

ANGUS COUNCIL

DEVELOPMENT CONTROL COMMITTEE

18 OCTOBER 2001

SUBJECT: LAND AT COTSIDE QUARRY, CARNOUSTIE

REPORT BY DIRECTOR OF PLANNING AND TRANSPORT

Abstract: This report investigates the background to unauthorised mineral extraction at Cotside Quarry, Carnoustie, and proposes that the operator be given three months to submit a valid planning application, failing which the matter will be reported back to the Committee.

1 RECOMMENDATION

It is recommended that the Committee hold in abeyance the pursuance of enforcement action in respect of unauthorised mineral workings at Cotside Quarry in the event that a valid planning application is not received within three months of the date of this report the matter will be reported back to the Committee to determine what action to take.

2 INTRODUCTION

2.1 Cotside Quarry is located to the west of Barry Village to the north side of the A930 at Cotside Farm. The sand and gravel quarry is operated by W. Clark.

3 CASE HISTORY

3.1 The original application 9382 provided for the extraction of eight acres of sand and gravel and was granted consent on 23 March 1972. The application site was rectangular in form and was not visible from the A930 Barry road.

3.2 As part of the review of old mineral consents required by the Environment Act 1995, it appeared in February 1997 that extraction may have gone beyond the area approved by the original planning consent. At this time none of the workings were visible from the A930 Barry road. After discussions with the operator it was agreed that the best way forward was for a retrospective planning application for the extraction of sand and gravel to be submitted. This would enable the situation to be regularised and potentially give the operator a degree of security.

3.3 A planning application was not forthcoming and during the summer/autumn 1999, operations in respect of the extraction became visible from the A930 Barry road, including mounds within the working area and bagged sand being stored close to the A930. In view of this the matter was pursued through the operator's agent and it was clear that planning consent would be required. The operator's agent in a letter of 6 October 1999 indicated that the original consent was for the extraction of approximately eight acres of land, but through time, additional extraction had been undertaken. It was however the operator's intention to submit a planning application to regularise the position.

- 3.4 In view of the increasing visual prominence of the workings, and lack of any formal planning application, Report No. 536/00 was placed before the Development Control Committee meeting of 25 May 2000 and it was agreed that the operator be given a period of not more than three months to submit a valid planning application, failing which enforcement action be authorised.
- 3.5 Subsequently a planning application ref. 00/00490/FUL for the extraction of sand and gravel was submitted but it was deficient in respect of environmental information, means of restoration and various other matters. A planning report recommending refusal of the application was to be placed before the Development Control Committee on 29 November 2000 but the application was withdrawn on the day of the Committee. The Committee however reaffirmed its previous decision to initiate enforcement action.

4 FINANCIAL IMPLICATIONS

- 4.1 There are no financial implications.

5 HUMAN RIGHTS IMPLICATIONS

- 5.1 The Human Rights Implications of this recommendation are positive for the party directly affected and do not have any direct implications for other residents at this time.

6 CONSULTATION

- 6.1 The Chief Executive, Director of Law & Administration and Director of Finance have been consulted in the preparation of this report

7 CONCLUSION

- 7.1 Since October 1999 the mineral operations undertaken at Cotside Quarry have assumed a greater visual prominence than was previously the case, this includes the storage of bagged sand in close proximity to the A930 Barry to Carnoustie road. It is therefore necessary that the Council regains control over this development in order to give proper consideration to the works that have been undertaken; to ensure that past extraction is subject to appropriate restoration and that proper control is exercised over storage areas etc.
- 7.2 The submission of a planning application for mineral workings can often be complex and may involve the provision of complicated detailed information. The application that was submitted was inadequate and enforcement action has been authorised. Enforcement action has actively been pursued but as a consequence of difficulties in establishing ownership following the death of the previous owner of the quarry, formal action has not been taken. The new owner of the quarry has indicated his intention to submit a full and comprehensive planning application by December 2001 assuming no unforeseen circumstances. To assist with this a specialist firm of land consultants, Johnston, Poole & Bloomer have now been engaged.
- 7.3 Given that consultants have been engaged, who have considerable experience in mineral applications, I am more confident than previously, that an acceptable solution to the situation might be achieved and an appropriate application submitted. The submission of an application that provides for long term restoration yet enables the

continuation of mineral extraction in a more controlled and acceptable manner than at present is a better way forward than enforcement action. Enforcement action could prevent further extraction but it may be difficult to achieve acceptable restoration.

- 7.4 I would therefore suggest that enforcement action be delayed to allow for the submission of a comprehensive planning application to provide for the adequate restoration of the site. In addition I would propose discussions with the owner to agree what areas of the site can be worked and within what areas bagged sand and gravel can be stored pending the submission of an application.

NOTE

No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973, (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above Report.

AA/IM/IAL
10 October 2001

Alex Anderson
Director of Planning and Transport