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Argyll and Bute Council
Comhairle Earra-Ghàidheal Agus Bhòid

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20 April 2021

SUPPLEMENTARY PACK 2

**PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE - BY SKYPE on
WEDNESDAY, 21 APRIL 2021 at 11:00 AM**

I enclose herewith a supplementary report for **item 6** on the Agenda for the above meeting.

Douglas Hendry
Executive Director

SUPPLEMENTARY REPORT

**6. MACLEOD CONSTRUCTION LIMITED: NORTH EASTERN EXTENSION TO
EXISTING SAND AND GRAVEL QUARRY, KILMARTIN QUARRY, KILMARTIN
(REF: 20/01794/MIN)**

Report by Head of Development and Economic Growth (Pages 3 – 6)

Planning, Protective Services and Licensing Committee

Councillor Gordon Blair
Councillor Mary-Jean Devon
Councillor George Freeman
Councillor Graham Hardie
Councillor Donald MacMillan BEM
Councillor Jean Moffat
Councillor Sandy Taylor

Councillor Rory Colville (Vice-Chair)
Councillor Audrey Forrest
Councillor Kieron Green
Councillor David Kinniburgh (Chair)
Councillor Roderick McCuish
Councillor Alastair Redman
Councillor Richard Trail

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**Argyll and Bute Council
Development and Economic Growth**

Delegated or Committee Planning Application Report and Report of Handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 20/01794/MIN
Planning Hierarchy: Major
Applicant: MacLeod Construction Limited
Proposal: North eastern extension to existing sand and gravel quarry
Site Address: Kilmartin Quarry, Kilmartin

SUPPLEMENTARY REPORT NO. 1

1.0 INTRODUCTION

Since the production of the original report of handling planning officers have received a late submission from the Dunadd Community Council and a couple of third party representations. These are summarised below.

2.0 SUMMARY OF POINTS RAISED

Dunadd Community Council, Concerns raised, 16th April 2021

- We recognise that there are economic benefits that could come from expansion of the quarry
- As a community there is concern that
 - The current operations remain noisy and intrude on the quality of life in the village. Permission was given to increase the noise level to 43Db – having lived with this reality for the past year we have been advised that this has had a detrimental effect on the quality of life for residents and potentially on the operations of a successful tourism business. We are not convinced that the proposed mitigation is effective and want this improved before we could support expansion,
 - Heavy vehicles movements on a track used by pedestrians and cyclists to access the historic sites, cycle paths and local walks remains a risk,
 - An already difficult junction could become even more of a bottleneck potentially leading to a serious incident on the A816 at the north end of the village of Kilmartin.

Note: Full details of this consultee response can be viewed on the Council's website: www.argyll-bute.gov.uk

A third party representation was submitted directly to the case officer on 17th April 2021 and another was sent to the officer for comment by a local elected Member not on the PPSL committee on 19th April 2021. The former does not state whether in support or objection so has been logged as a neutral comment and supplements an existing submission. The latter

supplements an existing objection. To summarise there remains a total of 281 representations, with 54 in objections, 201 in support and 26 raising neutral comment.

Stef Burgon, Kilmartin Castle, Kilmartin, 19th April 2021 – Objection

- What is the current rate of extraction from Kilmartin Quarry in tonnes annually? The Planning Authority reserves the right, in terms of condition (u) of the Decision Notice of 30.9.82, to require access improvements if there is a material increase in the rate of extraction from 18,000 tonnes annually. It would be very strange to not require an upgrade of access in light of a new application.

Comment: The most recent planning permission accepted that the existing access is acceptable in terms of geometry and safety. This was assessed by the local Roads Engineer. The rate of extraction is set as per the existing permission. The current application is set at 700,000 tonnes over a period of 20 years. This equates to an average annual extraction of 35,000 tonnes.

- As the local requirement for sand and gravel is declared as a reason the quarry should receive approval, what percentage of the material extracted in the last 3-4 years has turned left and headed to the major MacLeods development at Dunstaffnage? This is relevant as the development is right next to the quarry at Benderloch

Comment: Material from Kilmartin does not serve developments outwith the market area unless under extreme circumstances. This is down to transportation costs. Material for Dunstaffnage is supplied by the quarry at Benderloch.

- There is a live application for the “Extraction, processing and despatch of sand and gravel Land West Of Aros Farm Campbeltown Argyll & Bute PA28 6NT Ref No.: 21/00381/MIN Received Tues 23 Feb 2021. Does this provide an alternative source with less impact on people and place?

Comment: The planning authority is required under the terms of Scottish Planning Policy (SPP) to ensure a ten year supply of aggregates within market areas. This is defined by the Mineral Products Association of 30 miles radius. The application at Aros is currently pending and therefore cannot be considered to form part of this requirement.

- Dust mitigation requires that all material under 20mm is sheeted when leaving the quarry, and that a bowser is used to damp dust during dry periods. Observations suggest this is not happening. How are conditions of current Planning conditions monitored? Are they monitored? How are breaches dealt with when they come to light? (I requested this information via the Freedom of Information Act. It was denied by Argyll & Bute Council.)

Comment: The planning authority is not aware of any complaints arising from dust emanating from this site. There is no evidence to suggest that the applicant is not complying with this condition. Vehicles are fitted with an automatic sheeting mechanism.

- Within the full list of supporters for the Quarry Extension, there is evidence of the use of proforma letters, similar words in printed format, but with hand-written addresses. Does this matter?

Comment: This is not a material consideration and has no bearing on the determination of this application.

Gilbert Milne, No address provided, 17th April 2021 – Neutral comments

- The submitted noise survey only undertook measurements at one property.

Comment: The existing planning condition requires a limit of 45dB at any noise sensitive receptor. Therefore the applicant undertook noise monitoring at a position closest to the quarry to represent that effect. Environmental Health officers have accepted the noise report demonstrates the current operations are consistent with the terms of the existing planning permission.

- A pro-forma was used for letters of support.

Comment: Noted.

- There is a need for a new access as was required as part of the original planning applications in '76 and '80.

Comment: The existing access is used by a range of businesses and not just the quarry. There are timber and fish farm operations using this access. The quarry has two lorries dedicated to the transport of material with a maximum of ten movements a day (i.e. five in, five out). The council's Roads and Amenity Services officers have not raised an objection to this access and are content with its safety.

3.0 RECOMMENDATION

It is recommended that Members note the consultee response as submitted by the Dunadd Community Council and consider its contents in light of the comments above. However, it is still recommended that the application is approved as per the recommendation within the report of handling.

Author of Report: David Love

Date: 19th April 2021

Reviewing Officer: Sandra Davies

Date: 19th April 2021

Fergus Murray
Head of Development and Economic Growth

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