

The Development Management Review Committee (DMRC) has instructed the Place Directorate, which incorporates the Planning Service, to provide further representations or information by way of written submissions in respect of the following:

A statement assessing the application against appropriate Development Plan policies, incorporating:

1. consideration of issues relating to surface water and drainage including submitted Statement on Drainage and Surface Water Flooding;
2. plan showing the extent of garden ground at 2 Mount Pleasant;
3. plan detailing the existing and proposed finished ground levels AOD;
4. consideration of road access including visibility sightlines.

This statement has been prepared by the Planning Service on behalf of the Place Directorate and provides the requested information with relevant background information.

Site Description

The site is an area of grassland approximately 75m south east of the dwelling at 1 Mount Pleasant, Letham Mill, St. Vigeans. The site is approximately 1800sq.m and is bound to north by an area of sloping wild garden ground and two dwellings, to the east by a former railway embankment and St. Vigeans nature trail, and to the south and west by the U492 unclassified road. The land within the application site is identified as Class 3.1 prime quality agricultural land based on the Macaulay Land Capability for Agriculture (LCA) maps although the condition has been significantly altered with topsoil scrapped and waste material deposited. A photograph showing the condition of the site prior to commencement of unauthorised works is provided at Appendix 1.

Proposal

The application seeks permission to scrape the soil and grass surface and deposit material to raise the ground level. The ground level would be raised through the deposition of rubble waste material sourced from a demolished industrial site in Arbroath. Less than 1m depth of rubble up-fill is proposed across the site, with a geotextile medium layer and 300mm depth of topsoil to be reinstated above the rubble. The purpose of the up-filling is to raise the surface level above water ponding level, allowing the site to free drain through the up-fill material.

The proposed development has already begun through the scrapping of the site and the deposition of building demolition rubble waste material at the site. The development which has been carried out is subject of an Enforcement Notice requiring removal of the material which has been brought onto the site and the reinstatement of the land to a greenfield condition.

Planning History

17/00161/FULL for The Alteration and Raising of Ground Levels was determined as "Application Withdrawn" on 13 June 2017.

Planning Enforcement case ref. 17/00026/UNDV for "An area of ground adjacent to the nature trail has been excavated and is being levelled with rubble" was opened on 09 February 2017.

A Temporary Stop Notice was served on 27 April 2017 requiring the unauthorised development to cease for a period of 28 days.

An Enforcement Notice was served on 29 August 2017 requiring the following steps:-

1. Remove from the land the bricks, rubble and other imported materials and reinstate the ground level to that detailed on A.Craig's drawing 080217 dated February 2017 and reinstate the land to a greenfield condition within 3 calendar months from the date of the Notice becoming effective.
2. Ensure that works are undertaken in accordance with the Scottish Environment Protection Agency's (SEPA) Pollution Prevention Guidelines, SEPA's General Binding Rules, SEPA's Engineering in the Water Environment: Good Practice Guides, relevant Construction Industry Research and Information Association (CIRIA) guidance.

The Effective Date of the Enforcement Notice was 29 September 2017.

The Enforcement Notice was appealed (DPEA Reference: ENA-120-2010) on 28 September 2017. The appeal was dismissed on 21 December 2017 and the effective date of the Enforcement Notice became 21 December 2017.

Applicant's Case

Supporting documentation has been submitted. The documentation consists of:-

Planning Statement - This document provides description of the proposal and the site history. The statement indicates the application site is of no significant use and continually has water lying within it. The proposal is to raise ground levels using selected fill material and finish with top soil. No part of the fill will be greater than 1m in depth. The statement states SEPA permission for "Waste Construction and Relevant Works" reference: WM/XC/1154679 was approved 08 February 2017. Planning Permission application reference: 17/00161/FULL was previously submitted and, due to potential flooding concerns raised by SEPA and the Roads Service, was withdrawn on 12 June 2017 to allow the application to have the concerns addressed. The statement advises report reference BC/21/14382 addressing these concerns has now been prepared by Millard Consulting.

Structural Engineer Statement (Full title: Statement on Drainage and Surface Water Flooding) - Prepared by Millard Consulting, the statement describes the site as a hollow that collects water at the south and has a tendency to pond. The statement indicates the main source of flood risk is overland flow collected by the adjacent public road combined with runoff from the adjacent disused railway embankment and direct rainfall onto the site. Runoff from the site was historically dealt with in part by a gully at the low point of the road which connected to a pipe that ran through the railway embankment to discharge to the Brothock Water. This pipe is apparently silted up; hence water from the road runs off the road into the site during wet weather. Notwithstanding this, the site does not flood and, whilst becoming waterlogged in very wet weather, the water dissipates after rain ceases. The statement provides calculations of surface water volume that state the total volume that would accumulate during a 200 year return period storm even (+20% climate change allowance) would be 650m³. The average depth of accumulation is calculated to be 0.49m. The statement proposes the finished level of the site be 16.0m AOD and summarises with an estimation that, at or below this level, there is no likelihood of surface water flooding on the adjacent road as a result of the infilling for anything up to a 200 year return period storm event. Millard Consulting, as the author of the statement, therefore support the proposed infilling operation on this basis.

UK Design Flood Estimation - Provides a summary estimate for the site using the Flood Estimation Handbook revitalised flood hydrograph method (ReFH). Summarised calculations are discussed in the Structural Engineer Statement.

Submitted Supplementary Notes - Assesses the proposal in the context of Angus Local Development Plan (ALDP) Policy PV17: Waste Management Facilities, Policy PV18: Waste Management in New Development and Policy PV20: Soils and Geodiversity. In relation to policies PV17 and PV18, the notes state all policy implications are met in the proposals. In relation to Policy PV20, the notes state the proposals are small scale and directly related to rural activity, design and layout will represent an improvement and make the land usable and all development proposals will incorporate measures to manage, protect and reinstate valuable soils, groundwater and biodiversity during construction. The notes summarise the proposals will improve the surroundings and bring the land back into a useable unit.

Consultations

Angus Council - Countryside Access - Offered no objection to the proposal.

Angus Council - Flood Prevention - Offered no objection provided a condition is applied requiring ground levels to be no higher than 16.0m AOD.

Scottish Environment Protection Agency - Offered no objection provided a condition is applied requiring ground levels to be no higher than 16.0m AOD.

Community Council - There was no response from this consultee at the time of report preparation.

Angus Council - Roads - Object to the proposal due to the unsatisfactory location of the unauthorised access from the public road. Should the application be considered acceptable however, additional information is required for sightlines of at least 2.4 x 43 metres on each side of the access and forward visibility sightline of 70 metres for right turning vehicles entering the site on the approach to the site access.

Following the submission of an amended drawing no. 080217 by A Craig Architectural Consultant, which showed sightlines for a new vehicular access, the Roads Service advised that the drawing did not demonstrate that the required 70 metres forward visibility sightline for right turning vehicles could be provided. It is depicted on the wrong side of the proposed access and is therefore relative to left turning vehicles, not right turning ones as required. The 43 metres sightline to the left (when exiting the proposed access) extends almost to the nearby bend in the road. The Service advises that whilst the proposed new access could provide 2.4 x 43 metres sightlines on each side of the access, it is evident that the required 70 metre forward visibility cannot be provided due to the bend in the public road to the southeast.

Scottish Water - There was no response from this consultee at the time of report preparation.

Representations

1 letter of representation was received which offered objection to the application. The main points of concern were as follows: -

- Impact on flooding of neighbouring residential property;
- Detrimental Impact on the environment;
- Detrimental impact on wildlife;

- Works to form an earth bund and raise land levels have already been undertaken.

These matters are addressed in the Assessment Section below.

Development Plan Policies

Angus Local Development Plan 2016

Policy DS1 : Development Boundaries and Priorities

Policy DS4 : Amenity

Policy PV3 : Access and Informal Recreation

Policy PV6 : Development in the Landscape

Policy PV7 : Woodland, Trees and Hedges

Policy PV12 : Managing Flood Risk

Policy PV17 : Waste Management Facilities

Policy PV20 : Soils and Geodiversity

TAYplan Strategic Development Plan

The proposal is not of strategic significance and policies of TAYplan are not referred to in this report.

The full text of the relevant development plan policies can be viewed at Appendix 2 to this report.

Assessment

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.

Policy DS1 in the Angus Local Development Plan (ALDP) indicates that 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. It further indicates that 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 this case the proposal involves land raising through the deposition of waste material. It is understood that this may include demolition rubble from a factory in Arbroath. Policy PV17 of the ALDP deals specifically with proposals for waste management facilities. The Policy indicates 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. The application site is not located within or adjacent to an existing waste management site; it is not on land identified for employment or industrial use; and it is not a former mineral workings. The condition of the site has been degraded through the scraping of land and deposition of waste material. However, it is relevant to note that those works were unauthorised and in breach of planning control. Prior to those works being undertaken the site comprised garden ground and paddock as shown in the image at Appendix 2. It is clear from that image that prior to the unauthorised works undertaken by the applicant the site was not derelict or degraded; it has only been rendered such by the actions undertaken by the applicant in breach of planning control. In this respect it is relevant to note that there is an extant Enforcement Notice that requires the removal of the currently deposited material and the restoration of the site to its previous greenfield condition. In these circumstances little weight should be attached to the current degraded condition of the site as that has been created through unauthorised

works and can be remedied by the extant Enforcement Notice.

There is no evidence to demonstrate that existing waste management facilities do not have capacity to accept the waste that would be deposited at this site or that the proposal would meet an identified community need for additional waste disposal facilities.

The proposal does not comply with the basic locational requirements of Policy PV17.

However, policy also identifies a range of site specific matters to be taken into account. Those matters are also addressed by other policies contained within the ALDP and are addressed on a topic by topic basis below.

The site is not subject of any specific built or natural heritage designation. The site is adjacent to native woodland and SNH semi-natural woodland (reference: 134054) to the east however it is indicated the proposal would not affect the trees adjacent to the site. The National Biodiversity Network Atlas has been checked and there are no records of protected flora or fauna within the application site. There are no records of protected flora or fauna in the wider area that would likely be affected by the proposed development. Whilst there may be potential bats, which are a European Protected Species, to roost or forage in trees adjacent to the application site, the submitted information indicates the trees would not be affected and there is no evidence to suggest other protected species would be affected by the proposal.

The land is identified as Class 3.1 prime quality agricultural land based on the Macaulay Land Capability for Agriculture (LCA) classifications. The depositing of building demolition rubble waste at the site does not support delivery of the development strategy and policies in the local plan. No supporting information that demonstrates the development proposal will incorporate measures to manage, protect and reinstate valuable soils. The condition of the site has been adversely affected by the unauthorised operations but there is no indication that the viability of a farm unit would be adversely affected.

The unauthorised development that has taken place has altered the local landscape and has had a detrimental impact on the visual amenity of the area. That adverse impact would be addressed through restoration of the site as required by the extant Enforcement Notice. The upfill of the site as proposed by this application and the subsequent restoration of the site to a greenfield condition with 300mm depth top-soil would not result in any unacceptable, long-term landscape or visual impact.

The applicant has not provided information in relation to likely number of vehicle movements or in relation to the method or duration of works. The site is relatively small and the proposal is for deposition of a relatively small amount of waste material but at its closest point the site is less than 10 metres from the dwelling at 1 Mount Pleasant and little more than 20 metres from the dwelling at 2 Mount Pleasant. The proposal would require vehicle movements to deposit material and vehicle movements on-site to move and level material. There is potential for adverse impact on the amenity of residents by virtue of noise, dust and general disturbance particularly given the limited separation distances. The current condition of the site also detracts from the visual amenity of the area. The applicants have not provided any information to indicate how such impacts could or would be mitigated. There is little potential to mitigate impacts at the distances involved other than by limiting the hours of operation and seeking to ensure that works are undertaken over a relatively short period of time.

Committee requested a plan showing the extent of garden ground at 2 Mount Pleasant. The Planning Service does not hold any plans of the site or development proposal other than those submitted by the applicant. However, the Planning Service has written to the owner of 2 Mount Pleasant and requested a copy of a plan showing their land ownership. They have provided a plan and it is attached as Appendix 3 to this statement. That plan illustrates that the owner of 2 Mount Pleasant has land that directly abuts the

northern boundary of the application site.

The application site is bound to east by the St. Vigean's nature trail and the development has potential to impact on the amenity of those using the path for recreational purposes by virtue of noise and activity. The current condition of the site also detracts from the visual amenity of the area. Restrictions on hours of operation and duration of works would minimise impact on recreational users of the nature trail.

The site is not identified as being at risk of flooding from River extents on SEPA floor maps. SEPA maps indicate that the site is susceptible to flooding from surface water. Supporting information with regards to flood risk is provided in the Structural Engineer Statement and UK Design Flood Estimation, which are discussed in the **Applicant's Case** section above, and are to be read in conjunction with Typical Sections and Features Plan drawings. Whilst the UK Design Flood Estimation appears complex, the data is concisely summarised in the Structural Engineer's Letter. The submitted information has been reviewed by the Roads Service and SEPA and both offered no objection to the proposal, subject to a condition being attached to any permission requiring ground levels to be no higher than 16.0m AOD. AOD is an acronym for "Above Ordnance Datum". In Great Britain, Ordnance Datum for the Ordnance Survey is defined as the Mean Sea Level at Newlyn in Cornwall.

The restored site would not have an impervious surface and would continue to provide some storage capacity for surface water. The Roads Service and SEPA are satisfied that the proposal does not result in any significant or unacceptable increase in flood risk in the area subject to resultant ground levels being no higher than 16.0m AOD.

It is understood that SEPA has confirmed that the development benefits from a Paragraph 19 Exemption from the requirement to have a Waste Management Licence based on declaration from the applicant the material is less than 1,500 tonnes of demolition brick and rubble and this waste having no associated risk. Material of that nature is unlikely to pose any significant risk to water quality or groundwater resources.

Committee requested a plan detailing the existing and proposed finished ground levels AOD. The Planning Service does not hold any plans of the site or development proposal other than those submitted by the applicant. The Planning Service has written to the applicants agent, advised of the request made by Committee and provided opportunity for that information to be submitted. The decision on whether to provide that information is a matter for the applicants.

Committee may wish to note that the control of finished ground levels could be addressed by the imposition of a condition, as required by SEPA, indicating that ground levels should be no higher than 16.0m AOD.

The applicants have not provided any information in relation to anticipated levels of vehicle movement associated with the proposed development or in relation to the type of vehicle that would be used to deliver material. The Roads Service has indicated that the existing vehicular access/egress that has been used in association with the unauthorised activities does not meet Roads Standards and is unsafe. The applicants agent has been invited to provide drawings to demonstrate that visibility splays in accordance with Roads Standards can be met. The information subsequently provided by the applicants agent provides incorrect information as it wrongly plots forward visibility; the submitted drawing shows forward visibility for left turning vehicles rather than right turning vehicles as required. The Roads Service has subsequently confirmed that it does not appear that the required 70 metre forward visibility can be provided for right turning vehicles. Accordingly, a vehicle travelling northwards on the public road may not sufficient forward visibility to allow it to safely stop in the event that a right turning vehicle is stationary in the road. The proposal does not comply with Roads Standards and presents a risk to road traffic safety.

The proposal provides for infill of the site and the replacement of topsoil to a depth of 300mm. The proposal effectively provides for restoration of the site in a manner that would be broadly acceptable.

The proposal does not give rise to any other significant issues in terms of development plan policy.

In summary the proposal is contrary to Policy PV17 of the ALDP as it does not comply with the locational criteria for new waste management facilities. The proposal is also contrary to Policies DS4 and PV17 of the ALDP as the proposed access and egress arrangements do not comply with Roads Standards and the proposal would present a risk to road traffic safety. The proposal has potential to adversely impact on the amenity of occupants of nearby residential property and no information has been provided by the applicants to demonstrate that impacts could be satisfactorily mitigated in a manner that would allow compliance with Policy DS4 of the ALDP. In addition, the proposal gives rise to some tension with Policy PV20 of the ALDP as it involves development of prime agricultural land.

If the Development Management Review Committee (DMRC) is minded to grant planning permission for the development proposal, the Planning Service would recommend the following conditions are applied: -

1. That prior to the commencement of development, the following shall be submitted to and approved in writing by the Planning Authority: -
 - i. amended plans and section drawings to show finished ground levels no higher than 16.00m AOD and provide for a minimum 300mm top soil depth. Thereafter the development shall be undertaken in accordance with the approved detail and finished ground levels shall not exceed 16.00m AOD;
 - ii. an amended drawing that provides for the closure of the existing site access/egress with the public road and the formation of a new access/egress in accordance with drawing no. 080127 by A Craig, Architectural Consultant, dated February 2017. The existing site access/egress shall be closed and the new site access/egress formed before any other works are undertaken at the site. Thereafter access and egress shall be taken only from the new access/egress point approved by this permission;
 - iii. a scheme for traffic management at the site. The scheme should provide for the erection of temporary roads signs advising of the potential for queuing traffic at the new site access. Thereafter the approved traffic management scheme shall be implemented and the temporary roads signs erected and retained for the duration of works associated with this planning permission;
 - iv. a scheme to mitigate the impact of development on the amenity of occupants of nearby residential development. That scheme shall include details of all plant and machinery to be used; hours of operation for all works, including delivery of material to the site; the duration of all works associated with the infill and restoration of the site. Thereafter the development shall be undertaken in full accordance with the approved scheme of mitigation.

For the avoidance of doubt, the site plan, location plan and sections drawing no. 080127 by A Craig, Architectural Consultant, dated February 2017, and Typical Sections drawing are not approved.

Reason: In order to reduce potential risk from flooding and to ensure appropriate restoration of the site; to reduce risk to road traffic safety; and to mitigate the impact of development on the amenity of occupants of nearby residential property.

Appendix 1 – Image of site prior to unauthorised development

Appendix 2 - Development Plan Policies

Appendix 3 – Plan showing land ownership for 2 Mount Pleasant

Appendix 1 – Image of site prior to unauthorised development



Appendix 2 - 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 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 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:

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

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

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

Policy PV7 : Woodland, Trees and Hedges

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

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

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

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

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

Policy PV12 : Managing Flood Risk

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

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

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

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

Where appropriate development proposals will be:

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

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

Policy 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:

- o 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
- o appropriate details of restoration, aftercare and after use are submitted for approval by Angus Council, recognising that ecological solutions are the preferred form of restoration. Opportunities to enhance, extend and / or link to existing green networks should be investigated. Prior to commencement of development Angus Council may require a bond to cover the cost of the agreed scheme of restoration, aftercare and after use.

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:

- o support delivery of the development strategy and policies in this local plan;
- o are small scale and directly related to a rural business or mineral extraction; or
- o 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.

Appendix 3 – Plan showing land ownership for 2 Mount Pleasant

