

ANGUS COUNCIL**DEVELOPMENT STANDARDS COMMITTEE – 13 NOVEMBER 2018****PROPOSAL OF APPLICATION NOTICE – GROUND AT PITREUCHIE FARM FORFAR****GRID REF: (E) 346886 : (N) 750307****REPORT BY SERVICE LEADER – PLANNING & COMMUNITIES****Abstract:**

This report advises Committee that a Proposal of Application Notice (ref. 18/00844/PAN) has been submitted in respect of a Major Development comprising Extension of Sand and Gravel Extraction Workings on land at Pitreuchie Farm, Forfar (Auchterforfar Quarry) for Laird Aggregates 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. 18/00844/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 at Auchterforfar Quarry, Forfar. The proposed development site measures 12 ha (approx.) and currently comprises 3.2 (non-prime) rough grazing arable 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 Royal Burgh of Forfar Community Council. The PAN has also been sent to local councillors and all residential properties within 250m of the application site. The prospective developer has indicated that a public exhibition is to be held on 19 November 2018 at The Royal British Legion 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 18 January 2019 (the date 12 weeks' from the submission of the PAN).

4. BACKGROUND

- 4.1 The site that is subject of the PAN lies on the south eastern edge of Forfar and proposes an extension to the sand and gravel excavation working at Auchterforfar Quarry which was initially granted planning permission in 1996 (Appn. 01/95/1182 refers). Further planning applications were subsequently submitted for development in the area.
- 4.2 The site is bound to the north and west by agricultural land with residential properties located beyond these boundaries. The eastern extent of the site is bound by the existing quarry excavation area. The southern extent of the site is defined by a landscaping strip with the B9128 Kingsmuir Road/South Street beyond. The site is fairly undulating with significant level changes across its extent. A number of residential properties are located within 250m of the development site. An existing Core Path (Arbroath Road to Kingsmuir Road) bounds the east boundary of the site. The site is also known to have small areas of surface water flood extents.

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; 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;
- Impact of the development on the natural environment, including habitats and ecology;
- Landscape and visual Impact;
- Impacts on the water environment, including flood risk;
- Impacts on infrastructure, including public road network;
- 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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DATE: 29 OCTOBER 2018

APPENDIX 1: LOCATION PLAN