



**REPORT TO: PLANNING AND REGULATORY SERVICES COMMITTEE ON
15 FEBRUARY 2024**

**SUBJECT: 23/02233/PAN – PART RETROSPECTIVE APPLICATION FOR
CONSTRUCTION OF AGRICULTURAL ROAD INITIAL HARD
ROCK MINERAL EXTRACTION AND MINERAL PROCESSING
AND CONSTRUCTION OF TEMPORARY JUNCTION. PART NEW
APPLICATION FOR HARD ROCK QUARRY PROCESSING AREA
NEW ACCESS JUNCTION AND CREATION OF
ECOLOGICAL/BIO DIVERSITY BUFFER AND ASSOCIATED
ANCILLARY QUARRY INFRASTRUCTURE (INCLUDING BUT
NOT LIMITED TO OFFICE WHEEL WASH PERIMETER BUNDING
WELFARE AND LANDSCAPING) AT ROSARIE QUARRY, KEITH.**

**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 21 December 2023 on Backmuir Trading 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 current 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 As described, this PAN relates to a proposal for the formation of a hard rock quarry processing area, new access junction and creation of ecological/bio diversity buffer and associated ancillary quarry infrastructure including but not limited to office, wheel wash, perimeter bunding, welfare and landscaping and also incorporates part retrospective works, including the construction of agricultural road, initial hard rock mineral extraction and mineral processing and construction of temporary junction, all of which covers an area of 18.34 hectares. A small portion (1.7 hectares) of the proposed site was subject to a previous planning consent for the formation of a hard rock quarry 19/00921/MIN, however, whilst some works were carried out in relation to this previous consent, these did not constitute a lawful commencement and as such this previous consent has now expired.
- 3.5 The site is located to the south of the A95 trunk road, between Keith and Mulben and comprises a disused quarry and surrounding farmland and is not covered by any specific designation within the Moray Local Development Plan 2020. Please see **Appendix 1** which shows the location and extent of the proposal.
- 3.6 Planning permission is required for this proposal. Relative to the current Hierarchy Regulations and the development is in excess of 2 hectares and therefore the proposal would comprise a major development for planning purposes. As such, the proposal will be subject to PAN and pre-application consultation procedures with the local community.
- 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, however, the agent has also been advised to consult with, local councillors, MSPs and MP.

- 3.8 The PAN advises that two public events will be held in Keith Sports and Community Centre and/or Longmore Community Hall, Keith, on w/c 5 February and 26 February 2024. The events require to be advertised locally in advance and allow an opportunity for feedback upon the proposal. For validation purposes for a major application, the applicant is required to submit a pre-application consultation report setting out the steps taken to consult with the local community. The report includes details of comments made on the proposal and how the applicant has responded to the comments to inform 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) Climate Change and Biodiversity Impacts

None.

(i) 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 this 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 formation of a hard rock quarry processing area new access junction and creation of ecological/bio diversity buffer and associated ancillary quarry infrastructure including but not limited to office, wheel wash, perimeter bunding, welfare and landscaping and also incorporates part retrospective works, including the construction of agricultural road, initial hard rock mineral extraction and mineral processing and construction of temporary junction. 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: Iain Drummond, Planning Officer
Background Papers:
Ref: