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**REPORT TO: PLANNING AND REGULATORY SERVICES COMMITTEE ON  
12 MARCH 2023**

**SUBJECT: 24/00058/PAN – PROPOSED FORMATION OF QUARRY FOR  
THE EXTRACTION AND PROCESSING OF SAND AND GRAVEL  
AND PRODUCTION OF READY-MIX CONCRETE ON LAND TO  
THE SOUTH-EAST OF DYKESIDE FARM, BIRNIE, ELGIN**

**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 15 January 2024 by agents on behalf of Leith (Scotland) 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 This PAN relates to the proposed formation of a quarry for the extraction and processing of sand and gravel and production of ready-mix concrete on agricultural land to the south-east of Dykeside Farm, Birnie, Elgin. Once exhausted the land will be re-instated to be suitable for agricultural use, with mixed woodland and wetland. A plan is appended showing the location of the site (**Appendix 1**). The site extends to 14.2 hectares and is located within the Elgin Countryside Around Towns designation identified in the Moray Local Development Plan 2020, three kilometres to the south of Elgin. SEPA maps indicate that parts of the site are at risk of pluvial flooding. The northwest corner of the site also falls within the buffer of a High Pressure Gas Transmission Pipeline that runs to the north (outwith) of the site.
- 3.5 Planning permission is required for this proposal. The proposal is for a minerals extraction site which exceeds 2 hectares and therefore under the current hierarchy regulations it 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.
- 3.6 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 the Heldon and Elgin Community Councils and ward councillors. The applicant's agent has been advised that no additional parties require to be notified with a copy of the PAN.
- 3.7 The PAN advises that two public events will be held at Birnie Public Hall on 27 February and 19 March 2024. The events require to be advertised locally in advance and allow an opportunity for feedback upon the proposal. It also advises that a letter drop will be carried out notifying all residents within 500 metres of the application boundary of the proposed events and confirms that

the proposals will be available to view online during February and March. 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 together with 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) 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 quarry to extract and process sand and gravel and produce ready-mix concrete. 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: Richard Smith  
Principal Planning Officer

Background Papers:  
Ref: 24/00058/PAN