



**REPORT TO: PLANNING AND REGULATORY SERVICES COMMITTEE ON 31
MAY 2022**

**SUBJECT: 22/00631/PAN ERECTION OF WAREHOUSES (UP TO 50,000SQ
M) LAND ENGINEERING (CUT AND FILL) REALIGNMENT OF
CORE BURN AND ASSOCAITED ENGINEERING AND
INFRASTRUCTURE WORKS LAND TO SOUTH OF CRISP
MALTINGS, PORTGORDON, BUCKIE.**

**BY: DEPUTE CHIEF EXECUTIVE (ECONOMY, ENVIRONMENT AND
FINANCE)**

1. REASON FOR REPORT

- 1.1 To inform the Committee that a Proposal of Application Notice (PAN) was submitted on 24 April 2022 on behalf of William Grant And Sons Distillers Limited.
- 1.2 This report is submitted to Committee in terms of Section III (E) (1) of the Council's Scheme of Administration relating to exercising the statutory functions of the Council as a Planning Authority.

2. RECOMMENDATION

2.1 It is recommended that:

- (i) in noting the terms of this report, the Committee advise upon any provisional views/relevant issues that Members of this Committee (or any other Member(s) of the Council) wish to raise about the proposed development so that these matters can be recorded and thereafter fed back to the prospective applicant in order to inform the development of their proposed formal application for planning permission; and
- (ii) the matters raised by the Committee also be forwarded to consultees likely to be involved in any formal application for planning permission for the proposal.

3. BACKGROUND

- 3.1 Scottish Government has published guidance which encourages elected members to highlight any issues with a proposed development at the pre-application stage which they would wish to see taken into account within any formal application for planning permission.
- 3.2 Following consideration by this Committee on 11 November 2014 it was agreed that any PAN received after this date would be reported to Committee to give Members of the Committee, and the Council, the opportunity to identify any key issues/provisional views about the proposed development and that these matters be reported back to applicant (paragraph 4 of the Minute refers).
- 3.3 This report is not about the merits of the proposed development but rather, based on local knowledge of local issues and wider concerns, etc. Members are invited to identify any matters relevant to the proposal. These will be reported back to the prospective applicant for their information and attention, and to inform the development of the proposed application. It is also proposed that, for information, Members' comments be forwarded to consultees likely to be involved in any formal application for planning permission for the proposal.
- 3.4 This PAN relates to a proposed maturation warehouse development (up to 50,000sq m) including land engineering (cut and fill) realignment of Core Burn and other associated engineering and infrastructure works on agricultural land to the south of Crisp Maltings, Portgordon. The site is located within the countryside and does not have any specific designation within the Moray Local Development Plan 2020.
- 3.5 The proposed site covers an area of 15ha with access proposed via the existing access which serves the adjacent maltings. Whilst the specific design and layout may alter as a result of this public consultation and further site investigation, current indicative plans provided, indicate the proposed buildings would be approx. 13m high and cut and fill would be carried out across the site to provide a level base for the buildings to be sited. The proposals may also include measures to divert the Core Burn which currently runs along a ditch to the south of the site. The applicants may propose to realign this burn, providing a SUDs pond and wetland area to the south of the site. Landscaping proposals will also be incorporated as part of the scheme.
- 3.6 A formal response has been issued to the applicant's agent to confirm that the proposed arrangements for engaging with the local community are sufficient. The applicant proposes to consult with Lennox Community Council. In this case the applicant's have been advised that no additional parties require to be notified with a copy of the PAN.
- 3.7 The Town and Country Planning (Miscellaneous Temporary Modifications) (Coronavirus) (Scotland) Regulations 2020 have temporarily suspended the need to hold a public event in relation to PANs from 24 April 2020 provided that the PAN was submitted before the end of the emergency period and that

any formal planning application following on from the PAN is lodged within 6 months of the end of the emergency period. There is no statutorily specified alternative to a public event during the emergency period but it is anticipated that prospective applicants propose reasonable alternatives which must include a minimum seven day period where information can be inspected and the public can make comments and ask questions to which they can expect to receive a response. In line with the new regulations an online public event/exhibition is proposed from 9 to the 30 June 2022 via www.wgswarehousingportgordon.co.uk and an online Q&A at 7pm on Thursday 9 June accessed via the same webpage. The online event will be advertised locally prior to opening and the community council made aware of the arrangements.

- 3.8 In order to be valid a major application must be supported by a pre-application consultation report setting out the steps taken to consult with the local community, details of comments made on the proposal and how the applicant has responded to all comments made on the proposal in the development of the application.

4. SUMMARY OF IMPLICATIONS

(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))

Identifying key issues at an early stage to assist with front loading major planning applications is a vital aspect of supporting and facilitating the Council's priority for economic development in Moray.

(b) Policy and Legal

Scottish Government guidance on the role of councillors in pre-application procedures affords elected members the opportunity to offer general provisional views on forthcoming developments which are the subject of a PAN where the details of the development have yet to be finalised.

(c) Financial implications

None

(d) Risk Implications

None

(e) Staffing Implications

None

(f) Property

None

(g) Equalities/Socio Economic Impact

None

(h) Climate Change

As this is a Proposal of Application Notice there is limited information provided at this stage to give full consideration to the climate change and biodiversity impacts of this proposal. Nonetheless all development will result in a degree of impact on climate change and biodiversity and this will be considered as the proposal progresses through the planning process. Identifying general concerns about the climate change impacts of major planning applications at an early stage can allow consideration of these aspects before details of the development are finalised.

(i) Consultations

Depute Chief Executive (Economy, Environment and Finance), the Head of Economic Growth and Development, the Legal Services Manager, the Development Management and Building Standards Manager, the Equal Opportunities Officer, the Strategic Planning & Delivery Manager, and Lissa Rowan (Committee Services Officer) have been consulted, and comments received have been incorporated into the report.

Members of Moray Council who are not on this committee have also been consulted and any views received on the proposal will be made known at the meeting

5. CONCLUSION

- 5.1 The Council has received a PAN intimating that a formal application for planning permission will be submitted for a major development proposal, in this case for permission for a proposed maturation warehouse development (up to 50,000sq m) including land engineering (cut and fill) realignment of Core Burn and other associated engineering and infrastructure works on agricultural land to the south of Crisp Maltings, Portgordon. The Committee (and any other Member(s) of the Council) are asked to identify any provisional views/relevant issues which they would wish to see taken into account and inform the development of the proposal.**

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Background Papers:

Ref: 22/00631/PAN