

PRE APPLICATION FORUM

NORTH LASTS QUARRY, PETERCULTER, ABERDEEN

MAJOR DEVELOPMENT INCLUDING CONTINUATION OF EXISTING QUARRY AND PROPOSED EXTENSION, DEEPENING AND STORAGE OF OVERBURDEN MATERIAL.

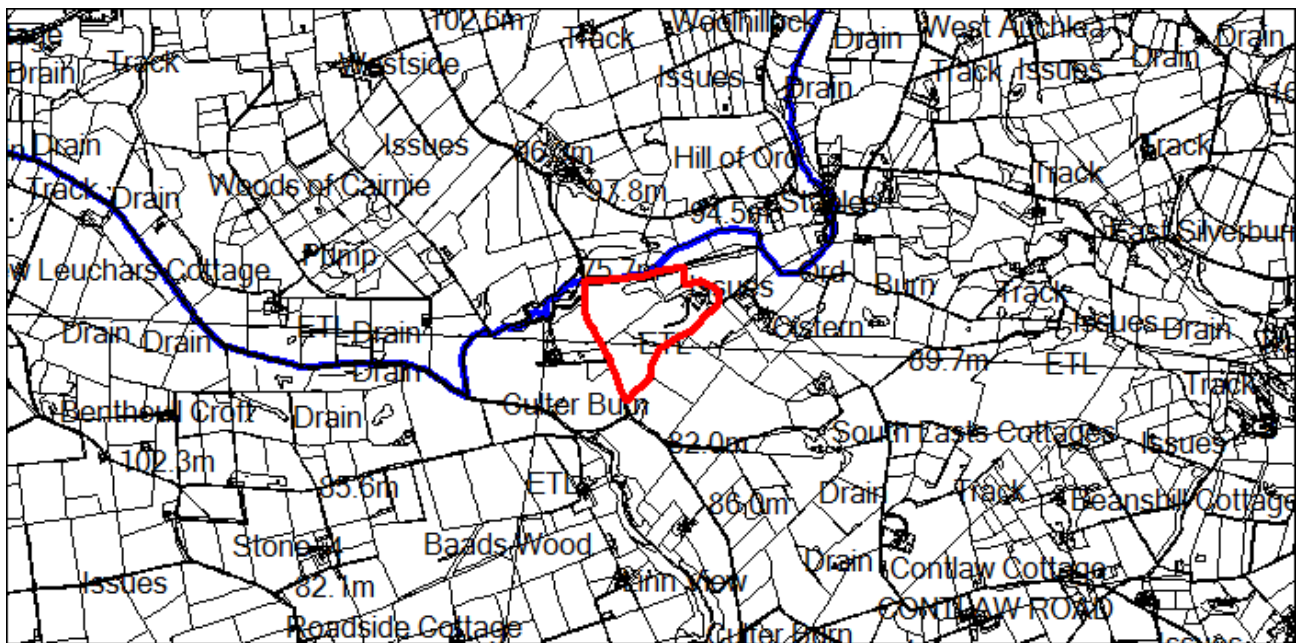
For: Leiths(Scotland)Limited

Application Ref. : P151407

Pre Application Forum Date: 21/04/2016

Officer: Paul Williamson

Ward : Lower Deeside (M Boulton/A Malone/M Malik)



SUMMARY

This is a report to the pre-application forum on a potential application by Leiths (Scotland) Limited for a major development including the continuation of the existing quarry operation and a proposed extension, comprising deepening of the quarry, with further storage of overburden material.

In accordance with the provisions of the Town & Country Planning (Scotland) Act 1997 as amended, the applicant submitted a Proposal of Application Notice on 26th

August 2015. The earliest date at which an application could have been submitted was 18th November 2015. However, in light of the applicant not having undertaken their Pre Application Consultation event to date, the application submission will require to take place after that point.

RECOMMENDATION:

It is recommended that the Forum (i) note the key issues identified; (ii) if necessary seek clarification on any particular matters; and (iii) identify relevant issues which they would like the applicants to consider and address in any future application.

DESCRIPTION

North Lasts Quarry is well established and has been used for the extraction of hard rock mainly for road construction. The quarry is located approximately 2.5 kilometres to the north west of Peterculter and 2.0 kilometres south of Elrick, Westhill. Vehicular access is taken by way of an existing surfaced track off the B979 which also serves a cluster of properties at North Lasts Farm, now converted to dwellings and an industrial unit. The site is immediately adjacent to the local authority boundary with Aberdeenshire Council.

RELEVANT HISTORY

Planning permission for the development of the quarry was initially granted subject to conditions in 1976 for a period of 10 years. This permission was extended in 1986 and then again under reference 96/2192 in 1996. Subsequently, a further planning application (Reference A7/0447) was granted on 16 August 2007 extended the life of the quarry for a further 10 years until August 2017.

On 28 October 2010 planning permission (Reference P101264) was granted, which sought the deepening to part of the quarry to a depth of 60m Above Ordnance Datum (AOD). The permission also contained all the conditions previously attached to permission A7/0447. Condition 8 further specified that quarrying shall cease on or before 28 October 2020.

An EIA Screening Opinion (Reference 141387) was submitted in respect of the proposal to form an extension to North Lasts Quarry.

On 18 December 2014, an application (Reference 14/1836) was submitted for permission for an extension to the quarry, extending to approximately 1.95 hectares. It also sought to extend the quarry to the north with a basal level of approximately 72m AOD. It was calculated that the proposed extension would contain approximately 250,000 to 300,000 tonnes of rock. The applicant indicated at that time that the output would be maintained at approximately 125,000 tonnes per annum, extending the life of the quarry by approximately 2 ½ years. Dry

aggregates and coated roadstone products would continue to be made and manufactured within the quarry and hauled off site utilising the existing surfaced haul road to its junction with the B979. That application was approved subject to a number of conditions on 29 May 2015. This included a condition restricting operations until 1 June 2025.

PROPOSAL

This proposal constitutes a major application for the continuation of the existing quarry operation, a proposed extension, and deepening of the existing quarry, together with the storage of overburden material. The applicant's agent has indicated that they intend to apply for a quarrying period of 30 years to 2046 to quarry approximately 4.0Mt of rock. This tonnage includes the recovery of the existing consented rock tonnage that has planning permission to 2025.

In addition, the overburden materials which presently overlie the rock reserve contains a significant quantity of sand. The applicant has therefore calculated that approximately 260,000 tonnes of recoverable sand could be processed over a period of 6 – 10 years should planning permission being granted.

To date quarrying operations and asphalt production generates on average 4 total (in and out) vehicle movements per hour. This equates to 21 arrivals each day Monday – Friday and 17 arrivals on a Saturday, and formed part of the considered of the previous planning application (Ref: 141836). The recovery of sand as proposed would increase vehicle movements from 4 to 6 in total per hour.

With respect to the planning application boundary this will extend to approximately 23 hectares in total and contains the existing planning area of some 10 hectares.

CONSIDERATIONS

The main considerations against which a planning application would be assessed are outlined as follows:

Principle of Development

In respect of the principle of development, the proposal must be assessed against Policy R1 (Minerals) and Policy NE2 (Green Belt) of the Aberdeen Local Development Plan. Consideration shall therefore have to be given to whether the proposed extension to the quarry, and other associated aspects of the proposal accord with the principle policies with particular regard to the potential impact on the character and amenity of the surrounding landscape/areas and the ecology of the area.

In addition, it is important to note that the land associated to this application has already been identified within the Aberdeen Local Development Plan as an opportunity site associated to mineral extraction, processing, manufacture of

asphalt and bituminous macadam, as well as noting that the area contains future mineral reserves (OP 56 – North Lasts Quarry).

Pre-Application Screening Opinion / EIA Development

A pre-application screening opinion (Ref: 141387) was submitted in September 2014 in relation to the extension to the quarry. The decision advised that an EIA was not required to accompany the subsequent application (Ref: 141836).

However, this substantially increased proposal falls under Schedule 2 (2, (a)) of the Environmental Impact Assessment (Scotland) Regulations 2011 as it relates to the extractive industry (including quarrying) and includes all development except the construction of buildings or other ancillary structures where the floor space does not exceed 1,000 square metres.

Taking the scale and form of development proposed into account and having regard to the selection criteria in Schedule 3 of the aforementioned regulations, it is considered in this instance that there is potential for a significant effect upon the environment either due to the characteristics of the development, the development's location, the characteristics of the potential impact, and due to the extent of the impact and size of the proposed development. Following the submission of the Proposal of Application Notice (PoAN), dialogue with the applicant's agent acknowledged that the forthcoming planning application, shall require to be accompanied by an EIA. While an EIA Scoping Request was submitted in January, this was withdrawn at the agent's request, as it was indicated that the composition of the development elements may alter. It is therefore expected that a subsequent Scoping Opinion (which shall identify the necessary aspects to be considered) shall be submitted shortly.

National Policy/ Guidance

Scottish Planning Policy provides a statement of Government policy in respect of minerals and confirms that an adequate and steady supply of minerals is essential to support sustainable economic growth. SPP confirms that in order to ensure that there is adequate continuity of supply to meet demand planning authorities should ensure a land bank of permitted reserves for construction of a minimum 10 year extraction is available at all times in all market areas. It shall therefore be a requirement to consider the other existing reserves available within the City, such as at Blackhills Quarry (which has consent run until 2050).

Landscape and Visual Impact

Consideration shall be given to Policy D6 (Landscape) of the Local Development Plan, and specifically the likely impacts of the proposal in relation to the this area of open landscape surrounding Aberdeen and to the east of the B979, and whether it can be accommodated into the landscape without any detriment, or whether mitigation may be necessary

Transportation/Access, Water and Drainage

While it is acknowledged that the operation from site is existing, and is consented to continue until at least 2025, consideration shall be given to the proposed levels and frequency of vehicular movements, and whether or not the proposals comply with Policy T2 (Managing the Transport Impact of Development of the Adopted Local Development Plan. Furthermore the proposals shall also require to demonstrate that the development adequately addresses the policy requirements relating to Policy D6 (Flooding and Drainage) as well as potential impact on water quality given to close proximity to the Ord Burn.

Natural Environment, Wildlife and Habitats

In light of the rural location, and the extension into what is otherwise Green Belt land, the proposals have potential to have impacts upon the natural environment, together with its associated wildlife and habitats. It will therefore be necessary for appropriate studies/supporting information to be submitted with the application to demonstrate compliance with Policy NE8 (Natural Environment) of the Local Development Plan. Details of any mitigation/restoration are also likely to be assessed as part of the application process.

Trees and Woodland

A belt of trees runs along the northern boundary of the site adjacent to the Ord Burn. An assessment of the likely impact upon those trees shall be necessary as part of the application, given their assistance in partially screening the site, and their associated landscape benefits. In addition, there is also potential for additional planting as part of the development proposals. The relevant policy within the Adopted Local Development Plan is NE5 (Trees and Woodland).

Blasting and Residential Amenity

A condition of the extant planning consent advises that “ground vibration shall not exceed a peak particle velocity of 6mms per second on 95% of all blasts measured over a six month period and no individual blast shall exceed a peak particle velocity of 12 mms per second unless the written consent of the planning authority is obtained - in the interests of protecting the environment”. Consideration would have to be given to the frequency of blasting proposed, and whether it could have any detriment on the surrounding area, and particularly upon neighbouring residential amenity. Such blasting can be adequately controlled by planning condition, and ensure compliance with the most stringent limit detailed within PAN50 Annex D: The Control of Blasting at Surface Mineral Workings, with the quarry operator continuing to provide prior notification of planned blasting to BP and Shell UK, whom operate pipelines in the vicinity of the site.

PLANNING POLICY

National Policy and Guidance

Scottish Planning Policy: Paragraph 225 of SPP states that “An adequate and steady supply of minerals is essential to support sustainable economic growth. The minerals industry provides raw material for construction, manufacturing, agriculture and other sectors. Continuity of supply to meet demand depends on the availability of land with workable deposits having planning permission for extraction”.

Paragraph 226 goes on to state: “Planning Authorities should have regard to the availability, quality, accessibility, and requirement for mineral resources in their area when preparing development plans. Authorities should liaise with operators and neighbouring planning authorities and use verifiable sources of information to identify appropriate search areas. These search areas, or where appropriate, specific sites should be identified and safeguarded in development plans and the criteria to be satisfied by development proposals set out. The same safeguarding principles should apply to land allocated for development which is underlain by minerals and where prior extraction of the mineral would be beneficial”.

Paragraph 227 further comments: “Planning authorities should ensure a land bank of permitted reserves for construction aggregates of a minimum 10 years extraction is available at all times in all market areas... This is particularly important in the city regions”.

Finally Paragraph 231 states: “Development plans and development management decisions should aim to minimise significant negative impacts from minerals extraction on the amenity of local communities, the natural heritage and historic environment and other economic sectors important to the local economy, and should encourage sensitive working practices during extraction. Extraction should only be permitted where impacts on local communities and the environment can be adequately controlled or mitigated. Wherever possible, haulage should be by rail, or coastal or inland shipping, rather than by road. Where there are significant transport impacts on local communities, routes which avoid settlements as far as possible should be identified. Advice on mineral workings is provided in PAN 50: Controlling the Environmental Effects of Surface Mineral Workings, PAN 50 Annexes A-D and PAN 64: Reclamation of Surface Mineral Workings”.

PAN 50 (Controlling the Environmental Effects of Surface Mineral Workings) with Annex A (Noise), B (Dust), C (Traffic) and D (Blasting) provides advice on these issues and how they should be addressed when assessing mineral applications.

PAN 64 (Reclamation of Surface Mineral Workings) provides planning advice on ensuring that satisfactory reclamation procedures are in place before, during and after extraction, in order to bring land back to an acceptable condition.

Aberdeen City and Shire Structure Plan

Aberdeen City and Shire is a region of global significance. As the energy capital of Europe it has the ambition, skills and resources to lead the move towards a more secure and sustainable supply of energy and lead Scotland forward on a path of economic recovery.

The main aims of the plan are to:

- provide a strong framework for investment decisions which help to grow and diversify the regional economy, supported by promoting the need to use resources more efficiently and effectively; and
- take on the urgent challenges of sustainable development and climate change.

Paragraph 3.45 also advises that “in some cases, developments which aim to meet more than local needs may need to be based in this area, such as mineral extraction. In these cases, developers will need to justify this against the aims, strategy, objectives and targets of this plan. Meeting regeneration needs could be one part of this justification

Aberdeen Local Development Plan

Policy I1: Infrastructure Delivery and Developer Contributions

Policy T1: Managing the Transport Impact of Development

Policy R1: Minerals

Policy BI5: Pipelines and Controls of Major Accident Hazards

Policy NE2: Green Belt

Policy NE5: Trees and Woodland

Policy NE6: Flooding and Drainage

Policy NE8: Natural Heritage

Policy D6: Landscape

Opportunity Site 56: North Lasts Quarry: on going mineral extraction. Planning permission granted in February 1997 to continue hard rock extraction. Permission given for 10 years with conditions on re-instatement. The site lies within a pipeline consultation zone and all development should conform to the terms of Policy BI5 – Pipelines and Controls of Major Accident Hazards.

Proposed Aberdeen Local Development Plan

Policy D2: Landscape

Policy I1: Infrastructure Delivery and Planning Obligations

Policy T2: Managing the Transport Impact of Development

Policy B6: Pipelines, Major Hazards and Explosive Storage Sites

Policy NE2: Green Belt

Policy NE5: Trees and Woodland

Policy NE6: Flooding, Drainage and Water Quality

Policy NE8: Natural Heritage

Policy R1: Minerals

OP 44: North Lasts Quarry

Other Material Considerations

Supplementary Guidance:

Air Quality

Drainage Impact Assessments

Infrastructure and Developers Contribution Manual

Landscape Guidelines

Transport and Accessibility

Trees and Woodlands

PROPOSED LOCAL DEVELOPMENT PLAN

The Proposed ALDP was approved for submission for Examination by Scottish Ministers at the meeting of the Communities, Housing and Infrastructure Committee of 27 October 2015. It constitutes the Council's settled view as to what should be the content of the final adopted ALDP and is now a material consideration in the determination of planning applications, along with the adopted ALDP. The exact weight to be given to matters contained in the Proposed ALDP (including individual policies) in relation to specific applications will depend on whether:

- these matters have been subject to representation and are regarded as unresolved issues to be determined at the Examination; and
- the relevance of these matters to the application under consideration.

Policies and proposals which have not been subject to objection will not be considered at Examination. In such instances, they are likely to be carried forward for adoption. Such cases can be regarded as having greater material weight than those issues subject to Examination. The foregoing can only be assessed on a case by case basis. In this case, the policies of the Proposed LDP largely reiterate those of the extant LDP, and therefore no new material considerations are raised.

PRE APPLICATION CONSULTATION

The proposal of application notice detailed the level of consultation which is to be undertaken and that comprised:

- A public drop-in event is to be held on 21 April 2016 between 2 and 7 pm at the Culter Village Hall.
- The developer wrote to Culter Community Council advising of the proposal. The developer also contacted the Westhill and Elrick; and Echt and Skene Community Council's in light of the boundary being in close proximity to the application site.
- The developer wrote to the Lower Deeside ward Councillors, advising of the proposal and extending an invite to the public event.

CONCLUSION

This report highlights the main issues that are likely to arise in relation to the various key considerations of the proposed development. It is not an exhaustive list and further matters may arise when the subsequent application is submitted.

Consultees will have the opportunity to make representations to the proposals during the formal application process.

RECOMMENDATION

It is recommended that the Forum (i) note the key issues identified; (ii) if necessary seek clarification on any particular matters; and (iii) identify relevant issues which they would like the applicants to consider and address in any future application.