

**FALKIRK COUNCIL**

**Subject:**                    **EXTRACTION OF DIMENSION SANDSTONE AT DRUMHEAD QUARRY, DENNY FOR MR & MRS D GRAHAM – P/11/0156/MRL**

**Meeting:**                **PLANNING COMMITTEE**

**Date:**                    **2 November 2011**

**Author:**                **DIRECTOR OF DEVELOPMENT SERVICES**

**Local Members:**       **Ward - Denny and Banknock**  
                                 **Councillor Jim Blackwood**  
                                 **Councillor John McNally**  
                                 **Councillor Martin David Oliver**  
                                 **Councillor Alexander John Waddell**

**Community Council:**   **Denny and District**

**Case Officer:**         Brent Vivian (Senior Planning Officer), Ext. 4935

**1.        DESCRIPTION OF PROPOSAL / SITE LOCATION**

1.1       The application is a local development for the phased extraction of dimension and secondary stone (aggregate) and the phased restoration of the site.

1.2       The application site comprises the northern portion of the former Doghillock Quarry and adjoining agricultural land. The site is bounded to the south and west by existing trees and scrub within the former quarry area. Agricultural land adjoins to the north and east. There is a public path which follows the western site boundary and crosses the northern part of the site. The nearest dwellinghouse is at Doghillock Farm, some 120 metres to the south-east. Vehicular access is from an access track off Denovan Road.

1.3       The following information has been submitted in support of the application:-

- A Planning Statement;
- A Method of Working Statement;
- Concept restoration proposals, indicating a water feature surrounded by mature indigenous woodland;
- A Bat Survey;
- A Badger Survey and Local Biodiversity Action Plan (LBAP) Evaluation;

- A Report from the British Geological Society on Dimension Sandstone at Drumhead Quarry;
- A Public Event Information Letter, 27 February 2011;
- Press Articles; and
- Letters of Support from the British Geological Society, the Scottish Stone Liaison Group, stonemasons and professional groups.

1.4 The Planning Statement indicates the following:-

- The site incorporates an extraction area and an operational area (within the original quarry);
- Extraction and restoration would be in three phases;
- Extraction would be to a depth of 52 metres above ordnance datum;
- The total volume of sandstone reserve is estimated at 72,219 tonnes;
- An average of 10,317 tonnes would be extracted per annum over a 7 year period (7997 tonnes of dimensional stone and 2320 tonnes of secondary stone);
- The proposal offers an opportunity to secure further mitigation/site restoration of other land within the ownership of the applicant;
- The dimension stone would be used in the conservation and repair of historic buildings and to provide high quality sandstone in new developments;
- The more fragmented (secondary) stone would be used for stone walling and garden use; and
- The overburden material comprises 4 to 7 metres of boulder clay, overlying shale and mudstone beds, which would be used to form a screening bund on the western boundary and temporary storage bunds for use in the restoration.

1.5 The Method of Working Statement indicates the following:-

- The stone would be extracted by a mechanical excavator and the larger blocks would be reduced by hammer and chisel and the use of iron wedges (i.e. plugs and feathers);
- There would be no blasting;
- A single digger would be used to load the stone onto the lorry. Alternatively, if the lorry has a hiab, that would be used;
- The lorry type for transporting dimension sandstone would be an 8 wheeler (maximum load 12 tonnes);

- The lorry type for transporting secondary stone would be an 8 wheeler (maximum load 20 tonnes);
- The estimated number of lorries entering and leaving the site is 16 per week resulting in 32 movements;
- There would be no temporary buildings or containers; and
- The hours of operation would be Monday to Friday 8am to 4pm.

## **2. REASON FOR COMMITTEE CONSIDERATION**

- 2.1 The application requires consideration by the Planning Committee as it has been called in by Councillor Waddell.

## **3. SITE HISTORY**

- 3.1 Planning application ref: F/99/0855 for the infilling of land and associated landscaping works was granted in May 2002 for a period of three years (until 2 May 2005). The officer's report recognised the potential long term benefits of infill and restoration of a disused quarry and creation of a recreational facility for the community. These benefits were seen to outweigh the potential for short term loss of amenity to residents as a consequence of lorry movements associated with the infill.
- 3.2 The officer's report for F/99/0855 recorded the following planning history:-
- Extraction of flagstone at the former Doghillock quarry ceased prior to 1948 and no restoration scheme was put in place;
  - Planning application ref: F/87/0552 to infill the quarry and reclaim the land for agricultural use was refused on the grounds of (1) road safety concerns from the additional vehicular traffic that would be generated on Denovan Road and (2) visual amenity concerns arising from the loss of trees and scrub woodland as a consequence of the proposed infill. A subsequent appeal against this refusal was dismissed on the grounds that the end product of the operations (the reuse of land for agricultural use) did not outweigh the reduction in amenity which would result, at a time when agricultural land was being set aside from production;
  - An application for an established use certificate for tipping was refused in 1989. A subsequent appeal was dismissed by the then Secretary of State for Scotland on the grounds that there was insufficient evidence to prove that the use was established;
  - The site was the subject of enforcement action in 1990 in relation to the unauthorised use of the quarry as a tip. The enforcement action required the removal of material from the tip. The operator (at that time) appealed to the former Secretary of State for Scotland against the enforcement action and the appeal was dismissed.

3.3 The current applicants (Mr and Mrs Graham) have submitted that:-

- Planning permission ref: F/99/0855 was obtained by Clark Services UK Ltd and was operated by this company under a lease arrangement with them;
- Infilling of the land commenced in mid May 2002;
- They were dissatisfied with the operator's approach and had the project stopped and ceased their affiliation with the operator;
- The infill operation ceased by the end of 2002; and
- Very little infill was done as most of the material was used to infill the proposed new access. As the site was not restored, there was no material impact on its original condition.

3.4 A Section 75 Legal Agreement was concluded for F/99/0855, which required Clark Services UK Ltd to reinstate the site by 2 May 2005, in accordance with the approved landscape plan. In November 2005, Falkirk Council Legal Services gave notice that the Council waives its right to require the carrying out of the approved restoration works.

#### **4. CONSULTATIONS**

4.1 The Roads Development Unit acknowledge the relatively low level of anticipated vehicle movements associated with the proposed development but consider that the introduction of HGV traffic on Denovan Road would not be in the best interests of road safety. This is due firstly, to the restricted forward visibility at several points in Denovan Road along the proposed haul route, caused by a contribution of horizontal alignment and roadside vegetation and, secondly, the width of the carriageway in the vicinity of the existing and proposed accesses, which gives rise to some concern that there may be insufficient width for a car and a lorry to safely pass each other. However, they recognise the opportunity for some localised road widening, primarily in the vicinity of the new site entrance, and they would take some comfort if there is a restriction on lorry movements. In the event of permission being granted, they recommend conditions in relation to formation and construction of a new access, the erection of a 'No Left Turn' sign at the entrance and the provision of wheel wash facilities and localised road widening.

4.2 Scottish Water have no objection to the application.

4.3 SEPA have no objection to the application subject to planning conditions being attached to any approval to secure the submission of a full site specific environmental management plan (EMP) and a restoration and aftercare plan.

4.4 The Environmental Protection Unit have no objection to the application subject to the proposed noise and dust control measures being implemented and the hours of operation being restricted to those proposed (i.e. Monday to Friday 8am to 4pm). The proposed mitigation measures include a prohibition on blasting, the employment of water suppression methods and the formation of screening bunds to mitigate noise. They advise that the effect on air quality is likely to be minimal due to the proposed method of working.

- 4.5 The Transport Planning Unit have advised that the latest survey information they have for Denovan Road indicates a traffic volume of 500 vehicles per day. Based on the applicant's estimate of 32 lorry movements a week, they advise that this equates to 6 vehicle movements per day (3 in and 3 out), which represents a 1.2% increase in traffic generation. They advise that Denovan Road is currently a 'C' Class adopted road with a weight restriction of 7.5t except for access, meaning that any vehicle accessing the proposed development would be exempt from this restriction. They advise that there are currently no pedestrian facilities along this section of Denovan Road and that no additional facilities would be required as the development is unlikely to give rise to a significant increase in pedestrian movements. Due to the remote location and anticipated number of movements associated with the development, they advise that there would be no requirement for cycling facilities.
- 4.6 Scottish Natural Heritage have not offered any advice or comments and are content for Falkirk Council to identify any natural heritage impacts.
- 4.7 Museum Services have advised that there are no known archaeological sites in the area of the application site. However, due to the proximity of standing stones and prehistoric enclosures, they have requested the undertaking of an archaeological investigation.

## **5. COMMUNITY COUNCIL**

- 5.1 The Denny and Dunipace Community Council have not made any representations.

## **6. PUBLIC REPRESENTATION**

- 6.1 Eight objections to the application have been received. The concerns raised in the objections can be summarised as follows:-

### ***Suitability of Denovan Road/Road Safety***

- Denovan Road is unsuitable for increased heavy lorry use due to weight restrictions, its poor condition, its narrow width, its winding nature and many blind spots, and the location of a bridge near the proposed entrance;
- Denovan Road is already very busy and at various times of the day is used as a short cut to avoid Denny Cross;
- Damage would be caused to the road;
- The existing access track is in a poor state of repair and material from it is washed and carried down onto Denovan Road making this road dirty and uneven;
- The existing access junction is dangerous;
- Will the existing access be upgraded?;
- There should be no left hand turn from the site onto Denovan Road;

- Will there be restrictions on the times that lorries can operate?;
- What size will the lorries be?;
- Safety concerns as Denovan Road links to a number of right of ways and is regularly used by walkers, runners, cyclists and horse riders, including children;
- A footpath along Denovan Road should be built if permission is granted;
- The speed limit on Denovan Road should be reduced to protect other road users;
- Denovan Road should be widened;
- The Denovan Road/Stirling Street junction should be improved as additional heavy lorry traffic would increase the existing danger caused by vehicles parking close to the junction and proximity of a pelican crossing;

### ***Public Right of Way***

- Will the existing public right of way to Plean alongside the quarry be maintained?;
- How will the site be fenced off bearing in mind the public right of way?;

### ***Amenity***

- Concerns regarding hours of operation;
- Concerns regarding noise impacts;
- Noise issues as Denovan Road to Stirling Road has a number of properties directly on the road;
- The general area would become filthy due to heavy lorries running to and from the quarry;
- Will the applicant be responsible for cleaning the road?;
- The site will become an eyesore in the countryside;

### ***Environmental***

- Impacts on wildlife, e.g. buzzards, hawks, roe deer, badgers, foxes, bats, etc?;

### ***Notification of Consideration***

- The affected residents have not been informed;
- No attempt to inform the community before any application was lodged;

### ***Existing Use***

- What is the site currently being used for given that there are lorry movements at present?;
- Existing use of the access by farm machinery and excavators;

### ***Site Restoration / Compliance Concerns***

- Concerns over the future restoration of the site and how the Council will ensure this happens;
- The applicant has a history of not complying with planning conditions;
- Due to past attitudes and behaviours, there are no guarantees that the applicant will manage the quarry in an appropriate manner or give any consideration to the neighbouring properties; and
- Difficult to believe that lorries running up to the quarry would adhere to any restrictions imposed, as there is not any way of policing this.

## **7. DETAILED APPRAISAL**

Under section 25 of the Town and Country Planning (Scotland) Act 1997, as amended, the determination of planning applications for local and major developments shall be made in accordance with the Development Plan unless material considerations indicate otherwise.

Accordingly,

### **7a The Development Plan**

#### ***Approved Falkirk Council Structure Plan***

- 7a.1 The proposed development does not raise any strategic issues and has therefore been assessed against the adopted Falkirk Council Local Plan alone.

#### ***Falkirk Council Local Plan***

- 7a.2 Policy EQ19 - 'Countryside' states:

*“(1) The Urban and Village Limits represent the desirable limit to the expansion of settlements for the period of the Local Plan. Land outwith these boundaries is designated as countryside and will be subject to the detailed policies for specific uses indicated in Table 3.3. Development proposals in the countryside for uses not covered by these policies will only be permitted where:*

- *it can be demonstrated that they require a countryside location;*
- *they constitute appropriate infill development; or*
- *they utilise suitable existing buildings.*

(2) *In circumstances where development meets the relevant countryside policy criteria, the scale, siting and design of development will be strictly controlled to ensure that there is no adverse impact on the character of the countryside. In particular:*

- *the siting should be unobtrusive, making use of natural features to integrate development into the landform and avoiding skylines;*
- *building design should be sympathetic to vernacular building styles and comply with the design principles contained within the Council's 'Design Guide for Buildings in the Rural Areas'; and*
- *boundary and curtilage treatments should be sympathetic to the rural area, with a preference for stone walling and hedging using native species."*

7a.3 This policy indicates that development in the countryside will be subject to the detailed policies for specific uses indicated in Table 3.3. The detailed policies of relevance in this case are the mineral policies (EQ32 to 39), which the application has been assessed in this report as complying with. With regard to part (2) of the policy, no significant or long lasting impacts on the character of the countryside are anticipated, subject to measures to mitigate operational impacts and restoration of the quarry workings and aftercare of the restored site. The application is therefore considered to accord with this policy.

7a.4 Policy EQ39 - 'Hard Rock Aggregates' states:

*"There will be a presumption against additional sites or extensions to existing hard rock aggregate workings in accordance with the Structure Plan."*

7a.5 This policy presumes against additional sites or extensions to existing hard rock aggregate workings on the basis that there is an adequate land bank for the quarrying of hard rock aggregate in the local area. Whilst the application is to extract dimension sandstone, the applicant estimates that 19% of the total yield would be secondary stone, which would be used for walling and garden use, although the exact percentage split between dimension stone and secondary stone would only be revealed during extraction. It is accepted that the primary use of the site (for dimension sandstone) is the relevant consideration in a policy context rather than the ancillary by-product and, therefore, there is not considered to be a conflict with this policy. In addition, given the proposed scale of the operation, it is accepted that the aggregate yield would be minor in quantitative terms and so would have an insignificant impact on the 10 year supply from the three existing hard rock aggregate quarries in the Falkirk Area (Falkirk, Boards and Northfield Quarries).

7a.6 Policy EQ32 'General Criteria for Minerals Development' states:

*"There will be a general presumption against new or extended mineral workings which:*

- (1) *would have a significant adverse impact on the amenity of a community or smaller groups of houses which cannot be mitigated by planning conditions/agreements;*
- (2) *would be visually intrusive from main transport corridors;*
- (3) *would result in the permanent loss of or damage to prime quality agricultural land which cannot be restored to its previous condition;*
- (4) *would have a significant adverse impact on the landscape of the area, with particular respect to Areas of Great Landscape Value and Green Belt, having regard to Policies EQ20 and EQ23;*



- (5) *would have a significant adverse impact on internationally or nationally designated areas of nature conservation value such as Ramsar sites, SPAs, SACs or SSSIs, on locally designated sites such as Wildlife Sites and SINC's, or on national and local priority habitats and species identified in the Falkirk Area Local Biodiversity Action Plan, having regard to Policies EQ24 and EQ25;*
- (6) *would have a significant adverse impact on the character or setting of a Listed Building, Conservation Area, Scheduled Ancient Monument or site of archaeological or historic importance or site within the Inventory of Gardens and Designed Landscapes, having regard to Policies EQ12, EQ14, EQ16 and EQ18, or*
- (7) *Would have a significant adverse impact on the water environment."*

7a.7 This policy generally presumes against new or extended mineral workings where significant impacts would arise in respect of the matters detailed in the policy. Due to the scale, nature, siting and duration of the proposed development, and subject to the imposition of appropriate planning conditions and completion of an Obligation under Section 75 of the Town and Country Planning (Scotland) Act 1997, the application is considered to accord with this policy. Access to and from the site by lorries would be via the A872 and Denovan Road, and the haul route would be secured by a Section 75 Planning Obligation. Whilst there are houses close to Denovan Road near the A872, the estimated lorry movements would represent a small increase in traffic on this road, equating to, on average, 3 vehicles entering and 3 vehicles leaving the site on each day of operation (Monday to Friday). Planning conditions would be imposed to ensure adherence to the proposed method of working and to control potential noise and dust impacts. Accordingly, no significant impacts on local amenity are anticipated. Views of the site from the south would appear to be limited and the closest views are from a minor road to the north. No significant or long lasting visual or landscape impacts are therefore anticipated subject to the provision of screening bunds during the operational period and the implementation of a phased restoration scheme. No significant adverse impacts are anticipated in respect of the matters detailed in parts 5 and 6 of the policy. Impacts on national and local priority habitats and species have been assessed against Policies EQ24 and EQ25. The application site is not classified as prime quality agricultural land. A planning condition would require the submission of an Environmental Management Plan (EMP) before any works start, to control potential operational impacts on air and the water environment.

7a.8 Policy EQ33 - 'Cumulative Impact Of Mineral Workings' states:

*"Proposals for new or extended mineral workings will be assessed in terms of their cumulative impact where there are existing workings or unimplemented consents in the area."*

7a.9 This policy requires the cumulative effects of new or extended workings to be considered. The proposed development is relatively small in scale and a cumulative impact assessment of the proposal in relation to the large sites at Falkirk, Boards and Northfield Quarries is not considered to be necessary. It is considered that the imposition of appropriate planning conditions and the completion of a Section 75 Planning Obligation would satisfactorily control the impacts of the development and address any potential cumulative impacts. On that basis, the application is considered to accord with this policy.

7a.10 Policy EQ34 - 'Benefits From Mineral Extraction' states:

*"In considering proposals for new or extended mineral workings potential benefits accruing through development of the site will be taken into account in assessing any application. These include:*

- (1) the removal of associated mineral deposits in one operation;*
- (2) avoiding the sterilisation of minerals by other development;*
- (3) the provision of local employment; and*
- (4) the removal of dereliction following working of the mineral and subsequent restoration and aftercare."*

7a.11 This policy requires potential benefits from new or extended mineral workings to be taken into account. In this instance, the proposed development provides an opportunity to address the dereliction of the full extent of the original quarry, which extends outwith the application site. This would be secured by a Section 75 Planning Obligation. The application therefore accords with this policy.

7a.12 Policy EQ36 - 'Restoration And Aftercare Of Surface Mineral Workings' states:

- (1) Where the Council intends to grant planning permission for mineral extraction, conditions and / or Section 75 agreements will be imposed to ensure satisfactory restoration and aftercare of the land.*
- (2) Restoration and aftercare schemes should secure opportunities for landscape improvement, habitat creation and the promotion of biodiversity (see Policy EQ25), and countryside access and recreation (see Policy EQ29).*
- (3) Restoration should be appropriately phased to minimise the impact of the workings during the extraction period.*
- (4) Appropriate financial guarantees will be required which are sufficient to secure the full implementation of the required restoration and aftercare scheme, allowing for inflation over the lifetime of the permission."*

7a.13 This policy relates to securing appropriate restoration and aftercare of mineral workings. The provision and implementation of a detailed, phased, restoration and aftercare scheme would be secured by a Section 75 Planning Obligation before work starts on site. The scheme would be required to improve the landscape, enhance and create habitat and consider opportunities to enhance access to the countryside and provide associated facilities. The planning obligation would also secure a bond or other appropriate guarantee to deliver the approved restoration and aftercare if the site were abandoned. The application therefore accords with this policy.

7a.14 Policy EQ37 - 'Abandoned/Derelict Sites' states:

*"The appropriate reclamation of abandoned/derelict sites will be pursued to enable restoration and aftercare procedures to be implemented unless reclamation, or further work to finance reclamation, has the potential to create further unacceptable environmental impacts."*

7a.15 This policy indicates that reclamation of abandoned/derelict sites will be pursued where appropriate. As stated in paragraph 7a.11, the proposed development provides an opportunity to address the dereliction of the original quarry and properly restore the area. As detailed, this matter would be the subject of a Section 75 Planning Obligation. The application therefore accords with this policy.

7a.16 Policy EQ16 'Sites of Archaeological Interest' states:

- “(1) Scheduled ancient monuments and other identified nationally important archaeological resources shall be preserved in situ, and within an appropriate setting. Developments which have an adverse effect on scheduled monuments or the integrity of their setting shall not be permitted unless there are exceptional circumstances;*
- (2) all Other archaeological resources shall be preserved in situ wherever feasible. The Council will weigh the significance of any impacts on archaeological resources and their settings against other merits of the development proposals in the determination of planning applications; and*
- (3) Developers may be requested to supply a report of an archaeological evaluation prior to determination of the planning application. Where the case for preservation does not prevail, the developer shall be required to make appropriate and satisfactory provision for archaeological excavation, recording, analysis and publication, in advance of development.”*

7a.17 This policy indicates that, where appropriate, provision shall be made for archaeological excavation and recording. The Council's Archaeologist has advised that there are no known archaeological sites in the area but that a programme of archaeological work should be carried out due to the proximity of standing stones and prehistoric enclosures. This would be secured by a planning condition. On this basis, the application accords with this policy.

7a.18 Policy EQ24 'Ecological Sites and Features' states:

- “(1) Development likely to have a significant effect on Natural 2000 sites (including Special Protection Areas, Special Areas of Conservation, and Ramsar Sites) will be subject to an appropriate assessment. Where an assessment is unable to conclude that a development will not adversely affect the integrity of the site, development will only be permitted where there are no alternative solutions; and there are imperative reasons of overriding public interest, including those of a social or economic nature. These can be of a social or economic nature except where the site has been designated for a European priority habitat or species. Consent can only be issued in such cases where the reasons for overriding public interest relate to human health, public safety, beneficial consequences of primary importance for the environment or other reasons subject to the opinion of the European Commission (via Scottish Ministers).*
- (2) Development affecting Sites of Special Scientific interest will not be permitted unless it can be demonstrated that the overall objectives of the designation and the overall integrity of the designated area would not be compromised, or any adverse effects are clearly outweighed by social or economic benefits of national importance.*
- (3) Development affecting Wildlife Sites, Sites of Importance for Nature Conservation, Local Nature Reserves, wildlife corridors and other nature conservation sites of regional or local importance will not be permitted unless it can be demonstrated that the overall integrity of the site will not be compromised, or any adverse effects are clearly outweighed by social or economic benefits of substantial local importance.*
- (4) Development likely to have an adverse affect on species which are protected under the Wildlife and Countryside Act 1981, as amended, the Habitats and Birds Directives, or the Protection of Badgers Act 1992, will not be permitted.*
- (5) Where development is to be approved which could adversely affect any site of significant nature conservation value, the Council will require mitigating measures to conserve and secure future management of the site's natural heritage interest. Where habitat loss is unavoidable, the creation of replacement habitat to compensate for any losses will be required.*

- (6) *The Council, in partnership with landowners and other relevant interests, will seek the preparation and implementation of management plans for sites of nature conservation interest.”*

7a.19 This policy prohibits development likely to have an adverse effect on protected species. In light of potential impacts, bat and badger surveys of the site and surroundings have been undertaken. The Bat Survey found no evidence of roosting bats, although bats were active and foraging during the surveys and there are trees close to the proposed extraction area that could potentially provide roosting habitat for bats. A Bat Mitigation Method Statement has been prepared, which should be adhered to if trees are to be felled, worked on or potentially disturbed. The Badger Survey identified badger paths and signs of badger foraging within the application site but no setts and the main sett is located approximately 140 metres from the application site. A range of mitigation and protection measures are recommended, which relate to raising the awareness of quarry workers, minimising light nuisance and measures to reduce the risks to foraging badgers during the night. Compliance with the proposed bat and badger mitigation would be required by a planning condition. The application therefore accords with this policy.

7a.20 Policy EQ25 ‘Biodiversity’ states:

*“The Council will promote the biodiversity of the Council area and ensure that the aims and objectives of the Falkirk Area Biodiversity Action Plan are promoted through the planning process. Accordingly:*

- (1) *Developments which would have an adverse effect on the national and local priority habitats and species identified in the Falkirk Area Biodiversity Action Plan will not be permitted unless it can be demonstrated that there are overriding national or local circumstances;*
- (2) *The safeguarding, enhancement and extension of the broad and key habitats and the species of conservation concern identified in ‘The Biodiversity of Falkirk’ will be given particular attention in the consideration of development proposals;*
- (3) *Development proposals should incorporate measures to promote, enhance and add to biodiversity, through overall site planning, and infrastructure, landscape and building design, having reference to the Supplementary Planning Guidance Note on ‘Biodiversity and Development’; and*
- (4) *Priority will be given to securing appropriate access to and interpretation of areas of local nature conservation interest. The designation of Local Nature Reserves, in consultation with communities, local wildlife groups and statutory bodies will be pursued.”*

7a.21 This policy promotes the biodiversity of the Falkirk Council area. In light of potential impacts, a Local Biodiversity Action Plan (LBAP) evaluation has been undertaken, which identifies a range of LBAP habitats and species within the application site and surrounding area. The LBAP habitats are semi-broadleaved woodland, grassland, arable land and boundary habitats. The LBAP species are badger, brown hare and grey partridge. In addition, several songbirds, species associated with grassland and an invasive species (Japanese Knotweed) were noted. The evaluation recommends a range of habitat enhancement measures, which include native tree planting, a new boundary hedge, the planting of unharvested crops with nectar sources for the duration of the quarry operations and the erection of outdoor barn owl nest boxes. These measures are supported and could form part of the restoration scheme for the application site and former quarry. The provision and implementation of a detailed, phased, restoration scheme would be the subject of a Section 75 Planning Obligation. The plan would need to consider a full range of habitat enhancement measures and include a programme to eradicate Japanese Knotweed. On this basis, the application is considered to accord with this policy.

7a.22 Policy EQ26 - 'Trees, Woodland And Hedgerows' states:

*"The Council recognises the ecological, landscape, economic and recreational importance of trees, woodland and hedgerows. Accordingly:*

- (1) Felling detrimental to landscape, amenity, nature conservation or recreational interests will be discouraged. In particular ancient, long-established and semi-natural woodlands will be protected as a habitat resource of irreplaceable value;*
- (2) In an area covered by a Tree Preservation Order (TPO) or a Conservation Area, development will not be permitted unless it can be proven that the proposal will not adversely affect the longevity, stability or appearance of the trees. Where necessary, endangered trees and woodlands will be protected through the designation of further TPOs;*
- (3) Where development is permitted which will involve the loss of trees or hedgerows of amenity value, the Council will normally require replacement planting appropriate in terms of number, size, species and position;*
- (4) The enhancement and management of existing woodland and hedgerows will be encouraged. Where the retention of a woodland area is integral to a development proposal, developers will normally be required to prepare a plan and make provision for its future management; and*
- (5) There will be a preference for the use of appropriate local native species in new and replacement planting schemes, or non-native species which are integral to the historic landscape character."*

7a.23 This policy presumes against development in an area covered by a Tree Protection Order unless it can be proven that the longevity, stability and appearance of the trees would not be affected. Part of the application site lies within an area covered by a blanket Tree Protection Order but this part of the TPO area does not currently contain any trees. A planning condition would secure the provision of a suitable temporary fence around the boundary of the works areas to ensure workings or vehicles do not encroach into the protected tree areas and result in their damage or loss. This would apply also to the new access area where there are trees in close proximity. On this basis, the application is considered to accord with this policy.

7a.24 Accordingly in light of the above policy assessment, the proposed development is considered to accord with the Development Plan.

## **7b Material Considerations**

- 7b.1 The material considerations in respect of this application are National Planning Policies and Guidance, the planning history for the site, the consultation responses, the representations received and the need for, and quality of, the mineral resource.

### ***National Planning Policies and Guidance***

- 7b.2 National Planning Framework 2 (NPF2) recognises the need for adequate supplies of minerals to be available to the construction industry and acknowledges the importance of local sources of mineral resources, particularly in the Central Belt.
- 7b.3 Scottish Planning Policy (SPP) 2010 emphasises the need to secure an adequate and steady supply of minerals in order to support sustainable economic growth. It states that planning authorities should safeguard resources such as dimension stone and provide for their working. It recognises that dimension stone is important for repair of existing buildings and as a new building material.
- 7b.4 Accordingly, the proposed development is considered to be supported by National Planning Policy and Guidance.

### ***Planning History***

- 7b.5 The planning history is summarised in Section 3 of this report. It notes the granting of planning permission ref: F/99/0855 in May 2002 for the infilling of land and associated landscaping works. The landowners (the current applicants) have submitted that the infill operation ceased by the end of 2002 as they were dissatisfied with the operator's approach and terminated their affiliation with the operator. As a result, the approved restoration plan was never implemented. The applicants have submitted that the current proposal is entirely under their control and offers a realistic opportunity to restore the former quarry.
- 7b.6 The application for infill (ref: F/99/0855) estimated that around 30,000 tonnes of infill material would be required, which equated to 35 vehicles per day for 48 weeks per year. The heavy vehicle movements generated by this proposal were therefore significantly greater on a daily basis than the current proposal but were for a shorter duration, as the infill operation was for 3 years whereas the current proposal is for 7 years. The potential for short term loss of amenity as a consequence of lorry movements was recognised in the previous application.

### ***Consultation Responses***

- 7b.7 The consultation responses are summarised in Section 4 of this report. The matters raised in these responses could generally be the subject of suitable planning conditions/Section 75 Planning Obligations. The Roads Development Unit have road safety concerns, as detailed in paragraph 4.1, but acknowledge the relatively low level of anticipated lorry movements and the opportunity for localised road widening.

## ***Representations Received***

7b.8 The representations are summarised in Section 6 of this report. With regard to the concerns raised, the following comments are considered to be relevant:

- The estimated lorry movements associated with the proposed development are low, representing a 1.2% increase in traffic generation per week, as informed by the Council's latest survey information;
- The proposed haul route is the A872 and Denovan Road west of the site. This section of Denovan Road is relatively straight, although it is acknowledged that there are several points where there is restricted forward visibility. The applicant has agreed to undertake some localised road widening, which would improve visibility and the opportunity for vehicles to pass each other. This would be subject to a planning condition requiring the agreed works to be completed prior to the commencement of extraction works;
- The operator of the quarry would be liable for any damage to the road attributable to the quarry operation;
- The existing site access would be located further to the east where overall visibility would be improved and appropriate surfacing at the entrance and wheel washing facilities would be required to minimise impacts on the surface of Denovan Road;
- The haul route would be secured by a Section 75 Planning Obligation and a planning condition would require the erection of a 'No Left Turn' sign at the new entrance;
- This report details the proposed hours of operation and the size of the lorries;
- The proposed development would not generate a significant number of pedestrian movements to justify the construction of a footpath along Denovan Road;
- The existing geometry of Denovan Road makes it difficult for vehicles to achieve speeds in excess of 40mph. The Transport Planning Unit has advised that a survey carried out in September 2010 confirms this;
- Any widening of Denovan Road would increase traffic speed and may encourage more vehicles to use it as an alternative route. The current width and alignment may act as a deterrent at present;
- The Transport Planning Unit have advised that the existing junction of Denovan Road and Stirling Road is bounded by properties and it would therefore be difficult to carry out any improvements within the existing road boundary. In any case, they note that Stirling Road to the north of the junction (towards the zebra crossing) has existing restrictions (zig zags) that run across the junction and there would not appear to be a desire to park on the east side of Stirling Road, to the south of Denovan Road, as the property along this section has access from Denovan Road;
- There would be a requirement to make suitable arrangements to maintain public access through and adjacent to the site to maintain a link from Denovan Road to Plean;

- Measures to mitigate potential impacts on local amenity would be subject to planning conditions/Section 75 Planning Obligations. Planning conditions would control the hours of operation and require adherence to the Method of Working Statement, the provision of temporary screening bunds and wheel wash facilities, and operation in accordance with an Environmental Management Plan. The phased restoration of the land would be secured by a Section 75 Planning Obligation;
- It is acknowledged that some properties on Denovan Road along the haul route may be exposed to noise from lorries but it is considered that noise impacts would not be significant, based on the estimated number of lorry movements;
- Potential impacts on wildlife and biodiversity has been adequately assessed. As detailed in the report, bat and badger surveys have been undertaken and mitigation measures have been identified. Biodiversity enhancements would be considered as part of the detailed restoration proposals;
- There is no requirement to undertake pre-application consultation with the local community in respect of a 'local development' as defined in the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009;
- Notification of neighbours was undertaken by the Council in accordance with the relevant requirements;
- The applicants have advised that they have, on occasion, taken out stone from the former quarry, usually for their own private use. They have also advised that some stone has been extracted under 'permitted development'. Class 53 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 provides for works for the purposes of mineral exploration during a period not exceeding 28 consecutive days and subject to conditions being satisfied;
- The question of current lorry movements and whether they relate to the use of land subject to planning control is being investigated as a separate matter;
- The applicant would be bound by the terms of a Section 75 Planning Obligation and planning conditions should permission be granted. The phased restoration of the land, including the original quarry area, would be secured by Planning Obligation, meaning that it would be registered against the title. The Planning Obligation would also cover the detailed arrangements for the applicant to demonstrate ongoing compliance with the planning conditions and site restoration. The grant of planning permission would provide an opportunity for the Development Management Unit to put in place an effective regime to monitor operational aspects and site restoration; and
- The application is required to be considered on its individual merits, notwithstanding any outstanding issues in respect of breach of planning control related to other developments.



### ***The Need for, and Quality of, the Mineral Resource.***

- 7b.9 The need for dimension sandstone and the quality of the mineral resource at this site are material planning considerations. A statement from the British Geological Society (BGS) on demand for the stone, its previous use and the current lack of supply in the region and Central Belt has been submitted with the application. BGS identify that presently there are no sandstone quarries operating in Central Scotland other than one quarry in Fife, which supplies a different type of sandstone, and almost all sandstone used in Scotland today derives from Northern England. BGS identify the stone from this quarry as one of the higher quality stone types compared to those currently quarried in the UK and a good match for historic buildings throughout the Central Belt. They recognise that the unique characteristics of the stone from this quarry would contribute to the current demand in the Central Belt for this type of stone. Reference is made to use of the stone in the repair of the Robbie Burns statue in Melbourne, Australia.
- 7b.10 Letters of support by the Scottish Stone Liaison Group, stonemasons and professional groups have been submitted with the application.

### **7c Conclusion**

- 7c.1 The application is considered to accord with the Development Plan for the reasons detailed in this report. The proposal is relatively small scale and planning conditions would be imposed on any grant of permission to control the duration of extraction and impacts on local amenity and natural and heritage resources.
- 7c.2 At the same time, the proposal provides an opportunity to meet a regional need for a high quality sandstone type that is not currently sourced from within Scotland. It also provides the opportunity to restore the original derelict quarry resulting in landscape improvements, habitat creation and enhancement and consideration of public access and related facilities. In addition, the proposal is supported by national planning policy which recognises that planning authorities should provide for the working of resources such as dimension sandstone, in order to secure an adequate supply to support sustainable economic growth.
- 7c.3 The main concerns raised in the public representations relate to road safety issues, the suitability of Denovan Road for increased heavy traffic and amenity impacts arising from lorry movements. In that regard, the estimated heavy traffic generation would represent a small increase in the existing traffic volume on Denovan Road and planning conditions/Section 75 Planning Obligations would restrict the haul route and require adherence to the proposed method of working, wheel washing facilities and a suitably constructed new access, to improve overall visibility. The haul route would be the A872 and Denovan Road west of the site. All concerns raised in the representations have been discussed in detail in paragraph 7b.8 of the report

- 7c.4 Balanced against this, the Roads Development Unit consider that the introduction of HGV traffic on Denovan Road would not be in the best interests of road safety due to restricted visibility at several points on the road west of the site and the narrow road width. However, they acknowledge the relatively low level of anticipated lorry movements and the opportunity for localised road widening. It should also be borne in mind that the existing width and alignment of Denovan Road could in itself act as a deterrent to speed and its use as an alternative route, and that planning permission (Ref. P/99/0855) granted in May 2002 for infilling the former quarry anticipated significantly higher traffic generation, albeit for a shorter duration.
- 7c.5 In conclusion, it is considered that the application can be supported and there are no material planning considerations of such weight to justify the application being refused. Accordingly, it is recommended that the Planning Committee indicate that it is Minded to Grant the application subject to a Section 75 Planning Obligation to secure the matters detailed below and thereafter to grant temporary planning permission subject to appropriate conditions.

## **8. RECOMMENDATION**

- 8.1 It is recommended that Committee indicate that it is Minded to Grant Planning Permission subject to:-
- (a) The satisfactory conclusion of an Obligation within the terms of Section 75 of the Town and Country Planning (Scotland) Act 1997 to secure:-
    - (i) The phased restoration and aftercare of the site and adjoining land (including the original quarry area);
    - (ii) A bond or other financial guarantee which is capable of achieving the approved restoration and aftercare scheme should the land be abandoned;
    - (iii) The haul route to be used by lorries entering and leaving the site to transport the stone; and
    - (iv) The arrangements for the applicant demonstrating ongoing compliance with the conditions of the permission and implementation of the approved restoration and aftercare scheme;
  - (b) And thereafter, subject to the satisfactory conclusion of the foregoing matters, remit to the Director of Development Services to grant planning permission subject to the following condition(s):-
    - (1) The development to which this permission relates must be begun within three years of the date of this permission.
    - (2) The permission shall be valid for a limited period of 7 years from the date of commencement of the proposed extraction works.
    - (3) Unless otherwise agreed in writing by this Planning Authority, no more than 10,317 tonnes of sandstone shall be extracted per annum.

- (4) From the commencement of the proposed extraction works, the operator shall submit an annual statement and drawings to the Planning Authority illustrating the extent of quarry working, the amount of extraction per annum and projected operations during the forthcoming 12 month period.
- (5) Before commencement of the proposed extraction works, the existing access to the quarry from Denovan Road shall be closed off in accordance with details to be approved in writing by the Planning Authority, and relocated to the position indicated in red on the plan attached to this Decision Notice in accordance with Conditions 6 to 11 of this permission.
- (6) The relocated access shall conform to a bellmouth arrangement, with a western radius of 11 metres and an eastern radius of 6 metres, unless otherwise agreed in writing by this Planning Authority.
- (7) The relocated access shall be formed at a minimum width of 6 metres and a maximum gradient of 10%, unless otherwise agreed in writing by this Planning Authority, and shall be constructed in a manner to ensure that no loose material or surface water is discharged on to the public road.
- (8) The first 15 metres of the bellmouth and access road from the edge of the existing carriageway shall be surfaced with a coated material in accordance with details approved in writing by this Planning Authority.
- (9) There shall be no obstruction to visibility above ground level within a visibility splay measuring 9 metres x 60 metres to the west and 9 metres x 90 metres to the east of the relocated site access, unless otherwise agreed in writing by this Planning Authority.
- (10) Any access gates shall open inwards only.
- (11) Any access gates shall be positioned a minimum distance of 15 metres back from the edge of the public carriageway.
- (12) Before commencement of the proposed extraction works, a "No Left Turn" sign which complies with diagram 13 of the Traffic Signs Manual shall be provided in the position indicated in blue on the plan attached to this Decision Notice.
- (13) Before commencement of the proposed extraction works, strategically placed passing places on the access road shall be provided at positions and in accordance with details to be approved in writing by this Planning Authority.
- (14) Before commencement of the proposed extraction works, localised widening of Denovan Road, primarily in the vicinity of the relocated site entrance, shall be fully completed in accordance with details to be approved in writing by this Planning Authority.

- (15) Before commencement of the proposed extraction works, wheel washing facilities shall be provided in a working condition at a position and in accordance with a specification and drainage arrangements to be approved in writing by this Planning Authority. Thereafter, the approved facilities shall be retained and maintained for the duration of the operation.
- (16) Before the development commences, a detailed scheme of public access (existing, during construction and upon completion) shall be submitted to and approved in writing by this Planning Authority. The scheme shall include (as appropriate):-
- (a) All existing paths, tracks and rights of way, and any other areas currently outwith or excluded from statutory access rights;
  - (b) Any areas proposed for exclusion from statutory access rights, for reasons of privacy, disturbance or curtilage in relation to proposed buildings or structures;
  - (c) All paths and tracks proposed for construction for use by walkers, riders, cyclists and all abilities users, including details of the proposed specification; and
  - (d) Any diversions of paths - temporary or permanent - proposed for the purpose of the development.

Thereafter, public access shall be provided in accordance with the approved details and agreed timescales for provision.

- (17) Before the development commences, a full site specific Environmental Management Plan (EMP) shall be submitted to and approved in writing by this Planning Authority, in consultation with SEPA, and all works shall be carried out in accordance with the approved EMP.
- (18) Before the development commences, a temporary fence shall be erected around the boundary of the work areas in a position(s) and in accordance with a specification approved in writing by this Planning Authority.
- (19) Upon erection of the approved fencing, the Planning Authority shall be notified and no work shall commence until the Planning Authority has confirmed in writing that the measures as implemented are acceptable.
- (20) The approved fencing shall be retained in a sound and upright condition throughout the development operations and no building materials, soil or machinery shall be stored in or adjacent to the protected areas, including the operation of machinery.
- (21) No trees shall be felled without the prior written approval of this Planning Authority.
- (22) The development shall be carried out in accordance with the Bat Mitigation Method Statement contained in the Bat Survey prepared by Brindley Associates, dated September 2010, and the Mitigation for Badgers contained in the Badger Survey and Local Biodiversity Action Plan (LBAP) Evaluation prepared by Sandra Stewart, dated July 2011.

- (23) Where the development has not commenced within 12 months of the last survey for bats and badgers, further walkover survey(s) and any necessary species protection plan shall be submitted to and approved in writing by this Planning Authority.
- (24) No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by this Planning Authority.
- (25) Unless otherwise agreed in writing by this Planning Authority, the development shall be carried out in accordance with the Method of Working Statement submitted with the application.
- (26) Before the development commences, details of the exact location, profile, height and timescales for provision of the temporary screening bunds shall be submitted to and approved in writing by this Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

**Reason(s):-**

- (1) To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997.
- (2) The estimated volume of sandstone reserves are proposed to be extracted over a 7 year period.
- (3) To control the amount of extraction of sandstone, in accordance with the information submitted with the application.
- (4) In the interests of monitoring the operation.
- (5-15) To safeguard the interests of the users of the highway.
- (16) To safeguard the interests of the users of the public right of way.
- (17) To control potential sources of pollution to air, land and water.
- (18-21) To protect and safeguard the existing trees and woodland.
- (22-23) To protect the interests of Protected Species.
- (24) To ensure that satisfactory provision is made of possible archaeological resources.
- (25) To control the scale and nature of the operation in the interests of local amenity.
- (26) To mitigate the potential for temporary landscape, visual and amenity impacts.

**Informative(s):-**

- (1) For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01,02,03,04,05,06,07,08,09,10,11,12,13,14,15,16 and 17.
- (2) A Minor Roadworks Consent will be required for any works to the public road. The applicant should contact Falkirk Council Development Services, Roads Depot, Earls Road, Grangemouth (01324 504600) to obtain the relevant application form for the Minor Roadworks Consent.
- (3) SEPA have noted from section 6.1.13 of the Planning Statement that there will be no dewatering at the site as groundwater is not anticipated. In addition, there will be no abstractions from surface watercourses. However, the applicant should note that in the event that groundwater dewatering is required, the activity is regulated by SEPA under the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR).
- (4) It is advised that the applicant should carry out further liaison with the local SEPA regulatory team in relation to Sustainable Urban Drainage Provision (SUDs) in the treatment of water during operations.

**Pp**

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**Director of Development Services**

**Date:** 25 October 2011

**LIST OF BACKGROUND PAPERS**

1. Approved Falkirk Council Structure Plan.
2. Adopted Falkirk Council Local Plan.
3. National Planning Framework 2.
4. Scottish Planning Policy.
5. Letter of objection from Mr David Gourlay, Avonview, Denovan Road, Dunipace, FK6 6BH on 5 July 2011.
6. Letter of objection from Mr Scott Wright, Roebuck Lodge, Denny, FK6 6BJ on 15 August 2011.
7. Letter of objection from Ms Anne Macdonald, Schoolhouse Cottage, Denovan Road, Denny, FK6 6BH on July 2011.
8. Letter of objection from Mr Tom Esplin, 2 Denovan Road, Dunipace, FK6 5EG on 10 July 2011.
9. Letter of objection from Mr James Lapsley, The Coachhouse, Denovan Mains, Denny, FK6 6BJ on 8 September 2011.
10. Letter of objection from Dr Wesley Edmund, Denovan House, Denny, FK6 6BJ on 16 August 2011.
11. Letter of objection from Dr Roddy Macdonald, West Denovan Church, Denovan Road, Dunipace, FK6 6BJ on 14 April 2011.

12. Letter of objection from Mr Colin Brodie, The Schoolhouse, Denovan Road, Dunipace, FK6 6BH on 4 July 2011.

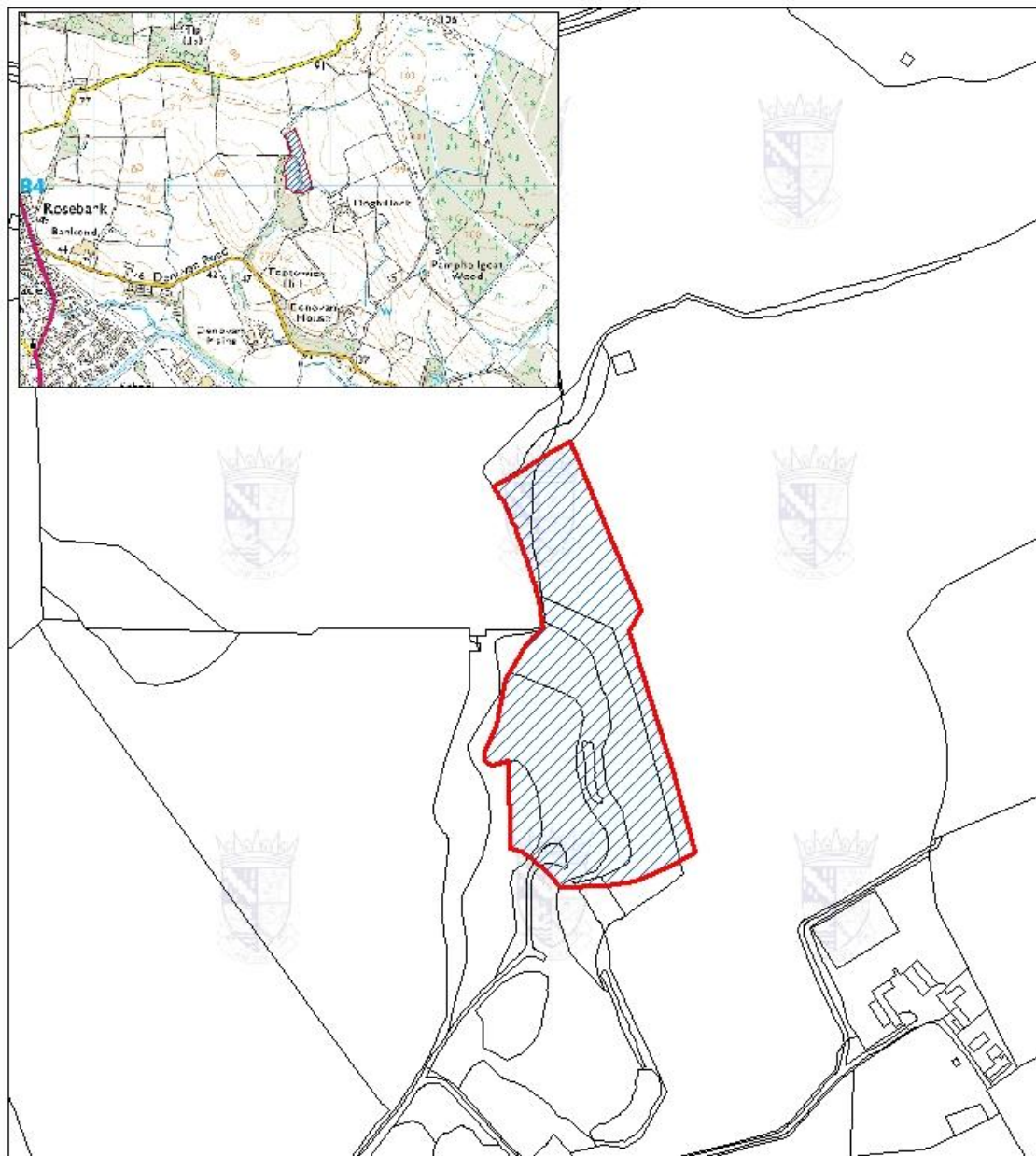
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504935 and ask for Brent Vivian, Senior Planning Officer.

# Planning Committee

## Planning Application Location Plan

**P/11/0156/MRL**

This plan is for location purposes only. It should not be interpreted as an exact representation of the application site.



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