

ANGUS COUNCIL

DEVELOPMENT STANDARDS COMMITTEE – 13 NOVEMBER 2018

PROPOSAL OF APPLICATION NOTICE – HATTON MILL QUARRY KINNELL FRIOCKHEIM

GRID REF: (E) 361017 : (N) 749620

REPORT BY SERVICE LEADER – PLANNING & COMMUNITIES

Abstract:

This report advises Committee that a Proposal of Application Notice (ref. 18/00749/PAN) has been submitted in respect of a Major Development comprising Extension of Sand and Gravel Extraction Area and continued Processing and Despatch of Aggregates at Hatton Mill Quarry, Kinnell, Friockheim for D. Geddes (Contractors) Ltd. Committee is invited to identify issues which it would like to see addressed in the planning application.

1. RECOMMENDATION

It is recommended that Committee notes the key issues identified at this stage and advises of any other issues it considers should be addressed in any planning application that is subsequently submitted.

2. ALIGNMENT TO THE ANGUS LOCAL OUTCOMES IMPROVEMENT PLAN/CORPORATE PLAN

This report contributes to the following local outcome(s) contained within the Angus Local Outcomes Improvement Plan and Locality Plans:

- Safe, secure, vibrant and sustainable communities
- A reduced carbon footprint
- An enhanced, protected and enjoyed natural and built environment

3. INTRODUCTION

3.1 At its meeting on 19 June 2014, Council approved a guidance note on the role of Councillors in pre-application procedures in respect of national and major planning applications (Report 275/14 refers). A key element of that guidance requires officers to present a report to Committee when a Proposal of Application Notice (PAN) is submitted. Such a report will set out what are considered to be the key considerations in the determination of any subsequent planning application and allow Members opportunity to identify any additional issues that they consider should be addressed when a planning application is submitted.

3.2 A PAN (ref. 18/00749/PAN) has been received. It indicates that an application for planning permission is to be submitted for an extension of sand and gravel extraction area and continued processing and despatch of aggregates at Hatton Mill Quarry, Kinnell, Friockheim. The proposed development site measures 14.5 ha (approx.) and currently comprises part of the existing quarry at Hatton Mill and adjacent 3.2 (non-prime) agricultural land. A plan showing the outline of the site on which the development is proposed has been submitted and is attached at Appendix 1. No further details relating to the proposed application have been provided at this stage.

3.3 The submitted PAN sets out the proposed consultation that the applicant intends to undertake with local communities and the applicant has indicated that a copy of the PAN has been served on Friockheim and District Community Council. The PAN has also been sent to local councillors and all residential properties within 500m of the application site. The prospective developer has indicated that a public exhibition is to be held on 30 October 2018 at Colliston Village Hall commencing at 1900. No specific details have been provided for the proposed exhibition.

- 3.4 The results of the community consultation will be submitted with any subsequent major planning application in the form of a pre-application consultation report (PAC Report) as required by Development Management Regulations.
- 3.5 At this time confirmation has also been given that a planning application could not be submitted prior to 11 December 2018 (the date 12 weeks' from the submission of the PAN).

4. BACKGROUND

- 4.1 The site that is subject of the PAN lies approximately 1km to the east of Friockheim and consists in part of the existing sand and gravel quarry at Hatton Mill which was initially granted planning permission in 1993 (Appn. 01/92/0823 refers). A subsequent extension to the quarry excavation area was granted planning permission in December 2010 (Appn. 06/01136/FUL refers).
- 4.2 The site is bound to the north by agricultural land with the existing quarry access road also located at this boundary. The eastern extent of the site is also bound by agricultural land with an existing pipeline located around 260m to the east. The southern and western extents of the site are defined by agricultural land and the B965 Farnell Road. The extent of the site that comprises agricultural land is relatively flat with the remainder of the site consisting of an existing excavation area. A number of residential properties are located within 500m of the development site. There is a Scheduled Ancient Monument located immediately adjacent to the west boundary of the site (Balneaves Cottage, curus and settlement 200m SE of NO604492 and NO607498). The site is also known to have small areas of flood extents from the Lunan Water which is located around 140m to the north of the site.

5. DISCUSSION

- 5.1 The main policy that deals with the principle of mineral extraction development in TAYplan is:

Policy 7: Energy, Waste and Resources

To deliver a low/zero carbon future and contribute to meeting Scottish Government energy and waste targets and prudent resource consumption objectives:

- A. *Local Development Plans should identify areas that are suitable for different forms of energy, waste and resource management infrastructure* and policy to support this. This can include, where appropriate, locations of existing heat producers (e.g. waste management or industrial processing), renewable sources of heat and electricity, and existing waste management facilities to ensure the co-location/proximity of surplus heat producers and heat users.*
- B. *Strategic Waste management infrastructure, beyond community or small scale facilities, is most likely to be focussed within or close to the Dundee and/or Perth Core Areas (identified in Policy 1).*
- C. *Infrastructure associated with the extraction, transfer and distribution of liquid and gas minerals may take advantage of the locational flexibilities offered by various extraction techniques to overcome issues relating to the scale and impacts of any buffer zones and residential proximity in a manner which reflects Policy 7D and Policy 2.*
- D. *Local Development Plans and development proposals should ensure that all areas of search, sites and routes for energy, waste and resource management infrastructure have been justified, at a minimum, on the basis of these following considerations:*
- i. The specific land take requirements associated with the infrastructure technology and associated statutory safety exclusion zones or buffer areas where these exist;*
 - ii. Waste management proposals are justified against the Scottish Government's Zero Waste Plan (2010) to support the delivery of the waste management hierarchy, and, Safeguarding Scotland's Resources (2013);*
 - iii. Proximity of resources (e.g. geo-thermal heat, sand, gravel, gas, oil, woodland, wind or waste material); and to users/customers, grid connections and distribution networks for the heat, power or physical materials, by-products and waste that are produced, as appropriate;*
 - iv. Anticipated effects of construction and operation on air quality, carbon emissions, noise and vibration levels, odour, surface and ground water pollution, drainage, waste disposal, leakage of hazardous substances, radar installations, navigation*

- aids and aviation landing paths;*
- v. *Sensitivity of landscapes, the water environment, biodiversity, geo-diversity, habitats, tourism, recreational interests and listed buildings, scheduled monuments and conservations areas;*
- vi. *Impacts of infrastructure required for associated new grid connections and distribution or access infrastructure;*
- vii. *Cumulative impacts of the scale and massing of multiple developments, including existing infrastructure in general but particularly in sensitive areas;*
- viii. *The appropriate safety regimes and postoperational restoration of land, particularly for extraction of solid, liquid and gas minerals;*
- ix. *Strategic cross-council boundary impacts as a result of energy proposals which may be strategically significant (as defined on page 45) including landscape, historic and environmental considerations identified in the spatial framework (Map 7b); and,*
- x. *Consistency with the National Planning Framework and its Action Programme.*

5.2 In this case the land subject of the Proposal of Application Notice (PAN) is not allocated in the adopted Angus Local Development Plan for any specific use. The appropriate policy relating to the proposed quarry development is Policy PV19. This policy states:

Policy PV19: Minerals

Angus Council will protect existing mineral resources within Angus which are of economic and/or conservation value from other forms of development.

Proposals for new or extended mineral workings must demonstrate that the development is required to maintain, at least a 10 year land bank for aggregates or the development is required for the local, regional and/or national market that cannot be satisfied by recycled or secondary aggregates at existing workings.

Proposals will only be supported where:

- *impacts on the natural and built environment, amenity, landscape, visual amenity, air quality, water quality, groundwater resources, prime quality agricultural land, geodiversity, site access, traffic movements, road capacity and road safety are acceptable or could be satisfactorily mitigated through planning conditions , a Section 75 agreement or other legal agreement; and*
- *appropriate details of restoration, aftercare and after use are submitted for approval by Angus Council, recognising that ecological solutions are the preferred from of restoration. Opportunities to enhance, extend and / or link to existing green networks should be investigated. Prior to commencement of development Angus Council may require a bond to cover the cost of the agreed scheme of restoration, aftercare and after use.*

5.3 Other policies in the Angus Local Development Plan will be relevant, including those that deal with protection of amenity; natural and built environment; access and informal recreation; essential infrastructure and the water environment will be relevant to the determination of any application.

5.4 In these circumstances it is considered that the key issues in relation to the determination of a subsequent planning application will be whether the proposal complies with relevant development plan policies or whether there are other material considerations that justify a departure from relevant policies. In this respect key issues are likely to be: -

- Need for the proposed development in terms of maintaining a 10 year land bank for aggregates;
- Impact on amenity, including residential and recreational amenity;
- Impact on the built environment, including Scheduled Ancient Monuments;
- Impact of the development on natural environment, including habitats, ecology and prime agricultural land;
- Landscape and visual Impact;
- Impacts on the water environment, including flood risk;
- Impacts on infrastructure, including public road network and pipelines;
- Socio-economic impacts;
- Site restoration and aftercare;

- Other material considerations including relevant local and national guidance on mineral development, and representations in support or objection to the proposal that raise relevant planning considerations.

5.5 While other issues may emerge through the publicity and consultation process associated with any planning application, the above matters are considered to represent the main issues that should be considered at the pre-application stage and that are likely to be determining factors for any subsequent planning application. However, Members are invited to identify any additional matters that they would wish to see addressed.

6. FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

7. OTHER IMPLICATIONS

The issues contained in this report fall within an approved category that has been confirmed as exempt from an equalities perspective.

**KATE COWEY
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NOTE: No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973, (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above Report.

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APPENDIX 1: LOCATION PLAN