



**REPORT TO: PLANNING AND REGULATORY SERVICES COMMITTEE ON
18 MAY 2021**

**SUBJECT: 21/00318/PAN SOUTH WEST EXTENSION OF COBLE AND
SAND QUARRY COMPRISING CIRCA 15 HECTARES AT LOSSIE
FOREST QUARRY**

**BY: DEPUTE CHIEF EXECUTIVE (ECONOMY, ENVIRONMENT AND
FINANCE)**

1. REASON FOR REPORT

- 1.1 To inform the Committee that a Proposal of Application Notice (PAN) was submitted on 9 March on behalf of Tennants (Elgin) Limited.
- 1.2 This report is submitted to Committee in terms of Section III (E) (1) of the Council's Scheme of Administration relating to exercising the statutory functions of the Council as a Planning Authority.

2. RECOMMENDATION

2.1 It is recommended that:

- (i) in noting the terms of this report, the Committee advise upon any provisional views/relevant issues that Members of this Committee (or any other Member(s) of the Council) wish to raise about the proposed development so that these matters can be recorded and thereafter fed back to the prospective applicant in order to inform the development of their proposed formal application for planning permission; and
- (ii) the matters raised by the Committee also be forwarded to consultees likely to be involved in any formal application for planning permission for the proposal.

3. BACKGROUND

- 3.1 Scottish Government has published guidance which encourages elected members to highlight any issues with a proposed development at the pre-

application stage which they would wish to see taken into account within any formal application for planning permission.

- 3.2 Following consideration by this Committee on 11 November 2014 it was agreed that any PAN received after this date would be reported to Committee to give Members of the Committee, and the Council, the opportunity to identify any key issues/provisional views about the proposed development and that these matters be reported back to applicant (paragraph 4 of the Minute refers).
- 3.3 This report is not about the merits of the proposed development but rather, based on local knowledge of local issues and wider concerns, etc. Members are invited to identify any matters relevant to the proposal. These will be reported back to the prospective applicant for their information and attention, and to inform the development of the proposed application. It is also proposed that, for information, Members' comments be forwarded to consultees likely to be involved in any formal application for planning permission for the proposal.
- 3.4 This PAN relates to a proposal to extend an existing quarry for the extraction of cobbles and sand. Members will recall that a PAN (21/00186/PAN) for the same proposal was reported to the last meeting of this committee on 23 March (para 8 of the draft minute refers). This proposal is identical except that it includes the full extent of the access track to the west of the quarry works. A plan (**Appendix 1**) is appended showing the location and extent of the site including the amended access. The proposed extension is an area of approximately 15ha within Lossie Forest. The extension is to the south of the existing quarry. The current working area extends to 10.4 ha while a further 9.95ha has been restored. There is an existing access from the west. This joins the public road south of Arthur's Bridge. The site is otherwise surrounded by trees.
- 3.5 There are war time installations along the coast which are scheduled ancient monuments. The closest is approximately 375m to the north of the application site. The site is not covered by any natural heritage designation but NatureScot have identified potential connectivity between the site and the Spey Bay Special Area of Conservation (SAC) and Spey Bay Site of Special Scientific Interest (SSSI). The site is on the National Forest Inventory as conifer woodland. A portion of the northern part of the application is covered by the Lossiemouth to Portgordon Special Landscape Area as identified in the Moray Local Development Plan 2020.
- 3.6 Planning permission is required for this proposal. The proposal has been identified as a Schedule 1 development in relation to the Environmental Impact Assessment (Scotland) Regulations 2017 as it represents an extension to an existing site and the application site exceeds 2ha therefore the proposal would be a major application relative to the current Hierarchy Regulations and would comprise a major development for planning purposes. The application will also be an EIA application. The proposal will be subject to PAN and pre-application consultation procedures with the local community. The applicant has been advised of the Council's pre-application advice

service to assist in identifying key issues and information that would be expected to accompany any formal application.

- 3.7 A formal response has been issued to the applicant's agent to confirm that the proposed arrangements for engaging with the local community are sufficient. The applicant proposes to consult with Innes Community Council. In this case the applicant's agent has been advised that no additional parties require to be notified with a copy of the PAN.
- 3.8 The Town and Country Planning (Miscellaneous Temporary Modifications) (Coronavirus) (Scotland) Regulations 2020 have temporarily suspended the need to hold a public event in relation to PANs from 24 April 2020 provided that the PAN was submitted before the end of the emergency period and that any formal planning application following on from the PAN is lodged within 6 months of the end of the emergency period. There is no statutorily specified alternative to a public event during the emergency period but it is anticipated that prospective applicants propose reasonable alternatives which must include a minimum seven day period where information can be inspected and the public can make comments and ask questions to which they can expect to receive a response. The proposed public engagement went ahead at the end of March as previously planned in relation to the original version of the PAN (21/00186/PAN) however the revision was clear at this time and only information in relation to the revised PAN was made available. The public engagement included a virtual public event on the company's website and a virtual video call. These measures were in accordance with the regulations during the emergency period. In order to be valid a major application must be supported by a pre-application consultation report setting out the steps taken to consult with the local community, details of comments made on the proposal and how the applicant has responded to all comments made on the proposal in the development of the application.

4. SUMMARY OF IMPLICATIONS

(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))

Identifying key issues at an early stage to assist with front loading major planning applications is a vital aspect of supporting and facilitating the Council's priority for economic development in Moray.

(b) Policy and Legal

Scottish Government guidance on the role of councillors in pre-application procedures affords elected members the opportunity to offer general provisional views on forthcoming developments which are the subject of a PAN where the details of the development have yet to be finalised.

(c) Financial implications

None

(d) Risk Implications

None.

(e) Staffing Implications

None.

(f) Property

None.

(g) Equalities/Socio Economic Impact

None.

(h) Consultations

Depute Chief Executive (Economy, Environment and Finance), the Head of Economic Growth and Development, the Legal Services Manager, the Development Management and Building Standards Manager, the Equal Opportunities Officer, the Strategic Planning & Delivery Manager, and Lissa Rowan (Committee Services Officer) have been consulted, and comments received have been incorporated into the report.

Members of Moray Council who are not on the Planning & Regulatory Services Committee have also been consulted and any views received on the proposal will be made known at the meeting

5. CONCLUSION

5.1 The Council has received a PAN intimating that a formal application for planning permission will be submitted for a major development proposal, in this case for permission for the extension of an existing quarry for the extraction of cobbles and sand. The Committee (and any other Member(s) of the Council) are asked to identify any provisional views/relevant issues which they would wish to see taken into account and inform the development of the proposal.

Author of Report: Lisa MacDonald

Background Papers:

Ref: 21/00318/PAN