

ANGUS COUNCIL

DEVELOPMENT STANDARDS COMMITTEE – 18 JUNE 2019

PLANNING APPLICATION – HATTON MILL QUARRY KINNEL FRIOCKHEIM

GRID REF: 360898 : 749766

REPORT BY SERVICE LEADER – PLANNING & COMMUNITIES

Abstract:

This report deals with planning application No 19/00083/FULM for the extension of Hatton Mill Quarry for the extraction of sand and gravel including the restoration of the land for D. Geddes (Contractors) Ltd at Hatton Mill Quarry, Kinnell, Friockheim. 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 full planning permission for the extension of Hatton Mill Quarry for the extraction of sand and gravel including the restoration of the land at Hatton Mill Quarry, Kinnell, Friockheim. A plan showing the location of the site is provided at Appendix 1.

3.2 The application site extends to some 13.63ha and is located to the north and east of the B965 classified road around 500m to the south of Kinnell and 500m to the east of Friockheim. It comprises part of the existing quarry at Hatton Mill including the existing access road, office and processing and stockpiling areas, along with an area of adjacent agricultural land. The site is bound to the north by agricultural land with the existing quarry access road also located at this boundary. The eastern extent of the site is also bound by agricultural land with an existing pipeline located around 260m to the east. The southern and western extents of the site are bound by agricultural land and the B965 Farnell Road. The agricultural land is relatively flat with a ground level of between 40.0m and 41.0m AoD. Balneaves Cottage is located around 240m to the west of the application site, with Hatton Mill Farm located 350m to the northeast and Hatton Mill Cottages around 590m to the east of the site.

3.3 The proposed extension area extends to some 8.0ha and would allow for the extraction of 469,000 tonnes of sand and gravel at an average of 130,000 tonnes per annum over a period of 3 years and 7 months with a further year required to complete restoration of the site. The site would be developed in 2 phases with Phase 1 comprising the northern part of the site (some 3.6ha) which would release 240,000 tonnes over a period of 1 year and 10 months with the excavation depth varying between 4.8m and 5.5m. Phase 2 would comprise the southern and western extents of the site (an area of some 4.4ha) which would release 229,000 tonnes over a period of 1 year and 9 months with excavation depths varying between 2.9m and 5m. It is proposed to restore the extraction area to grassland with progressive restoration taking place as the development proceeds.

- 3.4 No buildings or fixed plant would be required within the extension area as the existing infrastructure at the site (site access route, offices, weighbridge, processing area, stocking areas, maintenance area and fuelling facilities) would be utilised. The extracted material would be transported to the existing processing area via the existing internal access road. Soils from the initial excavation would result in the creation of a 2m high screening mound along the southern boundary of the site with a 5.5m high storage mound formed to the east of the Phase 1 excavation area. Access to the site is taken from the B965 classified road. It is proposed that the hours of operation for the site would be 0700 – 1900 Monday – Friday and 0700 – 1200 on Saturdays with no operations undertaken on Sundays. Work outwith the aforementioned hours, would be confined to essential maintenance operations.
- 3.5 The application has not been subject of variation.
- 3.6 The application is supported by an Environmental Impact Assessment Report (EIA Report) and the proposal constitutes a major development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. The application and the EIA Report have been subject of statutory advertisement in the local press.

4. RELEVANT PLANNING HISTORY

- 4.1 Planning permission was granted on 28 June 1993 by the former Angus District Council for the sand and gravel excavation area at Hatton Mill Quarry (Appn: 01/92/0823 refers). That planning permission was implemented and the majority of the land has now been restored to agricultural use.
- 4.2 Planning permission was granted on 8 December 2010 for an extension to the quarry excavation area at Hatton Mill Quarry (Appn: [06/01136/FUL](#) and Reports [723/07](#) and [1000/07](#) refer). That planning permission has been implemented and provides for the extraction of up to 130,000 tonnes of sand and gravel in any 12 month period.
- 4.3 A Proposal of Application Notice (ref: [18/00749/PAN](#)) in respect of the extension of sand and gravel extraction area and continued processing and despatch of aggregates at the site was considered by Committee at its meeting on 13 November 2018 (Report No. [352/18](#) refers). Committee noted the key issues identified in that report.

5. APPLICANT'S CASE

- 5.1 An EIA Report along with a Non-Technical Summary (NTS) has been submitted in support of the application. Chapters 1 – 4 describe the development and the legal and policy framework for determination of the planning application. Chapters 5 – 10 are classed as technical chapters which are informed by specialist reports. The EIA Report comprises the following chapters and associated appendices:

1. Introduction
2. Background to the Proposal
3. Quarry Development and Method of Working
4. Planning and Development Framework
5. Landscape and Visual Impact Assessment
6. Hydrological and Hydrogeological Assessment
7. Ecology
8. Noise
9. Air Quality
10. Cultural Heritage
11. Summary of Impacts and Mitigation

Appendix 1 – Pre-application Consultation Report
Appendix 2 – Consultee Responses to Screening and Scoping of EIA
Appendix 3 – Site Investigation and Piezometer Data
Appendix 4 – Extended Phase 1 Habitat Survey
Appendix 5 – Assessment of Environmental Noise
Appendix 6 – Stability Assessment of Scheduled Monument
Appendix 7 – Written Scheme of Archaeological Investigation

- 5.2 The EIA Report and NTS are available to view on the Council's [Public Access](#) system and a copy of the NTS is provided at Appendix 2.

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 surface water drainage.
- 6.2 **Angus Council – Environmental Health Service** – has assessed information 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. Environmental Health is satisfied that national air quality limits would not be exceeded and overall air pollution levels in the area should not be significantly affected. 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 deal with matters related to noise and dust.
- 6.3 **Scottish Natural Heritage (SNH)** – has reviewed the EIA Report in relation to natural heritage impacts and has advised it has no comments on the proposal.
- 6.4 **Scottish Environment Protection Agency (SEPA)** – has offered no objection to the application in respect of flood risk and groundwater impacts.
- 6.5 **Historic Environment Scotland (HES)** – has offered no objection to the proposal in relation to matters that fall within its remit, specifically the potential impacts on the scheduled monuments located adjacent to the application site. HES is satisfied that the proposal would not have direct physical effects on or have an adverse effect on the integrity of the setting of the scheduled monuments.
- 6.6 **Aberdeenshire Council Archaeological Service** – has offered no objection to the proposal but has indicated if the application is approved an archaeological written scheme of works condition should be attached.
- 6.7 **Health & Safety Executive** – has indicated that it does not advise against the granting of planning permission on safety grounds.
- 6.8 **Scottish Water** – has offered no objection to the proposal.
- 6.9 **National Grid** – has offered no objection to the proposal.
- 6.10 **Community Council** – has offered no comments on the proposal.

7. REPRESENTATIONS

- 7.1 One letter of objection has been received. The letter 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 and are discussed under Planning Considerations: -
- **Adverse impacts on amenity and danger to health from noise and dust.**
 - **Unacceptable impacts on wildlife and habitat.**
 - **Road traffic safety impacts.**

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 development plan policies relevant to the determination of the application are reproduced

at Appendix 3 and have been taken into account in preparing 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.

Need for the Development

- 8.5 Policy 9 of TAYplan and Policy PV19 of the ALDP are both relevant to the determination of this application. TAYplan Policy 9 refers to finite resources and indicates that there is a requirement to identify and protect minerals deposits of economic importance and maintain a minimum 10 years supply of construction aggregates at all times in all market areas. Policy PV19 of the ALDP deals with minerals and indicates proposals for new or extended mineral workings and indicates that proposals 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.
- 8.6 Angus Council commissioned and published a Mineral and Waste Landfill Audit in June 2001. That Audit identified the vast majority of aggregate produced in the Dundee and Angus area is used within the area. It has been accepted that the administrative area of the Dundee and Angus represents an appropriate market area. At that time it was estimated that approximately 720,000 tonnes of sand and gravel were required each year in the market area. Accordingly, in order to provide a 10-year land bank, permitted reserves of 7.2 million tonnes were required.
- 8.7 In recognition that the 2001 Audit no longer provided an up-to-date position in relation to minerals supply and land bank, Angus Council undertook a Minerals Audit Review in 2010. The 2010 Minerals Audit Review identified that current extraction rates for sand and gravel range from approximately 600,000 to 811,000 tonnes per annum (the higher figure representing consented extraction rates, the lower figure representing output at that time). It also indicated that consented reserves amounted to approximately 8.75 million tonnes representing between 10.8 and 14.7 years of consented minerals reserve.
- 8.8 In 2012 Angus Council granted planning permission for a new sand and gravel quarry at Struan near Edzell. That permission provided for the extraction of 2.8 million tonnes of sand and gravel at a rate not exceeding 80,000 tonnes per annum.
- 8.9 There are currently five sand and gravel quarries in Angus that contribute to the existing minerals landbank. These are at Auchterforfar (Forfar), Cotside (Carnoustie), Hatton Mill (Friockheim), Powmyre (Kirriemuir) and Struan (Edzell). The applicant estimates that based on the average extraction rate identified in the 2010 Minerals Audit those quarries contain consented sand and gravel reserves in the region of 6,186,000 tonnes at January 2019. The applicant further estimates that, depending upon the future rate of extraction, those reserves are likely to last between 5.24 and 10.38 years.
- 8.10 Information available to the Planning Service indicates that extraction rates over the period since the 2010 Minerals Audit have remained low (around 567,000 tonnes per year). On that basis, it is likely that consented reserves may be closer to 6,500,000 tonnes at the current time. Assuming an annual extraction rate of 567,000 tonnes per year (reflective of existing average extraction rates) the existing reserves would provide around 11.46 years supply; with an extraction rate of 720,000 tonnes per year (the requirement identified in the 2001 Minerals Audit) consented reserves would provide around 9 years supply; and assuming the quarries operated to full consented capacity of around 867,000 tonnes per year (Auchterforfar currently has no annual limit but extracts around 257,500 tonnes per year) the reserves would provide around 7.5 years supply. Accordingly it is estimated that the current land bank of sand and gravel is in the region of 7.5 to 11.46 years.
- 8.11 The applicant has indicated that existing consented reserves at Hatton Mill are only likely to last a further 2-years. It is also indicated that consented reserves at Auchterforfar are likely to

be exhausted within a similar timescale. At that time planning conditions that restrict extraction rates at the remaining quarries would limit annual output to 480,000 tonnes per year. That level of output is not sufficient to meet anticipated demand within the local market area which is likely to be around 567,000 to 720,000 tonnes per year.

- 8.12 The Development Plan (consistent with Scottish Planning Policy) confirms that a *minimum* 10 year land bank should be available at all times. The applicant has provided an assessment to demonstrate that there is a need to augment the existing sand and gravel land bank. That assessment is supported by information available to the Planning Service. The nature of quarries and the mineral industry is such that considerable advance planning and preparation is required before extraction can commence at a new quarry or at a quarry extension and it is not possible to 'top-up' the land bank on an annual basis. The current proposal is for the extraction of 469,000 tonnes of sand and gravel at an average of 130,000 tonnes per annum. It would increase the land bank to around 6,969,000 tonnes and would allow an overall output of 610,000 tonnes per year to be supplied to the local market. This extension would provide a land bank in the region of 9.68 to 12.29 years and would ensure continuity of supply from an existing quarry location, at a similar rate of extraction, and making good use of infrastructure associated with the existing operation.
- 8.13 There is a planning application for an extension to the existing quarry at Auchterforfar near Forfar (Appn: [19/00091/FULM](#) refers). It provides for the extraction of 1.1million tonnes of sand and gravel with an annual extraction limit of 250,000 tonnes. That application is subject of a separate report to this committee (Report No. 204/19 refers) and it is considered there is reasonable justification to approve both that application and the current proposal to augment the land bank and to ensure continuity of supply to the local market. Approval of both applications would provide a land bank in the region of 8,069,000 which would equate to between 11.21 and 14.23 years supply dependent upon extraction rates.

Impact on Built Environment

- 8.14 The application site is not designated for any built heritage reasons however there is a Scheduled Ancient Monument (SAM) adjacent to the west boundary of the application site (Balneaves Cottage, cursus and settlement 200 SE of (SM 6041) with a further SAM (Douglasmuir, roundhouse, enclosure and pits 560m NNW of SM 5983) on the south side of the B965 public road opposite the south boundary of the site. The EIA Report indicates that to avoid any direct impact on Balneaves SAM, fencing would be erected a minimum of 5m from the edge of the scheduled area and would be retained for the duration of the operational phase. Excavation for extraction would maintain a 10m stand-off from the edge of the SAM. Historic Environment Scotland (HES) has been consulted on the proposal and is content that the provision of a physical barrier would mitigate the potential for direct effects on the SAM. Impacts on the setting of the SAM are assessed as being significant and adverse during the operational phase but the proposed restoration would ensure that the integrity of its setting would not be adversely affected in the medium to long-term. In relation to impacts on the setting of Douglasmuir this would be significant and adverse during the operational phase however the intervisibility with Balneaves SAM would be restored following the restoration of the site. HES is satisfied that the effects on the setting of both SAMs would not be unacceptable.
- 8.15 In relation to archaeological interests, the development would directly impact on Balneaves Cottages archaeological sites (NO64NW00028: cropmarks of ring-ditches and pits and NO64NW0052: cropmarks of an enclosure). The EIA Report indicates that the proposed development would have direct, permanent and irreversible effects on the features of archaeological interest within the site. Without mitigation any archaeological remains that may be present within the development site would be lost. The EIA Report identifies that a programme of archaeological mitigation works is proposed to offset the adverse impacts. This includes the archaeological monitoring of topsoil stripping and recording of features across the development site. The Archaeology Service has reviewed this information and is satisfied with the mitigation proposed but has requested a programme of archaeological works condition to ensure the completion of the archaeological works.
- 8.16 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. Overall the proposal would not give rise to any unacceptable impacts on built heritage interests subject to the mitigation measures identified in the EIA Report and proposed planning conditions.

Impact on Natural Environment

- 8.17 The application site is not designated for any natural heritage reasons and there are no sites designated for natural heritage value directly affected by the development proposal. The EIA Report includes an assessment of ecological impacts. Surveys have been undertaken of habitats and species including bats, badger, otter, birds and other notable species. The EIA Report concludes that the development would not have significant impacts on any species subject to appropriate mitigation. The application site comprises predominantly cultivated agricultural land and survey has not identified any notable habitats or plant species. Impacts upon this would be temporary in nature and reversible. Scottish Natural Heritage has reviewed the information submitted in support of the application and has offered no objection. On this basis, and having regard to the physical characteristics of the site combined with the temporary nature of the operations, the proposal is unlikely to give rise to significant impacts on species or their habitats. The proposal does not give rise to any unacceptable impacts on the natural environment of the area.

Impact on Amenity

- 8.18 Development plan policy requires consideration of the impact of quarry operations on amenity. Planning Advice Note 50 and Annexes A to D thereof provide an indication of good practice in relation to controlling the environmental effects of surface mineral workings. The annexes provide specific guidance regarding noise, dust, traffic and the submitted EIA Report considers the potential impact of the development on nearby properties in relation to those matters.
- 8.19 The proposal involves an extension to the existing quarry. The extraction rate proposed is 130,000 tonnes per annum which is the same as that associated with the existing operation. Approval of this application would therefore not increase traffic movement in the wider area over and above the existing situation. The existing level of activity does not give rise to significant environmental impact and has not been subject of complaint.
- 8.20 The EIA Report has considered impact of noise on the closest residential properties at Balneaves Cottage, Kinnells Mill, Douglasmuir, Hatton Mill Farmhouse, Hatton Mill Farm Cottages and Number 1 Hatton Mill Farm Cottage. It has also considered impacts arising from site traffic and cumulative noise impact. The assessment covered normal operations and periods of short term noisy operations. Overall the EIA Report considers that the proposed site operations meet best practice as detailed in PAN 50 Annex A and that the proposed noise control measures along with effective day to day management would ensure the proposed development could be undertaken without significant noise impacts. The Environmental Health Service has reviewed the detailed noise impact assessment contained in the EIA Report and is satisfied that it has been carried out following guidance set out in PAN 50. The Environmental Health Service has indicated that the predicted noise levels at all adjacent properties would be below appropriate limits identified by PAN 50 guidance. On that basis the Service is satisfied that the proposed development could be undertaken in a manner that would not give rise to unacceptable impacts on the amenity of occupants of nearby residential property by virtue of noise emissions. Conditions are proposed that set noise limits at nearby properties, and that require the provision of a noise management strategy and a scheme for the monitoring of noise from the development.
- 8.21 The EIA Report provides an assessment of dust and air quality based on an evaluation of existing conditions, the identification of potential dust sources, likely impacts on sensitive receptors and mitigation measures. It concludes it is unlikely that there would be any significant reduction in air quality if effective mitigation was employed. The Environmental Health Service has reviewed the air quality information contained within the EIA Report and is satisfied that that it has been undertaken in accordance with recognised guidance. 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 general location. The proposed extension is located further from residential receptors than the current quarrying operations and the Environmental Health Service is satisfied that the proposed development could be undertaken in a manner that would not give rise to unacceptable impacts on nearby residential property by virtue of dust emissions. Conditions are proposed requiring approval of a dust management strategy and a scheme for the monitoring of dust from the development.

- 8.22 The EIA Report has also given consideration to light pollution and indicates no night time working is proposed and artificial lighting would only be required during early morning and early evening periods in winter. The utilisation of lighting in the proposed extension area and haul road would be limited to vehicle lighting only with most of those operations being undertaken below ground level and benefitting from perimeter screening.
- 8.23 Overall the proposal would not give rise to unacceptable amenity impacts subject to the proposed planning conditions and the mitigation measures set out in the EIA Report. Issues associated with visual impact on residential amenity are discussed below.

Landscape and Visual Impact

- 8.24 Development plan policy requires consideration of landscape and visual impact. Policy indicates that the capacity to accept new development in the landscape will be considered within the context of the Tayside Landscape Character Assessment (TLCA) and relevant landscape capacity studies, formal designations and special landscape areas. Development which has an adverse impact 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 local landscape, cumulative impacts are not unacceptable and mitigation measures and/or reinstatement are appropriate. SPP confirms that landscape and visual impact is a material consideration in the determination of planning applications for mineral working.
- 8.25 The application site is not located within an area designated as being of particular landscape value or sensitivity and the main issue is whether the development can be accommodated in the existing landscape and whether associated visual impacts are acceptable. The TLCA identifies that the application site falls within a landscape type described as Dipslope Farmland. It indicates that while quarries inevitably have some local landscape impact, their broader effect can be more limited. In terms of general guidance the TLCA suggests that demand for mineral working should be monitored and schemes that come forward should be restoration-led and located to minimise landscape impacts during operation.
- 8.26 The EIA Report includes a landscape and visual assessment of the proposals to evaluate the predicted landscape and visual impacts and identify mitigation measures which could be incorporated into the development. The extension area consists of agricultural fields which are generally flat with a gentle drop in the north part of the site. The EIA Report advises that the main landscape impact would be from the proposed excavation area breaking up the continuity of the agricultural landscape. It suggests that the proposal would have direct impacts on the Dipslope Farmland as the landform itself would be permanently altered by the quarrying activities. However, it is suggested that the impacts during the operational phase of the development would be localised and the impact on the wider landscape would not be significant. The progressive restoration of the site and re-establishment of the existing landcover across the site would further reduce the landscape impacts associated with the development. The EIA Report concludes that while the landform would be altered, following restoration the site area would integrate with the surrounding landscape.
- 8.27 In this case the quarry would result in direct physical alteration to the landform through the excavation of material and resultant lowering of ground levels within the application site. It would also result in alteration to field boundaries and change to the use of areas of land from agriculture to quarry workings. However, the phased nature of the proposed extraction means that only comparatively small areas of the overall site would be worked at any one time. While the landscape change would be notable in the vicinity of the site at any significant distance the alteration to the landform would generally be less apparent, particularly upon restoration. The TLCA recognises that quarry developments in the landscape should be restoration led. In this case it is considered that the phased working and progressive restoration proposed is consistent with this aim and that the proposals are acceptable in terms of landscape impacts. Detailed matters regarding the restoration proposals are discussed below.
- 8.28 Turning to visual impacts, the EIA Report indicates that these are assessed in relation to a number of viewpoints which were identified as being representative of visual receptors in the area. The Plans illustrating the phases of the proposed development have been included within the EIA Report and there are 2 working phases which include progressive restoration. Due to the proposed working method the operational excavation area would be minimised (around 4.4ha at any time) although some advanced stripping and restoration would be apparent at any given time. As an extension to the existing quarry the existing site access and

processing area would be utilised so there would be no additional visual impacts arising from these features.

- 8.29 The most direct visual impacts arising from the development would be on the users of the B965 public road. The overall impact of the development on the visual amenity of the road users would be adverse during operations. However, a grassed screening bund is proposed adjacent to the south and southwest boundary of the application site. That bund would give rise to some visual impact in its own regard but existing vegetation on the road verge would soften its appearance and it would largely screen the quarry excavation from the public road which would be desirable. Precise details of the location, extent and height of the bund would be required by a proposed planning condition. Impacts would be short-term and would be negligible following restoration. Subject to the mitigation measures proposed in the EIA Report and planning conditions regarding the timing and detail of the screening bund the visual impact on road users would be acceptable.
- 8.30 In terms of residential properties, some of the quarry workings would be visible from residential properties as well as the approach to houses. However the closest residential property is located around 240m from the excavation area. This would be a greater distance than some existing properties are located to previously approved workings. The provision of the proposed screen bund adjacent to the B965 public road would reduce visibility of the southern extent of the quarry excavation area from the closest dwelling at Balneaves. The visual amenity of other properties in the area would not be significantly affected and impacts would not be any greater than those experienced from previously approved workings in the area. The quarry operations would have some adverse impact on the visual amenity of the closest residential properties but the separation distances, landform, phased working and progressive restoration would assist in limiting those impacts. Overall it is considered that the visual impact on residential properties would not be unacceptable.

Impacts on the Water Environment

- 8.31 The EIA Report includes a hydrological and hydrogeological assessment which describes the existing conditions at the site and identifies and assesses the potential impacts that may be caused by the development proposals. The EIA Report indicates that the site has been designed to be dry worked with the base of the excavation 1m above the winter water table. It indicates that on that basis there would be no significant effect on the groundwater regime beneath the site and no groundwater flow into the excavation area. During soil stripping, perimeter catch ditches or low bunding would ensure that any run-off would be contained within the site. No surface water from the surrounding catchment areas would enter the site due to the general topography in the area. Incidental rainfall would be collected within the base of the excavations where it would be utilised for dust suppression or be allowed to infiltrate into the groundwater system. The existing surface water arrangements would continue to serve the processing area. There would be no requirement for the storage of any fuels, oils or lubricants within the extension area; all plant would utilise the existing facilities within Hatton Mill Quarry for vehicle fuelling and maintenance.
- 8.32 SEPA and the Roads Service have reviewed the proposal in relation to impacts on the water environment. SEPA has indicated that as the quarry would be dry worked with no de-watering there would be no increased flood risk to nearby receptors and it has no concerns regarding groundwater impacts. The Roads Service has advised that the surface water drainage arrangements proposed are acceptable and would not have any adverse impacts on the water environment or give rise to increased flood risk. The proposal does not give rise to any significant adverse impact on the water environment.

Impacts on Resources and Infrastructure

- 8.33 Development plan policy generally seeks to safeguard prime quality agricultural land (except where required for mineral extraction); to ensure developments are designed to minimise impact on agricultural land; and to ensure farm units are not rendered unviable. Published maps indicate that the application site comprises land that is Class 3.2 and as such it is not prime quality agricultural land. There is no evidence to suggest that the loss of limited areas of agricultural land on a temporary basis would render any farm unit unviable.
- 8.34 Vehicular access and egress to the site is taken via the B965 public road. The EIA Report advises that all sand and gravel extracted would be transported internally to the existing processing and stockpiling areas within Hatton Mill Quarry. In terms of vehicle movements

offsite there would be no increase in daily generated traffic levels over those currently experienced as the proposal relates to the continuation of sand and gravel extraction at the current rate of 130,000 tonnes per annum. 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.

- 8.35 The proposal is located in proximity of a high pressure gas pipeline and the application has been subject of consultation with the Health and Safety Executive (HSE) and National Grid. HSE did not advise against approval of the application. National Grid has confirmed that it has no objection to the application as the site is located outwith the consultation zone for the high pressure gas pipeline. The proposal does not give rise to any significant adverse impact on infrastructure in the area.

Site Restoration and Aftercare

- 8.36 Development plan policy indicates proposals for mineral extraction will only be supported where proposals for land restoration, aftercare and after use are satisfactory including where necessary the provision of a bond to cover the cost of an agreed scheme for the restoration, aftercare and after-use of the site. SPP emphasises the need to achieve a high standard of restoration and aftercare, and provide for after-uses which result in environmental improvement when mineral working has ceased. PAN 64 provides an indication of best practice in relation to the reclamation of surface mineral workings. It identifies that it is a key aim of government policy to ensure that land worked for minerals is reclaimed as soon as possible after working has ceased. Guidance is provided in terms of assessing reclamation proposals, potential after uses, reclamation process, consultation procedures, planning conditions, restoration and aftercare schemes and planning agreements.
- 8.37 Indicative restoration and aftercare proposals are contained within the EIA Report. These indicate the processing area would be restored in accordance with the previous planning permission and the excavation area would be restored to agricultural land. It is proposed to implement a progressive restoration of the excavation area which would ensure that a minimum area would be affected by operations at any one time. The EIA Report advises that limited quantities of inert material would be imported at restoration to assist with the regrading of excavation boundaries to create slopes at appropriate gradients for arable farmland and to create a topography acceptable in relation to the setting of the nearby Scheduled Monument. The EIA Report indicates that following restoration an aftercare scheme would be implemented which would monitor, identify and remove any undesirable colonising species from the land.
- 8.38 The restoration proposals are generally acceptable and are in keeping with local landscape character. Shallow slopes would be provided at the western boundary adjacent to the SAM in order to protect the setting of this feature and this is supported by HES. The proposed profiles along the south boundary of the site would involve steeper slopes and consequently would appear more engineered. It appears that there may be opportunity to import slightly more material at restoration stage to reduce the gradient of these slopes. It is also considered desirable to reinstate some of the historical landscape structure such as the field pattern and roadside planting. A condition is proposed that requires provision and approval of a revised restoration scheme. A condition is also proposed requiring a bond or other financial guarantee to ensure restoration of the quarry in accordance with the approved details.
- 8.39 The proposal is compliant with development plan policy subject to the mitigation measures identified in the EIA Report and detailed in the proposed planning conditions.

Material Considerations

- 8.40 In relation to material considerations it is relevant to have regard to the economic benefit associated with the proposal. This is an existing quarry and it provides direct employment for a number of persons. Material from the quarry also helps support the local construction industry. The existing consented reserves at the quarry will be exhausted in the near future and granting permission for this extension should help secure employment opportunities at the quarry and ensure continuity of supply of material within the market area. This is a material consideration which merits significant weight in circumstances where the development does not otherwise give rise to unacceptable impacts.
- 8.41 The letter of representation also raises material planning issues and those have been

addressed above in relation to relevant policy. This is an extension to the existing quarry and amenity impacts associated with it are not predicted to be unacceptable. The Environmental Health Service has assessed the information submitted in support of the application and has reviewed the matters raised in objection. There is no evidence to suggest that noise or dust from the existing quarry operations is causing any significant issue or breach of prescribed limits. On the basis of all available evidence it is considered that the development could operate in a manner that would not give rise to unacceptable amenity impacts.

- 8.42 The EIA Report has considered the potential impact of the development on wildlife and habitats and no unacceptable impacts have been identified. SNH has been consulted on the application and has raised no concern. The site is 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.
- 8.43 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. Extraction rates from the quarry extension would be no greater than existing extraction rates from the quarry and associated vehicle movements on the road network are not predicted to increase.

Waste Management Plan

- 8.44 Regulations require applications for developments that include extractive waste to be accompanied by a Waste Management Plan (WMP). A WMP for the existing Hatton Mill quarry was approved in 2012 and reviewed in 2017 as required by the Regulations. The EIA Report indicates that there would be extractive waste produced in the form of silts and it indicates that these would be placed in the final void as part of the restoration process, as is currently the case with the existing site. It is indicated that the existing WMP remains valid and there is no requirement to update the text within the document. A review of this information has been undertaken as part of the consideration of the application and it is concluded that the WMP still meets the requirements of Schedule 1 of the Regulations and remains acceptable.

Conclusion

- 8.45 In conclusion, any proposal for mineral extraction will give rise to environmental impacts and will have potential to impact on the amenity of the surrounding area. However, minerals can only be worked where they are found and the key considerations are compatibility with development plan policy, the significance of environmental impacts and other relevant material considerations.
- 8.46 In this case there is a need for additional sand and gravel reserves in order to maintain the required minimum 10-year land bank and to ensure that there is an adequate annual supply to meet local market requirements. The EIA Report and consultation responses indicate that, subject to appropriate mitigation and planning conditions, the development should not give rise to unacceptable environmental or amenity impacts. 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. The proposal would provide for an extension to the existing quarry workings at Hatton Mill and would utilise existing infrastructure at this location. It would provide continuity of supply to the local market and provide economic benefit to the area in a manner that complies with the development plan.
- 8.47 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:

The proposed development will provide for an extension to an existing mineral reserve and will assist in maintaining a minimum 10 year land bank of minerals and continuity of supply to the local market. Environmental impacts associated with the proposed development can be appropriately mitigated subject to the stated planning conditions and by the mitigation measures identified in the Environmental Impact Assessment Report. There are no material considerations that justify refusal of the planning application contrary to the provisions of the development plan.

Conditions:

1. That extraction of minerals shall cease no later than 4 years from the date of commencement of development, and restoration of the site shall be completed within a period of 5 years from the date of commencement of development. The planning authority shall be notified in writing of the date of commencement of development not less than 5 working days prior to the date of commencement of development. The applicant shall obtain written confirmation from the Planning Authority that all site restoration works have been completed in accordance with the approved restoration scheme.

Reason: To ensure that the development is undertaken in accordance with the approved plans and the Environmental Impact Assessment Report.

2. That except as otherwise provided for and amended by the terms of this permission, the development shall be undertaken in accordance with the provisions of the Proposed Balneaves Extension to Hatton Mill Quarry, Friockheim Environmental Impact Assessment Report by Dalgleish Associates, Limited dated February 2019. Specifically the development shall be undertaken in accordance with the mitigation identified in Chapter 11 of the Environmental Impact Assessment Report.

Reason: To ensure that the development is undertaken in accordance with the Environmental Impact Assessment Report in order to mitigate impact of the development on the environment.

3. That from the commencement of quarrying and thereafter for the duration of this permission, the quarry excavation shall be worked in accordance with the approved Hatton Mill Extension Quarry Development Plans Phases 1 and 2 (Figures 3.1 – 3.2 of the Environmental Impact Assessment Report) and the working programme and figures specified Environmental Impact Assessment Report. No extraction shall take place out with the defined phases.

Reason: In order to define the limits of extraction and the phasing of development.

4. That the annual rate of extraction from the quarry area as measures in any 12 month period shall be no more than 130,000 tonnes per annum. The Planning Authority shall be provided in writing, details of annual output/ production at no more than 12 monthly intervals from the date of commencement of extraction.

Reason: In order to ensure that the development is undertaken in accordance with the assessments against which it has determined in the interest of the environment and to monitor the annual rate of extraction.

5. That no development in connection with the planning permission hereby approved shall take place until the following details have been submitted to and approved in writing by the Planning Authority:-

(a) A detailed restoration scheme (including a programme for implementation). The restoration scheme shall be consistent with Section 3 and Figure 3.3 of the Environmental Impact Assessment Report and the guidance in PAN 64: Reclamation of Surface Mineral Workings (2002) but shall make provision for revised gradients and boundary planting adjacent to the southern and western boundaries. The submitted scheme shall provide:-

- (i) Details of the proposed topography; including details of levels construction, sections, drainage, soil coverage, final boundaries, phasing and relationship to adjoining land;
- (ii) Details of quantity and type of material to be imported to facilitate restoration. For the avoidance of doubt only inert material will be used for restoration;
- (iii) Details of grass seed mixes to be used;
- (iv) Details of all landscape planting, including the location, size, number and species of trees and shrubs; and
- (v) Details of new habitat creation.

All planting shall comprise native plant species that support local biodiversity and habitat provision. Restoration of the site shall be undertaken in accordance with the approved restoration scheme;

(b) A landscaping aftercare and long term management plan in conjunction with the restoration scheme that shall provide for the aftercare of progressively restored areas during the lifetime of the operation of the quarry and following completion of the final restoration. Thereafter the approved management plan shall be fully implemented and be carried out during the aftercare period of 5 years following the completion of the restoration of the site;

(c) 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;

(d) Precise details of the location, extent, height and profile of the proposed screening bund to be formed at the south and south west boundary of the application site. For the avoidance of doubt the submitted scheme shall make provision for the extension of the screening bund along the western extent of the existing quarry road. Thereafter the bund shall be formed in accordance with the approved details prior to the extraction of minerals from the site;

(e) A noise management strategy, incorporating measures outlined in PAN 50 Annex A: The Control of Noise at Surface Mineral Workings and noise mitigation measures indicated in the Environmental Impact Assessment Report. The noise management strategy shall also include:-

- A noise monitoring scheme and complaint investigation procedure; and
- Provision for the regular review of the effectiveness of noise mitigation measures and updating of the management strategy to reflect best practice.

Thereafter the approved noise management strategy shall be fully implemented upon commencement of the development and remain in place for the duration of the development hereby approved;

- (f) A dust management strategy, incorporating measures outlined in PAN 50 Annex B and dust mitigation measures indicated in the Environmental Impact Assessment Report. The dust mitigation strategy shall also include:-
- A dust monitoring scheme and complaint investigation procedure; and
 - Provision for the regular review of the effectiveness of dust mitigation measures and updating of the management strategy to reflect best practice.

Thereafter the approved dust management strategy shall be fully implemented upon commencement of the development and remain in place for the duration of the development hereby approved.

- (g) A soils handling scheme. The soils handling scheme shall contain a detailed strategy for the handling and management of soils during the development and associated restoration. All soil stripping, handling and storage shall be carried out in accordance with the approved soils handling scheme;
- (h) An archaeological written scheme of investigation (WSI) and a programme of archaeological works in accordance with the approved WSI. The WSI shall include details of how the recording and recovery of archaeological resources found within the application site shall be undertaken, and how any updates, if required, to the written scheme of investigation will be provided throughout the implementation of the programme of archaeological works. Should the archaeological works reveal the need for post excavation analysis the development hereby approved shall not be occupied unless a post-excavation research design (PERD) for the analysis, publication and dissemination of results and archive deposition has been submitted to and approved in writing by the planning authority. The PERD shall be carried out in complete 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, restoration of the site and environmental protection.

6. That the hours of operation of plant and equipment associated with the extraction, processing and transport of sand and gravel shall be restricted to:-
- 0700 to 1900hrs Monday to Friday inclusive;
 - 0700 to 1200hrs on Saturdays; and
 - For the avoidance of doubt there will be no work on Sundays or public holidays.

Reason: In order to control site activity generated noise to an acceptable level in the interests of safeguarding the residential amenity of nearby noise sensitive property.

7. That noise from all plant, machinery and operations associated with the development shall not exceed the following levels at the specified locations:-

Receptor	Noise Limit (dB LAeq,1hr)
Hatton Mill Farmhouse	53
Hatton Mill Farm Cottages	55
No. 1 Hatton Mill Farm Cottages	55
Balneaves Cottage	49
Kinnells Mill	49
Douglasmuir	45

Reason: In order to control site activity generated noise to an acceptable level in the interests of safeguarding the residential amenity of nearby noise sensitive property.

8. That during soils removal and screening bund construction and removal the noise level shall not exceed 70dBA Leq (1 hour) free field at any noise sensitive receptor. Soil removal and screening bund construction shall be limited to a period of 8 weeks in any 12 month period and a record of the times and dates of such operations shall be kept by the site operator shall be made available to the Planning Authority upon request.

Reason: In order that the amenity of nearby occupied premises shall be adequately safeguarded.

9. That all reversing alarms fitted to vehicles or mobile plant operating within the application site shall be of either a broadband sound or non-audible type.

Reason: In order that the amenity of nearby occupied premises shall be adequately safeguarded.

10. That before the date falling 12 months after the date of commencement of development and thereafter at 12 monthly intervals, the operator shall submit a quarry progress plan for the written approval of the Planning Authority. Each quarry progress plan shall:-

- (a) Provide an up-to-date survey drawing illustrating the progress of quarrying operations;
- (b) Identify the current location of extraction areas;
- (c) Identify the size of the quarry extraction area, areas of completed soil stripping and replacement works;
- (d) Identify the extent of restored land and implemented landscaping works; and
- (e) Identify the projected operations and restoration during the forthcoming 12 month period.

Reason: To assist the planning authority to retain effective control over quarry operations.

11. Before 30 June in each year during the aftercare period (defined in condition 5(b)), a written report of (i) the aftercare operations carried out during the preceding year (or part year), and (ii) the aftercare operations intended to be carried out during the following year (or part year) shall be submitted to the Planning Authority.

Reason: To ensure effective monitoring of the aftercare of the site.

12. For the duration of the aftercare scheme, the operator shall replace all trees and shrubs planted since completion of restoration and landscaping that are damaged or diseased, or that have not survived or have been removed, with a similar number of trees or plants of the same or suitable alternative species within the first available planting season following the identification of their being in such a condition, or having been removed.

Reason: In the interests of visual amenity and effective landscape management and habitat creation and to ensure adequate measures are put in place to protect the landscaping and planting in the long term.

13. Should the extraction of sand and gravel from the site cease for a period in excess of 12 months, the extraction shall be deemed to have ceased. The Planning Authority shall be notified in writing within 1 month of the date of cessation of mineral extraction. An updated scheme for the restoration of the worked area and associated aftercare programme that shall reflect the objectives of the restoration described by Section 3 and Figure 3.3 of the Environmental Impact Assessment Report shall be submitted for the written approval of the Planning Authority within 2 months of the effective cessation of quarrying operations. The updated scheme of restoration and associated aftercare programme shall be implemented as approved within a year of the aforementioned unscheduled cessation of extraction.

Reason: To ensure adequate measures are put in place to secure the restoration of the quarry should its operation cease prematurely in the interests of visual amenity.

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.

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

DATE: 10 JUNE 2019

APPENDIX 1: LOCATION PLAN



APPENDIX 2: EIA REPORT NON-TECHNICAL SUMMARY

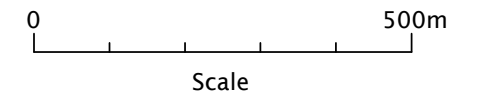
APPENDIX 3: DEVELOPMENT PLAN POLICIES



SITE LOCATION PLAN

Legend

-  Planning Application Boundary
-  Existing Planning Consent Ref 06/01136/FUL



Client: D. GEDDES (CONTRACTORS) LTD

Project: HATTON MILL EXT (BALNEAVES)

Title: SITE LOCATION PLAN

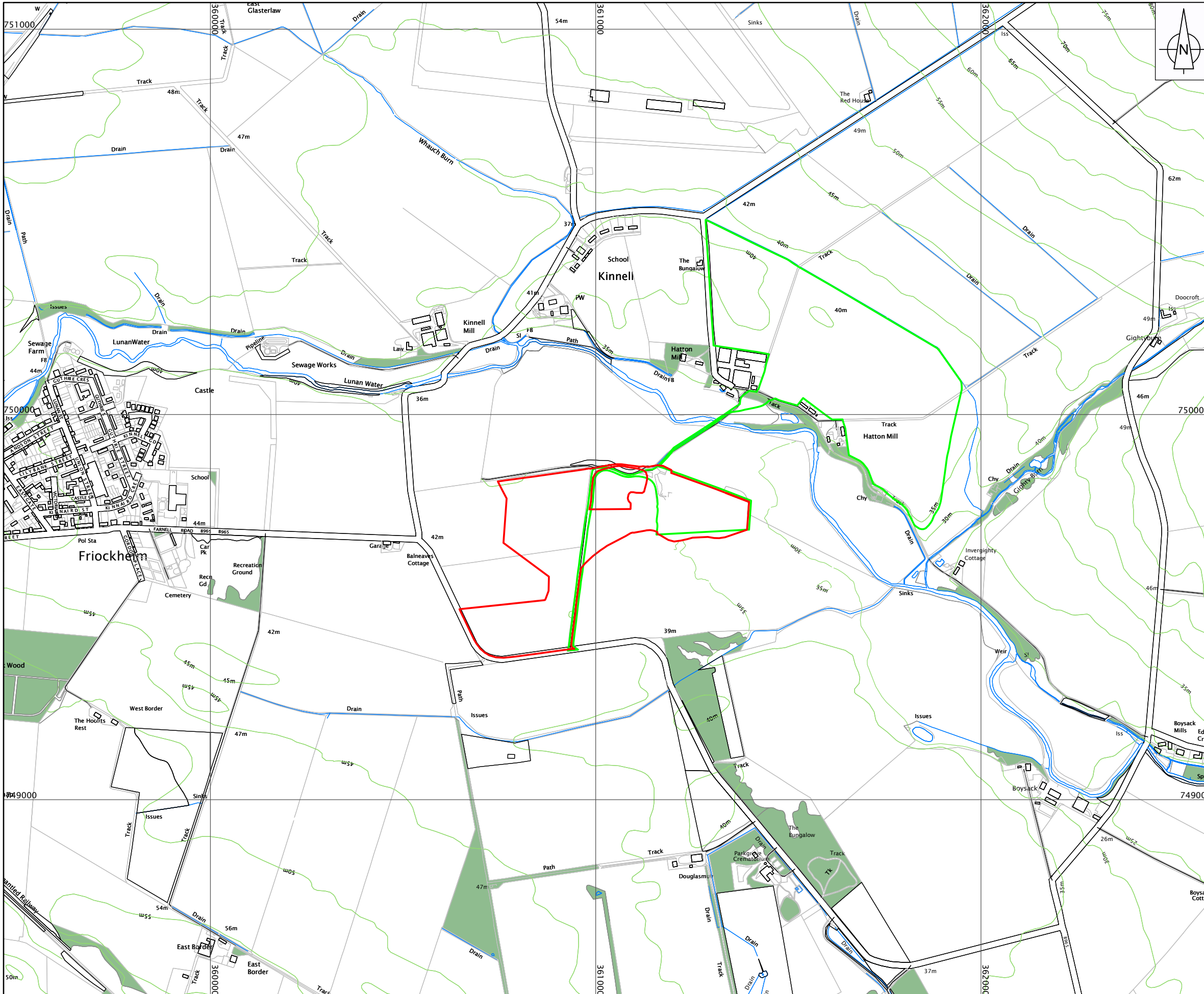
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Date: 09.02.18 Sheet Size: A3

Dagleish Associates Ltd

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**PROPOSED BALNEAVES EXTENSION TO
HATTON MILL QUARRY, FRIOCKHEIM**



**ENVIRONMENTAL IMPACT ASSESSMENT REPORT
NON-TECHNICAL SUMMARY
FEBRUARY 2018**

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

**THE TOWN AND COUNTRY PLANNING
(ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017**



INTRODUCTION

This report is the Non-Technical Summary (NTS) of the Environmental Impact Assessment Report (EIAR) prepared in support of the planning application by D Geddes (Contractors) Ltd for an extension to Hatton Mill Quarry (Balneaves Extension).

The proposal would allow the extraction of 469,000 tonnes of sand and gravel. It is proposed to work the deposit at an average of 130,000 tonnes per annum over a period of 3 years and 7 months. A further 1 year will be required to complete restoration.

Planning permission is therefore sought for a period of 4 years 7 months.

ENVIRONMENTAL IMPACT ASSESSMENT

An Environmental Impact Assessment (EIA) of the potential impacts on the environment of the proposed quarry extension has been undertaken in accordance with the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017.

The results of the EIA are contained in the Environmental Impact Assessment Report (EIAR). The Regulations require that the EIAR is summarised in a Non-Technical Summary, written in non-technical language.

THE APPLICANT COMPANY

D Geddes (Contractors) Ltd. is a Scottish company whose registered office is at Swirlburn, Colliston by Arbroath. The Company has been operating since 1947 and has a wide range of interests within the quarry industry including the supply of processed rock, sand and gravel, coated stone and ready-mix concrete. Other areas of operation include plant hire, haulage, demolition and earthmoving contracts and public works contracts. It is also active within the skip waste management industry including recycling operations.

The Company currently operates hard rock units at Markle Mains Quarry, Haddington, Ardownie Quarry, Monifieth, Waulkmill Quarry, Inverkeilor, Wester Bleaton Quarry, Kirkmichael and sand and gravel units at Hatton Mill Quarry near Friockheim, Balado Quarry, Kinross and Struan Quarry, Edzell.

D Geddes (Contractors) Ltd's business is the quarrying of stone and adding value to the base commodity by processing, using the appropriate technology, to improve quality and widen end use, thus optimising the use of a natural resource.

PROJECT TEAM

The project team responsible for the preparation of the EIAR was:

- **Dalgleish Associates Ltd** – Project Management, Site Design, Hydrology and Hydrogeology, Landscape and Visual and Air Quality/Dust assessment.
- **Direct Ecology Ltd** – Extended Phase 1 Habitat Survey.
- **Vibroch Ltd** – Assessment of Environmental Noise.
- **CFA Archaeology Ltd** – Cultural Heritage Assessment

APPLICATION PROCESS AND PROGRAMME

The Planning Application was lodged in February 2019 with public advertisements in accordance with the Regulations. A statutory minimum period of 16 weeks is available to the Planning Authority for determination of the application.

ACCESS TO DOCUMENTATION

A full copy of the Environmental Impact Assessment Report from which this NTS has been prepared can be viewed at Angus Council's e-Planning website.

Hard copies of the EIAR and NTS can be obtained from Dalgleish Associates Ltd at the address below at a cost of £180. Electronic copies on CD are available at a cost of £20 each. Copies of the Non-Technical Summary in hard copy or electronic format are available for free on request.

Dalgleish Associates Ltd
Mineral & Planning Consultants
1 Sinclairs Street
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Dunblane
FK15 0AH

Tel: 01786 822339
email: willie.booth@dalgleishassociates.co.uk

EXPRESSING YOUR VIEWS

For the first 28 days of the consultation period commencing after the proposal has been advertised, the statutory and non-statutory consultees and members of the public have an opportunity to formally lodge their views on the proposals with Angus Council.

PLANNING

Along with Scottish Planning Policy guidance, the planning policies contained in the Development Plan which comprises the TAYplan Strategic Development

Plan 2016-2036, October 2017 and the Angus Local Development Plan, September 2016 have been examined.

The proposal has been the subject of an Environmental Impact Assessment. The EIAR addresses all potential Environmental Impacts, both positive and negative, on the natural environment by virtue of the scale, type, location and length of the proposed operations and the quality and extent of mitigation and restoration proposed. With the exception of landscape impact, which is assessed as slight to moderate during operations and reducing to slight at restoration; all other impacts have been assessed as being negligible to slight.

The proposals are considered to be broadly consistent with National Policy and the Development Plan. It is considered that an overall benefit will be derived from the proposal and that there are no over-riding factors which would merit refusal.

NEED FOR THE DEVELOPMENT

In June 2014 the Scottish Government issued its updated Scottish Planning Policy document (SPP). Paragraph 238 of the SPP states that: *“Plans should support the maintenance of a landbank of permitted reserves for construction aggregates of at least 10 years at all times in all market areas”*.

In accordance with national guidance, the TAYplan Strategic Development Plan and the Angus Local Development Plan (ALDP) support the maintenance of a landbank of at least 10 years for aggregates and accept the need for mineral extraction if undertaken in an environmentally sensitive manner. The ALDP also accepts that certain developments may generate a specific local need for aggregates.

The available production data indicates that the Angus sand and gravel landbank is currently at a level where further reserves require to be released if a minimum 10 year landbank is to be maintained at all times. This requirement for a release of reserves is exacerbated due to both the distribution of existing reserves within the region and due to production limitations which could result in the Angus region facing a significant supply deficit within the next 2-5 years.

Furthermore, the consented reserves forming the current landbank are not consistently spread across Angus and there is a clear locational need for further reserves in the east Angus area. The proposal would provide a continued strategic resource in the east Angus area.

It is considered that need has been reasonably demonstrated.

DESCRIPTION OF THE DEVELOPMENT

Site Location and Description

Hatton Mill Quarry is situated in a rural area of Angus at national grid reference NO 609 496. The proposed extension area is located some 800m to the east of the village of Friockheim. The Lunan Water is located some 260m to the north of the proposed excavation area between the existing site on the north side, and the current processing area on the south side.

The full application area extends to some 13.63ha which includes the existing access road and office, processing and stockpiling area. The proposed extension area extends to some 8.0ha and comprises relatively flat arable farmland with ground levels varying between 40.0-41.0 metres Above Ordnance Datum (AOD).

The surrounding land to the north, west and south comprises farmland. Immediately to the east of the proposed excavation is the existing quarry access from the B965. To the east of the access road is land which has previously been worked for sand and gravel. The northern part of this worked area is currently utilised as the processing and stockpiling area for Hatton Mill Quarry. The southern area has been progressively reinstated utilising inert materials for infilling and the majority of this area has now been reinstated to Agriculture.

Economic Geology/Existing Markets

In terms of the economic geology, the proposed extension comprises a sand and gravel that is suitable for a range of products and ready-mix concrete; markets which Hatton Mill Quarry has consistently supplied aggregates into, both locally and regionally, over several decades. There is a demonstrated market for these products.

The Proposal

The proposal would allow the extraction of some 469,000 tonnes of sand and gravel. It is proposed to work the deposit at an average of 130,000 tonnes per annum over a period of 3 years and 7 months. A further 1 year will be required to complete restoration. Planning permission is therefore sought for a period of 4 years 7 months.

Operational Standards

In applying for an extension of operations, the applicants have endeavoured to minimise the potential environmental impacts from extraction, haulage and processing operations and to employ operational standards in line with the requirements of the Quarries

Regulations 1999 (as amended) and the Scottish Environment Protection Agency (SEPA).

Development Programme

The proposal seeks to undertake an extension to Hatton Mill Quarry referred to as the Balneaves extension.

Site Enclosure

Prior to the commencement of operations, the extension area operational boundary shall be inspected and secured for the purpose of public safety and to ensure that the area is kept stockproof. Throughout the duration of operations the boundary shall be maintained until the restoration of the site is complete.

Site Infrastructure

It is proposed to utilise the existing infrastructure on the Hatton Mill site (site access route, offices, weighbridge, processing, stockpiling, maintenance and fuelling facilities). No buildings or fixed plant will be required within the extension area. Sand and gravel will be transported from the extension area to processing area via the existing internal access road.

Phase 1

Phase 1 relates to the northern part of the site. Soils stripped from the initial excavation area would either be used to form a screening mound on the southern site boundary, or be placed in a storage mound formed to the east of the access track. Phase 1 will release approximately 240,000 tonnes of sand and gravel. Over a period of 1 year and 10 months the excavation will be developed from the central part of the excavation area to the north; the excavation depth being some 4.8m in the south-east and 5.5m in the north-east. Progressive restoration will be undertaken to reduce the exposure of working faces.

Phase 2

As excavation works within Phase 1 near completion advance soil stripping works will commence in Phase 2 with soils being utilised for the reinstatement of Phase 1. Phase 2 will release approximately 229,000 tonnes. Over a period of some 1 year and 9 months the sand and gravel excavation will be developed to the south and west; the excavation depth being around 5m in the north, 4.1m in the south and 2.9m on the western boundary. Progressive restoration where possible will continue until completion of the works, with soil being reinstated from the storage mounds.

Restoration

The restoration scheme seeks to provide progressive restoration of worked land at the earliest opportunity with ultimate restoration of the final quarry void on the

cessation of operations. Reinstatement will be to agriculture, the same land-use as prior to operations.

Due to the nature of quarrying operations it is not possible to return the landform to its pre-existing state. However, the proposed restoration shall ensure an acceptable reintegration with the surrounding landscape.

Following the excavation of sand and gravel limited quantities of inert material will be imported to assist with the regrading of excavation boundaries to create slopes at appropriate gradients to allow the reinstatement of the site back to arable farmland and to create a topography which is acceptable in relation to the setting of the nearby Scheduled Monument. Fines from processing will also be utilised for regrading. The site will be restored with boundary gradients ranging from between 1 in 4 to 1 in 20 with relatively flat basal areas.

Soils shall be spread across the quarry floor and restoration slopes.

The current processing area will be restored in accordance with the previous planning permissions and current PPC permit. This will relate to the removal of all plant and infrastructure, the breaking out of foundations and the infilling of settlement ponds. Thereafter, soil replacement and seeding will be undertaken in a similar manner to the extension area.

The existing Hatton Mill Farm access route will be retained for access to both the farm and the residential properties at Hatton Mill.

Following physical restoration of the land it shall be subject to an aftercare scheme for a period of 5 years. The need for long term management of the majority of the site shall relate predominantly to agricultural management with the land moving from grazing during the initial first years of restoration to arable in later years.

The restoration scheme is designed to ensure an acceptable reintegration with the surrounding landscape and appropriate habitat creation with a minimum management demand. In the longer term, the agricultural management of the main site area shall continue, this being in keeping with the landscape character.

Hours of Working

It is proposed to maintain the current consented hours of working for Hatton Mill Quarry which are 7.00am – 7.00pm on any day Monday to Friday and 7.00am – 12.00pm on Saturdays. No operations shall be undertaken on any Sunday with the exception of essential maintenance operations.

Consideration of Alternatives

The proposal relates to the continued working of an existing operation to allow the extraction of identified reserves contiguous to the site boundary. As the development will have no adverse effect on international designations, European protected species or open space, in terms of planning policy, there is no firm requirement for justification of the proposal against alternative sites.

The main aspect considered in relation to the development of the site has been in relation to the excavation and restoration design which has, necessarily, been tailored to ensure that there are no permanent significant impacts in relation to the adjacent Scheduled Monument and its setting. Early consultation with Historic Environment Scotland (HES) confirmed acceptable stand-offs from the scheduled monument along with a design which ensures site stability and appropriately graded restoration slopes.

Scoping the Assessment

In order to identify impacts which could arise from the development, the project plan, and effects of the procedures involved, were considered in relation to the following environmental headings which are outlined in the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 these being: population and human health; biodiversity (flora and fauna); land take; soil; water; air; climate; material assets; cultural heritage and the landscape and interaction between any of the foregoing.

In response to a formal scoping opinion request, Angus Council identified the key issues, for which potential impacts required to be addressed, as:

- landscape and visual;
- hydrological and hydrogeological;
- ecology/nature conservation;
- noise;
- dust/air quality; and
- cultural heritage.

The assessment in relation to human health has been considered within the relevant headings above e.g. disturbance through noise and the effect of inhalation and respiration of fine airborne dust particles.

Impacts in relation to the other headings are either of little or no significance and, where required, are already adequately controlled by planning condition. In accordance with Circular 1/2017 these headings are addressed briefly to confirm that their possible relevance has been considered.

Traffic

All sand and gravel would be transported internally to the existing processing and stockpiling areas within Hatton Mill Quarry. The quarry currently takes access onto the B965.

The proposal relates to the continuation of sand and gravel at the current extraction rate which is limited by planning condition to a maximum of 130,000 tonnes per annum which equates to an average of 48 HGV movements (24 empty HGVs entering and 24 loaded HGVs leaving).

As the proposal relates to the continuation of an existing operation, and there will be no increase in traffic levels, Angus Council has confirmed that access and traffic can be scoped out of the EIA.

Land Take

The landtake relates to the continued use of the existing processing and stocking area and the proposed extension to the excavation area which equates to an additional landtake of some 8.0ha of arable farmland. As the proposal does not relate to prime agricultural land and the land will be reinstated to similar habitat as currently exists; no significant impact is anticipated.

Soil

All soils shall be retained on site and utilised for progressive restoration. There are no relevant impacts in relation to the soil resource.

Climate

The type and scale of development proposed is known to have no significant climatic effects.

Material Assets

The mineral deposit within the proposed extension area is a good quality sand and gravel suitable for a range of products and ready-mix concrete. A clear market demand has been identified for these products.

Recreational Access

There are currently no rights of way or core paths within the proposed development area. The proposed extension area relates to part of two fields which are in agricultural use (crops) and are not used to any extent for recreational access. Having regard to the likely requirement for recreational access in the immediate area it is considered that this can be adequately met by the existing B965 Road, which borders the site, and the existing access route to Hatton Mill Farm. There would be no significant loss to public access or to the enjoyment of the countryside.

LANDSCAPE

The landscape impact assessment aims to identify and assess the likely impacts which the proposal may have on the landscape.

The Landscape Type within which the development is set is characterised as 'Dislope Farmland'. The magnitude of the proposed change is assessed as slight to medium as there would be slight to moderate changes to the landscape in a localised area. However, the proposed alterations are of a small scale and are ameliorated through restoration. Overall the landscape impacts of the proposals are assessed as being slight-moderate during the short-term operational life of the site. Landscape impacts will reduce to slight upon final restoration.

VISUAL

A visual assessment has been undertaken using a number of viewpoints that are considered to be representative of the surrounding area.

Due to the relatively flat topography, public views into the proposed operational site are limited with most views having a slight visual impact. It is only from the B965, in close proximity to the boundary of site, that visual impacts become moderate. On the B965 such views are mitigated by the use of a peripheral soil screening mound.

Visual impacts shall be short-term and temporary and will reduce to negligible following restoration of the site.

HYDROLOGY AND HYDROGEOLOGY

An assessment of the existing hydrological and hydrogeological conditions at the site has been undertaken and the potential impacts attributable to the proposed extension have been identified and assessed and mitigation measures set out as required.

Due to the topography of the site, there is no potential for surface run-off to enter the site from the surrounding land. Whilst there is a general shed to the north and east any incident rainfall within the extension area mostly drains by infiltration. Shallow blind catch ditches or low bunds shall be created on the edges of the development to ensure that any run-off during soil stripping is contained within the site.

The proposed extension will be dry worked as the base of excavations is designed to be at least 1m above the winter water table. No de-watering will take place.

Processing will be undertaken within the existing Hatton Mill processing and stocking areas. The utilisation of these areas ensures that works are contained and that there is no potential of particulate dispersal by run-off. Water used for processing will continue to be recycled through ponds on a closed circuit; there is no discharge from the site.

There will be no requirement for the storage of any fuels, oils or lubricants within the extension area; all plant will utilise the existing facilities within the processing area for vehicle fuelling and maintenance.

Hatton Mill currently works to a surface water management plan which ensures that there are no surface or ground water issues. This extension will be operated in the same manner as the existing operations.

In terms of potential for flooding within the wider catchment areas, the proposal shall have negligible impact.

Private Water supplies in the surrounding area have been considered; the proposal will have no impact on supply.

The overall impact on surface water and groundwater from the proposed development is predicted to be localised and negligible.

ECOLOGY

In order to evaluate the potential ecological impact from the proposed quarrying operations Direct Ecology Ltd was commissioned to undertake an ecological survey of the proposed extension area.

An extended Phase 1 habitat survey identified the habitats present within the survey area and included a search for protected species and habitat suitability for protected species within an appropriate survey area. The protected species survey included a search for bat roost potential, badger, otter, birds and any other signs of notable species (e.g. Local Biodiversity Action Plan (LBAP) priority species).

The majority of the survey area is arable farmland; the remainder being the existing processing and stocking area. The site boundaries are formed by post-and-wire fences with a broken gorse hedge on the south and west sides, and open fence on the north and east sides. There are four mature Scot's pine trees in the gorse hedge on the south side of the minor road, just beyond the south boundary; these trees will not be affected by the proposal.

The proposal will have no impact on Sites of Special Scientific Interest (SSSI) or Ancient Woodland in the wider area.

The survey concluded that the loss of habitat will have a negligible impact and that, with appropriate mitigation, there will be no significant impact on protected species.

NOISE

In order to evaluate the potential noise impact from the proposed quarrying operations the applicant commissioned Vibrock Ltd, a national independent firm of environmental consultants, to undertake a study of the ambient noise levels at nearby sensitive locations. Noise levels were predicted based on probable plant deployment for the proposed operations.

The cumulative noise of the proposed extension operating in tandem with other operations has been considered within the assessment. No significant cumulative noise impact is anticipated.

Noise predictions confirm that the proposed extension can be operated in accordance with the existing noise planning conditions which regulate noise in relation to the existing quarry operations.

Site operations shall continue to meet the relevant best practice as detailed within PAN 50 Annex A.

The proposed noise control measures along with effective day to day site management shall ensure that the proposed development is undertaken without significant noise impacts.

There shall be no residual impacts from the development in terms of noise climate.

AIR QUALITY

Scottish Executive Development Department Planning Advice Note 50 Annex B provides guidance on the control of dust at surface mineral workings and recommends that the emphasis in the regulation and control of dust should be the adoption and promotion of best practices on site.

An assessment of potential dust generating sources was undertaken to determine the best methods of limiting or suppressing dust at the proposed quarry. For non-regulated sources of dust the operators will implement a Site Dust Management Plan to control, for example, dust arising from vehicle movements on haul roads by water spraying.

Where processing activities can generate and emit significant quantities of dust these processes are regulated under the Pollution Prevention and Control Regulations 2000 and require authorisation from SEPA. As the processing of sand and gravel is a 'wet' process dust from these activities is negligible.

With regards to health, the nuisance effects of dust centre on the effects of inhalation and respiration of smaller, finer airborne dust particles. The COSHH Regulations for employee protection apply within the quarrying industry. It follows that, if exposure limits are being complied with on-site, it is unlikely that unacceptable dust concentrations will be experienced at residential properties at separation distances of several hundred metres.

With the implementation of the Site Dust Management Plan the potential for dust emission from the site is negligible and it is unlikely that there will be any reduction in air quality.

CULTURAL HERITAGE

CFA Archaeology Ltd, an independent archaeological consultancy, has been engaged to carry out an assessment to allow consideration of the historic environment with respect to the proposed quarry extension works.

It has been established through previous desk-based assessment, geophysical survey and trial trench evaluation of the proposed development site that there is some archaeological potential outwith the scheduled monument area of the Balneaves Cottage, Cursus and Settlement, which lies directly to the west of the proposed development site.

A programme of mitigation has been agreed with the Council's Archaeologist to address the potential direct effects on the archaeological resource arising from the proposed development to ensure an adequate level of identification, investigation, recording and reporting of archaeological finds in line with the requirements of PAN2/2011. As a result, a residual direct effect of minor significance on the archaeological resource (not significant in EIA terms) is predicted.

The assessment has identified that there would be significant (in EIA terms) effects on the settings of two scheduled monuments within 1km of the proposed development site during the operational phases of the proposed development: Balneaves Cottage cursus and settlement and Douglasmuir roundhouse, enclosure and pits. Mitigation is proposed, through sensitive restoration to a gently undulating farmland topography, that would reduce the effect on their settings in the long-

term. In both cases, the post-restoration, residual effects on their settings would be of minor significance (not significant in EIA terms).

CUMULATIVE IMPACT

The possibility of a cumulative impact, attributable to two or more operations working in close proximity has been considered.

As the current Hatton Mill excavation would be completed and under restoration, any potential cumulative impact in this respect is assessed as negligible.

Two hard rock quarries exist within the vicinity of Hatton Mill. Boysack and Waulkmill Quarries are respectively located some 1.5km and 1.7km to the east of the existing processing area. The intervening topography between these quarries comprises mostly agricultural land on the western flank of Compass Hill. Having regard to the significant separation distance, any cumulative impact from the proposed Balneaves Extension is anticipated to be negligible.

WASTE MANAGEMENT PLAN

The Management of Extractive Waste (Scotland) Regulations 2010 require that mineral planning applications must include a Waste Management Plan (WMP).

A Waste Management Plan currently exists for Hatton Mill Quarry. As the silts from processing will be placed in the final void as part of the restoration process, as is currently the case with the existing site, the Balneaves Extension area constitutes an 'extractive waste area'. In this respect the existing WMP statement remains valid and there is no need to update the text. However, an updated plan has been submitted to include the Balneaves Extension area within the overall WMP.

OVERVIEW

No quarry development can be designed to have no adverse environmental impacts, although mitigation measures can negate many of these, lower the magnitude of others and reduce the probability of significant impacts occurring.

Following the implementation of the mitigation measures described in the EIAR the proposal is considered to have an overall slight adverse impact during operations which will reduce to negligible following restoration.

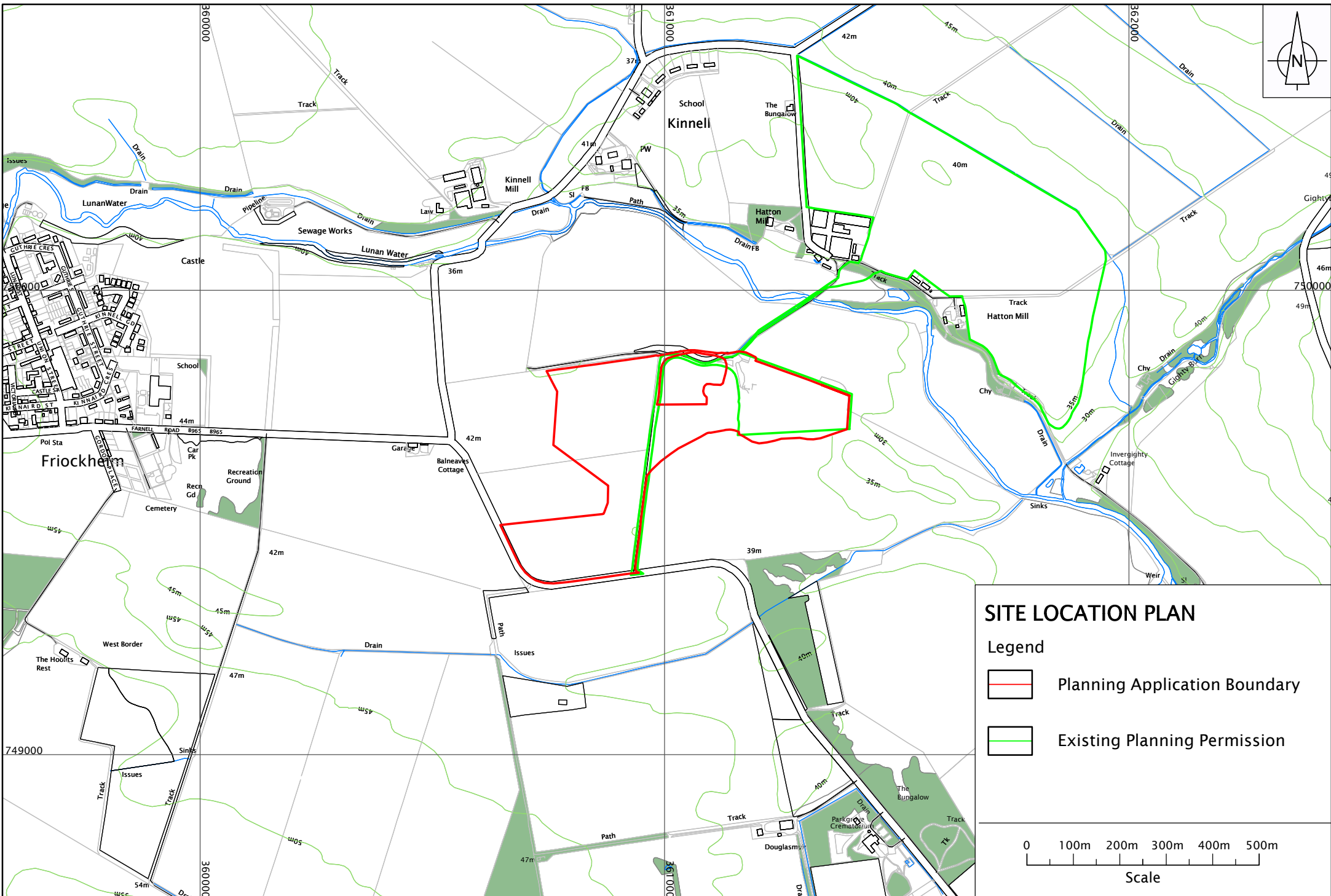
The proposal is considered to be in accordance with national, regional and local planning guidance.

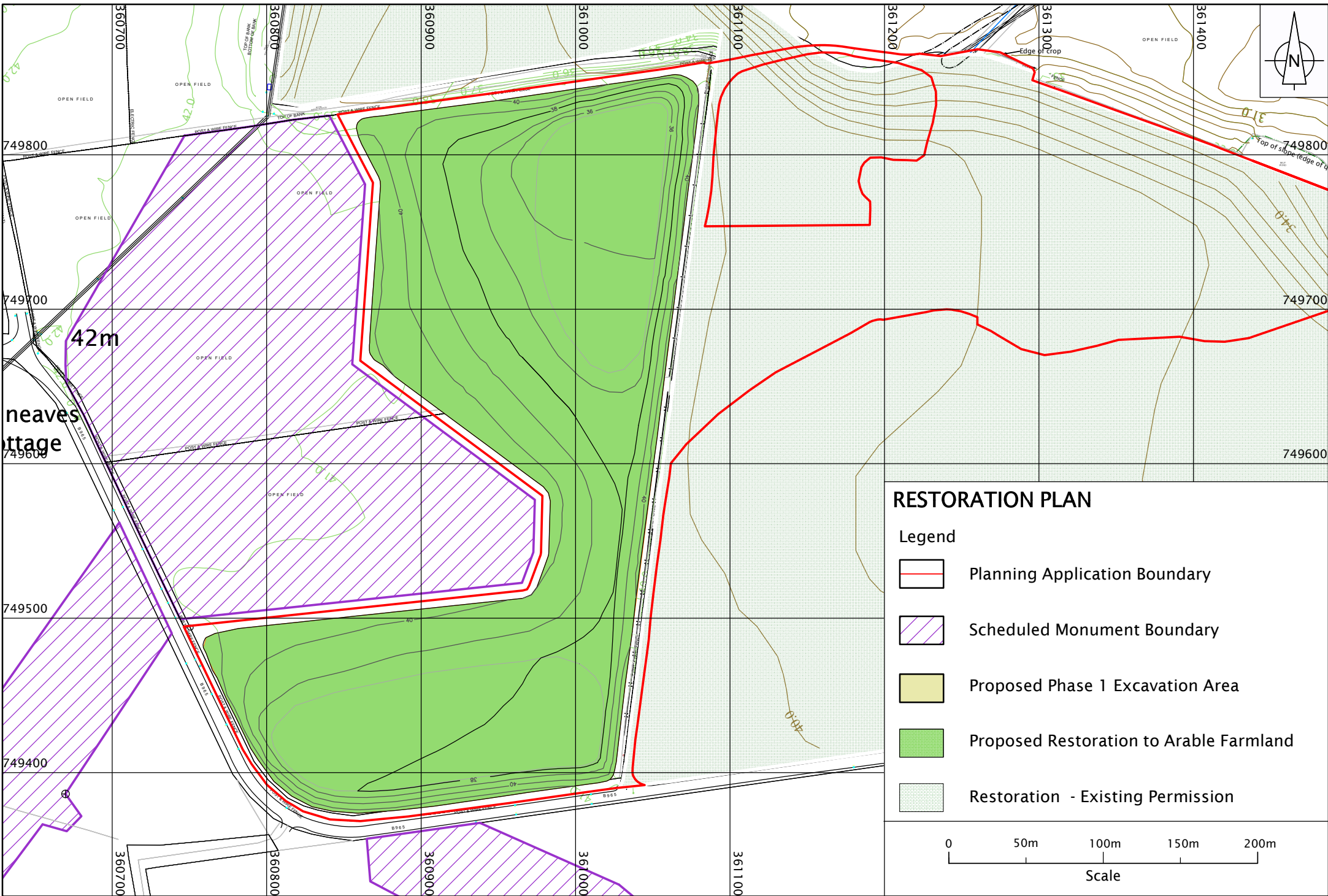
Benefits will be gained in terms of the continued contribution of the reserve to the regional landbank, the provision of employment, and the reduction in long distance haulage throughout the Angus Council region.

For further information contact:

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






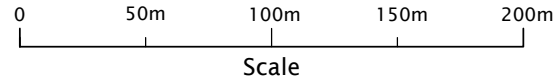


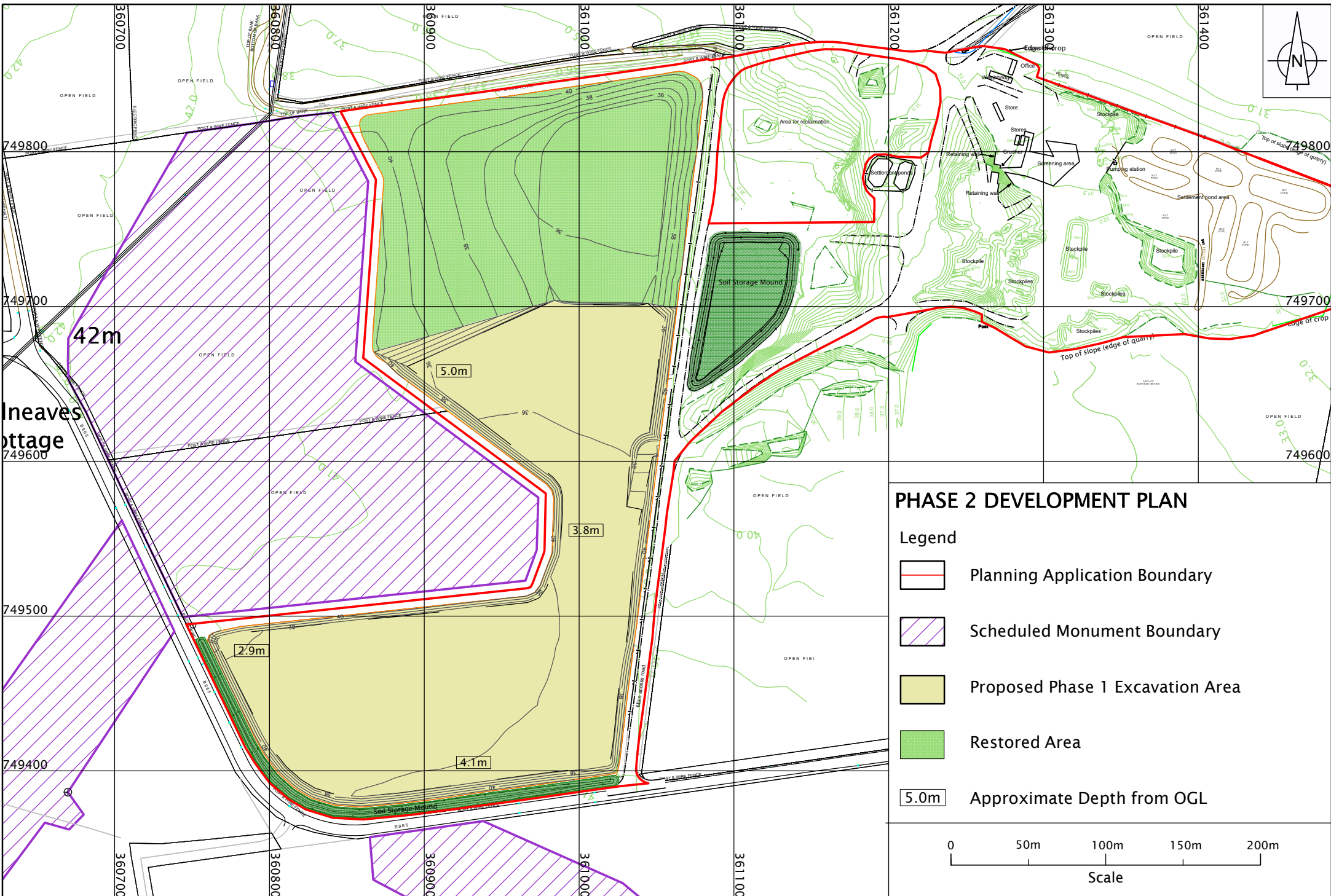


RESTORATION PLAN

Legend






-  Planning Application Boundary
-  Scheduled Monument Boundary
-  Proposed Phase 1 Excavation Area
-  Proposed Restoration to Arable Farmland
-  Restoration - Existing Permission

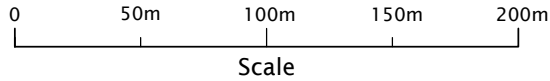


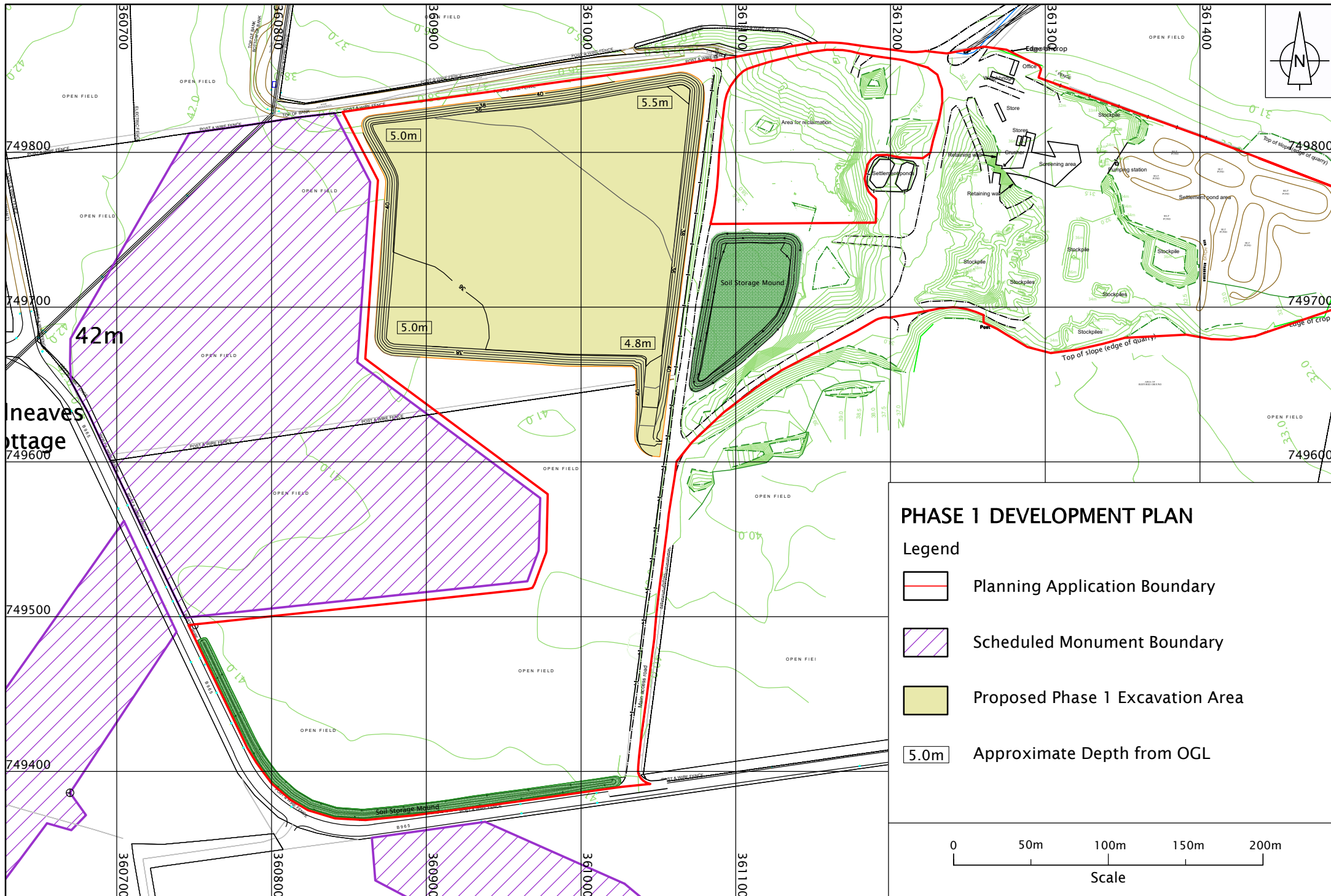


PHASE 2 DEVELOPMENT PLAN

Legend

-  Planning Application Boundary
-  Scheduled Monument Boundary
-  Proposed Phase 1 Excavation Area
-  Restored Area
-  5.0m Approximate Depth from OGL

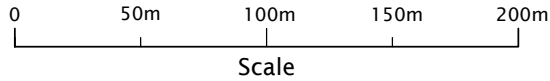


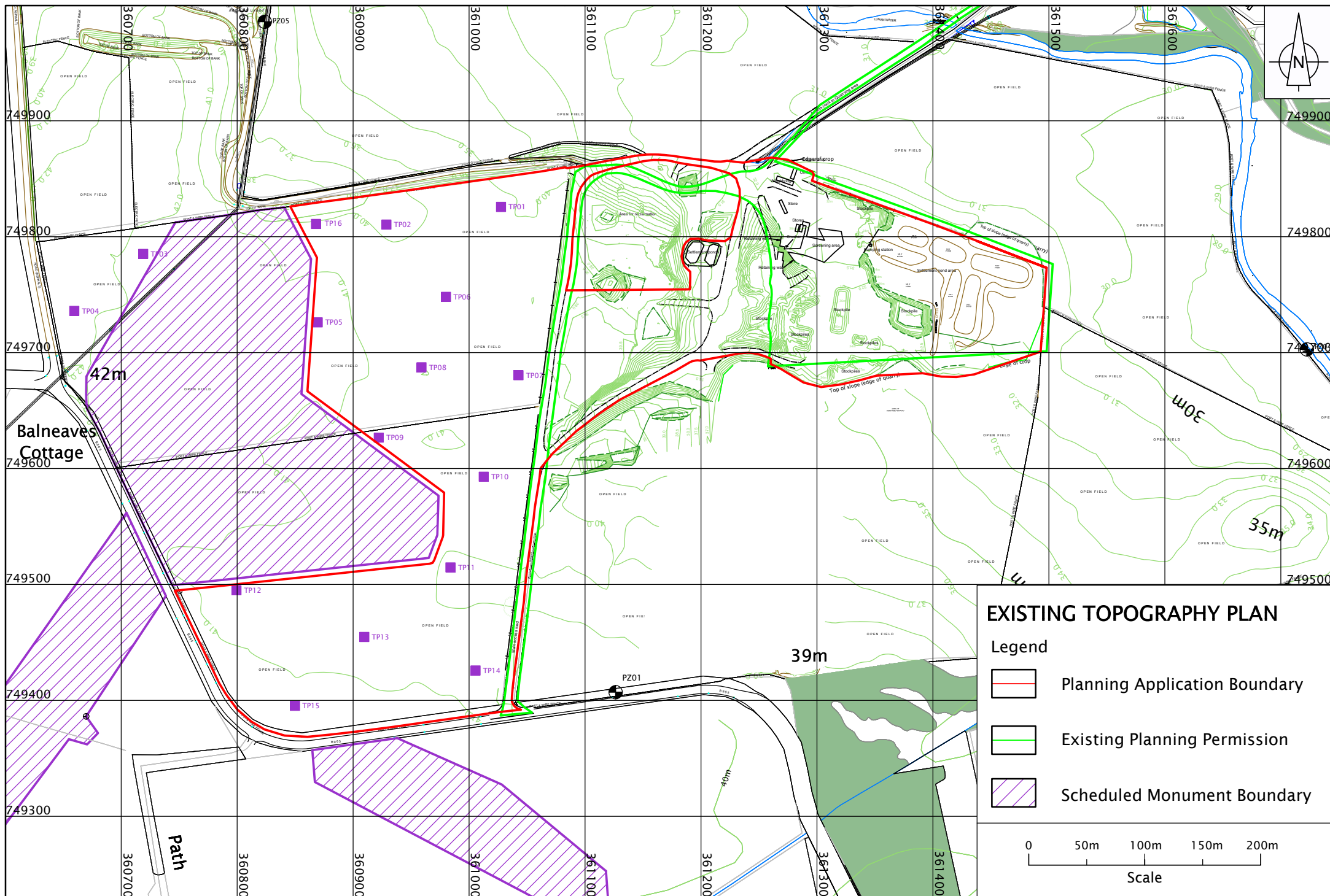


PHASE 1 DEVELOPMENT PLAN

Legend

- Planning Application Boundary
- Scheduled Monument Boundary
- Proposed Phase 1 Excavation Area
- 5.0m Approximate Depth from OGL

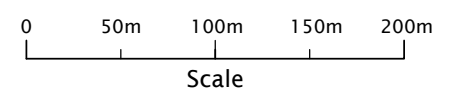




EXISTING TOPOGRAPHY PLAN

Legend

- Planning Application Boundary
- Existing Planning Permission
- Scheduled Monument Boundary



Appendix 3 – Development Plan Policies

TAYplan Strategic Development Plan

Policy 7: Energy, Waste and Resources

To deliver a low/zero carbon future and contribute to meeting Scottish Government energy and waste targets and prudent resource consumption objectives:

- A. Local Development Plans should identify areas that are suitable for different forms of energy, waste and resource management infrastructure* and policy to support this. This can include, where appropriate, locations of existing heat producers (e.g. waste management or industrial processing), renewable sources of heat and electricity, and existing waste management facilities to ensure the co-location/proximity of surplus heat producers and heat users.
- B. Strategic Waste management infrastructure, beyond community or small scale facilities, is most likely to be focussed within or close to the Dundee and/or Perth Core Areas (identified in Policy 1).
- C. Infrastructure associated with the extraction, transfer and distribution of liquid and gas minerals may take advantage of the locational flexibilities offered by various extraction techniques to overcome issues relating to the scale and impacts of any buffer zones and residential proximity in a manner which reflects Policy 7D and Policy 2.
- D. Local Development Plans and development proposals should ensure that all areas of search, sites and routes for energy, waste and resource management infrastructure have been justified, at a minimum, on the basis of these following considerations:
 - i. The specific land take requirements associated with the infrastructure technology and associated statutory safety exclusion zones or buffer areas where these exist;
 - ii. Waste management proposals are justified against the Scottish Government's Zero Waste Plan (2010) to support the delivery of the waste management hierarchy, and, Safeguarding Scotland's Resources (2013);
 - iii. Proximity of resources (e.g. geo-thermal heat, sand, gravel, gas, oil, woodland, wind or waste material); and to users/customers, grid connections and distribution networks for the heat, power or physical materials, by-products and waste that are produced, as appropriate;
 - iv. Anticipated effects of construction and operation on air quality, carbon emissions, noise and vibration levels, odour, surface and ground water pollution, drainage, waste disposal, leakage of hazardous substances, radar installations, navigation aids and aviation landing paths;
 - v. Sensitivity of landscapes, the water environment, biodiversity, geo-diversity, habitats, tourism, recreational interests and listed buildings, scheduled monuments and conservations areas;
 - vi. Impacts of infrastructure required for associated new grid connections and distribution or access infrastructure;
 - vii. Cumulative impacts of the scale and massing of multiple developments, including existing infrastructure in general but particularly in sensitive areas;
 - viii. The appropriate safety regimes and postoperational restoration of land, particularly for extraction of solid, liquid and gas minerals;
 - ix. Strategic cross-council boundary impacts as a result of energy proposals which may be strategically significant (as defined on page 45) including landscape, historic and environmental considerations identified in the spatial framework (Map 7b); and,
 - x. Consistency with the National Planning Framework and its Action Programme.

Policy 9: Managing TAYplan's Assets

Land should be identified through Local Development Plans to ensure responsible management of TAYplan's assets by:

- A. Finite Resources using the location priorities set out in Policy 1 of this Plan to:
 - i. identify and protect known deposits of solid, liquid and gas minerals of economic importance;

- ii. maintain a minimum of 10 years supply of construction aggregates at all times in all market areas;
 - iii. identify and protect deposits of nationally important minerals identified on the British Geological Survey's Critical List; and,
 - iv. protect prime agricultural land or land of lesser quality that is locally important, new and existing forestry areas, and carbon rich soils where the advantages of development do not outweigh the loss of this land.
- B. Protecting Natura 2000 sites ensuring development likely to have a significant effect on a designated or proposed Natura 2000 site(s) (either alone or in combination with other sites or projects), will be subject to an appropriate assessment. Appropriate mitigation must be identified, where necessary, to ensure there will be no adverse effect on the integrity of Natura 2000 sites in accordance with Scottish Planning Policy.
- C. Safeguarding the integrity of natural and historic assets
- i. understanding and respecting the regional distinctiveness and scenic value of the TAYplan area through safeguarding the integrity of natural and historic assets; including habitats, wild land, sensitive green spaces, forestry, water environment, wetlands, floodplains (in-line with the Water Framework Directive), carbon sinks, species and wildlife corridors, and also geo-diversity, landscapes, parks, townscapes, archaeology, historic battlefields, historic buildings and monuments; and by allowing development where it does not adversely impact upon or preferably enhances these assets. Local Development Plans should set out the factors which will be taken into account in development management. The level of protection given to local designations should not be as high as that given to international or national designations. International, national and locally designated areas and sites should be identified and afforded the appropriate level of protection, and the reasons for local designations should be clearly explained and their function and continuing relevance considered, when preparing plans.
 - ii. Protecting and improving the water environment (including groundwater) in accordance with the legal requirements in the *Water Framework Directive 2000/60/EC* and the *Water Environment and Water Services (Scotland) Act 2003* which require greater integration between planning and water management through River Basin Management Plans.
- D. Safeguarding the qualities of unspoiled coast identifying and safeguarding parts of the unspoiled coastline along the River Tay Estuary and in Angus and North Fife, that are unsuitable for development. Local Development Plans should also set out policies for their management; identifying areas at risk from flooding and sea level rise and develop policies to manage retreat and realignment, as appropriate. Local Development Plans should have regard to the National Marine Plan, and Regional Marine Plans, where appropriate.

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 DS2: Accessible Development

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

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

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

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

Policy DS3: Design Quality and Placemaking

Development proposals should deliver a high design standard and draw upon those aspects of landscape or townscape that contribute positively to the character and sense of place of the area in which they are to be located. Development proposals should create buildings and places which are:

- **Distinct in Character and Identity:** Where development fits with the character and pattern of development in the surrounding area, provides a coherent structure of streets, spaces and buildings and retains and sensitively integrates important townscape and landscape features.
- **Safe and Pleasant:** Where all buildings, public spaces and routes are designed to be accessible, safe and attractive, where public and private spaces are clearly defined and appropriate new areas of landscaping and open space are incorporated and linked to existing green space wherever possible.
- **Well Connected:** Where development connects pedestrians, cyclists and vehicles with the surrounding area and public transport, the access and parking requirements of the Roads Authority are met and the principles set out in 'Designing Streets' are addressed.
- **Adaptable:** Where development is designed to support a mix of compatible uses and accommodate changing needs.
- **Resource Efficient:** Where development makes good use of existing resources and is sited and designed to minimise environmental impacts and maximise the use of local climate and landform.

Supplementary guidance will set out the principles expected in all development, more detailed guidance on the design aspects of different proposals and how to achieve the qualities set out above.

Further details on the type of developments requiring a design statement and the issues that should be addressed will also be set out in supplementary guidance.

Policy DS4: Amenity

All proposed development must have full regard to opportunities for maintaining and improving environmental quality. Development will not be permitted where there is an unacceptable adverse impact on the surrounding area or the environment or amenity of existing or future occupiers of adjoining or nearby properties.

Angus Council will consider the impacts of development on:

- Air quality;
- Noise and vibration levels and times when such disturbances are likely to occur;
- Levels of light pollution;
- Levels of odours, fumes and dust;
- Suitable provision for refuse collection / storage and recycling;
- The effect and timing of traffic movement to, from and within the site, car parking and impacts on highway safety; and
- Residential amenity in relation to overlooking and loss of privacy, outlook, sunlight, daylight and overshadowing.

Angus Council may support development which is considered to have an impact on such considerations, if the use of conditions or planning obligations will ensure that appropriate mitigation and / or compensatory measures are secured.

Applicants may be required to submit detailed assessments in relation to any of the above criteria to the Council for consideration.

Where a site is known or suspected to be contaminated, applicants will be required to undertake investigation and, where appropriate, remediation measures relevant to the current or proposed use to prevent unacceptable risks to human health.

Policy TC15: Employment Development

Proposals for new employment development (consisting of Class 4, 5, or 6) will be directed to employment land allocations or existing employment areas within development boundaries, subject to the application of the sequential approach required by Policy TC19 Retail and Town Centre Uses for office developments of over 1,000 square metres gross floorspace.

Proposals for employment development outside of employment land allocations or existing employment areas, but within the development boundaries of the towns and the settlements within the rural area will be supported where:

- there are no suitable or viable sites available within an employment land allocation or existing employment area; or
- the use is considered to be acceptable in that location; and
- there is no unacceptable impact on the built and natural environment, surrounding amenity, access and infrastructure.

Proposals for employment development (consisting of Class 4, 5, or 6) outwith development boundaries will only be supported where:

- the criteria relating to employment development within development boundaries are met;
- the scale and nature of the development is in keeping with the character of the local landscape and pattern of development; and
- the proposal constitutes rural diversification where:
 - the development is to be used directly for agricultural, equestrian, horticultural or forestry operations, or for uses which by their nature are appropriate to the rural character of the area; or
 - the development is to be used for other business or employment generating uses, provided that the Council is satisfied that there is an economic and/or operational need for the location.

Policy PV4: Sites Designated for Natural Heritage and Biodiversity Value

Angus Council will work with partner agencies and developers to protect and enhance habitats of natural heritage value. Development proposals which are likely to affect protected sites will be assessed to ensure compatibility with the appropriate regulatory regime.

International Designations

Development proposals or land use change which alone or in combination with other proposals could have a significant effect on a Ramsar site or a site designated or proposed under the Birds or Habitats Directive (Special Areas for Conservation and Special Protection Areas) and which is not directly connected with or necessary to the management of the site, will only be permitted where:

- an appropriate assessment demonstrates the proposal will not adversely affect the integrity of the site; or
- there are no alternative solutions; and
- there are imperative reasons of overriding public interest, including those of social or economic nature; and
- compensatory measures are provided to ensure that the overall coherence of the Natura Network is protected.

The Council will seek to protect and enhance the nature conservation interests within the River Tay and River South Esk Catchment areas. In order to ensure no adverse effects on the River Tay SAC or the River South Esk SAC, development proposals should take account of the detailed advice* on the types of appropriate information and safeguards to be provided in support of planning applications.

National Designations

Development proposals which affect Sites of Special Scientific Interest will only be permitted where:

- the proposed development will not adversely affect the integrity of the area or the reasons for which it was designated either individually or in combination with other proposals; or
- any adverse effects on the qualities of any designated site are outweighed by social, environmental or economic benefits of national significance; and
- mitigation and restoration measures are provided.

Development affecting sites and species protected by national or international legislation may require to be accompanied by an Environmental Impact Assessment and/or a Habitats Regulation Appraisal.

Further information on protected sites and species and their influence on proposed development will be set out in a Planning Advice Note.

* "River Tay Special Area of Conservation (2011)" and "River South Esk Special Area of Conservation (2011)" guidance produced jointly by SNH, Angus Council and SEPA, available on SNH website at www.snh.gov.uk

Policy PV5: Protected Species

Angus Council will work with partner agencies and developers to protect and enhance all wildlife including its habitats, important roost or nesting places. Development proposals which are likely to affect protected species will be assessed to ensure compatibility with the appropriate regulatory regime.

European Protected Species

Development proposals that would, either individually or cumulatively, be likely to have an unacceptable adverse impact on European protected species as defined by Annex 1V of the Habitats Directive (Directive 92/24/EEC) will only be permitted where it can be demonstrated to the satisfaction of Angus Council as planning authority that:

- there is no satisfactory alternative; and
- there are imperative reasons of overriding public health and/or safety, nature, social or economic interest and beneficial consequences for the environment, and
- the development would not be detrimental to the maintenance of the population of a European protected species at a favourable conservation status in its natural range.

Other Protected Species

Development proposals that would be likely to have an unacceptable adverse effect on protected species unless justified in accordance with relevant species legislation (Wildlife and Countryside Act 1981 and the Protection of Badgers Act 1992) subject to any consequent amendment or replacement.

Further information on protected sites and species and their influence on proposed development will be set out in a Planning Advice Note.

Policy PV6: Development in the Landscape

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

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

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

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

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

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

Policy PV7: Woodland, Trees and Hedges

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

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

- protect and retain woodland, trees and hedges to avoid fragmentation of existing provision;
- be considered within the context of the Angus Woodland and Forestry Framework where woodland planting and management is planned;
- ensure new planting enhances biodiversity and landscape value through integration with and contribution to improving connectivity with existing and proposed green infrastructure and use appropriate species;
- ensure new woodland is established in advance of major developments;
- undertake a Tree Survey where appropriate; and
- identify and agree appropriate mitigation, implementation of an approved woodland management plan and re-instatement or alternative planting.

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

Policy 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 PV14: Water Quality

To protect and enhance the quality of the water environment, development proposals will be assessed within the context of:

- the National Marine Plan;
- the Scotland River Basin Management Plan and associated Area Management Plans;
- relevant guidance on controlling the impact of development and associated works;
- relevant guidance on engineering works affecting water courses; and
- potential mitigation measures.

Development proposals which do not maintain or enhance the water environment will not be supported. Mitigation measures must be agreed with SEPA and Angus Council.

Development proposals must not pollute surface or underground water including water supply catchment areas due to discharge, leachates or disturbance of contaminated land.

Policy PV15: Drainage Infrastructure

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

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

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

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

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

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 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.

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.

Policy PV21: Pipeline Consultation Zones

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