

## **MORAY COUNCIL**

### **MINUTE OF SPECIAL MEETING OF THE PLANNING AND REGULATORY SERVICES COMMITTEE - HEARING**

**WEDNESDAY 15 FEBRUARY 2023**

**COUNCIL CHAMBERS, ELGIN**

#### **PRESENT**

Councillors Gordon (Chair), Macrae (Depute), Cameron, Divers, Dunbar, Fernandes, Gatt, Keith, Lawrence, Leadbitter, McBain, Van Der Horn and Warren

#### **APOLOGIES**

Apologies were intimated on behalf of Councillors Cowe and Ross

#### **ALSO PRESENT**

Councillors Morrison and Harris

#### **ALSO PRESENT BY INVITATION**

Representing the Applicant:

Mr T McCreath, Managing Director and Mr S Rowley, Operations Director, both from Simpsons Malt and Mr M Myles, Head of Planning Scotland from Bidwells

Those who submitted representations on the application:

Mrs M Ross, Chair of Speyside Community Council, Mrs J Richardson and Mrs R Kendrick

#### **IN ATTENDANCE**

Head of Economic Growth and Development, Development Management and Building Standards Manager, Mr N MacPherson, Principal Planning Officer, Mrs D Anderson, Senior Engineer (Transportation), Mr A Miller, Senior Planning Officer, Mr D Caldwell, Environmental Health Officer, Legal Services Manager and Mrs L Rowan, Committee Services Officer as Clerk to the Committee.

### **1. DECLARATION OF GROUP DECISIONS AND MEMBER'S INTERESTS**

In terms of Standing Order 21 and the Councillors' Code of Conduct, there were no declarations from Group Leaders or Spokespersons in regard to any prior decisions taken on how Members will vote on any item on the agenda.

Councillor Macrae, on behalf of the Conservative Group, noted that one of the Applicants is Sir Edward Mountain, a Conservative Member of the Scottish Parliament and acknowledged that this may raise the question of a possible conflict

of interest for Members of the Conservative Group. Having taken advice from the Deputy Monitoring Officer, and given that none of the Conservative Councillors have any close, personal link to Sir Edward Mountain, all Conservative Members on the Planning and Regulatory Services Committee were of the view that they are able to determine the planning application from an unbiased stand point and that there is no need for a declaration of interest from Conservative Group Members in relation to this planning application. This was noted.

The Legal Adviser advised that Councillor Ross had submitted apologies for the Committee as, prior to the meeting, he had declared an interest in Item 3 Planning Application 21/01901/EIA as his wife is Chair of Speyside Community Council and would be addressing the Committee on behalf of Speyside Community Council at the meeting and, as there was only one item on the agenda, had submitted apologies for the full meeting.

There were no further declarations of Member's interests in respect of any item on the agenda.

## **2. PLANNING APPLICATION 21/01901/EIA**

### **WARD 1: SPEYSIDE GLENLIVET**

#### **Proposed 100,000 tonnes per annum malt producing facility on Land at Greens of Rothes, Rothes, Moray for Simpsons Malt Ltd and Sir Edward Mountain**

Reports were submitted by the Head of Governance, Strategy and Performance and the Appointed Officer in regard to an application for a proposed 100,000 tonnes per annum malt producing facility on Land at Greens of Rothes, Rothes, Moray for Simpsons Malt Ltd and Sir Edward Mountain.

The report by the Appointed Officer advised that the application had been referred to a Pre-determination Hearing as the application is considered to be significantly contrary to the development plan and required under section 38A of the Town and Country Planning (Scotland) Act 1997 (as amended). In accordance with the Pre-determination Hearing procedure, the Applicant and those who had submitted representations had been invited to attend the hearing with an opportunity to be heard. The report by the Head of Governance, Strategy and Performance set out the proposed procedure for the Hearing.

The Chair welcomed those present and advised that submissions must be restricted to those already submitted. He further advised that the Hearing would be confined to examining the planning merits of the application and therefore discussion on irrelevant, non-planning related issues, would not be considered.

The Committee noted that Mr T McCreath, Managing Director and Mr S Rowley, Operations Director, both from Simpsons Malt and Mr M Myles, Head of Planning Scotland from Bidwells were in attendance representing the Applicant.

The Clerk advised the Committee that, of those submitting representations on the application as listed on page 34, Mrs M Ross, Chair of Speyside Community Council, Mrs J Richardson and Mrs R Kendrick had accepted the invitation to address the Committee.

The Chair outlined the procedure to be followed for the Hearing, which was accepted by the Committee, those representing the Applicant and interested parties.

Mr McCreath, Mr Rowley and Mr Myles, representing the Applicant, addressed the meeting on the application and representations received providing a history of Simpsons Malt and why more space is required, why this particular site had been chosen, how the planning process had progressed and thereafter responded to questions from the Committee.

Mrs Richardson, Mrs Kendrick and Mrs Ross addressed the Committee on their stated representations and responded to questions from the Committee in respect of their presentations.

Their main reasons for objecting to the application were as follows:

- The proposal is contrary to the Moray Local Development Plan 2020 as it is on an unallocated site out with the Rothes settlement boundary;
- Impact on current road access;
- Impact on single track roads and bridge on B9015 due to the increase in 44 tonne trucks servicing the proposal;
- No safe footpath into Rothes from the proposal;
- Insufficient information on the height of buildings at the pre-application consultation event in Rothes;
- Noise pollution;
- Light impacts on wildlife;
- Light pollution;
- Barley dust and rat problems;
- Air pollution;
- Ecological concerns in relation to water discharge from Matlins into the River Spey; and
- Flood risks.

On the invitation of the Chair, those representing the Applicant and Interested Parties took the opportunity to summarise their representations.

The Chair then asked if the Applicant's representatives and Interested Parties were happy with the manner in which the hearing had been conducted. In response, everyone confirmed that they were happy with the hearing proceedings.

The Chair then asked if anyone from Development Management Service would like to make any further comment.

In response, Mr Miller, Senior Planning Officer advised that condition 21 in the report should refer to condition 20 and not condition 19 as printed and that Rothes and Aikenway Fishings had withdrawn their objection to the planning application. This was noted.

The Chair thanked those in attendance and advised that the Planning and Regulatory Services Committee would now meet to consider Planning Application 21/01901/EIA, in line with the Pre-determination Hearing procedure, and concluded the Hearing.