

ANGUS COUNCIL

DEVELOPMENT STANDARDS COMMITTEE – 04 AUGUST 2015

**PROPOSAL OF APPLICATION NOTICE – FORMER RESERVOIR, BALMACHIE FARM,
CARNOUSTIE**

GRID REF: 353988 : 736496

REPORT BY HEAD OF PLANNING AND PLACE

Abstract:

This report advises Committee that a Proposal of Application Notice (ref: 15/00642/PAN) has been submitted in respect of the infilling of a reservoir and catchment basin with inert waste including the operation of a mechanical washing plant and settlement lagoons for the purposes of recovering and recycling aggregates. Committee is invited to identify issues which it would like to see addressed in the planning application.

1. RECOMMENDATION

It is recommended that Committee notes the key issues identified at this stage and advises of any other issues it considers should be addressed in any planning application that is subsequently submitted.

**2. ALIGNMENT TO THE ANGUS COMMUNITY PLAN/SINGLE OUTCOME AGREEMENT/
CORPORATE PLAN**

This report contributes to the following local outcomes contained within the Angus Community Plan and Single Outcome Agreement 2013-2016:

- Our communities are developed in a sustainable manner
- Our natural and built environment is protected and enjoyed

3. INTRODUCTION

3.1 At its meeting on 19 June 2014, Council approved a guidance note on the role of Councillors in pre-application procedures in respect of national and major planning applications (Report 275/14 refers). A key element of that guidance requires officers to present a report to Committee when a Proposal of Application Notice (PAN) is submitted. Such a report will set out what are considered to be the key considerations in the determination of any subsequent planning application and allow Members opportunity to identify any additional issues that they consider should be addressed when a planning application is submitted.

3.2 A PAN (ref: 15/00440/PAN) has been received. It indicates that an application for planning permission is to be submitted for the infilling of a former reservoir and catchment basin with inert waste including the operation of a mechanical washing plant and settlement lagoons for the purposes of recovering and recycling aggregates. The proposed development site measures around 6 hectares. The site is accessed via an established access from the C1 Upper Victoria Road that leads from Carnoustie to Kirkton of Monikie. A plan showing the outline of the site on which the development is proposed has been submitted. No further details relating to the proposed application have been provided at this stage.

3.3 The submitted PAN sets out the proposed consultation that the applicant intends to undertake with the local community and the applicant has indicated that a copy of the PAN has been served on Carnoustie Community Council. A public display is to be held at Carnoustie Library on Wednesday 05 August 2015.

- 3.4 The results of the community consultation will be submitted with the subsequent planning application in the form of a pre-application consultation report (PAC Report) as required in regulations.
- 3.5 Confirmation has been given that a planning application cannot be submitted prior to 22 September 2015 (the date 12 weeks' from the submission of the PAN).

4. BACKGROUND

- 4.1 The site that is subject of the PAN consists of a former water reservoir and catchment basin that has been used for the purposes of landfilling with inert waste since around 2008 following the approval of planning application ref: 06/00607/FUL. This consent was time limited to a maximum period of 5 years following commencement of the development. The site was subsequently granted planning permission to operate a mechanical washing plant and to form settlement lagoons for the purposes of recycling aggregates in 2010 under planning reference 10/00787/FULL. A condition of the consent required that the recycling of aggregates cease no later than 19 December 2012. In this respect the intended planning application would combine the operations covered by the previous applications.
- 4.2 The site lies directly to the north of the A92 Road and to the east of the C1 Upper Victoria Road. The site is screened to the west by existing woodland known as Brax Strip but is partially visible from the A92 as operations are not complete and the land has not yet been restored to the levels approved at the time of planning application ref: 06/00607/FUL which predicted that the site would be completed within 5 years. This has been largely due to the increased efficiency of the use of the site resulting from the introduction of a screening operation that has led to most of the materials that would have previously been land filled being recycled for construction use. Notable features around the site include a field drain and the former reservoir which has been protected and infilled in accordance with previously approved archaeological mitigation. The closest sensitive properties are Barnview and Crookhill Cottages which lie around to 240m to the east beyond the Brax Strip. Local archaeological areas and surface water extents have been identified within and around the site. Health and Safety Executive consultation buffers in respect of a high pressure Gas Pipeline run close to the south of the site but do not enter the proposed area of operation.

5. DISCUSSION

- 5.1 In this case the land subject of the Proposal of Application Notice (PAN) is not allocated in the adopted Angus Local Plan Review for any specific use and is not identified for any specific use in the emerging Local Development Plan. The appropriate policies relating to the proposed non-municipal waste management and infilling operation are Policy ER37 and ER39 in the Angus Local Plan Review which state:-

Policy ER37 : Non-Municipal Waste Management

Angus Council will support the provision of local facilities to reduce, reuse, recycle, recover and pre-treat non-municipal waste in accordance with the provisions of the National Waste Strategy: Scotland and National Waste Plan.

Proposals for new or extended landfill sites and/or the development of facilities for the management and disposal of non-municipal waste will be permitted where it can be demonstrated that:

- a) there is evidence of a strategic local or national need;*
- b) the development conforms to a sequential consideration of international, national and locally important planning designations established by Policy ER39;*
- c) sites for inert waste include provision of facilities for the treatment of construction and demolition waste;*
- d) sites for hazardous or special waste are required to meet a strategic national requirement;*
- e) the proposal provides a proven and acceptable system for the containment, collection, treatment and disposal of leachate;*
- f) the proposal provides a proven and acceptable system for the containment, collection and active use of landfill gas;*

- g) *there is no detrimental impact on residential amenity or the general environment through noise, dust and odours;*
- h) *there is no adverse affect on watercourses, lochs or groundwater resources;*
- i) *the proposal will result in the positive regeneration of already degraded areas;*
- j) *land restoration, aftercare and after use details are satisfactory; and*
- k) *the roads leading to and from the site are capable of accommodating the type and volume of heavy traffic movements generated by the development.*

Proposals for waste management facilities which can satisfy the above criteria may, where considered suitable, be acceptable on employment land (defined by Policy SC16 : Employment Land Supply and Policy SC17 : Industrial and Business Use.) Where appropriate, development proposals will require to be accompanied by an Environmental Statement and Transport Assessment.

Policy ER39 : Sequential Approach for Mineral Extraction, Landfill and Land Raise Proposals

Proposals for mineral extraction, landfill and land raise development must demonstrate and satisfy a sequential consideration of the international, national and locally important planning designations detailed in Table 3.1.

Level 1: International Designations:

Development that would have an adverse impact on the conservation interests of international designations will only be permitted where:

- *there are reasons of overriding public interest; and*
- *there is no alternative solution (including the full exploration of alternative sites in levels 2, 3 and 4).*

Level 2: National Designations:

Development that would have an adverse impact on a designated area of national importance will only be permitted where:

- *the designation objectives and overall integrity of the area will not be compromised; or*
- *any significant adverse impact on the area are clearly outweighed by social or economic benefits of national importance; or*
- *no suitable alternative site is available in levels 3 and 4.*

Level 3: Local Designations:

Development that would have a significant adverse impact on local designations or features will only be permitted where:

- *the importance or value of the designation or feature to local environmental quality is clearly outweighed by the local economic and social benefits; and*
- *no suitable alternative site is available in level 4.*

Level 4: Preferred Areas:

Development may be permitted subject to local circumstances and amenity considerations.

5.2 In these circumstances it is considered that the key determining issues in relation to the determination of a subsequent planning application are likely to be: -

- Site selection;
- Landscape impact;
- Impact on residential amenity including assessment of noise dust and odours;
- Effects on ground water and water courses;
- Ecology impact;
- Archaeological and built heritage impacts;
- Access and traffic impacts;

- Other development plan considerations (floods/drainage, use of prime agricultural land etc.);
- Site restoration and aftercare;
- Potential environmental and economic benefits;
- Other material considerations (relevant local and national guidance on waste management, landfill audit, representations (if received)).

5.3 Whilst other issues may emerge through the publicity and consultation process associated with any planning application, the above matters are considered to represent the main issues that should be considered at pre-application stage and that are likely to be determining factors for any subsequent planning application. However, Committee is invited to identify any additional matters that it would wish to see addressed.

6. FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

7. OTHER IMPLICATIONS

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

**VIVIEN SMITH
HEAD OF PLANNING AND PLACE**

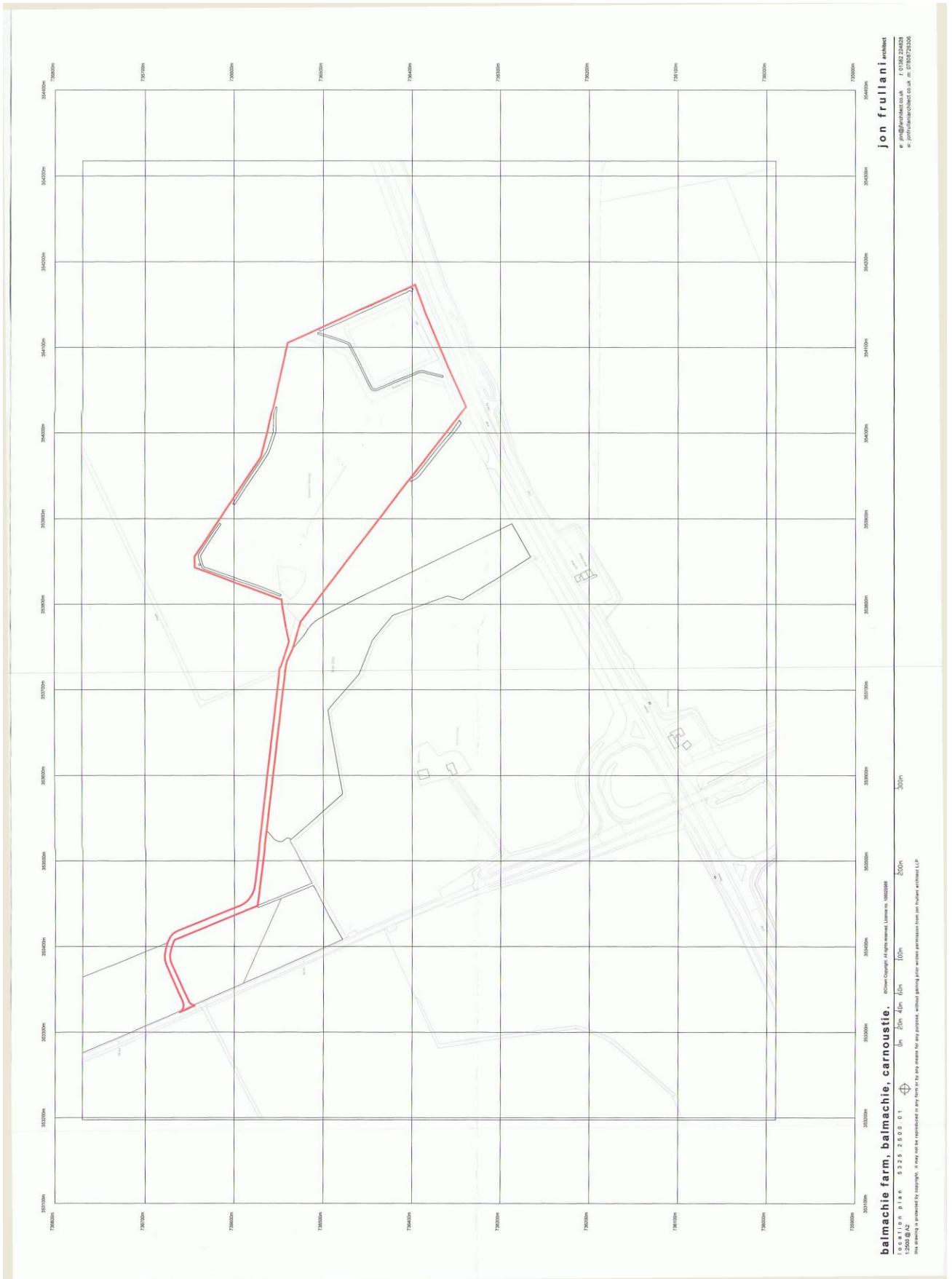
NOTE: No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973, (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above Report.

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Appendix 1 : Location Plan

Appendix 1 : Location Plan



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