

ANGUS COUNCIL

DEVELOPMENT STANDARDS COMMITTEE – 11 SEPTEMBER 2018

PLANNING APPLICATION – PETTERDEN DEN LANDFILL SITE, PETTERDEN, TEALING

GRID REF: 342877 : 739483

SERVICE LEADER – PLANNING AND COMMUNITIES

Abstract:

This report deals with planning application No 17/00951/FULL for 'Extension to Site to form Storage Area including Associated Transport Activities and Upfill of Material' at Petterden Den Landfill Site, Petterden, Tealing by DJ Laing Homes. This application is recommended for conditional approval.

1. RECOMMENDATION

It is recommended that the application be approved for the reason and subject to the conditions given in Section 10 of this report.

2. ALIGNMENT TO THE ANGUS LOCAL OUTCOMES IMPROVEMENT PLAN/CORPORATE PLAN

This report contributes to the following local outcome(s) contained within the Angus Local Outcomes Improvement Plan and Locality Plans:

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

3. INTRODUCTION

3.1 The applicant seeks planning permission for extension to the existing waste management site to form a storage area including associated transport activities and upfill of material.

3.2 The application site measures some 1.8ha in area and is located immediately to the east of the existing Petterden waste management/ recycling facility approximately 600 metres east of the A90 dual carriageway. The application site is bound to the north, east and south by agricultural land. Post and wire fencing and a small stone wall form the boundary treatments to the south. The land is identified as class 3.2 agricultural land. A location plan is provided at Appendix 1 below.

3.3 The application proposes an extension to the east of the existing waste management facility. The applicant has indicated that the extension is required for the storage of processed non-hazardous Bottom Ash from the DERL waste incinerator in Dundee. The works involved with the development would result in an area of agricultural land being raised to provide a flat storage area with a bund along its southern boundary. Minimal works would be required to the north section of the site but the proposal would result in the ground level of the southern section of the site being raised by approximately 7 metres (10 metres to top of bund). The increase in ground levels would create a flat working area that would be in line with the existing levels to the west. A bund would be formed at the southern extent of the site and it would be landscaped (with a mix of planting identified on the plans) to help integrate the development into the landscape. Access would be taken through the existing waste management site.

3.4 Full set of amended drawings submitted which identifies additional land within applicants control and corrects annotation errors on the plans. Amended 'Location Plan' (Drawing number 3925/LP/10 REV A); 'Proposed Zone Plan' (drawing no. 3025/PD/20 Rev A); 'Existing Site Survey' (drawings no. 3925/SD/01); 'Proposed Infill Option A' (drawing number 3925/PD/13 Rev A); Proposed Infill Detail Option B (drawing number 3925/PD12); 'Proposed Site Plan' (drawing no. 3025/PD/10 Rev D); 'Proposed Site Sections' (drawing no. 3025/PD/11 Rev B) submitted on 30 August 2018 supersede previous plans submitted.

3.5 The application was advertised in the press as required by legislation.

4. RELEVANT PLANNING HISTORY

4.1 This is a long-established landfill and recycling/ waste transfer station. It has a lengthy planning history that pre-dates local government reorganisation in 1996. A permission granted in 2003 (02/00018/FUL) included conditions that limited the overall number of vehicle movements and hours of operation of the site. It was also subject to a legal agreement that amongst other things secured a restoration bond for the site and a commitment from the operator to make a financial contribution towards any extraordinary maintenance costs associated with the local road network which can reasonably be attributable to traffic associated with the operation of the development.

4.2 More recently two planning permissions were granted in 2012 (12/00298/FULL and 12/00299/FULL) which respectively provided for the upfilling of an area of land to the east of the current application site, and an extension to the recycling area on land to the west of the current application site.

5. APPLICANT'S CASE

The applicant has submitted information in support of the application and this includes a Design Statement, Additional Document for SEPA (10/04/18), Additional Supporting Information (1) Additional Supporting Information (2), Letter to SEPA dated 20/06/18; Restoration Plan Details and Zone Plan (which illustrates how the development would fit into the wider waste management operation). These are summarised at Appendix 2 below and are available to view on the Council's [Public Access](#) website.

6. CONSULTATIONS

6.1 **Angus Council Roads** – No objections in relation to access, traffic and parking. **With regards to flooding**, the Roads Service has indicated that the proposal would not increase flood risk within or outwith the site.

6.2 **Scottish Natural Heritage (SNH)** – No comments to make.

6.3 **Angus Council Environmental Health** – Satisfied the site does not pose a significant risk of harm in terms of land contamination. Environmental Health is satisfied that both noise and dust emissions can be adequately controlled in order to protect existing amenity levels. No objections subject to conditions being attached relating to hours of operation, noise levels and requiring a dust management plan.

6.4 **Aberdeenshire Council Archaeology Service** – No archaeological mitigation is required. It is indicated that two prehistoric cist burials were found in an area to the south of the site in the 1980s and it is suggested that the applicant should be made aware of relevant legal responsibilities in the event that planning permission is granted. The relevant provisions are identified at Section 10 below.

6.5 **Transport Scotland** – Does not advise against the granting of planning permission.

6.6 **SEPA** – Additional information was provided which justifies the need for the level of upfill proposed and SEPA has confirmed that it has no objection to the application.

- 6.7 **Tealing Community Council** – objects to the planning application. The Community Council recognises the Scottish Government’s commitment to minimise waste, however it is concerned regarding potential for increased vehicle movement and associated impacts on road safety and condition of public roads. It is suggested that a strict planning condition is attached requiring the operator to review and repair damage to roads and verges by lorries. Alternatively it would go some way to re-assure residents if the operator could confirm how they intend to take responsibility to keep road and verges in good order. Concern is also raised regarding contamination of surrounding soils from incinerated bottom ash and associated health and environmental impacts, and lack of information regarding the process for clean-up of hazardous material. Finally, concern is raised regarding the neighbour notification process associated with the application. *Further information was submitted by the applicant during the application process, including information to address matters raised by the Community Council but no additional comments were received at the time of writing this report.*

7. REPRESENTATIONS

Two representations have been received (both from Murroes and Wellbank Community Council) which raise objections to the proposal. The letters of representation will be circulated to Members of the Development Standards Committee and a copy is available to view on the Council’s [Public Access](#) website. The main points of objection are as follows: -

- concern regarding potential increase in traffic movement and associated impacts on road safety and condition of public roads;
- concern regarding contamination of surrounding soils from incinerated bottom ash and associated health and environmental impacts;
- process for clean-up of hazardous material;
- concern regarding neighbour notification process undertaken.

Additional information was submitted by the applicant to aid consideration of the application. The representee indicated that the additional information addressed a number of concerns but reiterated concern regarding impact of HGV traffic on the local road network. *The applicant submitted further information to address the traffic impacts but no additional comments were received from the representee.*

The relevant planning matters are discussed below in section 8.

8. PLANNING CONSIDERATIONS

- 8.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise.
- 8.2 In this case the development plan comprises: -
- TAYplan (Approved 2017)
 - Angus Local Development Plan (ALDP) (Adopted 2016)
- 8.3 The application is not of strategic significance and the policies of TAYplan are not referenced in this report. The relevant policies of the ALDP are provided in Appendix 3 and have been taken into account in the preparation of this report.
- 8.4 Policy DS1 of the Angus Local Development Plan (ALDP) indicates that all proposals will be expected to support delivery of the Development Strategy. It indicates that proposals for development outwith development boundaries will be supported where they are of a scale and nature appropriate to the location and where they are in accordance with policies of the local development plan.

- 8.5 Policy PV17 relates to waste management facilities. Amongst other things the policy indicates that the preferred location for new waste management facilities will be within or adjacent to existing waste management sites. Such facilities should have regard to the local townscape and pattern of development. It indicates that proposals will be supported where impacts on the natural and built environment, amenity, landscape character, visual amenity, air quality, water quality, groundwater resources, site access, traffic movements, road capacity and road safety are acceptable or could be satisfactorily mitigated through planning conditions or planning agreement. There is also a requirement for appropriate details of restoration, aftercare and after use to be provided.
- 8.6 The proposal would result in an extension to the existing waste management facility and in that respect it is broadly compatible with the locational requirements of Policy PV17. The supporting information indicates that the current Petterden site processes a range of wastes including construction and demolition material, timber and incinerated bottom ash (IBA). It has contributed to and assisted in meeting the Scottish Government targets of reusing and recycling waste materials. The current proposal would allow the business to develop and to operate in an efficient manner with a consistent ground level over the wider area. It is suggested this would assist business efficiency and improve health and safety.
- 8.7 The site is not subject to any natural or built heritage designations and it is not prime quality agricultural land. The land raising would involve an increase in ground levels of around 7 metres (from 170.86m to 177.61m) to provide a flat storage area with a bund along the southern boundary (which would raise the overall height to 10 metres). The site is visible at some distance from public roads to the south and the land raising would result in significant change to the local landscape and would be evident in distant views. However, this proposal is similar to the works approved under the terms of planning permission 12/00299/FULL on land to the west of the current site and would provide for a similar ground level to that area and a similar bund height along the southern boundary. The applicant has indicated that planting would be provided on the proposed bund and this would help reduce the visual impact of the development. It is relevant to note that planning permission 12/00299/FULL included a requirement for planting to be undertaken on the section of bund to the west of the current site. That planting has not been undertaken to date and that matter has been raised with the operator. It has been confirmed that the planting will be completed by end of 2018. A condition is proposed that requires the provision of planting in association with this proposal and a further condition is proposed that requires a scheme to mitigate impacts associated with the storage of material on site. This will include details to indicate where material will be stockpiled and to control the height of stockpiles in order to minimise visual impacts.
- 8.8 The proposal is located to the west of the existing facility and further from the existing housing that sits in proximity of that part of the site. It would be in the region of 290m from existing houses to the southeast and would be separated by land that is in productive agricultural use. The Environmental Health Service has indicated that it has no objection to the application subject to conditions that regulate hours of operation, noise levels and that require implementation of an appropriate dust management plan. The nature of the proposed operation and its scale should not give rise to any significant amenity impacts subject to the proposed conditions having regard to the nature of the existing operations in the area.
- 8.9 The proposed upfill material and material to be stored on the site is not hazardous and the applicant has indicated that the site would be lined with natural clay or a geotextile liner. SEPA initially raised concern regarding the proposal but has subsequently reviewed the additional information and confirmed that it has no objection to the proposal. It has advised that the applicant should continue to liaise with it regarding regulation of the site under waste management licensing regime. The supporting statement indicates that an existing filter trench that serves the area to the west would be extended. Exact details are not shown on the plans but a condition is proposed that requires provision of that information. The applicant has also indicated that regular monitoring of a nearby water course has not identified any issue with water quality as a consequence of existing operations. Available information indicates that the development should not give rise to unacceptable impacts on water quality or ground water resources and that appropriate drainage can be provided.

- 8.10 The proposal would use the existing access that serves the waste transfer facility. The terms of the planning permission for the waste transfer station allow for 400 vehicle movement per day (200 in and 200 out). The applicant has indicated that the site currently operates at less than 200 vehicle movements per day (100 in and 100 out) and it is suggested that the proposal would not result in any significant increase in vehicle movements. The Roads Service and Transport Scotland have raised no objections to the proposal on this basis. On the basis that the existing site access would be used and that vehicle movements would not exceed the currently permitted level, there is no basis to consider that impacts associated with traffic movements would give rise to any unacceptable impacts on amenity or road safety. A condition is proposed that restricts total vehicle movements to 400 for the wider site in accordance with the previous permission.
- 8.11 The original waste management facility site is subject of a bond that provides for its restoration. The applicant has provided some indicative information with this application in relation to restoration of the wider site. This indicates that on-site subsoil and topsoil would be levelled over the entire area. This general approach is acceptable but further information is required. A condition is proposed that requires a detailed restoration scheme along with a bond to cover associated costs.
- 8.12 The proposal to extend the existing site is of a scale and nature appropriate to the location and is compatible with relevant development plan policy subject to the proposed planning conditions.
- 8.13 The representations submitted by the Community Councils are material to the consideration of the application. Matters regarding transport and vehicle numbers are addressed above. As indicated the waste management facility currently has permission for a total of 400 vehicle movements per day. This proposal would not increase that number and the matter is addressed by a proposed planning condition. The Roads Service has indicated that the road that runs between the A90 and Kellas will be subject of repair but that is unrelated to this proposal. There is an existing planning obligation that requires the operator to contribute to any extraordinary costs associated with the local road network where those are attributable to the operation of the site. SEPA and the Environmental Health Service are satisfied that environmental impacts associated with the proposal can be mitigated. Conditions are proposed that seek to control dust emissions and to ensure provision of an appropriate liner for the area where the land is to be raised. The application has been subject of all necessary publicity and consultation and this has included advertisement in the press.
- 8.14 The proposal provides for an extension to an existing waste transfer and recycling facility. This requires the raising of ground levels to provide a finished level that corresponds with neighbouring land to the west. A landscaped bund is proposed to help screen the operational area and to help integrate the site into the landscape. The applicant has indicated that the development would not increase vehicle movements above the total number that are already permitted in relation to the operation of the existing facility. Consultation responses indicate that the proposal should not give rise to unacceptable impacts subject to appropriate mitigation. The concerns raised in relation to the proposal by local community councils have been taken into account and are addressed by the proposed conditions. The proposal complies with the development plan, subject to the proposed conditions, and there are no material considerations that justify refusal of planning permission.

9. OTHER MATTERS

HUMAN RIGHTS IMPLICATIONS

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

EQUALITIES IMPLICATIONS

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

10. CONCLUSION

It is recommended that the application be approved for the following reason and subject to the following conditions:

Reason(s) for Approval:

The proposal provides for extension of an existing waste management facility in a manner that complies with the relevant provisions of the development plan subject to the stated planning conditions. There are no material planning considerations which justify refusal of planning permission.

Conditions:

1. That prior to the commencement of development, the following shall be submitted to and approved in writing by the planning authority:
 - a) a scheme for restoration of the site including aftercare measures. The scheme shall set out the means of restoring the site following the cessation of the operations. The applicant shall obtain written confirmation from the planning authority that all site restoration works have been completed in accordance with the approved scheme and the scheme shall be implemented within 12 months of the final date of operations on the site.
 - b) details of a bond or other financial provision to cover all site restoration costs. This shall include provision for the regular review of the bond value. No work shall commence on the site until the developer has provided documentary evidence that the proposed bond or other financial provision is in place and written confirmation has been given by the Planning Authority that the proposed bond or other financial provision is satisfactory. The developer shall ensure that the approved bond or other approved financial provision is in place throughout the operational life of the development hereby approved.
 - c) a detailed dust management plan. The dust management plan shall, without prejudice to other matters, include the following
 - details of all mitigation measures considered necessary to minimise the escape of dust from the site, including during transportation of material;
 - a dust complaint procedure;
 - a timescale (which shall be at least annually) and procedure for the review of the dust management plan in order to ensure it is kept up to date and reflects any changes in plant or procedures that are necessary.Once approved the dust management plan shall be implemented and the site shall be operated in accordance with the approved plan, or any approved procedure, thereafter.
 - d) precise details of the materials to be used to raise the ground levels and form the bund. Thereafter the ground levels will be raised and the bund formed with the approved material/s;
 - e) precise details and specification of the liner to be used to line the area where ground levels are to be raised. Thereafter the liner shall be provided in accordance with the approved details before ground levels are altered through the deposition of material;
 - f) precise details of the filter trench extension to the current trench (Zone 7). Thereafter the filter trench extension shall be provided before any deposition of material;
 - g) precise details of the location, extent and height of all stockpiles. Thereafter materials shall be stockpiled in accordance with the approved details.

Reason: In order that the planning authority may verify the acceptability of the specified details in the interests of amenity and environmental protection and to ensure that the site is suitably restored following cessation of operations.

2. The hours of operation shall be restricted to 0700 - 1800hrs Monday to Friday and 0800 - 1300hrs on Saturday. There shall be no operations or working within the site on a Sunday.

Reason: In the interests of residential amenity.

3. That noise attributable to site operations shall not exceed 45 dB (A) Leq in any one hour period when measured at the boundary of noise sensitive premises.

Reason: In the interests of residential amenity.

4. That the total number of vehicle movements to and from the entire waste management facility site shall not exceed 400 per day (200 in and 200 out).

Reason: In the interests of road traffic and/or pedestrian safety and to ensure that the current planning permission is consistent with previous consents on the site in terms of vehicle movements.

5. That all planting shown on Voigt Architects drawing number 3925/PD/10 Rev D shall be provided in the first planting season following construction of the bund on the southern boundary of the site. The bund shall be formed prior to any material being stored on site.

Reason: To ensure the provision of necessary planting and ensure that the bund is formed within appropriate timescales.

6. That the area hereby approved shall be used for the storage of materials associated with the waste management facility. It shall not be used for the parking or storage of vehicles.

Reason: In order to clarify the terms of this planning permission and as the drainage system has not been designed a standard suitable for a haulage yard.

Informatives for decision notice:

- *The Right of Sepulchre under Scot's Law means it is a criminal offence to disturb human remains, and that any uncovered during development works, archaeological excavation etc must be reported to the police or Procurator Fiscal's office immediately, as well as the Council's Archaeology Service. The finding of human remains would not prohibit any proposed development works continuing, but would cause minor delay while the remains were investigated.*
- *The applicant/developer has a legal requirement, under the laws of bona vacantia, to report any objects/artefacts found during development works to the Treasure Trove Unit.*

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

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

REPORT AUTHOR: KATE COWEY
EMAIL DETAILS: PLANNING@angus.gov.uk

DATE: 3 SEPTEMBER 2018

Appendix 1 : Location Plan
Appendix 2 : Applicants Supporting Information
Appendix 3 : Relevant Development Plan Policies

Appendix 1 : Location Plan

Appendix 2: Applicants Supporting Information

Design Statement (Zone 8)

- Site has been operating since the 1990's and specialises in the recycling of all types of timber, soil and stone materials.
- The area immediately west of the current application site has had planning approval for Extension to Recycling Area ref no. 12/00299/FULL which involved upfill to level parts of the site and the applicant is proposing similar works to tie the proposed new expansion in with the existing site.
- The site opening and working hours will be in keeping with the existing development.
- Responded to SEPA's comments on previous planning application ref 16/00880/FULL. Confirmed proposed upfill material would be processed non-hazardous Derl Bottom Ash and that material stored would be processed non-hazardous Derl Bottom Ash (also refers to pre processed bottom ash but this is not the case). In terms of controls to be used to prevent runoff, the surface will not be sealed. A further control measure of a filter trench extension to current trench on Zone 7 will be provided. Identified that further monitoring is carried out with quarterly water samples taken from the nearby water course. This has been ongoing for other 10 years and have shown no environmental impact.

Additional Information for SEPA

- Proposal would allow the applicant to maximise the storage space for unprocessed material.
- With regards to qualitative data provided for the Incinerated Bottom Ash (IBA) produced at Dundee facility (operated by MVV), MVV provides SEPA with monthly chemical data analysis of the IBA waste output.
- The site opening and working hours will be in keeping with the existing development.
- Confirmed proposed upfill material would be processed non-hazardous Derl Bottom Ash and that material stored would be processed non-hazardous Derl Bottom Ash (also refers to pre processed bottom ash but this is not the case). In terms of controls to be used to prevent runoff, the surface will not be sealed. A further control measure of a filter trench extension to current trench (on Zone 7) will be provided.
- Where processed IBA is to be used as the fill material in forming the Zone 8 area, it is intended that a liner would be used across the site. Existing site operations use a clay liner and this is the preferred solution to the extended site. However this is dependent on sourcing suitable clay and the alternative option would be use of a geo technical membrane.
- The need to store increasing volumes of wood stock and unprocessed IBA has in turn reduced the capacity to store processed/recycled material in the relevant existing licensed area. The current application would provide a storage area for processed /recycled material. It is not intended to form a lorry park nor workshop facilities on this new site.
- Moving the storage of suitable processed materials off the current Waste Management License (WML) area onto the proposed new area, will allow the working space within the WML area to effectively store and process any wastes entering the facility in compliance with the existing licence.

Additional Information

- The Petterden recycling facility is very much a success story dealing positively with a range of wastes;
- This has contributed to and assisted in meeting the Scottish Government targets of reusing and recycling waste materials.
- There is a need to increase the storage facilities for processed material outwith the Waste Management Licensed (WML) area to enable maximum use within the WML for storage and processing of wastes to complete the recycling circle.
- The Scottish Government directive to decrease the use of landfill and increase the use of incineration in Scotland as a method of waste management.
- SEPA national policy staff are currently working to develop and issue a regulatory position statement on the use of Incinerated Bottom Ash Aggregate (IBAA) within the construction industry;
- The potential acceptance of processed IBAA and the establishment of a standard for use in the construction industry will not only provide a valuable re-use for what enters the facility as a non-hazardous waste but demonstrates the benefits of completing the recyclability circle through reprocessing.

Additional Information (2)

- Agreed with Environmental Health that noise could be regulated by planning condition.
- Agreed with Angus Council Roads (drainage) that no Drainage Impact Assessment was required.
- Provided basic restoration bond information. Noted sufficient subsoil and topsoil will be available on site in the unlikely event the need to reinstate the area for agricultural use.

Letter To SEPA dated 20/06/18

- Confirmed discussion at meeting where it was explained that the level of upfill proposed is necessary to ensure a relatively flat surface on the proposed site so that it ties into the existing site. Explained that having the area at a lower level would not be practical and raises issues with health and safety legislation for staff within the site;
- Current site produces 98% recycled products from wood, construction and demolition waste, Inert waste, Subsoils, Soils etc. with ongoing research and development treatment of bottom ash aggregate;
- Demand for both increasing additional onsite capacity for both pre and post processing storage areas;
- At present while the IBAA treatment process is successful, at this point in time the scope is very limited for subsequent use of post treated material;
- Potential re-use of 0-5mm or 5-15mm gauge product is still under research and development;
- Site at Petterden has been engineered through several infill zones to become flat;
- Zone 8 - always intended to infill the area to create continuity;
- Site will be lined by natural clay similar to that already undertaken in previous phases or through geo – textile liner;
- Emphasised that along the southern periphery of the site the new landform will be graded down to the existing burn; Lowering levels was not considered acceptable by applicant due to operational reasons and could impact on legal requirements (H&S for workers); The importance of clear visibility for vehicular movement is major consideration; Concludes the need to create additional working and storage areas and the only practical option is Zone 8.

Restoration Zone Scheme and Plans

Provided a breakdown of the entire working site and details of calculations of a proposed new bond / restoration scheme. (Currently being reviewed by Angus Council)

Letter from Applicant to Address Community Council Concerns (06/08/18)

- Noted planning application 02/00018/FUL allows for 400 vehicle movement to and from site per day (200 in and 200 out). Currently operate at less than 200 per day (100in and 100 out); Proposal will not impact on permitted traffic volumes;
- Private access road from former A90 to facility entrance is to be resurfaced to benefit of local residents and SSPCA facility;
- 98% site traffic from A90;
- C6 road leading from A90 to Kellas is earmarked for drainage and roads repairs by Angus Council in this financial year;
- Damage to verges etc has been caused by local haulage contractors who use the road extensively with industrial size agricultural vehicles.

Appendix 3: Relevant Development Plan Policies

Angus Local Development Plan 2016

Policy DS1 : Development Boundaries and Priorities

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

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

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

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

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

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

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

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

*Sharing an edge or boundary, neighbouring or adjacent

Policy DS2 : Accessible Development

Development proposals will require to demonstrate, according to scale, type and location, that they:

- are or can be made accessible to existing or proposed public transport networks;
- make provision for suitably located public transport infrastructure such as bus stops, shelters, lay-bys, turning areas which minimise walking distances;
- allow easy access for people with restricted mobility;
- provide and/or enhance safe and pleasant paths for walking and cycling which are suitable for use by all, and link existing and proposed path networks; and
- are located where there is adequate local road network capacity or where capacity can be made available.

Where proposals involve significant travel generation by road, rail, bus, foot and/or cycle, Angus Council will require:

- the submission of a Travel Plan and/or a Transport Assessment.
- appropriate planning obligations in line with Policy DS5 Developer Contributions.

Policy 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 PV6 : Development in the Landscape

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

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

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

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

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

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

Policy PV15 : Drainage Infrastructure

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

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

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

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

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

*Enabling Development and our 5 Criteria (<http://scotland.gov.uk/Resource/0040/00409361.pdf>)

Policy PV17 : Waste Management Facilities

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

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

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

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

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

Proposals will be supported where:

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

- support delivery of the development strategy and policies in this local plan;
- are small scale and directly related to a rural business or mineral extraction; or
- constitute renewable energy development and are supported by a commitment to a bond commensurate with site restoration requirements.

Design and layout should minimise land required for development proposals on agricultural land and should not render any farm unit unviable.

Development proposals affecting deep peat or carbon rich soils will not be allowed unless there is an overwhelming social or economic need that cannot be met elsewhere. Where peat and carbon rich soils are present, applicants should assess the likely effects of development proposals on carbon dioxide emissions.

All development proposals will incorporate measures to manage, protect and reinstate valuable soils, groundwater and soil biodiversity during construction.