

Agenda Item	<b>6.1</b>
Report No	<b>PLS-89-22</b>

## HIGHLAND COUNCIL

**Committee:** South Planning Applications Committee

**Date:** 13 December 2022

**Report Title:** 22/03622/PAN: Wright Distillers Company Ltd.  
U220 250M South East Of Spey Dam, Laggan

**Report By:** Area Planning Manager – South

### **Purpose/Executive Summary**

**Description:** Erection of distillery, marketing suite and maturation warehouses with associated access, parking, infrastructure, and servicing

**Ward:** 20 – Badenoch and Strathspey

### **Recommendation**

Members are asked to note the submission of the PAN and highlight any material issues they wish to be brought to the attention of the applicant before the submission of the application for planning permission.

## **1. BACKGROUND**

- 1.1 To inform the Planning Applications Committee of the submission of the attached Proposal of Application Notice (PAN).
- 1.2 The submission of the PAN accords with the provisions of the Planning etc. (Scotland) Act 2006 and was made valid on 30 August 2022. The PAN is a statutory requirement for planning applications for major or national developments and must be lodged at least 12 weeks prior to the submission of a planning application. Members are asked to note this may form the basis of a subsequent planning application.
- 1.3 The submitted information attached includes:
  - Proposal of Application Notice (Application Form)
  - Location Plan
- 1.4 The developer proposes to undertake two in person public consultation events on 6 September 2022 and 11 October 2022 between 1500-2000hrs at Laggan Village Hall. A virtual consultation event will also be held via MS Teams on 4 October 2022 at 1800hrs. The events will be advertised in the Ross-shire Journal on 12 August 2022. The events will be advertised within the Strathspey and Badenoch Herald on 23 August 2022. Event invitation leaflets are also to be hand delivered to properties within 2.5km of the site.
- 1.5 Details of all notified parties are contained and appended to the PAN form and include the Aviemore and vicinity Community Council and Badenoch and Strathspey ward Members. Additionally, officers have requested that the local MSPs and MPs are to be notified.
- 1.6 Any forthcoming application will require to be accompanied by a Pre-Application Consultation (PAC) report explaining the consultation undertaken, feedback received, and any resultant amendments made to the planning application.

## **2. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 2.1 This PAN provides notice of the developer's intention to submit a planning application for a scheme which is classified as 'major development', as defined by the Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009) and under the Town and Country Planning (Scotland) Act 1997 (As Amended). Based upon the information provided, the development is likely to comprise of a distillery with maturation warehouses, with associated access, parking and associated infrastructure.
- 2.2 The applicant has sought pre-application advice from the Planning Authority via the Pre-Application Advice Service for Major Developments.

## **3. SITE DESCRIPTION**

- 3.1 The site comprises an area of rough grassland on the southern bank of the River Spey to the east of Laggan within the Cairngorm National Park. The site is currently

used for grazing and is bound by the River Spey to the north, General Wade's Military Road to the east and forestry to the south. There is an existing site access via a forestry track which meets the A86 to the south of the site. The site is adjacent to the River Spey (SAC) and (SSSI), and part of the site is mapped as being at fluvial flood risk from the river, falling within the 1 in 200 year event. The site is also located within the Ben Alder, Laggan and Glen Banchor Special Landscape Area and is located in the vicinity of Dun-da-Lamh fort, Scheduled Monument SM 4361, a large hilltop fort located on Black Criag hill located to the south west.

#### **4. DEVELOPMENT PLAN POLICY**

The following policies are relevant to the assessment of the application

##### **4.1 Cairngorms National Park Local Development Plan 2021**

Relevant policies from the Cairngorms National Park Local Development Plan 2021 include:

Policy 2: Supporting Economic Growth

Policy 3: Design and Placemaking

Policy 4: Natural Heritage

Policy 5: Landscape

Policy 10: Resources

Policy 11: Developer Contributions

##### **4.2 Cairngorms National Park Planning Guidance**

- Supporting Economic Growth (non-statutory guidance)
- Design and Placemaking (non-statutory guidance)
- Natural Heritage (supplementary guidance)
- Landscape (non-statutory guidance)
- Resources (non-statutory guidance)
- Developer Contributions (supplementary guidance)

##### **4.3 Highland Council Supplementary Planning Policy Guidance**

- 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)
- Standards for Archaeological Work (March 2012)
- Sustainable Design Guide (Jan 2013)
- Trees, Woodlands and Development (Jan 2013)

##### **4.4 Scottish Government Planning Policy and Other Guidance**

- Scottish Planning Policy (Jun 2014)

- National Planning Framework 3, NPF3 (Jun 2014);
- Revised Draft National Planning Framework 4 (Nov 2022)
- Historic Environment Policy for Scotland (Apr 2019)
- Creating Places (2013)
- 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)
- PAN 75 – Planning for Transport (Aug 2005)
- Cairngorms National Park Core Paths Plan: Developing Active Places (March 2015)
- Construction Environmental Management Process for Large Scale Projects, Highland Council (Aug 2010)

## **5. POTENTIAL MATERIAL PLANNING CONSIDERATIONS**

- 5.1
- a) Development Plan
  - b) National Policy
  - c) Design and Layout
  - d) Landscape and Visual Impact
  - e) Natural Heritage (including ecology, ornithology, trees and soils)
  - f) Water Environment (including flood risk, drainage and abstraction)
  - g) Built and Cultural Heritage
  - h) Transport, Access and Recreation
  - i) Amenity Impacts (including operational noise, dust, odour and light pollution, as well as during construction)
  - j) Any other material considerations raised within representations
- 5.2 Additionally, Cairngorms National Park Authority (CNPA) was consulted on the above Proposal of Application Notice with this PAN presented to their Planning Committee at the meeting held on 23<sup>rd</sup> September 2022. Comments relating to this are to be fed back by the associated case officer within the CNPA team.

## **6. CONCLUSION**

- 6.1 The report sets out the information submitted to date as part of the PAN. Summarised are the policy considerations against which any future planning application will be considered as well as the potential material planning considerations and key issues based on the information available to date. The list is not exhaustive and further matters may arise as and when a planning application is received and in the light of public representations and consultation responses.

## **7. IMPLICATIONS**

- 7.1 Resource: Not applicable
- 7.2 Legal: Not applicable

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

7.4 Climate Change/Carbon Clever: Not applicable

7.5 Risk: Not applicable

7.6 Gaelic: Not applicable

**8. RECOMMENDATION**

It is recommended the Committee notes the submission of the PAN and advises of any material issues it wishes to be brought to the applicant's attention.

Signature: David Mudie

Designation: Area Planning Manager – South

Author: Lauren Neil / Peter Wheelan

Background Papers: Documents referred to in report and in case file.

Relevant Plans: Plan 1 – Proposal of Application Notice  
Plan 2 – Location Plan

## PROPOSAL OF APPLICATION NOTICE MOLADH BRATH IARRTAIS

The Town and Country Planning (Scotland) Act 1997 as amended by the Planning Etc. (Scotland) Act 2006 Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008

**The Council will respond within 21 days of receiving the Notice. It will advise whether the proposed Pre-application Consultation is satisfactory or if additional notification and consultation above the statutory minimum is required. Please note that a planning application for this proposed development cannot be submitted less than 12 weeks from the date the Proposal of Application Notice is received by the Council and without the statutory consultation requirements having been undertaken. The planning application must be accompanied by a Pre-application consultation report.**

Applicant: <b>Speyside Distillers Company Ltd</b> Address: <b>C/O Agent</b>  Phone: <b>C/O Agent</b> E-mail: <b>C/O Agent</b>	Agent: <b>Wright PDL</b> Address: <b>26 Wilson St, Perth, PH2 0EX</b>  Phone: <b>07980992740</b> E-mail: <b>John@wrightpdl.co.uk</b>
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### **Address or Location of Proposed Development**

Please state the postal address of the prospective development site. If there is no postal address, please describe its location. Please outline the site in red on a base plan to a recognised metric scale and attach it to this completed Notice

**U220 250M South East Of Spey Dam Laggan**

### **Description of Development**

Please include detail where appropriate – eg the number of residential units; the gross floorspace in m of any buildings not for residential use; the capacity of any electricity generation or waste management facility; and the length of any infrastructure project. Please attach any additional supporting information.

**Erection of distillery, marketing suite and maturation warehouses with associated access, parking, infrastructure, and servicing.**

### **Pre-application Screening Notice**

Has a Screening Opinion been issued on the need for a Proposal of Application notice by the Highland Council in respect of the proposed development?

If yes, please provide a copy of this Opinion.

Yes/No: **No**

Community Consultation [See checklist of Statutory minimum consultation attached]

**2 x public events held locally advertised to closest neighbours by hand and in the press as required.**

State which other parties have received a copy of this Proposal of Application Notice.

Community Councils	Date Notice Served
Laggan Community Council ( <a href="mailto:chairlcc@laggan.com">chairlcc@laggan.com</a> )	11/08/2022
Stratherrick and Foyers CC ( <a href="mailto:email.sfcc@aol.com">email.sfcc@aol.com</a> )	11/08/2022
Fort Augustus and Glenmoriston CC ( <a href="mailto:deirdre_x@hotmail.co.uk">deirdre_x@hotmail.co.uk</a> )	11/08/2022
Glengarry CC ( <a href="mailto:glengarrycommunitycouncil@gmail.com">glengarrycommunitycouncil@gmail.com</a> )	11/08/2022
Strathdearn CC ( <a href="mailto:strathdearnccsecretary@gmail.com">strathdearnccsecretary@gmail.com</a> )	11/08/2022
Newtonmore CC ( <a href="mailto:nvccsec@gmail.com">nvccsec@gmail.com</a> )	11/08/2022
Kingussie CC ( <a href="mailto:kvcc-secretary@outlook.com">kvcc-secretary@outlook.com</a> )	11/08/2022
Dalwhinnie CC ( <a href="mailto:Dalwhinniesecretary@gmail.com">Dalwhinniesecretary@gmail.com</a> )	11/08/2022
Spean Bridge, Roy Bridge and Achnacarry CC (no Contact Details)	N/A

Names/details of any other parties	Date Notice Served
CNPA ( <a href="mailto:planning@cairngorms.co.uk">planning@cairngorms.co.uk</a> )	11/08/2022
Laggan Wolftax (by hand)	15/08/2022
Dalchully Estate (by hand)	15/08/2022
Monarch Hotel (by hand)	15/08/2022
Coul Estate (by hand)	15/08/2022
Houses at Strathmashie (by hand)	15/08/2022

Please give details of proposed consultation

Proposed public event	Venue	Date and time
1st Public Exhibition	Laggan Village Hall	Tue 6 <sup>th</sup> Sept 2022 (3pm – 8pm)
2nd Public Exhibition	Laggan Village Hall	Tue 11 <sup>th</sup> Oct 2022 (3pm – 8pm)

Newspaper Advert – name of newspaper

**Strathspey & Badenoch Herald**

Advert date(where known)

**TBC**

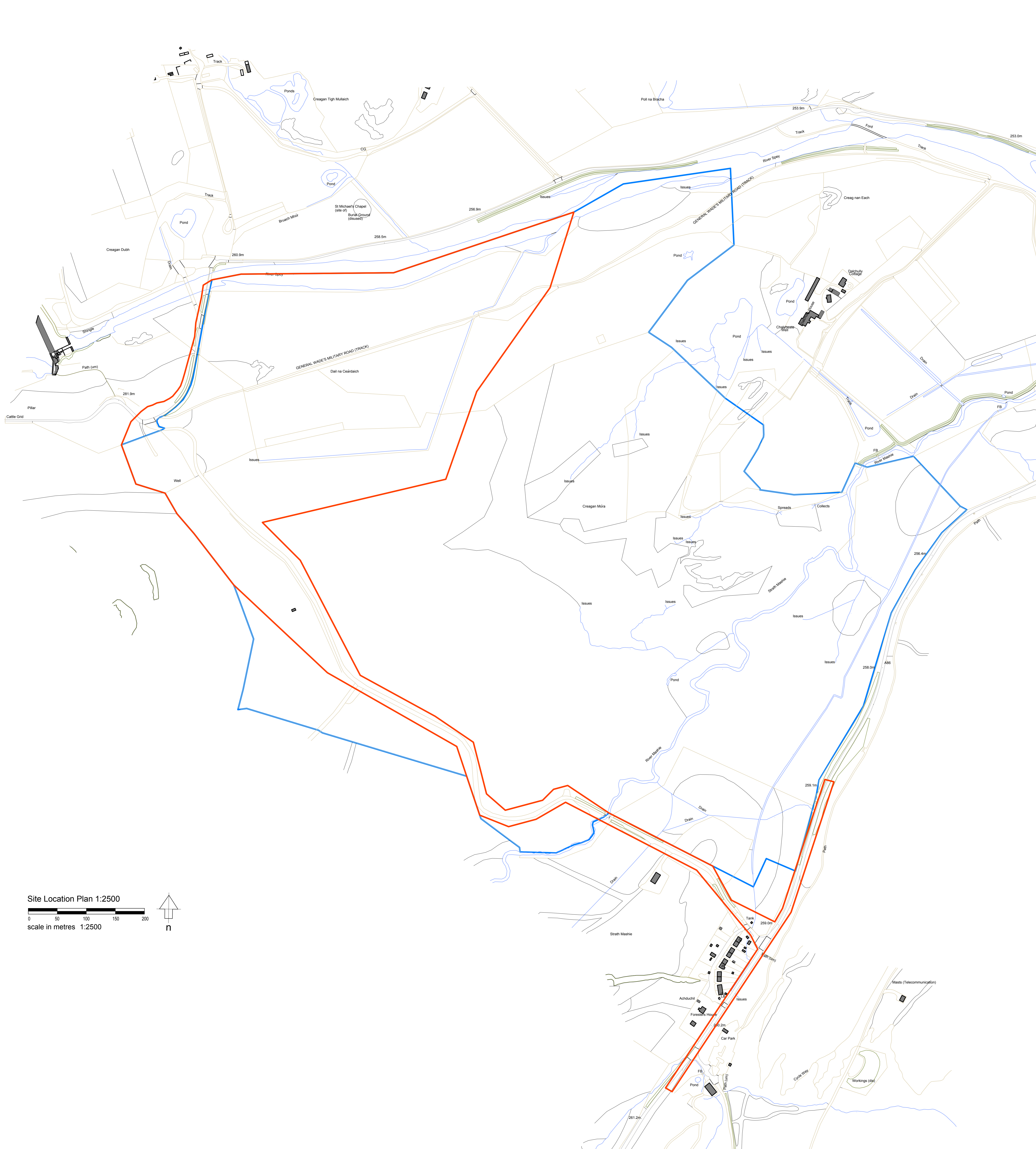
Details of any other consultation methods (date, time and with whom)

**For those who are uncomfortable or unable to attend the consultation event, material can be sent out by email to interested parties.**

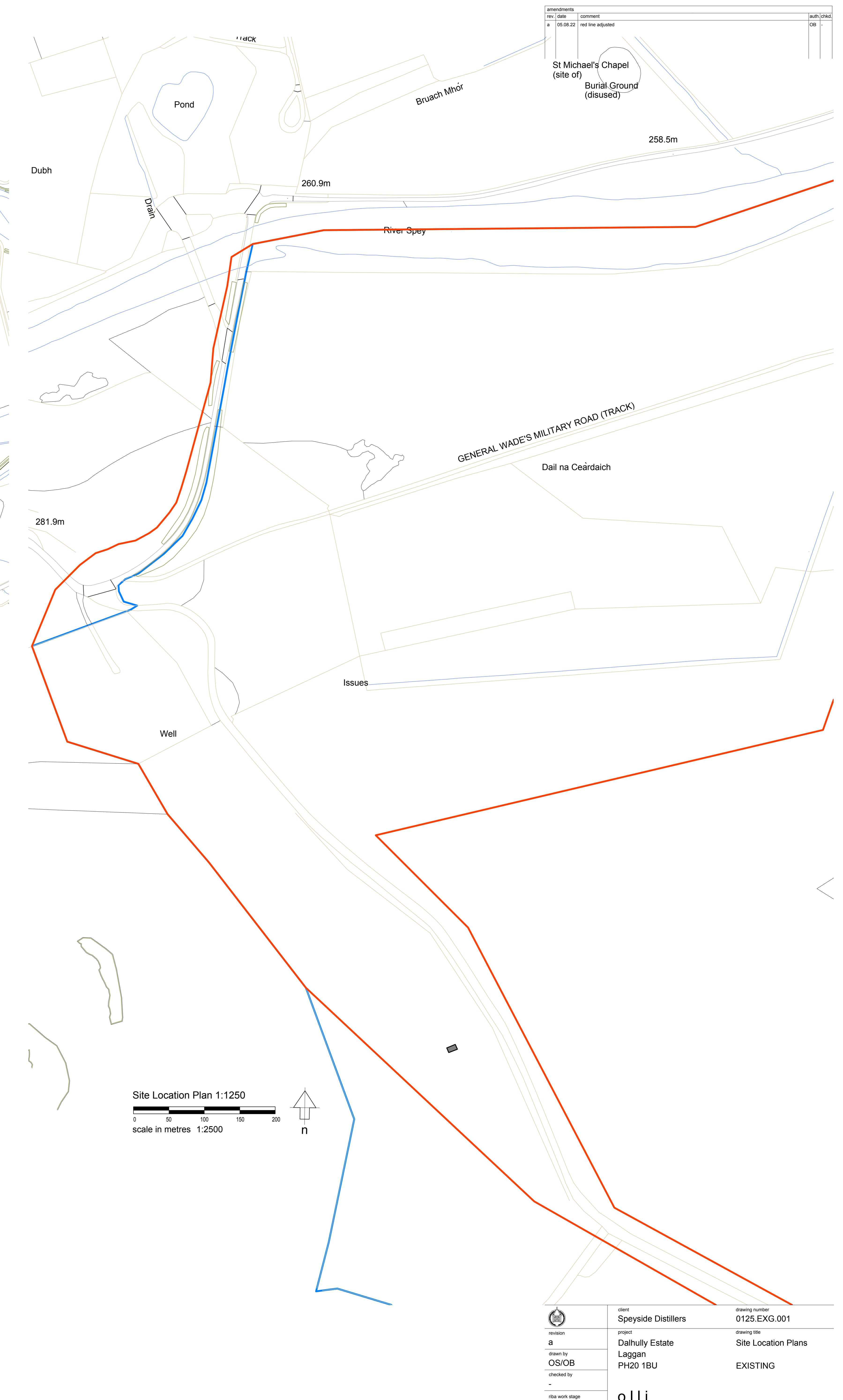
Sig

..... 11 August 2022.....

rev	date	comment	auth	check
1	05.08.22	red line adjusted	OS	



Site Location Plan 1:2500  
scale in metres 1:2500



Site Location Plan 1:1250  
scale in metres 1:2500

client	Speyside Distillers	drawing number	0125.EXG.001
project	Dalhully Estate Laggan PH20 1BU	drawing title	Site Location Plans
drawn by	OS/OB	checked by	EXISTING
revision	0	date	Aug 22
scale/original sheet size	As Noted@A0	company no.	011 7500 601940
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