

Perth and Kinross Council
Development Management Committee – 19 November 2014
Report of Handling by Development Quality Manager

Construction of a Haul Road at Glendevon Quarry, Glenquey

Ref. No: 10/02182/FLL
Ward No: 7 - Strathallan

Summary

The report recommends approval of the application for a new haul road to service Glendevon sand and gravel quarry as it will provide a safer alternative route to the existing access road.

BACKGROUND AND DESCRIPTION

- 1 This application for the construction of a haul road has been submitted in conjunction with the application for a variation of condition 3 of planning Permission 84/956/MW to enable the winning and working of minerals to continue to 2035 at Glendevon Quarry, Glenquey (10/02181/FLM). A separate application for that application is also included in this agenda. Supporting information for the proposed haul road has been included in the EIA and Transport Statement submitted with the aforementioned application for Glendevon Quarry. There is an extant consent for sand and gravel workings at Glendevon Quarry and the variation of condition 3 would allow the quarry to be worked into the future. In the extant consent 84/956/MW the access to the quarry was along the existing Glenquey Reservoir Road. The proposed new haul road will run parallel with the Glenquey Reservoir Road after sharing an initial short section with it.
- 2 The application site is a 6 ha area of land extending north westwards from the A823 on the west side of Castlehill Reservoir to the Glendevon Quarry site. The proposed haul road initially will follow an existing section of the Glenquey Reservoir Access Road. It is recognised that this road is not wide enough to accommodate two-way traffic. In these circumstances it is proposed to provide 2 new intervisible passing places on the initial section of the existing access road. This will allow HGVs to pass each other on this section of road. Beyond the initial section of the access road it is proposed to construct a new haul road of hardcore construction and this will essentially run parallel to the upper sections of the existing access road. The new haul road will be constructed on existing agricultural land and will include screen planting.
- 3 The purpose of the new haul road is to keep HGV movements separate from the existing users of the Glenquey Reservoir Access Road and to prevent damage to the existing road as a result of HGV use. As part of the road improvement scheme it is proposed to provide a new pedestrian footway on the west side of the access road carriageway. The purpose of this is to provide a safe route for pedestrians looking to access the recreational route up to the reservoir. The footway will be provided on the section up to the new haul road

and will allow pedestrians a safe walking route adjacent to the carriageway which will have HGV movements.

- 4 The hours of operation at Glendevon Quarry during which mineral extraction, plant operation or mineral processing are proposed to be carried out are:
 - 07.00 -19.00 Mondays to Fridays
 - 07.00 - 13.00 on Saturdays.
- 5 The Transport Study which was undertaken on the basis of an average annual extraction rate of 160 000 tonnes per year considered on a worst case scenario that there would be two way HGV turning movements at a rate of 60 per day.

NATIONAL POLICY AND GUIDANCE

Scottish Planning Policy 2014

- 6 The Scottish Planning Policy (SPP) was published on 23 June 2014. It sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:
 - the preparation of development plans;
 - the design of development, from initial concept through to delivery; and
 - the determination of planning applications and appeals.

Of relevance to this application are:

- Paragraphs 74 - 83 Promoting Rural Development
- 7 Development on prime agricultural land, or land of lesser quality that is locally important should not be permitted except where it is essential for the generation of energy from a renewable source or the extraction of minerals where this accords with other policy objectives and there is secure provision for restoration to return the land to its former status.
 - Paragraphs 92 – 108 Supporting Business & Employment
 - 8 Efficient handling of planning applications should be a key priority, particularly where jobs and investment are involved. To assist with this, pre-application discussions are strongly encouraged to determine the information that should be submitted to support applications. Such information should be proportionate and relevant to the development and sufficient for the planning authority requirements on matters such as the number of jobs to be created, hours of working, transport requirements, environmental effects, noise levels and the layout and design of buildings.
 - Paragraphs 193 – 218 Valuing the Natural Environment

- 9 The siting and design of development should take account of local landscape character. Development management decisions should take account of potential effects on landscapes and the natural and water environment, including cumulative effects. Developers should seek to minimise adverse impacts through careful planning and design, considering the services that the natural environment is providing and maximising the potential for enhancement.
- 10 Planning permission should be refused where the nature or scale of proposed development would have an unacceptable impact on the natural environment. Direct or indirect effects on statutorily protected sites will be an important consideration, but designation does not impose an automatic prohibition on development.
- 11 Where peat and other carbon rich soils are present, applicants should assess the likely effects of development on carbon dioxide (CO₂) emissions. Where peatland is drained or otherwise disturbed, there is liable to be a release of CO₂ to the atmosphere. Developments should aim to minimise this release.

- Paragraphs 234 - 248 Promoting Responsible Extraction of Resources

- 12 Minerals make an important contribution to the economy, providing materials for construction, energy supply and other uses, and supporting employment. NPF3 notes that minerals will be required as construction materials to support our ambition for diversification of the energy mix. Planning should safeguard mineral resources and facilitate their responsible use. Our spatial strategy underlines the need to address restoration of past minerals extraction sites in and around the Central Belt.
- 13 The planning system should:-
 - safeguard workable resources and ensure that an adequate and steady supply is available to meet the needs of the construction, energy and other sectors;
 - minimise the impacts of extraction on local communities, the environment and the built and natural heritage; and
 - secure the sustainable restoration of sites to beneficial afteruse after working has ceased.
- 14 Local development plans should safeguard all workable mineral resources which are of economic or conservation value and ensure that these are not sterilised by other development. Plans should set out the factors that specific proposals will need to address, including:
 - disturbance, disruption and noise, blasting and vibration, and potential pollution of land, air and water;
 - impacts on local communities, individual houses, sensitive receptors and economic sectors important to the local economy;
 - benefits to the local and national economy;
 - cumulative impact with other mineral and landfill sites in the area;
 - effects on natural heritage, habitats and the historic environment;

- landscape and visual impacts, including cumulative effects;
 - transport impacts; and
 - restoration and aftercare (including any benefits in terms of the remediation of existing areas of dereliction or instability).
- 15 Policies should protect areas of peatland and only permit commercial extraction in areas suffering historic, significant damage through human activity and where the conservation value is low and restoration is impossible.
- Paragraphs 254 – 268 Managing Flood Risk & Drainage
- 16 Planning authorities should have regard to the probability of flooding from all sources and take flood risk into account when preparing development plans and determining planning applications. The calculated probability of flooding should be regarded as a best estimate and not a precise forecast. Authorities should avoid giving any indication that a grant of planning permission implies the absence of flood risk.
- Paragraphs 269 – 291 Promoting Sustainable Transport & Active Travel
- 17 Development proposals that have the potential to affect the performance or safety of the strategic transport network need to be fully assessed to determine their impact. Where existing infrastructure has the capacity to accommodate a development without adverse impacts on safety or unacceptable impacts on operational performance, further investment in the network is not likely to be required. Where such investment is required, the cost of the mitigation measures required to ensure the continued safe and effective operation of the network will have to be met by the developer.

Planning Advice Notes

- 18 PAN 50: Controlling the Environmental Effects of Surface Mineral Workings (1996)
- PAN 60: Planning for Natural Heritage (2000)
- PAN 64: Reclamation of Surface Mineral Workings (2002)
- PAN 75: Planning for Transport (2005)
- PAN 1/2011: Planning and Noise
- PAN 2/2011 Planning and Archaeology

DEVELOPMENT PLAN

- 19 The Development Plan for the area consists of the TAYplan Strategic Development Plan 2012 – 2032 and the Perth and Kinross Local Development Plan 2014.

TAYplan Strategic Development Plan 2012

20 The principal relevant policy is in summary:

Policy 3: Managing TAYplan's Assets

- 21 Safeguard minerals deposits of economic importance and land for a minimum of 10 years supply of construction aggregates at all times in all market areas.
- 22 Safeguarding habitats, sensitive green spaces, forestry, watercourses, wetlands, flood plains, carbon sinks, species and wildlife corridors, geodiversity, landscapes, parks, townscapes, archaeology, historic buildings and monuments and allow development where it does not adversely impact upon or preferably enhances these assets.

Perth and Kinross Council Local Development Plan 2014

23 The application site is within the landward area where the following principal relevant policies are:-

ER3: Minerals and Other Extractive Activities – Safeguarding

- 24 **ER3A** - planning permission will not be granted for development which would sterilise important economically workable mineral deposits unless (a) there is an overriding need for the development and prior extraction of the mineral cannot be reasonably undertaken or (b) extraction of the mineral is unlikely to be practicable or environmentally acceptable.

ER4: Minerals and Other Extractive Activities – Supply

- 25 Favourable consideration will be given to proposals for the extraction of minerals where it is demonstrated that there are local, regional and/or national market requirements for the mineral that cannot be satisfied by greater efficiency at existing working or alternative sources or it would assist in maintaining a minimum 10 year landbank for aggregates within a recognised market area. And in all cases their impact on local communities and the environment does not have an adverse impact.

ER6: Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Area's Landscape

- 26 Development and land use change should be compatible with the distinctive characteristics and features of Perth and Kinross's landscapes.

EP8: Noise Pollution

- 27 There is a presumption against the siting of proposals which will generate high levels of noise in the locality of noise sensitive uses, and the location of noise sensitive uses near to sources of noise generation.

PM1: Placemaking

- 28 **PM1A** - Development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place.
- 28 **PM1B** - All proposals should meet the placemaking criteria set out including
- (b) Consider and respect the site's topography, and any surrounding important landmarks, views or skylines, as well as the wider landscape character of the area:
 - (h) Incorporate green infrastructure into new developments and make connections where possible to green networks.

TA1: Transport Standards and Accessibility Requirements

- 29 **TA1B** Development proposals that involve significant travel generation should be well served by all modes of transport (in particular walking, cycling and public transport), provide safe access and appropriate car parking. Supplementary Guidance will set out when a travel plan and transport assessment is required.

NE1: Environment and Conservation Policies

- 30 **NE1B** – National Designations
Development which would affect a National Park, National Scenic Area, Site of Special Scientific Interest or National Nature Reserve will only be permitted where the integrity of the area or the qualities for which it has been designated are not adversely affected or any adverse impacts are clearly outweighed by benefits of national importance.
- 31 **NE1C** – Local Designations
Development which would affect an area designated as being of local nature conservation or geological interest will only be permitted where the integrity of the area or the qualities for which it has been designated are not adversely affected or any adverse impacts are clearly outweighed by benefits of local importance

32 NE3: Biodiversity

The Council will seek to protect and enhance all wildlife and wildlife habitats, whether formally designated /protected or not, taking into account the ecosystems and natural processes in the area.

SITE HISTORY

- 33 April 1964 Planning consent granted for the extraction of sand and gravel on a 50 acre site (63/1000)

- 34 September 1979 Planning consent granted to extract sand and gravel on a 50 acre site at Glenquey (78/500/MW)
- 35 September 1984 Planning consent granted for the winning and working of minerals at Glenquey (84/956/MW) Condition 2 of the permission required work to commence within one year of the date of the consent i.e. by 20 September 1985 and condition 3 stated that the estimated period of working was for 20 years with no changes to this period being agreed without the consent of the Planning Authority. However the commencement date was formally amended on the 30 August 1985 to add another eighteen months to the end of February 1986. There is therefore an extant planning consent for the extraction of sand and gravel until February 2011.
- 36 February 1986 Planning permission granted for the installation of plant and ancillary operations (85/1208) for a temporary period of 20 years expiring on 28 February 2006. The plant site was to be sited directly to the south of the deposit and access road in close proximity to a residential property.
- 37 Both the above extant approvals were further amended on 1 July 1986 so that work could commence at any time up to 28 February 1991.
- 38 It was acknowledged by the Planning Authority in 2009 that Phase 1 of the development commenced in early February 1991 at the western end of the site. Operations have not been carried out at the site over recent years.
- 39 Planning application submitted for Variation of Condition (3) of Planning Permission 84/956/MW to enable the winning and working of minerals to continue to 2035 at Glendevon Quarry, Glenquey submitted in December 2010 is pending consideration.(10/02181/FLM)

EXTERNAL CONSULTATIONS

- 40 **Auchterarder Community Council** – Objection on road safety grounds, visual impact, noise and dust and impact on recreational amenity and local economy.
- 41 **Clackmannanshire Council** – Objection on the validity of the wider quarry proposal and being contrary to the local plan which is considered under application 10/02181/FLM.
- 42 **Muckhart Community Council** – Objection on the impact the proposal will have on road safety, recreational amenity, landscape quality and habitat.
- 43 **Dollar Community Council** - the Community Council feels that the growing sports of mountain biking and road cycling would be damaged through increasing the risks to cyclists due to the narrowness of the roads and the deterioration of their condition. Local businesses who benefit from leisure activities will be detrimentally affected
- 44 **Fossway & District Community Council** - concern raised over the accuracy of the information put forward on traffic impact. The content of the report is superficial and deals only with road capacity and does not discuss road safety

and the damage likely to be caused to the road network by the increased levels of heavy traffic for example at bridges. In particular the impact on the bridge on the A823 at Rumbling Bridge which is presently a hazard to road users. The bridge and the bends on the A823 north of the quarry are mentioned but the narrow rock-lined section of the road between the bridge and Glendevon is ignored. The treatment of the road network is incomplete and there is no attempt to identify areas where road safety is an issue.

INTERNAL CONSULTATIONS

45 **Transport Planning** – no objection

46 **Archaeology** – no objection

REPRESENTATIONS

47 67 letters of representation were received. Main issues raised:-

- Impact of heavy traffic on roads
- Noise and vibration impact on residential amenity
- Detrimental impact on road safety, underestimation of traffic movements
- Loss of amenity impacting on recreation and tourism
- Damage to fauna and flora
- Detrimental visual impact with inadequate screening
- Increase in air pollution

48 These issues are all raised in the Appraisal section of this report.

ADDITIONAL STATEMENTS

Environment Statement	Submitted
Screening Opinion	Submitted
Environmental Impact Assessment	Submitted
Appropriate Assessment	Not required
Design Statement / Design and Access Statement	Submitted
Report on Impact or Potential Impact	Submitted

APPRAISAL

Policy

49 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) requires the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The determining issues here are whether the proposals comply with Development Plan policy or if there are other material considerations, which justify a departure from policy. The Glendevon Quarry application site was previously identified in the Strathearn Area Local Plan 2001

as M2 under Proposal 2 where the Council supported the implementation of the planning consent for sand and gravel extraction at Glendevon over an area of 30 hectares and there is an extant planning consent for sand and gravel extraction under planning consent 84/956/MW which was implemented in February 1991. Under the new Perth and Kinross Local Development Plan 2014 Glendevon Quarry is not identified as a mineral site along with all other consented mineral sites, however, under Policies ER3 and ER4 of the plan workable mineral deposits are protected from development which would sterilise these deposits. It is considered therefore that the principle of sand and gravel extraction is supported by the Development Plan and the extant consent. National Policy supports the requirement for an adequate supply of minerals to the construction industry in Scotland and the application site already contributes to the Council's 10 year landbank of mineral reserves and this proposal ensures the continuity of the supply of reserves as required by Scottish Planning Policy. This proposal will complement the wider application proposal for sand and gravel working at Glendevon Quarry and provide a safer access road than was previously approved under planning consent 84/956/MW, which will avoid conflict with existing users. It is considered that the principle of the new haul road is acceptable and is in accordance with the Development Plan.

Landscape and Visual Impact

- 50 The proposed haul road will use an existing 170m initial section of the Glenquey Reservoir Access Road. This is an established road and is sits above the A823 and has established planting along it and therefore does not pose any visual impact issues. The new part of the haul road will run parallel and to the north of the existing access road in a more open setting. To mitigate visual impact a mixture of native broad leaf woodland structure planting is proposed on either side of the road in conjunction with similar planting proposed around the quarry. This is considered to be acceptable however it is recommended by condition that coniferous planting should be considered in association with broadleaf planting to provide a quicker solution to visual impact mitigation and which would also be in-keeping with the surrounding coniferous plantations.

Traffic and Road Safety

- 51 The proposed new haul road will provide a safer route than the originally approved access road for the quarry and will avoid conflict with existing users of the road. A footway and passing places will be provided on the initial section which is shared with the existing access road. The Council's Transportation Engineers have reviewed the Transport Statement and are satisfied that it provides an acceptable assessment of the traffic impact of the proposal and that the access/junction arrangements are satisfactory.

Ecology/Biodiversity

- 52 The ecological impact of the proposed quarry workings and the new haul road were taken into consideration through the EIA which was submitted in support of the proposals. It will be constructed along the north side of the existing

Glenquey Reservoir Access Road and will be located largely within improved, semi-improved grassland and arable land and is likely to have a negligible impact on the ecology or biodiversity of the area.

Noise

- 53 A noise assessment has been undertaken to determine the impacts from the overall operation. Existing noise levels were measured at representative locations around the site and against the existing noise climate. The proposed new haul road and proposed planting on either side was also taken into consideration in this overall assessment of the proposal. The measurements taken enabled the identification of the existing noise climate and set a baseline against which the predicted noise impacts of the proposal could be assessed and compared. All predicted noise levels were undertaken at the predicted closest distance of sensitive properties. A series of noise predictions, measured against the predicted worst-case scenarios, have been made in relation to sensitive locations. The predicted noise levels have been assessed against the existing levels and criteria identified in the ES. From the results it is apparent that the highest predicted worst-case noise levels from Glendevon Quarry do not exceed the most stringent criterion contained in national Planning Advice Notes.

Air Quality and Dust

- 54 An air quality and dust assessment has been undertaken as part of the EIA for the wider quarry proposal to determine the impacts from the operation. Existing air quality in the vicinity of the proposed quarry extension was considered by reviewing data available on Government sponsored web sites and information provided by Perth and Kinross Council, together with specific short term monitoring around the quarry. The impact of the proposed development on nearby properties was assessed.
- 55 A qualitative risk assessment for dust emission from the quarry operations was also undertaken for each stage of the development as part of the EIA. The assessment concluded that the development was unlikely to lead to significant dust impacts at the receptors considered in the assessment. The assessment recommends dust control measures for the quarry, which form part of the proposals or could be subject to control by planning conditions.

Cultural Heritage

- 56 A Cultural Heritage assessment was carried out to identify the nature, location and status of any receptors of archaeological/cultural heritage importance that are present within the vicinity of the site, and which may be affected by the proposal. The assessment identified five cultural heritage sites within the proposed quarry development area, none of which are either statutorily or non-statutorily designated cultural heritage sites. These include one post-medieval field system of local significance, which the walkover survey revealed may extend further than previously recorded. The walkover survey also encountered a previously unrecorded denuded grassy mound of unknown archaeological

significance and within the boundary of the proposed new access road, a further two previously known sites of varying local and regional significance, comprising another post-medieval field system and a section of a putative Roman Road. The proposed new haul road will not have any adverse indirect impacts on the character or setting of the listed buildings within 1km of the proposed development.

- 57 The Council's Archaeologist has recommended a programme of works to be undertaken which will include a survey of upstanding remains, field evaluation and potentially post-excavation analysis and publication.
- 58 The proposed quarry will have no indirect impacts upon the setting of nearby Listed Buildings, and proposed woodland planting around the periphery of the site to be carried out will mitigate the impact on the Scheduled Ancient Monument at Down Hill after the completion of extraction to no residual impact.

Recreational Access

- 59 The area around the application site has considerable interest for local people and visitors alike in relation to recreational access in and around the surrounding hills and the core path promoted as part of the Woodland Trust's Reservoirs Trail. The restoration plan includes new informal footpaths throughout the application site. In general the proposed development will not inhibit public recreational access in the vicinity of the application site and the new haul road as proposed will avoid any conflict between quarry traffic and pedestrians and cyclists. A condition will be attached to any consent to make sure the proposed core paths AUCH/147 and AUCH/152 are not obstructed.

Sustainability

- 60 Minerals including sand and gravel can only be worked where they are found and are important national resources supporting the construction industry. There are environmental impacts associated with extraction of sand and gravel and their export to the market, however it has been demonstrated through the EIA and the consultation process that significant environmental impacts can be mitigated satisfactorily which will allow the extraction to be carried out in as sustainable a manner as possible.

LEGAL AGREEMENTS

- 61 None required.

DIRECTION BY SCOTTISH MINISTERS

- 62 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, regulations 30 – 32 there have been no directions by the Scottish Government in respect of an Environmental Impact Assessment screening opinion, call in, or notification relating to this application.

CONCLUSION AND REASONS FOR RECOMMENDATION

- 63 There is an extant planning consent for the working of sand and gravel at Glendevon Quarry and mineral working is supported at this site through the Development Plan. This proposal will complement the wider application proposal for sand and gravel working at Glendevon Quarry and will provide a safer access road than was previously approved under planning consent 84/956/MW, which will avoid conflict with existing users. It is considered that the principle of the new haul road is acceptable and is in accordance with the Development Plan by providing a more suitable access to the site.

RECOMMENDATION

A Approve the application subject to the following conditions:

- 1 The proposed development must be carried out in accordance with the approved plans, unless otherwise provided for by conditions imposed on the planning consent with the exception of minor changes to built structures agreed in writing with the Planning Authority.
- 2 The (proposed) core paths (AUCH/147 & AUCH/152) must not be obstructed during building works or on completion. Any damage done to the routes & associated signage during construction of the road must be made good before quarry operations commence. Any temporary restrictions to public access required to facilitate works on site must be agreed in writing & in advance with the Council's Access Officer.

Reasons:

- 1 In accordance with the terms of Section 58 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 20 of the Planning etc (Scotland) Act 2006.
- 2 To ensure continued public access along the (proposed) core path.

B JUSTIFICATION

The proposed development of the site is in accordance with the Development plan and there are no material considerations that indicate otherwise

C PROCEDURAL NOTES

None

D INFORMATIVES

- 1 Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is

intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.

- 2 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
- 3 The applicant is advised that in terms of Sections 21 of the Roads (Scotland) Act 1984 he/she/they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
- 4 The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
- 5 This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. (See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).

Nick Brian
Development Quality Manager

Background Papers: 67 letters of representation

Contact Officer: Mark Williamson – Ext 75355

Date: 31 October 2014

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