

Agenda Item	<b>6.5</b>
Report No	<b>PLN-070-22</b>

## HIGHLAND COUNCIL

**Committee:** North Planning Applications Committee  
**Date:** 13 September 2022  
**Report Title:** 22/02261/FUL : Midfearn Distillery Company Limited  
Land 470M North West Of Farmhouse, Easter Fearn, Ardgay  
**Report By:** Area Planning Manager – North

### **Purpose/Executive Summary**

**Description:** Erection and operation of whisky distillery with associated warehousing, bottling facility, tank farm, energy centre, landscaping and associated infrastructure

**Ward:** 04 - East Sutherland and Edderton

**Development category:** Major

**Reason referred to Committee:** Major Development

All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

### **Recommendation**

Members are asked to agree the recommendation to **GRANT** the application as set out in section 11 of the report.

## 1. PROPOSED DEVELOPMENT

1.1 The application comprises: the erection and operation of a distillery with maturation warehousing, bottling facility, tank farm, energy centre, landscaping associated infrastructure. The distillery has been designed with a capacity to produce 1 million litres of alcohol per annum. The development comprises the following main elements:

- distillery building (4,730 sqm gross floor area, over 3 floors, measuring up to 17m in height) housing processing equipment, mash tuns, and stills operating continuously in three 8 hours shifts, as well as reception, shop, toilets, and private guest / client bar, dining area, conference facilities and a viewing tower extending above the roofline to a height of 18.5m, 28m Above Ordnance Datum (AOD);
- bottling facility / initial maturation warehousing building (2,130 sqm gross floor area, measuring 17.5m in height);
- maturation warehousing building 1 (2,220 sqm gross floor area, measuring 17.5 m in height);
- maturation warehousing building 2 (2,220 sqm gross floor area, measuring 17.5 m in height); and
- energy centre (930 sqm gross floor area, measuring 13.5 in height); with tank farm and pump house, with the development's energy needs being met by electricity.

1.2 The footprint of the combined buildings on site would occupy an area measuring around 2.2ha, being around 250m in length by 90m in width. The site would be accessed via upgrading an existing track off the A836 to the south, with hardstanding areas, as well as staff and visitor parking proposed within landscaped grounds. The site access would be bound by the introduction of sections of natural stone walling. Existing roadside woodland to the south and west are proposed to be retained and managed. The site is bound to the north by a hedgerow with the distillery working areas being secured by controlled access gates.

1.3 The distillery would be served by a water off take from the Easter Fearn Burn, located to the east. The surface water drainage pond provided to the west would provide an emergency firefighting water supply. Waste arising from the distilling process would be stored on site before being tankered off site by road ahead of its re-use, with:

- draff co-products being used for energy recovery or use as animal feed; pot ale co-product being used for energy recovery by anaerobic digestion; and
- weak waste waters requiring further offsite treatment ahead of disposal.

Given that this is the case and there is no nearby sewer to connect to, a private treatment plant and soakaway is proposed.

1.4 A separate application for Hazardous Substances Consent is required as the

maturation warehousing would be designed to store in excess of 5,000 tonnes of flammable liquid. The applicant is currently preparing their application for submission.

- 1.5 The initial design proposals had included a Long Sea Outfall (LSO). However this waste water disposal option has been removed and has been replaced with a closed loop system for cooling water. Should the LSO proposal be re-introduced in future, this would be the subject of a separate planning application.
- 1.6 The construction programme is expected to last around 2 years, commencing in late 2022 until 2024.
- 1.7 The applicant served a Proposal of Application Notice on the Planning Authority and the Community Council on 8 November 2021 and held public consultation events on 1 December 2021 and 20 January 2022 seeking the views of the local community. Owing to Covid-19 restrictions, the events were a combination of in person and online with the applicant having issued consultation flyers inviting people to provide feedback and attend the events, with these being distributed to all properties and businesses within at least 2.5km of the site, as well as properties beyond this distance to the north located across the firth. The applicant has provided further information on the outcomes of that consultation within a Pre-Application Consultation Report.
- 1.8 The applicant utilised the Highland Council's Pre-Application Advice Service for Major Developments (20/02383/PREMAJ). The pre-application response outlined that the development may be capable of overall compliance with the Development Plan and could be supported, providing effective mitigation is brought forward which addresses the sensitivity of the site, particularly in terms of its position within the Dornoch Firth National Scenic Area (NSA) demanding careful consideration of the design of the development and assessment of its landscape and visual impacts. Other constraints identified early on included, but were not limited to, the site's potential flood risk, impacts on the adjacent Dornoch Firth and Morrich More Special Area of Conservation (SAC), as well as consideration of other water environment related matters.
- 1.9 The application is supported by an Environmental Impact Assessment Report (EIA Report) containing chapters on: Alternatives and Design Evolution; Project Description; EIA Methodology; Landscape and Visual (LVIA); Cultural Heritage; Water Management and Flooding; Ecology and Ornithology; Ground Conditions; Noise; Access, Traffic and Transport; and Schedule of Mitigation. The application is also accompanied by a Pre-Application Consultation Report, Planning Statement and Design and Access Statement, and a shadow Habitats Regulations Appraisal.
- 1.10 Variations made to the proposed development during the application's determination include minor amendments to the design of the SUDS pond and extent of hardstanding areas to maintain a setback from all watercourses.

## **2. SITE DESCRIPTION**

- 2.1 The site comprises 13ha of undeveloped relatively level arable land on the coastal

plain located between the A836 and the Dornoch Firth at Mid Fearn, situated mid way between Ardgay to the west and Edderton to the east. The site also located close to the B9176 Struie Road's junction with A836. Easter Fearn Farm is situated to the south east and has worked the land to the present day. The ground gently falls from south east to north west with a level change in the order of 8m from around 11m AOD to 3m AOD, with the ground rising to south with the A836 road level being at around 17.5m AOD at the existing track access junction.

- 2.2 To the north lies the remaining area of the arable field, with around half of the existing field to be developed and the remaining area to be retained for agricultural use. The field is bound to the north by the Far North Railway Line between Inverness and Thurso, with the rail line situated on a tree lined / vegetated embankment, beyond which lies coastal grassland, further arable land and the Dornoch Firth.
- 2.3 To the east lies: the Easter Fearn Burn and associated riparian woodland; an area of hardstanding associated with a historic fish farm and now used for the temporary storage of material / agricultural bales; a joint semi-detached cottage 'Cottage adjacent to Easter Fearn Burn' (the nearest noise sensitive property at 175m from the main distillery area); as well as a more distant cottage adjacent to East Fearn Farm (250m from the main distillery area); and the East Fearn Farm House (300m from the main distillery area), with these properties being situated close to and accessed off the A836.
- 2.4 To the south, there is a single standalone sycamore acer tree near the site access, as well as a belt of roadside semi-natural mixed woodland to be retained. To the south of the road lies the steeply sloping deciduous woodland associated with Sturie Wood which is mapped in the ancient woodland inventory as long established of plantation origin (ID 6083), with the B9176 Struie Road (a promoted tourist route) traversing through the woodland rising to the Struie hilltop viewpoint (VP3) which overlooks the site and the wider Dornoch Firth. This is a key design viewpoint for the development.
- 2.5 To the west there is mixed semi-natural woodland within the perimeter of the site, beyond which lies Fearn Lode Lagoon which drains into the Dornoch Firth beyond the rail line embankment, and Fearn Lodge and adjacent cottages (730m from the from the main distillery area).
- 2.6 There are no statutory ecological or cultural heritage designations covering the site. Natural heritage designations within 2km study area, and a 10km study area for avian and / or aquatic migratory species, include:
  - Dornoch Firth and Morrich More SAC, located 20m north;
  - Easter Fearn SSSI, located 1km east;
  - Strath Carnaig and Strath Fleet Moors SPA, located 5km north;
  - Strath Carnaig and Strath Fleet Moors SSSI, located 5km north;
  - River Oykel SAC, 5km north west;
  - Dornoch Firth and Loch Fleet SPA and Ramsar Site, 6km north east;
  - Dornoch Firth SSSI, 8km south east; and
  - Morangie Forest SPA, 8km south east.

- 2.7 The EIA reports the results of a Protected Species Survey with the perimeter of the site having been found to support otter, badger and commuting and foraging bats, as well as having the potential to support a wider range of protected species. A seal survey was also undertaken. Whilst no evidence of seals were recorded at the time of two site visits, it is however considered that seals may occasionally use this section of coastline. Ornithological surveys have also been carried out which found evidence that the site's immediate surrounds over the Dornoch Firth are frequented by red kite, white-tailed eagle, peregrine falcon, osprey, as well as a wide range of overwintering birds, including whooper swan. No wetland, Groundwater Dependent Terrestrial Ecosystems, or peat habitats are present with the site generally being of low ecological value.
- 2.8 Known cultural heritage assets within and immediately adjacent to the site include the railway embankment to the north, and a possible large stone circle within the site to the south (which appears on the Highland Historic Environment Record but is yet to be subject of any investigative archaeological work). In addition to these potential direct impacts, the development also has the potential to affect the setting of surrounding designated heritage assets within a 5km outer study area. Of which, there are 6 heritage assets falling within the development's Zone of Theoretical Visibility (ZTV) including 2 listed buildings: a telephone box (LB49298) and Creich Old Manse and Walled Garden (LB264), as well as 4 Scheduled Monuments: Dun Creich Fort and Castle (SM1856), Dun Alascaig, broch (SM4964), Creich Mains, chambered cairn (SM1805) and Swordale, hut circle (SM1877).
- 2.9 The site falls within the Dornoch Firth NSA, which describes the lower lying areas around the firth:
- 'Interspersed among these hills and plantations are areas of pasture and arable on the lower alluvial lands, with whin and broom a common feature in the hedgerows and on the sandy links of the outer firth. But above all it is the firth itself, with its innumerable bays, sands, flats, shallows and promontories which presents a constantly changing scene as much with the coming and going of the tide as with the changing scene afforded by passage round its shores.'

And describes the Special Qualities of:

- The contrast between the enclosed west and the expansive east;
- Inhabited surrounds within a wilder backdrop of hills and moors;
- A wide diversity of woodland cover;
- A rich variety of alluvial lands, dunes and links;
- The ever-changing firth;
- The tranquillity of an undeveloped coastline; and
- Migdale, a microcosm of the wider Dornoch Firth.

These qualities of the NSA designation give the setting both a high landscape value and a high sensitivity to development. NatureScot's Landscape Character Assessment (LCA) also identifies the site as falling within the Ross and Cromarty Landscape Character Area, and the Rounded Hills and Moorland Slopes Landscape Character Type (LCT 330).

- 2.10 The site is underlain by superficial marine deposits comprising of mainly sand and gravel and silt with the development likely to require piled foundations. The bedrock geology is metaporphic rocks of Precambrian age and no evidence of past contamination has been recorded. The site itself is also not recognised as prime agricultural land.
- 2.11 Based on SEPA's indicative flood mapping, the site is subject to medium likelihood of flooding (0.5% annual probability or 1 in 200 year) and may be at medium to high risk of flooding from the Easter Fearn Burn. The site is also adjacent to the 1 in 200 year coastal flood extent and may be at risk of coastal flooding. As this mapping is indicative only, the proposal has been subject of a Flood Risk Assessment and hydraulic modelling. This concludes that the area within the site to be developed is not at flood risk in the 1 in 200 year event plus climate change, and to allow for a watercourse blockage and rising sea water levels, raised finish floor levels are proposed. The western area of the site is also reported to be at risk of flooding as a result of failure of the Loch Shin Reservoir. The likelihood of occurrence is however low and this does not therefore preclude development.
- 2.12 Recreational interests in the vicinity include: users of the A836 which forms part of the National Cycle Network (NCN) route 1 (represented by landscape and visual assessment viewpoints: VP1, VP2 and VP4); passengers on the Far North Railway Line; users of leisure craft on the Dornoch Firth; users of the B9176 Struie Road (VP3), walkers on Core Path RC12.04 on Struie Hill to the east (VP6); walkers on Core Path SU09.5 at A'Chraigs to the north (VP7); and users of the A949 (VP8).

### **3. PLANNING HISTORY**

- |     |            |  |   |
|-----|------------|--|---|
| 3.1 | 16.07.2020 | 20/02334/SCRE - Request for EIA screening opinion: Erection of distillery maturation warehouse and bottling facilities with associated infrastructure        | EIA Screening Opinion Issued            |
| 3.2 | 08.11.2021 | 21/05261/PAN - Whisky distillery, warehousing buildings, bottling facilities, tank farm, energy centre, long sea outfall and other associated infrastructure | Proposal of Application Notice Received |
| 3.3 | 17.02.2022 | 22/00168/SCOP - Erection of whisky distillery and associated development   | EIA Scoping Decision Issued             |

### **4. PUBLIC PARTICIPATION**

- 4.1 Advertised: Unknown Neighbour, Schedule 3 (Bad Neighbour) and EIA Development  
Date Advertised: 03.06.2022 and 07.06.2022 in the Edinburgh Gazette and the Northern Times

Representation deadline: 07.07.2022

Timeous representations: 3 (2 neutral, 1 objection)

Late representations: None

4.2 Material considerations raised are summarised as follows:

General Comments (neutral):

- a) initial ornithological concerns expressed, however, further to receipt of further information, content that only a small proportion of SPA bird populations are likely to be affected and therefore, a significant effect on site integrity is unlikely. Should disturbance occur, there is sufficient alternative locations for the birds to disperse to; and
- b) welcome the removal of LSO, however, concerns remain with potential to abstract water from the Easter Fearn Burn given that this could reduce the quality of habitat available for fish species and disrupt migration cues, with borehole abstraction being preferred.

Objection:

- c) waste storage, transportation and disposal will be to the detriment of the local area, with the associated tanker trip rates being under reported and this increasing risks associated with staff handling;
- d) water run-off disposal not being adequately accounted for, with SUDS to discharge into the enclosed Fearn Lodge Lagoon holding back any contaminants before this enters the Dornoch Firth and query if a CAR licence has been sought for this;
- e) water requirements not being adequately accounted for with 130m<sup>3</sup> reported to be required with a closed loop system, rather than 400m<sup>3</sup> previously outlined; and
- f) power requirements not being adequately accounted for, with an alternative means of powering the development still being explored and should this change, question if this would be controlled through planning.

4.3 Non-material issues raised are summarised as follows:

- a) procedural query with deviation from the EIA Scoping with the removal of the LSO with the applicant indicating that the LSO will be applied for at a later date as a variation to allow for the gathering of additional information;
- b) concerns with any future LSO proposal, due to potential impact on the Dornoch Firth and Morrich More SAC and the wider marine environment; and
- c) lack of details where the national grid electricity connection will be and what form this may take.

4.4 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet [www.wam.highland.gov.uk/wam](http://www.wam.highland.gov.uk/wam).

## 5. CONSULTATIONS

- 5.1 **Edderton Community Council** do not object to the application. It unanimously supports the proposed development and regard it to be an important development within their community, providing much needed employment. It has asked the developer's representative to ensure local job opportunities are provided in the construction and production phases. Environmental concerns raised by a community resident have been carefully considered and it is the view of the community council that such matters will be investigated and controlled by the regulatory bodies such as SEPA and NatureScot.
- 5.2 **Access Panel (Sutherland)** did not respond to the consultation.
- 5.3 **Contaminated Land Officer** does not object to the application. She confirms that a contaminated land planning condition is not required.
- 5.4 **Development Plans Team** do not object to the application. It advises that the development proposal can be supported and is capable of being in accordance with the development plan. This is subject to the satisfaction of other consultees that all of the other environmental development plan policies can be met. Pertinent policies include HwLDP Policies: 36 Wider Countryside; 41 Business and Industrial Land; 51 Trees and Development; and 57 Natural, Built and Cultural Heritage. It advised that developer contribution requirements may potentially include: transport and active travel; enhancement of the green network; water and waste connections to the public sewer; and public art / realm with a preference for this to be incorporated within the development's boundary treatments and landscaping.
- 5.5 **Environmental Health Officer** does not object to the application. They advise that construction noise is controlled under Section 60 of the Control of Pollution Act 1974. Details of private water supplies, including pipework, which may be adversely affected by the development are requested, together with associated mitigation measures, with an onsite survey being required. A dust suppression scheme for during construction including traffic movements is required. Any external lighting is to be conditioned. Operational noise is also to be conditioned with levels not to exceed NR20 when measured at any noise sensitive premises.
- 5.6 **Flood Risk Management Team** do not object to the application. It highlights that SEPA's indicative flood mapping shows part of the site is subject to medium to high risk of flooding and that the applicant has provided an acceptable Flood Risk Assessment (FRA). To ensure that coastal flood risk remains low, it specifies minimum site levels and finished floor levels, well as no development within the flood plain, including the bank discharge route, and within a 6m buffer of the Easter Fearn Burn. With regard to drainage, given the presence of the adjacent lagoon, the SUDS pond and controlled discharge proposals to are welcomed. It also has no objection to the foul drainage proposals. It also notes that the shape of the SUDS pond has been amended, with the applicant confirming that the volume of storage proposed has not been altered.
- 5.7 **Forestry Officer** does not object to the application. Proposal avoids the loss of woodland and provides excellent landscape treatment for the site, incorporating



additional planting which will improve biodiversity, habitat connectivity and reduce visual impacts. Conditions are sought to provide a tree protection plan and arboricultural method statement, as well as a detailed landscape specification and maintenance schedule, with supervision to oversee implementation.

- 5.8 **Historic Environment Team (Archaeology)** do not object to the application. The EIA recommends that mitigation is restricted to a single site that may be the former location of a putative stone circle. This area must be subject of evaluation and a condition is advised to secure a programme of archaeology work for the survey, evaluation, preservation and recording, with valuation trenching be carried out across the total development area, represent a 7% sample.
- 5.9 **Transport Planning Team** do not object to the application. It confirms that speed surveys have been undertaken with 9m x 215m visibility splays being proposed with the applicant having confirmed that they have control of the land to maintain these. The initial proposal was to lower the northern parapet of the nearby A836 road bridge over the Easter Fearn Burn, however, this is not supported by the Roads Authority with any reduction in height and replacement requiring new anchorages which is not favoured unless absolutely necessary. No concerns are raised with the reported level of traffic generation during construction and operation of the distillery. Given the location of the site, walking to work or use of public transport is not expected. There are no formal bus stops close to the site, however, as indicated by Traveline Scotland, local bus services can stop informally at the nearby bridge over Easter Fearn Burn. The quantum of parking provision is confirmed to be acceptable, subject to the provision of 2 secure covered cycle parking spaces. A Construction Traffic Management Plan (CTMP) is also advised, with this to specify that there should be no use of the B9176 Struie Road by HGV traffic.
- 5.10 **Health and Safety Executive (HSE) Hazardous Substances Consent** do not object to the application. It confirms that the proposed development does not lie within the Consultation Zone of any of the major hazard sites or major accident hazard pipelines considered by HSE. It advises that consent under the Planning (Hazardous Substances) (Scotland) Act 1997 is required for the storage of 50 tonnes for P5b Flammable Liquids and 5,000 tonnes for P5c Flammable Liquids.
- 5.11 **Historic Environment Scotland** do not object to the application. Although the scheduled monuments SM1856 Dun Creich and SM4964 Dun Alascaig lay within the vicinity of the proposals, they do not consider that there is the potential for significant impacts on these heritage assets. They welcome that these impacts have been assessed within the EIA Report and remain content that the proposals will not raise issues of national importance.
- 5.12 **NatureScot** do not object to the application. Conditions are required to mitigate impacts on the Dornoch Firth and Morrich More SAC, as well as on the Dornoch Firth and Loch Fleet SPA and Ramsar Site. The status of these sites mean that the requirements of the Conservation (Natural Habitats and c.) Regulations 1994 as amended (the "Habitats Regulations") apply. Consequently, THC are required to consider the effect of the proposal on the SAC and SPA before it can be consented (commonly known as Habitats Regulations Appraisal). It advises that the proposal is likely to have a significant effect on otter linked to this SAC, and

osprey, wigeon and teal waterfowl, linked to the SPA and Ramsar Site. By way of mitigation, an otter Species Protection Plan (SPP) and an osprey SPP is advised to be secured in order to protect the integrity of these designated sites. There is also adequate alternative coastal habitats available to support any displaced wigeon and teal and no likely significant effects are predicted for any other waterfowl. No likely significant effects are also predicted in relation to harbour seal and marine habitats, and in relation to the River Oykel SAC, no likely significant effects are predicted for Atlantic salmon or freshwater pearl mussel. They are pleased that the applicant has acted upon their pre-application advice within their scoping response. The removal of the long sea outfall pipe into the Dornoch Firth goes a significant way to reduce the environmental impacts of this proposal.

In terms of landscape impacts, the proposal will not have an adverse effect on the integrity of the Dornoch Firth NSA, or the objectives of the designation. Although this large scale development that will draw the eye, it will not significantly alter the quality or character of expansive views within the NSA. With time, planting will reduce effects further. At night, new lighting associated with the proposed development would be noticeable and introduced in a specific area that is currently unlit. However, lighting mitigation alongside the maturing planting will reduce impacts. External lighting is considered in context to that already existing within the adjacent alluvial lands, from existing agricultural building roads, railways and coastal settlements. It has been demonstrated that the LVIA has played an important role in 'mitigation by design'. It is evident that landscape and visual considerations have helped to inform decisions on site layout, architectural design and landscape planting, all to reduce the potential for significant effects. These measures enable the proposed development to respond positively to the landscape and visual context.

5.13 **Network Rail** do not object to the application. It has no further comment.

5.14 **Scottish Environment Protection Agency (SEPA)** do not object to the application. It is content with the FRA undertaken and on the basis of the amended site layout plan being approved, it withdraws its previous objection subject to conditions that there will be no land rising within the flood extents of a proposed ditch diversion and that any small watercourses or ditches be sensitively re-routed and not be culverted. In relation to drainage, conditions are required in relation to the design of site drainage and for the proposed tanker loading bay to be roofed. A condition is also required for the pollution prevention mitigation measures set out in EIA Table 15.1 to be secured and implemented. It also confirms that the foul drainage to onsite soakaway is acceptable, with its design and position also being subject to the CAR authorisation process.

As the development is designed to be fully electrically powered, with no combustion proposed, this is very much welcomed, with the only fuel to be stored on the site is potentially diesel for refuelling of vehicles. As such SEPA will not directly regulate air emissions, noise or odour from the site, which if thought to be a concern are to be regulated through planning.

It also advises that the finalised water abstraction location and rate will require authorisation from SEPA under the Water Environment (Controlled Activities) Regulations, and a separate Hazardous Substances Consent application will be required.

5.15 **Scottish Water** do not object to the application. It confirms there is no public Scottish Water infrastructure in the vicinity for either water supply or a waste water disposal. Private supply and treatment options are therefore advised.

5.16 **Transport Scotland** do not object to the application. It has no further comment.

## **6. DEVELOPMENT PLAN POLICY**

The following policies are relevant to the assessment of the application

### **Highland Wide Local Development Plan 2012**

- 6.1
- 28 - Sustainable Design
  - 29 - Design Quality & Place-making
  - 30 - Physical Constraints
  - 31 - Developer Contributions
  - 36 - Development in the Wider Countryside
  - 41 - Business and Industrial Land
  - 43 - Tourism
  - 49 - Coastal Development
  - 51 - Trees and Development
  - 52 - Principle of Development in Woodland
  - 55 - Peat and Soils
  - 56 - Travel
  - 57 - Natural, Built and Cultural Heritage
  - 58 - Protected Species
  - 59 - Other Important Species
  - 60 - Other Important Habitats
  - 61 - Landscape
  - 63 - Water Environment
  - 64 - Flood Risk
  - 65 - Waste Water Treatment
  - 66 - Surface Water Drainage
  - 72 - Pollution
  - 73 - Air Quality
  - 77 - Public Access
  - 78 - Long Distance Routes

### **Caithness and Sutherland Local Development Plan (CaSPlan) (2018)**

- 6.2 No development or site specific policies apply.

### **Highland Council Supplementary Guidance**

- 6.3
- Developer Contributions (Nov 2018)
  - Flood Risk and Drainage Impact Assessment (Jan 2013)
  - Green Networks (Jan 2013)
  - Highland Historic Environment Strategy (Jan 2013)
  - Highland's Statutorily Protected Species (Mar 2013)
  - Managing Waste in New Developments (Mar 2013)
  - Physical Constraints (Mar 2013)

- Public Art Strategy (Mar 2013)
- Roads and Transport Guidelines for New Developments (May 2013)
- Standards for Archaeological Work (March 2012)
- Sustainable Design Guide (Jan 2013)
- Trees, Woodlands and Development (Jan 2013)

## **7. OTHER MATERIAL CONSIDERATIONS**

### **Emerging Local Development Plan Policy and Non-Statutory Planning Guidance**

- 7.1 The Highland-wide Local Development Plan is currently under review and is at Main Issues Report stage. It is anticipated the Proposed Plan will be published following publication of secondary legislation and National Planning Framework 4 (NPF4).
- 7.2 In addition, the Council has further advice on delivery of major developments in a number of documents. This includes Construction Environmental Management Process for Large Scale Projects (Aug 2010).

### **Scottish Planning Policy, Other National Guidance and Policy**

- 7.3
- Scottish Planning Policy (The Scottish Government, 2014)
  - National Planning Framework 3 (NPF3) (The Scottish Government, 2014)
  - Consultative draft National Planning Framework 4 (NPF4) (The Scottish Government, 2021)
  - Energy Efficient Scotland Route Map (The Scottish Government, 2018)
  - Historic Environment Policy for Scotland (HEPS, 2019)
  - PAN 1/2011 - Planning and Noise (Mar 2011)
  - PAN 60 – Planning for Natural Heritage (Jan 2008)
  - PAN 61 – Sustainable Drainage Systems (Jul 2001)
  - PAN 68 – Design Statements (Aug 2003)

## **8. PLANNING APPRAISAL**

- 8.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

### **Determining Issues**

- 8.2 This means that the application requires to be assessed against all policies of the Development Plan relevant to the application, all national and local policy guidance and all other material considerations relevant to the application.

### **Planning Considerations**

- 8.3 The key considerations in this case are:
- a) Development Plan and Other Planning Policy;
  - b) Design and Layout

- c) Landscape and Visual Impact
- d) Natural Heritage (including ecology, ornithology, trees and soils)
- e) Water Environment (including flood risk, drainage, abstraction)
- f) Amenity Impacts (including during construction);
- g) Transport and Access
- a) Other Material Considerations

### **Development Plan and Other Planning Policy**

- 8.4 Development plan policy is set out in the Highland-wide Local Development Plan (HwLDP), the Caithness and Sutherland Local Development Plan (CaSPlan) and statutorily adopted supplementary guidance. There are no site specific CaSPlan policies affecting this application site. One of the four CaSPlan Vision Outcomes is employment, promoting a strong, diverse and sustainable economy, with reference being made to the tourist industry combining culture, history, adventure and wildlife. CasPlan para 55 continues by explaining the importance of the tourism sector, with the plan supporting suitable opportunities in more rural and remote locations. The wider area surrounding the Dornoch Firth, including the settlements of Edderton, Ardgay, Lairg, Dornoch and Golspie, are identified in the CaSPlan Spatial Strategy as an 'Area for Coordinated Tourism Connections' where tourism is to be supported and promoted, with this area extending inland from the east coast, with there being opportunities associated with the National Cycle Network, which bypasses the site.
- 8.5 The HwLDP does not contain any distillery specific policies, however, pertinent policies of relevance include:
- HwLDP Policy 41 Business and Industrial Land - Requires in the first instance, that new business developments are located on sites already allocated for such a use and/or are located within existing settlements; and
  - HwLDP Policy 36 Development in the Wider Countryside - Supports development in the countryside on non-allocated sites providing they are acceptable in terms of siting and design, respect the character of the area and are acceptable in terms of environmental constraints.
- 8.6 In relation to HwLDP Policy 41, CaSPlan recognises the nearby settlement boundaries of Ardgay to the west and Edderton to the east, connected by the A836 which bypasses the southern boundary of the site. Small scale business sites are allocated for development in Ardgay and Bonar Bridge, with no notable business/industrial land use allocations in Edderton, with larger, more strategic, business / industry land use allocations in the vicinity being further south off the A9, in the settlements of Tain, Invergordon, Alness and Evanton which are detailed within the Inner Moray Firth Local Development Plan (IMFLDP) (2015).
- 8.7 The larger allocated sites which would be capable of accommodating the development are at least 16km from the proposed site, however these allocations do not meet the specific locational requirements of the development. For business efficiencies, and to meet the direct requirements of the distilling process, there is a clear operational advantage for the development to be located at the site, which may not be met by developing the operation in whole within a nearby settlement. The proposal includes provision for a distillery, with bottling facility and

warehousing which would be capable of storing the initial 3 to 4 years of whisky production. Thereafter, given the extent of physical constraints surrounding the site including flood risk and the site's prominence within the Dornoch Firth NSA, there is limited scope for any future expansion with additional maturation warehouse storage therefore being required offsite.

8.8 The facility would be situated within an attractive setting and receives a degree of support under HwLDP Policy 43 Tourism. Although the facility is not being promoted as a tourist visitor attraction, pre-arranged visits are still being envisaged for clients and for occasional special events, whereby this has the potential to increase visitor's length of stay in the area, promote expenditure and draw visitors to the area.

8.9 Where a development contributes toward sustainable development and the development plan is more than five years old, the concept of a tilted balance in favour of sustainable development applies as set out at Scottish Planning Policy (SPP) Para 33. With that said the policies of the HwLDP are not out-dated and largely accord with SPP. In considering this proposal, the Planning Authority have taken into considerations the principles set out in SPP Para 29. In relation to the most applicable of these principles, the development can be seen both positively and negatively as follows:

- Positives:

- Net economic benefit;
- Good design and the six qualities of successful places;
- Making efficient use of existing capacities of land and infrastructure;
- Supporting the delivery of accessible business;
- Supporting climate change mitigation and adaptation including taking account of flood risk;
- Improving health and well-being by offering opportunities for social interaction;
- Protecting, enhancing and promoting natural heritage, including green infrastructure, and landscape (a degree of disturbance and onsite losses are anticipated, albeit that mitigation is being proposed);
- Reducing waste, facilitating its management and promoting resource recovery;
- Avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality;

- Negatives:

- Protecting, enhancing and promoting access to cultural heritage, including the historic environment (mitigation is however proposed).

8.10 Further advice is provided in SPP in respect of potential impacts on the built and natural environment, as well as the need to protect and enhance Scotland's key

natural resources including landscape, ecology, habitats and biodiversity. The impacts on these resources have been presented within the EIA Report and are considered in more detail within this report. The policies and content of SPP is a material consideration that carries significant weight, but it is for the decision maker to determine the appropriate weight in each case. If there are no significant impacts on valued resources, the development can be supported.

- 8.11 NPF3 identifies that the Scottish Government's economic strategy aims to stimulate economic activity and investment across all communities, with there being opportunities to capitalise on our natural assets to create a competitive advantage. One of Scotland's key employment sectors is food and drink, as well as tourism. Para 2.24 continues by setting out that rural areas support a number of economic sectors, including tourism, food and drink and other primary industries. Growth and investment in these sectors is reliant upon the environmental quality of our countryside, infrastructure, and the sustainable use of natural resources. In this case the development seeks to invest in Scotland's established whisky industry, selecting a site which is of national scenic quality, and seeking to utilise an existing fresh water supply, as well as seeking to be powered by nearby renewable energy sources.
- 8.12 NPF4 will, in due course, supersede SPP and form part of the Development Plan. Draft NPF4 was published in November 2021, and whilst it can be afforded limited weight in the decision making process at present, it contains an overarching Spatial Strategy with a series of action areas. Although the application site falls outwith the proposed 'North and west coastal innovation' action area, this explains that:
- 'Food and drink is a key sector, with aquaculture, distilleries, commercial fishing, and seaweed farming providing a crucial and growing source of employment for many local communities. This sector is of national significance, with whisky generating an estimated £5 billion to the UK economy.'
- 8.13 Draft NPF4 Policy 16 Business and Employment goes on to offer support for business proposals outwith areas identified for those uses in the local development plan, where the nature and scale of the activity will be compatible with the surrounding area and there will be no unacceptable impacts on neighbouring uses and the natural environment. Draft NPF4 Policy 17 also supports proposals for tourist facilities where they contribute to the vitality, sustainability and diversity of the economy.
- 8.14 Overall, the principle of the development in this location is considered to be in accordance with the HwLDP Policies 41 and 43, with the specialist nature of the distillery process, as well as its scenic setting marketing requirements, justifying the development to be located outwith allocated industry / business land or any nearby settlement. This acceptability of siting the development in the proposed location is also subject to overall compliance with HwLDP Policy 36, as well as further policy tests set out within the development plan that must be taken into account in determining this application; in particular matters related to design and layout, as well as the environmental effects of the development.

## Design and Layout

- 8.15 HwLDP 28 Sustainable Design and HwLDP Policy 29 Design Quality and Place requires development to be designed to make a positive contribution to the architectural and visual quality of the area, demonstrating sensitivity and respect towards the local distinctiveness of the landscape. Additionally, the proposal falls to be considered under HwLDP Policy 36 Development in the Wider Countryside, which requires proposals to demonstrate that they have been designed and sited sensitively and respect the character of the area.
- 8.16 The EIA Report and the Design and Access Statement explains the site selection process was driven by a combination of several factors, including but not limited to, land ownership, available land, water and renewable energy supply, road access and the site's setting demanding a high-quality facility which is attractive to visitors.
- 8.17 The positioning of the development has been derived by the developable area outwith the higher flood risk areas of the site, with the buildings also being positioned tight to the woodland as possible to limit visibility of the proposed warehousing from the Struie viewpoint. The orientation of the facility has also been designed east to west to be orientated towards the Struie viewpoint, with the higher area of the site being used for the distillery building, with the ancillary buildings being positioned on slightly lower ground further west.
- 8.18 The composition of the principal two storey distillery building has been designed with a raised podium to conceal the required process equipment. The top of this podium is a steel and glass structure providing transparency to display the stills. The roof layout has been designed to mimic the locally hilly landscape and give identity to the building. The form of the rest of the facility buildings are single storey following a traditional distillery layout, with the sawtooth ridgelines of the main distillery building being continued east to west horizontally across the roof design for the botting, warehousing and energy centre.
- 8.19 The distillery building's form and layout also looks to maximise view out to achieve an exceptional visitor experience. The raised podium glass frontage will enable views out over the railway line embankment spanning the entirety of the Dornoch Firth to the north east and west. The inclusion of an elevated viewing tower will also enhance this experience. The use of expansive glazing does however give rise to a degree of reflection and potential for light spillage. Its northern aspect will however help to minimise solar gain, with the overhanging roof design and use of natural roof ventilation helping to regulate temperature within the building. The proposed development and the distilling process will be fully electric, with no onsite combustion proposed. The proposal is therefore found to accord with HwLDP 28 Sustainable Design.
- 8.20 The selected materials and finishes are intended help blend in with the surroundings, but also to use local materials of stone. The material pallet focuses on delivering exceptionally high-quality finishes for the eastern elevation of the distally building, forming its principal elevation. Here around 50% of the frontage would comprise a natural dry-stone walling, with a high proportion of glazing,



supported by a dark grey curtain wall system, areas of timber screening, with the roof being a dark grey standing seam zinc metal. The same specification is also proposed for its northern elevation fronting the railway and firth, and for its southern elevation fronting the road. The internal western elevation uses more areas of dark grey aluminium at the lower level with much of this be screened by the adjacent distillery buildings.

- 8.21 The bottling plant and warehousing roofs are also to be dark grey standing seam zinc metal to match, with their northern elevation including large areas of white, medium and dark grey aluminium rainscreen cladding which are largely clutter free, with scope for advertising lettering to be added, subject to obtaining separate advertising consent. The internal ancillary building elevations are more functional, with doors and supporting pipe connections contained within the central working areas of the site. The gable ends of the maturation warehousing and their southern elevations are again a mix of medium and dark grey aluminium cladding, with these being recessive to help tie in with the site's woodland backdrop. The energy centre's external elements, including pump house and tank farm, are also well screened and contained within the site.
- 8.22 The design and layout looks to contribute towards local biodiversity by providing native woodland and site boundary hedgerow, with areas of scrub and a mosaic of grassland. Amenity garden areas are proposed surrounding the distillery building's entrance, natural stone paved plaza and areas of proposed visitor parking. The entrance to the site from the A836 would be announced by stone walling and a gateway feature, a characteristic feature of the agricultural landscape along the edge of the firth. Together with native woodland planting, the entrance will positively frame the distillery from the road. The landscaping proposals incorporate the management of the roadside woodland to be retained, as well as further areas of woodland to be planted surrounding the SUDS pond to the west.
- 8.23 Overall, the design and layout of the site should be commended, with the facility's massing having been broken up and the operational areas within the site being concealed. The distillery building is the clear focus of the site and has been designed and sited to ensure that main views are of this building. It will provide a unique and inspirationally designed development which will create a sense of place and identity which will aid the promotion of the food and drink and particularly the whisky sector in the Highlands. Accordingly, the proposal has been found to accord with HwLDP Policies 28, 29 and 36.

### **Landscape and Visual Impact**

- 8.24 The EIA Report considers both landscape and visual impacts of the proposed development, with photomontages provided from a range of viewpoints and produced in accordance with the Council's Visualisation Standards. The Assessment is focused on a study area of 4km, beyond which the development is considered unlikely to result in any adverse effects. Whilst photomontages provide a useful aid in showing the appearance of the proposed development, they are just one tool used by the Planning Authority in the assessment of visual impact.

## Landscape Impact

- 8.25 The site comprises an agricultural field located on the alluvial coastal flats, which lie between Dornoch Firth and the sharply rising wooded slopes associated with Struie Wood. This farmed coastal landscape is fringed by areas of natural heathland and gorse. The topography of the site is broadly consistent with the wider area of coastal plain to the north of the A836 which follows the edge of the firth at the base of the surrounding hill slopes. The A836 is the primary route through the landscape along the edge of the firth, generally marking the interface between the comparatively flat landscape of the coastal plain and the adjoining hills. In this regard, the elevated landscape surrounding the site together with the wooded nature of the coastal fringe, acts to generate a strong degree of enclosure as experienced along the firth. The landscape is lightly settled, with cottages and small clusters of built form occurring intermittently along the edges of the firth. In the more sharply rising landscape associated with the surrounding hills, there are large areas of plantation forestry and heathland, with the upland landscape hosting overhead electricity pylons and wind energy developments.
- 8.26 The site is located within the Dornoch Firth NSA with its pertinent defined special qualities that have potential to be affected by the development being:
- Inhabited surrounds within a wilder backdrop of hills and moors: 'This horizon of wilder hills contrasts markedly with the mosaic of farms and woods on the coastal flats – which comes across as an ordered, long-inhabited land.';
  - A wide diversity of woodland cover: 'The interplay of open ground, trees and woods results in a landscape mosaic of great beauty. In places, dark forests of conifers clothe the hillsides, in others lighter, more rounded, broadleaved woodland reaches the shore. On farmland the fields are often interspersed with small copses or lines of boundary trees, whilst policy plantings adorn the Skibo Estate. This rich variety of vertical form and texture complements the horizontals of the firth itself.'
  - A rich variety of alluvial lands, dunes and links: 'The low ground of the coastal flats shows endless variety and contrast, whether sandy links or well-managed farmland; level saltmarsh or undulating sand dunes; policy woodland or thickets of whin and broom.'
  - The tranquillity of an undeveloped coastline: 'The Dornoch Firth lacks any major ports or industry along its shoreline and possesses a rural ambience of great tranquillity.'
- 8.27 These qualities are moderated by the presence of infrastructure including the road, railway and bridging structures along the coastal strip, but these are also the places from which views of the firth can be appreciated. These qualities of the NSA designation give the setting both a high landscape value and a high sensitivity to development.
- 8.28 NatureScot's Landscape Character Assessment (LCA) also identifies the site as falling within the Ross and Cromarty Landscape Character Area, and the

Rounded Hills and Moorland Slopes Landscape Character Type (LCT 330). Whilst useful in providing an overview of landscape character, the expansive, national scale coverage of the LCA does not entirely reflect the landscape setting and sensitivities relevant to the edge of the firth. It was therefore agreed through EIA Scoping that the special qualities of the NSA offer a more appropriate description of character relevant to the assessment of the proposed development, than those presented in the National LCA.

- 8.29 The Zone of Theoretical Visibility (ZTV) drawing contained within the EIA Report indicates that visibility of the development will be generally contained to a distance of 4km which is due to the rising landforms on both sides of the firth. Greatest visibility will therefore be from the lower lying coastal areas, as well as 'The Struie' pass, which the B9176 follows and is identified as a special quality of this NSA. This is an important and sensitive location where the road begins to leave the confines of the hills at Cadha Mor as it drops into a broad panorama, opening out across the Dornoch Firth NSA. Here, higher ground views of the development can be obtained. On the northern side, visibility is achieved from Dun Creich Fort and sections along the A949, where there are breaks in woodland coverage. Steeper landform to the north of the A949 limits further visibility northwards.
- 8.30 On the southern side, this includes visibility to the west, on the lowland coastal sections of Kincardine, Ardchronie, wester Fearn Point and Wester Fearn Lodge and to the east, on the lowland sections of Eastern Fearn. Visibility is gained from sections along the A836 and the Inverness to Thurso railway line, where there are also breaks in woodland coverage. Again, steeper landforms to the south of the A836 limit further visibility southwards, with the exception of the Struie.
- 8.31 Despite the noticeable scale of the development, the site location at the edge of the alluvial land and steeper wooded landform, combined with the existing and proposed vegetation enhancement, provides strong containment of the development. As such the development has been found not have an adverse effect on the integrity of the Dornoch Firth NSA, or the objectives of the designation. Although the development will draw the eye, it will not significantly alter the quality or character of expansive views within the NSA. As landscape planting matures, this will help to mitigate the landscape and visual effects of the development. Further, a scheme of lighting mitigation can be secured by condition to ensure this is directional and highly controlled.
- 8.32 The applicant's assessment confirms this position, with effects on the special qualities of the NSA being localised and mainly experienced from: sections of the A836 westbound; the railway within 500m to the east of the site; and elevated locations in the landscape to the south east (the Struie viewpoint and Struie Hill), where the development is experienced as part of the wider panorama. Such landscape effects would be greatest during construction and thereafter, are assessed to be moderate (not significant) thereafter, with the high quality of the architecture and landscape planting proposed contributing positively to the areas pleasant, tranquil, rural character, meaning long term effects on the special qualities of the NSA are judged to be positive to neutral, and not significant, with the NSA's integrity and objectives being maintained. The EIA Report's findings are not contested, with the applicant's assessment aligning with the NatureScot

consultation response. The NatureScot response also highlights that it is evident that the landscape and visual considerations have helped to inform the decisions made on site layout, architectural design and landscape planting, all to reduce the potential for adverse landscape and visual effects.

### **Visual Impact**

8.33 Eight Viewpoints (VPs) have been provided to specifically aid in the assessment of visual impact from the aforementioned receptors. These are short range views and the assessment considers visual effects both during the construction phase and thereafter during the operational phase. Of the selected viewpoints, VP7 - A'Chraigs, Spinningdale Core Path SU09.5, has demonstrated to have negligible visibility of the proposed development due to intervening topography and woodland cover. The potential of significant impacts therefore limited to the remaining representative viewpoints.

8.34 A836: VP1 - site entrance, VP2 - eastbound, and VP4 - A836 westbound:

These are all representative of transient views experienced by road users to the south and east of the site at distance of less than 50m out to 1.3km. In close proximity to the site, due to the raised elevation of the road and the absence of intervening vegetation, roadside views are available towards the site and the firth beyond. Here, these transient existing westbound and eastbound coastal views would be interrupted and screened by the proposed development. Whilst the proposed development would result in a change to the existing view, the high-quality architecture and planting would present itself positively. Here, the magnitude of change would be high, leading to a major-moderate (significant) level of effect which post maturity of landscape planting, would be positive for westbound road users (VP1) with this view being towards the principal elevation of the distillery building, and negative for the eastbound road users (VP2) with this view being towards the rear of the maturation warehousing for this short section of the road. Further to the east, at VP4, existing westbound views towards the site are partially screened by the intervening woodland along the Easter Fearn Burn. Here, the upper storey of the development's principal elevation would be visible with its "sawtooth" style roof profile being evident, helping to break up and reduce the overall massing of the development. The scale of the building does not appear out of place, with the magnitude of change being medium to low, and the nature of effect being neutral (not significant). The applicant's assessment findings for users of the A836 are not contested with the development largely being seen as positive addition, adding visual interest.

8.35 Southern hills: VP3 - Struie Hill Viewpoint (B9176) and VP6 - Struie Hill Core Path RC15.04:

These are representative of users of the road and visitors to the Struie layby viewpoint, as well as walkers on Struie Hill to the south and south east of the site at distances of 1.6km and 3km respectively. From VP3, there are clear views over the site with this being the key design viewpoint for the development. Here there are expansive scenic panoramic views to the east and west across the Dornoch Firth, with the development occupying a transition point between the wooded hills which flows down towards the coastal farmland along the firth. The wooded hillside and woodland along the southern boundary within the site helps to screen

visibility of the rear western maturation warehousing, with the highest architectural elements of the distillery being orientated to face the viewer. Upon completion of the development, the development would not be prominent, occupying a low but central position in the view, with the development not unduly detracting from the balance of elements that contribute to the scenic qualities of this view. The magnitude of change is described to be medium to low, leading to moderate to minor positive effects (not significant), and post maturity of landscaping, the lower areas of the development and associated hard standing and parking areas would become less visible. For walkers further east at Struie Hill (VP6), again western views towards the site are expansive, with the development occupying a relatively small proportion of the coastal farmland, with the buildings being located tight to the surrounding woodland, with this cover providing a degree of shadowing. The wooded backdrop and receive colour of the broken roof structure helps to assimilate the development into the landscape, with the magnitude of change, level and nature of effect being positive (not significant), as per VP3. Again, the applicant's assessment findings these receptors to the south are not contested.

8.36 Northern coastline: VP5 - Dun Creich and VP8 - A949 eastbound:

These are representative of walkers at Dun Creich and users of the A949 to the north of the site at distances of 1.5km and 2.5km respectively. From across the water, the elevated Dun Creich fort has a short range view over the site, with the lower areas of the field being partly screened by the railway embankment and perimeter trees and vegetation. From here the entirety of the development would however be visible, albeit that the positioning and recessive colour and form of materials, would help to achieve a subdued presence against the wooded backdrop. The most noticeable element would be the areas of white cladding, which ties in with the white elevations of the farmhouse further to the east. Whilst this is described in the applicant's assessment to be of a comparable scale to the farmhouse, this is contested, as it would be more extensive. Views from this location are however panoramic, with the site not being a main focus of the eastern or western views over the firth. The site landscaping will also help to break up the development's northern frontage, with this boundary to comprise a mix of hedgerow and tree planting, with the tree planting being targeted around and in front of the bottling plant and warehousing. The magnitude of change is described as medium leading to a moderate level of effect which is regarded to be neutral in nature. From further to the north west from gaps in vegetation along the A949 eastbound, at this lower elevation and greater distance, less of the development would be visible, resulting in a medium to low magnitude of change and a minor, but neutral level of effect. Overall, whilst the extent of white cladding increases the prominence of the development in the view, this will over time be mitigated by site landscaping, and therefore, the applicant's assessment findings are not contested for these receptors to the north of the site.

8.37 In terms of visual effects, it is evident that the development would only result in localised significant visual effects, with these being both positive and negative in nature, depending upon road user's direction of travel along the A836 bypassing the site. It has also been evidenced from the EIA Report that the landscape and visual effects have been carefully considered, with the overall quality of the development leading to neutral and positive effects for receptors surrounding the site, including those at the representative viewpoints assessed, as well as for

users of the railway and leisure craft of the Dornoch Firth, with the development having been found to successfully visual integrate with the landscape.

### **Natural Heritage**

- 8.38 The EIA Report has identified and assessed impacts on protected species, ornithology, ecology and designated sites. The site itself does not form part of any statutory or non-statutory designated site for nature conservation. Within a 2km study area, inclusive of other aviation and / or aquatic migratory species which are hydrologically connected to the site, within a wider 10km study area.
- 8.39 The nearest designated site is the Dornoch Firth and Morrich More SAC, located 20m north of the site. The SAC is designated for its habitats which support otter and common seal. Having undertaken protected species surveys, including site visits, and a National Classification Survey (NVC) survey, no habitat qualifying features of the SAC were found within the site boundary. In relation to common seal, no signs of their presence in the locality were found during successive surveys. Whilst otter is using the area, no resting places were found and as a result, the EIA Report considers there to be no likely significant effects on the qualifying interest features of the SAC. Contrary to the applicant's assessment, NatureScot consider that the proposal is likely to have a significant effect on otter linked to this SAC. Consequently, the requirements of the Conservation (Natural Habitats, and c.) Regulations 1994 as amended (the "Habitats Regulations") apply, and the Planning Authority is required to consider the effect of the proposal on the SAC before it can be consented (commonly known as Habitats Regulations Appraisal). This is contained in Appendix 2 of this report and concludes that the proposal would not adversely affect the integrity of this SAC subject to mitigation in the form of an otter Species Protection Plan (SPP), inclusive of camera-trap monitoring.
- 8.40 Similarly, in relation to the Dornoch Firth and Loch Fleet SPA and Ramsar Site, located some 6km from the site, the EIAR Report finds that the development would not result in likely significant impact on any of its qualifying species. This position is however again contested by NatureScot, whom have identified that the proposal is likely to have a significant effect on osprey, wigeon and teal. An appropriate assessment for this site is also provided in Appendix 2, with this concluding that the proposal would not adversely affect the integrity of this site subject to mitigation in the form of an osprey SPP, inclusive of pre-construction surveys combined with appropriate non-disturbance buffer zones. In relation to wigeon and teal, as advised by NatureScot, should these species be displaced from Fearn Lagoon during construction of the distillery, there should be adequate alternative coastal habitats available to support them, meaning that no further mitigation for these species is required.
- 8.41 In relation to all other designated sites within the study area, the development would not give rise to any other likely significant effects on their qualifying habitats or species.
- 8.42 Through ecological survey, this has confirmed that the conditions on the site also support, and has the potential to support, a range of habitats, reflective of the

perimeter of the site comprising woodland and the Easter Fearn Burn. The proposal however looks to set the development back from these areas, with no removal of semi-natural woodland being proposed. Having undertaken a bat survey at the site, the solitary sycamore tree on site has bat roosting potential, but bat emergence and re-entry surveys have confirmed no effects on roosting bats. The surrounding woodland is however used by foraging bats, badger and birds, and therefore construction impacts require to be mitigated through controlled site lighting and undertaking further pre-construction monitoring to be undertaken by an independent Ecological Clerk of Works (ECoW) to oversee site construction and undertake compliance monitoring with the Construction Environmental Management Document (CEMD), including pollution prevention measures. This can be secured by condition.

- 8.43 In relation to trees, while no arboricultural information has been submitted in support of the application, the site layout has clearly been influenced by tree constraints. The proposals comply with HwLDP Policy 52 by avoiding the loss of woodland, and also provide enrichment planting to consolidate the existing resource, particularly beside the proposed access and along the Easter Fearn Burn. Although limited areas of vegetation removal would be required to maintain site access junction visibility splays, beyond these splays, the planting proposals would reinforce the existing screening along the A836 with native woodland and hedge planting which improve biodiversity and habitat connectivity around the site. If successfully implemented, landscape proposals will also reduce the visual impact of the proposed development. The Landscape Masterplan for the site and the more detailed landscape layout drawings provide an excellent landscape treatment for the site. A planting and maintenance schedule is also required. A Tree Protection Plan and Arboricultural Method Statement is also required to ensure that existing trees and woodland are not damaged during construction. Arboricultural supervision will also be required for the implementation of tree protection measures, landscaping and ongoing maintenance, all of which can be secured by condition.
- 8.44 In terms of the quality of the agricultural soil resource on site, whilst productive, it is not recognised as prime agricultural land. Land capability mapping identifies the soils on site to be Class 3.2. Whilst this has capability of growing a wide range of crops, it is not regarded as prime (being Class 1, 2 or 3.1) in the land capability classification for agriculture developed by Macaulay Land Use Research Institute (now the James Hutton Institute). On this basis there is no presumption in favour of the protection of soils given in SPP.
- 8.45 Overall, it is recognised that there will be limited impacts on natural heritage as a result of the proposed development and workable mitigation measures can be put in place to minimise environmental effects, with the management of existing onsite woodland, plus additional tree and hedgerow planting being beneficial to the biodiversity value of the site.

### **Water Environment**

- 8.46 The EIA Report provides a Flood Risk Assessment (FRA) and Drainage Impact Assessment (DIA). Both SEPA and the Council's Flood Risk Management Team are content with the FRA findings. With the incorporation of the FRA's specified

site levels and building finish floor levels, the proposed site infrastructure is not considered to be at risk of flooding.

- 8.47 Conditions are required to secure the FRA's findings. Specifically, no land rising is to take place within the areas of the site that are subject to flood risk, including the bank discharge route, of the Easter Fearn Burn to the east and north, as well as the flood extents of a small field ditch diversion to the south of the site. Any small watercourses or ditches encountered are also to be sensitively re-routed and not be culverted. Additionally, no significant development is to take place below 4.42m AOD, with finished floor levels being 600mm above this level at 5.02m AOD. A 6m riparian buffer setback from the bank of the Easter Fearn Burn is also to be secured. The proposals demonstrate that this can all be complied with. A further observation is that the proposed site levels appear to achieve a 150mm freeboard between the finished floor levels and existing ground levels, with the FRA recommending 300mm to 600mm above existing ground levels. This is however a commercial risk albeit that the applicant is advised to follow the FRA's recommendations.
- 8.48 The drainage proposals are also to the Council's Flood Risk Management Team's satisfaction, with sufficient attenuation having been provided. SEPA also require that the SUDS scheme be designed to meet the treatment requirements of The CIRIA SUDS Manual. They also require the proposed tanker loading bay to be roofed, and for drainage from the underground containment tank to be recovered and reused/recycled, or otherwise disposed off-site, rather than discharged to the lagoon. SEPA have also expressing a preference for no overflow pipe from the underground storage tank but, if deemed necessary, it should have a shut-off valve which should be closed when the bay is in use. These matters can be conditioned.
- 8.49 A Construction Environmental Management Document (CEMD) will also be in place to ensure that potential sources of pollution on site can be effectively managed throughout construction and in turn during operation. The CEMD needs to specify that the pollution prevention mitigation measures set out in EIA Table 15.1 will be implemented, and this can be secured by condition.
- 8.50 In relation to water abstraction, a closed cooling loop system is now being proposed, which reduced the overall water requirement from 400m<sup>3</sup> to around 130m<sup>3</sup> per day. It also reduces the residual amount of wastewater discharge from site with all of this to be stored on site and removed by tanker 3 to 4 times per week. SEPA are supportive of this approach. The source of abstraction is yet to be confirmed with three potential points from the Easter Fearn Burn and a borehole abstraction being considered, with borehole studies currently ongoing. The abstraction location and rate will require authorisation from SEPA under the Water Environment (Controlled Activities) Regulations (often referred to as CAR). At this stage SEPA cannot give a view on whether the proposals are capable of being authorised, which is at the developers own risk should an alternative proposal needs to be pursued.
- 8.51 Regardless of water abstraction point and rate being regulated by SEPA, the finalised proposal requires to consider any impacts upon local Private Water



Supplies (PWS), including pipework. A preliminary study has been undertaken with no known PWS being identified within the catchment of the Easter Fearn Burn. Further site investigation work is however still required to ensure that the potential existence of any supplies are identified and protected. This can be conditioned.

- 8.52 The point of discharge from the SUDS pond into the neighbouring lagoon will not require CAR licencing and will be authorised under CAR General Binding Rules. This is due to SUDS discharges being designed to be low risk, with no further water quality monitoring of the SUDS discharge being required by SEPA. The proposed SUDS design however incorporates an underground containment tank for the tanker loading bay area where there is greatest potential for oil leaks and spillages, with this tank requiring regular ongoing water monitoring by the site operator, to ensure this tank captures all spills prior to discharge. SEPA have also confirmed that the foul drainage to onsite soakaway is acceptable, with its design and position being subject to the CAR authorisation process.
- 8.53 As with other recently proposed industrial developments, the Planning Authority consider that an operational water quality monitoring plan should be provided, with water quality monitoring to be undertaken 1 year post operation of the development, and at 5 yearly intervals thereafter, with this to be set out within an operational management plan for the site. This can be conditioned. With the incorporation of the proposed mitigation measures, potential impacts on the water environment can be effectively managed and the EIA Report's findings are agreed, that there will be no likely significant residual environmental effects on the water environment during construction and operation of the development.

### **Amenity Impacts**

- 8.54 The construction programme is expected to last around 2 years, commencing in late 2022 until 2024. Construction activities audible at the site boundary would be undertaken between 8.00am and 19:00pm on Monday to Friday and on Saturday between 8:00am and 13.00pm with no work on Sundays or bank holidays. Construction out with these hours are likely to include electrical and mechanical fit out. Any variation to these working hours (audible works) would be agreed in advance with the Planning Authority.
- 8.55 The project anticipates the deployment of a Construction Environmental Management Document (CEMD) in association with the successful contractor engaged. This should include a site-specific environmental management procedures which can be finalised and agreed through appropriate planning conditions with the Planning Authority and relevant statutory consultees. Such submissions are expected to be "plan based" highlighting the measures being deployed to safeguard specific local environmental resources and not simply restate best practice manuals.
- 8.56 In addition to the requirement for submission and agreement on a CEMD, the Council will require the applicant to enter into a legal agreement and provide financial bond with regard to its use of the local road network (a Section 96 Wear and Tear Agreement). In this manner the site can be best protected from the impacts of construction, with the extent of the agreement anticipated to cover the

stretch of road in the immediate vicinity of the site access. Timing of deliveries (HGV's and abnormal loads) shall also be agreed through a Construction Traffic Management Plan (CTMP) with construction traffic avoiding school travel times and identified large community events.

- 8.57 Developers also have to comply with reasonable operational practices with regard to construction noise so as not to cause nuisance. Section 60 of the Control of Pollution Act 1974 sets restrictions in terms of hours of operation, plant and equipment used and noise levels etc. and is enforceable via Environmental Health.
- 8.58 As the development is designed to be fully electrically powered, with no combustion proposed, this is very much welcomed by SEPA, with the only fuel to be stored on the site is potentially diesel for refuelling of vehicles. As such SEPA will not directly regulate noise, or air emissions / odour from the site, which if thought to be a concern are to be regulated through planning.
- 8.59 With regard to operational noise, the EIA Report includes a noise assessment which explains that given the 24-hour operation of the distillery, the greatest potential impacts would arise during the night time period, when background noise levels are lowest. The operation of the distillery has been reported to give rise to a slight increase in noise levels, by up to 3dB at the closes noise sensitive receptors, with the resultant impact being low and not significant.
- 8.60 To ensure that operational noise remains at an acceptable level, a condition can be imposed to specify that all plant, machinery and equipment associated with ventilation, air-conditioning, heating and refrigeration services or similar and including fans, ducting and external openings shall be so installed, maintained and operated such that any associated operating noise does not exceed NR 20 when measured or calculated within any noise sensitive premises with windows open for ventilation purposes.
- 8.61 In terms of air quality, a CEMD is to make provision for the provision of a dust suppression scheme for during construction, including traffic movements. This can be conditioned. In terms of operational air quality and the potential for odour impacts to arise, the prevailing wind is southwest, away from any nearby residential receptors, the closes of which are located to the east and south east (the cottage adjacent Eastern Fearn Burn, East Fearn Farmhouse and the cottage adjacent Eastern Fearn Farm) all of which are reported in the EIA Report to be financially involved with the development, i.e. tenanted, with these properties remaining under the applicant's ownership and control. Given that the facility will be fully electric with no combustion, no air quality concerns have been raised by SEPA, or by Environmental Health. It is therefore recommended that an air quality and odour impact assessment be undertaken only in the event of receipt of any complaint arising during the operation of the distillery, with further mitigation to be introduced in the event that existing neighbouring amenity is found to be detrimentally affected. This can be conditioned.

- 8.62 In terms of the potential for other amenity impacts, the applicant is aware that black mould on surrounding trees and buildings is considered by some to be associated with distilleries, although there is no conclusive evidence. In this respect, it is acknowledged that the proposed distillery will be sited some distance from properties not associated with the distillery and / or landowner, and in the event that such an issue arises, this is a civil matter between the parties. Accordingly, there is no reasonable requirement to further assess these potential implications.

### **Transport and Access**

- 8.63 The applicant has highlighted the expected impact of this development, particularly through the construction phase. The Transport Statement included within the EIA Report explains that during the peak of the development's 2 year construction programme, around 20 HGVs and 20 cars per day, all of which would access the site via the A836 to the south. The applicant has identified several potential local sources of aggregate and stone building materials from quarries in the surrounding area, however, the exact source of all construction materials are yet to be confirmed.
- 8.64 During the operation of the distillery, the development would be manned at all times, with 12 staff working an 8-hour shift pattern, resulting in a maximum of 12 staff vehicle movements across the AM and PM peak periods. When accounting for 6 HGV service vehicles, inclusive of product exportation as well as waste and wastewater disposal via tanker, the operational peak hour trip rate increase to a maximum of 18 vehicle movements. In addition, the facility will also be visited by up to 12 members of the public per day on special occasions / by invitation with 5 visitor car parking spaces being proposed.
- 8.65 The applicant's assessment has found that the construction and operational phases would not generate any significant impacts on the local road network and neither Transport Planning nor Transport Scotland have any outstanding objections. The site is well served by the A836 and providing that the existing site access is upgraded to an appropriate standard, with the provision of visibility splays measuring 215m x 9m, impacts on the local road network can be appropriately managed, with a CTMP to be prepared and agreed once a principal contractor has been appointed.
- 8.66 In order to achieve the proposed visibility splays, the applicant had proposed to lower the height of the existing northern metal framed parapet on the Easter Fearn Burn bridge, located within the eastern visibility splay. Transport Planning however initially objected to this proposal on road safety grounds. Through the speed survey work undertaken, this identified that prevailing 85<sup>th</sup> percentile speeds at the site access westbound are 61.7mph. The applicant therefore provided additional clarification which confirms that should the bridge parapet remain unaltered, this would result in a break in the eastbound splay for a period of 0.91 of a second.
- 8.67 This would however only be experienced for cars exiting the site turning right towards Ardgay / Bonar-Bridge, with visibility for exiting HGVs not being affected

due to the height of the driver's elevated position in the vehicle cabin. At present, the existing site access slopes down very quickly into the site. The proposed upgraded junction's level will therefore be raised and designed with a maximum gradient of 2.5% for the first 15m, which will make the road level to be approximately 0.8m higher than the exiting vehicle at 15m set back from road edge. Given that drivers turning right will have time upon approaching the junction to identify any oncoming vehicle beyond the bridge parapet, and the brevity of the break in visibility caused by the bridge parapet of less than 1 second, the applicant's assessment deems the risk of an accident to be minimal. Upon reviewing the additional clarification provided, Transport Planning confirmed that they have no objection, subject to the applicant demonstrating that it has control of the land necessary to provide and maintain the identified visibility splays. This has since been confirmed with the splays being under the control of the applicant as well as the Secretary of State for Scotland, or the Council, and the maintenance of the splays can therefore be conditioned.

- 8.68 In order to ensure that there is no further intensification of vehicle movements at the site access beyond those which have been subject to assessment within the EIA Report, a restriction on parking provision can be conditioned. Therefore any future proposal would need to demonstrate that the volume of trip generation remained appropriate, and can be re-assessed at a future point in time, taking into account the condition of the road, parking provision and up to date traffic accident data since the operation of the distillery.
- 8.69 A total of 21 car parking spaces are proposed, of which 5 would be visitor spaces. This is sufficient, with a condition requiring the provision 3 disabled spaces, and 2 electric vehicle charging spaces, as well the provision of a secure and covered cycle parking area for 2 bikes. Given the location of the site, walking to work, or traveling by public transport, is not anticipated. The A836 does however form part of the on-road National Cycle Network Route 1 and may offer cycle to work opportunities from nearby settlements for proficient cyclists. As such, 10 covered cycle parking provision is recommended to be increased to accommodate 10 bikes which can be conditioned. As the site would not open for general visiting members of the public, no specific provision has been made for coach or mini-bus parking, or for any overflow parking. Any such provision would require an amended site layout and would be subject to a further planning application.
- 8.70 The site, like most land in Scotland, is subject to the provisions of the Land Reform (Scotland) Act 2003. Whilst there are no recognised recreational routes which run through or immediately around the site, the perimeter areas of the agricultural field are used informally, with existing field gates enabling access from the site entrance though to the wester lagoon. There will be a need to restrict access to the site during construction works and thereafter, the distillery, rather than the perimeter of the site, will have security fencing. Conditions are to be imposed to ensure all agricultural field gates remain unlocked or for pedestrian gates, suitable for use by walkers, cyclists and horse riders to be provided.

### **Other Material Considerations**

- 8.71 Other material considerations include economic benefits, cultural heritage

impacts, and other infrastructure requirements.

- 8.72 The development would give rise to socio-economic benefits for the local area and would make a positive contribution to the Highland's tourism industry. The EIA Report identified that the development represents an investment in the order of £39 million. When accounting for direct, as well as indirect and induced employment, the construction of the development is reported to result in generation of 43 FTEs. Thereafter, during the operational period a total of 44 FTEs would be created, with 20 of these positions to be on site; 10 in the distilling process, 6 in bottling and 4 in hospitality and support functions. Overall, the development is reported to result in a total of 87 FTEs.
- 8.73 The cultural heritage impacts of the development have been assessed, with the site not being located within any conservation area, not containing any scheduled monuments or listed buildings, and not being close to any inventoried historic gardens or battlefields. The EIA Report has assessed development's potentially to affect the setting of all surrounding listings and scheduled monuments, with no significant adverse impacts having been identified. These findings are accepted and with neither Historic Environment Scotland nor the Council's Historic Environment Team raising any concerns.
- 8.74 In terms of direct impacts, there is potential for archaeology to be encountered on site with a major (significant) negative impact likely to occur to a possible, but unconfirmed, prehistoric site within the southern area of the site. This impact can be mitigated by archaeological evaluation trenching and, if confirmed to be an asset of archaeological significance, changes to landscaping design to avoid additional disturbance to the asset could be made, with the development enabling the asset to be characterised, and if necessary, protected from future disturbance. A programme of archaeology work can therefore be conditioned.
- 8.75 The assessment has not identified any deficiencies in terms of service provision or infrastructure, with access improvements, green infrastructure provision, as well as water and waste treatment proposed on site. Public art provision is however required, incorporating areas of public realm within the landscaped grounds, as well as new visitor interpretation boards at the Struie viewpoint, with the previous boards at the time of writing having been removed / damaged. This can be secured by condition.

### **Non-Material Considerations**

- 8.76 The removal of the LSO and deviating from the EIA Scoping Report is acceptable. The EIA Scoping exercise is not a mandatory part of the planning and EIA process. Should a LSO be proposed in future, that proposal would require separate planning application and assessment regarding impact on marine ecology. The removal of the LSO from the application proposal is in direct response to comments from stakeholders and this change ahead of the application's submission is a legitimate part of the pre-application process. There is no prejudice from this change and no reason to not determine or to unfavourably determine the application. NatureScot's consultation response welcomes this approach.

- 8.77 In relation to the likely form and location of the national grid electricity connection, whilst encouraged to do so, applicants are not required to provide this detail with any future connection or upgrade being subject to a separate consenting process, with certain electricity connections benefiting from permitted development rights. In this case, the applicant has explained that the detailed design for the site's connection is ongoing, however the proposed development allows for electric boilers and a total variable demand of less than 8MW. As described in the EIA Report, electricity is anticipated to be supplied by private connection to the Easter Fearn Hydroelectric scheme, and supplementary grid connection and electrical supply from a Power Purchase Agreement from renewable energy sources.

### **Matters to be Secured by Section 75 Legal Agreement**

- 8.78 None. A Section 96 wear and tear agreement is however required, with this to be secured via the CTMP condition.

## **9. CONCLUSION**

- 9.1 The Scottish Government and the Council each have policies which support economic growth, with the development being found to contribute towards Highland's tourism and food and drink industries. The rural location for the proposed distillery is logical as it looks to make use of natural resources with the site being in close proximity to a viable water supply and renewable energy sources. It also looks to capitalise on the site's outstanding coastal positioning within the Dornoch Firth National Scenic Area, with the facility providing a unique visitor experience.
- 9.2 The proposal has benefited from utilising the Council's major pre-application service. This has resulted in more sensitive site layout, with principal building frontages being of a high architectural quality which are fit to be seen, and the development as a whole contributing positively to its surrounding landscape character.
- 9.3 The application has been assessed against the policies set out in the Development Plan, principally HwLDP Policy 28 and those listed in Section 6 above, with the development having been found not to have an unacceptable significant impact on the environment overall. Given the above analysis, the application has been found to accord with the Development Plan. Scottish Planning Policy aims to achieve the right development in the right place. It is considered that, subject to the conditions proposed, this development meets with this aim.
- 9.4 The Council is also satisfied that environmental effects of this development can be addressed by way of mitigation and through subsequent consenting processes, including CAR licensing and through a Hazardous Substances Consent application. The Council has also incorporated the requirement for a schedule of mitigation within the conditions of this permission, with monitoring of construction and operational compliance to be secured through Conditions 3, 5, 6, 7, 9, 12, 13, 14, 15 and 16 that secure environmental mitigation and monitoring of this permission.

9.5 All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

## 10. IMPLICATIONS

10.1 Resource: Not applicable

10.2 Legal: Not applicable

10.3 Community (Equality, Poverty and Rural): Not applicable

10.4 Climate Change/Carbon Clever: Not applicable

10.5 Risk: Not applicable

10.6 Gaelic: Not applicable

## 11. RECOMMENDATION

### Action required before decision issued

Notification to Scottish Ministers      N

Conclusion of Section 75  
Obligation      N

Revocation of previous permission      N

It is recommended that planning permission be **GRANTED** subject to the following:

### CONDITIONS AND REASONS

#### 1. Accordance with the Provisions of the Application

The development shall be constructed and operated in accordance with the provisions of the Application, the Environmental Impact Assessment Report (EIA Report), including Proposed Site Plan, Dwg No. EC22481:00:101, Rev B, except in so far as amended by the terms of this consent.

**Reason:** To identify the extent and terms of the development consent.

#### 2. Elevation Details

a) No development shall commence until full details of the proposed distillery buildings and ancillary infrastructure hereby permitted, have been submitted to, and approved in writing by the Planning Authority. These details shall include:

i) The external materials, colours and finishes of all buildings, external plant or equipment and site boundary treatments, with a non-reflective, semi-matte finish to be specified throughout; and

- ii) Any variation to the fenestration, doors or any window and ventilation specifications or dimensions set out on the application drawings.
- b) No element of the development shall have any text, sign or logo displayed on any external surface of the facility, save those required by the applicant's safety systems and law under other legislation, unless otherwise permitted through an application made for advertising consent; and
- c) Thereafter, the facility shall be installed in accordance with these approved details and, with reference to part (a) above, the facility shall be maintained in the approved colour, free from rust, staining or discolouration.

**Reason:** In the interest of visual amenity and residential amenity.

### 3. **Lighting**

No development shall commence until details of any external lighting, or any externally visible internal building lighting, are submitted to and approved in writing with the Planning Authority. Such details shall include full details of the location, type, angle of direction and wattage of each light which shall be so positioned and angled to prevent any direct illumination, glare or light spillage outwith the site boundary. Thereafter, the lighting shall be constructed and maintained in accordance with the approved details.

**Reason:** In the interests of visual amenity, to minimise light pollution and to ensure the development does not have an adverse impact on nocturnal animals.

### 4. **Public Art**

No development shall commence until a scheme for the inclusion of public art has been submitted to and approved in writing with the Planning Authority. The scheme shall include:

- a) Detailed design and location of public art provision;
- b) The management and maintenance of public art provision; and
- c) A timescale for implementation.

Thereafter, the approved scheme shall be implemented in accordance with the timescales contained in the approved scheme and maintained throughout the lifetime of the development.

**Reason:** In the interests of visual amenity and to comply with the Council's Public Art Strategy and Developer Contributions Supplementary Guidance.

### 5. **Construction Environment Management Document**

No development shall commence until a Construction Environment Management Document (CEMD) has been submitted to and approved in writing by the Planning Authority, in consultation with SEPA, Environmental Health and other appropriate consultees as appropriate. The development shall then proceed in accordance with the approved CEMD unless otherwise agreed in writing by the Planning Authority. The CEMD shall include details of:

- a) An updated Schedule of Mitigation (SM) as it relates to construction



highlighting mitigation set out within Chapter 15 of the Environmental Impact Assessment Report (EIAR), and the conditions of this consent;

- b) Processes to control / action changes from the agreed SM;
- c) Construction Environmental Management Plans (CEMPs) for the construction phase, covering:
  - i) Habitat and Species Protection, including Species Protection Plans for otter and osprey;
  - ii) Pollution Prevention and Control (including mitigation measures set out in Environmental Impact Assessment Report Table 15.1);
  - iii) Dust Management, covering construction activity, including vehicle movements;
  - iv) Construction Noise and Vibration;
  - v) Temporary Site Lighting;
  - vi) Site Waste Management;
  - vii) Surface and Ground Water Management, including: drainage and sediment management measures from all construction areas including access tracks; mechanisms to ensure that construction will not take place during periods of high flow or high rainfall; and a programme of water quality monitoring;
  - viii) Soil Management, with details of soil placement and measures to utilise the soils' existing seed base in the finalised landscaping plan;
  - ix) Public and Private Water Supply Protection Measures;
  - x) Emergency Response Plans; and
  - xi) Timetable for post construction restoration / reinstatement of the temporary working areas and construction compound;
  - xii) Other relevant environmental management as may be relevant to the development; and
- d) Methods for monitoring, auditing, reporting and the communication of environmental management on site and with client, Planning Authority and other relevant parties.

**Reason:** To ensure protection of surrounding environmental interests and general amenity.

## 6. **Ecological Clerk of Works**

No development shall commence until the Planning Authority has approved in writing the terms of appointment by the applicant of an independent Ecological Clerk of Works (ECoW). The terms of appointment shall:

- a) Impose a duty to monitor compliance with the ecological and hydrological commitments provided in the Environmental Impact Assessment Report, Construction and Environmental Management Document (CEMD) and other plans approved. This shall include, but is not limited to: undertaking a further pre-construction breeding bird and protected species site walkover surveys;

overseeing site construction tree protection and site lighting requirements to ensure lighting is directed away from trees to reduce disturbance to any nocturnal animals; and to monitor compliance with all pollution prevention measures including water quality monitoring (“the ECoW Works”);

- b) Require the ECoW to report to the applicant’s nominated construction project manager any incidences of non-compliance with the ECoW Works at the earliest practical opportunity;
- c) Require the ECoW to submit a report every three months to the Planning Authority and Planning Monitoring Officer, or monthly at the further written request of the Planning Authority should issues of non-compliance be demonstrated by the Planning Authority, summarising progress with the development and environmental works undertaken on site;
- d) Have power to stop to the job / activities being undertaken within the development site, at the earliest opportunity following: i) identification of a breach of control or activity which would have a significant impact on ecology or ornithology interests; and/or ii) when a breach, or potential breach, of environmental legislation occurs. This is to provide a briefing of the concern to the applicant’s nominated construction project manager; and
- e) Require the ECoW to report to the Planning Authority any incidences of non-compliance with the ECoW Works at the earliest practical opportunity.

The ECoW shall be appointed on the approved terms throughout the period from pre-construction survey work ahead of the commencement of development, throughout any period of construction activity, ground reinstatement and landscaping.

**Reason:** To secure effective monitoring of and compliance with the environmental mitigation and management measures associated with the development.

## 7. **Construction Traffic Management Plan**

No development shall commence until a Construction Traffic Management Plan (CTMP) to manage all construction traffic with the exception of abnormal indivisible loads, has been submitted to and approved in writing by the Planning Authority, in consultation with the local Roads Authority, and any affected local Community Councils. The CTMP shall be carried out as approved in accordance with the timetable specified within the approved CTMP. The CTMP shall include:

- a) Identification of the routes to site for general construction traffic and details of the number and type of vehicle movements anticipated on these routes during the construction period, with the routing to avoid use of the B9176 Struie Road;
- b) Scheduling and timing of movements, avoiding disruption to school travel times and respecting any large public event taking place in the local area which would be unduly affected or disrupted by construction vehicles using the public road network;
- c) Traffic management measures on the routes to site for construction traffic. Measures such as temporary speed limits, suitable temporary signage, road markings and the use of speed activated signs and banksman/escort details should be considered. During the delivery period of construction materials any

additional signing or temporary traffic control measures deemed necessary due to the size or length of any loads being delivered or removed must be undertaken by a recognised Quality Assured traffic management consultant, to be approved by the Local Roads Authority before delivery commences;

- d) Measures to mitigate the impact of general construction traffic on the routes to site following detailed assessment of the relevant roads;
- e) A procedure for the regular monitoring of road conditions and the implementation of any remedial works required during the construction period;
- f) Measures to ensure that all affected public roads are kept free of mud and debris arising from the development;
- g) Details of the upgrading of the site access junction with the public road, with such works including improved geometry and construction measures to protect the public road, including the provision and maintenance of appropriate visibility splays measuring 215m x 9m, with visibility splays to be maintained by the operator throughout the operational lifetime of the development;
- h) The provision of a wear and tear agreement under Section 96 of the Roads (Scotland) Act 1984 under which the developer will be responsible for the repair of any damage to the local road network attributable to construction related traffic. As part of the agreement, pre-start and post construction road condition surveys must be carried out by the developer to the satisfaction of the Roads Authority. It will also require the submission of an appropriate financial bond acceptable to the Council in respect of the risk of any road reconstruction works;
- i) Provisions for emergency vehicle access;
- j) A timetable for implementation of the measures detailed in the CTMP; and
- k) Identification of a nominated person to whom any road safety issues can be referred and measures for keeping the Community Council informed and dealing with queries and any complaints regarding construction traffic.

**Reason:** In the interests of road safety and to ensure adequate road safety measures are in place including measures to minimise conflict with routes to schools, cyclists and local events.

## 8. **Recreational Access Management Plan**

No development shall commence until an Recreational Access Management Plan (RAMP) has been submitted to, and agreed in writing by, the Planning Authority. The updated plan should look to maintain public access during construction of the development, as far as it is practicable and safe to do so, and thereafter enhance public access during the operation of the development. The plan as agreed shall be implemented in full, unless otherwise approved in writing with the Planning Authority.

**Reason:** In the interests of maintain public access rights and pedestrian safety.

## 9. **Tree Protection and Landscape Planting**

- a) With effect from the date of this permission, no trees are to be cut down,

uprooted, topped, lopped (including roots) or wilfully damaged in any way, without the prior written permission of the Planning Authority.

- b) Prior to any site excavation or groundworks, a Tree Protection Plan (TPP) and Arboricultural Method Statement (AMS) is to be submitted to and subsequently approved in writing by the Planning Authority, in accordance with BS 5837:2012. All retained trees are to be protected against construction damage using protective barriers located as per the TPP. Barriers are to remain in place throughout the construction period and must not be moved or removed without the prior written approval of the Planning Authority.
- c) A suitably qualified Arboricultural consultant must be employed to ensure that the approved Tree Protection Plans and Arboricultural Method Statement (AMS) are implemented to the agreed standard. Stages requiring supervision are to be set out in an Arboricultural Supervision Statement for the written agreement of the Planning Authority and certificates of compliance for each stage are to be submitted for approval.
- d) No development shall commence until a finalised detailed Landscape Plan and maintenance programme have been submitted to and approved by the Planning Authority. The Landscape Plan shall be implemented in full as soon as practically possible, no later than during the first planting season following the occupation of the distillery building, or as otherwise agreed in writing by the Planning Authority. The Landscaping Plan shall ensure that all landscape planting and retained existing trees and woodland within the site be maintained throughout the operational lifetime of the development, unless otherwise agreed in writing by the Planning Authority.

**Reason:** In order to safeguard existing trees, ensure that a high standard of landscaping is achieved appropriate to the location of the site and in order to mitigate the visual impacts of the development for users of the public road.

## 10. **Flood Risk**

The development shall ensure that:

- a) There shall be no land rising within the areas of the site that are subject to flood risk, as shown on Proposed Ditch Diversion Drawing: EC22481:SK165, including the bank discharge route of the Easter Fearn Burn to the east and north, as well as the flood extents of a small field ditch diversion to the south of the site;
- b) No significant development takes place below 4.42m AOD, with the distillery buildings finished floor levels being at least 600mm above this level at 5.02m AOD;
- c) A 6m riparian buffer setback is maintained from the bank of the Easter Fearn Burn; and
- d) Any encountered small watercourses or drains impacted by the development to be sensitively rerouted and not be culverted.

**Reason:** To ensure that the development mitigates flood risk.

## 11. Drainage

The development shall ensure that:

- a) The SUDS scheme shall be designed to meet the treatment requirements of The CIRIA SUDS Manual;
- b) If located outside, the distillery's tanker loading bay shall be roofed;
- c) Drainage from the tanker loading bay's underground containment tank shall be recovered and reused / recycled, or otherwise disposed off-site, and shall not be discharged to the lagoon; and
- d) In the event that the tanker loading bay's underground storage tank has an overflow pipe, it must have a shut-off valve to be closed when the tanker loading bay is in use.

**Reason:** In the interest of pollution prevention and environmental protection.

## 12. Operational Management Plan

Prior to the occupation of the development, a site Operational Management Plan shall be submitted to, and approved in writing by the Planning Authority. This plan shall detail:

- a) An updated Schedule of Mitigation (SM) as it relates to the operational phase of the development highlighting mitigation set out within Chapter 15 of the Environmental Impact Assessment Report (EIAR, and the conditions of this consent;
- b) Processes to control / action changes from the agreed SM;
- c) Landscape and woodland management, including maintenance of visibility splays;
- d) Lighting maintenance;
- e) Surface water and foul drainage maintenance, with operational water quality monitoring to be undertaken 1 year post bringing the development into use and thereafter, at 5 yearly intervals throughout the lifetime of the development, with the findings to be reported to the Planning Authority and SEPA; and
- f) The provision and maintenance of no greater than 21 parking spaces, including the provision of at least 3 disabled spaces, 2 electronic vehicle charging points and 10 covered bike spaces; with there to be no increase in car parking to serve the development, either on or off-site.

Thereafter, the OEMP shall be implemented in accordance with the approved details from first commissioning of the development until the cessation of the use of the development, unless otherwise agreed in writing by the Planning Authority.

**Reason:** In the interest of environmental amenity, pollution prevention, maintaining water quality, and provision of adequate parking facilities and in order to limit the number of visitor travelling by car in the interest of road safety, with any future intensification of parking provision to be re-assessed through the determination of a further planning application.

13. **Operational Noise**

All plant, machinery and equipment associated with ventilation, air-conditioning, heating and refrigeration services or similar and including fans, ducting and external openings shall be so installed, maintained and operated such that any associated operating noise does not exceed NR 20 when measured or calculated within any noise sensitive premises with windows open for ventilation purposes.

**Reason:** In the interest of safeguarding residential amenity.

14. **Operational Air Quality**

The distillery shall be fully electrically powered with no combustion, unless otherwise agreed in writing by the Planning Authority. In the event that the Council receives an operational air quality or odour complaint:

- a) Within 4 weeks of being notified of a such alleged nuisance, the operator shall undertake air quality compliance assessment, inclusive of onsite monitoring, by a suitably qualified and competent air quality consultant;
- b) Within 4 weeks of the assessment being completed, the air quality assessment report shall be submitted for the written approval of the Planning Authority. If the assessment identifies that nuisance is being caused by the operations of the distillery with neighbouring residential amenity being significantly adversely affected, the assessment shall include scheme of mitigation including timescales for the implementation of the mitigation at the earliest possible opportunity. Thereafter any mitigation measures shall be implemented in accordance with the approved scheme and timescales; and
- c) In the event that the Council receives an additional or repeated operational air quality or odour complaint, steps a) and b) above shall be re-undertaken, unless otherwise agreed in writing by the Planning Authority in consultation with Environmental Health.

**Reason:** In the interest of safeguarding residential amenity.

15. **Archaeology**

No development or work (including site clearance) shall commence until a programme of work for the survey, evaluation, preservation and recording of any archaeological and historic features affected by the proposed development/work, including a timetable for investigation, has been submitted to, and approved in writing by, the Planning Authority. The approved programme shall be implemented in accordance with the agreed timetable for investigation.

**Reason:** In order to protect the archaeological and historic interests of the site.

16. **Planning Monitoring Officer**

No development shall commence until the Planning Authority has approved in writing the terms of appointment by the applicant of a suitably qualified environmental specialist to assist the Planning Authority in monitoring compliance with the planning permission and conditions attached to this consent. The terms of Planning Monitoring Officer (PMO) appointment shall:

- a) Impose a duty to monitor compliance with the planning permission and conditions attached to this consent;
- b) Require the PMO to submit a report at least every three months to the Planning Authority, or monthly at the further written request of the Planning Authority following evidence of a breach of planning control, summarising works undertaken on site; and
- c) Require the PMO to report to the Planning Authority any incidences of non-compliance with the planning permission and conditions attached to this consent at the earliest practical opportunity.

The PMO shall be appointed on the approved terms throughout the period from the commencement of development to completion of post construction restoration works.

**Reason:** To enable the development to be suitably monitored to ensure compliance with the consent issued.

## **REASON FOR DECISION**

All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

## **REASONED CONCLUSION**

The Council is in agreement with the findings of the Environmental Impact Assessment Report that the erection and operation of whisky distillery with associated warehousing, bottling facility, tank farm, energy centre, landscaping and associated infrastructure, is unlikely to give rise to any new or other significant adverse impact on the environment. The exceptions being, the potential to give rise to significant adverse visual impacts in the immediate vicinity for users of the A836 eastbound, as well as potential significant adverse impacts for cultural heritage with archaeology to be encountered on site. These effects would however be sufficiently localised and would be mitigated to an acceptable degree. The Council is satisfied that all other environmental effects of this development can be addressed by way of mitigation. The Council has incorporated the requirement for a schedule of mitigation within the conditions of this permission. Monitoring of construction and operational compliance has been secured through Conditions 3, 5, 6, 7, 9, 12, 13, 14, 15 and 16 of this permission.

## **TIME LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION**

In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), the development to which this planning permission relates must commence within THREE YEARS of the date of this decision notice. If development has not commenced within this period, then this planning permission shall lapse.

## **INFORMATIVES**

### **Initiation and Completion Notices**

The Town and Country Planning (Scotland) Act 1997 (as amended) requires all developers to submit notices to the Planning Authority prior to, and upon completion of, development. These are in addition to any other similar requirements (such as Building Warrant completion notices) and failure to comply represents a breach of planning control and may result in formal enforcement action.

1. The developer must submit a Notice of Initiation of Development in accordance with Section 27A of the Act to the Planning Authority prior to work commencing on site.
2. On completion of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Act to the Planning Authority.

Copies of the notices referred to are attached to this decision notice for your convenience.

### **Flood Risk**

It is important to note that the granting of planning permission does not imply there is an unconditional absence of flood risk relating to (or emanating from) the application site. As per Scottish Planning Policy (paragraph 259), planning permission does not remove the liability position of developers or owners in relation to flood risk.

### **Scottish Water**

You are advised that a supply and connection to Scottish Water infrastructure is dependent on sufficient spare capacity at the time of the application for connection to Scottish Water. The granting of planning permission does not guarantee a connection. Any enquiries with regards to sewerage connection and/or water supply should be directed to Scottish Water on 0845 601 8855.

### **Septic Tanks & Soakaways**

Where a private foul drainage solution is proposed, you will require separate consent from the Scottish Environment Protection Agency (SEPA). Planning permission does not guarantee that approval will be given by SEPA and as such you are advised to contact them direct to discuss the matter (01349 862021).

### **Contaminated Land**

There is the potential for contamination at this site due to its use as a Substation. As the proposed development would not appear to materially change the risk of potential contamination at the site, an investigation is not required at this stage. However, please be aware of potential health and safety issues for site workers and be advised that all sites with a former industrial/commercial use have been prioritised by the Highland Council under duties conferred by Part IIA of the



Environmental Protection Act 1990 and may require investigation in the future. In addition, land contamination issues may affect property value. Should you wish to discuss potential contamination issues or commission your own investigation, please contact Community Services, Contaminated Land for advice.

### **Local Roads Authority Consent**

In addition to planning permission, you may require one or more separate consents (such as road construction consent, dropped kerb consent, a road openings permit, occupation of the road permit etc.) from the Area Roads Team prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local Area Roads office for further guidance at the earliest opportunity.

Failure to comply with access, parking and drainage infrastructure requirements may endanger road users, affect the safety and free-flow of traffic and is likely to result in enforcement action being taken against you under both the Town and Country Planning (Scotland) Act 1997 and the Roads (Scotland) Act 1984.

Further information on the Council's roads standards can be found at:

<http://www.highland.gov.uk/yourenvironment/roadsandtransport>

Application forms and guidance notes for access-related consents can be downloaded from:

[http://www.highland.gov.uk/info/20005/roads\\_and\\_pavements/101/permits\\_f\\_or\\_working\\_on\\_public\\_roads/2](http://www.highland.gov.uk/info/20005/roads_and_pavements/101/permits_f_or_working_on_public_roads/2)

### **Mud and Debris on Road**

Please note that it is an offence under Section 95 of the Roads (Scotland) Act 1984 to allow mud or any other material to be deposited, and thereafter remain, on a public road from any vehicle or development site. You must, therefore, put in place a strategy for dealing with any material deposited on the public road network and maintain this until development is complete.

### **Construction Hours and Noise-Generating Activities**

You are advised that construction work associated with the approved development (incl. the loading/unloading of delivery vehicles, plant or other machinery), for which noise is audible at the boundary of the application site, should not normally take place outwith the hours of 08:00 and 19:00 Monday to Friday, 08:00 and 13:00 on Saturdays or at any time on a Sunday or Bank Holiday in Scotland, as prescribed in Schedule 1 of the Banking and Financial Dealings Act 1971 (as amended).

Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under Section 60 of the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to result in court action.

If you wish formal consent to work at specific times or on specific days, you may apply to the Council's Environmental Health Officer under Section 61 of the 1974 Act. Any such application should be submitted after you have obtained your Building Warrant, if required, and will be considered on its merits. Any decision taken will reflect the nature of the development, the site's location and the proximity of noise

sensitive premises. Please contact [env.health@highland.gov.uk](mailto:env.health@highland.gov.uk) for more information.

### **Protected Species – Halting of Work**

You are advised that work on site must stop immediately, and NatureScot must be contacted, if evidence of any protected species or nesting/breeding sites, not previously detected during the course of the application and provided for in this permission, are found on site. For the avoidance of doubt, it is an offence to deliberately or recklessly kill, injure or disturb protected species or to damage or destroy the breeding site of a protected species. These sites are protected even if the animal is not there at the time of discovery. Further information regarding protected species and developer responsibilities is available from NatureScot: <https://www.nature.scot/professional-advice/protected-areas-and-species/protected-species>

Signature: Dafydd Jones  
Designation: Area Planning Manager -- North  
Author: Peter Wheelan  
Background Papers: Documents referred to in report and in case file.  
Relevant Plans:

Plan 1 - Site Location Plan	EC22481:00:100	16.05.22
Plan 2 - Proposed Site Plan	EC22481:00:101, Rev B	14.07.22
Plan 3 - Landscape Masterplan	1467-100, Rev P04	14.07.22
Plan 4 - Landscape Layout	1467-101, Rev P04	14.07.22
Plan 5 - Visibility Splay	EC22481: SK166	14.07.22
Plan 6 - Production Plan Ground Floor	MID.AR (PL)004	16.05.22
Plan 7 - Site Elevations	MID.AR (PL)005	16.05.22
Plan 8 - Distillery Building – East Elevation	MID.AR (PL)020	16.05.22
Plan 9 - Distillery Building – West Elevation	MID.AR (PL)021	16.05.22
Plan 10 - Distillery Building – South Elevation	MID.AR (PL)022	16.05.22
Plan 11 - Distillery Building –North Elevation	MID.AR (PL)023	16.05.22
Plan 12 - Bottling and Maturation Warehouses Elevations	MID.AR (PL)030	16.05.22
Plan 13 - Bottling and Maturation Warehouses Elevations	MID.AR (PL)031	16.05.22

## **Appendix 2 – Appropriate Assessment**

While the responsibility to carry out the Appropriate Assessment rests with the Council, advice contained within Circular 6/1995 is that the assessment can be based on the information submitted from other agencies. In this case, the Appropriate Assessment has been informed by information supplied by NatureScot, as well as having been guided by the information provided by the applicant (including a shadow Habitat Regulations Appraisal) and various published information.

### **Dornoch Firth and Morrich More SAC**

The proposal is likely to have a significant effect on one of the qualifying interests of the Dornoch Firth and Morrich More SAC being otter. Further information on the site's qualifying interests and their conservation objectives can be found via Sitelink at: <https://sitelink.nature.scot/site/8242>

### **Highland Council Appraisal of the Proposal**

- The proposal is not directly connected with or necessary to site management for conservation;
- The proposal is likely to have a significant effect on the site either individually or in combination with other plans or projects; and therefore;
- An Appropriate Assessment of the implications (of the proposal) for the site in view of that site's conservation objectives is provided below.

The impacts on the Dornoch Firth and Morrich More SAC is considered for the proposed construction, 50+ year operational design life, and decommissioning stages of the proposed distillery. The applicant has undertaken an Environmental Impact Assessment which considers connectivity with the adjacent SAC in terms of construction disturbance, operational water abstraction and surface water discharge, and if any likely significant effects would arise for protected species and their associated habitat.

An extended Phase 1 habitat survey, including an otter survey, was undertaken for the proposed development, including a 200m buffer zone, during October 2021 which found that the environs of the proposed development are well used by otter, including watercourse to the east and west, despite no active resting places having been found. As a result, the EIA Report concludes that no significant effect on qualifying interest features of the Dornoch Firth and Morrich More SAC are predicted.

In the absence of mitigation, there however remains a risk that a pollution event could occur during the construction, or operation of the distillery, and NatureScot advise that the proposal is therefore likely to have a significant effect on otter linked to this SAC.

Mitigation measures to manage the construction and operation of the distillery, including any water abstraction and discharge of surface water from the site, is therefore required. In specific mitigation required to be secured to protect the integrity of this designation includes:

- An otter Species Protection Plan (SPP), to be agreed by Highland Council and NatureScot, will be required to ensure adverse effects are avoided.

The SPP requires to include camera-trap monitoring, to clarify the status of otter resting places, ensuring that mitigation measures can be comprehensive so that incidental disturbance to otters and their resting places is avoided.

The SPP could also consider the inclusion of the following recommended additional mitigation:

- a) Existing wooded/scrub areas around the SW & western periphery of the development site, should be retained to provide important screening and a degree of cover around the eastern margin of the lagoon.
- b) Working hours could be restricted and/or non-work zones could be identified to accommodate otter sensitivities, including the use of only temporary lighting in areas close to open water features (NatureScot advise no works close to open water features at night or within 2 hours of sunset/sunrise (reduced to 1 hour from November to February inclusive)).
- c) A buffer zone (e.g. 30m distance) will be required around all otter shelters (lie-ups and non-breeding holts) identified to prevent inadvertent direct impact from vehicles, storage materials and construction works.
- d) Clarity over the distinction and status of otter resting places needs to be further refined within the SPP, in context to mitigation and/or camera trap monitoring. For example, some otter lie-ups / Couches within the EIA Report appear to include structures with cavities. Therefore, further context requires to be provided whether these are holts or lie-ups. If they do have the attributes to support a holt, then camera monitoring is likely to be required to gauge the status of holts within 200m from the development.
- e) Holt monitoring should be taken forward using remote cameras (under licence) to ensure that any construction works and/or mechanical ground preparation does not coincide with a female otter having dependant cubs (i.e. <10 months old). At least two cameras should be placed as close as possible to the otter holt, to maximise the chances of capturing useful images which might allow the animal(s) to be sexed, as well as informing on possible breeding status, etc. Cameras should be 'black infra-red (IR)' rather than the standard IR, as black IR tends to reduce any artificial response to the cameras being present when they are triggered during the night.
- f) Camera monitoring should be undertaken continuously for a minimum of at least 2 weeks (preferably longer) in advance of any works in proximity of an otter holt.
- g) If cubs (<10 months old) are found to be present within a holt, a 200m non-disturbance buffer zone surrounding the active holt should be enforced, and mitigation measures imposed as required.
- h) Fencing specifications both during construction and operation, must take otters into consideration, ensuring their existing patterns of use and movements are retained and integrated within this SPP, aiding their contribution to the nearby SAC.

NatureScot would be willing to help the applicant build-upon this detailed SPP, and they can provide comments in advance of final submission to Highland Council. Please see Annex A for more detailed information.

An otter disturbance licence to facilitate some of these works may be required, see: <https://www.nature.scot/professional-advice/protected-areas-and-species/licensing/species-licensing-z-guide/otters/otters-licences-land-management>

The otter SPP is to be secured by way of planning condition, forming part of the Construction Environmental Management Document, which includes a Pollution Prevention Plan. The appointment of an ECoW is also to be conditioned to undertake protected species surveys and advise on the implementation of the Construction Environmental Management Document, with water quality monitoring to be undertaken, including at regular intervals during the operation of the distillery.

The mitigation measures set out within the Environmental Impact Assessment Report, with its pertinent recommendations being transposed into the planning conditions, as well as the additional otter SPP and water quality monitoring requirements stipulated in the planning conditions, are anticipated to be sufficient to address any significant risk and avoid an impact on the integrity of the designated site and its qualifying features.

Overall, it can be therefore concluded that while likely significant effects have been identified, there will not be an adverse effect on site integrity of the Dornoch Firth and Morrich More SAC providing the mitigation set out within this appropriate assessment is applied.

### **Dornoch Firth and Loch Fleet SPA and Ramsar Site**

The proposal is likely to have a significant effect on one of the qualifying interests of Dornoch Firth and Loch Fleet SPA and Ramsar Site being osprey. Further information on the site's qualifying interests and their conservation objectives can be found via Sitelink at: <https://sitelink.nature.scot/site/8490>  
<https://sitelink.nature.scot/site/8420>

### **Highland Council Appraisal of the Proposal**

- The proposal is not directly connected with or necessary to site management for conservation;
- The proposal is likely to have a significant effect on the site either individually or in combination with other plans or projects; and therefore;
- An Appropriate Assessment of the implications (of the proposal) for the site in view of that site's conservation objectives is provided below.

The impacts on the Dornoch Firth and Loch Fleet SPA and Ramsar Site is located 5.7km to the north east of the site and is considered for the proposed construction, 50+ year operational deign life, and decommissioning stages of the proposed distillery. The applicant has undertaken an Environmental Impact Assessment which considers connectivity with the SPA and Ramsar in terms of construction disturbance, operational water abstraction and surface water discharge, and if any likely significant effects would arise for protected species and their associated habitat.

An extended Phase 1 habitat survey, including bird surveys, were undertaken for the proposed development during October 2021 to February 2022 which found an osprey nest site close to the development site, but beyond the published 500-750m disturbance distance. While the proposed development lies at some distance from the SPA and there will be therefore no direct impacts upon it, consideration much be given to whether it could impact on habitat supporting SPA species, which could range widely from the SPA. The EIA Report considers that given the proposed development's proximity to the coast, there is potential for disturbance and/or displacement to cause functional loss of supporting habitat both during construction and also during operation.

NatureScot advise that the proposal is therefore likely to have a significant effect on osprey linked to this SPA. Mitigation measures to manage the construction is therefore required. In specific mitigation required to be secured to protect the integrity of this designation includes:

- An osprey Species Protection Plan (SPP), to be agreed by Highland Council and NatureScot, will be required to ensure adverse effects are avoided.

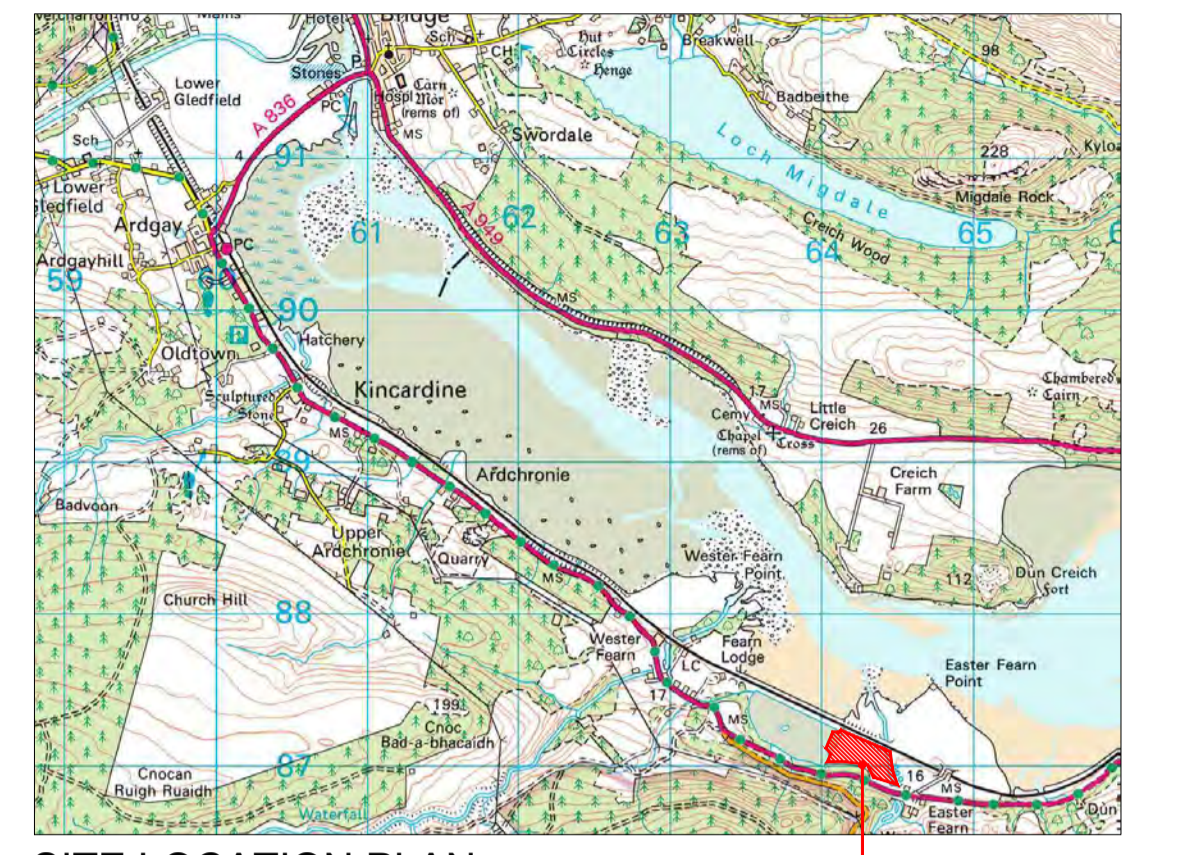
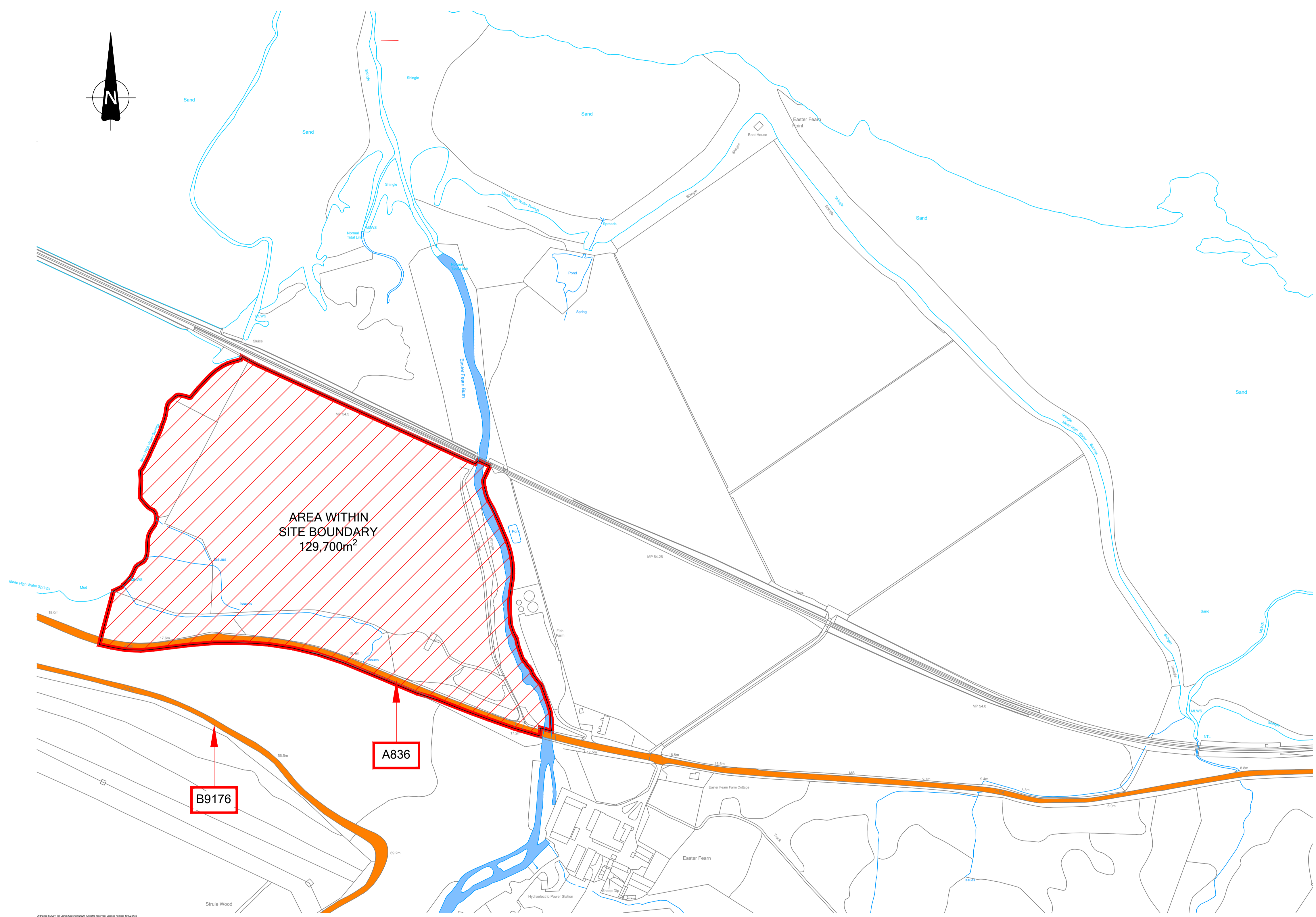
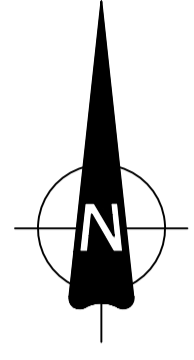
The SPP requires to include pre-construction surveys (if the works start after the breeding

season), combined with appropriate non-disturbance buffer zones. This should allow ospreys to breed successfully, contributing to the SPA population, should they choose to breed close to the distillery within the near future (i.e. before construction begins).

The osprey SPP is to be secured by way of planning condition, forming part of the Construction Environmental Management Document, which includes a Pollution Prevention Plan. The appointment of an ECoW is also to be conditioned to undertake protected species surveys and advise on the implementation of the Construction Environmental Management Document, with water quality monitoring to be undertaken, including at regular intervals during the operation of the distillery.

The mitigation measures set out within the Environmental Impact Assessment Report, with its pertinent recommendations being transposed into the planning conditions, as well as the additional osprey SPP and water quality monitoring requirements stipulated in the planning conditions, are anticipated to be sufficient to address any significant risk and avoid an impact on the integrity of the designated site and its qualifying features.

Overall, it can be therefore concluded that while likely significant effects have been identified, there will not be an adverse effect on site integrity of the Dornoch Firth and Loch Fleet SPA and Ramsar Site providing the mitigation set out within this appropriate assessment is applied.



**SITE LOCATION PLAN**  
1:50,000

**Key**  
Site Boundary (129,700m²)

Revisions	Date	Dm.
/ Issued for PLANNING.	28.04.22	S.H.

**FOR PLANNING**

**MIDFEARN ESTATES**

**MIDFEARN DISTILLERY**

**SITE LOCATION PLAN**

Drawn: S.H.	Ck'd:	Scale: 1:2500 @ A1
Date: MAY '22	Date:	DO NOT SCALE

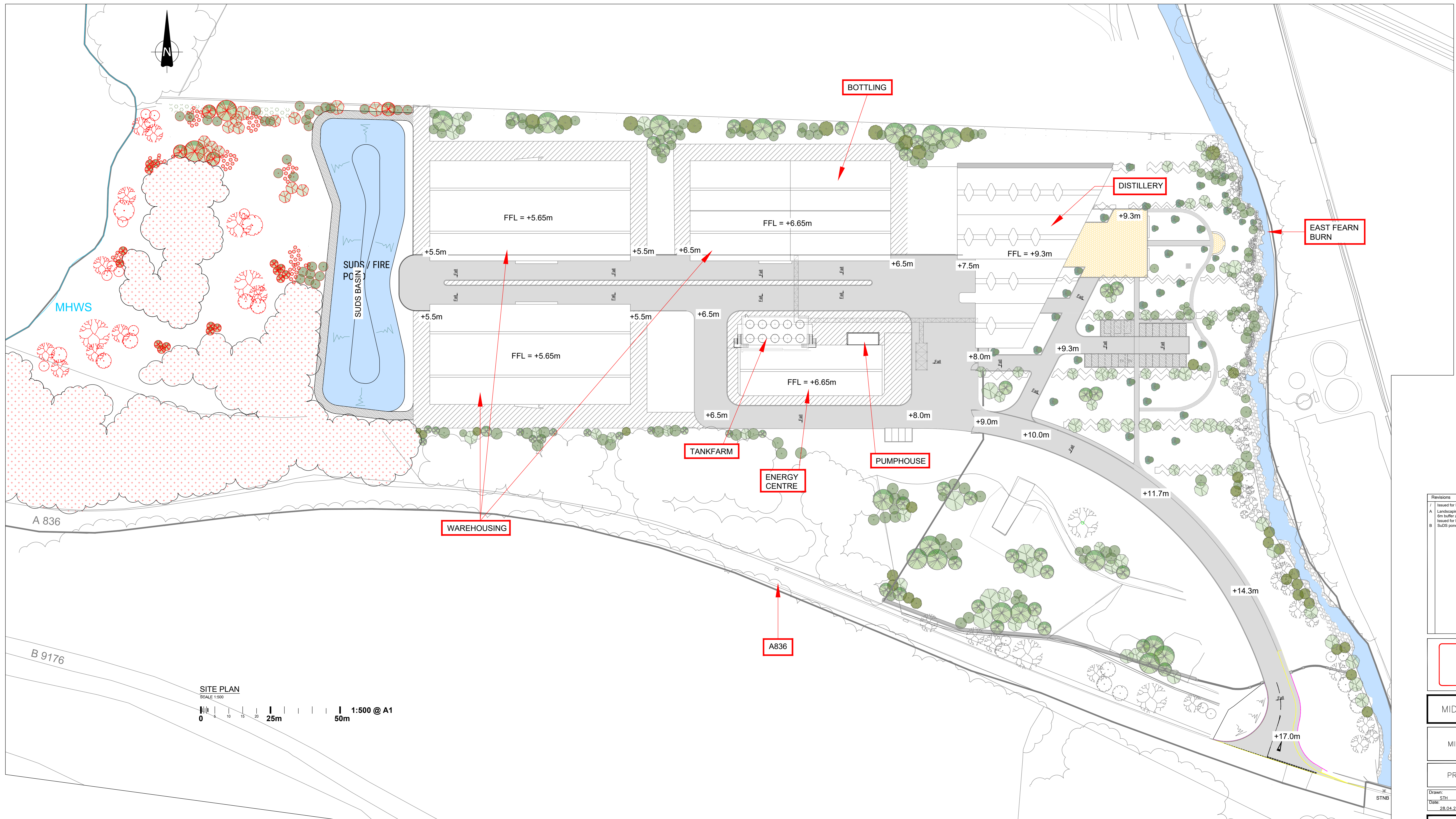
**BLYTH & BLYTH**

Cornerstone, 60 South Gyle Crescent  
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www.blythandblyth.co.uk Telephone: 0131 474 2200

Drawing No. **EC22481:00:100** Revision

**SITE PLAN**  
SCALE 1:2500  
0 50 100 200m  
**1:2500 @ A1**

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Revisions	Date	Drn.
7	19.05.20	J.T.
A	07.06.20	STH
B	28.06.20	STH

FOR  
PLANNING

MIDFEARN ESTATES

MIDFEARN DISTILLERY

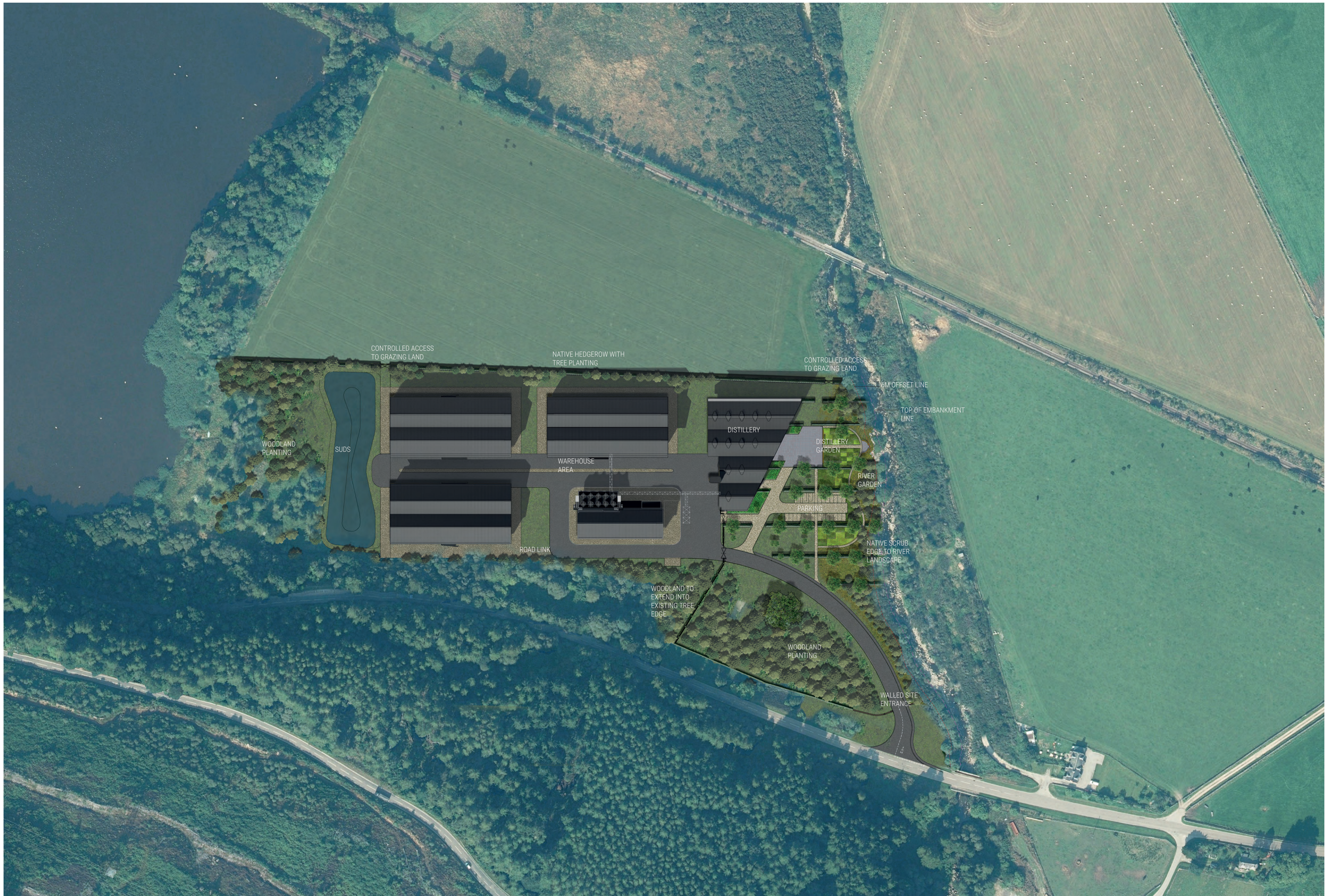
PROPOSED SITE PLAN

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Date: 28.04.22	Date: 28.04.22	DO NOT SCALE

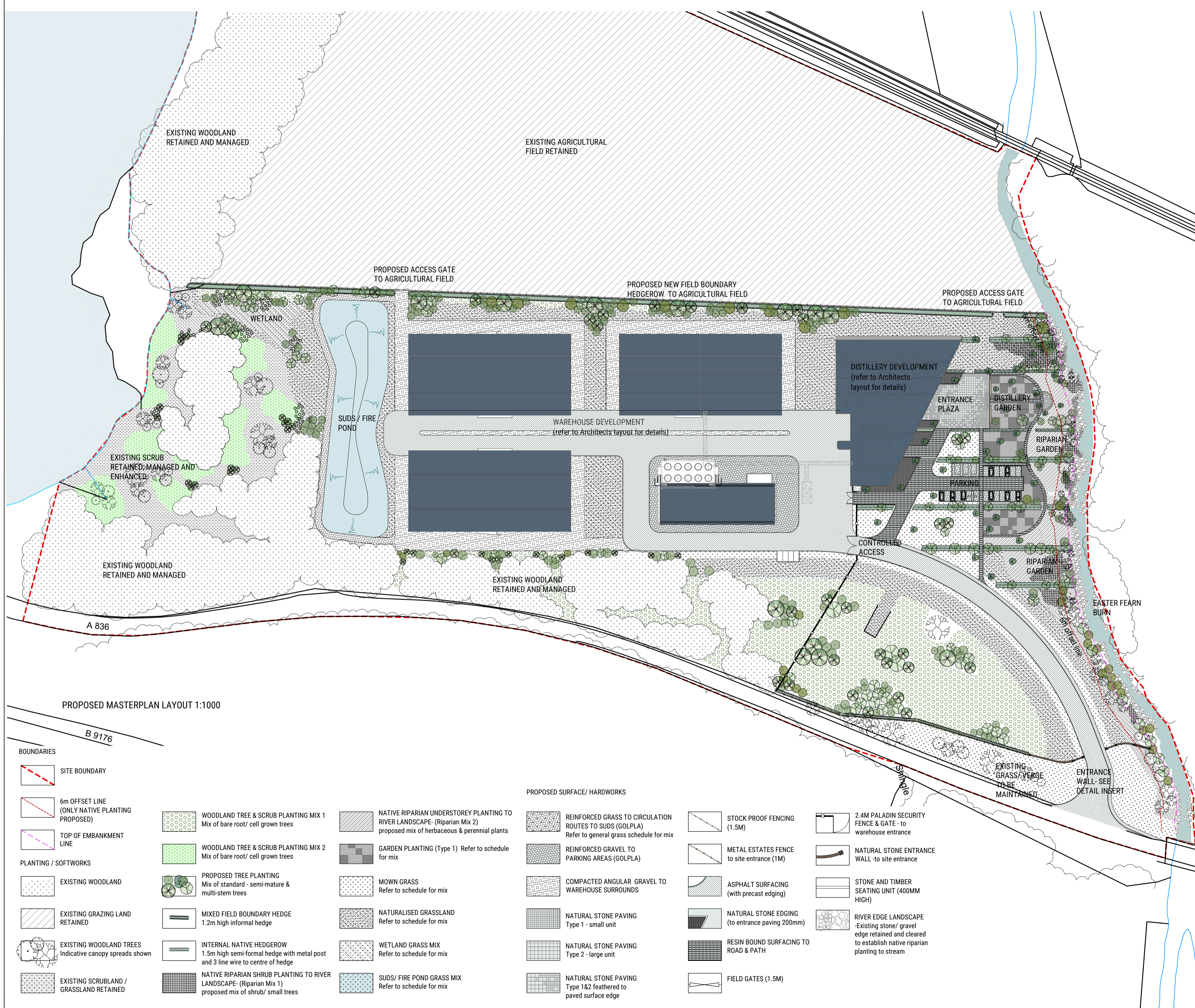
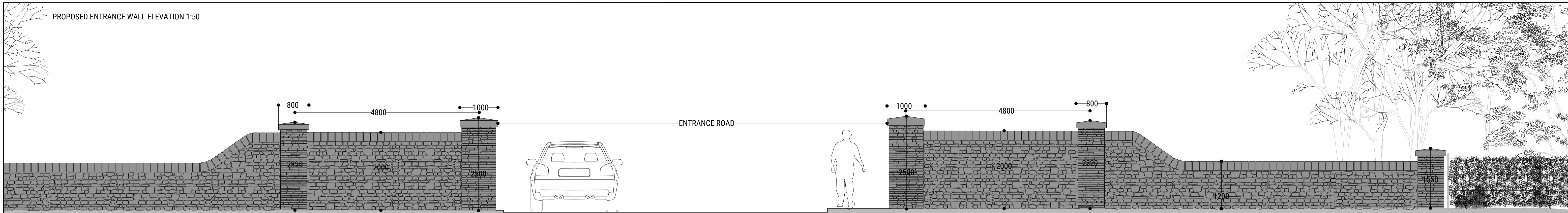
**BLYTH & BLYTH**  
 Cornerstone, 60 South Gyle Crescent  
 Edinburgh EH12 9EB  
 Email: edinburgh@blythandblyth.co.uk  
 www.blythandblyth.co.uk Telephone: 0131 474 2700

Drawing No:	Revision
EC22481:00:101	B





PROPOSED ENTRANCE WALL ELEVATION 1:50



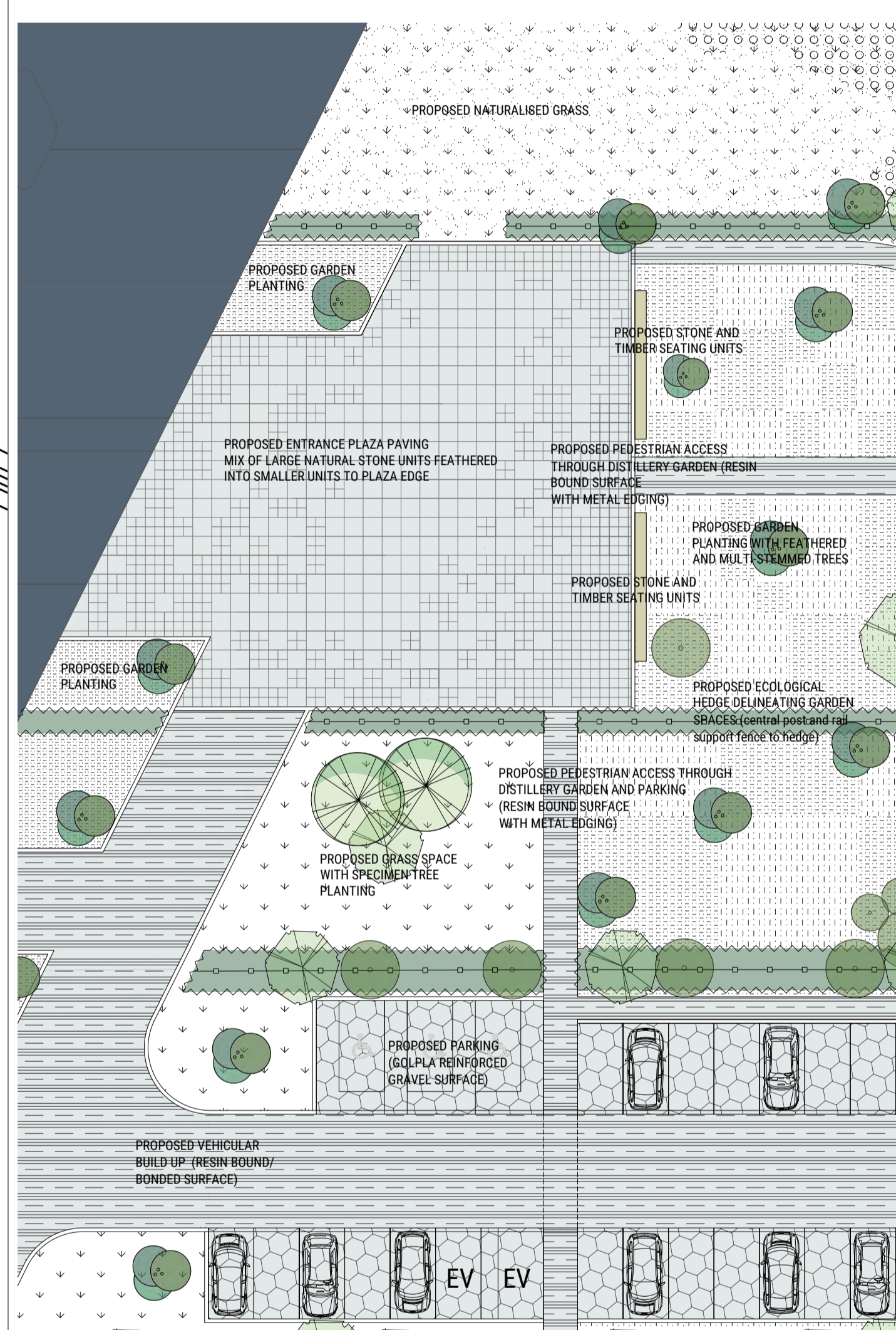
PROPOSED MASTERPLAN LAYOUT 1:1000

- BOUNDARIES**
- SITE BOUNDARY
  - 6m OFFSET LINE (ONLY NATIVE PLANTING PROPOSED)
  - TOP OF EMBANKMENT LINE
- PLANTING / SOFTWORKS**
- EXISTING WOODLAND
  - EXISTING GRAZING LAND RETAINED
  - EXISTING WOODLAND TREES (indicative canopy spreads shown)
  - EXISTING SCRUBLAND / GRASSLAND RETAINED

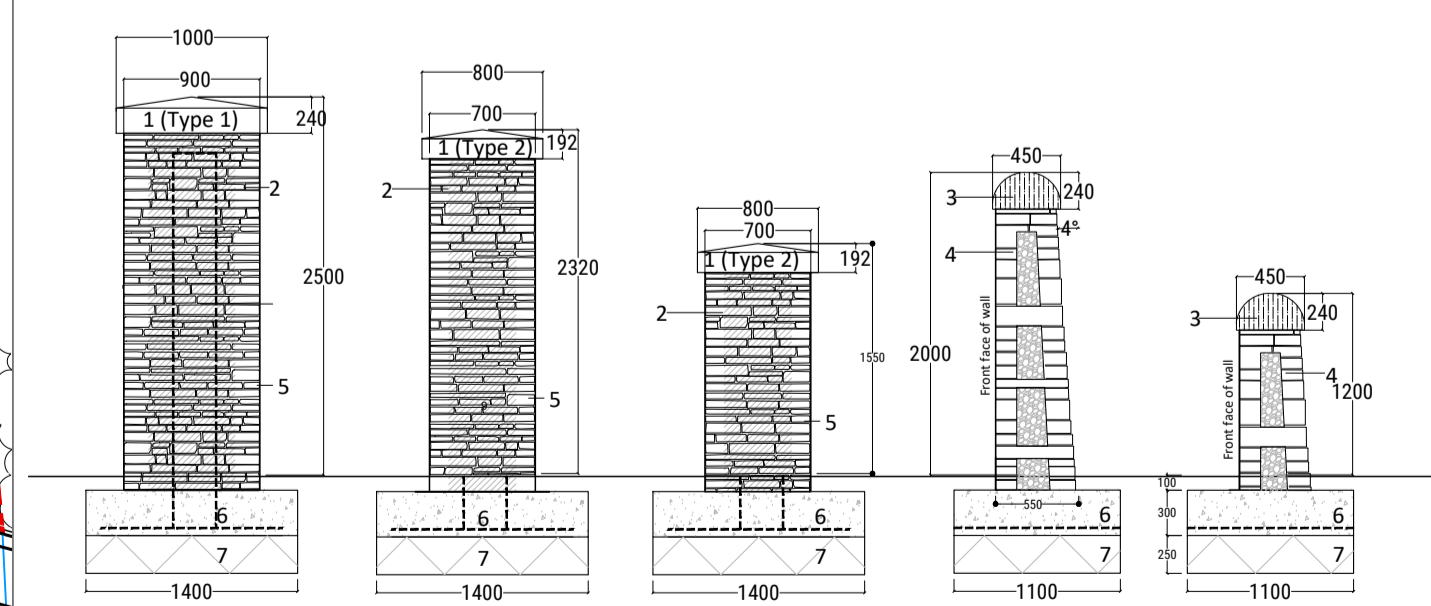
- WOODLAND TREE & SCRUB PLANTING MIX 1**  
Mix of bare root / cell grown trees
- WOODLAND TREE & SCRUB PLANTING MIX 2**  
Mix of bare root / cell grown trees
- PROPOSED TREE PLANTING**  
Mix of standard - semi-mature & multi-stem trees
- MIXED FIELD BOUNDARY HEDGEROW**  
1.5m high semi-formal hedge with metal post and 3 line wire to centre of hedge
- NATIVE RIPARIAN SHRUB PLANTING TO RIVER LANDSCAPE** (Riparian Mix 1)  
proposed mix of shrub/ small trees
- NATIVE RIPARIAN UNDERSTOREY PLANTING TO RIVER LANDSCAPE** (Riparian Mix 2)  
proposed mix of herbaceous & perennial plants
- GARDEN PLANTING (Type 1)**  
Refer to schedule for mix
- MOWN GRASS**  
Refer to schedule for mix
- NATURALISED GRASSLAND**  
Refer to schedule for mix
- WETLAND GRASS MIX**  
Refer to schedule for mix
- SUDS / FIRE POND GRASS MIX**  
Refer to schedule for mix

- PROPOSED SURFACE/ HARDWORKS**
- REINFORCED GRASS TO CIRCULATION ROUTES TO SUDS (GOLPLA)  
Refer to general grass schedule for mix
  - REINFORCED GRAVEL TO PARKING AREAS (GOLPLA)
  - COMPACTED ANGULAR GRAVEL TO WAREHOUSE SURROUNDS
  - NATURAL STONE PAVING Type 1 - small unit
  - NATURAL STONE PAVING Type 2 - large unit
  - NATURAL STONE PAVING Type 1&2 feathered to paved surface edge

- STOCK PROOF FENCE (1.5M)
- METAL ESTATES FENCE to site entrance (1M)
- ASPHALT SURFACING (with precast edging)
- NATURAL STONE EDGING (to entrance paving 200mm)
- RESIN BOUND SURFACING TO ROAD & PATH
- FIELD GATES (1.5M)
- 2.4M PALADIN SECURITY FENCE & GATE - to warehouse entrance
- NATURAL STONE ENTRANCE WALL - to site entrance
- STONE AND TIMBER SEATING UNIT (400MM HIGH)
- RIVER EDGE LANDSCAPE - Existing stone/ gravel edge retained and cleared to establish native riparian planting to stream



PROPOSED ENTRANCE PLAZA DETAIL 1:250

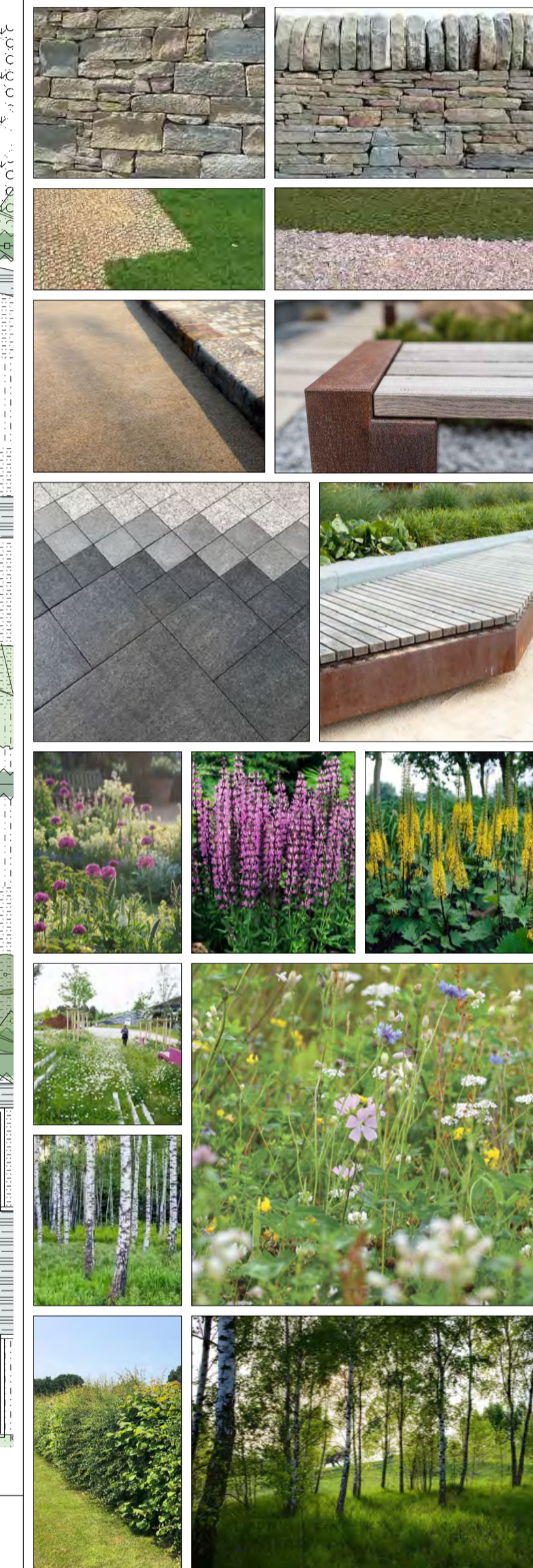


PROPOSED ENTRANCE WALL DETAILS 1:50

**KEY:**

- Whin Pillar Caps, type 1 - 1000x300mm, type 2 - 800x240mm. Picked hand textured finish. Tradstock Scottish Whin or equal approved.
- Denfnd walling stone to piers, Random length x 200 mm x 30-70mm mix to be made up of 30% 30-40mm, 20% 40-50mm, 30% 50-60mm & 20% 60-70mm) Gullitined or natural / selected stone. Mortar to half depth and tied back to concrete block core.
- Rough hewn scotch cope, 450mm x 240mm x random depths. 10mm joint. Flame textured finish to exposed surfaces. Tradstock Scottish Whin or equal approved.
- Denfnd walling stone, Random length x 140 mm, mortar to half depth. Core of wall to be backfilled with off cuts of stone and hardcore as work progress. Through stones at 500mm centres.
- Hand-selected cornerstones to wall ends.
- Foundations.
- 250mm Well compacted Type 1.

revision	description	date	author
P01	Edge of waterline and embankment offset shown	06/06/22	MM
P02	Draft hopper location shown	07/06/22	MM
P03	SUDS Pond updated	22/06/22	MM
P04	SUDS Pond updated	28/06/22	MM



thepaulhogarthcompany

LANDSCAPE ARCHITECTURE / URBAN DESIGN / PLANNING

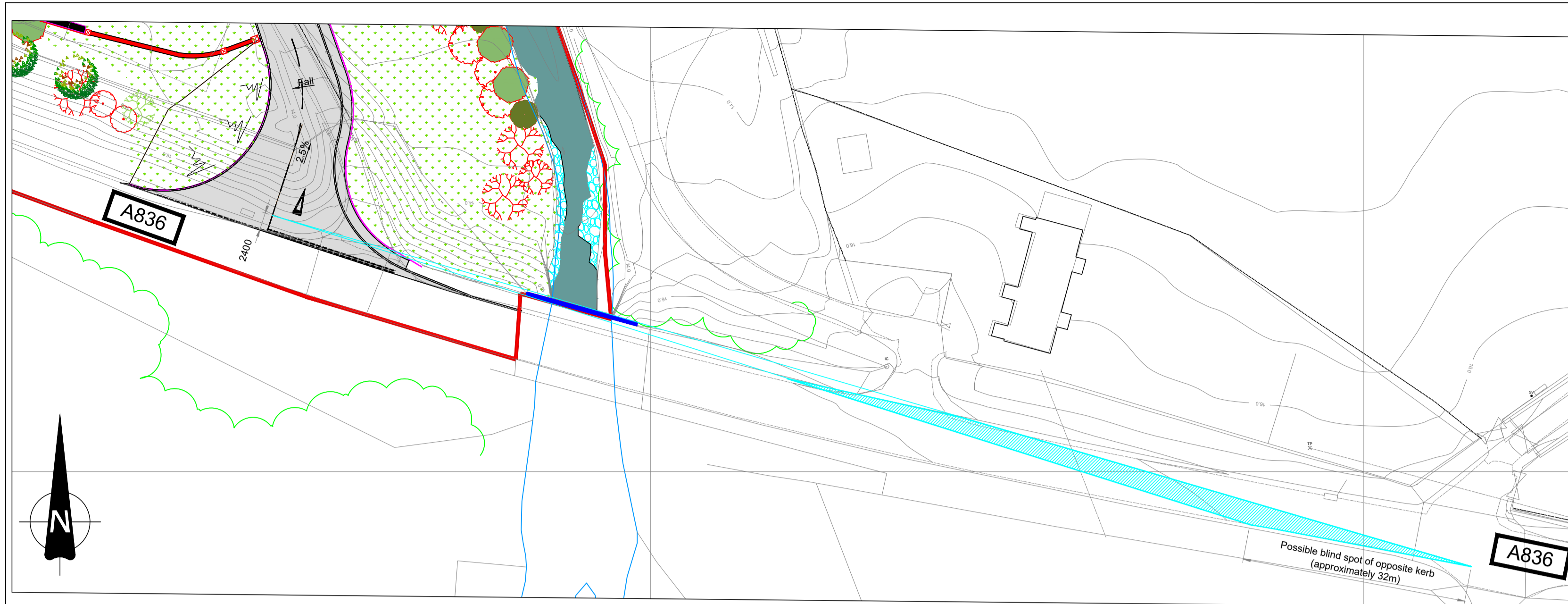
e.edinburgh@paulhogarth.com e.belfast@paulhogarth.com e.dublin@paulhogarth.com  
t:+44 (0)131 331 4911 t:+44 (0)28 9872 6590 t:+353 (0)1 893 0272

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created	project number	drawn	checked	PH	scale @ A1
27/04/2022	1467	MM	101	PH	1:500

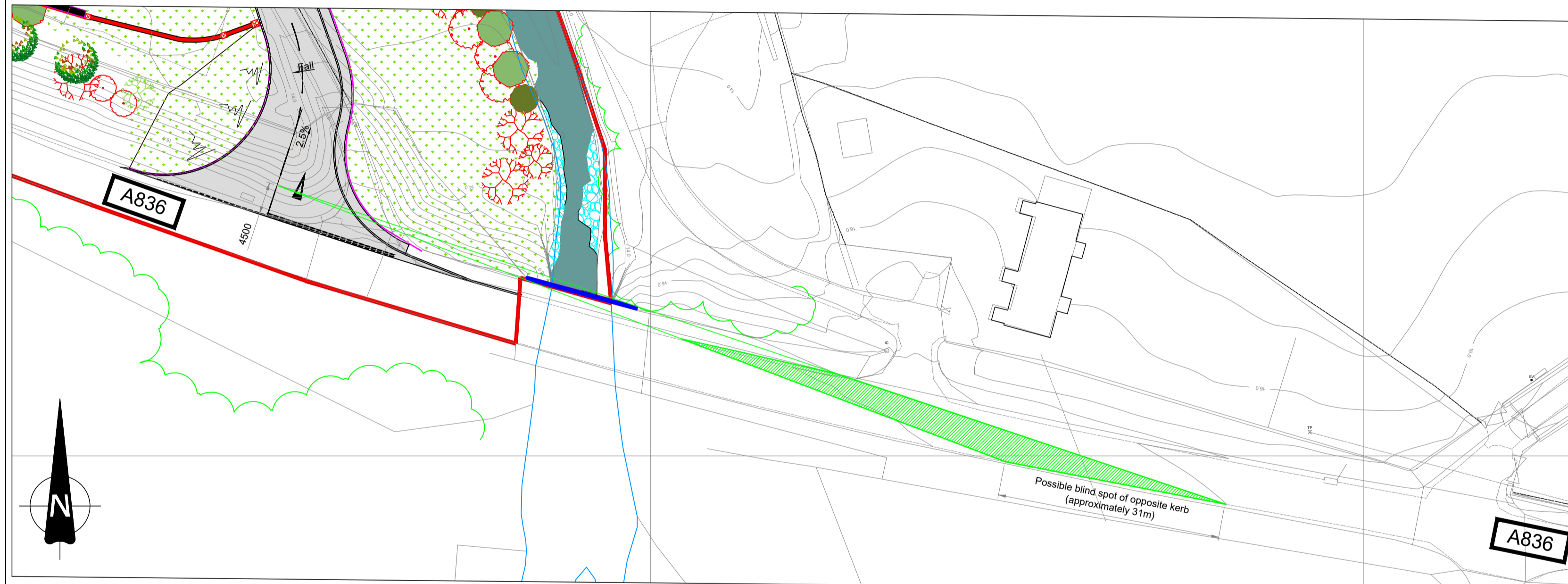
client	project	drawing	revision
MIDFEARN DISTILLERY COMPANY LTD	MIDFEARN DISTILLERY	LANDSCAPE LAYOUT	P04

status: PLANNING



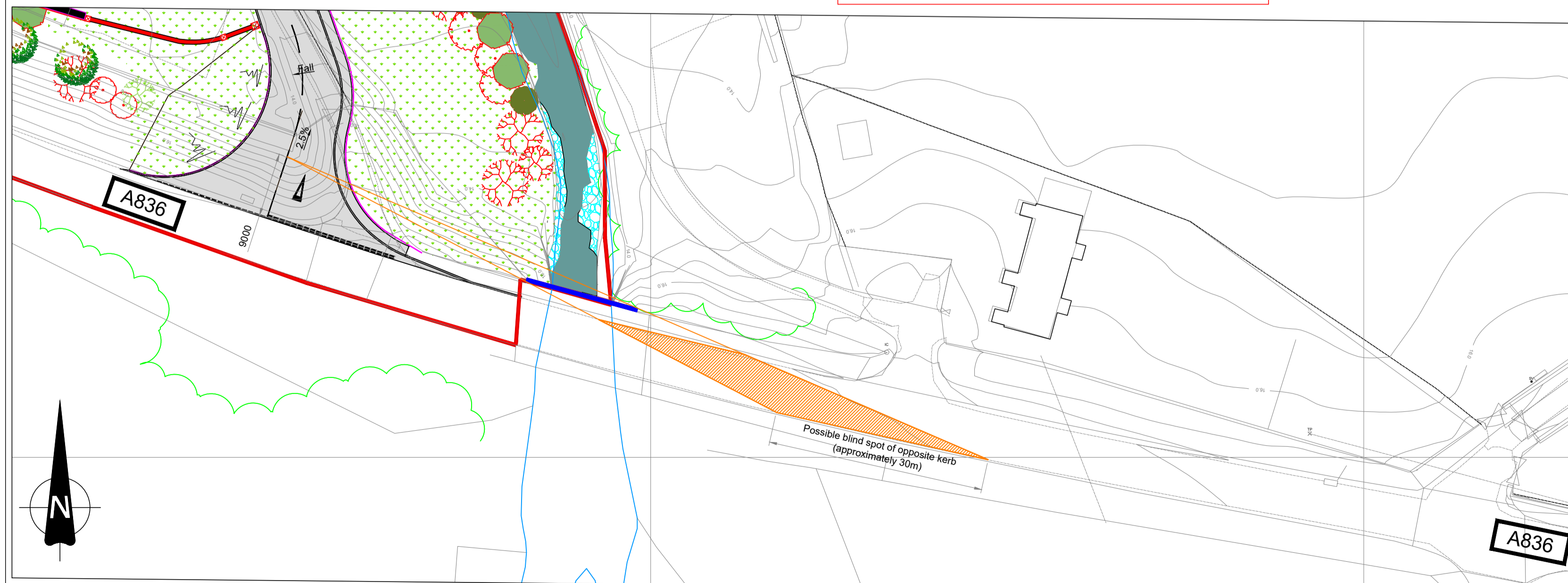
EAST VISIBILITY SPLAY - BRIDGE PARAPET - 215m x 2.4m  
SCALE 1:500

ESTIMATED TIME OF STANDARD DESIGN  
VEHICLE IN BLIND SPOT = 0.99 seconds



EAST VISIBILITY SPLAY - BRIDGE PARAPET - 215m x 4.5m  
SCALE 1:500

ESTIMATED TIME OF STANDARD DESIGN  
VEHICLE IN BLIND SPOT = 0.95 seconds



EAST VISIBILITY SPLAY - BRIDGE PARAPET - 215m x 9m  
SCALE 1:500

ESTIMATED TIME OF STANDARD DESIGN  
VEHICLE IN BLIND SPOT = 0.91 seconds



VIEW EAST FROM CURRENT JUNCTION LOCATION



BRIDGE PARAPET

Notes  
1. Refer to drawing SK164 for full length of visibility splay.

Revisions	Date	Dwn.
Issued for PLANNING.	05.07.22	STH

**FOR  
PLANNING**

MIDFEARN ESTATES

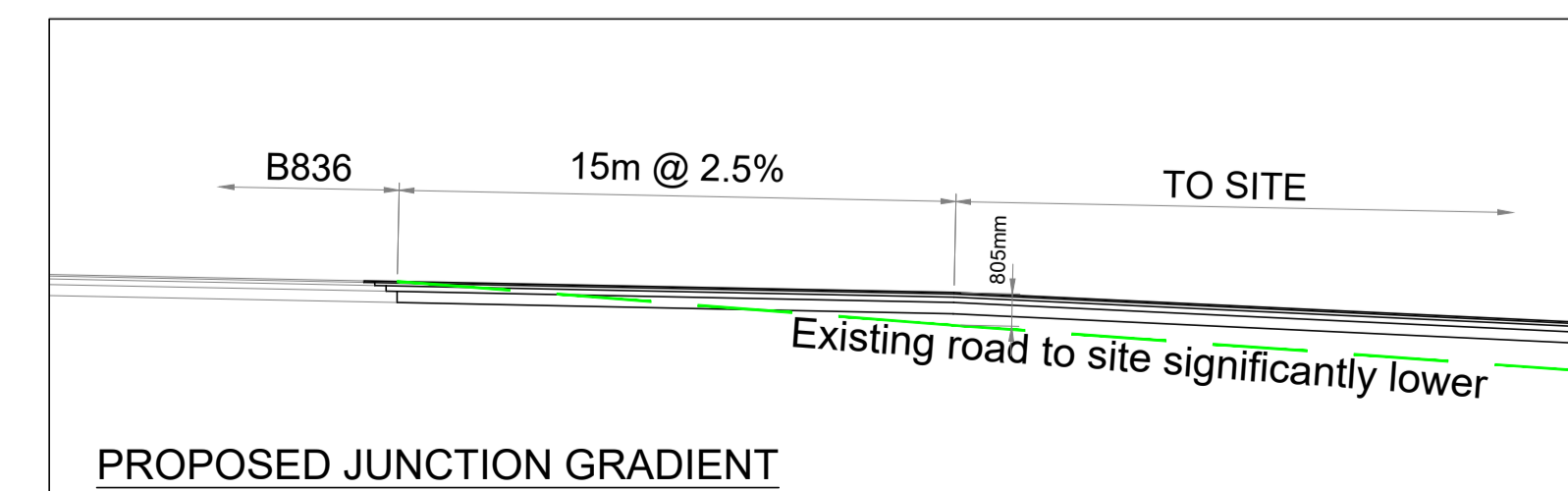
MIDFEARN DISTILLERY

EAST VISIBILITY SPLAY

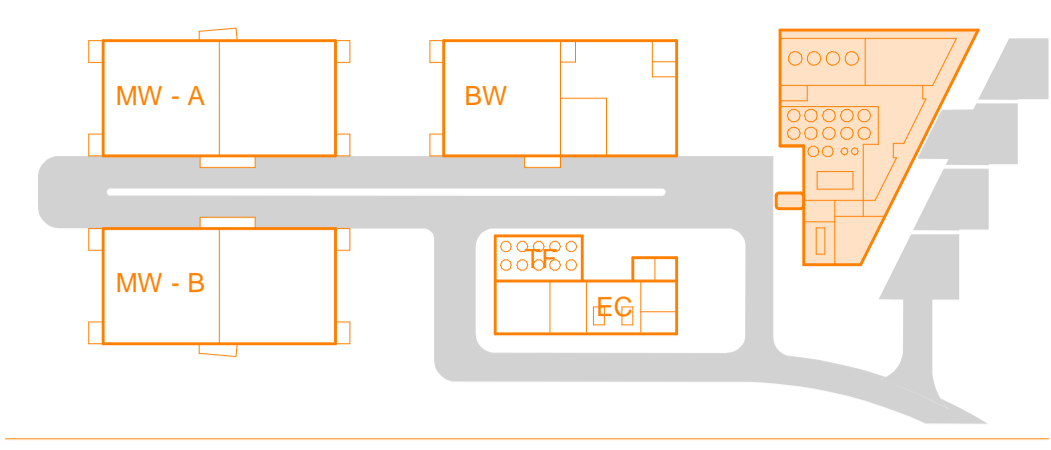
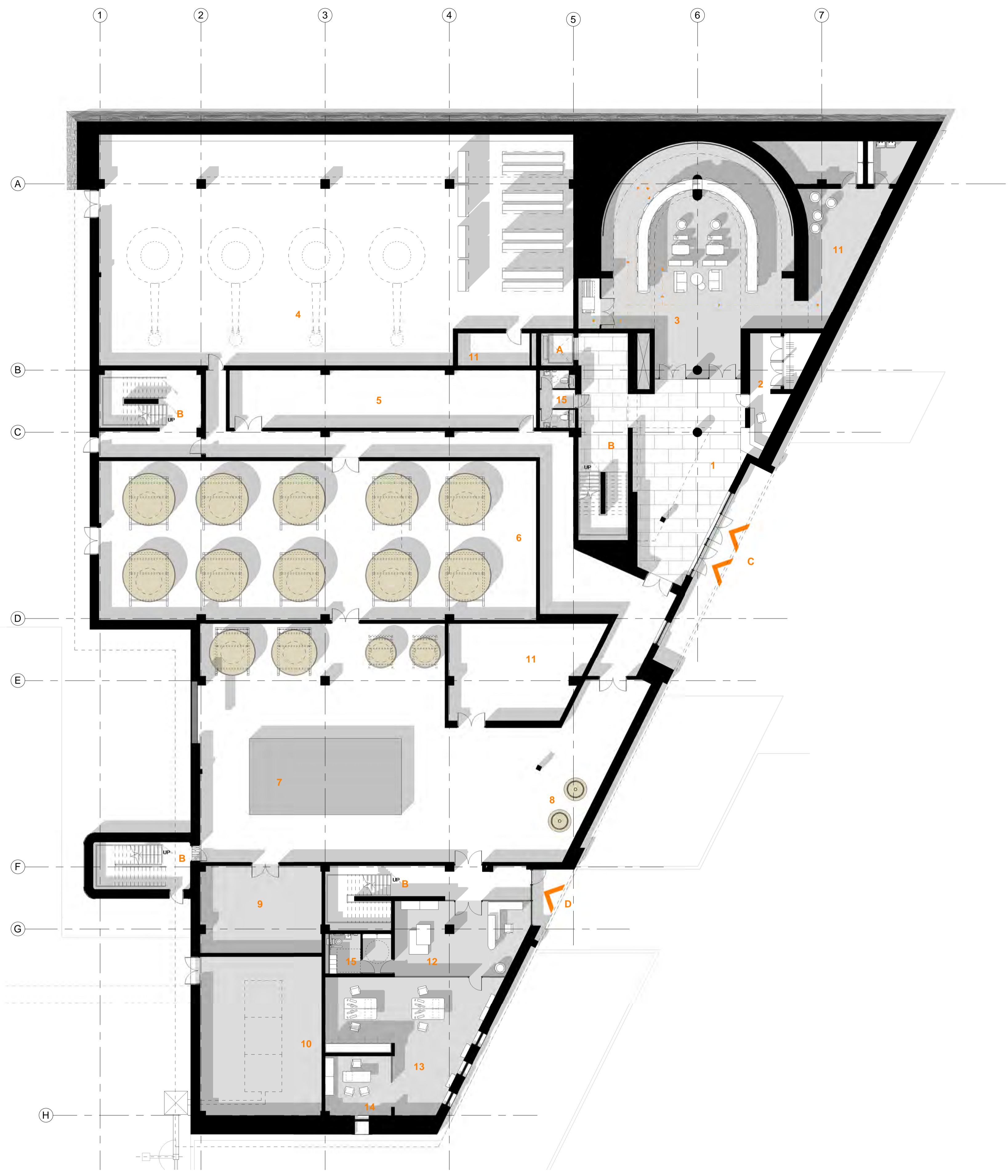
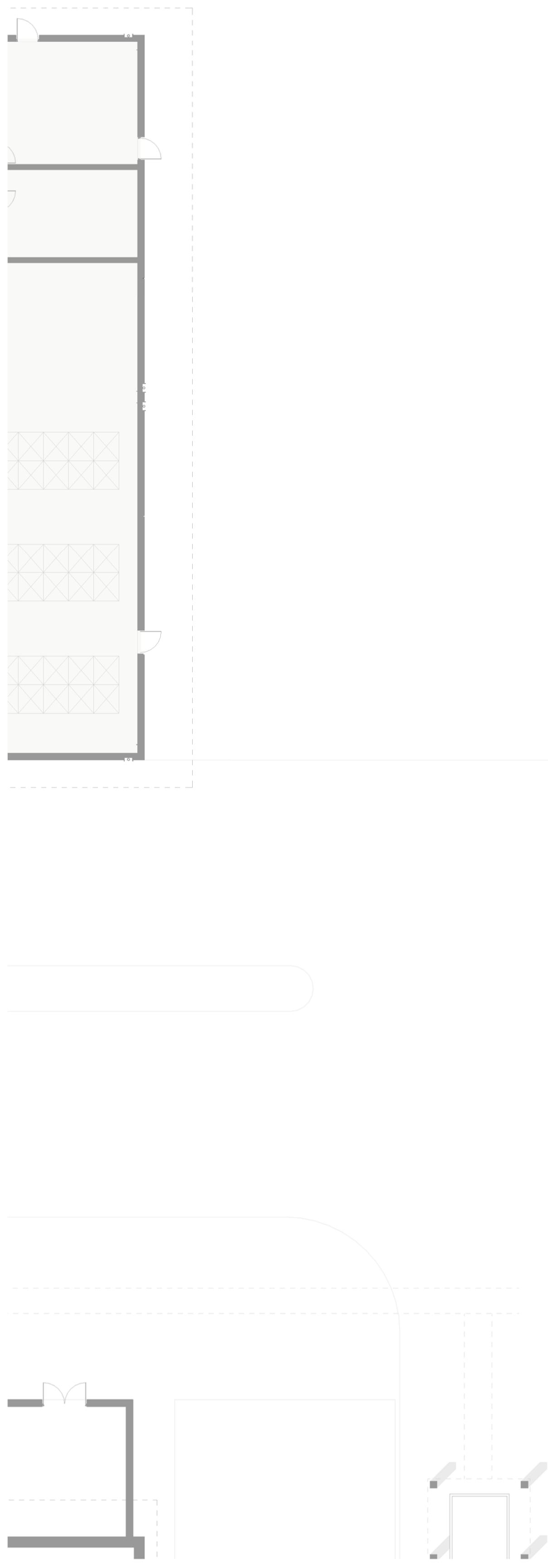
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Date: Jul '22	Date: Jul '22	DO NOT SCALE

**BLYTH&BLYTH**  
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Email: edinburgh@blythandblyth.co.uk  
www.blythandblyth.co.uk Telephone: 0131 474 2200

Drawing No. EC22481:SK166 Revision



PROPOSED JUNCTION GRADIENT



- KEY**
- |                       |                                |
|-----------------------|--------------------------------|
| 01. Entrance Lobby    | 11. Storage/Maintenance BoH    |
| 02. Host & Cloakroom  | 12. Shop & Open Reception      |
| 03. Dunnage/Warehouse | 13. Open Office                |
| 04. Lower Still House | 14. Admin. Office (One to One) |
| 05. MCC Room          | 15. Toilet                     |
| 06. Tun Room          |                                |
| 07. Lower Mash House  | A. Lift                        |
| 08. CIP and Pumps     | B. Escape Stair                |
| 09. Lower Mill Room   | C. Appointed Visitor Entrance  |
| 10. Silos             | D. Building Entrance           |

rev.	date	description	by	rev.	date	description

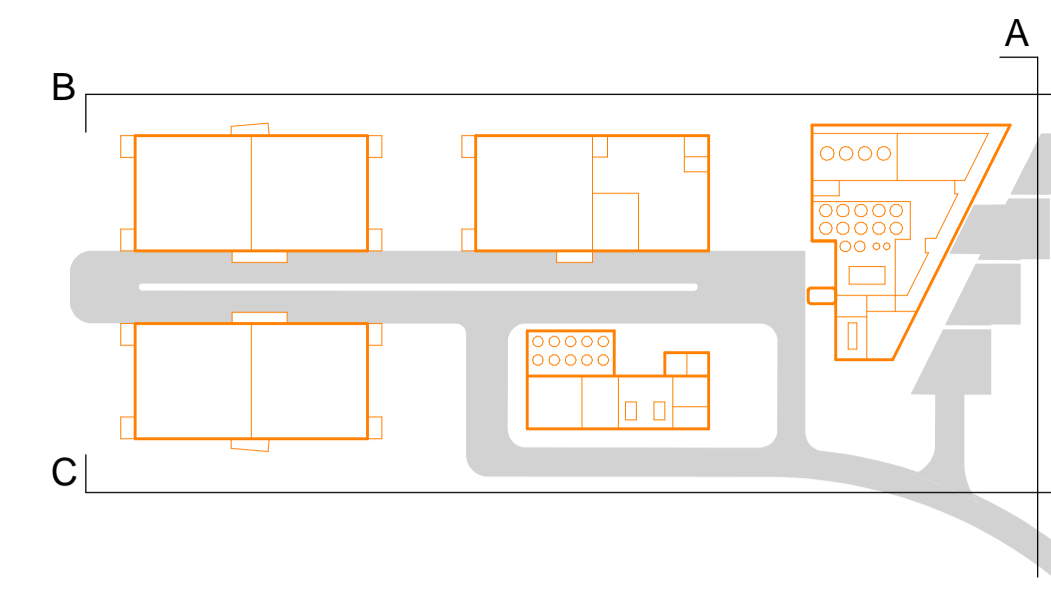
by notes

- Do not scale drawing
- All dimensions to be confirmed on site
- Any drawing errors or divergences should be brought to the attention of the originator of this drawing
- Drawing to be read in conjunction with MLA Common Requirements Specification

Project Name Midfean Distillery  
 Client Midfean Distillery Company Ltd  
 Address Land 470M NW of Farmhouse, Easter Fearn Ardgay

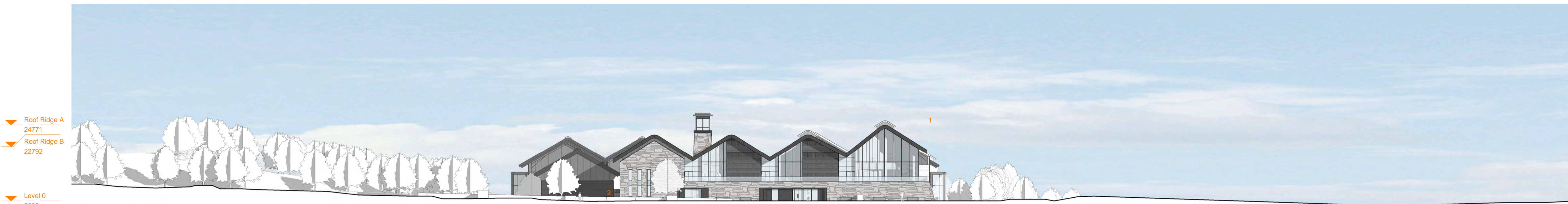


drawing number	rev	drawing title	scale
MID.AR (PL)010		Building Plans Distillery Building - Ground Floor	1 : 150
status	PLANNING	date	12.05.22
		drawn	AM
		format	A1



**KEY**

- |                         |                   |
|-------------------------|-------------------|
| 01. Distillery Building | 05. Energy Center |
| 02. Drop off point      | 06. Tank Farm     |
| 03. Parking             | 07. Pump House    |
| 04. Warehouse/Botting   | 08. Warehouse     |



**Site Elevation A**

1:400



**Site Elevation B**

1:400



**Site Elevation C**

1:400

*NOTES*  
For information on landscape design and materials, please refer to landscape information.

rev.	date	description	by	rev.	date	description	by	notes

- Do not scale drawing  
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- Drawing to be read in conjunction with MLA Common Requirements Specification

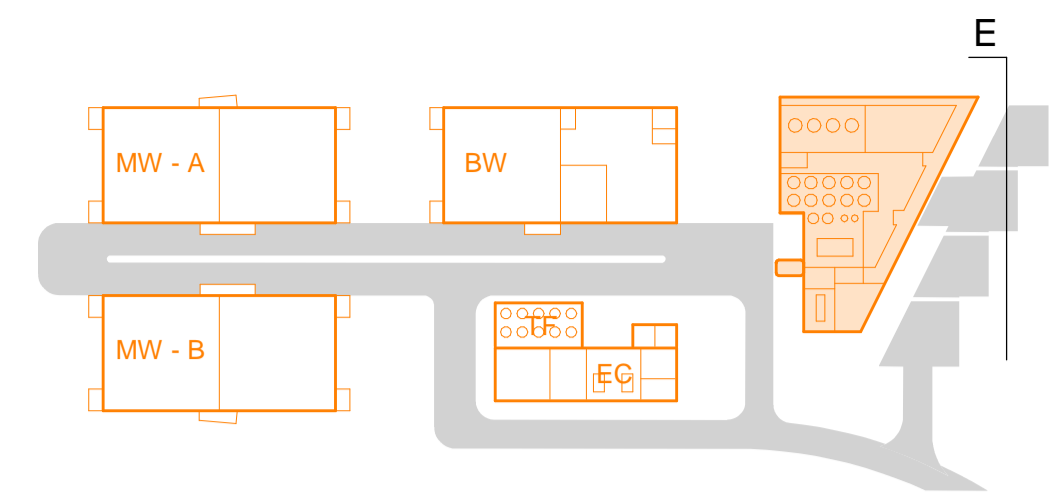
Project Name: Midfean Distillery  
Client: Midfean Distillery Company Ltd  
Address: Land 470M NW of Farmhouse, Easter Fearn Ardgay



drawing number	rev	drawing title	scale
MID.AR (PL)005		Site Elevations	1:400
status			date
PLANNING			12.05.22
			drawn
			AM
			format
			A1



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- KEY**
- |   |   |
|---|---|
| 01. Standing Seam Zinc Metal Roofing - Dark Grey coloured   | 10. Glass Balustrade  |
| 02. Metal Fascia Eaves Detail - Dark Grey coloured  | 11. Backpainted Glass Panel   |
| 03. Ventilation rooflights  | 12. Stone Lintel Detail   |
| 04. Metal Coping details - Dark Grey coloured   | 13. Louver metal panel, Powder coated Light Grey coloured                       |
| 05. Dry Stonewall   | 14. Louver metal panel, Powder coated Dark Grey coloured.                       |
| 06. Curtain Wall System - Dark Grey coloured with clear glass (6a silicone joint)                       | 15. Aluminium Rainscreen Cladding System - Dark Grey coloured, horizontal joint |
| 07. Timber Slats Screening  | 16. Square Frame Window, frame to match curtain wall                            |
| 08. Glazed double/single door, frame to match Curtain Wall  | 17. Roller shutter - Powder coated colour to match metal panel                  |
| 09. Aluminium Rainscreen Cladding System - Dark Grey coloured, vertical joint, to form entrance canopy. | 18. Aluminium single/double door, colour to match metal panel                   |
|   | 19. Timber Soffit   |
|   | 20. Vent pipes, dark coloured   |



EAST ELEVATION

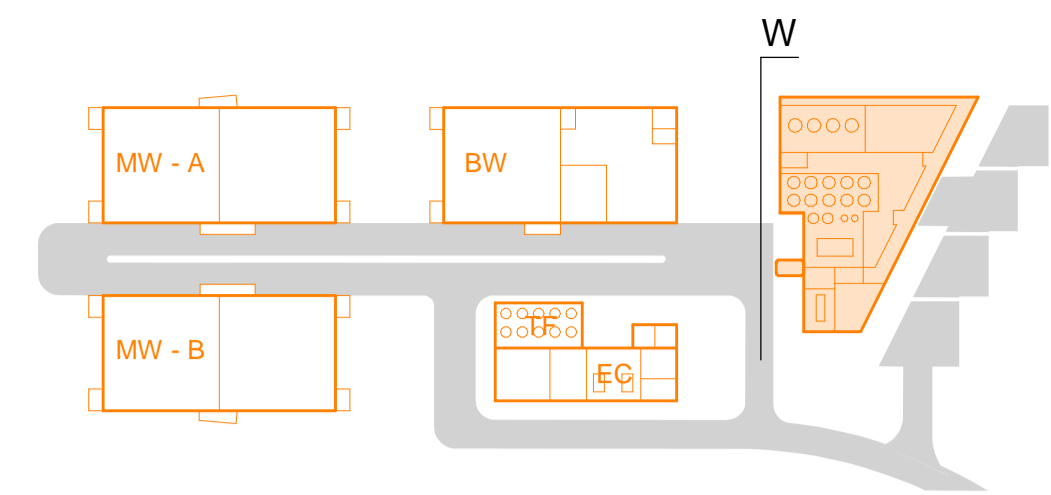
**NOTES**  
For information on landscape design and materials, please refer to landscape information.

rev.	date	description	by	rev.	date	description	by	notes
								- Do not scale drawing - All dimensions to be confirmed on site - Any drawing errors or divergences should be brought to the attention of the originator of this drawing - Drawing to be read in conjunction with MLA Common Requirements Specification

Project Name: Midfearn Distillery  
 Client: Midfearn Distillery Company Ltd  
 Address: Land 470M NW of Farmhouse, Easter Fearn Ardgay



drawing number: MID.AR (PL)020	rev:	drawing title: Building Elevations & Plans Distillery Building - East Elevation	scale: 1:100
status: PLANNING			date: 12.05.22
			drawn: AM
			format: A1



**KEY**

- |   |   |
|---|---|
| 01. Standing Seam Zinc Metal Roofing - Dark Grey coloured   | 10. Glass Balustrade  |
| 02. Metal Fascia Eaves Detail - Dark Grey coloured  | 11. Backpainted Glass Panel   |
| 03. Ventilation rooflights  | 12. Stone Lintel Detail   |
| 04. Metal Coping details - Dark Grey coloured   | 13. Louver metal panel, Powder coated Light Grey coloured                       |
| 05. Dry Stonewall   | 14. Louver metal panel, Powder coated Dark Grey coloured.                       |
| 06. Curtain Wall System - Dark Grey coloured with clear glass (6a silicone joint)                       | 15. Aluminium Rainscreen Cladding System - Dark Grey coloured, horizontal joint |
| 07. Timber Slats Screening  | 16. Square Frame Window, frame to match curtain wall                            |
| 08. Glazed double/single door, frame to match Curtain Wall  | 17. Roller shutter - Powder coated colour to match metal panel                  |
| 09. Aluminium Rainscreen Cladding System - Dark Grey coloured, vertical joint, to form entrance canopy. | 18. Aluminium single/double door, colour to match metal panel                   |
|   | 19. Timber Soffit   |
|   | 20. Vent pipes, dark coloured   |



WEST ELEVATION

**NOTES**  
For information on landscape design and materials, please refer to landscape information.

rev.	date	description	by	rev.	date	description	by

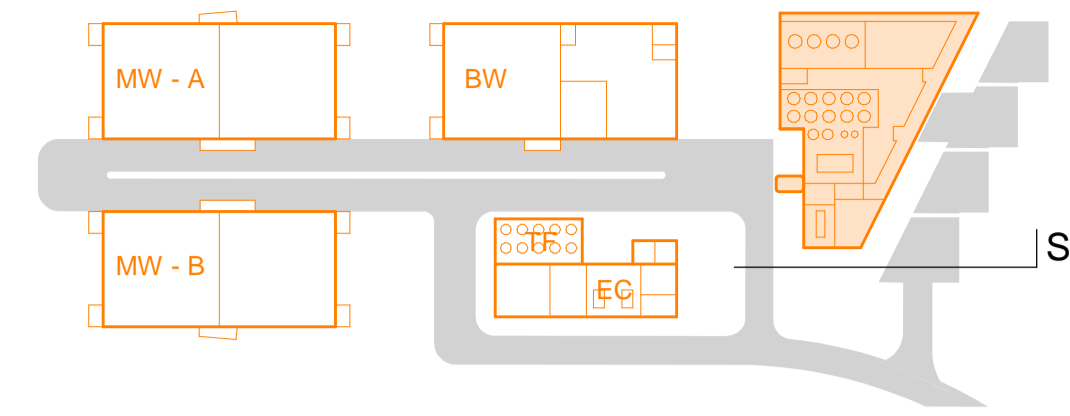
notes  
 - Do not scale drawing  
 - All dimensions to be confirmed on site  
 - Any drawing errors or divergences should be brought to the attention of the originator of this drawing  
 - Drawing to be read in conjunction with MLA Common Requirements Specification

Project Name: Midfean Distillery  
 Client: Midfean Distillery Company Ltd  
 Address: Land 470M NW of Farmhouse, Easter Fearn Ardgay



drawing number: MID.AR (PL)021	rev:	drawing title: Building Elevations & Plans Distillery Building - West Elevation	scale: 1:100
status: PLANNING			date: 12.05.22
			drawn: AM
			format: A1

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**KEY**

- |   |   |
|---|---|
| 01. Standing Seam Zinc Metal Roofing - Dark Grey coloured   | 10. Glass Balustrade  |
| 02. Metal Fascia Eaves Detail - Dark Grey coloured  | 11. Backpainted Glass Panel   |
| 03. Ventilation rooflights  | 12. Stone Lintel Detail   |
| 04. Metal Coping details - Dark Grey coloured   | 13. Louver metal panel, Powder coated Light Grey coloured                       |
| 05. Dry Stonewall   | 14. Louver metal panel, Powder coated Dark Grey coloured.                       |
| 06. Curtain Wall System - Dark Grey coloured with clear glass (6a silicone joint)                       | 15. Aluminium Rainscreen Cladding System - Dark Grey coloured, horizontal joint |
| 07. Timber Slats Screening  | 16. Square Frame Window, frame to match curtain wall                            |
| 08. Glazed double/single door, frame to match Curtain Wall  | 17. Roller shutter - Powder coated coloured to match metal panel                |
| 09. Aluminium Rainscreen Cladding System - Dark Grey coloured, vertical joint, to form entrance canopy. | 18. Aluminium single/double door, colour to match metal panel                   |
|   | 19. Timber Soffit   |
|   | 20. Vent pipes, dark coloured   |



**SOUTH ELEVATION**

**NOTES**  
For information on landscape design and materials, please refer to landscape information.

rev.	date	description	by	rev.	date	description	by

**notes**  
 - Do not scale drawing  
 - All dimensions to be confirmed on site  
 - Any drawing errors or divergences should be brought to the attention of the originator of this drawing  
 - Drawing to be read in conjunction with MLA Common Requirements Specification

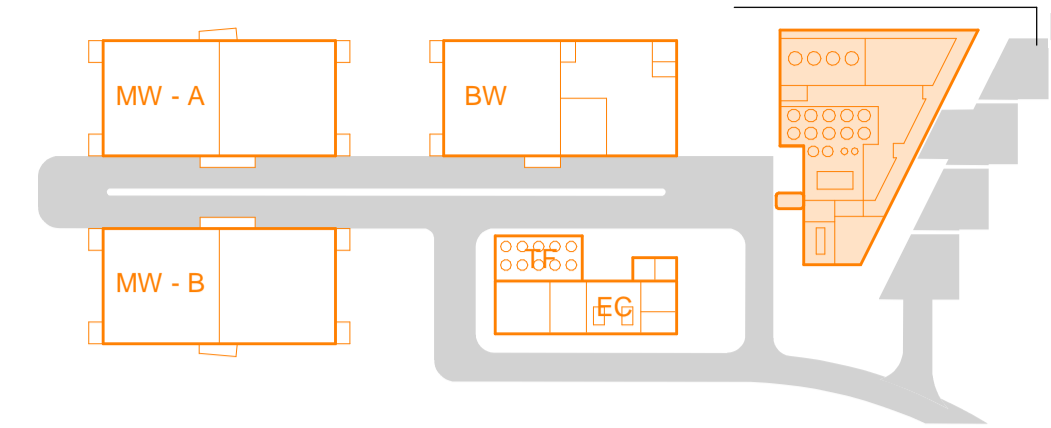
**Project Name** Midfean Distillery  
**Client** Midfean Distillery Company Ltd  
**Address** Land 470M NW of Farmhouse, Easter Fearn Ardgay



<b>drawing number</b> MID.AR (PL)022	<b>rev</b>	<b>drawing title</b> Building Elevations & Plans Distillery Building - South Elevation	<b>scale</b> 1:100
<b>status</b> PLANNING			<b>date</b> 12.05.22
			<b>drawn</b> AM
			<b>format</b> A1

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**KEY**

- |   |   |
|---|---|
| 01. Standing Seam Zinc Metal Roofing - Dark Grey coloured   | 10. Glass Balustrade  |
| 02. Metal Fascia Eaves Detail - Dark Grey coloured  | 11. Backpainted Glass Panel   |
| 03. Ventilation rooflights  | 12. Stone Lintel Detail   |
| 04. Metal Coping details - Dark Grey coloured   | 13. Louver metal panel, Powder coated Light Grey coloured                       |
| 05. Dry Stonewall   | 14. Louver metal panel, Powder coated Dark Grey coloured.                       |
| 06. Curtain Wall System - Dark Grey coloured with clear glass (6a silicone joint)                       | 15. Aluminium Rainscreen Cladding System - Dark Grey coloured, horizontal joint |
| 07. Timber Slats Screening  | 16. Square Frame Window, frame to match curtain wall                            |
| 08. Glazed double/single door, frame to match Curtain Wall  | 17. Roller shutter - Powder coated coloured to match metal panel                |
| 09. Aluminium Rainscreen Cladding System - Dark Grey coloured, vertical joint, to form entrance canopy. | 18. Aluminium single/double door, colour to match metal panel                   |
|   | 19. Timber Soffit   |
|   | 20. Vent pipes, dark coloured   |

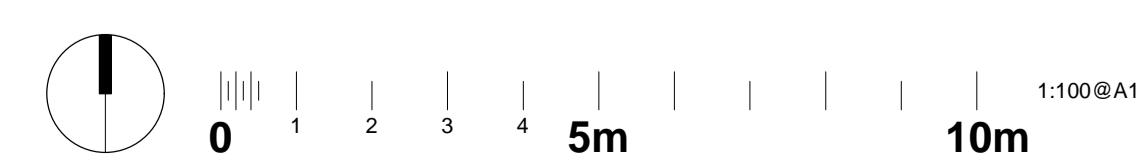


**NORTH ELEVATION**

**NOTES**  
For information on landscape design and materials, please refer to landscape information.

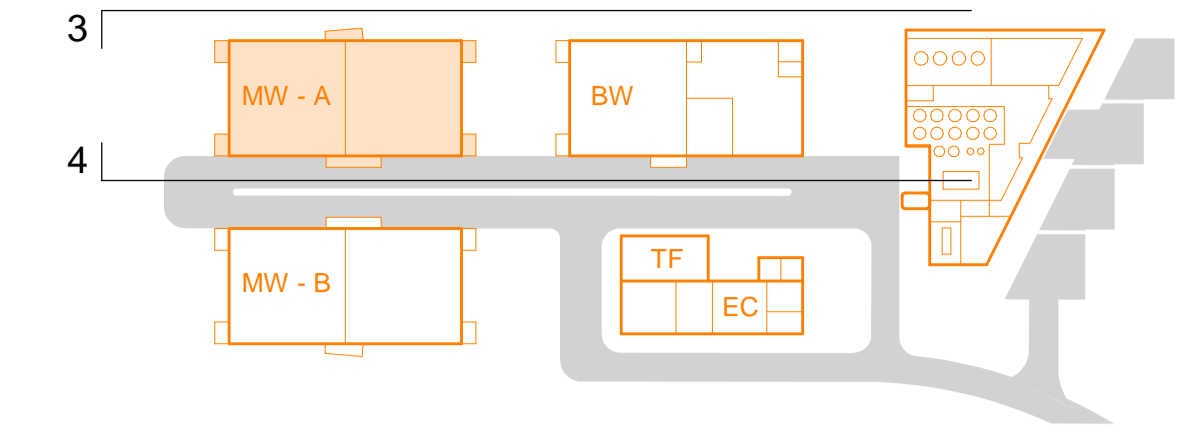
rev.	date	description	by	rev.	date	description	by	notes
								- Do not scale drawing - All dimensions to be confirmed on site - Any drawing errors or divergences should be brought to the attention of the originator of this drawing - Drawing to be read in conjunction with MLA Common Requirements Specification

Project Name **Midfean Distillery**  
 Client **Midfean Distillery Company Ltd**  
 Address **Land 470M NW of Farmhouse, Easter Fearn Ardgay**



drawing number	rev	drawing title	scale
MID.AR (PL)023		Building Elevations & Plans Distillery Building - North Elevation	1:100
status	PLANNING		date
			12.05.22
			drawn
			AM
			format
			A1

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- KEY**
- |   |   |
|---|---|
| 01. Standing Seam Zinc Metal Roofing - Dark Grey coloured                         | 08. Metal C Chanel to receive Downpipe - Black coloured                           |
| 02. Metal Fascia Eaves Detail - Dark Grey coloured                                | 09. Metal Coping Detail - Black coloured  |
| 03. Metal Box Gutters - Black coloured  | 10. Curtain Wall System - Dark Grey coloured with clear glass, Aluminium coloured |
| 04. Aluminium Rainscreen Cladding System - Dark Grey colour, vertical joint       | 11. Aluminium Rainscreen Cladding System - Black coloured.                        |
| 05. Aluminium Rainscreen Cladding System - Dark Grey colour, horizontal joint     | 12. Roller shutter - Powder coated Black coloured                                 |
| 06. Aluminium Rainscreen Cladding System - Medium Grey coloured, horizontal joint | 13. Aluminium single door, colour to match Cladding system, Ridge Linear Vent.    |
| 07. Aluminium Downpipe with Aluminium Rainwater Hopper - Black coloured           | 14. Aluminium Rainscreen Cladding System - White colour, vertical joint           |
|   | 15. Aluminium Rainscreen Cladding System - White colour, horizontal joint         |
|   | 16. Aluminium Rainscreen Cladding System - White colour, horizontal joint         |
|   | 17. Wall Louver Panel - Colour to match   |



**Bottling and Maturation Warehouses - Elevation 3**  
1:250

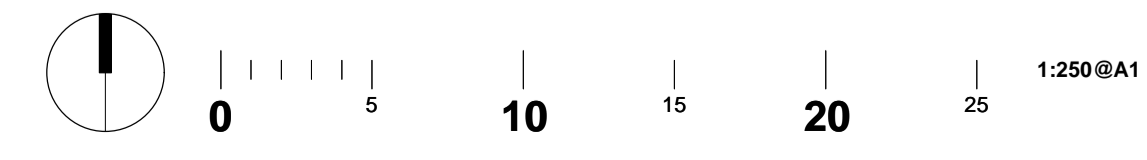


**Bottling and Maturation Warehouses - Elevation 4**  
1:250

**NOTES**  
For information on landscape design and materials, please refer to landscape information.

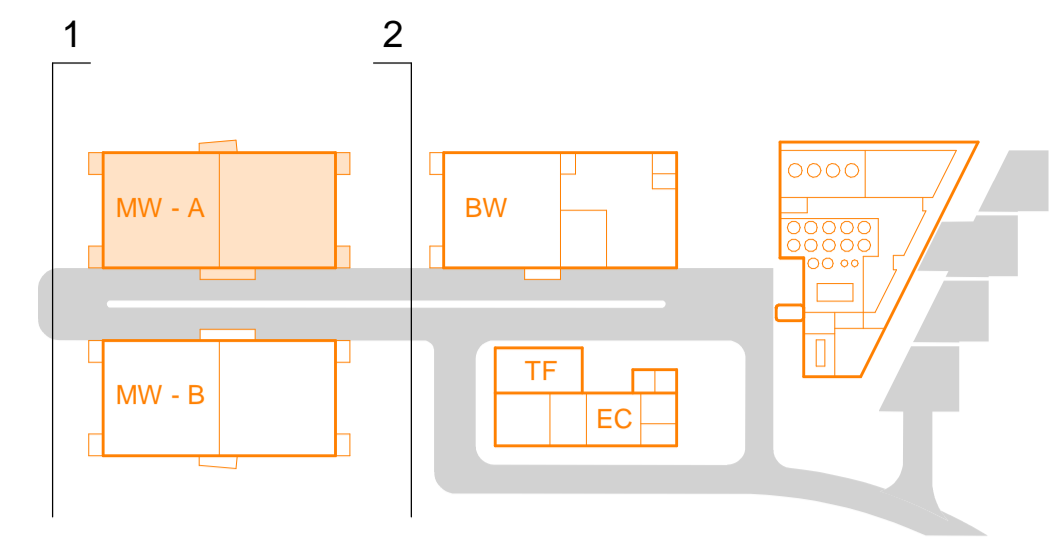
rev.	date	description	by	rev.	date	description	by	notes
								- Do not scale drawing - All dimensions to be confirmed on site - Any drawing errors or divergences should be brought to the attention of the originator of this drawing - Drawing to be read in conjunction with MLA Common Requirements Specification

Project Name: Midfean Distillery  
 Client: Midfean Distillery Company Ltd  
 Address: Land 470M NW of Farmhouse, Easter Fearn Ardgay



drawing number	rev	drawing title	scale
MID.AR (PL)030		Building Elevations & Plans Bottling and Maturation Warehouses Elevations	1.250
status	PLANNING		date
			12.05.22
			drawn
			AM
			format
			A1

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- KEY**
- |   |  |
|---|--|
| 01. Standing Seam Zinc Metal Roofing - Dark Grey coloured                         | 08. Metal C Channel to receive Downpipe - Black coloured   |
| 02. Metal Fascia Eaves Detail - Dark Grey coloured                                | 09. Metal Coping Detail - Black coloured   |
| 03. Metal Box Gutters - Black coloured  | 10. Curtain Wall System - Dark Grey coloured with clear glass, Aluminium single door colour to match |
| 04. Aluminium Rainscreen Cladding System - Dark Grey colour, vertical joint       | 11. Aluminium Rainscreen Cladding System - Black coloured.   |
| 05. Aluminium Rainscreen Cladding System - Dark Grey colour, horizontal joint     | 12. Roller shutter - Powder coated Black coloured  |
| 06. Aluminium Rainscreen Cladding System - Medium Grey coloured, horizontal joint | 13. Aluminium single door, colour to match Cladding system.  |
| 07. Aluminium Downpipe with Aluminium Rainwater Hopper - Black coloured           | 14. Ridge Linear Vent.   |
|   | 15. Aluminium Rainscreen Cladding System - White colour, vertical joint                              |
|   | 16. Aluminium Rainscreen Cladding System - White colour, horizontal joint                            |
|   | 17. Wall Louver Panel - Colour to match  |



**Maturation Warehouses - Elevation 1**  
1:250



**Maturation Warehouses - Elevation 2**  
1:250

**NOTES**  
For information on landscape design and materials, please refer to landscape information.

rev.	date	description	by	rev.	date	description	by	notes
								- Do not scale drawing - All dimensions to be confirmed on site - Any drawing errors or divergences should be brought to the attention of the originator of this drawing - Drawing to be read in conjunction with MLA Common Requirements Specification

Project Name: Midfearn Distillery  
 Client: Midfearn Distillery Company Ltd  
 Address: Land 470M NW of Farmhouse, Easter Fearn Ardgay

drawing number	rev	drawing title	scale
MID.AR (PL)031		Building Elevations & Plans Bottling and Maturation Warehouses Elevations	1.250
status	PLANNING		date
			12.05.22
			drawn
			AM
			format
			A1

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