

Agenda Item	5.1
Report No	PLS-070-21

HIGHLAND COUNCIL

Committee: South Planning Applications Committee
Date: 2 November 2021
Report Title: 21/04295/PAN : Tarmac Caledonian Ltd
Park Quarry, Nairn

Report By: Area Planning Manager – South

Purpose/Executive Summary

Description: Park Quarry Extension - Operation of a hard rock quarry for a period of 20 years with associated infrastructure and storage of overburden

Ward: 18 - Nairn And Cawdor

Recommendation

Members are asked to note the submission of the PAN and highlight any material issues they wish to be brought to the attention of the applicant before the submission of an application.

1.0 BACKGROUND

- 1.1 This report informs the Planning Applications Committee of the submission of the attached Proposal of Application Notice (PAN).
- 1.2 The submission of the PAN accords with the provisions of the Planning etc. (Scotland) Act 2006 and was made valid on 6 September 2021. The PAN is a statutory requirement for planning applications for major or national developments and must be lodged at least 12 weeks prior to the submission of a planning application. Members are asked to note this may form the basis of a subsequent planning application.
- 1.3 The submitted information attached includes:
- Proposal of Application Notice (Application Form)
 - Location Plan
- 1.4 In line with Covid-19 public health advice and temporary modifications made to the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, the prospective developer proposes to undertake an online public consultation. Virtual events are to be hosted on a public engagement platform which will allow members of the public to submit questions to the applicant's project design team for live discussion. Two events are due to take place on:
- Event 1 – 15 September 2021, 1800 - 2000hrs; and
 - Event 2 – 27 September 2021, 1800 - 2000hrs.
- 1.5 A dedicated webpage has been set up detailing the proposals and was available to view at: <http://parkquarry.tarmac.com>.
- 1.6 The consultation will be publicised and advertised in accordance with the appropriate statutory requirements with adverts to be placed within the Nairnshire edition of the Inverness Courier . The adverts will be placed in the newspapers at least 7 days before each of the two consultation events. The Planning Authority also requested that a maildrop be undertaken by the applicant to make people aware of the proposed development. This was undertaken and covered all properties within 1km from the proposed site.
- 1.7 The forthcoming application will be accompanied by a Pre-Application Consultation (PAC) report explaining the consultation undertaken, feedback received, and any resultant amendments made to the planning application.

2.0 DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1 The prospective development comprises an extension to the existing Park Quarry which is a hard rock quarry. The application seeks to operate the quarry for a period of 20 years and extracting 3 million tonnes of rock. The proposed development also makes provision for landscaped overburden to be utilised in the restoration of the site in due course. The existing quarry infrastructure would be utilised including the weighbridge, site office, site access and maintenance area. The extension to the working areas of the quarry are anticipated to be to the north and south of the existing working area.

- 2.2 The applicant has not yet sought formal pre-application advice from the Planning Authority through the Pre-Application Advice Service but has indicated it would likely do so prior to lodging of the application.
- 2.3 The applicant has sought an Environmental Impact Assessment (EIA) Scoping Opinion (21/00858/SCOP) for the development. This outlines the environmental and technical assessment requirements to help inform the design of the forthcoming proposal and allow the Council to reach a reasoned conclusion on the significant effects of the proposal.

3.0 SITE DESCRIPTION

- 3.1 The PAN boundary comprises 24.3ha of land comprising of agricultural land and the existing park quarry. The site is located to the east side of the A939 where access is taken from. The site is located north of an area of woodland at Laiken Forest, with Nairn located to the north and Auldearn to the east.
- 3.2 The site does not lie within any site designated for natural built or cultural heritage but it is adjacent to an area of ancient woodland. There are no designated landscapes in proximity of the site.
- 3.3 Small areas of the site are subject to pluvial flooding as identified on the indicative flood risk mapping produced by Scottish Environment Protection Agency.

4.0 DEVELOPMENT PLAN

The following policies are relevant to the assessment of the proposal:

4.1 Highland Wide Local Development Plan (2012)

- 28 - Sustainable Design
- 29 - Design Quality & Place-making
- 30 - Physical Constraints
- 31 - Developer Contributions
- 46 - Siting and Design of Communications Infrastructure
- 51 - Trees and Development
- 52 – Principle of Development in Woodland
- 53 - Minerals
- 54 - Mineral Wastes
- 55 - Peat and Soils
- 57 - Natural, Built & Cultural Heritage
- 58 - Protected Species
- 59 - Other important Species
- 60 - Other Importance Habitats
- 61 - Landscape
- 62 - Geodiversity
- 63 - Water Environment
- 64 - Flood Risk
- 66 - Surface Water Drainage
- 72 - Pollution
- 73 - Air Quality
- 74 - Green Networks

4.2 **Inner Moray Firth Local Development Plan (2015)**

The site itself is not allocated for development. The IMFLDP is currently under review with the Proposed Plan due in early 2022.

4.3 **Highland Council Supplementary Guidance**

- Developer Contributions (November 2018)
- Flood Risk & Drainage Impact Assessment (Jan 2013)
- Green Networks (Jan 2013)
- Highland Historic Environment Strategy (Jan 2013)
- Highland's Statutorily Protected Species (Mar 2013)
- Physical Constraints (Mar 2013)
- Roads and Transport Guidelines for New Developments (May 2013)
- Trees, Woodlands and Development Supplementary Guidance (Jan 2013)

4.4 **Scottish Government Policy and Guidance**

- Scottish Planning Policy
- National Planning Framework for Scotland 3, NPF3
- Historic Environment Policy for Scotland (HEPS, 2019)
- PAN 1/2011 - Planning and Noise (Mar 2011)
- Circular 1/2017: Environmental Impact Assessment Regulations (May 2017)
- PAN 60 – Planning for Natural Heritage (Jan 2008)
- PAN 50: controlling the environmental effects of surface mineral workings

5.0 **POTENTIAL MATERIAL PLANNING CONSIDERATIONS**

- a) Development Plan;
- b) National Policy;
- c) Planning History;
- d) Roads and Transport;
- e) Water Environment (including private water supplies);
- f) Flood Risk and Drainage;
- g) Peats and Soils;
- h) Natural Heritage (including protected species, ornithology and designated sites);
- i) Built and Cultural Heritage;
- j) Design, Landscape and Visual Impact (including Cumulative impacts
- k) Access and Recreation;
- l) Economic Impact;
- m) Operational Management;
- n) Climate Change; and
- o) Any Other Material Considerations Raised within Representations.

6.0 **CONCLUSION**

- 6.1 The report presents the information submitted to date as part of the PAN. Summarised are the policy considerations against which any future application will be considered as well as the potential material planning considerations and key

issues based on the information available to date. The list is not exhaustive and further matters may arise as and when an application is received and in the light of public representations and consultation responses.

7.0 IMPLICATIONS

7.1 Not applicable.

8.0 RECOMMENDATION

8.1 It is recommended the Committee notes the submission of the PAN and advises of any material issues it wishes to be brought to the applicant's attention.

Signature: David Mudie

Designation: Area Planning Manager - South

Author: Simon Hindson

Background Papers: Documents referred to in report and in case file.

Relevant Plans: Plan 1 – Proposal of Application Notice

Plan 2 - Location Plan

Plan 3 – Anticipated Areas of Workings