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**REPORT TO: PLANNING AND REGULATORY SERVICES COMMITTEE ON  
3 AUGUST 2021**

**SUBJECT: 21/00740/PAN – PROPOSED 100,000 TONNES PER ANNUM  
MALT PRODUCTION FACILITY ON LAND AT GREENS OF  
ROTHES, ROTHES, MORAY**

**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 14 May 2021 on behalf of Simpsons Malt 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 current 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 As described, this PAN relates to a proposal for the development of a maltings with a capacity to process 100,000 tonnes of malt per annum. A plan provided with the application identifies 15.8 ha of land to accommodate the proposal. No further details of the proposal have been provided at this stage. A plan is appended showing the location and extent of the site (**Appendix 1**). The site currently comprises agricultural land, and is located in The Spey Valley Special Landscape Area designation in the Moray Local Development Plan 2020 (MLDP). It is roughly triangular shaped and lies outwith and adjacent to the settlement boundary of Rothes (as zoned in the MLDP). The site boundary follows the B9015 Rothes – Mosstodloch road along its north-western edge; further agricultural land to the north east; and the Broadburn and Rothes to the south. There is a group of residential properties to the west of the site, as well as a single house to the north of the site on the opposite side of the B9015.
- 3.5 Planning permission is required for this proposal. The application site exceeds 2 ha, therefore the proposal would be a major application relative to the current Hierarchy Regulations and the proposal would comprise a major development for planning purposes. The proposal will be subject to PAN and pre-application consultation procedures with the local community. The applicant utilised the Council's pre-application advice service at an early stage (early 2020) to assist in identifying key issues and information that would be expected to accompany any formal application.
- 3.6 A screening opinion request (ref: 20/01207/SCN) submitted to the Council under the current Environmental Impact Assessment (EIA) Regulations was adopted by the Council on 9 October 2020. This requires an EIA to be undertaken and an EIA Report to accompany an application for the proposed development. The scope of the EIA Report was identified by the Council (in consultation with key stakeholders/consultees) via a subsequent Scoping Opinion Request (ref: 21/00284/SCO). This was adopted by the Council on 13 April 2021.

- 3.7 A formal response has been issued to the applicant's agent to confirm that the proposed arrangements for engaging with the local community outlined in the PAN are suitable. The applicant has confirmed they propose to consult Speyside Community Council, local ward members, hold an online public consultation event and publicise this with a notice in the local press.
- 3.8 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. In line with the new regulations the agent has confirmed that a virtual public event was held on 1 July 2021. This was advertised locally prior to opening and the Community Council were made aware of the arrangements. Materials were also made available to view online on the applicant's website on 11 June 2021 and were to be displayed until 28 July 2021. 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) 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 and Development 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 100,000 tonnes per annum malt production facility. 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.**

Author of Report:	Andrew Miller
Background Papers:	
Ref:	21/00740/PAN