

ANGUS COUNCIL

DEVELOPMENT STANDARDS COMMITTEE – 24 APRIL 2018

PLANNING APPLICATION – STORAGE SHED, MUIRLOCH, LIFF

GRID REF: 330981 : 734461

REPORT BY SERVICE LEADER – PLANNING AND COMMUNITIES

Abstract:

This report deals with planning application No 16/00987/FULL for change of use of land and alteration and extension of building to form a biomass production and storage facility; erection of a drying fan enclosure; installation of a weighbridge; and associated works at Storage Shed, Muirloch, Liff by Forest Energy Scotland Ltd. 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 planning permission for change of use of land and alteration and extension of a building to form a biomass production and storage facility; erection of a drying fan enclosure; installation of a weighbridge; and associated works. The application is in part retrospective in nature.

3.2 The application site lies within the development boundary of Piperdam on its south-eastern edge. The site currently contains an 865sqm building within a 6200sqm yard which has planning permission for a biomass woodchip storage facility and ancillary hardstanding (ref: 13/00547/FULL). The Piperdam Resort is located to the west with a golf course abutting the site. Woodland and chalets are located to the northwest. An access track bounds the site to the north which runs between Piperdam and Muirloch Farm. The closest dwellinghouse is West Cottage (70 metre distance – measured between site curtilages) to the east and there are further dwellings at approximately 150 metres to the east (Ruach and The Garden House being the next closest to the site). A National Grid pipeline runs through an area to the north of the site. A location plan is provided at Appendix 1 below.

3.3 The proposal provides for an extension of the existing biomass storage facility and yard in order to allow biomass production and additional storage. The biomass production would involve the chipping and drying of biomass and log splitting. The proposal would extend the building by around 24 metres in both length and width (575sqm) and the size of the yard would be increased by 2300sqm (to 8500sqm) to the north and west. The height of the building to the ridge would be approximately 10 metres.

3.4 The building and associated land are currently being used for the storage and drying of biomass material. A biomass boiler and flue have been installed in the existing building, a ground level weigh bridge has been formed and a drying fan enclosure has been erected

again without the benefit of planning permission. The application seeks to regularise the unauthorised development but also provides for an increase in the height of the existing flue on the building on its western side. Land in the vicinity of the building has been used for wood chipping activities utilising available permitted development rights. That land is included within the current application site and that use forms part of the application.

- 3.5 Amended location and site plans have been submitted to identify the location of neighbouring properties, identify the location of the National Grid pipeline with vehicle crossing point and the accurate location of weighbridge. Amended elevation drawings were also submitted to show the extended flue height proposed on the west roof slope and the closing off of openings on the east side of the building (facing the closest houses).
- 3.6 The application has been subject to neighbour notification and was advertised in the press as required by legislation.

4. RELEVANT PLANNING HISTORY

- 4.1 Planning permission reference 13/00547/FULL for the erection of a biomass woodchip storage facility and ancillary hardstanding was approved subject to conditions on 29 July 2013. The permission was subject to the following conditions: -

1. That the building hereby approved shall be used only by the operators of the Piperdam Golf and Leisure Resort for purposes directly related to the operation of the Golf and Leisure Resort unless otherwise approved in writing by the planning authority.

Reason: In order to ensure that the building is not used for a purpose that would adversely affect the tourism and recreation potential or environment of Piperdam.

2. That prior to the commencement of the development hereby approved, the following shall be submitted to and approved in writing by the planning authority:
 - i. Full details and drawings to accurately illustrate the proposed water tank;
 - ii. Full details and specification of the proposed permeable hardstanding; and
 - iii. Full details and drawings of the proposed boundary treatments.

The water tank shall be installed in accordance with the approved details and the approved hardstandings and boundary treatments shall be formed prior to the use of the storage facility hereby approved coming into use.

Reason: In order that the planning authority may verify the acceptability of the proposals and as no such details were submitted with the application.

- 4.2 Observations were received that biomass production activities were taking place at the site and that it was not operating in accordance with the terms of the planning permission. A temporary stop notice was served on 15 June 2017. That Notice required cessation of wood chip and woody biomass production at the site. The operator subsequently undertook occasional wood-chipping activities outwith the curtilage of the building on the basis of permitted development rights that allow temporary uses of land. The Council's Environmental Health Service observed activities at the site during this period but considered that no statutory nuisance was evident at the site. The matters raised through that enforcement process have been taken into account in the preparation of this report.

5. APPLICANT'S CASE

- 5.1 The applicant has submitted information in support of the application and this includes a Noise Impact Assessment, an Air Quality Screening Assessment, a Summary Planning Assessment and an e-mail from the applicant to clarify inaccuracies in the supporting information raised by officers. That information suggests that the proposal can operate in a manner that would not give rise to unacceptable amenity impacts and that it would comply with relevant planning policy.
- 5.2 The supporting information is summarised at Appendix 2 below and can be viewed on the Council's [Public Access](#) website.

6. CONSULTATIONS

- 6.1 **Angus Council Roads (traffic)** – No objections. The Roads Service made initial comments on the state of the track, advising that passing places would aid walkers, cyclists etc and that visibility splays should be provided on the A923. However, following these comments, works have been undertaken to provide the required sightlines and the Road Service confirmed these are acceptable. The Roads Service has also indicated that road improvements to the existing access track (including provision of passing places) from the site to the A923 public road should be undertaken.
- 6.2 **Scottish Water** – there was no response from this consultee at the time of report preparation.
- 6.3 **Community Council** – Highlighted that a number of residents raised concerns and that the original application was granted with a condition stating that that the building should only be used for the purposes relating to the golf and leisure resort. The Community Council would not support business or industrial development at this location. Concerned that there would be an increase in vehicles and there is a risk of the biomass being exported from the site. Concerned that a different log chipping machine than that previously used on site was used for test recording for noise assessment. Considered that the scale of the proposed extension is not justified by the expansion of the resort and concerns regarding large lorries travelling along Check Bar Road and impacts with traffic / core path users.
- 6.4 **National Grid Plant Protection** – Initially advised that the site was in the vicinity of its assets and offered a holding objection to the application. However, following the submission of additional plans showing the pipeline location and crossing point, National Grid has removed its objection.
- 6.5 **Angus Council Environmental Health** – Has assessed information submitted in relation to noise emissions and air quality at the site. In addition, Environmental Health has reviewed letters submitted by third parties raising concern regarding operations at the site and has visited the premises on a number of occasions to observe operations. Environmental Health is satisfied that national air quality limits will not be exceeded and overall air pollution levels in the area should not be significantly affected but recommends that the biomass boiler, flue specifications and fuel type are regulated by planning condition. Noise assessment information was submitted which evaluates potential noise impacts on nearby residential properties that may arise from the development. That information indicates that with suitable mitigation measures in place, noise emissions from activities associated with the proposed development would not significantly impact on residential amenity. Planning conditions are proposed to control hours of operation, noise levels together and a requirement to implement and maintain a noise management plan.
- 6.6 **Health & Safety Executive** – Does not advise against, on safety grounds, the granting of planning permission in this case.

7. REPRESENTATIONS

- 7.1 33 representations, comprising 31 in objection from what appears to be 10 households (including 2 letters that have been signed by multiple households) and 2 in support (from 2 individual households). The letters of representation will be circulated to Members of the Development Standards Committee and a copy is available to view on the Council's [Public Access](#) website.
- 7.2 The main points of objection are as follows:
- Concerns the proposal is now becoming a commercial activity more suited to a location on an industrial estate;
 - No justification is submitted indicating why there is a requirement to increase production;
 - The proposals will impact detrimentally on leisure usage of the paths and on tourists staying in the area;
 - Proposal is contrary to original permission 13/00547/FULL and supporting information report admits to supplying several local farms and a leisure site in St Andrews;
 - Concerns in terms of amenity impacts due to matters such as noise and air quality and proximity to residential properties;
 - Concerns regarding the validity of the noise report and the background noise levels undertaken due to traffic movements at the time, as well as concern regarding proposed mitigation measures;

- Concerns regarding traffic impacts, suitability of access and potential risks to cyclists, pedestrians and horseriders using the paths (specifically Check Bar Road Right of Way / Core Path 215) from vehicle movements, and suggest that passing places should be installed; Concerns as footpath being blocked;
- Impacts on wildlife and biodiversity;
- Proximity of development to a pipeline and concerns regarding vehicle movements taking place over this;
- Concerns that the proposal does not comply with relevant policies of the ALDP;
- Points raised in the Summary Planning Assessment are inaccurate.
- Concerns that conditions and restraints proposed will be ignored by the applicant;
- Various Health & Safety issues including stockpiling of wood on site, uncontrolled fires and adequacy of the fire protection system.

7.3 The main points of support are as follows:

- Fully support the extension and all associated benefits that go with it such as employment and green energy;
- That apart from the odd occasion, no lorries use the Muirloch Farm Road;
- No issues with noise or traffic generated by the existing development.

The relevant planning matters are discussed below in section 8.

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 application is not of strategic significance and the policies of TAYplan are not referenced in this report. The relevant policies of the ALDP are provided in Appendix 2 and have been taken into account in the preparation of this report.

8.4 Policy DS1 of the Angus Local Development Plan (ALDP) indicates that all proposals will be expected to support delivery of the Development Strategy. It states amongst other things that 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.

8.5 In this case the site is located within the development boundary for Piperdam as defined by the ALDP. The development strategy for Piperdam provides support for proposals which maintain or enhance the recreational and tourism potential of the golf course and associated facilities. The site is not allocated or otherwise identified for development.

8.6 Policy TC15 deals with proposals for employment related development. That policy supports employment development within development boundaries where there are no suitable or viable sites available within an employment land allocation or existing employment area; or where the use is considered acceptable in that location; and where there is no unacceptable impact on the built and natural environment, surrounding amenity, access and infrastructure.

8.7 The applicant has indicated that the development is required to provide biomass fuel for the boilers within the Piperdam leisure complex and there is no allocated or existing employment areas within the Piperdam development boundary. In addition, there are no allocated or existing employment areas in the proximity of Piperdam. The complex is growing and has invested in biomass boilers as a means of producing heat for buildings. An on-site facility for the storage of biomass fuel was previously approved (permission 13/00547/FULL refers) and there would be operational and commercial advantages in having a biomass production facility close to the complex.

8.8 It is indicated that around 2000 tonnes (+/- 15%) of raw timber is brought onto the site annually. It is also indicated that between July 2016 and June 2017 Piperdam consumed 1652 tonnes of woodchip and that 126 tonnes was exported to St Andrews Forest Lodges and 180 tonnes was provided to three local farmers. This has now been reduced to one local

farmer with the information suggesting that 90% of the biomass would be used within the Piperdam complex. The supporting information suggests that demand at Piperdam is likely to increase as the site expands with additional holiday lodge construction.

- 8.9 There is a functional link between the proposed development and the Piperdam complex. There are no suitable or viable allocated or existing employment sites available in the area and therefore the principle of a biomass storage and production facility within the development boundary to serve the Piperdam leisure complex is broadly compatible with policy. However, the justification for the development at this location is the functional link and relationship with the supply of material to Piperdam. The applicant has confirmed that they own plant and machinery within the resort which is related to the biomass facility and they supply heat and hot water to Piperdam. Accordingly, it is considered appropriate to restrict the operation of the business such that it is directly linked with the supply of material to the Piperdam leisure complex. It is also appropriate to restrict the operation to a level that is reasonably necessary to meet the needs of Piperdam with provision for a small amount of any surplus material to be exported.
- 8.10 In addition, relevant policy requires consideration of impacts on the built and natural environment, surrounding amenity, access and infrastructure and each of those is discussed in turn below.
- 8.11 There are no built heritage designations in the immediate area that would be affected by the proposed development. The proposed extension would be designed in a form that would reflect the existing building. It would provide a building of agricultural scale and appearance which would be appropriate in the context of what is essentially a rural area. The resultant building is located close to a golf course but again the basic form of the building is not one that is uncommon or inappropriate in such an environment. The weighbridge that has been formed sits a little above surrounding ground level and its visual impact is limited. Temporary fencing has been erected around the building and its associated hardstanding and that has a fairly utilitarian and industrial appearance. Fencing, including deer fencing is not uncommon in the area and a more permanent and appropriately designed boundary enclosure can be required by planning condition. The proposed development does not give rise to any unacceptable impacts on the built environment of the area.
- 8.12 The site is not designated for any natural heritage reasons and there are no records of protected species on the site. There are ornithological interests in the wider area and there are records of red squirrel. However, the proposed development should not give rise to significant impacts on protected species or their habitats. The landscape impact of the development is fairly limited and the agricultural appearance of the building is not untypical or inappropriate for the location. There is a reasonably large storage building on the site and that is approved for the use of biomass material storage. The area surrounding the building has been used for the storage of timber and that is broadly consistent with the terms of the existing planning permission. That storage does give rise to some visual impact, particularly on the golf course to the west of the site but that golf course forms part of the wider Piperdam leisure complex and the proposed development is related to the operation of that complex. The development provides, and would continue to provide biomass material for the leisure complex and the owners/operators of that complex have offered no objection to the application. The development is, and would continue to be visible from paths and tracks in the area that are used for recreational purposes by residents and visitors. However, the extension to the building would not result in significantly greater visual impact than the existing building and the applicant has indicated that the proposal would not result in the importation of any additional round logs. A condition is proposed that restricts the amount of raw material that can be brought onto the site. Whilst the site is located within a development boundary, it is a rural area with woodland. The existing building and the current operation have a forestry related use which is not inappropriate in an area of this nature. Issues regarding visual impact on the amenity of occupants of neighbouring residential property are discussed below. The proposal does not give rise to any unacceptable impacts on the natural environment of the area.
- 8.13 In terms of impacts on amenity, the approved use of the existing building for the storage of biomass material generates an element of noise and activity from delivery of material to on-site movement. The proposed extension to the building would be visible from neighbouring residential property. However, at the distances involved the extension would not give rise to any direct amenity impacts and visual impact on the amenity of those that live in the area would not be untypical or unacceptable in a rural area.

- 8.14 The site has been used for the production of biomass material through use of a wood chipper and a biomass boiler has been installed in the existing building to dry material stored therein. This application seeks amongst other things to regularise those elements of the operation. Noise Impact Assessments (NIA) and an Air Quality Screening Assessment have been submitted in support of the application. The Environmental Health Service has reviewed that information and observed activities on-site and from neighbouring properties.
- 8.15 This is not a designated local air quality management area and the Environmental Health Service is satisfied that the biomass boiler can operate in a manner that should not give rise to significant amenity or air quality impacts. Conditions are proposed that would seek to minimise potential impacts and the flue has been moved from the east elevation (closest to neighbouring houses) to the west elevation of the building.
- 8.16 The issue of noise has been subject of significant discussion between the applicant's representatives and council officers. Wood chipping operations have been undertaken on an occasional basis utilising available permitted development rights. Activities undertaken utilising permitted development rights cannot be controlled through the planning system. However, this application seeks permission to allow wood chipping on site and this provides opportunity for it to be regulated through the use of planning conditions. This element of the proposal has been considered in detail through the submitted Noise Impacts Assessments. Existing activities have also been observed and monitored by officers from the Environmental Health Service. That Service is satisfied that the proposed development could be operated in a manner that would not give rise to unacceptable impacts on the amenity of nearby residential property by virtue of noise emissions. A noise limit restriction is proposed and the level set by that condition is comparatively low having regard to the predominantly rural nature of the site and existing background noise levels. In addition, the applicant has suggested mitigation measures that include restricting hours of operation for wood chipping and proposing a maximum frequency for wood chipping of 2 consecutive days. Planning conditions are proposed that seek to ensure that appropriate mitigation measures are put in place.
- 8.17 Activities such as wood chipping which gives rise to noise emissions can be undertaken using available permitted development rights. This application provides opportunity to regulate activities through the imposition of planning conditions. Such conditions would ensure that operations do not give rise to unacceptable impacts on the amenity of residents. Proposed conditions seek to control noise, emissions to air and light pollution. The proposed development would not give rise to unacceptable amenity impacts subject to the proposed conditions.
- 8.18 Access to the site is taken from an existing track that runs between the site and the A923 public road. A section of that track forms part of Core Path running between Piperdam and Binn, and access rights apply to the section of track that runs from the Core Path to Muirloch Farm. The applicant has indicated that supplies to the site equate to a maximum of 3 deliveries by articulated forestry lorries per week and that the proposal would not result in any increase in raw material delivered to the site. This is an average figure and the volume over any period of time could vary. However, having regard to the indicated capacity of the site, vehicle movements would not be significant even if concentrated over a comparatively short time period. The Roads Service has indicated that the visibility splays formed at the junction with the public road are acceptable but has indicated that remedial works should be undertaken to improve the condition of the track. It is understood that vehicular access to the track is controlled by locked gates. This reduces potential for conflict between vehicles travelling in opposite directions on the track. Notwithstanding this, the track is used for recreational purposes and it is considered desirable for provision to be made for step-off areas to be provided in order to ensure that there are safe harbourages for recreational users when it is being used by vehicles. The Roads Service has indicated no objection to the application on the basis of the nature and scale of the operation as described by the applicant. Similarly, use of the nature described would not result in any significant impact on recreational use of the track subject to the proposed planning conditions that require some upgrade of the track, the provision of appropriate passing places and provision of appropriate boundary treatment between the site and the track. However, any significant change in the nature or scale of the operation could give rise to materially different vehicle movements and associated impacts. In this respect it is considered appropriate to restrict the amount of material that can be brought onto the site and to control the amount of material taken off site for purposes unrelated to the operation of Piperdam.
- 8.19 In terms of impacts on infrastructure, there is no requirement for a connection to the public water supply. It is indicated that surface water would be directed to a sustainable drainage

system and this is acceptable in a location of this nature. Precise details of the SUDS could be appropriately controlled through the building regulations at this location. The proposal is located in proximity of a high pressure gas pipeline and the application has been subject of consultation with the Health and Safety Executive (HSE) and National Grid. HSE did not advise against approval of the application but indicated that further advice should be sought from National Grid as the relevant pipeline operator. National Grid initially raised some concern regarding the proposal but has subsequently confirmed that it has no objection to the application. The proposal does not give rise to any significant adverse impact on infrastructure in the area.

- 8.20 The proposed development is related to the ongoing recreational use of the Piperdam resort by producing biomass which is used in the applicant's boilers which provide heat and hot water which is sold to Piperdam and on this basis the use attracts some support from relevant development plan policy. The resultant building would be of a nature and scale appropriate for a rural area and predominantly agricultural landscape. The use can be controlled by planning condition to limit impacts on the surrounding area and the proposal is broadly compatible with development plan policy subject to the stated planning conditions.
- 8.21 In relation to material considerations it is relevant to have regard to the relevant 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. Current local development plan policy provides some support for employment related uses within development boundaries. In this case the business is associated with the ongoing operation of the Piperdam resort and there is an operational benefit in providing an on-site facility for the storage and production of biomass material. There is no other land allocated for employment use within the Piperdam development boundary or in other nearby development boundaries as defined by the ALDP.
- 8.22 Concerns regarding impact on amenity are noted and have been taken into account in the determination of this application. The site has permission for the storage of biomass material and that would include storage of raw timber. This application provides opportunity to regulate and control activities that have been undertaken using available permitted development rights. This includes opportunity to impose noise conditions and to require measures to mitigate other impacts associated with the operation. The Environmental Health Service has assessed the information submitted in support of the application and has reviewed the matters raised in objection. It has also observed activities associated with the operation. It is satisfied that the development can operate in a manner that would not give rise to unacceptable amenity impacts.
- 8.23 The Roads Service has reviewed the information submitted in support of the application and the letters of objection. It is satisfied that a safe and suitable access is available. Officers from the Planning Service responsible for countryside access have also reviewed the proposal and had regard to the letters of representation. Planning conditions are proposed that provide for improvement to the track. The applicant has indicated that the proposal would not result in a material increase in the amount of raw material delivered to the site and this matter, and any export of material can be controlled by planning condition.
- 8.24 The site and its environs are not designated for any natural heritage reasons. There are records of red squirrels and various bird species in the area. However, there is no basis to consider that the development would adversely affect those interests.
- 8.25 The Health and Safety Executive and National Grid have both confirmed the development should not adversely affect the high pressure gas pipeline. Having regard to that advice, there is no basis to consider that the development would affect the integrity of the pipeline.

- 8.26 The proposal does not comply with conditions attached to the previous planning permission granted at the site and it is apparent that some unauthorised activity has taken place. As indicated above, some of the activities have been undertaken using available permitted development rights. Officers have secured the submission of this application in order to address all activities at the site. The information contained within reports submitted in support of the application have been reviewed and are considered adequate to allow determination of the application. Supporting information has been submitted and updated/revised throughout the application process and as highlighted by third parties that contains some conflicting statements. Where appropriate matters have been clarified with the applicant. The information is considered acceptable to allow determination of the application and in any case the operation of the development would be controlled by planning condition. Amongst other things conditions are proposed which limit the amount of raw material which can be brought onto the site and amenity impacts including noise emissions would be controlled. In these circumstances I am satisfied that sufficient controls would be available to allow the operation of the biomass facility while maintaining a reasonable residential amenity for adjacent householders. The proposal provides opportunity to regulate activities at the site and the application complies with relevant development plan policy subject to the proposed planning conditions. Compliance with conditions attached to any planning permission that may be granted by Committee would be monitored and enforced as appropriate.
- 8.27 Matters relating to operational activities and associated health and safety issues are controlled through separate legislation and are not material to the determination of this application. Those issues have been passed to the relevant agencies for their attention. A condition requires provision of appropriate fencing between the site and the adjacent track.
- 8.28 In conclusion, the proposal seeks permission for a biomass production and enlarged storage facility that would provide material for the Piperdam resort. The site is within an identified development boundary and there are no alternative sites allocated for this type of development either within Piperdam or other development boundaries in the area. The proposal would complement the existing storage facility at the site and this application provides opportunity to regulate operations that have otherwise been undertaken using permitted development rights. 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 or use it for leisure purposes. 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 conditions:

Reason(s) for Approval:

The proposal provides for a change of use of land and extension of an existing building in a manner that is compatible with the relevant provisions of the development plan. The proposal would not have an unacceptable impact on amenity, the environment or road safety subject to the controls imposed by planning conditions and would provide an acceptable development that directly relates to the operation of Piperdam Golf and Leisure Resort. There are no material considerations that justify refusal of planning permission.

Conditions:

1. That the development hereby approved shall only be used for the production and storage of woody biomass and no more than 2300 tonnes of raw materials shall be brought onto the site in any calendar year.

Reason: In order to control the quantity of raw material which is brought onto the site in the interests of amenity and as that is the basis upon which the application has been assessed.

2. That no less than 90% of the woody biomass produced in any calendar year by the development hereby approved shall be used for the purposes of the production of heat and hot water for Piperdam Golf and Leisure Resort. No more than 10% of the annual tonnage of woody biomass produced in any calendar year shall be distributed, sold or otherwise used outside of the Piperdam Golf and Leisure Resort. The operator shall maintain a register of the quantity of raw material which is brought onto the site; the quantity of woody biomass produced, including the quantity of split logs; and the quantity and type of biomass material which leaves the site and the name and address of the business or person(s) it was distributed to. On request, the register shall be made available to the Council as planning authority for inspection.

Reason: In order to ensure that the approved development is used for a purpose that supports the tourism and recreation potential of Piperdam and for the purpose that justifies the location of the development.

3. That prior to the commencement of works for the extension hereby approved the following shall be submitted to and approved in writing by the planning authority:
 - A scheme of road improvements (including provision of passing places) to the existing access track from the site to the A923 public road. Thereafter the approved road improvements shall be completed before any other works in connection with the planning permission hereby approved take place.
 - A scheme for the annual inspection and maintenance/repair of the access track between the site and the A923 public road. Thereafter the approved scheme shall be fully implemented for the duration of operation of the site.
 - Details of proposed boundary enclosures. Thereafter the approved boundary enclosures shall be erected before the extension is occupied or brought into use.

Reason: To ensure that the existing core path is suitable for vehicle movements associated with the approved use and is maintained in a condition suitable for recreational use; and to ensure provision of a suitable boundary between the site and the adjacent track.

4. That all operations associated with the splitting of logs, the production of woodchip (but excluding the drying of woodchip and the use of the biomass boiler) and vehicle movements within, to and from the site shall be limited to Monday to Friday 0800 – 1800 and Saturday 0800 – 1300 only.

Reason: In order to limit when activities can take place within the site in order to safeguard residential amenity.

5. Noise from activities within the development site shall not exceed 44 dB LAr,Tr as measured and assessed within the external amenity area of any noise sensitive property and in accordance with BS 4142:2014 Methods for rating and assessing industrial and commercial sound.

Reason: In order to regulate noise levels in the interests of the amenity of occupiers of nearby properties in accordance with Policy DS4 of the Angus Local Development Plan (2016).

6. Noise from fixed plant within the development site shall not exceed NR Curve 30 between 0700 and 2200 and NR Curve 20 at all other times as measured within any dwelling or noise sensitive premises with the windows open at least 50mm.

Reason: In order to regulate noise levels in the interests of the amenity of occupiers of nearby properties.

7. That within 2 months of the date of this planning permission, a detailed noise management plan shall be submitted to the Planning Authority. The noise management plan shall, without prejudice to other matters, include the following:
 - Details of all mitigation measures considered necessary to meet the noise limit specified above;
 - A noise complaint procedure;
 - A timescale (which shall be at least annually) and procedure for the review of the noise management plan in order to ensure it is kept up to date and reflects any changes in plant or procedures.

Thereafter the site shall be operated at all times in full compliance with the noise management plan as approved or amended by the Planning Authority.

Reason: In the interest of residential amenity.

8. That within 2 months of the date of this planning permission, a detailed scheme for the mitigation of artificial light from the site shall be submitted to the Planning Authority. That plan shall, without prejudice to other matters, include the following: -
 - Provision that no external artificial lighting shall be provided on the building or within the site unless otherwise approved in writing by the Planning Authority following submission of information to demonstrate that such lighting would not result in unacceptable impact on the amenity of occupants of nearby residential property;
 - Provision for artificial lighting from vehicles to be controlled such that it does not adversely impact on neighbouring property.

Thereafter the site shall be operated at all times in full compliance with the mitigation scheme as approved or amended by the Planning Authority.

Reason: In order to regulate the level of light pollution in the interests of the amenity of occupiers of nearby properties

9. That the biomass boiler shall be a Heizomat RHK-AK100 unless otherwise approved by the Planning Authority following submission of information to demonstrate that any alternative boiler will produce the same or reduced emissions as the approved boiler. The operation of the biomass boiler shall be subject to the following operational restrictions: -
 - The fuel used shall be virgin woodchip with a maximum moisture content of 31% dry weight unless otherwise approved in writing by the Planning Authority following submission of information to demonstrate that any alternative fuel will produce the same or reduced emissions as the approved boiler.
 - All emissions to atmosphere from the biomass boiler shall be discharged vertically from a flue stack of 0.3m diameter and in accordance with the stack height and location detailed on Hiddleston and Feist Biomass Woodchip Facility for Forest Energy Scotland Ltd Job No. 573 Drg. No. 03 Revision G dated April '17.

Reason: In order to ensure that there are no unacceptable impacts on air quality in the interests of the amenity of occupiers of nearby properties

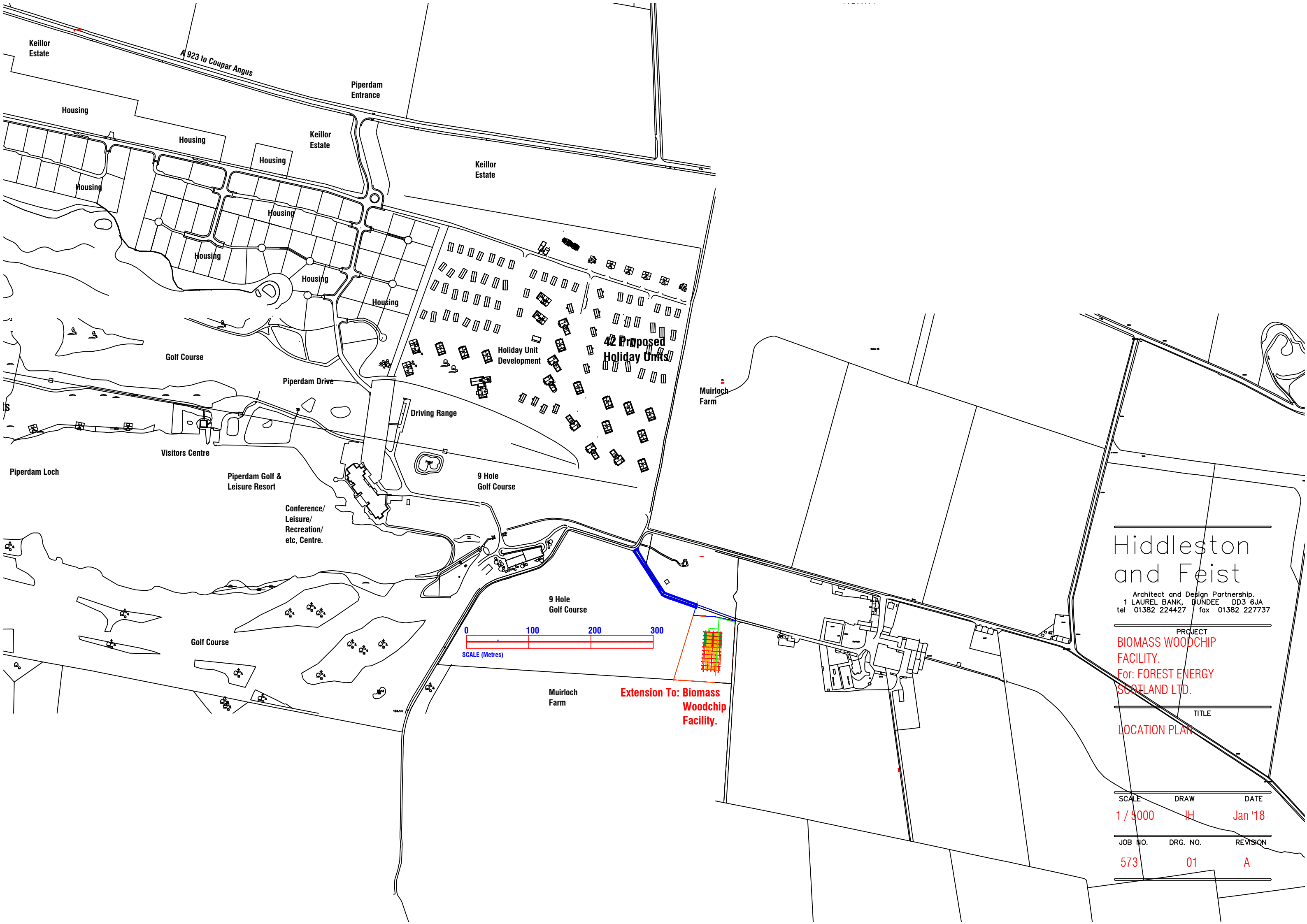
**KATE COWEY
SERVICE LEADER – PLANNING AND COMMUNITIES**

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 a material extent in preparing the above report.

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DATE: 16 APRIL 2018

Appendix 1 : Location Plan
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Hiddleston and Feist

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PROJECT
BIOMASS WOODCHIP FACILITY.
 For: FOREST ENERGY SCOTLAND LTD.

TITLE
LOCATION PLAN

SCALE	DRAW	DATE
1 / 5000	IH	Jan '18
JOB NO.	DRG. NO.	REVISION
573	01	A

Appendix 2 : Summary of Applicants Supporting Information

Noise Impact Assessment: Dated 17/03/17:

- Noise level surveys undertaken on 02/03/17 and 07/03/17;
- Proposed operations would likely increase chipping operations from around 1 day to 1.5 days every 6 weeks;
- Proposed mitigation measures to reduce noise levels and recommends that all noisy activities take place within or west of the shed to maximise screening to residential property; all gaps on the eastern side of the storage building should be filled in; a 3m acoustic barrier should be erected at the north eastern boundary to screen operations in the yard area; use of a low noise chipper; use of white noise reversing alarms on plant; management controls to ensure drivers to not idle or rev engines; and suggesting inspection of the yard area and access road to ensure a level, flat surface is maintained minimising body slap from vehicles manoeuvring;
- It concludes that noise levels have been measured at all nearest properties at Muirloch. With mitigation measures suggested it is likely the impacts would be reduced to less than significant. Noted BS4142 highlights the importance of context and long periods of inactivity should be considered.

Addendum Report for Noise Impact Assessment, Extension to Biomass dated 04/05/17:

- Report prepared as mitigation measures have been implemented at the site including filling in of gaps on eastern façade; creation of log pile on eastern boundary.
- Confirmed that when the extension is built it would result in a greater noise barrier and also that the noise from the chipper could possibly be reduced by reducing the air pressure of the blower used to blow chips from the chipper into the storage shed.

Summary Planning Assessment – Submitted October 2017;

- Highlights that the applicant formerly owned the resort but retains the primary objective of supplying the resort with a source of local sustainable fuel;
- The ground level weight scales are required to derive the amount of the base material (trees) that are delivered to the site;
- Proposed hours of operation (including HGV movements to and from the site) from 8 am to 6pm Monday to Friday and Saturday morning 8am – 1pm;
- Provides details of Dopstadt 811 Chipping Machine and highlights that it is the same machine used for the last 3.5 years on site;
- The operator currently purchases 2,000 tonnes round logs annually which equates to approximately one and a half lorry loads per week. Piperdam currently has a demand for approximately 1,500 tonnes per year which equates to 29 tonnes per week. A further 240 tonnes are sold to others which equates to just over 4.50 tonnes per week. All the above figures are based on the period between January 2016 and December 2016 and a plus or minus sensitivity of 15% should be used.
- External lighting is provided for the safety and security purposes but has been removed from the eastern elevation of the building.
- The site operates in compliance with the Fire Brigade requirements and formal building warrant with adequate supply of water.
- There is a legally binding contract for Forest Energy to supply Piperdam with biomass for up to the next twenty years.
- Responds to points on national grid, air quality and noise.
- With regards to noise a range of additional mitigation measures are highlighted.
- It highlights the business requirements of Piperdam, provides detailed analysis of usage requirements and that there is no natural gas available on site.
- From July 2016 to June 2017 Piperdam consumed 1,652 tonnes of woodchip. Ancillary amounts were exported to St Andrew's Forest Lodges Piperdam (126 tonnes) as a business owned and operated by the Directors of Piperdam, and to three local farmers (180 tonnes in total).
- The export to farmers equates to around 1½ loads per month by tractor and trailer.
- By comparison, the LPG gas tanker (pre-biomass) used to make 2 deliveries per week to 23 different locations on site.
- The biomass chips are produced, stored and dried on site from sustainable timber sources including short rotation coppice, cuttings from managed woodland and other forestry activities.
- Highlights that the letters of representation have been assessed in detail and some of the proposed mitigation responds directly to concerns raised such as signs on the access road; removal of lighting from the eastern side of the building, maintaining a visual screen; removing audible reversing alarms; soundproofing the main building and limiting

frequency, duration and hours of operation. It is a government and Ofgem requirement to be included on the Biomass Suppliers List for serving Piperdam Resort.

- Concludes and summarises mitigation measures proposed.

Planning and Noise Update (including updated assessment undertaken by Vibrock on 14/11/17) – submitted 11/12/17;

- This assessed the noise from chipping facilities when undertaken using a different chipper at a location immediately west of the existing building. This was to test some of the proposed mitigation measures (below).
- The proposed extended building will have a west facing door for access by the wood chipper;
- All chipping activity will take place to the west of the building;
- All openings in the building structure to be plugged, closed off and sealed;
- Maintenance of a physical log barrier with overlapping ends of 3m height arranged parallel with the eastern site boundary to mitigate vehicle headlights and noise;
- No additional deliveries at time of chipping;
- Chipping hours and overall frequency limited to Monday to Friday 8am-6pm – no weekend operation;
- Maximum frequency of 2 consecutive days in any calendar month;
- All plant to be fitted with white noise reverse warning alarms rather than single tone 'bleepers';
- Site rules to be clearly displayed to ensure that drivers do not idle or rev engines;
- The yard area and access road should be inspected and maintained to ensure a level, flat surface is maintained;
- All other equipment and machinery to be used on the western side of the building in a predetermined location;
- Access track will be maintained to ensure reasonable condition to allow deliveries and for other users.

Amended Air Quality Screening Assessment and Amended Emissions Calculations - Submitted 13/12/17. Provided to meet Environmental Health requirements and based on an amended flue height and location. The assessment predicts that national air quality limits will not be exceeded and overall air pollution levels in the area should not be significantly affected.

Statement of Points for Clarification (13 April 2018).

- Check Bar Road would be used by forestry articulated lorries to deliver logs to the site at a rate of a maximum of 3 deliveries per week.
- Check Bar Road was previously used as the main entrance to Piperdam prior to the erection of housing and vehicle movements associated with the operation of the biomass production facility would be significantly less than previously took place to access the Piperdam facility.
- No HGVs leave the site with the biomass produced other than to deliver biomass to St Andrews which utilises a 40 cubic metre skip and frequently one and half loads per month.
- All other biomass leaves the site via tractor and trailer.
- During January 2018 there were 6 HGV deliveries of logs over that month and during February 2018 there were 6 HGV deliveries of logs over that month.
- Following completion of the extended building the total amount of logs (2000 tonnes +/- 15%) delivered to and processed at the site would not increase. The increase in building size would facilitate an increase in storage capacity requiring less frequent operation of the wood chipper but increased duration while the chipper is on site from approximately 1.5 days to 2 days at any one time.
- The operation splits a very small quantity of logs for Piperdam for use in their open fire during the winter months.
- We now only supply our own site at St Andrews and one local farmer who has very small demand. He sends his own tractor and trailer 4 times a year to uplift (Feb 17 to Feb 18 it equated to 29.98 tons for the year). All the farmers previously supplied are now supplied from another operator in Angus.
- No chain saws will be used at the site.
- Piperdam fills the onsite boilers twice per week on a Monday and a Friday using an agricultural tractor and a silage type trailer. This equates to approx. 14 loads distributed over the entire site (3 locations) per week.

- Noise mitigation measures installed to date include a double bank of logs approx. 2/3 metres high and insulated panels fitted to all openings on the east elevation of the shed.
- The chipping machine was used for approximately 50 hours in 2014; for 65 hours during 2015; for 88 hours in 2016; for 60 hours during 2017; and for 18 hours in 2018 to date (15 April 2018). These figures are derived from invoices from the chipping company.
- The biomass operation does not sell biomass to Piperdam, but the operation is a combination of the biomass production operation which serves plant and machinery within the resort which is owned and operated by Forest Energy Scotland Ltd/Forestry Homes Scotland Ltd used to supply heat and hot water to Piperdam. Officers were shown details of a commercially confidential contract between Forest Homes and Piperdam Golf and Leisure Resort relating to the supply of heat to Piperdam facilities until 29 September 2034.

Appendix 3: Relevant Development Plan Policies

Angus Local Development Plan 2016

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 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 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>)

Policy PV21 : Pipeline Consultation Zones

Decisions on whether to grant planning permission for development proposals within the pipeline consultation zones shown on the proposals map will be taken in light of the views and advice of the Health and Safety Executive.

Pd1 : Recreation Development

Proposals which extend the recreational and tourism potential of Piperdam, will be supported where they are compatible with the existing land uses/activities and are not detrimental to the area's setting and environment.