

23/01227/AMC
23rd August 2023

**Approval of Matters Specified in Conditions (1-32) of
Planning Permission in Principle (21/01901/EIA) in
respect of proposed 85,000 tonnes per annum malt
production facility on Land At Greens Of Rothes Rothes
Moray
for Simpsons Malt Ltd**

Comments:

- The application relates to a previous major Planning Permission in Principle (PPiP) that was considered as a departure from the development plan at the time and thus subject to a statutory pre-determination hearing. However, as this application is for Approval of Matters Conditioned pertaining to that PPiP no further statutory pre-determination hearing is required.
- No representations have been received.

Procedure:

- Application to be considered at a meeting of the Planning and Regulatory Services Committee as it forms part of a development previously considered at Committee level.

Recommendation Approve subject to conditions:

Conditions/Reasons

1. In accordance with Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended, the development to which this permission relates must be begun not later than whichever is the later of the following dates:-
 - (i) the expiration of 3 years from the date of the grant of planning permission in principal; or
 - (ii) the expiration of 2 years from the final approval of the matters specified in conditions or in the case of approval on different dates the final approval of the last such matter to be approved.

If the development has not commenced within this stated time-periods then this permission shall lapse.

Reason: The time limit condition is in accordance with section 59 of the Town and Country Planning (Scotland) Act 1997 as amended.

2. All landscaping including woodland planting as shown in the approved plans (excluding that referred to in condition 4) shall be provided in the first planting season following the first use or completion of the first phase of the development (whichever is the soonest) and thereafter maintained in accordance with the approved Landscape Management Plan. Any trees or plants which (within a period of 5 years from the planting) die, are removed or become seriously damaged or diseased shall be replaced in the following planting season with others of similar size, number and species unless this Council (as Planning Authority) gives written consent to any variation of this planning condition.

Reason: For the avoidance of doubt and to ensure timeous delivery of landscaping.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended, revoked or re-enacted; with or without modification), no development other than that permitted under this consent (including planning permission in principle ref. 21/01901/EIA) shall be undertaken within the area identified for safeguarding on approved plan titled 'SITE ACCESS JUNCTION, SAFE-GUARDED LAND FOR FUTURE FOOTWAY PROVISION' without the written consent of the Council, as Planning Authority.

Reason: To ensure the area identified for safeguarding is kept free of development that may impede the future provision of a public path, in the interests of providing infrastructure for sustainable and active travel.

4. Notwithstanding the details submitted for the proposed landscaping (Drawing No; L01 F 'Planting Strategy') which are not acceptable. No new planting (other than grass) shall be permitted within the area identified as 'SAFE-GUARDED LAND FOR FUTURE FOOTWAY PROVISION' on the plan titled 'SITE ACCESS JUNCTION, SAFE-GUARDED LAND FOR FUTURE FOOTWAY PROVISION' Until the following details have been submitted for approval in writing by the Planning Authority in consultation with the Roads Authority:

A detailed plan (Scale 1:500 min) showing the design of a continuous path (minimum width 2m), proposed landscaping and planting.

A maintenance schedule for the landscaping within the area of safeguarded land.

Thereafter, unless otherwise approved in writing by the Planning Authority, the landscaping within the safe-guarded land shall be maintained with monthly grass cutting or in accordance with the approved schedule for the lifetime of the development.

Reason: To ensure an acceptable development, safeguarding and maintenance of land for future path provision for non-motorised users, and the provision of additional details currently lacking from the submissions.

5. No part of the development shall be completed or become operational until evidence has been submitted to demonstrate that the statutory process to

promote and implement any new speed limit(s) on the B9015 required as a consequence of the proposed development, have been completed by Moray Council.

Reason: To ensure an acceptable development through the provision of details currently lacking and/or incorrectly shown on the submitted particulars to date.

6. Notwithstanding the details submitted in the Site Traffic Management Plan. No works shall commence on site until a Construction Traffic Management Plan has been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority. The Construction Traffic Management Plan shall include the following information:
 - a) duration of works;
 - b) construction programme;

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

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

7. The footway/footpath improvements between the development and Rothes shall be provided in accordance with the approved details prior to the completion of the development or the development becoming operational (whichever is soonest).

Reason: To ensure acceptable infrastructure is provided on route to the development in road safety terms.

8. Prior to completion of the site access or the access becoming operational a visibility splay measuring 4.5m x 137m to the west and 4.5m x 215m to the east shall be provided in accordance with the approved details.

Thereafter the visibility splay shall be maintained at all times with no obstructions over 0.26 metres in height measured from the nearest edge of the carriageway, and in accordance with a schedule of maintenance to be agreed in writing by the Council, as Planning Authority.

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

9. No part of the development shall become operational until the parking and EV charging associated with it has been provided in accordance with the approved details. Thereafter, unless otherwise approved in writing by the Planning Authority the parking shall be retained and available for use at all times for that purpose.

Reason: To ensure the permanent availability of parking and the provision of infrastructure to support the use of low carbon transport in the interests of an acceptable development and road safety.

10. No boundary fences, hedges, walls or any other obstruction whatsoever over 1.0 metre in height and fronting onto the public road shall be within 2.4 metres of the edge of the carriageway, measured from the level of the public carriageway, unless otherwise agreed in writing by the Council, as Planning Authority in consultation with the Roads Authority.

Reason: To enable drivers of vehicles leaving driveways to have a clear view over a length of road sufficient to allow safe exit, in the interests of road safety for the proposed development and other road users.

11. Prior to their siting, details (i.e. elevations, floor plans and any drainage arrangements) of the proposed temporary portacabin offices as indicated on the approved plans shall be submitted to and approved in writing by the Council as Planning Authority along with timing for their provision and removal. Thereafter the portacabins shall be provided in accordance with the approved details unless otherwise agreed in writing with the Council (as Planning Authority).

Reason: To allow further consideration to be given to the temporary portacabins, details of which are lacking from the submission, and to ensure they are sited for a temporary period.

12. The development hereby approved shall be finished and maintained in accordance with the material finishes indicated on the approved plans, unless otherwise agreed in writing with the Council.

Reason: To ensure material finishes are provided in accordance with the approved details, in the interests of the character and visual amenity of the surrounding area.

Reason(s) for Decision

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

The submitted information satisfies the matters specified in relevant conditions attached to Planning Permission in Principle 21/01901/EIA, and are in accordance with National Planning Framework 4 and the Moray Local Development Plan 2020.

List of Informatives:

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

A Building Warrant will be required for the proposals. Should you require further assistance please do not hesitate to contact Building Standards, Environmental Services Department, Council Office, High Street, ELGIN IV30 1BX or by telephoning 01343 563243.

The TRANSPORTATION MANAGER has commented that:-

Sign Ref S7 on drawing GOR-WSP-XX-FP-DR-C-0401 Rev P03 refers to the provision of a "Radar Speed Limit Sign". Whilst Transportation have no objection in principle, the type and sign location, installation funding and future maintenance arrangements would need to be agreed. Transportation recommend that in order to deliver this, the applicant should approach Speyside Community Council and lend support to an application for the community purchase of vehicle activated sign(s). Further guidance on the process can be provided on request by email to transport.develop@moray.gov.uk.

Resurfacing and profiling over full width of the B9015 junction and a design for the roads drainage will be required to correct for the road camber as a result of the road widening to form the access junction.

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

Construction Consent shall include a CCTV survey of all existing roads drainage to be adopted and core samples to determine the construction depths and materials of the existing road.

A Stage 2 Road Safety Audit for the modifications to the existing public road (including works to form a pedestrian connection to Rothes) will be required. Requirements for a Stage 3 or 4 Road Safety Audit will be determined through the Roads Construction Consent process or subsequent to the road construction.

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

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

If required, street furniture which needs to be repositioned will be at the expense of the developer. Advice on these matters can be obtained by e-mailing transport.develop@moray.gov.uk

Street lighting will be required as part of the development proposal.

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

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

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

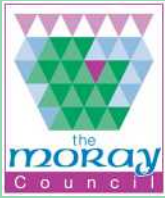
The applicants shall free and relieve the Roads Authority from any claims arising out of his operations on the road or extension to the road.

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

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

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT	
Reference No. Version No.	Title/Description
310213-BLY-BP-XX-DR-S-40-0001	Borehole pumphouse - elevations and floor plans
12753((632)002 C	External lighting layout
310213-BLY-BS1-XX-DR-S-40-0001	Barely storage warehouse - elevations and floor plans
310213-BLY-GV1-XX-DR-S-40-0001	Germination vessel - elevations and floor plans
310213-BLY-HE-XX-DR-S-40-0001	Heat exchanger building - elevations and floor plans
310213-BLY-INT-XX-DR-S-40-0001	Barely intake canopy - elevations and floor plans
310213-BLY-KSB-XX-DR-S-40-0001	Kiln services building - elevations and floor plans
310213-BLY-MB-XX-DR-S-40-0001	Membrane building - elevations and floor plans
310213-BLY-MD-XX-DR-S-40-0001	Malt dresser building - elevations and floor plans
310213-BLY-OB-XX-DR-S-40-0001	Outloading bins - elevations and floor plans
310213-BLY-ST-XX-DR-S-40-0001	Steeps house building - elevations and floor plans
310213-BLY-TS-XX-DR-S-40-0001	Thermal store - elevations and floor plans
310213-BLY-WS-XX-DR-S-40-0001	Workshop - elevations and floor plans
310213-BLY-XX-XX-DR-C-40-0001 P04	Construction Aesthetic Design overview

310213-BLY-XX-XX-DR-C-90-0002 P02	Site external surfacing layout
310213-BLY-XX-XX-DR-C-90-0100 P03	Proposed site layout
310213-BLY-XX-XX-DR-C-90-0101 P08	Condition 04 - site elevations 1 of 3
310213-BLY-XX-XX-DR-C-90-0102 P08	Condition 04 - site elevations 2 of 3
310213-BLY-XX-XX-DR-C-90-0103 P08	Condition 04 - site elevations 3 of 3
310213-BLY-XX-XX-DR-C-90-0104 P05	Condition 07 - longitudinal sections
310213-BLY-XX-XX-DR-C-90-0105 P01	Condition 07 - proposed site levels
310213-BLY-XX-XX-DR-C-90-0107	Condition 10 - proposed phasing plan
310213-BLY-XX-XX-DR-C-91-0001	Location plan
GOR-WSP-CXX-JT-DR-C-0701 P03	Proposed junction kerbing arrangement and surface finishes
GOR-WSP-XX-FP-DR-C-0101	Proposed footpath general arrangement
GOR-WSP-XX-FP-DR-C-0301 P02	Proposed footpath cross section
GOR-WSP-XX-FP-DR-C-0401 P03	Proposed footpath road markings and signage
GOR-WSP-XX-JT-DR-C-0101 P03	Proposed junction general arrangement
GOR-WSP-XX-JT-DR-C-030 P02	Proposed junction B9015 widening longitudinal sections and cross sections 3 of 3
GOR-WSP-XX-JT-DR-C-03011 P02	Proposed junction B9015 widening longitudinal sections and cross sections 1 of 3
GOR-WSP-XX-JT-DR-C-0302 P02	Proposed junction B9015 widening longitudinal sections and cross sections 2 of 3
GOR-WSP-XX-JT-DR-C-0401 P03	Proposed junction road markings and signage
GOR-WSP-XX-JT-DR-C-0601 P03	Proposed junction proposed finished contours
GOR-WSP-XX-JT-DR-C-0801 P02	Proposed junction swept path analysis
GOR-WSP-XX-XX-DR-C-0601 P02	Proposed footpath proposed finished contours
GOR-WSP-XX-XX-DR-C-0701 P02	Proposed footpath kerbing arrangement and surface finishes
GOR-WSP-XX-XX-DR-C-1202 P02	Proposed construction details
GOR-WSP-XX-ZZ-DR-C-0001 P03	Site location plan
L01 F	Planting strategy
	Safeguarded land for future footpath
L02	Riverside tree screen area
	Site access
310213-BLY-XX-XX-DR-C-96-0001 P03	Primary drainage layout



PLANNING APPLICATION COMMITTEE SITE PLAN

Planning Application Ref Number:
23/01227/AMC

Site Address:
Land At Greens Of Rothies
Rothies

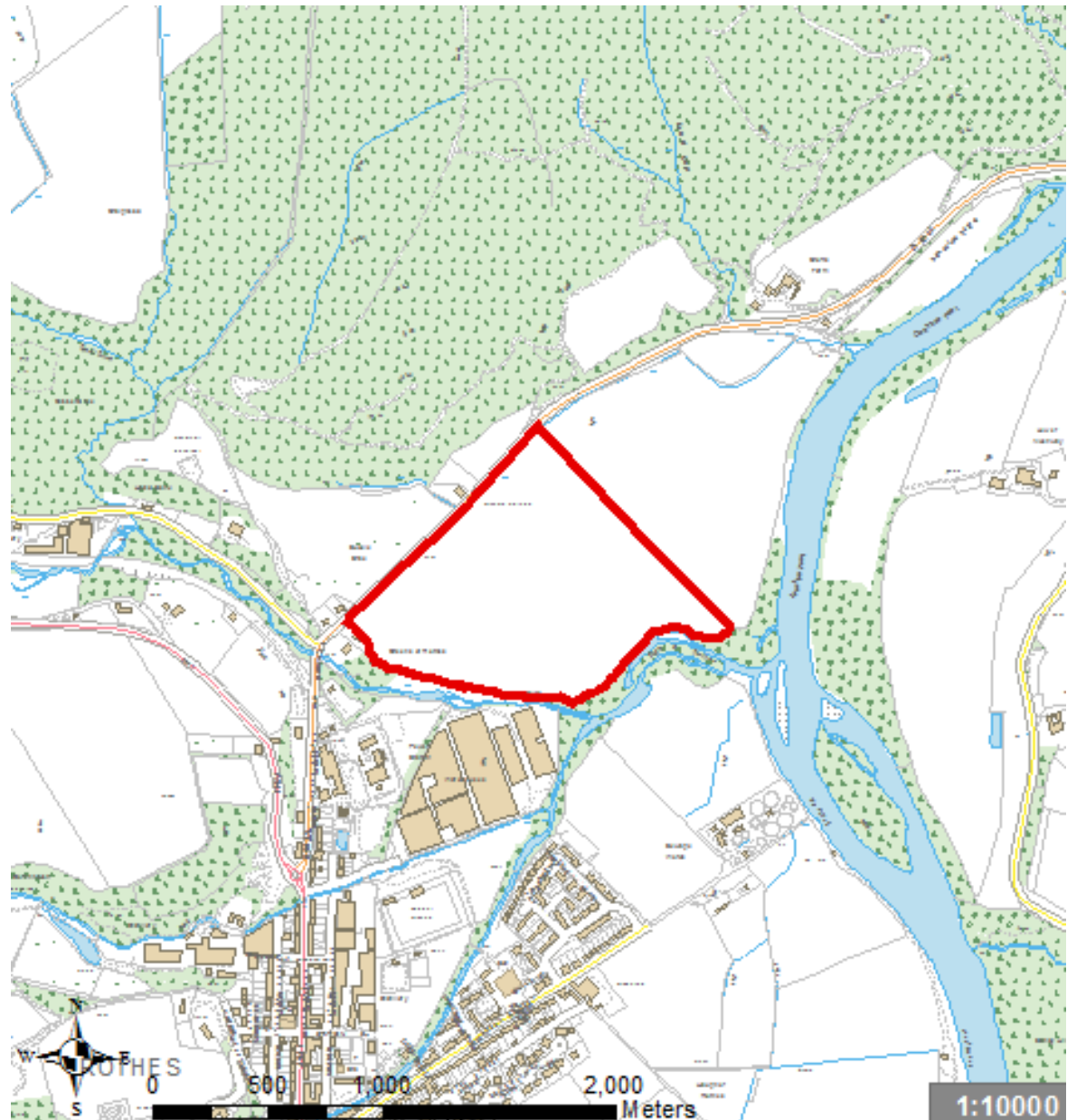
Applicant Name:
Simpsons Malt Ltd

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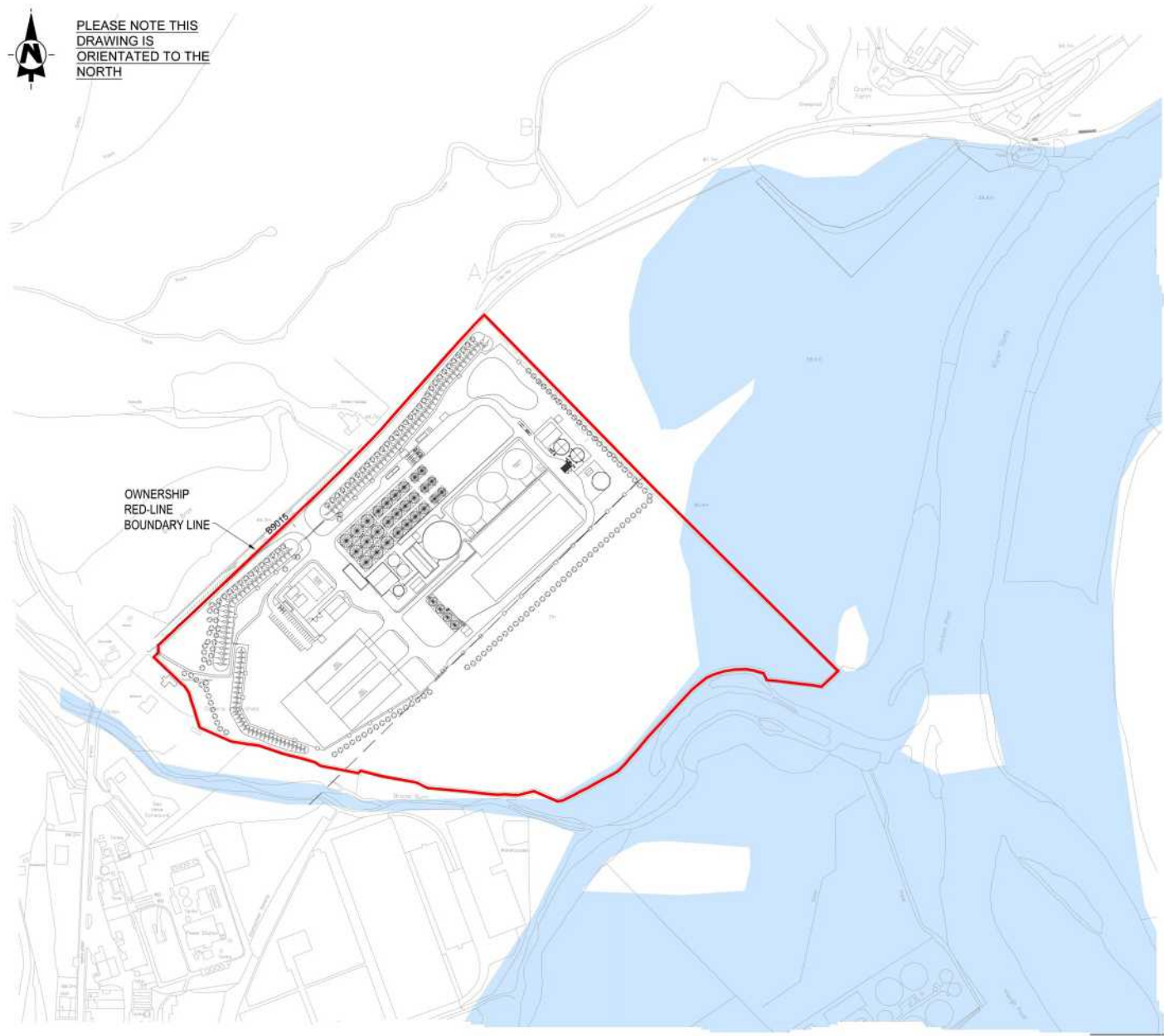
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Location Plan

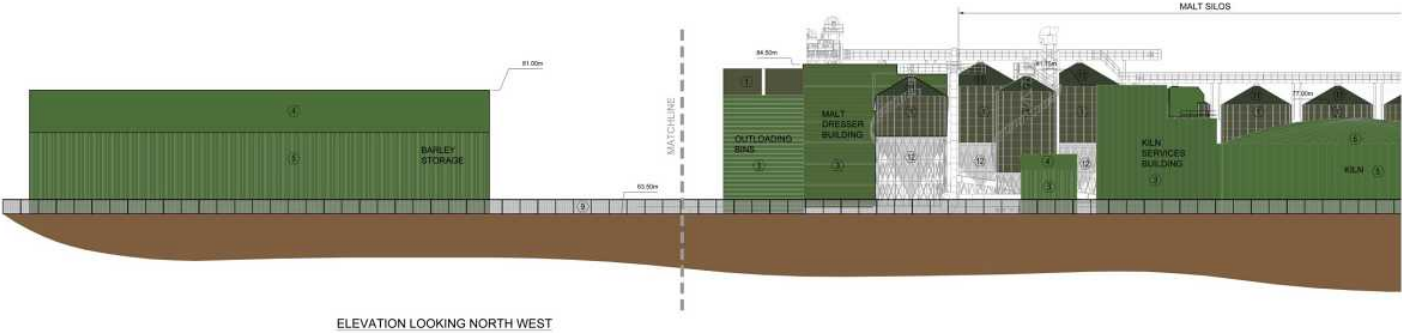


Location Plan

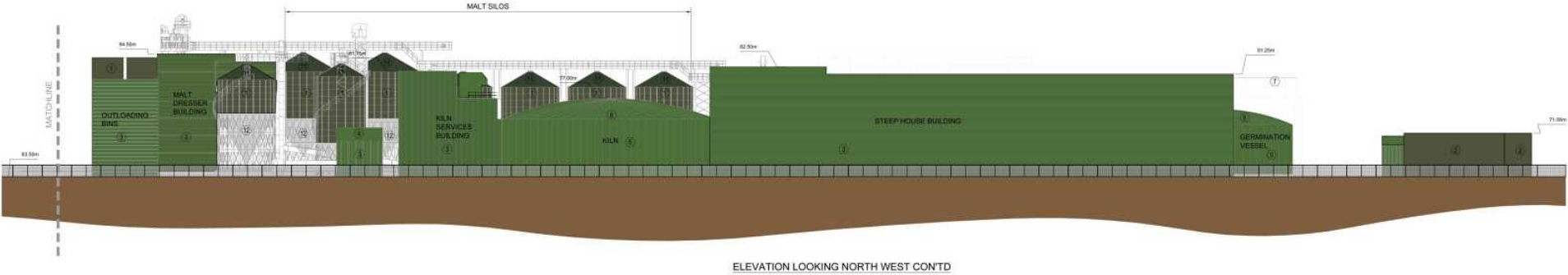


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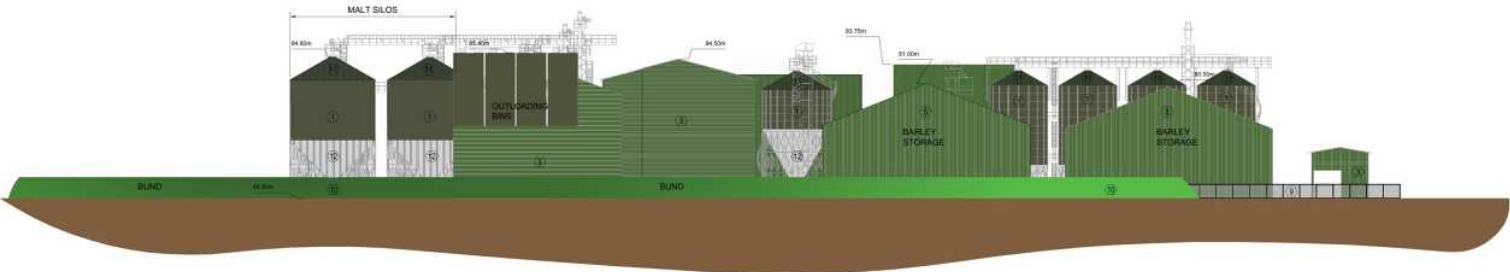
Site elevations



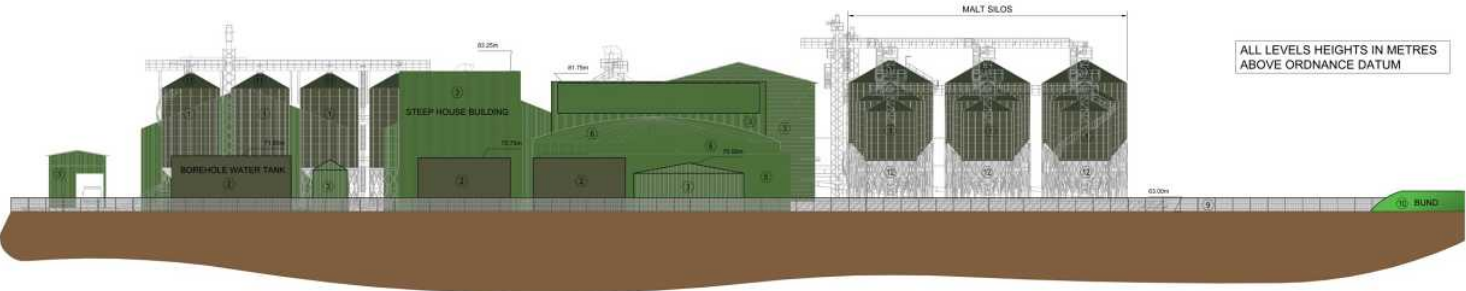
ALL LEVELS HEIGHTS IN METRES
ABOVE ORDNANCE DATUM



Site elevations

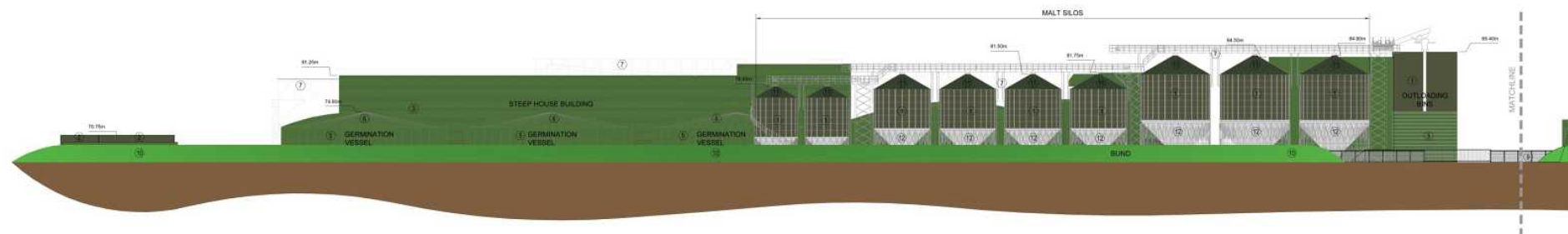


ELEVATION LOOKING NORTH EAST

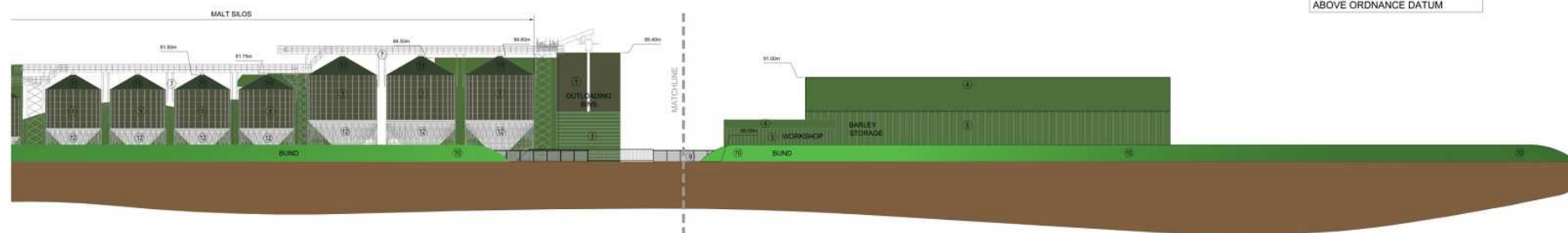


ELEVATION LOOKING SOUTH WEST

Site elevations



ELEVATION LOOKING SOUTH EAST



ELEVATION LOOKING SOUTH EAST CON'TD

ALL LEVELS HEIGHTS IN METRES
ABOVE ORDNANCE DATUM

View north east from B9015



View south west from Crofts farm



PHOTOMONTAGE

PLANNING APPLICATION: 23/01227/AMC

In the event that a recommendation on this planning application is overturned the Committee is reminded of the advice contained on the front page of the agenda for Reports on Applications

1. THE PROPOSAL

- Approval of matters specified in conditions attached to Planning Permission in Principle 21/01901/EIA for the erection of an 85,000 tonnes per annum malt production facility on land at Greens of Rothes, Rothes.
- Planning permission in principle 21/01901/EIA was granted in February 2023, and this application covers the detail that was required by that consent.
- All conditions have been applied for - insofar as they require information to be submitted - and the following information has been provided (with respective condition(s) in brackets):
 - Siting, design and external appearance of buildings, plant and other structures, as well as finished levels of structures (conditions 3 – 4, 7 & 9).
 - Means of access, parking, drainage (conditions 3 & 5), enclosure/bunds (conditions 3 & 6) and landscaping (conditions 3 & 8) and pedestrian connection (condition 25).
 - Supporting technical reports/plans/surveys:
 - Phasing Plan (condition 10)
 - Waste Management Plan (condition 11)
 - Decarbonisation Strategy (condition 12)
 - Biodiversity Mitigation and Enhancement (condition 13)
 - Construction Environment Management Plan (condition 15)
 - Light Impact Assessment (condition 18)
 - Noise Impact Assessment (condition 21)
 - Operational Noise Management Plan (condition 22)
 - Archaeological Written Scheme of Investigation (condition 24)
 - Change to speed limit(s) (condition 27)
 - Construction Traffic Management Plan (condition 28)
 - Parking Assessment (condition 29)
- The maltings would comprise a variety of buildings as follows:
 - Heat Exchanger Building – 13 x 9.5 metres gable roofed, 5 metres high and finished in green sheet metal cladding to walls and roof with roller shutter door.
 - Barley Intake Canopy – 8 x 1.9 metres with pitched gable roof and finished in green sheet metal cladding to walls and roof.
 - Kiln Services Building – Process area with switchrooms housed within a 31 x 17 metres rectangular form, two stepped flat roofed building reaching a height of 17.8 metres that would be finished in green sheet metal cladding to the walls. This would be attached to a circular building housing the kiln, with a diameter of 36.4 metres, with

a domed roof 13.2 metres in height. This would be finished in green sheet metal cladding.

- Membrane Building – 16 x 20 metres gable roofed with shallow pitch, 7 metres high and finished in green sheet metal cladding to walls and roof with roller garage door.
- Malt Dresser Building – 22 x 21.75 metres gable roof with shallow pitch, 20.5 metres high and finished in green sheet metal cladding to walls and roof with two roller shutter doors.
- Steep House Building - 90.5 x 17.5 metres rectangular form two stepped flat roofed building reaching a height of 18.7 metres on the higher section, 16.3 metres on the lower section. This would be finished in green sheet metal cladding to the walls and roof.
- Workshop Building – 20 x 16 metres gable roof with shallow pitch, 8 metres high and finished in green sheet metal cladding to walls and roof with two roller shutter doors.
- Outloading Bins (drive-through loading for grain lorries) – 25 x 9.8 metres, 20.9 metres high. The structure would house square format grain silos atop it. The main bulk of the structure would be clad in green sheet metal cladding the same as most of the other buildings on the site, whilst the silos would be finished in a darker green. There would be four roller shutter doors on the buildings (providing two lanes for HGV loading, one door in and one door out for each lane).
- 2 x Barley Storage Buildings – 65 x 30 metres gable roofed buildings, 16 metres high. They would be finished with green sheet metal cladding to the walls and roof with one roller shutter door each.
- Borehole Pumping Station – 5 x 7 metres gable roofed building, 5 metres high and finished in green sheet metal cladding to walls and roof.
- Tanks and silos would comprise the following:
 - Borehole Water Tank – octagonal footprint, 17.3 metres wide, 8 metres high.
 - 3 x Germination Vessels – circular vessels with a diameter of 29 metres and a domed roof 11 metres in height. This would be finished in green sheet metal cladding.
 - Thermal Store and Water Tank – both with a diameter of 12 metres, the thermal store would be 14.2 metres high and the water tank 8 metres high. Both would be finished in dark green cladding.
 - The Malt Silo Complex would comprise the following mix of silos, all finished in dark green metal work to the roof and walls, with natural steel coloured metal work to the hopper, stiffer and legs. The roof and base of these silos are conical in shape.
 - 9 x 17.5 metres diameter, 21.9 metres high
 - 12 x 10 metres diameter, 18 metres high
 - 6 x 7.7 metres diameter, 15.9 metres high
 - Balance and Bio-reactor Tanks, both octagonal in footprint, 7.5 metres high and 13.2 metres wide, finished in dark green steel.
 - 4 x Barley In-take Silos, 10 metres diameter, 19.5 metres high all finished in dark green metal work to the roof and walls, with natural steel coloured metal work to the hopper, stiffer and legs. The roof and base of these silos are conical in shape.

- Areas of landscaping, including woodland planting, grass and wildflower meadow planting are proposed.
- Three metre high bunds are shown along the northern and eastern boundaries of the site, whilst the security fencing would be provided around the perimeter (to the rear of the bunds), and security gates at the vehicular and pedestrian access points.
- A new vehicular access would be formed from the B9015, with new pedestrian footway from the site to Rothes along North Street.
- Surface water would drain within the site to a SuDS pond in the north eastern corner of the site, and any overflow discharge to the Broad Burn at a controlled rate.
- Foul drainage would be treated via a septic tank on site.

2. THE SITE

- A 15.8 ha area of agricultural land at Greens of Rothes, to the north east of Rothes.
- The roughly triangular shaped site is bounded by the B9015 Rothes to Mosstodloch road to the north-west, further agricultural land to the north-east, and the Broad Burn to the south (with Rothes CoRDe, a gas distribution site and distillery warehousing beyond).
- The Broad Burn meets the River Spey to the east of the site.
- The closest residential properties are Orchard Cottage to the north west on the opposite side of the B9015, and four dwellings to the east (Thistledown Cottage, Millburn, Morar and Drumoak).
- A high pressure main gas pipeline bisects the site on a north east – south west axis, following a former railway line between Rothes and Orton.
- The site lies adjacent to the Rothes Settlement Boundary as zoned in the Moray Local Development Plan 2020 (MLDP), and lies within the Spey Valley Special Landscape Area Designation (SLA).
- The River Spey and Broad Burn are designated as part of the River Spey Special Area of Conservation (SAC), whilst the River Spey itself is also a Site of Special Scientific Interest (SSSI).
- A large part (approx. 10.9 ha) of the application sits on Prime Agricultural Land type 3.1 - land capable of producing consistently high yields of a narrow range of crops.
- Part of the eastern side of the site is identified as being at risk from flooding from the River Spey on SEPA flood maps (1 in 200 and 1 in 1000 year events).

3. HISTORY

21/01901/EIA – Planning Permission in Principle granted by Planning (PPiP) and Regulatory Services Committee for erection of a 100,000 tonnes per annum malt production facility on land at Greens of Rothes on 16 February 2023. Application was granted following a statutory pre-determination hearing held on 15 February 2023.

20/01207/SCN – Screening Opinion sought by Simpsons Malt Limited for a

proposed 100,000 tonnes per annum malt production facility on land at Greens of Rothes. Moray Council adopted a Screening Opinion on 9 October 2020 stating the proposal would require to be subject to Environmental Impact Assessment.

21/00284/SCO – Scoping Opinion sought by Simpsons Malt Limited for a proposed 100,000 tonnes per annum malt production facility on land at Greens of Rothes following adoption of Screening Opinion 20/01207/SCN. The Scoping Opinion was adopted by Moray Council on 13 April 2021 and detailed the scope of information and assessment required to form an EIAR.

21/00740/PAN – Proposal of application notice (PAN) submitted by Simpsons Malt Limited for a proposed 100,000 tonnes per annum malt production facility on land at Greens of Rothes. The PAN level of consultation proposed was considered suitable by Moray Council on 3 June 2021. The PAN was reported to the Planning and Regulatory Services Committee, where members provided feedback on the proposal.

4. POLICIES

National Planning Framework 4

Sustainable Places

Policy 1 – Tackling the climate and nature crises

Policy 2 – Climate mitigation and adaption

Policy 3 – Biodiversity

Policy 4 – Natural places

Policy 5 – Soils

Policy 6 – Forestry, woodland and trees

Policy 7 – Historic assets and places

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

Policy 12 – Zero waste

Policy 13 – Sustainable transport

Liveable Places

Policy 14 – Design, quality and place

Policy 22 – Flood risk and water management

Policy 23 – Health and safety

Policy 24 – Digital infrastructure

Productive Places

Policy 26 – Business and industry

Policy 29 – Rural development

Moray Local Development Plan 2020

Primary Policies

PP1 – Placemaking

PP2 – Sustainable Economic Growth

PP3 – Infrastructure and Services

Development Policies

DP1 – Development Principles

DP5 – Business and Industry

Environment Policies

EP1 – Natural Heritage Designations

EP2 – Biodiversity

EP3 – Special Landscape Areas and Landscape Character

EP5 – Open Space

EP6 – Settlement Boundaries

EP7 – Forestry, Woodlands and Trees

EP12 – Management and Enhancement of the Water Environment

EP13 – Foul Drainage

EP14 – Pollution, Contamination and Hazards

5. ADVERTISEMENTS

- 5.1 The application was advertised for neighbour notification purposes.

6. CONSULTATIONS

Strategic Planning and Development – The detailed plans submitted in compliance with Conditions 2-9 demonstrate that the heights, massing and relation to Rothes CoRDe minimises adverse landscape and visual impacts associated with development. The Landscaping Strategy further softens the appearance of the buildings.

A Decarbonisation Strategy has been submitted in accordance with Condition 12.

Following the submission of an amended Planting Strategy, Condition 13 has been satisfied by the Biodiversity Management Plan and corresponding Strategy.

Environmental Health – The information submitted in support of planning conditions 15 (Construction Environment Management Plan), 18 (Light Impact Assessment), 21 (Noise Impact Assessment) and 22 (Operational Noise Management Plan) is considered suitable.

Transportation Manager – No objections subject to conditions requiring:

- an area safeguarded for future footpath provision to the site frontage (along the B9015);
- confirmation that lowering of speed limit has been promoted;
- provision of a Construction Traffic Management Plan detailing duration of works and construction programme;
- provision of the footpath improvements between Rothes and the site and car parking; and
- provision of a visibility splay at the access to the site.

Moray Flood Risk Management – No objections.

Aberdeenshire Council Archaeology – No objections – all work outlined under condition 24 (Written Scheme of Archaeological Investigation) has been completed.

NatureScot – No objections, the Construction Environment Management Plan (submitted as part of condition 15) satisfies the mitigation measures specified in NatureScot's comments for 21/01901/EIA.

SEPA – No objections, no development or land raising is proposed within the functional flood plain as required under condition 14.

Scottish Gas Networks – No objections.

Speyside Community Council – Welcome provision of vehicle activated radar speed sign on the B9015. Biodiversity Management Plan appears to meet the requirements of NPF4.

Concerned at volume of additional traffic to be generated during construction (13,208 over 2 year period) and how will effects of this impact on pollution/air quality be assessed and addressed as this is not included in the Construction Environment Management Plan.

Spey Fishery Board – No comments received.

7. OBJECTIONS-REPRESENTATIONS

7.1 None received.

8. OBSERVATIONS

8.1 Section 25 of the 1997 Act as amended requires applications to be determined in accordance with the development plan, namely the adopted National Planning Framework 4 (NPF) and adopted Moray Local Development Plan 2020 (MLDP) unless material considerations indicate otherwise.

8.2 The main planning issues are considered below:

8.3 Background

As noted above, the principle of this development has been granted under planning permission in principle 21/01901/EIA (the PPIP). Therefore the consideration of this application is restricted to the matters as follows, and the general principle of a maltings on this site is established and not under consideration here.

8.4 Although not a statutory requirement, the applicant has undertaken pre-application consultation on this application with the public, following grant of the PPIP. Their report of this is outlined in the Supporting Statement that accompanies this application.

8.5 **Appropriate Assessment - Habitats Regulation Appraisal**

In this instance, Moray Council will adopt the appraisal as modelled by NatureScot and this appropriate assessment is detailed below.

8.6 The proposed development will be located to the north/west of the River Spey and Broad Burn, part of the River Spey Special Area of Conservation (SAC) and River Spey Site of Special Scientific Interest (SSSI). The site's status means that the requirements of the Conservation (Natural Habitats, &c.) Regulations 1994 as amended (the "Habitats Regulations") apply. Consequently, Moray Council is required to consider the effect of the proposal on the designations and their qualifying interests before it can be consented, even with a grant of PPiP in place.

8.7 These measures were required because the site is adjacent to the River Spey and the Broad Burn tributary, therefore the proposal has the potential to result in release of sediment and other pollutants into the river and burn and affect qualifying interests of the River Spey SAC and SSSI which are dependent on the water environment. There is also potential for light emissions during construction and operation to adversely affect qualifying interests of the nearby water courses. The SAC and SSSI have been selected for the River Spey's populations of Atlantic salmon, European otter, freshwater pearl mussel and sea lamprey.

8.8 The proposal is not directly connected with or necessary for the conservation management of the SAC and SSSI, hence further consideration is required. The proposal has the potential to result in release of sediment and other pollutants during construction activities and subsequent discharge of surface/foul water which may adversely affect the water environment. There is also potential for light emissions during construction and operation to adversely affect qualifying interests of the nearby water courses.

8.9 As part of the PPiP application, NatureScot advised Moray Council that the proposal is likely to have a significant effect on the interests of the SAC. Accordingly, suitable mitigation measures were required by condition attached to the PPiP to ensure the development does not adversely affect the interests of the SAC and SSSI. As a result the following information has been submitted as part of this application:

- A Construction Environment Management Plan which detailed measures to be put in place to ensure no release of sediment and other pollutants to the River Spey and Broad Burn.
- Suitable drainage arrangements for surface and foul water from the development, including pollution interceptors for surface water drainage.
- Measures to ensure light pollution from the construction process (and operation) do not impact on the qualifying interests that may be present in the river/burn.

8.10 These matters have been sufficiently addressed as part of this submission, offering suitable mitigation/pollution control measures with relevant consultees including NatureScot raising no objections to the proposal. In light of the foregoing assessment, the proposal will not adversely affect the integrity of the site; including the conservation objectives of its qualifying interests.

- 8.11 **Siting, Design and External Appearance of Development (Conditions 3 – 4, 7 & 9)**
Conditions 3, 4 and 7 all require details showing the siting, design and external appearance of all buildings, plant and structures. Condition 9 sets out that the massing and heights of the building should be in accordance with the indicative heights set out in the details approved under the PPiP. This was informed by a Landscape and Visual Impact Assessment within the EIA Report that accompanied that application.
- 8.12 MLDP Policy DP1 – Development Principles requires all development to be of a suitable scale, density and character and integrated into the surrounding landscape. NPF Policy 14 – Design states development proposals should improve the quality of an area and be consistent with the six qualities of successful places.
- 8.13 The buildings, silos, structures etc. shown in the submitted plans are generally in accordance with these heights (aside from some minor deviations, notably the tallest element being 21 metres in height rather than 20 metres). However the overall scale and appearance of the development is in keeping with that indicatively shown and approved as part of the PPiP. The applicant has considered public feedback in formulating this proposal and has finished all structures in green in light of this. Their appearance is typical of such structures found at maltings elsewhere. However as noted under the PPiP the landscape impact of this proposal is considered suitable and remains as such as part of these submitted details. The proposal is therefore considered suitable in terms of the respective conditions and policies in relation to the siting, design and external appearance of the development.
- 8.14 Temporary portacabins are shown on the submitted plans, no details of these have been provided and as such further information will be required by suspensive condition.
- 8.15 **Landscaping/Enclosures (Conditions 3, 6 & 8)**
Conditions 3, 6 and 8 require submission of a scheme of landscaping for the site that takes account of the indicative landscaping shown in the PPiP, whilst there is also a requirement for details of means of enclosure to be provided (i.e. fencing and bunds). The landscaping scheme proposed shows areas of woodland to be provided around the site, as well as a bank of woodland on agricultural land to the east of the site adjacent to the River Spey. Alongside specimen tree planting (3 metres in height), there would be over 15,000 trees planted as part of this proposed landscaping scheme. Areas of woodland planting would also be under-seeded with woodland wildflower planting.
- 8.16 Hedgerows are shown along the southern boundary of the site and areas of wildflower meadow planting are proposed in the west of the site. Within the operational areas of the site, mown grass with semi-mature specimen trees are proposed. The SuDS pond required for surface water drainage will be planted with aquatic planting, and a wet wildflower mix and terrestrial margin planting around it.

- 8.17 Planting would be incorporated into bunds that are shown on the plans along the boundary of the site to the north west (along the B9015) and south west of the site. 2.4 metre high security fencing would be placed around the site, though this will be positioned to the rear of bunds and set against landscaping elsewhere to minimise its visual prominence.
- 8.18 Overall the landscaping and means of enclosure proposed will go some way to soften the visual impact of this development as it matures, and will provide biodiversity enhancement (as discussed below). It will be provided in accordance with the phasing plan submitted (covered below) as part of the first phase of the development. In light of this the proposal is considered to meet with the requirements of conditions 3, 6 and 8.
- 8.19 **Access and Parking (Conditions 3, 5, 25, 27, 28, 29)**
These conditions relate to access and parking arrangements (conditions 3, 5 and 29), as well as provision of pedestrian linkages to Rothes (condition 25), lowering of speed limits on the B9015 (condition 27), provision of a Construction Traffic Management Plan (condition 28), and a parking assessment (condition 29).
- 8.20 Access arrangements including options for provision of a footpath between the maltings and Rothes (along North Street) were shown as part of the PPiP application. This proposal shows the access arrangements to the public road (B9015) in line with the details approved as part of the PPiP, however the layout of the site has incorporated an area of land along the site frontage (B9015) to be safeguarded for future footpath provision following comments from the Transportation Manager. Conditions are recommended to safeguard this area from any development and landscaping that may prejudice the provision of the footpath.
- 8.21 Parking provision (including EV charging and cycle parking) is provided on site and this has been informed by the submission of a parking assessment carried out by the applicant and as required under condition 29 of the PPiP. 36 car parking spaces are provided, including 2 accessible spaces. EV charging has been provided in 8 spaces (including 1 accessible space). Parking for three motorcycles and a secure sheltered cycle store for at least 6 cycles have also been provided.
- 8.22 Comments from the Community Council are noted in respect of construction traffic generation, these have no bearing on this application as this was considered at the PPiP stage of the application. Whilst the Transportation Manager has asked for a Traffic Management Plan detailing the duration of works including a programme of works, this relates solely to timing rather than traffic generation.
- 8.23 The Transportation Manager has not objected to the proposal, but has recommended a number of conditions ensuring timeous delivery of the infrastructure submitted, as well as safeguarding for a future pathway to the front of the site. Subject to conditions as recommended the proposal complies with conditions 3, 5, 25, 27, 28 and 29.

8.24 **Drainage (Conditions 3 & 5)**

Under conditions 3 and 5, details of surface water and foul water drainage must be provided. A scheme for surface water drainage (including a Drainage Impact Assessment) provided shows surface water flowing to a SuDS pond attenuation system, prior to discharge to the Broad Burn. Filter drains will be installed as part of this and where there is a risk of pollution from HGV parking areas, an interceptor will be installed to prevent pollutants such as oil from entering the surface water drainage system and subsequently the Broad Burn and River Spey.

8.25 Foul water will be generated onsite from the use of offices and welfare facilities. This water will be managed by a separate system to the surface and process effluent water. All such foul water on site will be treated by a private package sewage treatment plant before being discharged to a soakaway within the site.

8.26 The proposed drainage arrangement is suitable, with Moray Flood Risk Management raising no objections to this application. The proposal is therefore considered suitable in terms of the requirements of conditions 3 and 5.

8.27 **Phasing Plan (Condition 10)**

A phasing plan has been submitted to discharge condition 10. This shows the majority of the site to be built in the initial phase, including roads, drainage and landscaping and biodiversity enhancement measures. Approximately two-thirds of silos, vessels, tanks etc. associated with the maltings process would be provided initially. The remainder would be provided in the future should customer demand dictate. A single storey office building is shown on the site layout indicatively. No detail of this building has been provided and it will require consent in its own right should it be built. Overall, the proposed phasing is considered suitable, with suitable timing for infrastructure associated with this proposal (in particular landscaping and drainage). The proposed Phasing Plan therefore meets with the requirements of condition 10.

8.28 **Waste (Condition 11)**

As part of compliance with condition 11, a Waste Management plan submitted demonstrates the waste implication of this proposal (during operation). This plan shows how waste generation will be minimised in the first instance, with detail on how waste will be reused and recycled as part of the malting process, as required by the condition. This is shown in detail via a flow chart for the maltings process, which shows a significant level of reuse and recycling including by-products. It also identifies the end location for treatment of non-recyclable waste on site and how it will be disposed of offsite.

8.29 The plan identifies an area for a waste collection bay, with suitable reciprocals allowing for secure storage of segregated waste. Taking account of these considerations the proposed plan is therefore considered to be suitable in terms of condition 11 and subsequently NPF Policy 12.

8.30 **Decarbonisation (Condition 12)**

The Decarbonisation plan submitted in support of this application notes the applicant envisions this proposal to be a net-zero development, as part of the applicant's wider corporate goal of achieving net-zero carbon emissions by 2030. As noted as part of the PPIp application, heat and power will be sourced

from the adjacent Rothes CoRDe plant, by harnessing what is presently excess heat discharged to the atmosphere. At least 90% of calendar year will see heat and power for the maltings provided via the biomass boiler at CoRDe (the remaining time the plant is shut down for maintenance etc. with heat generated by gas boilers at CoRDe). To offset this process, the applicant intends on acquiring REGOs and RGGOs for these (certification confirming electricity or gas from the national grid is from renewable sources). The Council's Climate Change Officer has reviewed this submission and has no objections to the submitted Decarbonisation Plan. The proposal therefore meets with the terms of condition 12 (and NPF Policy 25).

8.31 Biodiversity Mitigation and Enhancement (Condition 13)

Condition 13 of the PPiP requires the development to provide biodiversity enhancement and mitigation in accordance with the approved EIA Report as part of the PPiP. The submitted details show a significant level of landscaping proposed (as outlined above), as well as provision of Kestrel boxes, a bee bank, badger gates and amphibian habitats on site. In addition, mitigation is recommended to ensure breeding birds and badgers are not adversely impacted by this proposal. The proposal is therefore suitable in terms of the requirements of condition 13, as well as NPF Policy 2 and MLDP Policies EP1 and EP2.

8.32 Construction Environment Management Plan (Condition 15)

A Construction Environment Management Plan (CEMP) has been submitted as part of condition 15 of the PPiP. This covers measures to minimise and mitigate noise, vibration, waste, dust and light generated as part of the construction process, as well as measures to ensure ecology, water courses, soils, trees and gas pipelines are protected. The submitted measures are considered suitable subject to their implementation, with consultees (Environmental Health, Moray Flood Risk Management, NatureScot and Scottish Gas Networks) raising no objections to the submitted information. The proposal is therefore considered to satisfy the requirements of condition 15.

8.33 Light Impact Assessment (Condition 18)

A Light Impact Assessment submitted as part of condition 18 outlines the design approach for lighting at the proposed maltings, as well as mitigation measures to minimise light pollution by using light where and when necessary as part of the safe operation of the maltings. The Environmental Health service has not objected to this assessment. The proposal therefore meets with the requirements of condition 18.

8.34 Noise (Conditions 21 & 22)

A Noise Impact Assessment submitted as part of condition 21. This identifies the nearest noise sensitive receptors to the proposed development as well as noise sources from the proposed development. It suggests mitigation to bring noise levels to an acceptable level, in addition to those measures required by the NIA approved at the PPiP stage as part of the EIA Report.

8.35 Condition 22 of the PPiP required submission of a Noise Management Plan for the operation of the proposed maltings. This identifies processes and procedures for dealing with noise at the maltings, including monitoring, staff

and contractor awareness and details of how complaints from the public will be handled.

8.36 The Environmental Health service has not objected to these reports. Subject to conditions ensuring the development proceeds in accordance with the recommendations of the reports, this application satisfies the requirements of conditions 21 and 22.

8.37 **Archaeology (Condition 24)**

A written scheme of investigation and archaeological works have been submitted as per the requirement of condition 24 of the PPIp. The Regional Archaeologist has not objected to this, noting the survey works required as part of this condition have been undertaken in agreement with Aberdeenshire Council Archaeology. The submitted information is therefore considered suitable in terms of the requirement of condition 24.

Conclusion and Recommendation

The principle of the Maltings has been established under the grant of the PPIp by this Committee in February 2023. The siting and design of the proposed buildings and plant, as well as landscaping, are suitable and in broad accordance with the indicative plans approved as part of the PPIp consent. Submissions covering a variety of technical matters relating to roads, drainage, ecology, archaeology, noise, lighting, waste, decarbonisation and construction practices are also suitable, with relevant consultees raising no objections. Accordingly, this proposal meets with the terms of the relevant conditions attached to the PPIp and the provisions of the Development Plan (i.e. National Planning Framework 4 and the Moray Local Development Plan 2020) and approval is recommended.

REASON(S) FOR DECISION

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

The submitted information satisfies the matters specified in relevant conditions attached to Planning Permission in Principle 21/01901/EIA and is in accordance with relevant policies of National Planning Framework 4 and the Moray Local Development Plan 2020.

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