

FALKIRK COUNCIL

Subject: CONSULTATION IN RESPECT OF APPLICATION 12/00729/FUL (NORTH LANARKSHIRE REFERENCE NUMBER) - EXTRACTION OF 350,000 TONNES PER ANNUM OF HARD ROCK OVER A 21 YEAR PERIOD AND ASSOCIATED LANDSCAPE, EARTHWORKS AND ACCESS ROAD UPGRADE AT TOMFYNE FARM, BANTON, NORTH LANARKSHIRE G65 0RJ FOR AGGREGATE INDUSTRIES UK LTD

Meeting: PLANNING COMMITTEE

Date: 29 May 2013

Author: DIRECTOR OF DEVELOPMENT SERVICES

Case Officer: Kevin Brown (Planning Officer), Ext. 4701

1. INTRODUCTION

- 1.1 The above application is part of a cross-boundary development between North Lanarkshire Council and Falkirk Council, submitted by Aggregate Industries UK Ltd. The application referred to above is referred to as Part 1 of the overall proposal submitted by Aggregate Industries UK Ltd and is being assessed by North Lanarkshire Council. Part 2 of this proposal relates to the Landscape Restoration of Quarry Void, Comprising Planting and Earthworks Restoration and Upgrading of Southern Section of Site Access Road Leading to A803 at Cowdenhill Quarry, Banknock, Bonnybridge, FK4 1TX. The application has been split in two in this manner along the boundary between the two authorities. Part 2 of this application falls wholly within the Falkirk Council area and is currently being assessed by Development Management (P/12/0380/FUL). A report on this application will be presented separately.
- 1.2 With reference to Part 1 of this proposal, North Lanarkshire Council has written to Falkirk Council, seeking comments on the proposed development. The purpose of this report is to inform members of the assessment of the application and to recommend a response to North Lanarkshire Council.

2. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 2.1 Part 1 of this proposal, currently being assessed by North Lanarkshire Council, proposes the creation of a new hard rock quarry on existing farmland to the north of Tomfyne Farm, 1km to the north-west of Banknock. The proposal includes the upgrading of the existing access road out onto the A803, the southern section of which falls within the Falkirk Council area.

- 2.2 The new quarry is proposed with an extraction limit of 350,000 tonnes per annum and with a lifetime of 21 years. The application has been accompanied by an Environmental Impact Assessment and includes restoration proposals for the proposed Tomfyne Quarry.

3. REASON FOR COMMITTEE CONSIDERATION

- 3.1 In terms of the Council's Scheme of Delegation, the Director of Development Services has decided to refer this to the Planning Committee because of the extensive public interest in this proposal and history of quarry operations at Cowdenhill.

4. SITE HISTORY

- 4.1 A quarry has operated from Cowdenhill since 1926, and was operated by Stirlingshire County Council in the 1940's. The site has since been used intermittently for quarrying, with the Skene Group operating the quarry under modern working conditions approval F/99/0026 from 2000 until July 2011. F/99/0026 remains a live consent, allowing for extraction of hard rock until 2024. Cowdenhill is now seen as being devoid of high quality dolerite material suitable for Aggregate Industries UK Ltd requirements but does still have valid consent for further extraction below the existing quarry floor level. Aggregate Industries UK Ltd have undertaken a mineral resource survey, which also indicates that Cowdenhill Quarry has in the past been worked beyond the consented boundaries. This overworking does not however invalidate the above consent.
- 4.2 Aggregate Industries UK Ltd have identified the Tomfyne site as a proven resource for high quality quartz dolerite, a key component in concrete and asphalt, and propose a quarry in this location to replace Croy Quarry, which is due to close in 2016. The Tomfyne Quarry proposal is seen by the applicants as key to meeting demand for dolerite in Central Scotland.
- 4.3 An integral part of the Tomfyne Quarry proposal is the restoration of Cowdenhill Quarry, which is not in operation and is unrestored since the Skene Group left the site in 2011. Aggregate Industries UK Ltd have confirmed that restoration of Cowdenhill would occur during the first phase of works at Tomfyne, with overburden material from Tomfyne being used to assist in restoration of Cowdenhill. The applicant's have also confirmed that they are prepared to enter into a legal agreement preventing any further extraction being carried out at Cowdenhill despite the current live planning permission on the site. An agreement of this nature would ensure that Cowdenhill Quarry could not be opened back up for extraction during any operations at Tomfyne.

5. KEY ISSUES

Environmental Impacts

- 5.1 Detailed consideration has been given to the effects of the development, particularly in relation to quartz dolerite road dust, on the Denny Muir Major Site of Special Scientific Interest (SSSI) which is located approximately 800m to the north of the proposed Tomfyne quarry. Scottish Natural Heritage (SNH) have confirmed that sufficient detail has been submitted in relation to dust particles, mitigation and monitoring to confirm that the proposals would not impact adversely upon the SSSI.

- 5.2 The applicant's have provided a Species Protection Plan (SPP) for Great Crested Newts, which may be present in the vicinity of the application site. This SPP has been prepared in consultation with Scottish Natural Heritage (SNH), who have confirmed that they have no concerns in regard to Great Crested Newts at this stage. A separate SPP to cover all other protected species, such as badgers, is also required, however SNH have confirmed that the production of such a plan can be covered by a condition attached to any planning permission granted.
- 5.3 Air quality issues have also been looked at in detail, as the proposal has the potential to affect the following Air Quality Management Areas (AQMA's):
- Haggs NO2 - declared due to a breach of the annual nitrogen dioxide objective around the nearby motorway junction.
 - Banknock PM10 - declared in relation to a breach of the particulate matter (PM10) objectives in the vicinity of the A803 and the Coneypark area of Banknock.
- 5.4 As the Cowdenhill Quarry site still has a valid planning permission for extraction until 2024, this should be considered as “committed development” for the terms setting a baseline for assessing the impact of the Tomfyne proposal. The applicants have identified that extraction operations at Tomfyne Farm would generate 130 HGV movements and 10 car movements per day. This is a similar level to the recently suspended operations at Cowdenhill.
- 5.5 Traffic movements associated with Tomfyne are therefore considered to amount to a substitution of vehicle movements associated with Cowdenhill Quarry, and not additional movements. This consideration is, however, dependent on the cessation of extraction at Cowdenhill being ended by way of a legal agreement attached to any permission given.
- 5.6 As mentioned in paragraph 4.1 of this report, on the basis of survey work provided to North Lanarkshire Council, the previous operators of Cowdenhill Quarry (Skene Group), operated outwith consented extraction boundaries, and some unproven survey information suggests that significantly more than 130 HGV movements were occurring at the site during operations, as a result of the high volumes of material being extracted. This, coupled with the unsurfaced road to the quarry from the A805, appears to have put pressure on air quality and dust levels in the area. The current proposal includes the surfacing of the access road to Tomfyne, and offers an opportunity to tighten up on planning conditions with regard to monitoring and enforcement, and represents an opportunity for net benefit in air quality and dust issues in the area.

Road Safety

- 5.7 Road Safety – The proposed development includes the upgrading of the existing access road to the Tomfyne site. The southern section of this access road is being assessed as part of application P/12/0380/FUL as it falls within the boundaries of Falkirk Council. This section of road is proposed to be fully surfaced and widened. It is considered that these upgrades would help to reduce dust and noise levels which were considered to be problematic during the previous quarrying of Cowdenhill. The proposals include wheel washing facilities, and sustainable urban drainage as well as two pedestrian crossings and 560 metres of separate pedestrian footpath provision. Appropriate visibility splays are achievable at the access out onto the A803 and existing core paths and rights of ways will be protected. The proposed development is considered to be acceptable in terms of road safety.

Transport Levels

- 5.8 The Tomfyne proposal has been assessed by the Council's Transport Planning Unit who have indicated that the predicted trips for the development are generally low in comparison to other development sites in the area and that the operation of the quarry would mean trips generated by this development would be throughout the day and not just concentrated at peak times. As was the case with Air Quality baseline data, transportation levels have been assessed based on the 'committed development' levels associated with the extant planning permission for Cowdenhill Quarry. On this basis, the transport impacts associated with the proposed Tomfyne Quarry are not considered to increase the number of trips on the base network and, as a result, no capacity issues have been identified. Once again, this assessment is dependent on the permanent closure of Cowdenhill Quarry and as such an appropriate legal agreement should be prepared with any permission given to achieve this.

Landscape and Visual Impacts

- 5.9 The Tomfyne Quarry proposal does represent a significant proposal with potentially significant visual impacts (for the application site and surrounding areas), however these will be mitigated at an early stage of the development. The nature and location of the proposed Tomfyne Quarry is such that visual impacts on the Falkirk Council area will be limited. The extraction void is deliberately designed in a sinuous manner so as to minimise visual impacts. The proposal also includes planting and restoration of the site throughout the extraction process so as to mitigate potential adverse visual impacts. The access road is also proposed to be screened by bunding so as to further reduce visual impacts on the landscape. A Landscape and Visual Impact Assessment (LVIA) has been undertaken by the applicant as part of the wider Environmental Impact Assessment (EIA). The LVIA follows standard guidance based on a Zone of Theoretical Visibility (ZTV), and assesses landscape, character, on landscape designations and the visual impact of the proposal from 46 viewpoints, 4 roads and 6 other receptors (core path, canal, Scheduled Ancient Monuments, including the Antonine Wall and public recreation sites). The assessment is considered to be very thorough and covers all landscape and visual issues to a sufficient level.

Outdoor Access

- 5.10 The proposals include extensions and improvements to the existing core path network and would provide a new link between existing core paths on either side of the Falkirk Council boundary. The applicant has advised that these core path upgrades are all within land owned or controlled by the applicant and as such the provision of these upgrades can be secured by way of a condition attached to any planning permission granted. The Tomfyne Quarry proposal is considered to have an overall beneficial impact on public access in the surrounding area.

6. COMMUNITY INTEREST

- 6.1 Both the North Lanarkshire application for Tomfyne Quarry and the Falkirk Council application for Cowdenhill Quarry have generated a large amount of community interest. Letters and petitions in support and in objection have been submitted to both authorities, as has an objection from the Banknock, Hags and Longcroft Community Council. These representations will be assessed in detail by Falkirk Council as part of planning application P/12/0380/FUL. A report outlining an assessment for these representations in conjunction with application P/12/0380/FUL will be presented to the Planning Committee separately.

6.2 Notwithstanding the procedural matters relating to the representations submitted, the context of the submissions relate primarily to the issues outlined in section 5 of this report.

7. CONCLUSION

7.1 The application for a new hard rock quarry at Tomfyne Farm represents a major proposal on the boundary with the Falkirk Council area. Whilst the effect of such a major development should not be underestimated, these impacts must be weighed against the fact that Cowdenhill Quarry still has valid planning permission and, whilst it is closed at present, it could be operated again without requiring any further planning permission.

7.2 The proposed Tomfyne Farm development therefore offers an opportunity to secure the timely restoration of Cowdenhill and obtain a net benefit in terms of the environmental effects of committed development in the locale.

8. RECOMMENDATION

8.1 **That, in its response to North Lanarkshire Council on the application for a new hard rock quarry at Tomfyne Farm, the Council :**

- (i) Supports the proposal in its current form**
- (ii) Requests that Falkirk Council be involved in the drafting of appropriately worded planning conditions to be applied to any planning permission granted**
- (iii) Requests that Falkirk Council be included in a liaison group set up to monitor conditions and ongoing site operations.**

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Director of Development Services

Date: 21 May 2013

LIST OF BACKGROUND PAPERS

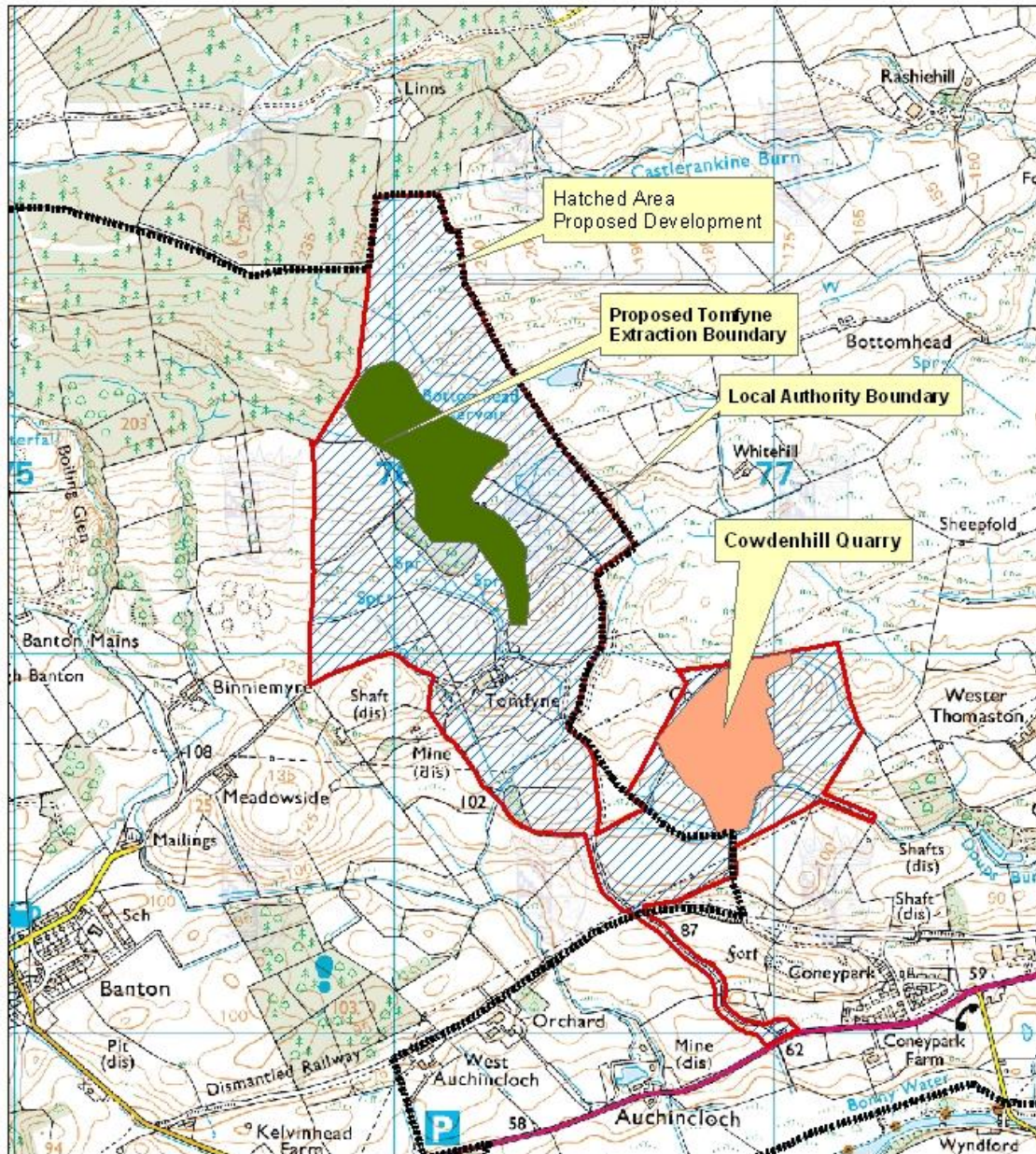
None.

Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504701 and ask for Kevin Brown, Planning Officer.

Planning Committee

12/00729/FUL
Planning Application Consultation Location Plan (North Lanarkshire Reference)

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



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