expanded sawmill. The expanded sawmill proposal itself will help support the region's timber industry including reducing timber miles, creating new jobs, and supplying sustainable construction materials. It is therefore considered there are clear and significant public benefits. The scale of removal is relatively small and will remove a strip of woodland along the roadside. Removal of this area is unlikely to have an unacceptable adverse impact on amenity, landscape, biodiversity, or upon the economic or recreational value of the woodland. Removal of this area will also not impact on the wider management of the woodland. Compensatory planting equal to the area to be felled is proposed within the south east corner of the site adjacent to the SUDS pond in line with Policy DP7.
- 8.80 In these overall circumstances the proposed development is considered to comply with NPF and MLDP Policy.

## **Environmental Impacts (NPF4, MLDP EP1)**

- 8.81 NPF Policy 4 – Natural Places does not support development which will have an unacceptable impact on the natural environment or which will have a significant effect on European Site designations which include Special Areas of Conservation and Sites of Special Scientific Interest.
- 8.82 Similarly MDLP Policy EP1 Natural Heritage Designations seeks to ensure that development does not have an adverse effect on any Protected Species or upon any wildlife sites or other valuable local habitats. It also seeks to ensure that any development which is likely to have a significant effect on a European Site and which is not directly connected with its conservation management is subject to an appropriate assessment of the implications for its conservation objectives.
- 8.83 These policies apply here because to the far east of the site lies the River Spey which is designated as a Special Area of Conservation (SAC), internationally important for its populations of Atlantic salmon, European otter, freshwater pearl mussel and sea lamprey, all of which are dependent on the quality of the freshwater environment. The Spey is separated from the application site by agricultural fields. However as noted earlier a stormwater discharge pipe is proposed from the site leading eastwards across these fields and terminating around 80 metres from the banks of the River Spey and within the agricultural field where an infiltration trench will then be formed at the end of the discharge pipe. It is therefore necessary to ensure that there are no significant effects on the designated site.
- 8.84 There will be no discharge to the Spey and the discharge pipe and infiltration trench is separated from the Spey by a vegetated bank and agricultural land whereby the proposals are not considered to have any significant effects, as confirmed in the consultation response from Nature Scot. Consequently it is considered that there will be no likely significant effect on any of the interests of the River Spey SAC as a result of the proposed development and therefore an Appropriate Assessment is not required in this case.
- 8.85 There are no other particular natural heritage interests on the site and in these circumstances the proposed development is considered to comply with these policies.

## **Flooding and drainage (NPF Policy 20 & 22 & MLDP DP1)**

- 8.86 NPF Policy 22 – Flood Risk and Water Management creates a presumption against all development at risk from flooding and seeks to ensure that there is no risk of surface water flooding to others and that all rain and surface water is managed through sustainable urban drainage systems (SUDS) with area of impermeable surfaces minimised.
- 8.87 NPF Policy 20 Green and Blue Infrastructure is also of some relevance. This supports development which incorporates new or enhanced blue and/or green infrastructure with proposals for their future management to be included.
- 8.88 Similarly MDLP Policy DP1 requires that acceptable water and drainage

provision is made including the use of sustainable urban drainage systems (SUDS) for the disposal of surface water. This is expanded upon in Policy EP12 Management and Enhancement of the Water Environment and Policy EP13 Foul Drainage which seek to ensure that surface water is managed in a sustainable manner, the development is not at significant risk of flooding and that developments close to settlements should be connected to public sewerage unless there is a compelling reason not to do so.

8.89 In this case the site is not in a flood risk area and the proposed SUDS arrangements are satisfactory to the technical consultee (Flood Risk Management Team) taking on board pre application advice to include wetland areas. The SUDS areas have been incorporated in the landscaping of the site and over time have the potential to offer considerable biodiversity, landscape and habitat benefits. They also provide good biodiversity links across the site as well as offering benefits for employees - for example at break times.

8.90 The drainage arrangements for the office building are unclear at present as to whether it is proposed to connect to the public systems, but an appropriate planning condition can be attached to secure this information should the application be supported.

8.91 In these circumstances it is considered that the development complies with policies.

#### **Developer contributions (NPF policy 18, MLDP PP3)**

8.92 Policy PP3: Infrastructure and Services sets out that contributions will be sought from developers in cases where a development would have a measurable adverse or negative impact upon existing infrastructure, community facilities or amenity. This is echoed in NPF Policy 18 Infrastructure First.

8.93 In this case the only obligation relates to the impact on the transport network as covered in detail in the transport section. This may be secured by legal agreement which the applicant is agreeable to.

#### **Cultural interests (NPF policy 7 & MLDP EP8, and EP10)**

8.94 NPF Policy 7 – Historic Assets and Places notes that where there is potential for non-designated buried archaeological remains to exist below a site, developers should provide evaluation of the site at an early stage. This policy also seeks to ensure that any proposals affecting the setting of a listed building should preserve its character and special interest.

8.95 Policy EP8 Historic Environments seeks to ensure that there is no adverse effect on sites of local archaeological importance or the integrity of their settings. Policy EP10 on listed buildings also applies given that there are a number of listed buildings in the vicinity at Stynie Farmhouse, Speymouth Church and Speymouth Manse - all Category B. This policy seeks to ensure that there is no detrimental effect on the integrity, character or setting of the buildings.

8.96 In this case there is not considered to be any particular impact on the integrity or setting of the listed buildings due to the intervening topography where this is

already mature trees between the application site and the closest listed building at Stynie Farmhouse with further landscaping proposed along this northern site boundary too.

8.97 With regard to cultural heritage, the Regional Archaeologist has requested a planning condition requiring that a Written Scheme of Investigation be undertaken given the potential interest of the wider area here. This can be readily achieved.

8.98 In these circumstances the proposed development is considered to comply with these policies.

## **Conclusion**

The NPF sets out the objective of wanting future places to work for everyone, bringing together environmental, social and economic objectives to achieve sustainable development in order to support the planning and delivery of:

- sustainable places where we reduce emissions, restore and better connect biodiversity;
- liveable places where we can all live better healthier lives;
- productive places where we can have a greener fairer and more inclusive wellbeing economy.

This is similar to MDLP objectives.

The proposed development is considered to perform well on these objectives providing local employment, using natural resources productively, helping to minimise travel and supporting an important primary industry.

It seeks to expand a long established local sawmill securing its sustainable future and creating significant numbers of additional jobs which is welcomed. The design and landscaping of the site will help the new development to sit well in the landscape and it will relate visually to the existing industrial development to the immediate south. The proposed landscaping and bunds will also help to secure the amenity of adjoining residences. The potential for noise impacts has been fully considered by the technical consultee and subject to appropriate planning conditions and implementation of proposed mitigation it is considered that there will not be unacceptable impacts in this regard. The site can be accessed and serviced to the satisfaction of the technical consultees with suggested path improvements having the potential to help improve pedestrian safety.

Overall the proposed development is considered to comply with the policies and objectives of the NPF.

The development also complies fully with the majority of the MDLP policies apart from its location immediately outwith the designated settlement boundary of Mosstodloch whereby it is contrary to Policy EP6 – Settlement Boundaries and Policy DP5 Business and Industry. Consequently it has been advertised as a departure. Departure from policy is considered to be justified as explained earlier in the report due to the clear locational need coupled with the significant economic benefits which will deliver sustainable economic growth and the fact that it is supported by primary policy PP2 Sustainable Economic Growth.



All potential impacts of this proposal on the environment and infrastructure have been fully considered with any potential impacts capable of being mitigated appropriately. Approval is therefore recommended, subject to conditions and a legal agreement to cover developer obligations.

### **REASON(S) FOR DECISION**

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

The proposed development is for an expansion of an existing sawmill which will help to process future volumes of timber from the north east of Scotland, increase production, and number of employees, and help support other businesses/jobs within the supply chain. This aligns with the objectives of the Moray Economic Strategy and the Forestry and Woodland Strategy with a suitable locational justification as required by Policy PP2 provided.

The application is considered to be an acceptable departure from policies EP6 Settlement Boundaries, and DP5 Business and Industry of the Moray Local Development Plan 2020 given the locational justification (relating to the expansion of a long established business and operational requirements of expanding beside the existing site whereby alternative sites are not feasible) and the sustainable economic benefits associated with the proposal. The proposal is in accordance with all other aspects of the Moray Local Development Plan 2020 and National Planning Framework, and there are no material considerations that indicate otherwise.

**Author/Contact  
Officer:**

Katherine Donnachie  
Planning Officer

**Ext:** 01343 563101

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