

Perth and Kinross Council
Planning & Placemaking Committee – 10 August 2022
Pre-Application Report by Head of Planning and Development
(Report No. 22/181)

Extension to Balado Quarry, Balado.

Ref. No: [22/00013/PAN](#)
Ward No: P8- Kinross-shire

Summary

This report is to inform the Committee of a potential forthcoming planning application in respect of a major development for an extension to existing operations at Balado Quarry, Balado. The report also aims to highlight the key planning policies and the likely stakeholders who would be involved in the decision-making process, and to offer a brief overview of the key planning issues which are likely to be relevant to the proposal.

BACKGROUND AND DESCRIPTION

- 1 In accordance with the provisions of the Town & Country Planning (Scotland) Act 1997 (as amended), the applicant has submitted a Proposal of Application Notice (PoAN) on 11 May 2022. The purpose of this report is to inform the Planning and Placemaking Committee of a forthcoming planning application in respect of a major development comprising an extension to the quarry on land to the northwest and west, surrounding Balado Home Farm on two sides, beyond the existing quarry site. Continued use of the existing operational processing and stockpile area is proposed. Pre-application reports give the Committee an opportunity to raise issues which it would like to see addressed in the planning application.
- 2 This PoAN seeks to formally establish this major development comprising an extension to the existing excavation area at Balado Quarry to extract sand and gravel on land to the northwest and west of the existing operational area, alongside the continued use of existing processing and stockpiling areas. The proposal acknowledges and makes provision for final restoration of the site and cessation of extraction and processing operations. The plan boundary extends the total quarried area to approximately 7 hectares with an indicative production output of 140,000 tonnes material per year, equivalent to existing processed volumes.
- 3 The exact scale and design of the development will be arrived at during ongoing discussions with the applicant.

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

- 4 Due to the scale of the development it requires to be screened as to whether the proposal is EIA development under the EIA 2017 Regulations.
- 5 A Screening Opinion was issued by the Council on 2 February 2022 confirming that the development was EIA development requiring the benefit of a thorough EIA to be undertaken.
- 6 A Scoping Opinion was issued by the Council on 25 April 2022 confirming the matters to be included within the EIA Report. The matters covered by the screening report are discussed in paragraph 26 below.

PRE-APPLICATION PROCESS

- 7 The PoAN confirmed that a public event was to be held at Kinross Curling Club on 31 May 2022 at 7pm. A second online event was also to be held on 16 June 2022 between 6pm and 8pm. The Ward Councillors and Kinross Community Council have all been notified. It is also confirmed that all residents within 500 metres of the proposed extension area have also been notified by letter drop. Subsequent notifications have also been provided to the Local MP and MSP. The results of the community consultation will be submitted with the planning application as part of the required Pre-Application Consultation (PAC) Report.

NATIONAL POLICY AND GUIDANCE

- 8 The Scottish Government expresses its planning policies through the National Planning Framework (NPF) 3, the National Roads Development Guide 2014, Scottish Planning Policy (SPP) 2014 and Planning Advice Notes (PAN).

National Planning Framework

- 9 The NPF3 is a long-term strategy for Scotland and is a spatial expression of the Government's Economic Strategy and plans for development and investment in infrastructure. Under the Planning etc (Scotland) Act 2006, this is now a statutory document and a material consideration in any planning application. The document provides a national context for development plans and planning decisions as well as informing the on-going programmes of the Scottish Government, public agencies and local authorities.

The Scottish Planning Policy 2014 (SPP)

- 10 The SPP is a statement of Scottish Government policy on land use planning. The following sections of the SPP will be of particular importance in the assessment of this proposal: -
 - Sustainability: paragraphs 24 – 35
 - Placemaking: paragraphs 36 – 57
 - Promoting Rural Development: paragraphs 74 – 91
 - Supporting Business and Employment: paragraphs 92 – 108
 - Valuing the Historic Environment: paragraphs 135 – 151

- Valuing the Natural Environment: paragraphs 193 – 218
- Promoting Responsible Extraction of Resources: Paragraphs 234 – 248
- Managing Flood Risk and Drainage: paragraphs 254 – 268

11 The following Scottish Government Planning Advice Notes are likely to be of relevance to the proposal: -

- PAN 1/2011 Planning and Noise
- PAN 2/2011 Planning and Archaeology
- PAN 3/2010 Community Engagement
- PAN1/2013 Environmental Impact Assessment
- PAN 40 Development Management
- PAN 50 Controlling the Environmental Effects of Surface Mineral workings
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 60 Planning for Natural Heritage
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 64 Reclamation of Surface Mineral Workings
- PAN 75 Planning for Transport
- PAN 79 Water and Drainage
- PAN 81 Community Engagement: Planning with People

LOCAL POLICY AND GUIDANCE

TAYplan Strategic Development Plan 2016-2036

12 TAYplan sets out a vision for how the region will be in 2032 and what must occur to bring about change to achieve this vision. The vision for the area as set out in the plan states that:

“By 2032 the TAYplan region will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice where more people choose to live, work, study and visit, and where businesses choose to invest and create jobs”

13 The following sections of the TAYplan 2016 are of particular importance in the assessment of this application:

- Policy 7 – Energy, Waste and Resources
- Policy 9 – Managing TAYplans Assets

Perth and Kinross Local Development Plan 2019

14 The Local Development Plan 2 (LDP2) was adopted by Perth and Kinross Council on 29 November 2019. It is the most recent statement of Council policy and is augmented by Supplementary Guidance.

The LDP2 sets out a vision statement for the area and states that:

“Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.”

15 Under the LDP2, the following policies are of particular importance in the assessment of this application:

- Policy 1A: Placemaking
- Policy 1B: Placemaking
- Policy 5: Infrastructure Contributions
- Policy 8: Rural Business and Diversification
- Policy 26B: Scheduled Monuments and Archaeology
- Policy 39: Landscape
- Policy 40B: Forestry, Woodland and Trees: Trees, Woodland and Development
- Policy 41: Biodiversity
- Policy 46A: Loch Leven Catchment Area
- Policy 46B: Loch Leven Catchment Area
- Policy 48B: Minerals and Other Extractive Activities – Safeguarding: Advance Extraction
- Policy 49A: Minerals and Other Activities – Supply: Extraction
- Policy 49B: Minerals and Other Activities – Supply: Restoration
- Policy 50: Prime Agricultural Land
- Policy 51: Soils
- Policy 52: New Development and Flooding
- Policy 53A: Water Environment and Drainage: Water Environment
- Policy 55: Nuisance from Artificial Light and Light Pollution
- Policy 56: Noise Pollution
- Policy 57: Air Quality
- Policy 60A: Transport Standards and Accessibility Requirements: Existing Infrastructure
- Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

OTHER POLICIES

16 The following supplementary guidance and documents are of particular importance in the assessment of this application: -

- Perth and Kinross Air Quality Supplementary Guidance, January 2020
- Flood Risk and Flood Risk Assessments – Developer Guidance, June 2021
- Perth and Kinross Community Plan 2013/2023
- Perth and Kinross Planning and Biodiversity Supplementary Guidance, April 2022
- Perth and Kinross Local Transport Strategy, 2010
- Loch Level Special Protection Area and Ramsar Site, June 2022

PLANNING SITE HISTORY

17 [04/01322/MW](#) Full Planning Permission was granted on 23 August 2006 for the extraction and processing of sand and gravel on land adjacent to the A977, to the East of Balado Home Farm, Balado.

- 18 [08/01648/FLL](#) Full Planning Permission application was withdrawn on 24 February 2010 for modification of condition 10 (hours of operation) of previous permission (04/01322/MW).
- 19 [11/00001/WMP](#) A Waste Management Plan (WMP) as required by the Management of Extractive Waste (Scotland) Regulations 2010 was approved on the 10 October 2011 for site management and restoration of Balado Quarry.
- 20 [16/01815/SCOP](#) A Scoping Opinion was issued by the Planning Authority on 13 March 2017 in respect of a request to extend the operational life of the quarry to allow extraction of remaining consented reserves.
- 21 [17/01441/MWM](#) An application under Section 42 of the Town and Country Planning (Scotland) Act 1997 was approved on 25 August 2021 to develop land without complying with Condition 2 (period of extraction) of planning permission 04/01322/MW (extraction and processing of sand and gravel). This extended the period of extraction for this quarry to 25 August 2031.
- 22 [22/00083/SCRN](#) a Screening Opinion was issued by the Planning Authority on 4 February 2022 pertaining to an extension to the area of sand and gravel extraction at the existing quarry.
- 23 [22/00084/SCOP](#) A Scoping Opinion was issued by the Planning Authority on the on 25 April 2022 pertaining to an extension to the area of sand and gravel extraction at the existing quarry.

CONSULTATIONS

- 24 As part of the planning application process the following would be consulted: -

External

- Scottish Environmental Protection Agency
- NatureScot
- Scottish Water
- Transport Scotland
- Perth and Kinross Heritage Trust
- Historic Environment Scotland
- National Grid: INESO Gas Pipelines
- Kinross Community Council
- Health and Safety Executive

Internal

- Environmental Health
- Strategic Planning and Policy
- Developer Negotiations Officer
- Community Greenspace including Access
- Transport Planning
- Structures and Flooding

- Biodiversity Officer

KEY ISSUES AGAINST WHICH A FUTURE APPLICATION WILL BE ASSESSED

- 25 The key considerations against which the eventual application will be assessed include:
- Visual Impact
 - Scale, Design and Layout
 - Relationship to Nearby Land Uses
 - Natural Heritage and Ecology
 - Landscape and Site Restoration
 - Water Resources and Soils
 - Air Quality
 - Noise and Vibration Impacts
 - Transport Implications
 - Impact on Agriculture
 - Archaeology and Cultural Heritage

ADDITIONAL STATEMENTS WHICH WILL BE REQUIRED

- 26 The following supporting documents will need to be submitted with any planning application and should form of any EIA report:
- Planning and or Suitability Statement
 - Design and Access Statement
 - Pre-Application Consultation (PAC) Report
 - Landscape and Visual Impact Assessment, including cumulative impacts
 - Transport Assessment
 - Flood Risk and Drainage Assessment
 - Noise and Vibration Impact Assessment
 - Air Quality and Dust Nuisance Assessment
 - Impacts on Climate Change and Greenhouse Gasses
 - Impacts on Land Capacity and Soils
 - Ecological Impact Assessment / Information to inform a Habitat Regulations Appraisal
 - Archaeological Assessment
 - Health and Safety Risk Assessment (impacts to major gas pipelines)

CONCLUSION AND RECOMMENDATION

- 27 This report summarises the key issues which should be considered as part of the appraisal of any subsequent planning application which may be lodged in respect of this development and members are recommended to note these key issues and advise officers of any other issues which they consider should be included as part of the application and assessment.

Background Papers: None
Contact Officer: Jamie Torrance
Date: 29 July 2022

DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

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