

**ANGUS COUNCIL**

**DEVELOPMENT STANDARDS COMMITTEE – 7 AUGUST 2018**

**PLANNING APPLICATION – PITAIRLIE QUARRY, MONIKIE**

**GRID REF: 350084 : 737486**

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

**Abstract:**

This report deals with planning application No 17/00917/FULL for the Erection of Stone Processing Building with Associated Concrete Hard Standing Area and Alterations and Extension to Existing Processing Building to Provide Staff Welfare Facilities and Canopy over Stone Feed Hopper for Denfind Stone Limited at Pitairlie Quarry, Monikie. 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 paper contributes to the following local outcome(s) contained within the Angus Local Outcomes Improvement Plan and Locality Plans:

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

**3. INTRODUCTION**

3.1 The applicant seeks full planning permission for the erection of stone processing building with associated concrete hard standing area and alterations and extension to existing processing building to provide staff welfare facilities and a canopy over a stone feed hopper at Pitairlie Quarry, Monikie.

3.2 The application site measures approximately 8310sqm and is located to the west of the B961 classified road and encompasses the existing processing building and storage area associated with the stone processing business that operates from the site. The site is relatively flat with a ground level of between 120.3m and 120.9m AoD. It is bound to the north by agricultural land, to the east by the car park and access road associated with the adjacent quarry, to the south and west by land associated with the operation of the quarry. Denfind Farm Cottages are located approximately 80m to the northeast of the application site with dwelling houses known as Galloway Cottage and Lismore located approximately 190m and 210m to the south of the application site. A location plan is attached as Appendix 1.

3.3 The proposal involves the erection of a new processing building along with alterations and extensions to the existing processing building. The proposed processing building would be located 24m to the southwest of the existing processing building with a footprint of 625sqm, and an overall ridge height of 8.5m. The external materials would consist of olive green metal sheeting with the lower 2 – 3m of walling consisting of pre-cast concrete panels. The building would accommodate 2 sawing areas, guillotine area, workshop and 5 open sided, stone storage areas. The external works include the provision of a 6m wide concrete surface circulation and access route around the southeast, southwest and northwest elevations of the building. There is no additional landscaping or fencing proposed with the existing unaltered access arrangements serving the development.

- 3.4 The alterations to the existing processing building involve the removal of a feed bench and hopper from the southeast elevation and the provision of a 26sqm lean-to extension on the southwest elevation. That extension would accommodate the relocated feed hopper. At the northwest elevation an existing door would be removed with the opening clad in concrete panels and three low level 1.5m x 1m wide openings would be formed to accommodate feed conveyors. A single storey extension with a footprint of 40sqm would be attached to the northwest/northeast corner of the building. The extension would be finished with a stone base course and metal sheeting to match the existing building and would accommodate a staff wash down area and improved staff facilities.
- 3.5 The application has not been subject of variation.
- 3.6 The application has been subject of statutory neighbour notification and was advertised in the press as required by legislation.

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

- 4.1 Planning permission was granted on 10 May 2004 (Appn: 04/00156/MIN and Report: 556/04 refers) for a quarry waste processing facility to produce stone products at Pitairlie Quarry. That planning permission was implemented.
- 4.2 Planning permission was granted on 13 November 2008 (Appn: 08/00401/MIN and Report: 1120/08 refers) for an extension of the working area at Pitairlie Quarry. That planning permission has been implemented and the quarry is currently operational.
- 4.3 Planning permission was granted on 16 August 2011 (Appn: 11/00066/FULL) for the erection of a new building for the processing of stone including a training area, welfare facilities, offices and associated car parking at the quarry. That planning permission has been implemented and the building is operational.
- 4.4 Over a period of time there have been ongoing complaints from the occupants of a neighbouring property regarding operations from the quarry. Those have included issues related to hours of operation, noise and dust. Officers from the Planning and Environmental Health Services have investigated those complaints and that has included monitoring of noise levels and observation of dust. Those concerns have been shared with SEPA and the Health and Safety Executive and it is understood that both are satisfied that the quarry is operating in accordance with relevant requirements that they enforce. Noise monitoring that has been undertaken to date has not identified any breach of limits set by planning conditions. The operator has engaged a noise consultant to monitor noise emissions and that indicates compliance with relevant noise limits. Notwithstanding that, the Environmental Health Service will undertake further monitoring at the site. The quarry is also subject of conditions that require implementation of dust control measures. Site visits have confirmed that those measures are being applied and dust has not been observed leaving the site although a recent observation identified that a haul road had not been adequately dampened and the operator has issued revised working instructions to employees. The operator has also implemented a programme of dust monitoring. Available data from that monitoring suggests that dust emission from the site is not a significant factor in the surrounding environment. The operator has indicated agreement to continue that monitoring for a period of time. Officers continue to liaise with the operator to address concerns raised by the third party.
- 4.5 The proposal has been subject of a screening process in terms of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017. That process identified that the development would give rise to environmental impacts both in isolation and in combination with the existing operation. However, it concluded that, those impacts were not considered to be significant in terms of environmental impact assessment and it was determined that the proposal did not constitute Environmental Impact Assessment development.
- 4.6 A third party submitted a request to Scottish Ministers to consider this matter and to issue a screening direction under the Environmental Impact Assessment Regulations. The Scottish Government indicated that it was satisfied that the issues raised in the Screening Direction request did not call into question the validity of the view reached by the planning authority that Environmental Impact Assessment is not required. Scottish Ministers therefore declined to issue a screening direction.

## 5. APPLICANT'S CASE

5.1 The following documents have been submitted in support of the application:

- Noise Impact Assessment;
- Supporting Statement;
- Drainage Information;
- Dust Assessment and Dust Management Strategy;
- Effect of Proposal on vehicular movements and
- Commentary on points of representation.

5.2 The supporting information is available to view on the Council's [Public Access](#) system and is summarised at Appendix 2 below.

## 6. CONSULTATIONS

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

6.2 **Angus Council – Environmental Health** – has assessed information submitted in relation to noise emissions and air quality associated with the proposed development as well as the cumulative impact of existing and proposed operations at the site. 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 existing operations. Environmental Health is satisfied that national air quality limits in relation to PM10 and PM2.5 including respirable crystalline silica (RCS) would not be exceeded and overall air pollution levels in the area should not be significantly affected. In relation to noise the Environmental Health Service is satisfied that noise emissions from activities associated with the proposed development would not significantly impact on residential amenity. Planning conditions are suggested to control hours of operation and noise levels, along with a requirement to implement and maintain a dust management strategy.

6.3 **SEPA** – has offered no comments on the proposal.

6.4 **Health & Safety Executive** – has offered no objection to the proposal. It has indicated that the principles of health and safety management were being applied and that this included control of dust and respirable crystalline silica (RCS).

6.5 **Scottish Water** – there was no response from this consultee at the time of report preparation.

6.6 **Community Council** – has offered no comments on the proposal.

## 7. REPRESENTATIONS

7.1 47 letters of representation have been received 19 are in support of the proposal with 28 raising objection (18 from are on behalf of the occupants of a nearby house). The letters of representation will be circulated to Members of the Development Standards Committee and a copy will be available to view on the council's [Public Access](#) website.

7.2 The following matters have been raised as objections to the application and are discussed in the Planning Considerations section of this report below: -

- **The application is contrary to the local development plan;**
- **Adverse impacts on amenity and danger to health from noise and dust;**
- **Extended hours of operation;**
- **Adverse impacts on the general amenity of the area;**
- **Unacceptable impacts on wildlife and habitat;**
- **Unacceptable impacts on Monikie Country Park;**
- **Adverse impacts on a proposed tourist facility at Denfind Plantation;**
- **Road traffic safety impacts;**
- **Adverse impacts on the water environment.**

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

- **The proposal requires Environmental Impact Assessment.**

As indicated in the Planning History section of this report the proposal has been subject of screening under the Environmental Impact Assessment Regulations. It has been determined that the proposal does not require environmental impact assessment.

- **Formal complaints have been made to the Chief Executive of Angus Council regarding the conduct of the Planning and Environmental Health Services during the determination of the planning application as well as the investigation of noise and dust observations at the quarry.**

The matters raised in the letters of complaint have been addressed through the Councils complaint handling procedure.

- **The submitted Dust Assessment and Dust Management Strategy is flawed and contains a number of discrepancies.**

The Environmental Health Service has reviewed the submitted documentation and is satisfied that the methodology used to inform the assessment is acceptable.

- **The existing quarry operations cause two statutory nuisances (dust and noise) and the approval of further development would further aggravate the existing nuisance.**
- **Enforcement notices have been served against the quarry due to the disregard of conditions attached to previous planning permissions at the site.**

The Planning Service has not issued enforcement notices in relation to operations at the quarry as no significant breach of conditions has been identified. Notwithstanding that, this application does not relate to the quarry.

- **Lismore's garden is only 1m from the boundary of the quarry.**

This planning application does not relate to the quarry and the distance to the quarry boundary is not directly relevant to determination of this application. There is land within the ownership of Lismore which is located close to the boundary of the quarry but no planning permission has been granted to allow the use of that land as garden ground. The land owners have been advised that should they wish to pursue the use of the land as garden ground then a planning application should be made to change the use.

- **Breaches of conditions attached to planning permission 08/00401/MIN.**

Conditions attached to the historical quarry permission are not directly relevant to the consideration of this application. This matter is discussed in the Planning History section of this report above. As indicated investigation to date has not identified any significant breach of planning conditions. Issues that have been identified have been addressed by the operator. .

7.4 The main points of support are as follows: -

- **The processing facility would deliver increased efficiency for the business;**
- **The development would reduce vehicle movements which would reduce dust generation and noise;**
- **The occupants of adjacent residential properties have not experienced any adverse impacts from the operations at the site;**
- **Denfind Stone operates to a high standard of health and safety and adopts best practice within the stone industry with innovation shown in implementing dust suppressant measures;**
- **Further investment by a local business should be encouraged;**
- **The site is a valuable local employer and stone product is used all over Scotland;**
- **The continued provision and supply of natural stone from Pitairlie Quarry is key for the repair and maintenance of traditional Scottish buildings;**
- **The operations at the quarry have not had detrimental impacts on Monikie Country Park;**
- **The existing operation has not affected wildlife in and around the quarry.**

The substantive issue is whether the proposed development subject of this application is appropriate on the application site. The substantive issues are addressed under Planning Considerations below.

## **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 3 and have been taken into account in the preparation of this report.
- 8.4 The application site is not located within a development boundary as defined by the ALDP and is not allocated or otherwise identified for development by that Plan. Policy DS1 of the ALDP states 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. The policy promotes the redevelopment of brownfield land in preference to greenfield sites and 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.
- 8.5 Policy PV19 of the ALDP deals with minerals and indicates that the Council will protect existing mineral resources which are of economic and/or conservation value from other forms of development. This proposal sits adjacent to any existing mineral working site and includes an existing mineral processing area. The proposal is associated with stone processing and it would not adversely affect the existing mineral resources. The proposal is for a new building and hard standing area, along with alterations to an existing building. It does not alter the extent of the area where mineral extraction will take place or involve any alteration to existing extraction rates at the quarry.
- 8.6 Policy TC15 deals with proposals for employment related development. That policy identifies criteria that proposals for employment development outwith development boundaries are required to meet. This includes consideration of matters such as justification for development in a rural location, the scale and nature of the development having regard to the character of the local landscape and pattern of development, and demonstration that there is no unacceptable impact on the built and natural environment, surrounding amenity, access and infrastructure.
- 8.7 In this case the proposal relates to the alteration of an existing building and construction of a new building associated with the processing of stone extracted from the adjacent quarry. The applicant has indicated that the proposal would allow for more efficient handling of material and that it would assist the business in producing material that meets the requirements of its customers. The use currently takes place at this location and it is accepted that there are economic and operational benefits associated with locating the proposed building adjacent to the existing stone processing facilities and the quarry.
- 8.8 It is not unusual for quarries and their associated buildings and operational areas to be located in rural areas. The wider area contains a number of operational and disused quarries, and stone processing is an established use at this location. There are farm complexes in the area that comprise groupings of relatively large buildings of fairly modern, utilitarian appearance. The existing building is of reasonable size and has some similarities with a modern agricultural building. The extensions to that building and the provision of a further building of comparable scale would create a small building group of a form that is not untypical of the area. The existing building sits reasonably well in its landscape setting and is partially screened from the nearby public roads by established planting. The proposed building would also be largely screened from public roads in the area and would not give rise to any significant landscape impacts. The design of the new building and extensions to the existing building are acceptable at this location.

- 8.9 The application site is not designated for any built heritage reasons. The closest listed building is Pitairlie Bridge which is in the region of 350m from the site. There are other listed buildings and scheduled monuments in the wider area but given the nature of those interests and the separation distances, the proposed development would not give rise to any significant impacts on the setting of those features. The quarry is identified as an archaeological area given its historic use in association with mineral extraction. The proposed development would not adversely affect the understanding of the site as a quarry. The proposed building would be designed in a form that would reflect the existing processing building. It would provide a building of agricultural scale and appearance which would be appropriate in the context of a rural area. The extensions to the existing processing building have been designed in a form that reflects that building. The proposed development does not give rise to any unacceptable impacts on the built environment of the area.
- 8.10 The application site is not designated for any natural heritage reasons and there are no records of protected species within the site. There are records of red squirrels, badgers and bats in the wider area as well as a number of bird species. Frogs, toads and newts have been known to breed in the quarry pond which is located around 100m to the southwest of the application site. The site is around 200m from the Pitairlie Burn and approximately 260m from Monikie Country Park. The nature of the proposal is such that it does not introduce any activities into the area that are not already undertaken at this location in association with the authorised extraction and processing activities. Similarly the proposal does not alter the volume of material to be extracted or processed at the site. On this basis, and having regard to the physical characteristics of the site combined with the nature of existing operations, the proposal is unlikely to give rise to significant impacts on species or their habitats. The proposed development is no closer to Monikie Country Park than the existing stone processing facility and as the proposal does not significantly change the nature and scale of operations, impacts on the Country Park should not be materially affected. As discussed above the landscape impact of the development is fairly limited and the landscaping around the perimeter of the wider site would be unaffected by the development proposal. The site is some distance from nearby water courses and water bodies and SEPA has offered no objection regarding potential impact on the water environment. The proposal does not give rise to any unacceptable impacts on the natural environment of the area.
- 8.11 In terms of impacts on amenity, a Noise Impact Assessment (NIA) and a Dust Assessment and Dust Management Strategy have been submitted in support of the application. Those documents have regard to the presence of the existing quarry and the stone processing facility at this location. Those activities involve the use of vehicles and machinery including an excavator, teleporter, forklifts, stone cutting saws and guillotine. They have planning permission and can continue to operate in accordance with the terms of the relevant permissions.
- 8.12 The processing of stone has been undertaken within the existing processing building for a number of years. The planning permission for that operation includes a noise limit control. Planning and Environmental Health officers have observed activities associated with the existing processing building and monitoring indicates that existing noise limits are being met. The nature of the proposal is such that it does not introduce any activities into the area that are not already undertaken at this location in association with the authorised processing activities. Similarly the proposal does not alter the volume of material to be processed at the site. The NIA has been prepared having regard to the nature of existing operations and the Environmental Health Service has confirmed that the methodology used in its preparation is acceptable. The NIA concludes that the proposed operations associated with the new building and the existing operation would not exceed the noise limit that applies to the existing planning permission for the stone processing operation. The Environmental Health 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. The noise limit restriction proposed is the same as that which applies to the existing operational processing building. The proposed noise limit has been derived using the most relevant guidance in relation to industrial noise affecting residential areas (BS4142) which will protect residential amenity. The proposed development would not give rise to unacceptable amenity impacts in relation to noise subject to the proposed conditions.
- 8.13 The existing stone processing facility is subject of planning conditions that require implementation of dust mitigation measures. Planning and Environmental Health officers have observed activities associated with the existing processing building and have not observed

dust from this facility being carried off-site. Available information indicates that national air quality objective limits are not exceeded in the area. The nature of the proposal is such that it does not introduce any activities into the area that are not already undertaken at this location in association with the authorised processing activities. Similarly the proposal does not alter the volume of material to be processed at the site. The Dust Assessment has been prepared having regard to the nature of existing operations and the Environmental Health Service has confirmed that the methodology used in its preparation is acceptable. The Dust Assessment concludes that a review of baseline monitoring undertaken by a competent and suitably experienced air quality professional has concluded on the basis of professional judgement that dust emissions can be considered insignificant in relation to any relevant criterion. It further indicates that there would be no significant impacts in relation to relevant Air Quality Objectives thresholds and criteria for fine particulate matter, workplace dust and coarse particulate matter. In addition, the applicant has provided information from a health and safety consultant. This suggests amongst other things that the new shed will significantly reduce the potential dust source and therefore represents an improvement in assisting to control the risk of exposure to dust. The Environmental Health Service is satisfied that the proposed development could be operated in a manner that would not give rise to unacceptable impacts on nearby residential property by virtue of dust emissions. The applicant has provided an updated Dust Management Strategy that would be put in place at the site but it is understood that elements of that document are under review. A condition is proposed that requires approval of a dust management plan before development commences.

- 8.14 The proposed building and extensions to the existing building would be visible from neighbouring residential property. However, at the distances involved the development would not give rise to any significant impacts on visual amenity. As the nature of the proposed activities and the scale of processing does not change, the proposal is not considered likely to give rise to any other significant amenity impacts on residents in the area.
- 8.15 Planning permission (Appn. 17/00608/FULL) has been granted for a tourist development consisting of 20 "Wigwam" style holiday cabins at Denfind Plantation to the north of the application site. That site is separated from this proposal by woodland, agricultural land and a distance of around 250m. That separation distance exceeds those found between the existing processing building and nearby housing. The tourist development was approved on the basis it could reasonably coexist with the existing stone processing facility. This proposal does not significantly alter the nature or scale of existing operations at the stone processing facility.
- 8.16 There is no evidence to suggest that the proposed development would give rise to unacceptable impacts on surrounding amenity.
- 8.17 Vehicular access and egress would be taken from the existing track that joins the B961 public road. The Roads Service has reviewed the proposal in terms of the traffic likely to be generated by it and its impact on the public road network and has offered no objection.
- 8.18 The Roads Service has confirmed that it has no objection to the application in relation to flood risk or surface water drainage. The drainage information submitted with the application indicates that surface water would be directed to a sustainable drainage system consisting of porous gravel filled infiltration drains. Water from the roofs of the buildings would be collected and directed to a holding tank for use in the stone processing operations. The proposal does not give rise to any significant adverse impact on infrastructure in the area.
- 8.19 The proposal is of a scale and nature appropriate to its location and is compatible with relevant development plan policy subject to the proposed planning conditions.
- 8.20 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 support for employment related uses in rural areas. In this case the development proposal is associated with an existing rural business and there are operational benefits associated with the provision of a further processing building at the site.
- 8.21 Concerns regarding impact on amenity have been taken into account in the preparation of this report. 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. There is no evidence to suggest that noise or dust from the current processing facility is causing any significant issue or breach of prescribed

limits. It is also noted that whilst there are a number of residential properties in the immediate vicinity of the application site, objection has only been received from occupants of one of those dwellings. On the basis of all available evidence it is considered that the development can operate in a manner that would not give rise to unacceptable amenity impacts.

- 8.22 There is no evidence to suggest that the development would have an adverse impact on health of those that live in the area. Objections make reference to risk associated with Respirable Crystalline Silica dust. No evidence to support that concern has been provided and all information provided in support of the proposal suggests that risks are minimal. It is relevant to note that information published by HSE states that *'Silicosis is a disease that has only been seen in workers from industries where there is a significant exposure to silica dust, such as in quarries, foundries, the potteries etc. **No cases of silicosis have been documented among members of the general public in Great Britain, indicating that environmental exposures to silica dust are not sufficiently high to cause this occupational disease.** In addition to silicosis, there is now evidence that heavy and prolonged workplace exposure to dust containing crystalline silica can lead to an increased risk of lung cancer. **The evidence suggests that an increased risk of lung cancer is likely to occur only in those workers who have developed silicosis.'***
- 8.23 The proposal does not alter the hours of operation of the existing processing facility and it does not increase output of processed stone. The Roads Service has confirmed it has no objection to the proposal in terms of road traffic or pedestrian safety and the existing site access/egress would be used. The site and its environs are not designated for any natural heritage reasons and there is no evidence to suggest that the proposed development would give rise to significant or unacceptable impacts on wildlife or habitats or on other neighbouring land uses. There is no evidence to suggest the proposal would have an adverse impact on the water environment and SEPA has offered no objection.
- 8.24 The letters in support of the proposal are noted. The substantive issues are addressed in the assessment of the proposal provided above.
- 8.25 In conclusion, the proposal seeks permission for an additional stone processing building and extensions to an existing building that would assist in the processing of stone from the adjacent Pitairlie Quarry. The proposal is related to an existing business and would not significantly change the nature or scale of operations that currently take place at this location. 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. It is important to recognise that this proposal relates to the processing facility and does not relate to the adjacent quarry. The proposed development complies with relevant development plan policy subject to the proposed planning conditions. There are no material considerations that justify refusal of the application.

## 9. OTHER MATTERS

### HUMAN RIGHTS IMPLICATIONS

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

### EQUALITIES IMPLICATIONS

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



## 10. CONCLUSION

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

### Reason(s) for Approval:

That the proposed development is compatible with the relevant provisions of the development plan subject to the stated planning conditions. There are no material considerations that justify refusal of planning permission.

### Conditions:

1. That prior to the commencement of development a dust management plan shall be submitted to and approved in writing by the Planning Authority. That document shall include provision for the regular review of the effectiveness of dust mitigation measures and updating of the management plan to reflect best practice. Thereafter the development shall be operated in full compliance with the dust management plan as approved or amended by the Planning Authority.

*Reason: In order to mitigate impacts on air quality in the interests of the amenity of occupiers of nearby properties.*

2. That, the hours of operation of the plant and equipment associated with the proposed development shall be limited to Monday to Friday 0700 – 1900 and Saturday 0700 – 1300 only. For the avoidance of doubt there shall be no working on Sundays or on public holidays.

*Reason: In order to limit when activities can take place within the site in the interests of the minimising impact on amenity.*

3. That, in respect of noise, the development shall be undertaken and operated in accordance with the following requirements:
  - (a) During any single averaging period, noise from the development shall not exceed the limits shown in Table A below as measured at any noise sensitive premises. For the avoidance of doubt noise sensitive premises include residential premises, schools, hospitals etc.
  - (b) All process plant and equipment shall be commissioned, operated and maintained in accordance with the manufacturer's recommendations.

**Table A**

Day	Time	Average Period (t)	Noise Limit	Notes
Monday – Friday inclusive	0700 – 1900hrs	1 hour	42 dBA Leq t	1, 2, 3
Saturday	0700 – 1300hrs	1 hour	42 dBA Leq t	1, 2, 3

### Notes

1. The assessment location shall be free field within the exterior amenity space of any noise sensitive receptor. For the avoidance of doubt sensitive receptors includes all residential properties, hospitals, schools and office buildings or any other similar premises.
2. As measured and rated in accordance with BS4142:2014 – Method for rating and assessing Industrial and Commercial Sound.
3. Where the noise measurement position is not the same as the assessment location the received noise levels shall be predicted using appropriate methodology.

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

4. That no more than 8000 tonnes of stone product as measured over any 12 month period shall be processed at this facility. Records of annual output shall be kept by the operator and shall be submitted to the Planning Authority by 30 April of each year.

*Reason: In order to ensure that the development operates in accordance with the parameters against which it has been assessed in the interests of safeguarding the amenity of the area.*

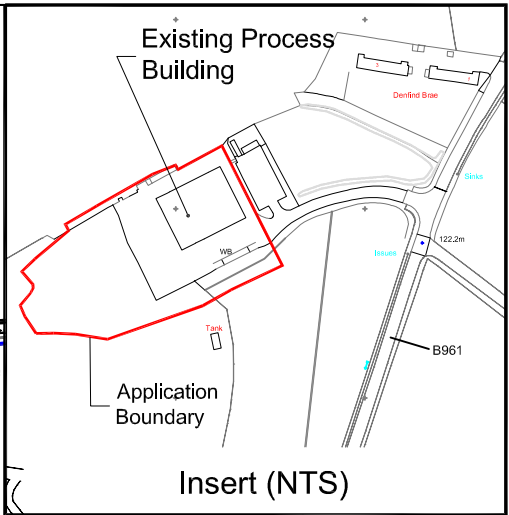
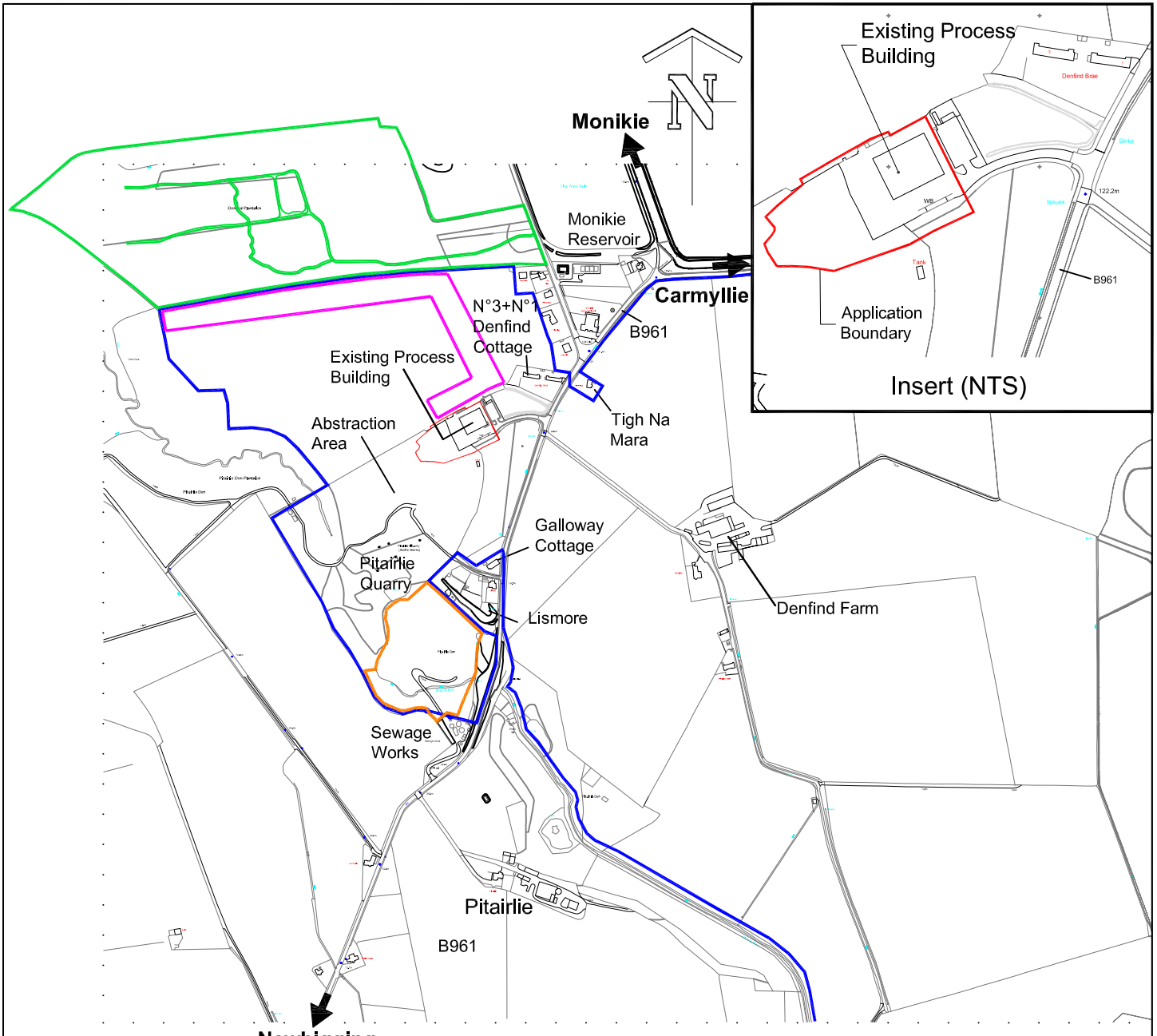
**KATE COWEY  
SERVICE LEADER - PLANNING & COMMUNITIES**

**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 any material extent in preparing the above Report.

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**DATE: 27 JULY 2018**

APPENDIX 1: LOCATION PLAN  
APPENDIX 2: SUMMARY OF APPLICANTS SUPPORTING INFORMATION  
APPENDIX 3: DEVELOPMENT PLAN POLICIES



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Legend

- Boundary Of Land Owned By Applicant
- Application Boundary (Site Area ≈ 8310 m<sup>2</sup>)
- Felling Area
- Planting Area
- Planning Applications (Wigwan)

CLIENT: Denfind Stone  
 PROJECT: Stone Process Area  
 STATUS: Planning Application

DRAWING No: 508/FIG01  
 SCALE: 1/10000 @ A4

TITLE: Location Plan

DRN: LMO  
 CHKD: AMCL  
 APP: AMCL  
 DATE: 11/2017

*MacLeod Consulting*  
 Civil, Structural and Environmental Engineering

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## Appendix 2 – Summary of Applicants Supporting Information

**Noise Impact Assessment** - This assesses noise impacts likely to be generated from the proposed development. This assessment indicates a series of noise predictions have been made to the nearest noise sensitive locations to the development and these have been assessed against criteria suggested in BS 4142, the extant planning permission and WHO. The conclusions reached indicate At all existing receptors considered the predicted rating level does not exceed 42 dB LAr, 1h; the criterion that is currently used to control noise from the development. At all locations considered the predicted noise levels are all below the level of 50 dB LAeq, T suggested in WHO Guideline for Community Noise as a level that should protect the majority of people being moderately annoyed during daytime.

**Supporting Statement** provides a description of the proposed development, planning & legislative context, landscape & visual impacts, traffic, noise, dust and water quality. It is indicated that:-

**Development Proposal** - The application proposes a new processing building which will house saws and guillotine relocated from the existing processing building. A new workshop would also be created along with five covered storage areas to protect cut or guillotined stone. The new processing building will allow for the rationalisation of operations with the existing processing building by eliminating teleporter movements between processing equipment, relocate all feed hoppers to elevations further from neighbouring residential properties, all internal storage of product prior to transportation of site and provide additional and improved staff facilities.

**Planning & Legislative Context** - This indicates pre-application discussions were held with Angus Council which identified the policies against which a planning application would be assessed. The proposed development is considered to be in compliance with the policies identified in the pre-application response.

**Landscape & Visual Impacts** - The proposed additional building is similar in form to an agricultural building and should not, as already acknowledged by Angus Council, be considered out of place within the wider landscape character. The proposed process building will also be largely if not entirely screened from the public road behind the existing building and the established planting to the east of the processing area.

**Traffic** - Once the proposed development is completed there will be no change in the pattern of traffic movement on the B961. There may be some limited additional movement for construction related traffic for the short period required to construct the building. There will however be a reduction in junction movements across the B961 due to elimination of product movements to and from the temporary covered storage area at Denfind Farm.

**Noise** - The Operations at Denfind Stone currently operate in accordance with a planning permission issued by Angus Council in August 2011, reference 11/00066/FULL. The noise impact assessment indicates that with the exercise of reasonable control over general operations, the proposed new building and rationalisation of the existing operations at Denfind Stone's Pitairlie Stone Processing area will operate within the noise criteria contained in the extant planning permission and without complaint from nearby residents. A supplementary noise impact assessment has also been undertaken in support of the development proposal.

**Dust** - Site management procedures will be implemented to ensure that dust generation from the proposed development are kept to a minimum. These are anticipated to include temporary stockpiles of stone being located within the extraction area, material requiring further processing being stored within a covered area, water sprays will be used to suppress dust generated from the loading process, the processing of stone will take place within an enclosed building, the existing air/dust extraction system will be modified for the new plant layout, water spraying will be used to control dust generated from vehicle movements and all products exported from the site will be bagged or palletised.

**Water Quality** - Surface water runoff from the roof of the proposed additional process building will be harvested for use as process water. Runoff from the relatively small additional impervious area will be drained in a similar manner to the existing surfaced areas into a shallow infiltration system around the perimeter of the proposals. The proposed development may result in a marginal increase in the volume of surface water therefore additional retention and settlement capacity will be provided in the form of the infiltration drainage around the proposed building and circulation areas.

**Drainage Information** – This provides clarification on a number of matters which were raised by the Roads Service in their initial consultation response to the application. This includes commentary on the groundwater regime at the site and the interaction (if any) between the pond and the Pitairlie Burn; an estimate of run off volumes from the new roof have been provided and whether the existing drainage arrangements can accommodate the run off as well the maintenance proposals for dealing with surface water runoff. There is no evidence even in periods of intense rainfall, of runoff discharging directly from the quarry to Pitairlie Burn. To the south of the working area there is a pond which is enclosed within a combination of original rock and a bund which prevents water from running directly out of the working area into the Pitairlie Burn. The existing pond provides an effective attenuation to any increase in runoff from the processing and extraction areas before reaching the watercourse. Site procedures for fuelling, plant maintenance and parking are proposed to ensure that the risk of leakage or spillage of fuel and oils is minimised. It is therefore proposed that no fuel or oil will be stored on site. In addition any refuelling and plant maintenance will not be undertaken in the base of the working area. All such operations will be undertaken off site or in a designated area adjacent to the weighbridge with spill kits available during all such operations. There has been no operating experience of any infiltrate or increase in suspended solids in the phreatic aquifer reaching the nearby, hydraulically connected pond / Pitairlie Burn. Provided the proposed management measures are rigorously applied the hazard to the hydrogeological environment would be very limited. Surface water runoff from roof channels is utilised in the cutting and guillotining of stone to minimise the use of mains water. Similarly collection and reuse of filtered water from the water running off the hardstandings is considered advantageous. In this respect surface water roof drainage channels will therefore be regularly maintained and tanks will regularly be desilted and pumps serviced as part of the manufacturing process. Filtration stone within the proposed drains will be surrounded in geotextile and if filter media becomes clogged and inhibits water collection the media will be replaced.

**Dust Assessment and Dust Management Strategy** – This document provides an assessment of the potential for dust to arise from the entire operation, in other words not just the stone processing building but also the areas within the adjacent Pitairlie Quarry from which the stone is extracted. The second part of the report is a draft Dust Management Strategy (DMS), setting out measures by which dust from the entire operation can be controlled and monitored. The assessment of the potential effects of the proposals for the stone processing area as well as the existing mineral extraction area concludes that there would be no significant impacts in relation to the relevant Air Quality Objectives (AQO), thresholds and criteria for Fine particulate matter (PM10 and PM2.5); workplace dust (inhalable and respirable fractions, including Respirable Crystalline Silica, RCS) and coarse particulate matter ('disamenity' dust). The proposed Dust Management Strategy identifies a proactive approach to dust management to ensure that the amenity of local residents or other sensitive locations is assured and consistent with current good practice. This identifies site management and controls to be put in place along with a programme of directional dust monitoring. A complaints and review process will also be formed to address any complaints that are received at the site or by Angus Council.

**Effect of Proposal on Vehicular Movements** – This identifies the activities where vehicle movements are involved in the processing of stone from the quarry. It identifies the proposed changes that would occur from the proposed development along with the associated changes to the transport movements. The document indicates that the introduction of the proposed facility and concrete hardstanding the overall reduction in vehicle movements amounts to over 3400 km annually. This equates to an approximate reduction of 425 hours or 53 working days of vehicle movements, based on the site speed limit of 8kph (5mph). This will also reduce fuel consumed by vehicles of 2000 litres annually. The reduction in vehicle travel & hours working will result in reduced noise and dust emissions both in the workplace and the surrounding environment. This will also impact positively on health and safety within the working environment and significantly increase efficiencies and productivity.

**Commentary on Points of Objection** – This indicates the noise data contained within the noise consultant's report submitted with the planning application incorporates an accurate summary of the background noise surveys undertaken in 2003 and 2016. It is acknowledged that Pitairlie Quarry is not disused. The disused reference was to outline that the extent of the original workings prior to falling into disuse was larger than the currently consented areas and was intended to assist with context and location relative to the proposals. The requested working hours of the processing building are to be in line with Condition 2 of planning permission 11/00066/FULL which excludes the operation of the plant and equipment associated with the processing building on Sundays or Public Holidays. Trees on the land east of the 2004 and 2008 consented extraction areas and the boundary of the original and disused Pitairlie Quarry were felled by the land owners Denfind Farms. The felling was considered not to require a licence as the volume requiring to be felled was below the Forestry Commission licence exemption criteria.

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

### **Angus Local Development Plan**

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

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

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

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

Proposals for sites outwith but contiguous\* with a development boundary will only be acceptable where it is in the public interest and social, economic, environmental or operational considerations confirm there is a need for the proposed development that cannot be met within a development boundary.

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

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

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

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

\*Sharing an edge or boundary, neighbouring or adjacent

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

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

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

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

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

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

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

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

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

### **National Sites**

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

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

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

### **Regional and Local Sites**

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

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



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

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

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

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

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

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

Where appropriate development proposals will be:

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

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

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

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

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

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

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

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

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

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

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

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

### **Policy PV19: Minerals**

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

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

Proposals will only be supported where:

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