

**ANGUS COUNCIL**

**DEVELOPMENT STANDARDS COMMITTEE - 13 SEPTEMBER 2016**

**PLANNING APPLICATION - FORMER RESERVOIR BALMACHIE FARM BALMACHIE CARNOUSTIE**

**GRID REF: 353752 : 736508**

**REPORT BY HEAD OF PLANNING AND PLACE**

**Abstract:**

This report deals with planning application No. 16/00342/FULM for 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 for Norman Jamieson Ltd at Former Reservoir Balmachie Farm, Balmachie, Carnoustie. This application is recommended for conditional approval.

**1. RECOMMENDATION**

It is recommended that the application be approved for the reasons given in Section 10 of this report.

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

This report contributes to the following local outcome(s) 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 The application relates to a proposal to continue the use of an established inert waste land fill site that is located on the site of a former reservoir and its catchment basin at Balmachie Farm which lies around 1.7 km north of Carnoustie. The operation would also involve the use of a mechanical washing plant that assists in the recycling of soils and other useable materials and diverting them from the waste stream. The use of the washing plant at the site has largely been responsible for the use of the site extending beyond its originally anticipated life span.
- 3.2 The site lies directly to the north of the A92 Road around 500m east of the Upper Victoria intersection. The site is accessed directly from the C1 Upper Victoria Road around 600m north of the intersection with the A92. A formal access has been formed in accordance with the terms of the previous planning permission.
- 3.3 The site sits below the level of the A92 Road although soil heaps are clearly visible from outwith the site. The site is contained to the west by the Brax Strip which is a woodland strip of roughly 80 metres in width at the widest point that is listed on the SNH Ancient Woodland Inventory as being a long established ancient woodland of plantation origin. Beyond the woodland strip lies an agricultural field with 2 dwellings (Barnview and Crookhill) located roughly centrally within it. The dwellings lie around 200m from the site. As previously mentioned the south of the site is contained by the A92 Road beyond which lies agricultural land. The north and east of the site are also contained by agricultural land belonging to Balmachie Farm. The site is self-contained

however and operates as a separate entity to the farm and does not utilise any of the farm accesses or internal track network. Infilling operations to date have taken place mainly at the south of the site and the former reservoir is now largely covered. The washing plant and lagoons are at the north of the site.

- 3.4 The planning application is required to be considered by the Development Standards Committee as the site measures 60 hectares. The proposal therefore represents a major planning application in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. The application has not been subject of variation and was advertised in the Dundee Courier. The statutory advertisement period has expired.
- 3.5 The development has been screened in terms of Regulation 6 of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011. A screening opinion has been formed taking account of Schedule 3 of the regulations and it has been determined that the development is not an EIA development.

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

- 4.1 03/01015/FUL for Infilling of former Carnoustie Water Reservoir and Catchment Basin and Formation of Access Track was determined as "Application Withdrawn" on 5 December 2005.
- 4.2 06/00607/FUL for Infilling of Former Carnoustie Water Reservoir and Catchment Basin was determined as "Approved subject to conditions" on 19 December 2007.
- 4.3 10/00787/FULL for Construction of a Concrete Pad to allow the Installation of a Mechanical Washing Plant and Settlement Lagoons for the Purposes of Recycling Aggregates was determined as "Approved subject to conditions" for a temporary period on 22 October 2010.
- 4.4 15/00642/PAN for Infilling of 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 was determined as "Approved with Conditions" on 23 July 2015. This PAN was reported to members on 4 August 2015 and committee agreed to note the key issues identified by officers in the report.

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

- 5.1 The following information has been submitted in support of the planning application:
  - I. A Design and Access Statement;
  - II. An Ecological Impact Assessment;
  - III. A Noise Impact Assessment;
  - IV. A PAC Report;
  - V. A Traffic Report;
- 5.2 The Design and Access Statement gives a brief description of the development and how the design responds to the development objectives. A brief description of access considerations is also given.
- 5.3 The Ecological Impact Assessment covers the relevant legislative background and outlines the scope of the study. Study areas are defined and the nature of the Desk Study is outlined. The assessment makes reference to vegetation, protected mammals and reptiles and describes what surveys were undertaken in respect of each. The assessment describes the outcomes of each survey and assesses effects. Mitigation recommendations are given. The assessment concludes that the proposal would not result in any significant direct or indirect impacts on protected species.
- 5.4 The Noise Impact Assessment (NIA) relates to the operation of the Washing and Grading Plant on the site. The NIA assesses the impact of noise from the use of aggregate washing and grading plant and the report concludes that the anticipated use is unlikely to lead to the loss of amenity at neighbouring residential properties.

- 5.5 The Pre-application Consultation Report (PAC Report) has been undertaken in accordance with the provisions of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013. The PAC Report outlines the PAC process that was undertaken and details the result of the public engagement exercise. The report is brief and is reflective of the poor attendance at the PAC event and the apparent low level of public interest in the development.
- 5.6 The Traffic Report gives a description of the history of the site and highlights that the requirement for an extension to operations at the site has been necessitated following the introduction of a recycling operation in 2010 which has significantly reduced the level of material being deposited as landfill. It is expected that the operation of the site will be extended for 10-15 years before completion can be achieved as a result. The report describes the location and the road network serving it. The report gives an assessment of traffic impact arising from the operation of the site and concludes that there will be no material impact on the operation or on predictions as approved in the original 2006 Transport statement. The report highlights that previous conditional road improvements have been undertaken to facilitate the operation resulting in a fit for purpose highway situation.

## **6. CONSULTATIONS**

- 6.1 **Aberdeenshire Council Archaeology Service** - No archaeological mitigation required.
- 6.2 **Angus Council Environmental Health** - No objection subject to operational hours restrictions being applied.
- 6.3 **Scottish Environment Protection Agency** - No objection. Condition suggested relating to restoration.
- 6.4 **Angus Council - Flood Prevention** - No objection subject to conditions being applied relating to the submission of a drainage strategy for the whole site for further written approval.
- 6.5 **Scottish Natural Heritage** - There was no response from this consultee at the time of report preparation.
- 6.6 **Community Council** - There was no response from this consultee at the time of report preparation.
- 6.7 **Angus Council - Roads** - No objection.
- 6.8 **Scottish Water** - There was no response from this consultee at the time of report preparation.

## **7. REPRESENTATIONS**

There were no letters of representation.

## **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 2012)
  - Angus Local Plan Review (Adopted 2009)
- 8.3 Angus Council notified Scottish Ministers of its intention to adopt the Proposed Angus Local Development Plan (as modified) and published its Notice of Intention to Adopt on 12 August

2016. On 1 September 2016 Angus Council received notification that Scottish Ministers did not propose to issue a Direction in relation to the proposed ALDP (as modified) and that the Council could proceed to adopt the plan in accordance with the provisions of by the Town and Country Planning (Scotland) Act 1997. Angus Council will now undertake the necessary statutory procedures and it is anticipated the plan will be adopted by 16 September at the earliest. Whilst the plan was not formally adopted at the time of the writing of this report, the policies contained therein represent the most up-to-date statement of planning policy for the Angus administrative area. The Angus Local Development Plan has now reached an advanced stage in its passage towards adoption and it is now a material consideration of such weight that the policies contained therein would outweigh the policies of the Angus Local Plan Review. As such the policies of ALPR are not referred to in this report. Following adoption of the Angus LDP there is a 6 week period for legal challenge.

- 8.4 Although the application relates to a development that is major in terms of the size of the site, the proposal is not of strategic importance and the policies of TAYplan are not referred to in the discussion of this report and the policies of the Angus Local Development Plan form the basis for the consideration of the proposal. The relevant development plan policies are reproduced at Appendix 1.
- 8.5 The application relates to the proposal to continue the use of the previously approved landfill site at Balmachie, Carnoustie. The site was originally conceived as an inert waste landfill site with an expected operational period of 2-5 years at the end of which the site was to be capped, re-sown and brought back into use as agricultural land. Due to the introduction of industrial washing and screening plant however, the amount of materials that require to be land filled has declined as stone, sand and soil can be recovered for re-use as a commercial resource.
- 8.6 The site is located in the countryside. Policy DS1 in the Angus Local Development Plan (ALDP) states that outwith development boundaries, proposals will be supported where they are of a scale and nature appropriate to the location and where they accord with other relevant policies in the LDP. The policy also states that proposals that re-use or make better use of vacant or derelict brownfield land or buildings will be supported in general terms subject to compliance with other relevant policies.
- 8.7 In terms of the first test of Policy DS1 the following policy assessment will determine LDP compliance. It is however worth noting that in terms of the tests of scale and kind to development location and re-use of derelict land, the proposed development has a history of support for the same nature, scale and kind of development that is proposed. Furthermore, at the time of the original application for the land fill operation, the site was in part deemed to be appropriate as it was the site of a redundant reservoir and catchment basin which was considered to be of low agricultural value. It is anticipated that once the development is complete the site would be re-instated as agricultural land.
- 8.8 Policy DS4 in the ALDP relates to amenity and states that proposals must have full regard to opportunities for maintaining and improving environmental quality. Development is not permitted where there would be an unacceptable adverse impact on the area or the environment or amenity of nearby sensitive property. The closest sensitive properties lie 200m to the west of the site beyond a fairly significant tree belt. Neither has raised any concerns relating to the site operation during the lifetime of the development to date. As previously stated the site was established through an initial grant of temporary planning permission for a landfill operation that was anticipated to be fairly short lived. The original temporary operational period has now expired and the site has not been finished due to the increased amount of materials being recovered from inert import materials for reuse. The site is not in a state where it can now be left without significant adverse visual amenity impact resulting and no aftercare scheme is in place. It is therefore considered to be of optimal benefit in general amenity terms that the site is allowed to be finished to its originally approved levels. At the time of the original application, it was anticipated that operations would be completed within five years however a condition was attached to the effect that the site would be restored to agricultural use within five years and that should operations not be completed in that timescale, then a further application would need to be submitted for the continuation of operations or alternatively, that a scheme for the restoration and aftercare of the site be submitted for further approval. The operators still indicate that the site is

required and therefore seek to comply with the requirement that a further application be submitted. The completion of the site will now be anticipated to take a further fifteen years. The completion of the site will result in an improvement in environmental quality. Site operations have to date been restricted to 0800-1700 Monday to Friday, 0800-1200 on Saturdays and no Sunday or local public holiday working. It is considered to be appropriate to continue the operation in this manner. Previous conditions relating to dust management would also be applied. Environmental Health and SEPA have been consulted on the application and either raise objection to the continuation of the use of the site. The proposal that would result in the completion and full restoration of the site is considered to offer no conflict with the amenity considerations of Policy DS4. Conditions are recommended at Section 9 to ensure that adequate provision is made for the restoration of the site which would result in an improvement to the environmental quality of the area.

- 8.9 In order to fully confirm that the site is appropriate for continued waste management activity however, an assessment in terms of Policy PV17: Waste Management Facilities, is required. As advised the facility currently is operating as an existing waste management facility. Policy PV17 safeguards existing waste management facilities from alternative use unless they are surplus, no longer suitable or where alternative provision is made on another site. Furthermore, although the site is not a new facility, the policy states that proposals will be supported where they deliver the objectives outlined in the Zero Waste Plan (to prevent, reduce, recycle, recover and pre-treat waste). The site serves the purpose of necessary disposal of inert waste arisings. The need for the application has come about through the improvement in the operation of the facility beyond that anticipated at the initial conception of the scheme to the point where significant proportions of the imported waste is being recovered and reused. The prevention of inert waste is not possible within the context of this application as the site exists in order to deal with necessary inert waste (down takings and building waste etc.). As stated above, the prevention of further operations at the site could result in an unacceptable amenity impact. In terms of the site's improved performance in the recovery and re-use of materials, it is considered to be in accordance with the objectives of the Zero Waste Plan.
- 8.10 Policy PV17 offers support for appropriate waste management schemes where impacts on the natural and built environment, amenity, landscape character, visual amenity, air quality, water quality, groundwater resources, site access, traffic movement, road capability and safety are all acceptable or could be satisfactorily dealt with by planning conditions or planning obligations and that appropriate restoration and aftercare provision is made. The policy indicates that bonds may be required to cover the cost of restoration.
- 8.11 Taking each of these considerations in turn, in terms of the natural environment, Policy PV4 seeks to offer protection to sites that are designated for their natural heritage and biodiversity value at either an international, national or local level and Policy PV5 relates to Protected Species that are offered protection at a European or in terms of the Wildlife and Countryside Act and the Protection of Badgers Act. The application has been screened under the provisions of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011 as the development proposal falls within Schedule 2 of these regulations. It is however considered that the whilst the development would take place within 3.5km of environmentally sensitive areas, namely Barry Links SSSI, Firth of Tay and Eden SAC, it would not give rise to impacts that would directly affect any environmentally sensitive or vulnerable locations.
- 8.12 An ecological impact study including a protected species survey was submitted with the application. The supporting information did not give rise to any concerns in respect of negative ecological impacts arising as a result of the development and no direct impact on protected species is identified. Non-native invasive vegetation in the form of Japanese Knotweed has been identified however and mitigation is suggested. In order to limit the ecological impact of such species, a condition is suggested at Section 9 that will require mitigations suggested in the study to be implemented. SNH were consulted on the application but offered no comment in respect of likely ecological impacts. It is considered that there would be no unacceptable impacts on the natural environment or protected species arising from the continued use of the site. The site once finished should offer enhanced ecological and habitat potential. The proposal is therefore considered to offer no conflict with Policies PV4&5 and the natural heritage consideration of Policy PV17.

- 8.13 Turning to impacts on built heritage, no listed buildings or scheduled archaeology would be affected by the proposal. The site is however noted as local archaeological site denoted as a standing structure consisting of the remains of the former reservoir for Carnoustie, a brick built intake tower and a collection basin. Archaeological mitigation was however put in place at the time of planning permission ref: 06/00607/FUL. Aberdeenshire Archaeological Service was consulted on the application and is content that no further mitigation is required. The proposal therefore offers no conflict with Policy PV8 or with the built heritage considerations of Policy PV17.
- 8.14 In terms of visual amenity and air quality impacts, these matters have already been discussed above in relation to Policy DS4 considerations. Landscape impacts are also a relevant amenity consideration however and Policy PV 6 relates to landscape impacts of development proposals. The policy seeks to protect and enhance landscape quality and states that development should be considered in the context of the Tayside Landscape Character Assessment and other relevant landscape relates studies and designations as applicable. The application site sits within landscape character type LCT TAY13 Dipslope Farmland which is a medium scale extensive open agricultural landscape with low woodland cover and dispersed settlements. Relevant guidance within the Tayside Landscape Character Assessment is to replant trees along field boundaries, initially along roads but also between fields and to explore opportunities to increase woodland cover by creating new woodland belts, particularly where there is a need to screen development and to explore opportunities to provide on and off site screening of major roads and ensure hedges, hedgerow trees are re-instated. As previously discussed, the site in its current part finished state would not result in a satisfactory amenity or landscape impact. A plan of site restoration would be required through planning conditions recommended at Section 9 below. A restoration bond would also be required in order to ensure that the restoration can be carried out in the event the developer fails to implement the restoration scheme. It is also considered that the Landscape Character assessment guidance could be applied in terms of a landscaping scheme to form part of any restoration and this is also included as conditional requirement. On that basis, the proposal would not offer any conflict with Policy PV6 or with the amenity considerations of Policy PV17.
- 8.15 Policy PV17 requires that impacts on groundwater resources are taken into account when considering waste management proposals. Policy PV14 refers to water quality and seeks to protect and enhance the quality of the water environment. Both SEPA and the Council's Flood Prevention Unit (Roads) have been consulted on the proposal. The site has operated under two exemptions from SEPA which allow the applicant to bring the land back into agricultural use and an exemption which permits the sorting/reuse/recycling of waste soil and stones. The exemptions apply to the sorting and storage of materials that do not produce leachate and there should therefore be limited potential for ground water contamination to occur. SEPA has expressed concern that in terms of these exemptions, the restoration of the land has not yet happened as the originally anticipated period of operation was 2-5 years. In this respect SEPA has requested that conditions be attached regarding the phased restoration of the site for agricultural purposes. A condition is attached as section 10 below. Notwithstanding the above mentioned exemptions, the site does operate a washing and screening operation that involves the industrial washing and settling of imports. It has however been confirmed that none of the process water from the crushing and screening activity at the site would discharge to the water environment. In respect of surface water drainage from the site Policy PV15 relates to drainage infrastructure. Further clarification is needed on the surface water drainage arrangements for the site going forward and both SEPA and Angus Council Roads have requested that conditions are attached requiring a surface water management plan for the site to be agreed and implemented. A condition along these lines is attached at Section 9 below. On the basis of the conditions suggested being attached and actioned, it is considered that the proposal would not be in conflict with Policies PV 14&15 and the ground water considerations of Policy PV17.
- 8.16 The final Policy PV17 considerations relate to road safety. The policy requires that site access, traffic movement, road capability and safety are all acceptable. The application site has already been used as an inert waste landfill site and under the provisions of planning permission ref: 06/00607/FUL various roads and access improvements were made in accordance with conditions attached to that permission. The site is located close to a grade separated intersection with a

primary route and is well served in terms of road access. A transport statement was submitted with the application and has been assessed by Roads (Traffic) in terms of the traffic likely to be generated and its impact on the public road network. No objection has been raised and no further roads improvements would be required.

- 8.17 The final relevant policy consideration in the ALDP is Policy PV20 which relates to soils and geodiversity. The site is located in an area that is identified by the James Hutton Institute as being Class 1 and Class 2 prime agricultural land. Policy PV20 precludes development of such land unless doing so would either be supportive of the delivery of the development strategy and policies of the Development Plan or the development would be small scale and directly related to a rural business or constitute renewable energy development. The proposal is not particularly small scale. The proposal is a major development in terms of the hierarchy of development regulations. The proposal is not directly linked to the delivery of the development strategy although the foregoing assessment has shown that all other relevant policies are complied with subject to conditions being attached. For these reasons, the proposal would be contrary to Policy PV20. Account does however need to be taken of the current status of the site as an unfinished landfill development. Notwithstanding the James Hutton Institute identification of the land as prime the site was known to be of poor agricultural quality at the time of planning application ref: 06/00607/FUL. The land was acknowledged as being stripped and was only suitable for grazing at the time of the initial grant of planning permission. There were physical structures on the land in terms of the standing structures mentioned in the archaeology discussion above. The site is in effect a brownfield site. Policy PV20 also states that development proposals should not render any farm unit unviable. The end product of the development will be an area of land restored to productive agricultural use. On that basis the proposal is considered to be an enhancement of agricultural viability in the longer term. The site remains in the ownership of Balmachie Farm. As the land to which the application relates is not currently available for agricultural purposes, the proposal cannot be considered to be in conflict with what Policy PV20 sets out to achieve.
- 8.18 Planning legislation requires that decisions are made in accordance with the development plan unless material considerations indicate otherwise. In this case the proposal is to continue to use a 60 hectare former reservoir catchment basin as an inert land fill site.
- 8.19 The continued operation of the site within the terms stated in the conditions given at Section 9 will not have an adverse impact on the surrounding area and will generally represent an improvement in the amenity of the area once the site is completed. As a site that has previously been operated as an inert waste landfill site, the majority of the essential infrastructure required to operate the facility is already in place. Whilst the operation was not initially completed within the original anticipated timescale, the positive aspect of this is that the reason for this situation arising is as a result of a less than anticipated amount of waste being land filled due to improved efficiency in terms of crushing, screening and washing materials at the site. This enables a greater amount of materials to be recovered and reused as a commercial resource. Materials that would otherwise have been permanently lost as waste. The negative aspect of this situation is that the site as it currently stands is unfinished and will result in a negative landscape and visual amenity impact. The application represents an opportunity to redress this situation and subject to the introduction of an appropriate phasing and restoration scheme, the site will be undetectable in the landscape once finished and restored as agricultural land. Whilst the anticipated operational life of the site would extend by a further 15 years, there would be local economic benefits associated with its continued operation.
- 8.20 The proposal is considered to be an appropriate development that will secure the restoration of a large scale site within a prime agricultural setting. No objection has been received from third parties or consultees. There are no material considerations that would justify refusal of the application.

## **9. OTHER MATTERS**

### **HUMAN RIGHTS IMPLICATIONS**

The decision to grant permission/consent, 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 decision 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 reasons, and subject to the following condition(s):

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

The proposal will secure the appropriate restoration of a partially completed inert landfill waste site that lies within a prime agricultural setting in a manner that is generally consistent with the relevant policies of the development plan. There are no material considerations that justify refusal of the planning application contrary to the provisions of the development plan.

### **Conditions:**

1. That within six months of the planning permission hereby approved, the developer shall provide to the Planning Authority details of a bond, or other financial provision which has been put in place to cover all decommissioning of the site and site restoration costs. The bond or other financial provision shall make specific provision for the Planning Authority to call upon the bond or other financial provision in the event that the site is not restored by the developer. The financial provision shall be subject to regular review to ensure that it is sufficient to cover restoration costs over the lifetime of the development. The length of such a review period shall be agreed in writing by the planning authority. The developer shall ensure that the approved bond or other financial provision is in place and maintained until such time as the Planning Authority has provided written confirmation that the site has been restored in accordance with condition 3 of this planning permission. Should the developer fail to put an appropriate bond or financial provision in place within six months of this planning permission being granted, all on site operations shall cease until such a time as a satisfactory financial provision for site restoration has been put in place.

*Reason: To ensure that there are sufficient funds available throughout the life of the development to carry out the full restoration of the site following decommissioning.*

2. The land fill operation and associated machinery hereby approved shall be removed from the site no later than 15 years after the date of the planning permission hereby granted unless otherwise approved by the planning authority through the grant of a further planning permission following submission of an application.

*Reason: In order to limit the permission to the expected operational lifetime of the site and to allow for restoration of the site in the event that the use is not continued by a further grant of planning permission for a similar form of development.*

3. That within three months of the planning permission hereby approved, the developer shall submit a scheme of decommissioning and restoration of the site including aftercare and landscaping measures for the further written approval of the planning authority. The scheme shall set out a phasing plan for restoration and the means of reinstating the site to agricultural



use following the operation of the site or the completion of any individual phase including finished restored levels of each phase relative to existing site levels. The applicants shall obtain written confirmation from the planning authority that all decommissioning has been completed in accordance with the approved scheme and (unless otherwise dictated through the grant of a new planning permission for a similar form of development) the scheme shall be implemented within 12 months after the timescale laid out in Condition 2 above.

*Reason: In to ensure that the site is satisfactorily restored following the end of the operational life of the development in the interests of the amenity of the area.*

4. That within 4 months of the planning permission hereby approved, the developer shall submit a whole site surface water management plan for the further written approval of the planning authority. The surface water management plan shall contain details of the following:
  - identify any outfall to surface water from any SUDS based system;
  - provide details of the proposed new culvert including calculations of capacity;
  - identify how input from land drainage above the site will be incorporated in the site drainage;
  - provide details of maintenance of the surface water drainage system;
  - provide details of maintenance of the re-circulation system for wash water.

Once approved in writing by the planning authority, the surface water management plan shall be implemented in full within two months of written approval or such other timescale that may also be agreed in writing. The management of surface water over the site shall thereafter be undertaken in accordance with the plan for the duration of the operational life of the development including the site restoration phase.

*Reason: To ensure that the management of surface water over the whole site is undertaken in a satisfactory manner in the interests of the amenity of the area and the quality of the local water environment.*

5. That the hours of operation shall be restricted to the hours of 0800 to 1700 Monday - Friday, 0800 to 1200 noon on Saturdays and no working on Sundays and local public holidays.

*Reason: In order that the amenity of occupied premises in the area shall be adequately safeguarded from operational noise and disturbance.*

6. That within 4 months of the planning permission hereby approved, the developer shall submit a dust management plan for the further written approval of the planning authority. The dust management plan shall highlight all effective steps that shall be taken by the operator for the duration of site operations to ensure that best practicable means are employed to minimise airborne dust from the site. Once written approval of the dust management plan is received from the planning authority, it shall come into immediate effect and shall remain in effect for the duration of site operations. Should the planning authority receive a complaint regarding dust within the lifetime of the development, the developer shall cease operation of the site with immediate effect following notification of a dust complaint by the planning authority and development shall not recommence until adequate dust control measures have been deployed.

*Reason: In order to adequately safeguard against airborne dust unduly affecting nearby residential properties and roadways in the interests of residential amenity and road safety.*

7. That the development shall be undertaken in full accordance with the mitigation methods contained in the submitted supporting ecological impact assessment by Heritage Environmental Limited dated November 2015.

*Reason: In order to ensure that adequate mitigation is undertaken to offset any potential impacts on local ecology arising from the development and to ensure that any potential positive effects on local biodiversity are realised.*

8. That the developer shall ensure that no mud or debris from on-site operations is carried onto the C1 Barry - Monikie Road through the use of on-site wheel washing facilities for the duration of site operations.

*Reason: In order to prevent the carriage of loose materials onto the public road in the interests of traffic safety.*

9. That 14 years after the grant of planning permission or within 12 months of the completion of operations whichever is soonest the applicants shall report in writing to the planning authority on the progress of infilling operations indicating the tonnage of material deposited and providing a timetable for the completion of infilling and the achievement of the site's final restored state within the specified 15 year period.

*Reason: In order to allow the planning authority to give due consideration to the requirements of any subsequent application that may be required in the interests of the amenities of the area and to ensure appropriate and timeous retention or reinstatement of the site if required.*

10. That no fires shall be lit within the site for the duration of infilling operations.

*Reason: In the interests of road safety on the A92 Road and the amenity of the area.*

**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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Date: 6 September 2016

## **APPENDIX 1**

### **Development Plan Policies**

#### **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 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 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 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 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.

- [Enabling Development and our 5 Criteria \(http://scotland.gov.uk/Resource/0040/00409361.pdf\)](http://scotland.gov.uk/Resource/0040/00409361.pdf)

### **Policy PV17 : Waste Management Facilities**

Existing waste management facilities will be safeguarded from alternative development except where it is demonstrated that they are surplus or no longer suitable to meet future requirements or where alternative provision of equal or improved standard is provided on another site.

Development proposals adjacent to existing or proposed waste management facilities should not directly or indirectly compromise the present or future operation of the facility.

Proposals for new waste management facilities will be supported where they deliver the objectives outlined in the Zero Waste Plan (to prevent, reduce, recycle, recover and pre-treat waste).

The preferred location for new waste management facilities will be within or adjacent to existing waste management sites or on land identified for employment or industrial use. Former mineral sites and derelict or degraded land may also be acceptable. Such facilities should have regard to the local townscape and pattern of development.

Outwith these locations, proposals for new waste management facilities may be acceptable where they meet an identified community need and are in a location that minimises travel distances for that community.

Proposals will be supported where:

- impacts on the natural and built environment, amenity, landscape character, visual amenity, air quality, water quality, groundwater resources, site access, traffic movements, road capacity and road safety are acceptable or could be satisfactorily mitigated through planning conditions or planning agreement; and
- appropriate details of restoration, aftercare and after use are submitted for approval by Angus Council, recognising that ecological solutions are the preferred from 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.

Energy from waste recovery facilities will also be assessed against Policy PV9 Renewable and Low Carbon Energy Development and the Scottish Environment Protection Agency's Thermal Treatment of Waste Guidelines 2014.

## **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.