

**ANGUS COUNCIL**

**DEVELOPMENT STANDARDS COMMITTEE – 18 JUNE 2019**

**PLANNING APPLICATION – GROUND AT PITREUCHIE FARM FORAR**

**GRID REF: 346857 : 750355**

**REPORT BY SERVICE LEADER – PLANNING & COMMUNITIES**

**Abstract:**

This report deals with planning application No 19/00091/FULM for the extension of Auchterforfar Quarry for the extraction of sand and gravel including the restoration of the land for Laird Aggregates Ltd on land at Pitreuchie Farm, Forfar. This application is recommended for conditional approval.

**1. RECOMMENDATION**

It is recommended that the application be approved for the reason and subject to the conditions given in Section 10 of this report.

**2. ALIGNMENT TO THE ANGUS LOCAL OUTCOMES IMPROVEMENT PLAN/CORPORATE PLAN**

This report contributes to the following local outcome(s) contained within the Angus Local Outcomes Improvement Plan and Locality Plans:

- Safe, secure, vibrant and sustainable communities
- A reduced carbon footprint
- An enhanced, protected and enjoyed natural and built environment

**3. INTRODUCTION**

- 3.1 The applicant seeks full planning permission for the extension of Auchterforfar Quarry for the extraction of sand and gravel including the restoration of the land at Pitreuchie Farm, Forfar. A plan showing the location of the site is provided at Appendix 1.
- 3.2 The application site extends to some 14.2ha and is located between the A932 Arbroath Road and the B9128 Kingsmuir Road/South Street. The site comprises undulating agricultural land. The eastern extent of the site is bound by an existing Core Path (Arbroath Road to Kingsmuir Road) with the existing Auchterforfar Quarry located beyond. Residential properties are located to the west of the site and to the north of the A932 public road. Agricultural land lies to the south of the B9128 public road. Areas of woodland are located adjacent to the north and south boundaries of the site.
- 3.3 The proposed extension area extends to some 10.5ha and would allow for the extraction of 1.1 million tonnes of sand and gravel at an average of 250,000 tonnes per annum over a period of 4 years and 5 months with a further year required to complete the restoration. The site would be developed in 4 phases with Phase 1 comprising the south west portion of the site and encompassing an area of some 1.8ha which would release some 228,000 tonnes over a period of 11 months with the maximum depth of excavation being around 13m below existing ground levels. Phase 2 would comprise an area of 0.89ha to the north of Phase 1 which would release 90,000 tonnes over a period of around 4 months with the maximum depth of excavation being around 9m. Phase 3 would comprise an area of 4.3ha to the east of Phase 2 which would release 377,000 tonnes over a period of 1 year and 6 months with the maximum depth of excavation being around 14.5m below existing ground levels. Phase 4 would comprise an area of 3.5ha to the south of Phase 3 which would release 397,000 tonnes over a period of 1 year and 7 months with the maximum depth of excavation being around 14m below existing ground levels. It is proposed to restore the extraction area to grassland with progressive restoration taking place as the development proceeds.

- 3.4 No buildings or fixed plant would be required within the extension area as the existing infrastructure utilised for Auchterforfar Quarry (internal haul road and facilities at the Lochhead processing area) would serve the extension area. Within Phase 1 an access road would be formed that links back to the existing quarry haul road with 3m high screening mounds formed from soil stripped from the initial excavation area at the north west and south west corners of the application site. The extracted material would be transported to the existing processing area via an extension to the existing internal haul road that traverses the existing quarry. The use of the existing internal haul road negates the need for a new vehicular access from the public road. It is proposed that the hours of operation for the site are 0730 – 1730 Monday – Friday only with the exception of essential maintenance operations.
- 3.5 The application has not been subject of variation.
- 3.6 The application is supported by an Environmental Impact Assessment Report (EIA Report) and also constitutes a major development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. The application and the EIA Report have been subject of statutory advertisement in the local press.

#### **4. RELEVANT PLANNING HISTORY**

- 4.1 The extraction of sand and gravel at Lochhead was established in the early 1960s. Since then, there have been several phases of mineral extraction and landfill, including the capped landfill site to the south east of Lochhead processing site and the more recent landfill site used by the Council to the east of the proposed development.
- 4.2 The applicants haul road was approved in two parts. Firstly in 1992 a haul road from Lunanhead to Lochhead was approved. In 1995 the Auchterforfar Quarry was granted planning permission by the former Angus District Council (ref: 01/95/1182 refers). As part of that application, an extension to the haul road linking the Auchterforfar Quarry to Lochhead was approved.
- 4.3 Planning permission was granted on 29 October 2007 (Appn: [07/00509/FUL](#) and Report [992/07](#) refers) for the erection of a building and plant for the manufacture of concrete products at Lochhead Sand and Gravel Quarry. That planning permission has been implemented.
- 4.4 A Proposal of Application Notice (ref: [18/00844/PAN](#)) in respect of the extension of sand and gravel at the site was considered by Committee at its meeting on 13 November 2018 (Report No. [353/18](#) refers). Committee noted the key issues identified in that report and requested that the application should contain information on how the site would link to the haul road serving the wider processing facility.

#### **5. APPLICANT'S CASE**

- 5.1 An EIA Report along with a Non-Technical Summary (NTS) has been submitted in support of the application. Chapters 1 – 4 describe the development and the legal and policy framework within which the application will be determined with chapters 5 – 10 are classed as technical chapters which are informed by specialist reports. The EIA Report comprises the following chapters and associated appendices:

1. Introduction
2. Background to the Proposal
3. Quarry Development and Method of Working
4. Planning and Development Framework
5. Landscape and Visual Impact Assessment
6. Hydrological and Hydrogeological Assessment
7. Ecology
8. Noise
9. Air Quality
10. Recreational Access
11. Summary of Impacts and Mitigation

Appendix 1 – Pre-application Consultation Report

Appendix 2 – Consultee Responses to Screening and Scoping of EIA

Appendix 3 – Site Investigation and Data

5.2 The EIA Report and NTS is available to view on the Council's [Public Access](#) system and a copy of the NTS is provided at Appendix 2.

## 6. CONSULTATIONS

6.1 **Angus Council – Roads** – has not objected to the proposal in respect of traffic safety. No objection is offered in relation to flooding and surface water drainage.

6.2 **Angus Council – Environmental Health Service** – has assessed information in relation to noise emissions and air quality associated with the proposed development as well as the cumulative impact of existing and proposed operations at the site. Environmental Health is satisfied that national air quality limits would not be exceeded and overall air pollution levels in the area should not be significantly affected. In relation to noise the Environmental Health Service is satisfied that noise emissions from activities associated with the proposed development would not significantly impact on residential amenity. Planning conditions are suggested to deal with matters related to noise and dust.

6.3 **Scottish Natural Heritage (SNH)** – has reviewed all of the supporting information submitted as part of the EIA Report in relation to natural heritage impacts and has advised it has no comments on the proposal.

6.4 **Scottish Environment Protection Agency (SEPA)** – has offered no objection to the application in respect of flood risk, groundwater and air quality impacts.

6.5 **Historic Environment Scotland (HES)** – has offered no objection to the proposal and is satisfied that the proposals do not raise historic environment issues of national significance.

6.6 **Health & Safety Executive** – has indicated that it does not advise against the granting of planning permission on safety grounds.

6.7 **Scottish Water** – has offered no objection to the proposal.

6.8 **Community Council** – neither supports nor objects to the application but has made comments in relation to a number of matters associated with the development. These include impacts on residential and recreational amenity, visual amenity and surface water flooding. *The full representation from the community council will be circulated to members of the Development Standards Committee and is available to view on the council's [Public Access](#) system.*

## 7. REPRESENTATIONS

7.1 70 letters of representation have been received 1 is in support of the proposal with 69 raising objection to the proposal. The letters of representation will be circulated to Members of the Development Standards Committee and a copy will be available to view on the council's [Public Access](#) website.

7.2 The main point of support is that the proposal keeps jobs in the community.

7.3 The following matters have been raised as objections and are discussed under Planning Considerations: -

- **Need for the proposed development;**
- **Unacceptable impacts on wildlife and habitat;**
- **Adverse impacts on amenity and danger to health from noise and dust;**
- **Adverse impacts on amenity from vibration and wind rush from dust;**
- **Unacceptable visual impacts;**
- **Flood risk from surface water;**
- **Road traffic safety impacts;**
- **Loss of green space.**

7.4 In addition, the following matters have been raised: -

- **Properties were not notified of the pre-application public event;**
- **Properties were not notified of the planning application;**
- **Further consultation should take place between the council, applicant and local community.**

The applicant has indicated that notification of the pre-application consultation event was given by hand-delivered letter to around 500 houses, extending beyond 250m of the site, and by public notice in The Courier. The report on the pre-application consultation event indicates that it was attended by residents from a reasonably wide area and by the community council. Evidence indicates that the applicant has complied with the relevant pre-application consultation requirements. Angus Council has undertaken the neighbour notification process in accordance with the requirements of relevant Regulations. The application and the Environmental Impact Assessment Report have been subject of advertisement in the press; they have been made available online; and site notices have been posted in the area surrounding the application site. Interested parties have been provided opportunity to comment on the proposal in accordance with legislative requirements.

- **Approval of the application could result in a breach of the Human Rights Act.**

This matter is discussed at Section 9. However, it is well established that the lawful operation of the planning system will not result in a breach of the Human Rights Act.

- **Approval of the application could result in a breach of health and safety regulations.**

If approved the Health and Safety Executive (HSE) would be the relevant body with responsibility for enforcement of health and safety regulations. HSE has offered no objection to this application.

7.5 The following matters have been raised in objection but are not material planning considerations and therefore cannot be taken into account in the determination of this application: -

- **Loss of view;**
- **Devaluation of property;**
- **Damage to property and vehicles;**
- **Impact on house insurance premiums;**
- **Residents should be compensated for the disruption they experience should the application be approved.**

## **8. PLANNING CONSIDERATIONS**

8.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise.

8.2 In this case the development plan comprises:-

- [TAYplan](#) (Approved 2017)
- [Angus Local Development Plan](#) (ALDP) (Adopted 2016)

8.3 The development plan policies relevant to the determination of the application are reproduced at Appendix 3 and have been taken into account in preparing this report.

8.4 Policy DS1 of the ALDP relates to development boundaries and priorities. It states that the focus of development will be sites allocated or otherwise identified for development in the ALDP. Amongst other things its states that proposals for sites outwith but contiguous with a development boundary will only be acceptable where it is in the public interest and social, economic, environmental or operational considerations confirm that there is a need for the proposed development that cannot be met within a development boundary. The text supporting the policy indicates that the development boundaries seek to protect the landscape setting of towns and prevent uncontrolled spread of development. In this case the site is contiguous with the development boundary of Forfar and is not specifically allocated for any purpose in the ALDP.

## Need for the Development

- 8.5 Policy 9 of TAYplan and Policy PV19 of the ALDP are both relevant to the determination of this application. TAYplan Policy 9 refers to finite resources and indicates that there is a requirement to identify and protect minerals deposits of economic importance and maintain a minimum 10 years supply of construction aggregates at all times in all market areas. Policy PV19 of the ALDP deals with minerals and indicates proposals for new or extended mineral workings and indicates that proposals must demonstrate that the development is required to maintain, at least a 10 year land bank for aggregates or the development is required for the local, regional and/or national market that cannot be satisfied by recycled or secondary aggregates at existing workings.
- 8.6 Angus Council commissioned and published a Mineral and Waste Landfill Audit in June 2001 That Audit identified the vast majority of aggregate produced in the Dundee and Angus area is used within the area. It has been accepted that the administrative area of the Dundee and Angus represents an appropriate market area. At that time it was estimated that approximately 720,000 tonnes of sand and gravel were required each year in the market area. Accordingly, in order to provide a 10-year land bank, permitted reserves of 7.2 million tonnes were required.
- 8.7 In recognition that the 2001 Audit no longer provided an up-to-date position in relation to minerals supply and land bank, Angus Council undertook a Minerals Audit Review in 2010. The 2010 Minerals Audit Review identified that current extraction rates for sand and gravel range from approximately 600,000 to 811,000 tonnes per annum (the higher figure representing consented extraction rates, the lower figure representing output at that time). It also indicated that consented reserves amounted to approximately 8.75 million tonnes representing between 10.8 and 14.7 years of consented minerals reserve.
- 8.8 In 2012 Angus Council granted planning permission for a new sand and gravel quarry at Struan near Edzell. That permission provided for the extraction of 2.8 million tonnes of sand and gravel at a rate not exceeding 80,000 tonnes per annum.
- 8.9 There are currently five sand and gravel quarries in Angus that contribute to the existing minerals landbank. These are at Auchterforfar (Forfar), Cotside (Carnoustie), Hatton Mill (Friockheim), Powmyre (Kirriemuir) and Struan (Edzell). The applicant estimates that based on the average extraction rate identified in the 2010 Minerals Audit those quarries contain consented sand and gravel reserves in the region of 6,186,000 tonnes at January 2019. The applicant further estimates that, depending upon the future rate of extraction, those reserves are likely to last between 5.24 and 10.38 years.
- 8.10 Information available to the Planning Service indicates that extraction rates over the period since the 2010 Minerals Audit have remained low (around 567,000 tonnes per year). On that basis, it is likely that consented reserves may be closer to 6,500,000 tonnes at the current time. Assuming an annual extraction rate of 567,000 tonnes per year (reflective of existing average extraction rates) the existing reserves would provide around 11.46 years supply; with an extraction rate of 720,000 tonnes per year (the requirement identified in the 2001 Minerals Audit) consented reserves would provide around 9 years supply; and assuming the quarries operated to full consented capacity of around 867,000 tonnes per year (Auchterforfar currently has no annual limit but extracts around 257,500 tonnes per year) the reserves would provide around 7.5 years supply. Accordingly it is estimated that the current land bank of sand and gravel is in the region of 7.5 to 11.46 years.
- 8.11 The applicant has indicated that existing consented reserves at Auchterforfar are only likely to last a further 2-years. It is also indicated that consented reserves at Hatton Mill are likely to be exhausted within a similar timescale. At that time planning conditions that restrict extraction rates at the remaining quarries would limit annual output to 480,000 tonnes per year. That level of output is not sufficient to meet anticipated demand within the local market area which is likely to be around 567,000 to 720,000 tonnes per year.
- 8.12 The Development Plan (consistent with Scottish Planning Policy) confirms that a **minimum** 10 year land bank should be available at all times. The applicant has provided an assessment to demonstrate that there is a need to augment the existing sand and gravel land bank. That assessment is supported by information available to the Planning Service. The nature of quarries and the mineral industry is such that considerable advance planning and preparation

is required before extraction can commence at a new quarry or at a quarry extension and it is not possible to 'top-up' the land bank on an annual basis. The current proposal is for the extraction of 1.1million tonnes of sand and gravel at an average of 250,000 tonnes per annum. It would increase the land bank to around 7,600,000 tonnes and would allow an overall output of 730,000 tonnes per year to be supplied to the local market. This extension would provide a land bank in the region of 10.56 to 13.4 years and would ensure continuity of supply from an existing quarry location, at a similar rate of extraction, and making good use of infrastructure associated with the existing operation.

- 8.13 There is a planning application for an extension to the existing quarry at Hatton Mill near Friockheim (Appn: [19/00083/FULM](#) refers). It provides for the extraction of 469,000 tonnes of sand and gravel with an annual extraction limit of 130,000 tonnes. That application is subject of a separate report to this committee (Report No. 203/19 refers) and it is considered there is reasonable justification to approve both that application and the current proposal to augment the land bank and to ensure continuity of supply to the local market. Approval of both applications would provide a land bank in the region of 8,069,000 which would equate to between 11.21 and 14.23 years supply dependent upon extraction rates.

#### **Impact on Built Environment**

- 8.14 The application site is not designated for any built heritage reasons. Historic Environment Scotland (HES) has been consulted on the proposal and is content that the proposal would not have significant impacts on scheduled monuments and their setting, category A-listed buildings and their setting, and gardens and designed landscapes (GDLs) and battlefields in their respective inventories. There are a number of listed buildings and historic environmental interests in the wider area but given the nature of those interests and the separation distances, the proposed development would not give rise to any significant impacts on the setting of those features. There are no known archaeological interests that would be affected by the proposed development and the council's archaeological advisor confirmed archaeological mitigation was not necessary. Overall the proposal would not give rise to any unacceptable impacts on built heritage interests.

#### **Impact on Natural Environment**

- 8.15 The application site is not designated for any natural heritage reasons and there are no sites designated for natural heritage value directly affected by the development proposal. The EIA Report includes an assessment of ecological impacts. Surveys have been undertaken of habitats and species including bats, badger, otter, birds and other notable species. The EIA Report concludes that the development would not have significant impacts on any species subject to appropriate mitigation. The application site does not contain any notable native plant species with the habitat comprising improved grassland although the mixed woodland plantation on the site provides nesting and foraging potential for birds. The potential habitat impacts are limited to the loss of a small section of plantation woodland on the northern boundary but it is proposed to transplant this to a location outwith the excavation boundary. On this basis, and having regard to the physical characteristics of the site combined with the temporary nature of the operations, the proposal is unlikely to give rise to significant impacts on species or their habitats. The proposal does not give rise to any unacceptable impacts on the natural environment of the area.

#### **Impact on Amenity**

- 8.16 Development plan policy requires consideration of the impact of quarry operations on amenity. Planning Advice Note 50 and Annexes A to D thereof provide an indication of good practice in relation to controlling the environmental effects of surface mineral workings. The annexes provide specific guidance regarding noise, dust, traffic and the submitted EIA Report considers the potential impact of the development on nearby properties in relation to those matters.
- 8.17 The proposal involves an extension to the existing quarry. The existing quarry is not subject of limitation in terms of its annual extraction rate but it is indicated that around 257,000 tonnes are generally extracted each year. This proposal would involve an extraction rate of 250,000 tonnes per annum, slightly less than has been extracted in recent years. Approval of this application would therefore not increase traffic movement in the wider area over and above the existing situation. The existing level of activity does not give rise to significant environmental impact and has not been subject of complaint.

- 8.18 The EIA Report has considered impact on the nearest noise sensitive properties through a Noise Impact Assessment which includes a survey of existing background and ambient noise levels at a number of locations deemed representative of the nearest noise sensitive properties. The assessment has also considered impacts arising from cumulative noise impact from simultaneous extraction and restoration activities. The assessment is based on the shortest separation distances and maximum working height for each phase, therefore the predicted levels are based on a worst case scenario. Overall the EIA Report considers that the proposed site operations meet best practice as detailed in PAN 50 Annex A "The Control of Noise at Surface Minerals Workings" and the proposed noise control measures along with effective day to day management should ensure the proposed development would be undertaken without significant noise impacts.
- 8.19 The Environmental Health Service has reviewed the noise impact assessment within the EIA Report and is satisfied that it has been carried out following guidance set out in PAN 50. The Environmental Health Service has indicated that it is appropriate at certain properties for an absolute noise limit to be set which would accord with the limits identified in PAN 50 guidance but also accords with the limit within the extant permission for the existing quarry. However, the background levels at Pitreuchie Place and Restenneth Drive are relatively low and PAN 50 suggests that noise limits should be no more than 10 dB above background levels subject to a minimum limit of 45dB(A). Accordingly the Environmental Health Service has recommended that a range of noise limits be set at various properties around the site. PAN 50 also considers the need to make provision for short term operations which cannot meet the limits set for routine operations. At this site that would include initial soil stripping and the construction of the earth bunds on the western boundaries of the site. A planning condition allowing a higher noise limit for short periods of time for non-routine operations is proposed. The Environmental Health Service is satisfied that the proposed development could be undertaken in a manner that would not give rise to unacceptable impacts on the amenity of occupants of nearby noise sensitive property by virtue of noise emissions. A number of conditions regarding noise are proposed including a requirement for the provision of a noise management strategy and a scheme for the monitoring of noise from the development.
- 8.20 The EIA Report provides an assessment of dust and air quality based on an evaluation of existing conditions, the identification of potential dust sources, likely impacts on sensitive receptors and mitigation measures. It concludes that it is unlikely there would be any significant reduction in air quality if effective mitigation was employed. It also indicates that there would be no significant impacts in relation to relevant Air Quality Objective thresholds for fine and coarse particulate matter. The Environmental Health Service has reviewed the air quality information contained within the EIA Report and is satisfied that it has been undertaken in accordance with recognised guidance. The development would be undertaken in proximity of a number of residential properties and the impacts arising from dust would be heavily dependent on meteorological conditions. In particular, the closest properties to the west of the site may be subjected to dust impacts during periods of wind with an easterly component. The Environmental Health Service has advised that in order to reduce those impacts a dust management strategy would be required and this would be required to identify appropriate measures to prevent unacceptable impacts arising which could result in operations within the site, particularly those taking place in the western half of the site having to be limited or stopped temporarily during certain weather events. However, subject to appropriate planning conditions the Environmental Health Service is satisfied that the proposed development could be undertaken in a manner that would not give rise to unacceptable impacts on occupants of nearby dust sensitive property by virtue of dust emissions. The Environmental Health Service has recommended conditions requiring approval of a dust management strategy and a scheme for the monitoring of dust from the development.
- 8.21 The EIA Report has also given consideration to light pollution and indicates no night time working is proposed and artificial lighting would only be required during early morning and early evening periods in winter. The utilisation of lighting in the proposed extension area and haul road would be limited to vehicle lighting only with most of those operations being undertaken below ground level and benefitting from perimeter screening. Accordingly there would be no glare or light intrusion as a result of illumination beyond the site boundary.
- 8.22 The EIA Report indicates that operations at the site could be undertaken in a manner that would avoid unacceptable impact on amenity. Relevant consultees have raised no objection to the proposal and have suggested planning conditions that would minimise impacts on the

amenity of those that live in the area. Operation of the existing quarry has taken place in the proximity of residential property and has done so without complaint and without breaching relevant environmental standards. Available evidence suggests that the quarry extension could operate without giving rise to unacceptable amenity impacts subject to the proposed planning conditions.

### **Landscape and Visual Impact**

- 8.23 Development plan policy requires consideration of landscape and visual impact. Policy indicates that the capacity to accept new development in the landscape will be considered within the context of the Tayside Landscape Character Assessment (TLCA) and relevant landscape capacity studies, formal designations and special landscape areas. Development which has an adverse impact on landscape will only be permitted where the site selected is capable of accommodating the proposed development, the siting and design integrate with the landscape context and minimise adverse impacts on local landscape, cumulative impacts are not unacceptable and mitigation measures and/or reinstatement are appropriate. SPP confirms that landscape and visual impact is a material consideration in the determination of planning applications for mineral working.
- 8.24 The application site is not located within an area designated as being of particular landscape value or sensitivity and the main issue is whether the development can be accommodated in the existing landscape and whether associated visual impacts are acceptable. The TLCA identifies that the application site falls within a landscape type described as Broad Valley Lowlands. It indicates that existing mineral workings have a local landscape impact but their broader effect is limited. In terms of guidance the TLCA suggests that demand for mineral working should be monitored and schemes that come forward should be restoration-led and located to minimise landscape impacts during operation.
- 8.25 The EIA Report includes a landscape and visual assessment of the proposals to evaluate the predicted landscape and visual impacts and identify mitigation measures which could be incorporated into the development in order to reduce such impacts. The extension area is described as very variable in topography, comprising fluvio-glacial landforms varying in elevation from 65m to 89m AoD. There is a prominent valley form, running in a south-west to north-east direction, which roughly divides the site. Plantations border the north-east and south-west edges of the site, and the landcover is dominated by grassland, currently in use as pasture. The EIA Report advises that the proposal would have direct impacts on the Broad Valley Lowland as the landform itself would be permanently altered by the quarry activities. However it is suggested that the impact would be localised in the context of the wider landscape and the overall effect would not be significant. It suggests that sand and gravel extraction is an established land use within the landscape type and the area but there are not considered to be any significant cumulative impacts. The EIA Report concludes that while the landform would be altered, following restoration the site area would integrate with the surrounding landscape.
- 8.26 In this case the quarry extension would result in direct physical alteration to the landform through the excavation of material and resultant lowering of ground levels within the application site as well as change to the use of areas of land from pasture grazing land to quarry workings. However, the phased nature of the proposed extraction means that only comparatively small areas of the overall site would be worked at any one time. While the landscape change would be notable in the vicinity of the site at any significant distance the alteration to the landform would generally be less apparent, particularly upon restoration. The TLCA recognises that quarry developments in the landscape should be restoration led. A restored landform that replicates the existing undulating landform that exists across the site would achieve this. In this case it is considered that the phased working and progressive restoration proposed is consistent with this aim and that the proposals are acceptable in terms of landscape impacts. Detailed matters regarding the restoration proposals are discussed below.
- 8.27 Turning to visual impacts, the EIA Report indicates that these are assessed in relation to a number of viewpoints which were identified as being representative of visual receptors in the area. The Plans illustrating the phases of the proposed development have been included within the EIA Report and there are 4 working phases which include progressive restoration. Due to the proposed working method the operational excavation area would be minimised (around 4.3ha at any time) although some advanced stripping and restoration would be apparent at any given time. As an extension to the existing quarry the existing site access and



processing area would be utilised so there would be no additional visual impacts arising from these features.

- 8.28 The most direct visual impacts arising from the development would be on the closest residential properties, closest public roads and on recreational users of the local path network.
- 8.29 There are a significant number of residential properties in proximity of the site. The proposal provides for a buffer of at least 100m between the proposed workings and all neighbouring residential property but there can be little doubt that works within the site would be visible to those that live in the vicinity. Visibility of activity would likely be particularly pronounced at the early stages of operation in each phase before ground levels would be lowered such that ongoing activities would benefit from screening provided by existing or proposed landform and vegetation. However, the proposal provides for the retention of some existing landform and planting adjacent to the periphery of the site. It also provides for the formation of 3m high screen bunds at the northwest and southwest corners of the application site to help screen the extraction area from houses adjacent to those areas. This, along with the phased working and progressive restoration would help reduce visual impacts associated with the proposed operations. The resultant situation would mean that some of the quarry workings would be visible from some residential properties, particularly upper floor flatted dwellings, but those impacts would be short-term, reversible (following restoration) and mitigated by existing and proposed screening. In these circumstances visual impacts on residential amenity associated directly with the mineral extraction are not considered unacceptable. The screening bunds themselves would also be visible from a number of properties as well as their environs and would have some visual impact. However, the bunds would be around 15-20m from neighbouring residential properties and would be limited to around 3m in height. They would be present for a reasonably short duration and while they would have an engineered appearance they would not look entirely out of place in an otherwise undulating landscape. Overall the quarry operations would have some adverse impact on the visual amenity of the closest residential properties but those impacts would be acceptable for a short duration of time and subject to the mitigation measures proposed in the EIA Report and proposed planning conditions.
- 8.30 There are public roads in the vicinity of the site, including the A932 Arbroath Road and the B9128 South Street. Those are reasonably busy routes that convey traffic into and out of the town. There would be some visual impact on users of those roads as a consequence of the development and again this would be most evident at the early stage of working in each phase before ground levels would be lowered and operations screened by existing and proposed landform and vegetation. The proposed method of working would minimise areas of the quarry that would be open to view for road users and as such the most significant visual impacts would be temporary and for short duration. The visual impact on road users is not considered unacceptable in these circumstances.
- 8.31 Core Path (Arbroath Road to Kingsmuir Road) bounds the application site to the east and quarry works would be visible from the route. In addition, workings would require the provision of a vehicular crossing of the path and issues associated with that are discussed below. The greatest visual impacts would be during Phases 3 and 4 of the development when extraction would take place adjacent to the path. At that stage workings and protective fencing would be prominent and would give rise to significant adverse visual impact on the route. Extraction has previously taken place adjacent to the path as part of previously consented phases of extraction and that has impacted the amenity of the path for its users. Similar impacts would be experienced in association with the extraction currently proposed but the duration of the development would be limited and conditions are proposed that would limit the days and hours of operation. Upon restoration of the site residual visual impacts would be negligible. In these circumstances the temporary adverse impact on the visual amenity of path users is not considered unacceptable where the development is required to facilitate mineral extraction in a manner compatible with the development plan.

### **Impacts on the Water Environment**

- 8.32 The EIA Report includes a hydrological and hydrogeological assessment and assesses the potential impacts that may be caused by the development proposals. The EIA Report indicates that the site has been designed to be dry worked with the base of the excavation 5m above the predicted winter water table. Accordingly it does not anticipate significant effect on the groundwater regime beneath the site and no groundwater flow into the excavation area. During soil stripping, perimeter catch ditches or shallow bunding would ensure that any run-off

would be contained within the site. During operations incidental rainfall within the excavation area would be managed via sumps within the base of the excavation where it would be utilised for dust suppression or allowed to infiltrate into the underlying permeable strata. Should a severe storm event occur at the site during the operational phases, the excavation area would be temporarily allowed to flood. Following restoration of the site, incidental rainfall within the excavated area would largely be directed to the gently sloping area directing flows to the north-west. There would be no requirement for the storage of any fuels, oils or lubricants within the extension area; all plant would utilise the existing facilities within the designated area at Lochhead for refuelling and servicing.

- 8.33 SEPA and the Roads Service have reviewed the proposal in relation to impacts on the water environment. Both have also had access to the objections submitted by third parties. In relation to flood risk SEPA has no objection to the proposal and as the planned excavation area is above the water table it is satisfied that there would be no unacceptable impacts on the groundwater regime. SEPA has indicated that the proposed mitigation measures incorporated into the proposal should ensure there would be no increase in surface water flood risk to existing properties and infrastructure. The Roads Service has also offered no objection to the proposal in respect of flood risk impacts. However, it has indicated that the applicant should be required to construct and maintain a 3m high bund along the north western edge of the proposed site (adjacent to Pitreuchie Place) while the site is active. It is also indicated that a 5m standoff should be provided either side of an existing culvert to ensure it is protected during development. Finally, the Roads Service has indicated that restoration levels and contours should be such that they do not increase flood risk from surface water outwith the site.
- 8.34 The applicants EIA Report makes provision for a 5m standoff around the existing drainage culvert. The EIA Report also considers potential impacts associated with restoration on flood risk but a proposed condition of this permission would require the submission of a revised restoration scheme accompanied by information to demonstrate that the restored ground levels and contours would not increase risk of surface water flooding. The applicants have indicated that they are amenable to the provision of a bund along the north western edge of the site but have suggested that available information does not demonstrate that this would need to be 3m in height. A proposed condition requires the provision of a bund but also indicates that the final design details should be submitted for further approval and this would involve discussion with the council's Roads Service to ensure that flood risk issues are adequately addressed. There are issues in the area at present as a consequence of surface water flooding but available information does not suggest that the proposed development would adversely affect that situation subject to the proposed planning conditions and the mitigation measures identified in the EIA Report.

#### **Impacts on Resources and Infrastructure**

- 8.35 Development plan policy generally seeks to safeguard prime quality agricultural land (except where required for mineral extraction); to ensure developments are designed to minimise impact on agricultural land; and to ensure farm units are not rendered unviable. Published maps indicate that the application site comprises land that is classed 3.2 and 4.1 land and as such is not prime quality agricultural land. The land is currently used as rough grazing and there is no evidence to suggest that the loss of limited areas of agricultural land on a temporary basis would render any farm unit unviable.
- 8.36 The EIA Report advises that vehicular access and egress to the site would be via the existing internal haul road from the Lochhead processing plant so no new road access would be required and there would be no new HGV movements on local roads. The Roads Service has reviewed the proposal in terms of the traffic likely to be generated by it and its impact on the public road network and has offered no objection.
- 8.37 As indicated above a Core Path (Arbroath Road to Kingsmuir Road) bounds the application site to the east and it would be directly affected by the development as a result of the vehicular access being formed between the existing quarry and the proposed extension. The formation of the vehicular access would require a formal crossing point to be formed over the path. The provision of a crossing should not significantly affect passage over the path providing the crossing is safe and that the surface is suitable for path users. A condition is proposed that would require approval of the detail and provision of the crossing along with details of its management for the duration of the development. Extraction has previously taken place adjacent to the path as part of previous phases of extraction and that has had some adverse

impact on the amenity of the path for its users. Similar impacts would be experienced in association with the extraction currently proposed but the duration of the development is limited and conditions are proposed that would limit the days and hours of operation. The proposal is not considered to give rise to unacceptable impacts on the core path.

### **Site Restoration and Aftercare**

- 8.38 Development plan policy indicates proposals for mineral extraction will only be supported where proposals for land restoration, aftercare and after use are satisfactory including where necessary the provision of a bond to cover the cost of an agreed scheme for the restoration, aftercare and after-use of the site. SPP emphasises the need to achieve a high standard of restoration and aftercare, and provide for after-uses which result in environmental improvement when mineral working has ceased. PAN 64 provides an indication of best practice in relation to the reclamation of surface mineral workings. It identifies that it is a key aim of government policy to ensure that land worked for minerals is reclaimed as soon as possible after working has ceased. Guidance is provided in terms of assessing reclamation proposals, potential after uses, reclamation process, consultation procedures, planning conditions, restoration and aftercare schemes and planning agreements.
- 8.39 Indicative restoration and aftercare proposals are contained within the EIA Report and these indicate the excavation area would be restored to agricultural land. It is proposed to implement progressive restoration of the excavation area which would ensure that a minimum area would be affected by operations at any one time with soils from the advance stripping being utilised to restore previously worked land. The EIA Report advises that the boundaries of the excavation area would be graded to create slopes that tie back into the land that is not excavated with the excavation area restored to a gentle slope with a 1 in 40 gradient. The EIA Report also indicates that following restoration an aftercare scheme would be implemented which would monitor, identify and remove any undesirable colonising species from the land over a 5 year period.
- 8.40 The general principle of restoring the site to agricultural use is acceptable. However, the proposed restoration plans would provide a landform that contains unnaturally steep edges and large tilted flat areas which would not be in keeping with the landscape character of the area. The site is an area of profoundly undulating glacial moraine which plays an important role in strengthening the visual edge of the town. The restored landform should attempt to replicate the undulating landform that exists both across the site and beyond. Such a landform would better mitigate the long term landscape effects arising from the development but would still allow for the site to be returned to agricultural land. The Roads Service has advised that the final low level contours would require to be considered to ensure no new pathways for surface water would be created from the site due to the proximity of residential properties. The applicant has indicated a willingness to review the final restoration proposals to ensure a more appropriate landform and a condition is proposed that would require provision and approval of a revised restoration plan before development commences. That condition also requires provision of information to demonstrate that the restored levels and contours would not increase risk of surface water flooding outwith the site. A condition is also proposed that would require a bond or other financial guarantee to ensure restoration of the quarry in accordance with the restoration details.
- 8.41 The application site is located outwith but adjacent to the development boundary of the town. Development plan policy does not normally support development in these locations but in this case there is a public interest in ensuring provision of adequate mineral supply to meet local market requirements and that need cannot be met from sites within the development boundary. The purpose of policy DS1 is to protect the landscape setting of towns and avoid uncontrolled spread of development. The application site would be restored following extraction and there is therefore no significant conflict with that policy or its objectives. Overall the proposal complies with the development plan subject to the proposed planning conditions and mitigation measures identified in the EIA Report.

### **Material Considerations**

- 8.42 In relation to material considerations it is relevant to have regard to the planning matters that have been raised in letters of representation. The substantive issues raised in those letters have been discussed above in relation to relevant policy.
- 8.43 Scottish Planning Policy and development plan policy require a minimum 10 year supply of

minerals. As discussed above there is now a requirement to augment the sand and gravel land bank and to ensure that there is an adequate annual supply to meet local market requirements.

- 8.44 The existing quarry provides direct employment for 27 people with the applicant's wider companies employing 75 people. The availability of reserves in this area of Angus supports the applicant's concrete products factory as well as the construction industry in the local and wider market area. Auchterforfar has depleting reserves with around 2 years remaining and the applicant has indicated that this development would allow the continuation of employment from this site, the on-going operation of the concrete products factory and would minimise the importation of aggregates from outwith the area. The economic benefits associated with the proposal are a material consideration and merit considerable weight in circumstances where environmental, infrastructure and amenity impacts are not unacceptable.
- 8.45 The site is not subject of any natural heritage designation and the EIA Report has considered potential impact on flora and fauna. The EIA process has not identified any significant issues in terms of natural heritage interests and Scottish Natural Heritage has offered no objection to the application.
- 8.46 Concerns regarding impact on amenity raised by those that live in the vicinity of the site are understandable and the development have some impact on the amenity of the area. However, the relevant planning consideration is whether impacts can be controlled such that they do not exceed recognised limits and give rise to unacceptable impacts. In this case the EIA Report indicates that impacts can be managed such that they are not unacceptable. In addition, the existing quarry has operated in the proximity of dwellings without complaint and there is no evidence that recognised limits in relation to noise or air quality have been breached. The Environmental Health Service has assessed the information submitted in support of the application and reviewed the matters raised in objection. It has suggested conditions to deal with noise and dust, including requirements for ongoing monitoring. The hours of operation proposed are restrictive with no weekend working and extraction would be over a relatively short period of time. In these circumstances it is reasonable to conclude that impacts arising from the development would not be unacceptable subject to compliance with the proposed planning conditions.
- 8.47 The proposal would give rise to visual impacts and these would be most significant during the extraction process. However, the visual impacts would be mitigated by the existing landform and screen planting around the perimeter of the site. The visual impacts associated with the extraction process are temporary and short-term, and the phased working and progressive restoration would also limit impacts. The change to the landform as a consequence of the development would be permanent but not unacceptable subject to appropriate restoration which can be secured by planning condition.
- 8.48 Detailed hydrological and hydrogeological assessment has been undertaken and neither SEPA nor the council's Roads Service has offered objection. Both are satisfied that the development is unlikely to give rise to significant issues in terms of the water environment and that issues associated with flood risk, including flood risk from surface water flows could be appropriately mitigated. There are existing surface water management issues in the area but the planning system cannot require this development to address those issues. The relevant planning consideration is to ensure that the proposed development does not make the existing situation any worse and available information indicates that would be the case. There is potential that the final restoration proposals might result in some improvement. Conditions are proposed that seek to address these matters.
- 8.49 The Roads Service has confirmed it has no objection to the proposal in terms of road traffic or pedestrian safety and the existing internal haul road and site access/egress would be used. The existing Auchterforfar quarry is not subject to any limitation in terms of annual extraction rate and this proposal provides opportunity to attach such a control. Information indicates that the proposed annual rate of extraction would be below the current rate of extraction. On this basis the proposal would not increase vehicular movement on the road network and would be unlikely to result in any significant additional road safety impacts.
- 8.50 The site is not designated as open space and any current such use is informal. Access to the land would be restricted during excavation but it would be restored to a greenfield condition upon completion of restoration.

## **Waste Management Plan**

- 8.51 Regulations require applications for developments that include extractive waste to be accompanied by a Waste Management Plan (WMP). A WMP for the existing Auchterforfar quarry was approved in 2012 and reviewed in 2017 as required by the Regulations. The EIA Report indicates that there would be extractive waste produced in the form of silts and it indicates these would be placed in the final void as part of the restoration process, as is currently the case with the existing site. It is indicated that the existing WMP remains valid and there is no requirement to update the text within the document. A review of this information has been undertaken as part of the consideration of the application and it is concluded that the WMP still meets the requirements of Schedule 1 of the Regulations and remains acceptable.

## **Conclusion**

- 8.52 In conclusion, any proposal for mineral extraction will give rise to environmental impacts and will have potential to impact on the amenity of the surrounding area. However, minerals can only be worked where they are found and the key considerations are compatibility with development plan policy, the significance of environmental impacts and other relevant material considerations.
- 8.53 In this case there is a need for additional sand and gravel reserves in order to maintain the required minimum 10-year land bank and to ensure that there is an adequate annual supply to meet local market requirements. The EIA Report and consultation responses indicate that, subject to appropriate mitigation and planning conditions, the development should not give rise to unacceptable environmental or amenity impacts. The matters raised in objection to the application have been taken into account in preparing this report and where appropriate matters are addressed by proposed planning conditions. The proposed conditions would ensure that the operation would not give rise to unacceptable impacts on the amenity of those that live in the area. The proposal would provide for an extension to the existing quarry workings at Auchterforfar and would utilise existing infrastructure at this location. It would provide continuity of supply to the local market, including to the applicants related business that operates from this general location and provide economic benefit to the area in a manner that complies with the development plan.
- 8.54 The proposed development complies with relevant development plan policy subject to the proposed planning conditions. There are no material considerations that justify refusal of the application.

## **9. OTHER MATTERS**

### **HUMAN RIGHTS IMPLICATIONS**

The recommendation in this report for grant of planning permission, subject to conditions, has potential implications for neighbours in terms of alleged interference with privacy, home or family life (Article 8) and peaceful enjoyment of their possessions (First Protocol, Article 1). For the reasons referred to elsewhere in this report justifying this recommendation in planning terms, it is considered that any actual or apprehended infringement of such Convention Rights, is justified. The conditions constitute a justified and proportional control of the use of the property in accordance with the general interest and have regard to the necessary balance of the applicant's freedom to enjoy his property against the public interest and the freedom of others to enjoy neighbouring property/home life/privacy without undue interference.

### **EQUALITIES IMPLICATIONS**

The issues contained in this report fall within an approved category that has been confirmed as exempt from an equalities perspective.

## **10. CONCLUSION**

It is recommended that the application be approved for the following reason, and subject to the following condition(s):

### **Reason(s) for Approval:**

The proposed development will provide for an extension to an existing mineral reserve and will assist in maintaining a minimum 10 year land bank of minerals and continuity of supply to the local market. Environmental impacts associated with the proposed development can be appropriately mitigated subject to the stated planning conditions and by the mitigation measures identified in the Environmental Impact Assessment Report. There are no material considerations that justify refusal of the planning application contrary to the provisions of the development plan.

### **Conditions:**

1. That extraction of minerals shall cease no later than 5 years from the date of commencement of development, and restoration of the site shall be completed within a period of 6 years from the date of commencement of development. The planning authority shall be notified in writing of the date of commencement of development not less than 5 working days prior to the date of commencement of development. The applicant shall obtain written confirmation from the Planning Authority that all site restoration works have been completed in accordance with the approved restoration scheme.

*Reason: To ensure that the development is undertaken in accordance with the approved plans and the Environmental Impact Assessment Report.*

2. That except as otherwise provided for and amended by the terms of this permission, the development shall be undertaken in accordance with the provisions of the Proposed Pitreuchie Extension to Auchterforfar Quarry, Forfar Environmental Impact Assessment Report by Dalgleish Associates Limited dated February 2019. Specifically the development shall be undertaken in accordance with the mitigation identified in Chapter 11 of the Environmental Impact Assessment Report.

*Reason: To ensure that the development is undertaken in accordance with the Environmental Impact Assessment Report in order to mitigate impact of the development on the environment.*

3. That from the commencement of quarrying and thereafter for the duration of this permission, the quarry excavation shall be worked in accordance with the approved Pitreuchie Quarry Extension Development Plans Phases 1 to 4 (Figures 3.1 – 3.4 of the Environmental Impact Assessment Report) and the working programme and figures specified Environmental Impact Assessment Report. No extraction shall take place out with the defined phases.

*Reason: In order to define the limits of extraction and the phasing of development.*

4. That the annual rate of extraction from the quarry area as measured in any 12 month period shall be no more than 250,000 tonnes per annum. The Planning Authority shall be provided in writing, details of annual output/ production at no more than 12 monthly intervals from the date of commencement of extraction.

*Reason: In order to ensure that the development is undertaken in accordance with the assessments against which it has determined in the interest of the environment and to monitor the annual rate of extraction.*

5. That no development in connection with the planning permission hereby approved shall take place until the following details have been submitted to and approved in writing by the Planning Authority: -

- (a) A detailed restoration scheme (including a programme for implementation). The restoration scheme shall be consistent with Section 3 of the Environmental Impact Assessment Report and the guidance in PAN 64: Reclamation of Surface Mineral Workings (2002) but shall make provision for an undulating landform. The submitted scheme shall provide: -

- (i) Details of the proposed topography; including details of levels construction, sections, drainage, soil coverage, final boundaries, phasing and relationship to adjoining land. This should be accompanied by sufficient information to demonstrate that restored ground levels and contours will not increase flood

- risk outwith the site;
- (ii) Details of grass seed mixes to be used;
- (iii) Details of all landscape planting, including the location, size, number and species of trees and shrubs; and
- (iv) Details of new habitat creation.

All planting shall comprise native plant species that support local biodiversity and habitat provision. Restoration of the site shall be undertaken in accordance with the approved restoration scheme;

- (b) A landscaping aftercare and long term management plan in conjunction with the restoration scheme that shall provide for the aftercare of progressively restored areas during the lifetime of the operation of the quarry and following completion of the final restoration. Thereafter the approved management plan shall be fully implemented and be carried out during the aftercare period of 5 years following the completion of the restoration of the site;
- (c) Details of a bond or other financial provision to cover all site restoration costs. This shall include provision for the regular review of the bond value. No work shall commence on the site until the developer has provided documentary evidence that the proposed bond or other financial provision is in place and written confirmation has been given by the Planning Authority that the proposed bond or other financial provision is satisfactory. The developer shall ensure that the approved bond or other approved financial provision is in place throughout the operational life of the development hereby approved;
- (d) A scheme for the provision of a bund along the northwest edge of the application site. The submitted scheme shall include precise details of the location, extent, height and profile of the bund and should include information to demonstrate that the bund will mitigate the risk of surface water flood risk during operations. Thereafter the bund shall be formed in accordance with the approved details prior to the extraction of minerals from the site and shall remain in place throughout the operational life of the development hereby approved;
- (e) A noise management strategy, incorporating measures outlined in PAN 50 Annex A: The Control of Noise at Surface Mineral Workings and noise mitigation measures indicated in the Environmental Impact Assessment Report. The noise management strategy shall also include:-
  - A noise monitoring scheme and complaint investigation procedure; and
  - Provision for the regular review of the effectiveness of noise mitigation measures and updating of the management strategy to reflect best practice.

Thereafter the approved noise management strategy shall be fully implemented upon commencement of the development and remain in place for the duration of the development hereby approved and the noise monitoring results shall be made available to the Planning Authority upon request;

- (f) A dust management strategy, incorporating measures outlined in PAN 50 Annex B and dust mitigation measures indicated in Section 9.9 of the Environmental Impact Assessment Report. The dust mitigation strategy shall also include:-
  - A dust monitoring scheme and complaint investigation procedure; and
  - Provision for the regular review of the effectiveness of dust mitigation measures and updating of the management strategy to reflect best practice.

Thereafter the approved dust management strategy shall be fully implemented upon commencement of the development and remain in place for the duration of the development hereby approved and the dust monitoring results shall be made available to the Planning Authority upon request;

- (g) A scheme for liaison and the exchange of information with local residents and businesses. No work shall commence on the site until the developer has provided documentary evidence that the proposed liaison scheme is in place and written confirmation has been given by the Planning Authority that the scheme is

satisfactory. The developer shall ensure that the approved liaison scheme is maintained throughout the duration of this permission;

- (h) Details of the crossing point to be formed between the quarry haul road and Core Path 287 (Arbroath Road to Kingsmuir Road). The submitted scheme shall include:
- Details of the construction specification of the haul road at the crossing point;
  - Details of enclosures to be incorporated into the crossing point;
  - Details of signage to be provided to warn vehicular traffic and path users; and
  - Details of how the crossing point will be managed and maintained throughout the operation life of the development.

Thereafter the approved crossing point shall be formed in accordance with the approved details prior to the use of the haul road and shall remain in place and be fully maintained throughout the operational life of the development hereby approved;

- (i) A scheme for the provision of a minimum 5m standoff around the perimeter of the existing stone culvert as identified on the Operational Hydrology Plan (Figure 6.3 of the Environmental Impact Assessment Report). Thereafter the standoff around the culvert shall be formed in accordance with the approved details prior to the extraction of minerals from the site and shall remain in place throughout the operational life of the development hereby approved;
- (j) A soils handling scheme. The soils handling scheme shall contain a detailed strategy for the handing and management of soils during the development and associated restoration. All soil stripping, handling and storage shall be carried out in accordance with the approved soils handling scheme;
- (k) Proof of written approval for the diversion of the overhead power lines within the application site. Thereafter the site shall be worked in accordance with the approved details;
- (l) Details of all proposed boundary enclosures, including details of the boundary with Core Path 287.

*Reason: In order that the planning authority may verify the acceptability of the specified details in the interests of amenity, restoration of the site and environmental protection.*

6. That activities associated with the development hereby approved shall be restricted to: -
- 0730 – 1730hrs Monday to Friday inclusive;
  - There shall be no working on Saturdays other than essential equipment maintenance and repair which shall be permitted only between 0730 – 1600hrs;
  - There shall be no work on Sundays or public holidays.

*Reason: In order to control site activity generated noise to an acceptable level in the interests of safeguarding the residential amenity of nearby noise sensitive property.*

7. That no crushing, screening or stockpiling of excavated minerals shall be undertaken within the application site.

*Reason: In order to clarify the terms of this planning permission and to ensure that the impacts remain within the terms under which the application has been considered in order that the amenity of nearby occupied premises shall be adequately safeguarded.*

8. That noise from all plant, machinery and operations associated with the development shall not exceed the following free field levels at the specified locations: -

Receptor	Noise Limit (dB LAeq,1hr)
56 Pitreuchie Place	45
64 Pitreuchie Place	45
18 Restenneth Drive	50



Field Studio, Welton Corner	53
14 Lily Wynd	55
1 McCulloch Drive	55
11 Gowan Rigg	55

*Reason: In order to control site activity generated noise to an acceptable level in the interests of safeguarding the residential amenity of nearby noise sensitive property.*

9. That during soils removal and screening bund construction and removal the noise level shall not exceed 70dBA Leq (1 hour) free field at any noise sensitive receptor. Soil removal and screening bund construction shall be limited to a period of 8 weeks in any 12 month period and a record of the times and dates of such operations shall be kept by the site operator shall be made available to the Planning Authority upon request.

*Reason: In order that the amenity of nearby occupied premises shall be adequately safeguarded.*

10. That all reversing alarms fitted to vehicles or mobile plant operating within the application site shall be of either a broadband sound or non-audible type.

*Reason: In order that the amenity of nearby occupied premises shall be adequately safeguarded.*

11. That before the date falling 12 months after the date of commencement of development and thereafter at 12 monthly intervals, the operator shall submit a quarry progress plan for the written approval of the Planning Authority. Each quarry progress plan shall: -

- (a) Provide an up-to-date survey drawing illustrating the progress of quarrying operations;
- (b) Identify the current location of extraction areas;
- (c) Identify the size of the quarry extraction area, areas of completed soil stripping and replacement works;
- (d) Identify the extent of restored land and implemented landscaping works; and
- (e) Identify the projected operations and restoration during the forthcoming 12 month period.

*Reason: To assist the planning authority to retain effective control over quarry operations.*

12. Before 30 June in each year during the aftercare period (defined in condition 5(b)), a written report of (i) the aftercare operations carried out during the preceding year (or part year), and (ii) the aftercare operations intended to be carried out during the following year (or part year) shall be submitted to the Planning Authority.

*Reason: To ensure effective monitoring of the aftercare of the site.*

13. For the duration of the aftercare scheme, the operator shall replace all trees and shrubs planted since completion of restoration and landscaping that are damaged or diseased, or that have not survived or have been removed, with a similar number of trees or plants of the same or suitable alternative species within the first available planting season following the identification of their being in such a condition, or having been removed.

*Reason: In the interests of visual amenity and effective landscape management and habitat creation and to ensure adequate measures are put in place to protect the landscaping and planting in the long term.*

14. Should the extraction of sand and gravel from the site cease for a period in excess of 12 months, the extraction shall be deemed to have ceased. The Planning Authority shall be notified in writing within 1 month of the date of cessation of mineral extraction. An updated scheme for the restoration of the worked area and associated aftercare programme that shall reflect the objectives of the restoration described by Section 3 of the Environmental Impact Assessment Report shall be submitted for the written approval of the Planning Authority within 2 months of the effective cessation of quarrying operations. The updated scheme of restoration and associated aftercare programme

shall be implemented as approved within a year of the aforementioned unscheduled cessation of extraction.

*Reason: To ensure adequate measures are put in place to secure the restoration of the quarry should its operation cease prematurely in the interests of visual amenity.*

**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.

**REPORT AUTHOR: KATE COWEY**

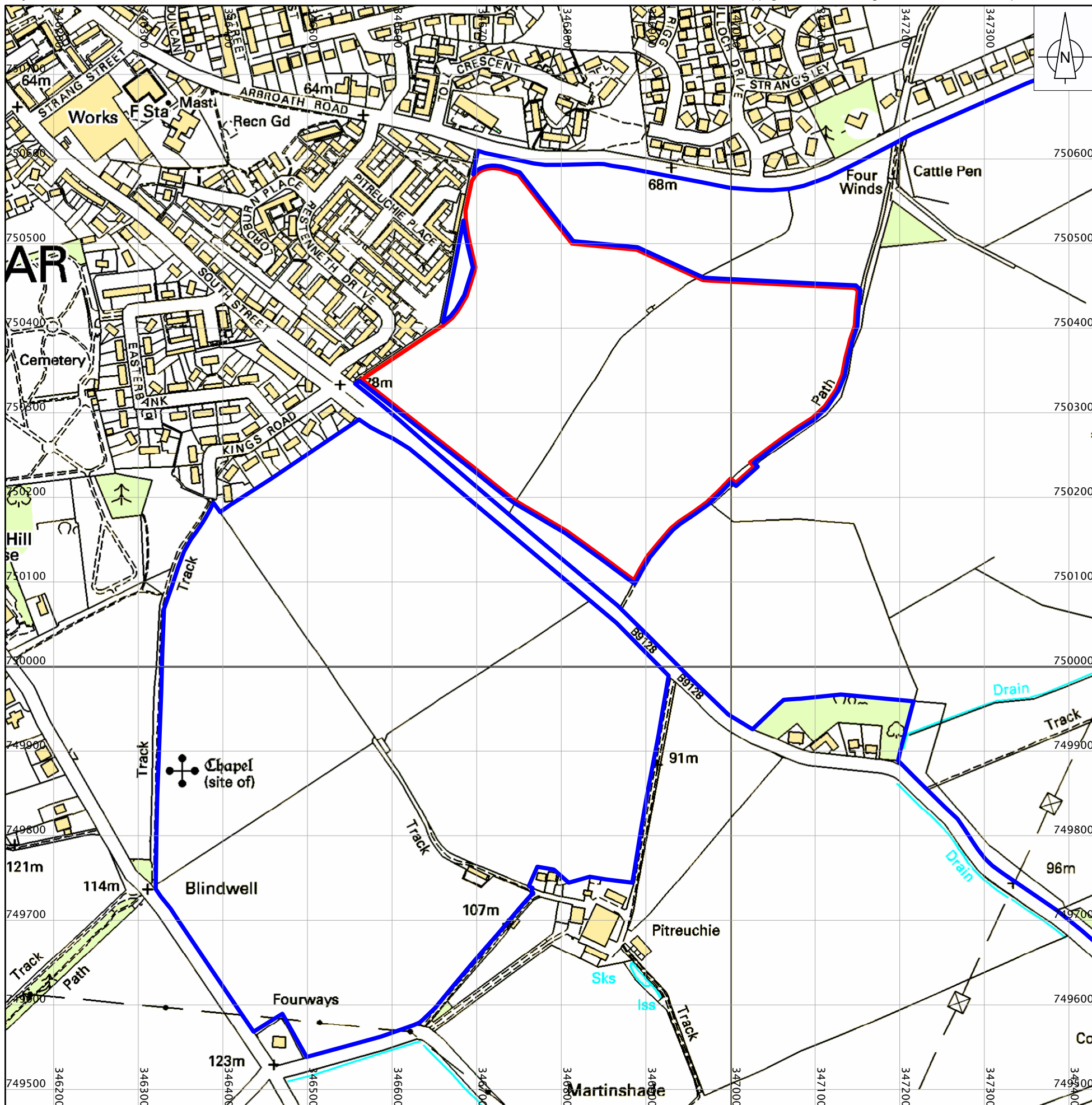
**EMAIL DETAILS: [PLANNING@angus.gov.uk](mailto:PLANNING@angus.gov.uk)**

**DATE: 10 June 2019**

APPENDIX 1: LOCATION PLAN

APPENDIX 2: EIA REPORT NON-TECHNICAL SUMMARY

APPENDIX 3: DEVELOPMENT PLAN POLICIES



Legend

- Application Boundary - All Land within Applicants Control
- Additional Land within Applicants Control



**LANDOWNERSHIP PLAN**

Client: LAIRD AGGREGATES LTD.

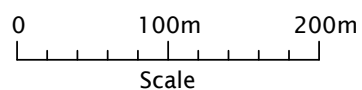
Project: AUCHTERFORFAR QUARRY  
PITREUCHIE EXTENSION

Title: LANDOWNERSHIP PLAN

Figure: LO1 Drawn: EM

Scale: 1:5,000 Checked: WB

Date: 25.01.19 Sheet Size: A3



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## **PROPOSED PITREUCHIE EXTENSION TO AUCHTERFORFAR QUARRY, FORFAR**



## **ENVIRONMENTAL IMPACT ASSESSMENT REPORT NON-TECHNICAL SUMMARY FEBRUARY 2019**

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

**THE TOWN AND COUNTRY PLANNING  
(ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017**



## INTRODUCTION

This report is the Non-Technical Summary (NTS) of the Environmental Impact Assessment Report (EIAR) prepared in support of the planning application by Laird Aggregates Ltd for an extension to Auchterforfar Quarry (Pitreuchie Extension).

The proposal would allow the extraction of 1.1 million tonnes of sand and gravel. It is proposed to work the deposit at an average of 250,000 tonnes per annum over a period of 4 years and 5 months. A further 1 year will be required to complete restoration.

Planning permission is therefore sought for a period of 5 years 5 months.

## ENVIRONMENTAL IMPACT ASSESSMENT

An Environmental Impact Assessment (EIA) of the potential impacts on the environment of the proposed quarry extension has been undertaken in accordance with the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017.

The results of the EIA are contained in the Environmental Impact Assessment Report (EIAR). The Regulations require that the EIAR is summarised in a Non-Technical Summary, written in non-technical language.

## THE APPLICANT COMPANY

Laird Aggregates Ltd. is a long established family company whose registered office is at Lunanhead, Forfar. The Company has been operating since 1958 and has a wide range of interests within the quarry industry including the supply of processed sand and gravel, ready-mix concrete, concrete blocks and landscaping products.

**Laird Aggregates Ltd's business is the quarrying of sand and gravel and adding value to the base commodity by processing, using the appropriate technology, to improve quality and widen end use, thus optimising the use of a natural resource**

The Company is **Scotland's largest dense concrete block manufacturer**, while also being recognised as one of the best in terms of quality and service for both concrete blocks and ready-mix concrete.

Their new state of the art concrete products factory is currently the most advanced of its type within northern Europe with the capacity to output over 1 million square metres of product annually. In terms of product range, the Company is the most diverse independent concrete products manufacturer in Scotland.

## PROJECT TEAM

The project team responsible for the preparation of the EIAR was:

- Dalgleish Associates Ltd – Project Management, Site Design, Hydrology and Hydrogeology, Landscape and Visual and Air Quality/Dust assessment.
- Direct Ecology Ltd – Extended Phase 1 Habitat Survey.
- Vibrock Ltd – Assessment of Environmental Noise.
- Rathmell Archaeology Ltd – Archaeological Evaluation

## APPLICATION PROCESS AND PROGRAMME

The Planning Application was lodged in February 2019 with public advertisements in accordance with the Regulations. A statutory minimum period of 16 weeks is available to the Planning Authority for determination of the application.

## ACCESS TO DOCUMENTATION

A full copy of the Environmental Impact Assessment Report from which this NTS has been prepared can be **viewed at Angus Council's e-Planning website**.

Hard copies of the EIAR and NTS can be obtained from Dalgleish Associates Ltd at the address below at a cost of £180. Electronic copies on CD are available at a cost of £20 each. Copies of the Non-Technical Summary in hard copy or electronic format are available for free on request.

Dalgleish Associates Ltd  
Mineral & Planning Consultants  
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FK15 0AH

Tel: 01786 822339  
email: [willie.booth@dalgleishassociates.co.uk](mailto:willie.booth@dalgleishassociates.co.uk)

## EXPRESSING YOUR VIEWS

For the first 28 days of the consultation period commencing after the proposal has been advertised, the statutory and non-statutory consultees and members of the public have an opportunity to formally lodge their views on the proposals with Angus Council

## PLANNING

Along with Scottish Planning Policy guidance, the planning policies contained in the Development Plan which comprises the TAYplan Strategic Development

Plan 2016-2036, October 2017 and the Angus Local Development Plan, September 2016 have been examined.

The proposal has been the subject of an Environmental Impact Assessment. The EIAR addresses all potential Environmental Impacts, both positive and negative, on the natural environment by virtue of the scale, type, location and length of the proposed operations and the quality and extent of mitigation and restoration proposed. With the exception of landscape and visual impact, which is assessed as slight to moderate during operations and reducing to slight at restoration; all other impacts have been assessed as being negligible to slight.

The proposals are considered to be broadly consistent with National Policy and the Development Plan. It is considered that an overall benefit will be derived from the proposal and that there are no over-riding factors which would merit refusal.

#### NEED FOR THE DEVELOPMENT

In June 2014 the Scottish Government issued its updated Scottish Planning Policy document. Paragraph 238 of the SPP states that: *“Plans should support the maintenance of a landbank of permitted reserves for construction aggregates of at least 10 years at all times in all market areas”*.

In accordance with national guidance, the TAYplan Strategic Development Plan and the Angus Local Development Plan (ALDP) support the maintenance of a landbank of at least 10 years for aggregates and accept the need for mineral extraction if undertaken in an environmentally sensitive manner. The ALDP also accepts that certain developments may generate a specific local need for aggregates.

The available production data indicates that the Angus sand and gravel landbank is currently at a level where further reserves require to be released if a minimum 10 year landbank is to be maintained at all times. This requirement for a release of reserves is exacerbated due to both the distribution of existing reserves within the region and due to production limitations which could result in the Angus region facing a significant supply deficit within the next 2-5 years.

The applicant has demonstrated a local long-term demand for aggregates at its Gowanbank Concrete factory which utilises some 225,000 tonnes of aggregate on an annual basis. A supply of aggregates is crucial to the ongoing operation of the factory and ready-mix plant and in maintaining the significant employment supported by these activities.

Local supply also avoids unsustainable imports by minimising the distance of travel from source to point of consumption. The provision of these aggregates locally from Auchterforfar Quarry has meant that the transportation of aggregates on the local public roads, including through Forfar, has been minimised. The proposed Pitreuchie extension would release a further 1.1 million tonnes of sand and gravel allowing this to continue with all aggregates being supplied to the factory by internal haul routes.

It is considered that need has been reasonably demonstrated both on a local and regional basis

#### DESCRIPTION OF THE DEVELOPMENT

##### Site Location and Description

The Pitreuchie Extension is situated on the outskirts of Forfar in Angus at national grid reference NO 469 503. The extension to Auchterforfar Quarry will continue to use the Lochhead Quarry processing plant which is located some 1.2km to the east of the Pitreuchie Extension Area.

The full application area extends to some 14.2ha. The proposed extension area extends to some 10.5ha and comprises two agricultural fields which are utilised for grazing.

The south-eastern edge of Forfar forms the boundary of the land to the north and west of the application area. The land to the south-east is the existing Auchterforfar Quarry, much of which has been reinstated. Immediately to the south-west of the proposed application area is the B9128; beyond which are arable fields.

The topography is rolling with several mounds, which are glacial moraine (sand and gravel), with highpoints in the region of 81.0 to 89.0 metres above ordnance datum (AOD). The land slopes down to around 76.0m AOD on the south-eastern boundary, 77.0m AOD in the west and 65.0m AOD in the north at the Arbroath Road. Areas of woodland have previously been planted by Laird on the south-western and north-eastern boundaries of the site and a beech hedge forms the western field boundary adjacent to the edge of Forfar.

##### Economic Geology/Existing Markets

In terms of the economic geology, the proposed extension comprises a sand and gravel that is suitable for a range of products and ready-mix concrete; markets which Auchterforfar Quarry has consistently supplied aggregates into, both locally and regionally, over several decades. There is a demonstrated market for these products.

## The Proposal

The proposal would allow the extraction of 1.1 million tonnes of sand and gravel. It is proposed to work the deposit at an average of 250,000 tonnes per annum over a period of some 4 years 5 months. A further 1 year will be required to complete restoration. Planning permission is therefore sought for a period of 5 years 5 months.

## Operational Standards

In applying for an extension of operations, the applicants have endeavoured to minimise the potential environmental impacts from extraction, haulage and processing operations and to employ operational standards in line with the requirements of the Quarries Regulations 1999 (as amended) and the Scottish Environment Protection Agency (SEPA).

## Development Programme

The proposal seeks to undertake an extension to Auchterforfar Quarry, referred to as Pitreuchie extension. A minimum stand-off of 100m will be maintained between the excavation area and residential properties.

### Site Enclosure

Prior to the commencement of operations, the extension area operational boundary shall be inspected and secured for the purpose of public safety and to ensure that the area is kept stockproof. Throughout the duration of operations the boundary shall be maintained until the restoration of the site is complete.

### Site Infrastructure

It is proposed to utilise the existing infrastructure utilised for Auchterforfar Quarry; these being the existing internal haul route and the facilities at the Lochhead Processing Area which comprise: offices, weighbridge, processing, stockpiling, maintenance and fuelling facilities. No buildings or fixed plant will be required within the extension area. All sand and gravel will be transported from the extension area to processing area via the existing internal access road.

### Phase 1

Phase 1 relates to the north-western part of the site, an area of some 1.8ha. An access route will be developed from the existing quarry along the low point in the southern field. Soils stripped from the initial excavation area will either be used to form screening mounds on the western and northern site boundaries, or be placed in a storage mound formed to the south within the existing Auchterforfar Quarry.

Phase 1 will be developed to the south-west along the back of the mound and then north-west in a series of two lifts with the loading shovel always working behind the mound to maximise the screening effect for properties on the edge of Forfar (Restenneth Drive, Pitreuchie Place and Kings Road). All sand and gravel will be extracted by excavator or loading shovel (for the avoidance of doubt, no blasting is required).

The tonnage within Phase 1 is approximately 228,000 tonnes; an excavation duration of just under 11 months.

### Phase 2

As excavation works within Phase 1 near completion advance soil stripping works will commence in Phase 2 with soils being utilised for the progressive reinstatement of Phase 1.

Thereafter excavation operations would be commenced within the north-eastern Phase 2 area which extends to some 0.89ha. Phase 2 will be developed to the north and north-east; the maximum excavation depth being around 10m. As with Phase 1, a raised edge will be retained along the northern excavation boundary to maximise the screening of on-going workings; this edge being regraded as part of the final restoration operations.

The tonnage within Phase 2 is approximately 90,000 tonnes; an excavation duration of around 4 months.

### Phase 3

Phase 3 develops the quarry into the south-eastern field. Stripped soils would be placed within Phase 2 to progressively restore the worked area with any remaining soils being placed within the storage mound to the south-east.

The Phase 3 area, which extends to some 4.3ha, will be developed to the north-east; the maximum excavation depth being around 14.5 from the high point on the northern mound.

The tonnage within Phase 3 is approximately 377,000 tonnes; an excavation duration of around 1 Year and 6 months.

### Phase 4

The final phase of extraction, Phase 4 extends to some 3.5ha and would be developed to the south-west and then north-west, the development being to a maximum depth of 14m from the highpoint on the mound. Stripped soils would be placed within Phase 3 to progressively restore the worked area. As Phase 4 progresses towards the north-west, soils from the storage mound would be progressively replaced on the worked out south-eastern area.

The tonnage within Phase 4 is approximately 397,000 tonnes; an excavation duration of around 1 Year and 7 months.

#### Restoration

The proposed restoration shall ensure an acceptable reintegration with the surrounding landscape. Due to the nature of quarrying operations it is not possible to return the landform to its pre-existing state without infill, which is not proposed at this site.

Following the excavation of sand and gravel, fines from processing will also be utilised for regrading. The site will be restored with boundary gradients ranging between 1 in 3 to 1 in 5 on the northern and southern boundaries with a gentle roll on the basal area sloping down at approximately 1 in 40 to the north.

With the cessation of excavation operations within Phase 4, final regrading works would remove the ridge along the north-western and northern edges of Phases 1 and 2, which had been retained for screening purposes, with soils from the two screening mounds on the northern boundaries being utilised to restore this land. Simultaneously, the soils from the southern soil storage mound will be utilised to complete reinstatement of Phase 4.

Soils shall be spread across the quarry floor and restoration slopes. The site will be returned to agriculture (grazing).

Woodland removed within the excavation area will be transplanted to land to the north-east of the site.

Following physical restoration of the land it shall be subject to an aftercare scheme for a period of 5 years. The need for long term management of the majority of the site shall relate predominantly to agricultural management.

It is considered that the proposed progressive restoration makes a positive statement with respect to landscape and appropriate reinstatement.

#### Hours of Working

The current consented hours of working for Auchterforfar Quarry are 7.30am – 5.30pm on any day Monday to Friday and 7.30am – 4.00pm on Saturdays with no operations being undertaken on any Sunday with the exception of essential maintenance operations.

In recognition of the proximity of operations to residential properties, the application seeks to work 7.30am – 5.30pm Monday to Friday only with the exception of essential maintenance operations.

#### Consideration of Alternatives

The proposal relates to the continued working of an existing operation to allow the full extraction of identified reserves contiguous to the site boundary.

Having regard to sustainable transportation in relation to the identified market (internal haulage to processing site and concrete products factory), as the development will have no adverse effect on international designations, European protected species or open space, in terms of planning policy, there is no requirement for justification of the proposal against alternative sites. It is confirmed that no alternative sites have been considered.

The main aspect considered in relation to the development of the site has been in relation to potential amenity impacts in relation to residential properties on the southern edge of Forfar. In this respect the site design incorporates appropriate stand-offs and the direction of working ensures the operations maximise the potential to utilise the existing topography to screen operations. The application design has been assessed as having slight amenity impacts and slight to moderate landscape and visual impacts; any alternative design, working closer to Forfar would have resulted in moderate to high amenity and environmental impacts which would have failed to comply with national and local planning policy.

It has been identified that there is a covered drain that traverses the application area and which drains land from the south-west on the other side of the B9128. The diversion of this drain would have allowed a slight increase in the overall aggregate reserve. However, it was also identified that the adjacent topography would restrict diversion options and that the requirement to divert the drain could have hydrological implications. Accordingly, it was concluded that it the best option was to design the excavation area with a suitable stand-off to ensure that the drain was not affected by proposals.

#### Scoping the Assessment

An Environmental Impact Assessment Report must identify any likely significant impacts which may potentially arise from the proposed development at all stages of the project, including effects of association of the development with other existing or proposed developments.

Consideration has been given to the environmental headings which are outlined in the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017, namely: population and human health; biodiversity (flora and fauna); land take; soil; water; air;



climate; material assets; cultural heritage and the landscape and interaction between any of the foregoing.

In response to a formal scoping opinion request, Angus Council identified the key issues, for which potential impacts required to be addressed, as:

- landscape and visual;
- hydrological and hydrogeological;
- ecology/nature conservation;
- noise;
- dust/air quality; and
- recreation/public access.

The assessment in relation to human health has been considered within the relevant headings above e.g. disturbance through noise and the effect of inhalation and respiration of fine airborne dust particles.

Impacts in relation to the other headings are either of little or no significance and, where required, are already adequately controlled by planning condition. In accordance with Circular 1/2017 these headings are addressed briefly below to confirm that their possible relevance has been considered.

#### *Traffic*

There is no requirement for a new site access or for the haulage of aggregates on the local road network. The proposal relates to the continuation of an existing operation; all sand and gravel being hauled internally to the Lochhead Processing Facility, the majority then being transported internally to the Gowanbank Concrete Factory. As there is no requirement for a new access onto the public road, and there will be no increase in traffic levels, the potential for a traffic impact is assessed as negligible. The Planning Authority has confirmed that transport assessment is not considered to be necessary and that this matter can be scoped out of the EIA.

#### *Cultural Heritage*

A desktop and walkover survey followed by intrusive evaluation by trial trenching has been undertaken by Rathmell Archaeology Ltd. No significant archaeological features or artefacts were identified during the archaeological works on the development area at Pitreuchie

Historic Environment Scotland (HES) have advised that the proposed development is unlikely to have significant effects on their historic environment interests.

Aberdeenshire Archaeology Service, which also advises Angus Council on archaeological matters, has reviewed and assessed the submitted archaeology reports by Rathmell Archaeology Ltd and is of the opinion that the

development proposal would not have significant effects on archaeological features. Based on the available information and comments received from these consultation bodies Angus Council has advised that cultural heritage can be scoped out of the EIA Report.

#### *Vibration*

The proposal relates to sand and gravel extraction; there is no requirement for blasting and there will be no blast vibration.

All sand and gravel excavation operations will be undertaken at distances of 100 metres, or greater, and there is no likelihood of vibration from excavation operations at such separation distances.

The only operations undertaken close to residential properties would be the formation of the soil screening mounds which would be a short-term operation of 1-2 weeks close to the commencement and cessation of operations. These operations will be approximately 20 metres from the closest properties and if any vibrations were felt, they would be entirely safe and no different to the vibration that might be felt by properties at a similar distance from vehicles on a public road.

#### *Land Take*

The landtake relates to the continued use of the existing processing and stocking area and the proposed extension to the excavation area which equates to an additional landtake of some 14.2ha of agricultural grazing land. As the proposal does not relate to prime agricultural land and the land will be reinstated to similar habitat as currently exists; no significant impact is anticipated.

#### *Soil*

All soils shall be retained on site and utilised for restoration. There are no relevant impacts in relation to the soil resource.

#### *Climate*

The type and scale of development proposed is known to have no significant climatic effects.

#### *Material Assets*

The mineral deposit within the proposed extension area is a good quality sand and gravel suitable for 40, 20 and 10mm gravel, building sand and concrete sand. There is an established market demand for these products within the Angus region. It is anticipated that approximately 90% of the aggregates produced will be retained for use in the **Company's concrete factory**.

## LANDSCAPE

The landscape impact assessment aims to identify and assess the likely impacts which the proposal may have on the landscape.

The Landscape Type within which the application is set is characterised as 'Broad Valley Lowland'. However, the rolling mounds of the development area are not typical of the broad valley lowland landscape character.

This alteration to the landform will be permanent but very localised, and in the wider context of the lowland landscape the effect is not significant.

Overall the landscape impacts of the proposals are assessed as being slight-moderate during the short-term operational life of the site. However, the proposed alterations are ameliorated through restoration and will reduce to slight in the medium-term.

## VISUAL IMPACT

A visual assessment has been undertaken using a number of viewpoints that are considered to be representative of the surrounding area. These viewpoints relate to properties on the southern boundary of Forfar, the main transport routes (B9128 and B932) and local Core Paths.

Impacts relating to the proposed extension are variable but at worst are considered to be moderate in the short-medium term. Visual impacts will reduce to negligible upon final restoration.

## HYDROLOGY AND HYDROGEOLOGY

An assessment of the existing hydrological and hydrogeological conditions at the site has been undertaken and the potential impacts attributable to the proposed extension have been identified and assessed and mitigation measures set out as required.

Due to the topography of the site, there is no potential for surface run-off to enter the site from the surrounding land. Whilst there is a general shed to the north and east any incident rainfall within the extension area mostly drains by infiltration. Shallow blind catch ditches or low bunds shall be created on the edges of the development to ensure that any run-off during soil stripping is contained within the site.

Piezometers have been installed at the site to allow monitoring of the ground water table. The proposed extension will be dry worked with the base of the proposed development varies between 5m to 10m above the predicted water table. No de-watering will take place.

Processing and stockpiling will be undertaken within the existing Lochhead Processing Area. The utilisation of this area ensures that works are contained and that there is no potential of particulate dispersal by run-off. Water used for processing will continue to be recycled through ponds on a closed circuit; there is no discharge from the site.

There will be no requirement for the storage of any fuels, oils or lubricants within the extension area; all plant will utilise the existing Lochhead facilities for vehicle fuelling and maintenance.

The hydrological report contains a water management plan which ensures that there are no surface or ground water issues.

In terms of potential for flooding within the wider catchment areas, the proposal shall have negligible impact.

Private Water supplies in the surrounding area have been considered; the proposal will have no impact on supply.

The overall impact on surface water and groundwater from the proposed development is predicted to be localised and negligible.

## ECOLOGY

In order to evaluate the potential ecological impact from the proposed quarrying operations Direct Ecology Ltd was commissioned to undertake an ecological survey of the proposed extension area.

An extended Phase 1 habitat survey identified the habitats present within the survey area and included a search for protected species and habitat suitability for protected species within an appropriate survey area. The protected species survey included a search for bat roost potential, badger, otter, birds and any other signs of notable species (e.g. Local Biodiversity Action Plan (LBAP) priority species).

The site predominantly comprises improved grassland. Mixed woodland plantation is present on the northern and south-western boundaries. Scattered scrub and broadleaved trees are present on the south-eastern boundary. A beech hedge forms the north-western boundary.

The proposal will have no impact on Sites of Special Scientific Interest (SSSI) or Ancient Woodland in the wider area.

Woodland within the proposed excavation area will be transplanted to land to the north-east of the development area. The transplanted woodland will be subject to aftercare management.

The survey concluded that the loss of habitat will have a negligible impact and that, with appropriate mitigation, there will be no significant impact on protected species.

## NOISE

In order to evaluate the potential noise impact from the proposed quarrying operations the applicant commissioned Vibrock Ltd, a national independent firm of environmental consultants, to undertake a study of the ambient noise levels at nearby sensitive locations. Noise levels were predicted based on probable plant deployment for the proposed operations.

The main sources of existing noise affecting the environs in the area of the quarry are those of road traffic on the adjacent A932 Arbroath Road and the B9128 South Street.

Although relatively close by, noise from the **Local Authority landfill site or the Laird Aggregates Ltd's** concrete block and ready mix concrete facility was only faintly audible at the nearest receptors on the A932. The possibility of a cumulative noise impact, attributable to the proposed extension working with a combination of these operations is assessed as negligible.

Noise predictions confirm that the proposed extension can be operated in accordance with the existing noise planning condition which regulates noise in relation to the existing quarry operations.

Site operations shall continue to meet the relevant best practice as detailed within PAN 50 Annex A.

The proposed noise control measures along with effective day to day site management shall ensure that the proposed development is undertaken without significant noise impacts.

## AIR QUALITY

Scottish Executive Development Department Planning Advice Note 50 Annex B provides guidance on the control of dust at surface mineral workings and recommends that the emphasis in the regulation and control of dust should be the adoption and promotion of best practices on site.

An assessment of potential dust generating sources was undertaken to determine potential impact and the best methods of limiting or suppressing dust at the proposed

extension. For non-regulated sources of dust the operators will implement a Site Dust Management Plan to control, for example, dust arising from vehicle movements on haul roads by water spraying.

An assessment of dust sensitive receptors has been undertaken in accordance with guidance from the Institute of Air Quality Management. Impacts are assessed as predominantly negligible with the impact on receptors in the direct line of the prevailing wind (north-west of the extension area) being slight adverse.

With regards to health, the nuisance effects of dust centre on the effects of inhalation and respiration of smaller, finer airborne dust particles. The COSHH Regulations for employee protection apply within the quarrying industry. It follows that, if exposure limits are being complied with on-site, it is unlikely that unacceptable dust concentrations will be experienced at residential properties at separation distances of several hundred metres.

With the implementation of the Site Dust Management Plan the potential for any significant dust emission from the site is negligible and it is unlikely that there will be any reduction in air quality.

## CUMULATIVE IMPACT

The possibility of a cumulative impact, attributable to two or more operations working in close proximity has been considered. For the proposed extension potential sources for cumulative impact are: the existing Auchterforfar Quarry, the Lochhead processing and stocking area, the Gowanbank Concrete Factory and the Restenneth Landfill Site.

As the current Auchterforfar excavation would be completed and under restoration, any potential cumulative impact in this respect is assessed as negligible.

The existing, Gowanbank Factory, landfill site at Lochhead **and Laird's Lochhead processing plant are all located** to the north-east of the proposed extension at distances of between 600m and 1.5km. It is understood that the landfill site no longer receives waste and is in the process of being restored.

The proposed working at Pitreuchie is unlikely to make any change in terms of the cumulative impact of the identified operations which have been on-going, in tandem with extraction operations for many years. Cumulative impact is anticipated to be negligible.

## WASTE MANAGEMENT PLAN

The Management of Extractive Waste (Scotland) Regulations 2010 require that mineral planning applications must include a Waste Management Plan (WMP).

A Waste Management Plan currently exists for Auchterforfar Quarry. As the silts from processing will be placed in the final void as part of the restoration process, as is currently the case with the existing site, the Pitreuchie **Extension area constitutes an 'extractive waste area'**. In this respect the existing WMP statement remains valid and there is no need to update the text. However, an updated plan has been submitted to include the Pitreuchie Extension area within the overall WMP.

## OVERVIEW

No quarry development can be designed to have no adverse environmental impacts, although mitigation measures can negate many of these, lower the magnitude of others and reduce the probability of significant impacts occurring.

Following the implementation of the mitigation measures described in the EIAR the proposal is considered to have an overall slight adverse impact during operations which will reduce to negligible following restoration.

The applicant has demonstrated a local long-term demand for aggregates at its Gowanbank Concrete factory, the supply of aggregates being crucial to the on-going operation of the factory and ready-mix plant and in maintaining the significant employment supported by these activities.

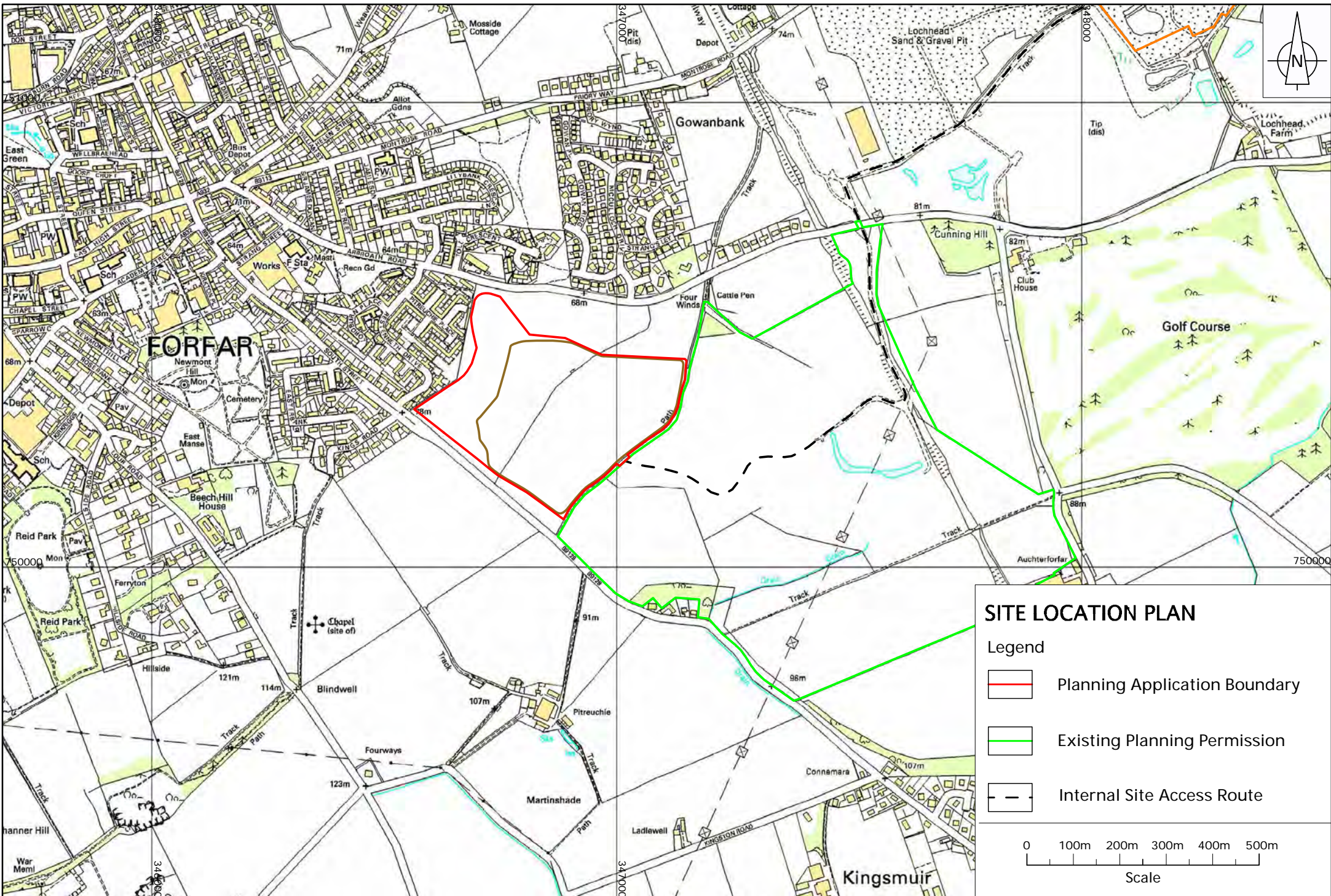
Local supply also avoids unsustainable imports by minimising the distance of travel from source to point of consumption. The provision of these aggregates locally from Auchterforfar Quarry has meant that the transportation of aggregates on the local public roads, including through Forfar, has been minimised.

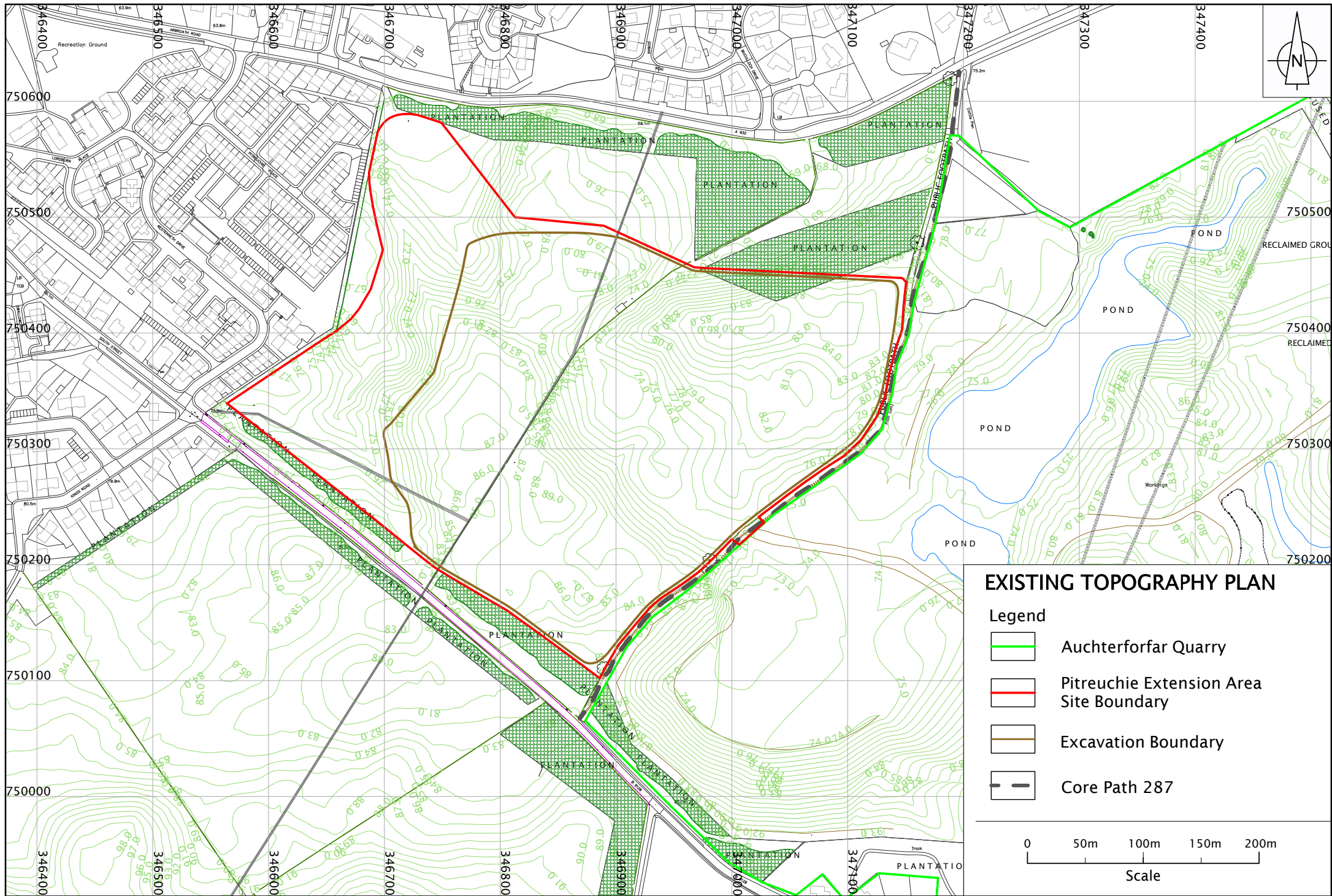
There are material considerations relating to the identified need for the release of consented sand and gravel reserves in the Angus Region to maintain an aggregates landbank and minimisation of haulage distances through the provision of a local supply which favour the grant of the permission sought. It is considered that the proposal is in accordance with National and Development Plan policy and that the economic benefits outweigh the identified minor temporary disbenefits.

For further Information contact:

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





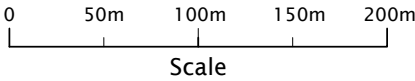


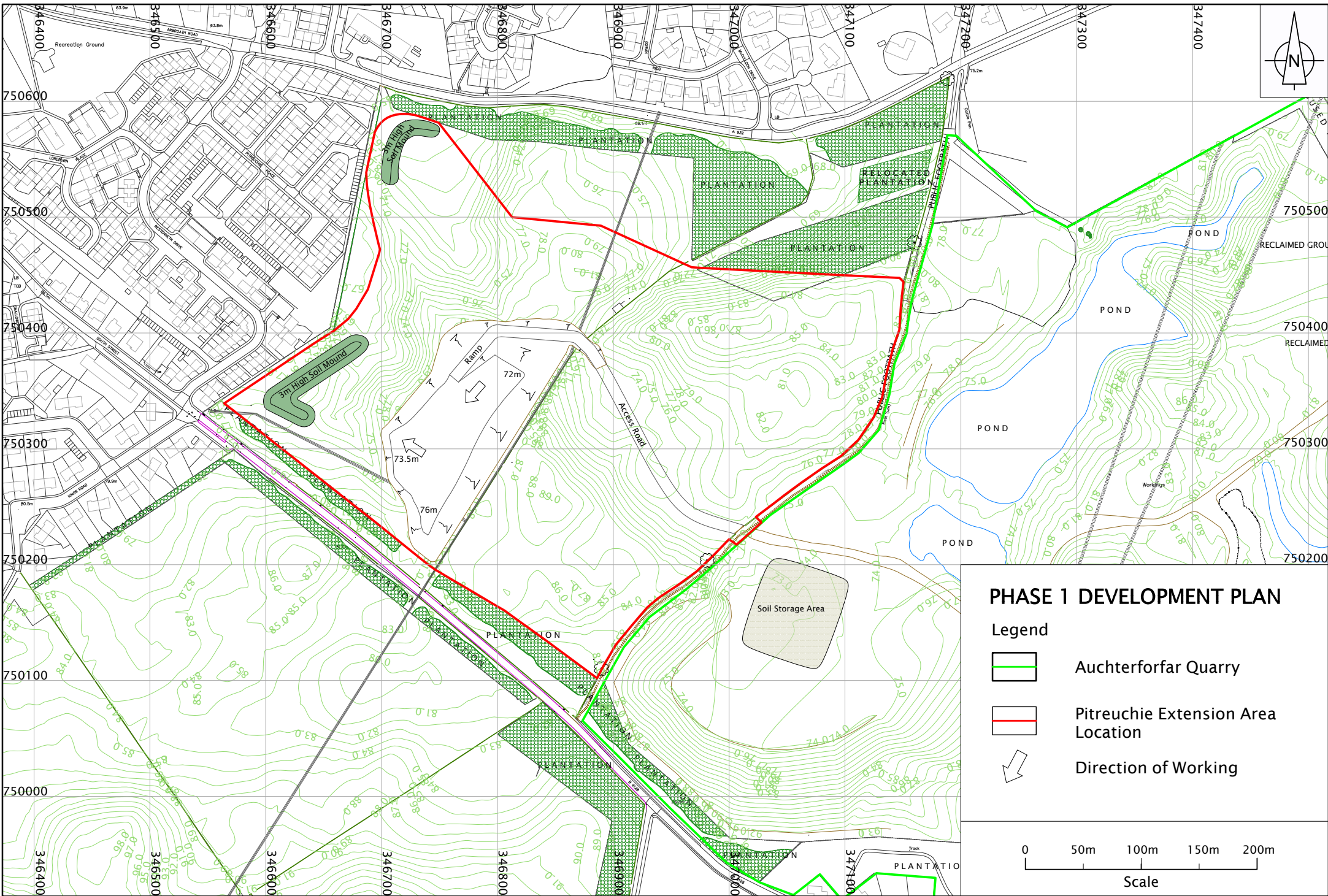


**EXISTING TOPOGRAPHY PLAN**

**Legend**




-  Auchterforfar Quarry
-  Pitreuchie Extension Area Site Boundary
-  Excavation Boundary
-  Core Path 287

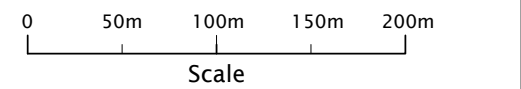


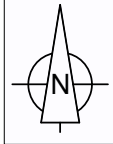
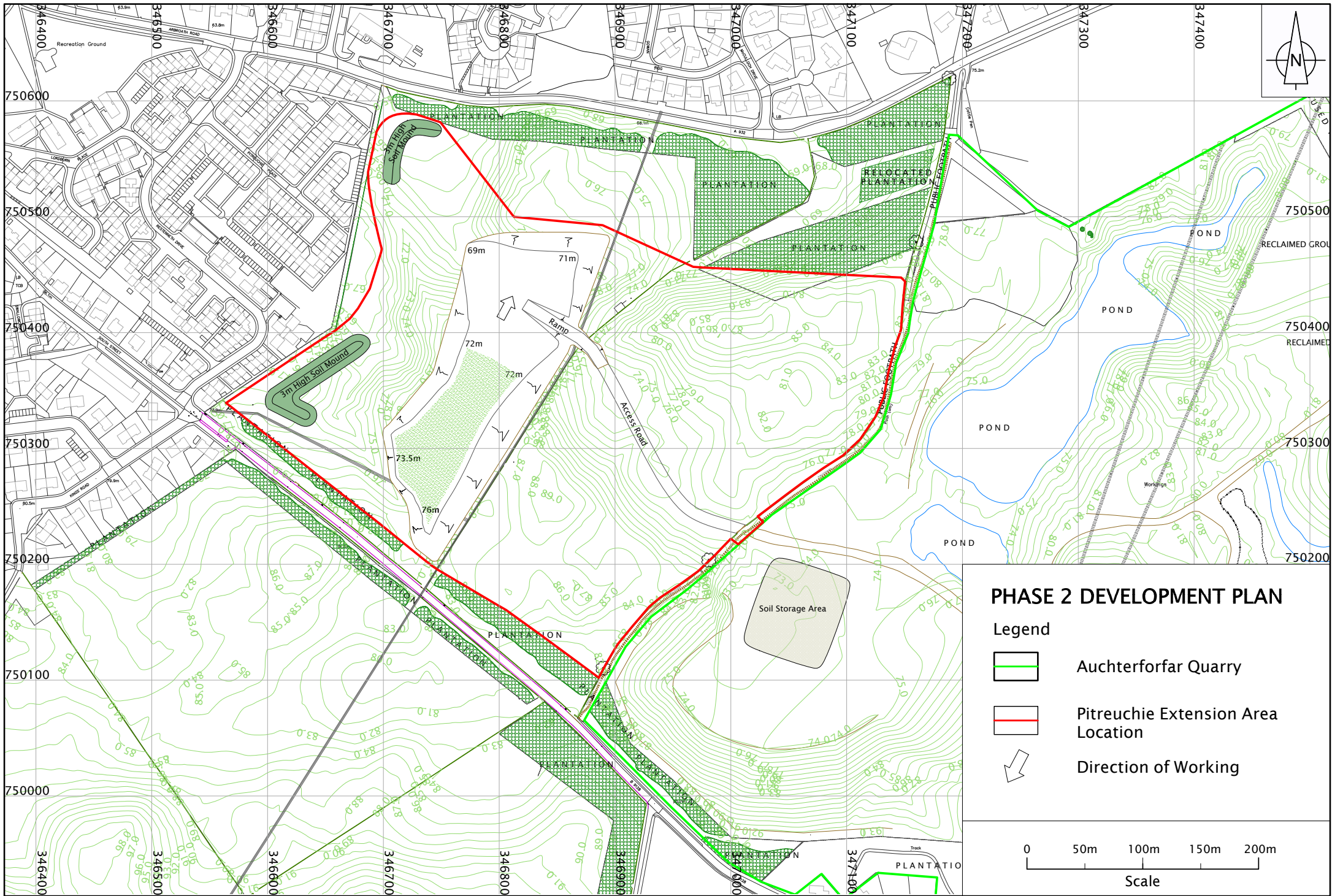


### PHASE 1 DEVELOPMENT PLAN

**Legend**




-  Auchterforfar Quarry
-  Pitreuchie Extension Area Location
-  Direction of Working

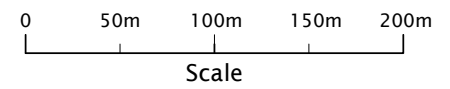




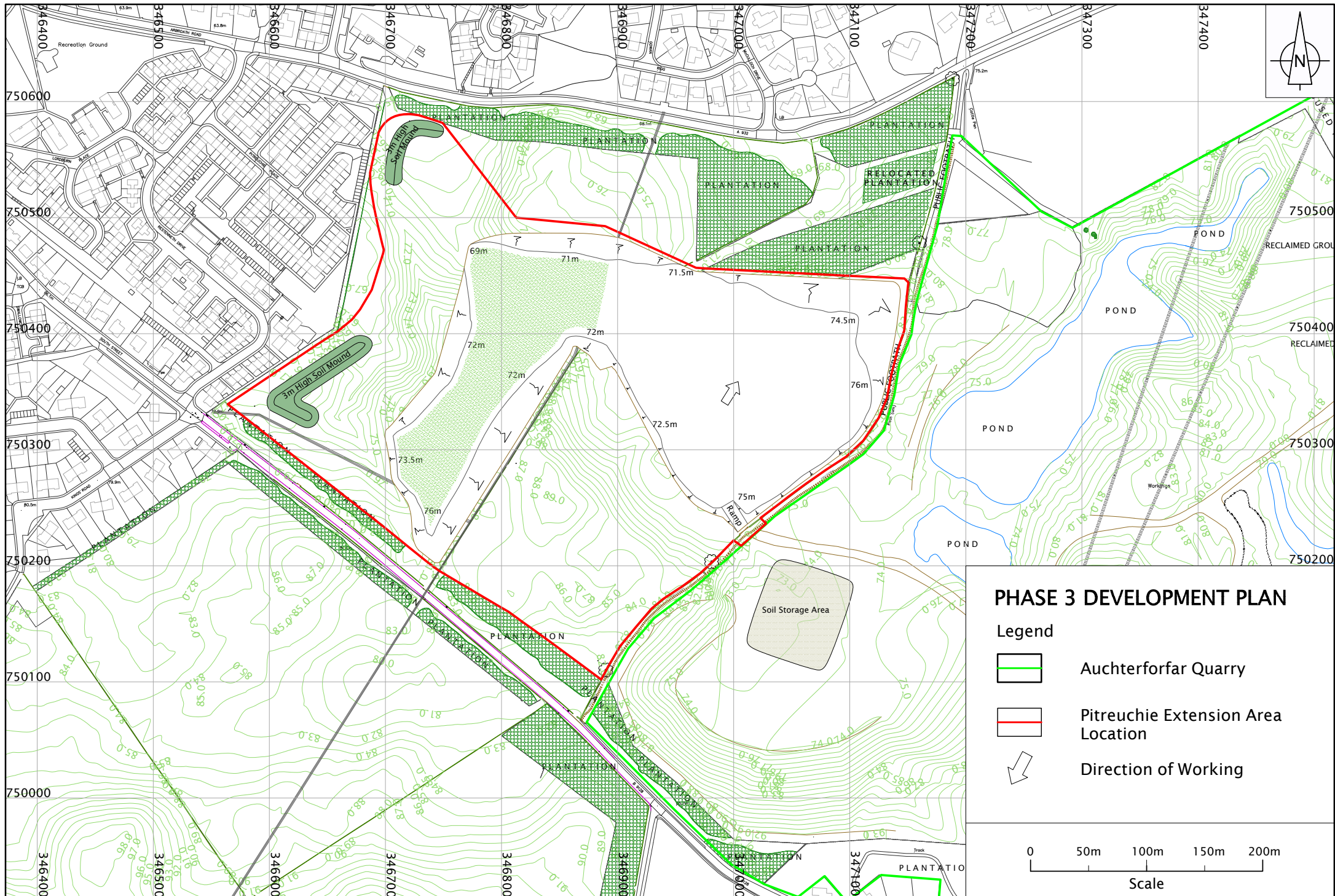
### PHASE 2 DEVELOPMENT PLAN

#### Legend

-  Auchterforfar Quarry
-  Pitreuchie Extension Area Location
-  Direction of Working






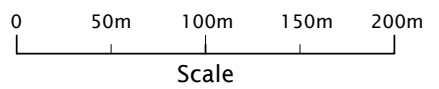


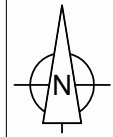
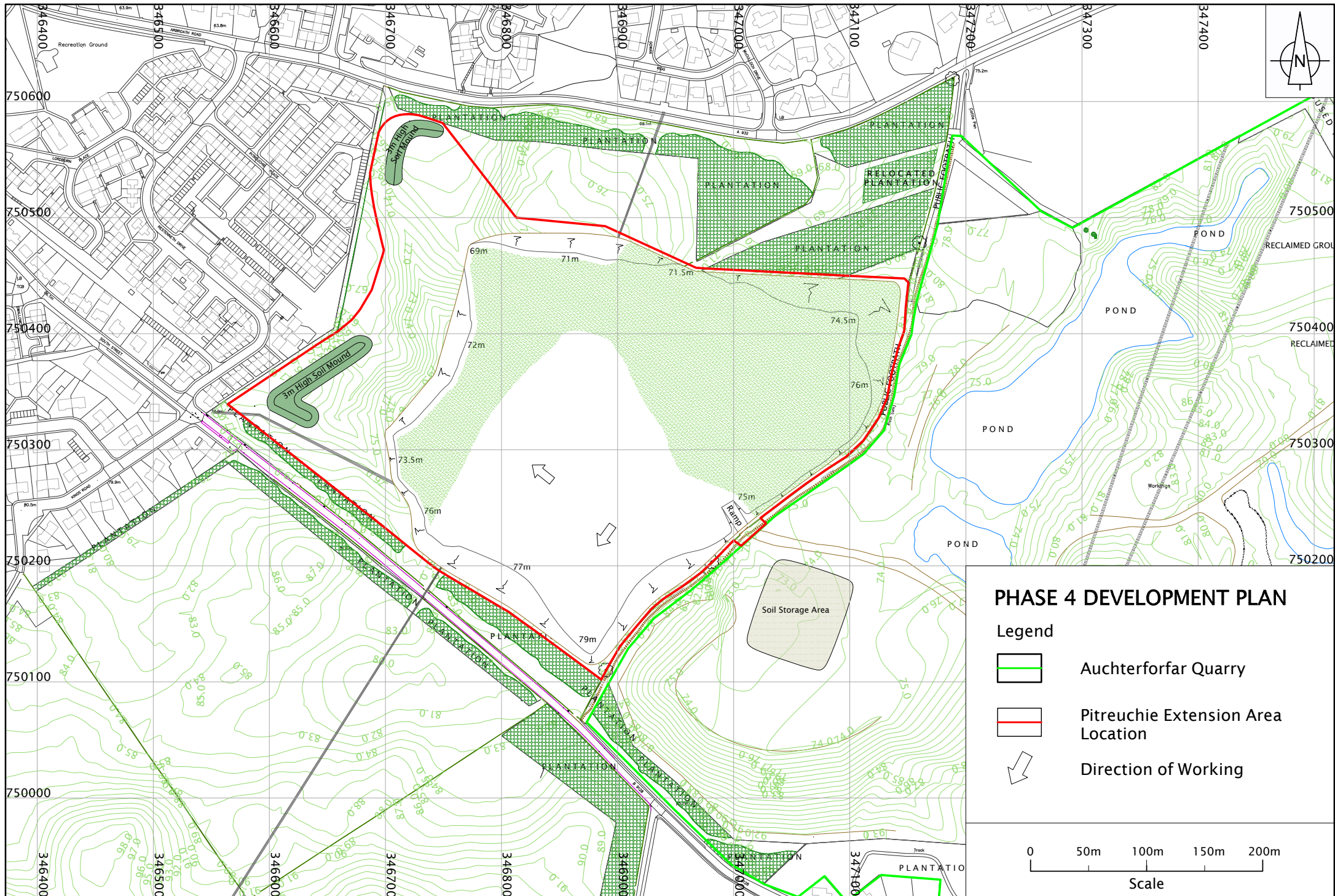


### PHASE 3 DEVELOPMENT PLAN




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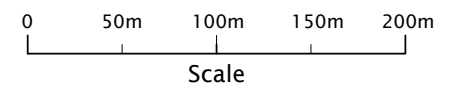
-  Auchterforfar Quarry
-  Pitreuchie Extension Area Location
-  Direction of Working

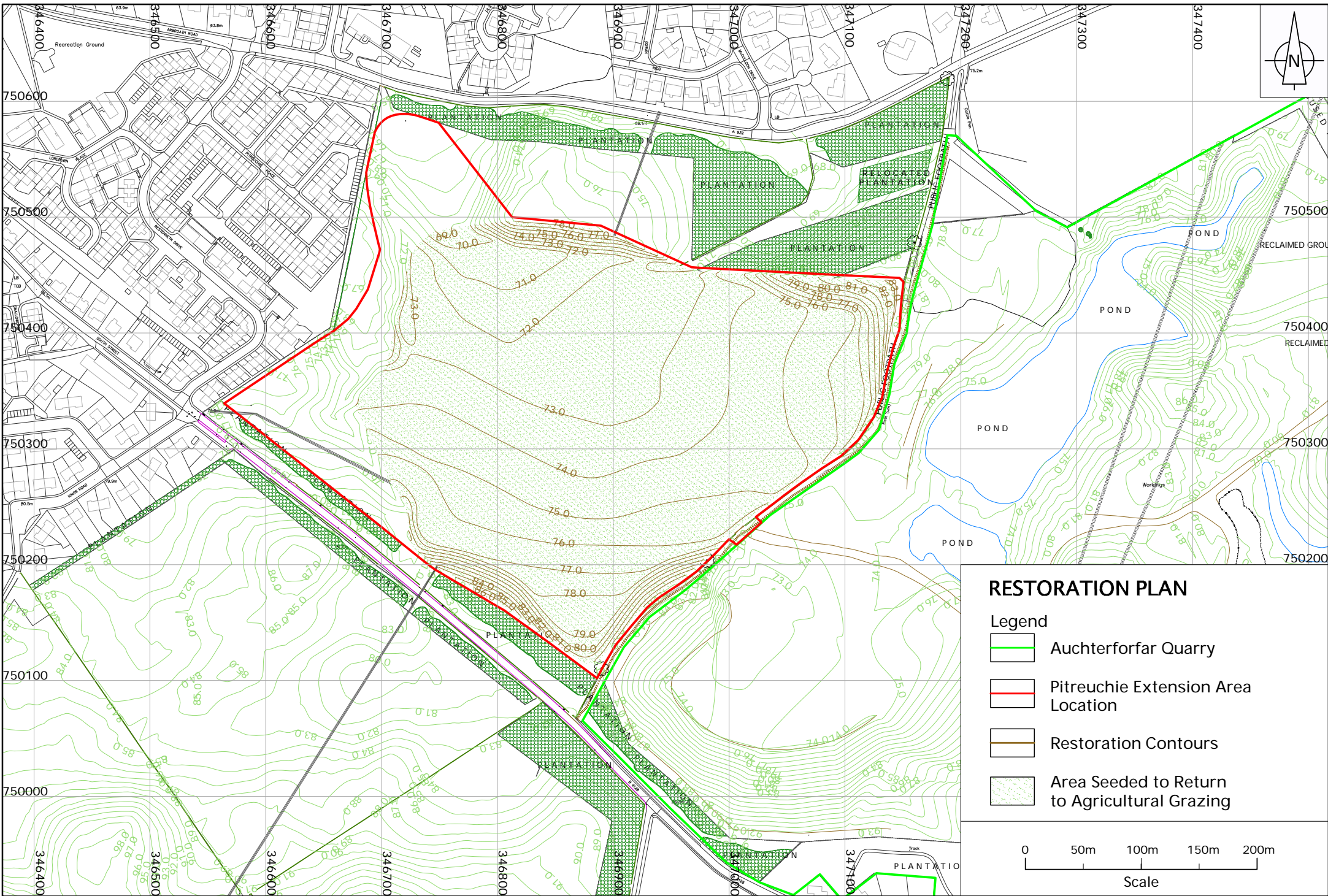




### PHASE 4 DEVELOPMENT PLAN





- Legend**
-  Auchterforfar Quarry
  -  Pitreuchie Extension Area Location
  -  Direction of Working

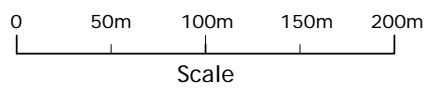




### RESTORATION PLAN

Legend

-  Auchterforfar Quarry
-  Pitreuchie Extension Area Location
-  Restoration Contours
-  Area Seeded to Return to Agricultural Grazing



## **Appendix 3 – Development Plan Policies**

### **TAYplan Strategic Development Plan**

#### **Policy 7: Energy, Waste and Resources**

To deliver a low/zero carbon future and contribute to meeting Scottish Government energy and waste targets and prudent resource consumption objectives:

- A. Local Development Plans should identify areas that are suitable for different forms of energy, waste and resource management infrastructure\* and policy to support this. This can include, where appropriate, locations of existing heat producers (e.g. waste management or industrial processing), renewable sources of heat and electricity, and existing waste management facilities to ensure the co-location/proximity of surplus heat producers and heat users.
- B. Strategic Waste management infrastructure, beyond community or small scale facilities, is most likely to be focussed within or close to the Dundee and/or Perth Core Areas (identified in Policy 1).
- C. Infrastructure associated with the extraction, transfer and distribution of liquid and gas minerals may take advantage of the locational flexibilities offered by various extraction techniques to overcome issues relating to the scale and impacts of any buffer zones and residential proximity in a manner which reflects Policy 7D and Policy 2.
- D. Local Development Plans and development proposals should ensure that all areas of search, sites and routes for energy, waste and resource management infrastructure have been justified, at a minimum, on the basis of these following considerations:
  - i. The specific land take requirements associated with the infrastructure technology and associated statutory safety exclusion zones or buffer areas where these exist;
  - ii. Waste management proposals are justified against the Scottish Government's Zero Waste Plan (2010) to support the delivery of the waste management hierarchy, and, Safeguarding Scotland's Resources (2013);
  - iii. Proximity of resources (e.g. geo-thermal heat, sand, gravel, gas, oil, woodland, wind or waste material); and to users/customers, grid connections and distribution networks for the heat, power or physical materials, by-products and waste that are produced, as appropriate;
  - iv. Anticipated effects of construction and operation on air quality, carbon emissions, noise and vibration levels, odour, surface and ground water pollution, drainage, waste disposal, leakage of hazardous substances, radar installations, navigation aids and aviation landing paths;
  - v. Sensitivity of landscapes, the water environment, biodiversity, geo-diversity, habitats, tourism, recreational interests and listed buildings, scheduled monuments and conservations areas;
  - vi. Impacts of infrastructure required for associated new grid connections and distribution or access infrastructure;
  - vii. Cumulative impacts of the scale and massing of multiple developments, including existing infrastructure in general but particularly in sensitive areas;
  - viii. The appropriate safety regimes and postoperational restoration of land, particularly for extraction of solid, liquid and gas minerals;
  - ix. Strategic cross-council boundary impacts as a result of energy proposals which may be strategically significant (as defined on page 45) including landscape, historic and environmental considerations identified in the spatial framework (Map 7b); and,
  - x. Consistency with the National Planning Framework and its Action Programme.

#### **Policy 9: Managing TAYplan's Assets**

Land should be identified through Local Development Plans to ensure responsible management of TAYplan's assets by:

- A. Finite Resources using the location priorities set out in Policy 1 of this Plan to:
  - i. identify and protect known deposits of solid, liquid and gas minerals of economic importance;

- ii. maintain a minimum of 10 years supply of construction aggregates at all times in all market areas;
  - iii. identify and protect deposits of nationally important minerals identified on the British Geological Survey's Critical List; and,
  - iv. protect prime agricultural land or land of lesser quality that is locally important, new and existing forestry areas, and carbon rich soils where the advantages of development do not outweigh the loss of this land.
- B. Protecting Natura 2000 sites ensuring development likely to have a significant effect on a designated or proposed Natura 2000 site(s) (either alone or in combination with other sites or projects), will be subject to an appropriate assessment. Appropriate mitigation must be identified, where necessary, to ensure there will be no adverse effect on the integrity of Natura 2000 sites in accordance with Scottish Planning Policy.
- C. Safeguarding the integrity of natural and historic assets
- i. understanding and respecting the regional distinctiveness and scenic value of the TAYplan area through safeguarding the integrity of natural and historic assets; including habitats, wild land, sensitive green spaces, forestry, water environment, wetlands, floodplains (in-line with the Water Framework Directive), carbon sinks, species and wildlife corridors, and also geo-diversity, landscapes, parks, townscapes, archaeology, historic battlefields, historic buildings and monuments; and by allowing development where it does not adversely impact upon or preferably enhances these assets. Local Development Plans should set out the factors which will be taken into account in development management. The level of protection given to local designations should not be as high as that given to international or national designations. International, national and locally designated areas and sites should be identified and afforded the appropriate level of protection, and the reasons for local designations should be clearly explained and their function and continuing relevance considered, when preparing plans.
  - ii. Protecting and improving the water environment (including groundwater) in accordance with the legal requirements in the *Water Framework Directive 2000/60/EC* and the *Water Environment and Water Services (Scotland) Act 2003* which require greater integration between planning and water management through River Basin Management Plans.
- D. Safeguarding the qualities of unspoiled coast identifying and safeguarding parts of the unspoiled coastline along the River Tay Estuary and in Angus and North Fife, that are unsuitable for development. Local Development Plans should also set out policies for their management; identifying areas at risk from flooding and sea level rise and develop policies to manage retreat and realignment, as appropriate. Local Development Plans should have regard to the National Marine Plan, and Regional Marine Plans, where appropriate.

## **Angus Local Development Plan**

### **Policy DS1: Development Boundaries and Priorities**

All proposals will be expected to support delivery of the Development Strategy.

The focus of development will be sites allocated or otherwise identified for development within the Angus Local Development Plan, which will be safeguarded for the use(s) set out. Proposals for alternative uses will only be acceptable if they do not undermine the provision of a range of sites to meet the development needs of the plan area.

Proposals on sites not allocated or otherwise identified for development, but within development boundaries will be supported where they are of an appropriate scale and nature and are in accordance with relevant policies of the ALDP.

Proposals for sites outwith but contiguous\* with a development boundary will only be acceptable where it is in the public interest and social, economic, environmental or operational considerations

confirm there is a need for the proposed development that cannot be met within a development boundary.

Outwith development boundaries proposals will be supported where they are of a scale and nature appropriate to their location and where they are in accordance with relevant policies of the ALDP.

In all locations, proposals that re-use or make better use of vacant, derelict or under-used brownfield land or buildings will be supported where they are in accordance with relevant policies of the ALDP.

Development of greenfield sites (with the exception of sites allocated, identified or considered appropriate for development by policies in the ALDP) will only be supported where there are no suitable and available brownfield sites capable of accommodating the proposed development.

Development proposals should not result in adverse impacts, either alone or in combination with other proposals or projects, on the integrity of any European designated site, in accordance with Policy PV4 Sites Designated for Natural Heritage and Biodiversity Value.

\*Sharing an edge or boundary, neighbouring or adjacent

### **Policy DS2: Accessible Development**

Development proposals will require to demonstrate, according to scale, type and location, that they:

- are or can be made accessible to existing or proposed public transport networks;
- make provision for suitably located public transport infrastructure such as bus stops, shelters, lay-bys, turning areas which minimise walking distances;
- allow easy access for people with restricted mobility;
- provide and/or enhance safe and pleasant paths for walking and cycling which are suitable for use by all, and link existing and proposed path networks; and
- are located where there is adequate local road network capacity or where capacity can be made available.

Where proposals involve significant travel generation by road, rail, bus, foot and/or cycle, Angus Council will require:

- the submission of a Travel Plan and/or a Transport Assessment.
- appropriate planning obligations in line with Policy DS5 Developer Contributions.

### **Policy DS3: Design Quality and Placemaking**

Development proposals should deliver a high design standard and draw upon those aspects of landscape or townscape that contribute positively to the character and sense of place of the area in which they are to be located. Development proposals should create buildings and places which are:

- **Distinct in Character and Identity:** Where development fits with the character and pattern of development in the surrounding area, provides a coherent structure of streets, spaces and buildings and retains and sensitively integrates important townscape and landscape features.
- **Safe and Pleasant:** Where all buildings, public spaces and routes are designed to be accessible, safe and attractive, where public and private spaces are clearly defined and appropriate new areas of landscaping and open space are incorporated and linked to existing green space wherever possible.
- **Well Connected:** Where development connects pedestrians, cyclists and vehicles with the surrounding area and public transport, the access and parking requirements of the Roads Authority are met and the principles set out in 'Designing Streets' are addressed.
- **Adaptable:** Where development is designed to support a mix of compatible uses and accommodate changing needs.
- **Resource Efficient:** Where development makes good use of existing resources and is sited and designed to minimise environmental impacts and maximise the use of local climate and landform.

Supplementary guidance will set out the principles expected in all development, more detailed guidance on the design aspects of different proposals and how to achieve the qualities set out above.

Further details on the type of developments requiring a design statement and the issues that should be addressed will also be set out in supplementary guidance.

#### **Policy DS4: Amenity**

All proposed development must have full regard to opportunities for maintaining and improving environmental quality. Development will not be permitted where there is an unacceptable adverse impact on the surrounding area or the environment or amenity of existing or future occupiers of adjoining or nearby properties.

Angus Council will consider the impacts of development on:

- Air quality;
- Noise and vibration levels and times when such disturbances are likely to occur;
- Levels of light pollution;
- Levels of odours, fumes and dust;
- Suitable provision for refuse collection / storage and recycling;
- The effect and timing of traffic movement to, from and within the site, car parking and impacts on highway safety; and
- Residential amenity in relation to overlooking and loss of privacy, outlook, sunlight, daylight and overshadowing.

Angus Council may support development which is considered to have an impact on such considerations, if the use of conditions or planning obligations will ensure that appropriate mitigation and / or compensatory measures are secured.

Applicants may be required to submit detailed assessments in relation to any of the above criteria to the Council for consideration.

Where a site is known or suspected to be contaminated, applicants will be required to undertake investigation and, where appropriate, remediation measures relevant to the current or proposed use to prevent unacceptable risks to human health.

#### **Policy TC15: Employment Development**

Proposals for new employment development (consisting of Class 4, 5, or 6) will be directed to employment land allocations or existing employment areas within development boundaries, subject to the application of the sequential approach required by Policy TC19 Retail and Town Centre Uses for office developments of over 1,000 square metres gross floorspace.

Proposals for employment development outside of employment land allocations or existing employment areas, but within the development boundaries of the towns and the settlements within the rural area will be supported where:

- there are no suitable or viable sites available within an employment land allocation or existing employment area; or
- the use is considered to be acceptable in that location; and
- there is no unacceptable impact on the built and natural environment, surrounding amenity, access and infrastructure.

Proposals for employment development (consisting of Class 4, 5, or 6) outwith development boundaries will only be supported where:

- the criteria relating to employment development within development boundaries are met;
- the scale and nature of the development is in keeping with the character of the local landscape and pattern of development; and
- the proposal constitutes rural diversification where:
  - the development is to be used directly for agricultural, equestrian, horticultural or forestry operations, or for uses which by their nature are appropriate to the rural character of the area; or
  - the development is to be used for other business or employment generating uses, provided that the Council is satisfied that there is an economic and/or operational need for the location.

### **Policy PV3: Access and Informal Recreation**

New development should not compromise the integrity or amenity of existing recreational access opportunities including access rights, core paths and rights of way. Existing access routes should be retained, and where this is not possible alternative provision should be made.

New development should incorporate provision for public access including, where possible, links to green space, path networks, green networks and the wider countryside.

Where adequate provision cannot be made on site, and where the development results in a loss of existing access opportunities or an increased need for recreational access, a financial contribution may be sought for alternative provision.

### **Policy PV4: Sites Designated for Natural Heritage and Biodiversity Value**

Angus Council will work with partner agencies and developers to protect and enhance habitats of natural heritage value. Development proposals which are likely to affect protected sites will be assessed to ensure compatibility with the appropriate regulatory regime.

#### **International Designations**

Development proposals or land use change which alone or in combination with other proposals could have a significant effect on a Ramsar site or a site designated or proposed under the Birds or Habitats Directive (Special Areas for Conservation and Special Protection Areas) and which is not directly connected with or necessary to the management of the site, will only be permitted where:

- an appropriate assessment demonstrates the proposal will not adversely affect the integrity of the site; or
- there are no alternative solutions; and
- there are imperative reasons of overriding public interest, including those of social or economic nature; and
- compensatory measures are provided to ensure that the overall coherence of the Natura Network is protected.

The Council will seek to protect and enhance the nature conservation interests within the River Tay and River South Esk Catchment areas. In order to ensure no adverse effects on the River Tay SAC or the River South Esk SAC, development proposals should take account of the detailed advice\* on the types of appropriate information and safeguards to be provided in support of planning applications.

#### **National Designations**

Development proposals which affect Sites of Special Scientific Interest will only be permitted where:

- the proposed development will not adversely affect the integrity of the area or the reasons for which it was designated either individually or in combination with other proposals; or
- any adverse effects on the qualities of any designated site are outweighed by social, environmental or economic benefits of national significance; and
- mitigation and restoration measures are provided.

Development affecting sites and species protected by national or international legislation may require to be accompanied by an Environmental Impact Assessment and/or a Habitats Regulation Appraisal.

Further information on protected sites and species and their influence on proposed development will be set out in a Planning Advice Note.

\* "River Tay Special Area of Conservation (2011)" and "River South Esk Special Area of Conservation (2011)" guidance produced jointly by SNH, Angus Council and SEPA, available on SNH website at [www.snh.gov.uk](http://www.snh.gov.uk)

### **Policy PV5: Protected Species**

Angus Council will work with partner agencies and developers to protect and enhance all wildlife including its habitats, important roost or nesting places. Development proposals which are likely to affect protected species will be assessed to ensure compatibility with the appropriate regulatory regime.



### European Protected Species

Development proposals that would, either individually or cumulatively, be likely to have an unacceptable adverse impact on European protected species as defined by Annex 1V of the Habitats Directive (Directive 92/24/EEC) will only be permitted where it can be demonstrated to the satisfaction of Angus Council as planning authority that:

- there is no satisfactory alternative; and
- there are imperative reasons of overriding public health and/or safety, nature, social or economic interest and beneficial consequences for the environment, and
- the development would not be detrimental to the maintenance of the population of a European protected species at a favourable conservation status in its natural range.

### Other Protected Species

Development proposals that would be likely to have an unacceptable adverse effect on protected species unless justified in accordance with relevant species legislation (Wildlife and Countryside Act 1981 and the Protection of Badgers Act 1992) subject to any consequent amendment or replacement.

Further information on protected sites and species and their influence on proposed development will be set out in a Planning Advice Note.

### **Policy PV6: Development in the Landscape**

Angus Council will seek to protect and enhance the quality of the landscape in Angus, its diversity (including coastal, agricultural lowlands, the foothills and mountains), its distinctive local characteristics, and its important views and landmarks.

Capacity to accept new development will be considered within the context of the Tayside Landscape Character Assessment, relevant landscape capacity studies, any formal designations and special landscape areas to be identified within Angus. Within the areas shown on the proposals map as being part of 'wild land', as identified in maps published by Scottish Natural Heritage in 2014, development proposals will be considered in the context of Scottish Planning Policy's provisions in relation to safeguarding the character of wild land.

Development which has an adverse effect on landscape will only be permitted where:

- the site selected is capable of accommodating the proposed development;
- the siting and design integrate with the landscape context and minimise adverse impacts on the local landscape;
- potential cumulative effects with any other relevant proposal are considered to be acceptable; and
- mitigation measures and/or reinstatement are proposed where appropriate.

Landscape impact of specific types of development is addressed in more detail in other policies in this plan and work involving development which is required for the maintenance of strategic transport and communications infrastructure should avoid, minimise or mitigate any adverse impact on the landscape.

Further information on development in the landscape, including identification of special landscape and conservation areas in Angus will be set out in a Planning Advice Note.

### **Policy PV7: Woodland, Trees and Hedges**

Ancient semi-natural woodland is an irreplaceable resource and should be protected from removal and potential adverse impacts of development. The council will identify and seek to enhance woodlands of high nature conservation value. Individual trees, especially veteran trees or small groups of trees which contribute to landscape and townscape settings may be protected through the application of Tree Preservation Orders (TPO).

Woodland, trees and hedges that contribute to the nature conservation, heritage, amenity, townscape or landscape value of Angus will be protected and enhanced. Development and planting proposals should:

- protect and retain woodland, trees and hedges to avoid fragmentation of existing provision;
- be considered within the context of the Angus Woodland and Forestry Framework where woodland planting and management is planned;

- ensure new planting enhances biodiversity and landscape value through integration with and contribution to improving connectivity with existing and proposed green infrastructure and use appropriate species;
- ensure new woodland is established in advance of major developments;
- undertake a Tree Survey where appropriate; and
- identify and agree appropriate mitigation, implementation of an approved woodland management plan and re-instatement or alternative planting.

Angus Council will follow the Scottish Government Control of Woodland Removal Policy when considering proposals for the felling of woodland.

### **Policy PV8: Built and Cultural Heritage**

Angus Council will work with partner agencies and developers to protect and enhance areas designated for their built and cultural heritage value. Development proposals which are likely to affect protected sites, their setting or the integrity of their designation will be assessed within the context of the appropriate regulatory regime.

#### National Sites

Development proposals which affect Scheduled Monuments, Listed Buildings and Inventory Gardens and Designed Landscapes will only be supported where:

- the proposed development will not adversely affect the integrity of the site or the reasons for which it was designated;
- any significant adverse effects on the site or its setting are significantly outweighed by social, environmental and/or economic benefits; and
- appropriate measures are provided to mitigate any identified adverse impacts.

Proposals for enabling development which is necessary to secure the preservation of a listed building may be acceptable where it can be clearly shown to be the only means of preventing its loss and securing its long term future. Any development should be the minimum necessary to achieve these aims. The resultant development should be designed and sited carefully in order to preserve or enhance the character and setting of the listed building.

#### Regional and Local Sites

Development proposals which affect local historic environment sites as identified by Angus Council (such as Conservation Areas, sites of archaeological interest) will only be permitted where:

- supporting information commensurate with the site's status demonstrates that the integrity of the historic environment value of the site will not be compromised; or
- the economic and social benefits significantly outweigh the historic environment value of the site.

Angus Council will continue to review Conservation Area boundaries and will include Conservation Area Appraisals and further information on planning and the built and cultural heritage in a Planning Advice Note.

### **Policy PV12: Managing Flood Risk**

To reduce potential risk from flooding there will be a general presumption against built development proposals:

- on the functional floodplain;
- which involve land raising resulting in the loss of the functional flood plain; or
- which would materially increase the probability of flooding to existing or planned development.

Development in areas known or suspected to be at the upper end of low to medium risk or of medium to high flood risk (as defined in Scottish Planning Policy (2014), see Table 4) may be required to undertake a flood risk assessment. This should demonstrate:

- that flood risk can be adequately managed both within and outwith the site;
- that a freeboard allowance of at least 500-600mm in all circumstances can be provided;
- access and egress to the site can be provided that is free of flood risk; and
- where appropriate that water-resistant materials and construction will be utilised.

Where appropriate development proposals will be:

- assessed within the context of the Shoreline Management Plan, Strategic Flood Risk Assessments and Flood Management Plans; and
- considered within the context of SEPA flood maps to assess and mitigate surface water flood potential.

Built development should avoid areas of ground instability (landslip) coastal erosion and storm surges. In areas prone to landslip a geomorphological assessment may be requested in support of a planning application to assess degree of risk and any remediation measures if required to make the site suitable for use.

#### **Policy PV14: Water Quality**

To protect and enhance the quality of the water environment, development proposals will be assessed within the context of:

- the National Marine Plan;
- the Scotland River Basin Management Plan and associated Area Management Plans;
- relevant guidance on controlling the impact of development and associated works;
- relevant guidance on engineering works affecting water courses; and
- potential mitigation measures.

Development proposals which do not maintain or enhance the water environment will not be supported. Mitigation measures must be agreed with SEPA and Angus Council.

Development proposals must not pollute surface or underground water including water supply catchment areas due to discharge, leachates or disturbance of contaminated land.

#### **Policy PV15: Drainage Infrastructure**

Development proposals within Development Boundaries will be required to connect to the public sewer where available.

Where there is limited capacity at the treatment works Scottish Water will provide additional wastewater capacity to accommodate development if the Developer can meet the 5 Criteria\*. Scottish Water will instigate a growth project upon receipt of the 5 Criteria and will work with the developer, SEPA and Angus Council to identify solutions for the development to proceed.

Outwith areas served by public sewers or where there is no viable connection for economic or technical reasons private provision of waste water treatment must meet the requirements of SEPA and/or The Building Standards (Scotland) Regulations. A private drainage system will only be considered as a means towards achieving connection to the public sewer system, and when it forms part of a specific development proposal which meets the necessary criteria to trigger a Scottish Water growth project.

All new development (except single dwelling and developments that discharge directly to coastal waters) will be required to provide Sustainable Drainage Systems (SUDs) to accommodate surface water drainage and long term maintenance must be agreed with the local authority. SUDs schemes can contribute to local green networks, biodiversity and provision of amenity open space and should form an integral part of the design process.

Drainage Impact Assessment (DIA) will be required for new development where appropriate to identify potential network issues and minimise any reduction in existing levels of service.

#### **Policy PV18: Waste Management in New Development**

Proposals for new retail, residential, commercial, business and industrial development should seek to minimise the production of demolition and construction waste and incorporate recycled waste into the development.

Where appropriate, Angus Council will require the submission of a Site Waste Management Plan to demonstrate how the generation of waste will be minimised during the construction and operational phases of the development.

Development proposals that are likely to generate waste when operational will be expected to include appropriate facilities for the segregation, storage and collection of waste. This will include provision for the separate collection and storage of recyclates within the curtilage of individual houses.

### **Policy PV19: Minerals**

Angus Council will protect existing mineral resources within Angus which are of economic and/or conservation value from other forms of development.

Proposals for new or extended mineral workings must demonstrate that the development is required to maintain, at least a 10 year land bank for aggregates or the development is required for the local, regional and/or national market that cannot be satisfied by recycled or secondary aggregates at existing workings.

Proposals will only be supported where:

- impacts on the natural and built environment, amenity, landscape, visual amenity, air quality, water quality, groundwater resources, prime quality agricultural land, geodiversity, site access, traffic movements, road capacity and road safety are acceptable or could be satisfactorily mitigated through planning conditions, a Section 75 agreement or other legal agreement; and
- appropriate details of restoration, aftercare and after use are submitted for approval by Angus Council, recognising that ecological solutions are the preferred form of restoration. Opportunities to enhance, extend and / or link to existing green networks should be investigated. Prior to commencement of development Angus Council may require a bond to cover the cost of the agreed scheme of restoration, aftercare and after use.

### **Policy PV20: Soils and Geodiversity**

Development proposals on prime agricultural land will only be supported where they:

- support delivery of the development strategy and policies in this local plan;
- are small scale and directly related to a rural business or mineral extraction; or
- constitute renewable energy development and are supported by a commitment to a bond commensurate with site restoration requirements.

Design and layout should minimise land required for development proposals on agricultural land and should not render any farm unit unviable.

Development proposals affecting deep peat or carbon rich soils will not be allowed unless there is an overwhelming social or economic need that cannot be met elsewhere. Where peat and carbon rich soils are present, applicants should assess the likely effects of development proposals on carbon dioxide emissions.

All development proposals will incorporate measures to manage, protect and reinstate valuable soils, groundwater and soil biodiversity during construction.