

ANGUS COUNCIL

DEVELOPMENT STANDARDS COMMITTEE – 3 MARCH 2020

**APPLICATION FOR PERIODIC REVIEW OF MINERAL PLANNING PERMISSION - CUNMONT
QUARRY NEWBIGGING MONIFIETH**

GRID REF: 348822 : 736925

REPORT BY SERVICE LEADER – PLANNING & COMMUNITIES

Abstract: This report relates to an application for periodic review of mineral planning permission No: 17/00902/EIAM. The application seeks a review of conditions relevant to the operation of a hard rock quarry at Cunmont Quarry, Newbigging, Monifieth for Breedon Northern Ltd. It is recommended that the proposed amended conditions are approved.

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 This is an application for the periodic review of conditions relevant to the operation of a hard rock quarry at Cunmont Quarry, Newbigging, Monifieth. Consideration of the application is limited solely to the review of the conditions submitted to determine if they are acceptable or whether they should be modified or added to in light of the particular circumstances or any changes to legislation, policy and practice that have occurred since the previous conditions were approved. Importantly, this is not an opportunity to reconsider the acceptability of the principle of mineral extraction at this site.
- 3.2 Cunmont Quarry is an existing hard rock working that lies around 0.5 kilometres north of the B961 Drumsturdy Road between Newbigging and Dundee and approximately 0.5 kilometres north-west of Newbigging village. The upper face of the working is visible from the south and southeast and is set into a small hillside between Pitairlie Moor and Shank of Omachie. The quarry covers an area of around 26.5 hectares. Access to the site is via a metalled access road running due south to the B961 Drumsturdy Road. The site is generally bound by agricultural land. A location plan is provided at Appendix 1.
- 3.3 The operation is a long established mineral extraction project already benefitting from planning permission. There are around two million tonnes of hard rock remaining within the quarry that are considered suitable for extraction. The quarry has not operated for a number of years but it is anticipated that upon recommencement of operations about 200,000 tonnes of hard rock would be extracted per annum.
- 3.4 The application has been subject of publicity and consultation, including advertisement in the press.

4. BACKGROUND

- 4.1 A permission to quarry minerals at Cunmont Quarry was granted by Angus County Council on 18 September 1969. No conditions were attached to the permission. The permission enabled extraction at an unrestricted rate and in terms of total volume the amount of rock was only restricted by the application boundary. There were no restrictions on the depth of extraction. However under the terms of the Town and Country Planning Minerals Act 1981 the quarry permission would have had an expiry date of 2042 i.e. 60 years after the terms of that Act came into effect.
- 4.2 Under the terms of Schedule 9 of the Town and Country Planning (Scotland) Act 1997, planning authorities were given the duty of reviewing old minerals planning permissions (ROMP) in their area and were offered the opportunity to apply up-to-date conditions to consents taking account of environmental issues which may have not been previously considered. To achieve this, operators were required to suggest new up to date planning conditions. However, if the planning authority wished to restrict the planning permission by imposing conditions that were more onerous than those suggested by the applicant, then the applicant was potentially entitled to claim compensation from the planning authority if it could be demonstrated that conditions imposed prejudiced adversely to an unreasonable degree, the economic viability or asset value of the site.
- 4.3 ROMP application ref: 07/98/1001 ([98/00790/MIN](#)) was considered by Committee on 9 August 2001. That application was approved and an updated permission was issued on 10 August 2001. The permission was subject of 22 planning conditions relating to the operation and aftercare of the site. The permission allows mineral extraction to take place at the site up to 21 February 2042 unless operations are complete by an earlier date. The existing conditions that apply to the operation of the quarry are reproduced at Appendix 2.

5. APPLICANT'S CASE

- 5.1 The applicant has submitted a Supporting Statement and an Environmental Impact Assessment Report and those documents can be viewed on the Council's [Public Access](#) system.
- 5.2 The Supporting Statement provides information on the applicant, the site and the operation at Cunmont. It provides information on anticipated future quarry operations and sets out proposed conditions to regulate those operations.
- 5.3 The Environmental Impact Assessment Report considers matters related to noise; vibration; hydrology and hydrogeology; and landscape and visual impact. It includes a preliminary ecological appraisal. The Report considers the potential impact of the operation on the environment and identifies measures to mitigate impacts. The EIA Report concludes that the development can continue to operate without giving rise to significant risks or impacts subject to appropriate mitigation. Where mitigation measures have been recommended, these have been provided for within the proposed conditions.

6. CONSULTATIONS

- 6.1 **Community Council** - There was no response from this consultee.
- 6.2 **Angus Council Roads** – No objection.
- 6.3 **Scottish Water** - There was no response from this consultee.
- 6.4 **Scottish Environment Protection Agency** - No objection.
- 6.5 **Scottish Natural Heritage** - No objection.
- 6.6 **Angus Council Environmental Health** – No objection.

- 6.7 **Transport Scotland** - There was no response from this consultee.
- 6.8 **Historic Environment Scotland** - No objection.
- 6.9 **RSPB Scotland** – No objection.
- 6.10 **Aberdeenshire Council Archaeology Service** – No objection.

7. REPRESENTATIONS

No letters of representation have been received.

8. PLANNING CONSIDERATIONS

- 8.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) (The Act) 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)

The relevant development plan policies are reproduced at Appendix 3.

- 8.3 Section 74 of the Act states that provisions in respect of the periodic review of mineral planning permissions are made at Schedule 10 of the Act. Schedule 10 specifies that conditions imposed by a determination under these provisions may include any conditions which may be imposed on a grant of planning permission for minerals development. Conditions may be in addition to, or in substitution for any existing conditions which the permission in question is subject.
- 8.4 The operation is a long established mineral extraction site already benefitting from planning permission. The purpose of the application is to review the conditions submitted to determine if those proposed are acceptable or whether they should be modified or added to in light of the particular circumstances or any changes to legislation, policy and practice that have occurred since the last review.
- 8.5 The development plan contains policies that seek to safeguard minerals deposits of economic importance and to ensure a minimum of 10 years supply of construction aggregates at all times in all market areas. The application relates to the continued use of the site as a hard rock quarry and the review of conditions raises no conflict with the safeguarding aspect of the policies.
- 8.6 The development plan policies also provide a number of considerations that need to be taken into account when assessing an application for mineral development. Such considerations include impacts on the natural and built environment, amenity, landscape and visual amenity, air quality, water quality, groundwater resources, the use of agricultural land, geodiversity and roads considerations relating to site access, traffic movement and road capacity. Restoration and aftercare provisions also require to be considered. Government guidance on mineral extraction is provided by Planning Advice Note 50 and its various annexes while its policy on planning conditions is provided by Circular 4/1998.
- 8.7 The application is accompanied by an Environmental Impact Assessment Report that outlines and updates the position in respect of a number of relevant environmental factors. The EIA Report and the proposed conditions have been subject of consultation with a number of consultees, none of whom offer any detailed comment or objection.
- 8.8 The proposed conditions have been revised to take account of the permission that has been granted for hotel, golf course and residential development at Shank of Omachie. They have also been revised to take account of the possible presence of damselflies, dragonflies and butterflies and to require appropriate mitigation as necessary. New conditions regarding soil management have been proposed in order to reflect current good practice. Information contained within the EIA Report has removed the requirement for the provision of some additional information that was

previously required by conditions. Conditions regarding the provision of fencing and signage have been removed as these matters are covered by quarry regulations. A condition preventing the burning of material is also deleted as relevant environmental legislation prohibits the burning of waste on site and as no flammable waste is produced. As those matters are now covered by other legislation they would not meet the tests set out in Circular 4/1998. Minor amendments to conditions have been agreed with the applicant in order to reflect current good practice and a new condition requiring the operation to be undertaken in accordance with the EIA Report is also proposed.

- 8.9 Taking relevant development plan policies and other relevant guidance into account it is considered that the impact of the continued operation of the hard rock quarry at Cunmont can be successfully mitigated by modifying the conditions as proposed in the application. It is considered that the revised conditions as detailed in this report would not result in the hard rock quarry being operated in a manner that conflicts with the policies of the development plan. The proposed conditions are considered appropriate having regard to Circular 4/1998. A schedule setting out a brief comparison between the existing and proposed conditions is provided at Appendix 4.
- 8.10 Committee should note that the legislation concerning ROMP applications contains a provision creating a compensation liability in the event that a planning authority attaches conditions, differing from those proposed by the applicant, that would prejudice to an unreasonable degree either the economic viability of the operation or the asset value of the site. The proposed conditions as set out below are not considered to prejudice to an unreasonable degree the asset value or economic viability of the site or operation having regard to the expected remaining life of the site.

9. OTHER MATTERS

HUMAN RIGHTS IMPLICATIONS

The decision to approve 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 decision in planning terms, it is considered that any actual or apprehended infringement of such Convention Rights, is justified. The conditions constitute a justified and proportional control of the use of the property in accordance with the general interest and have regard to the necessary balance of the applicant's freedom to enjoy his property against the public interest and the freedom of others to enjoy neighbouring property/home life/privacy without undue interference.

EQUALITIES IMPLICATIONS

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

10. CONCLUSION

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

Reason:

This is an application for periodic review of conditions attached to a minerals planning permission. The quarry is existing and has been in existence for a considerable period of time. The application provides opportunity to ensure that the planning conditions relative to the operation of the quarry remain appropriate having regard to the particular circumstances of the site and to changes to legislation, policy and practice that have occurred since the last review. The applicant has proposed revised planning conditions and those have been informed by Environmental Impact Assessment. The Environmental Impact Assessment Report has been reviewed by relevant consultation bodies and no issues have been raised in relation to the methodologies used to undertake assessments; with the reasonableness of the assumptions used in those assessments; or with the robustness of the conclusions reached. The revised planning conditions are appropriate in relation to development plan policy and relevant planning guidance and ensure

that the quarry can operate in a manner that would not give rise to unacceptable impacts.

Conditions:

1. 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 Cunmont Quarry, Kingennie Environmental Impact Assessment Report by Breedon Northern Limited dated August 2017 and the mitigation measures contained therein.

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.

2. That the extraction of minerals shall cease by 21 February 2042. Should operations cease in advance of that date the operator shall notify the Planning Authority one year in advance of the anticipated cessation of operations.

Reason: In order to define the duration of the permission.

3. That within six months of the date of the specified date or such earlier date as agreed by the Planning Authority, all plant and buildings to which the permission relates shall be removed from the site.

Reason: To enable a review of the duration of the permission in the event that operations cease at an earlier date than the date specified in Condition 2.

4. That the road surface from the quarry to the B961 (Drumsturdy Road) junction shall be maintained in a satisfactory (no potholes) state and shall be maintained on a regular basis to be kept free of mud and debris resulting from site operations.

Reason: In order to ensure that access to the site is maintained in an appropriate condition in the interests of road traffic safety.

5. No development shall be undertaken other than in strict accordance with the details contained within the Cunmont Quarry, Kingennie Supporting Statement of August 2017 by Breedon Aggregates and the approved plans reference numbers:

CUN002 - Phase 1 Extraction Works
CUN003 - Phase 2 Extraction Works
CUN004 - Phase 3 Extraction Works
CUN005 - Indicative Cross Sections
CUN006 - Concept Restoration Scheme

Reason: In order to define the sequence of operations.

6. That the hours of mineral extraction operations shall be restricted to 07.00 hours to 19.00 hours on weekdays, 07.00 hours to 14.00 hours on Saturdays with no work or work activities on Sundays or Public Holidays.

Reason: In the interests of the amenity of nearby sensitive property.

7. That during daytime hours (07:00 to 19:00 hours) noise from all plant, machinery and operations associated with the mineral extraction activities shall be controlled to minimise nuisance as far as practicable. Noise shall be controlled such that the following noise levels shall not be exceeded at any noise sensitive property (Cunmont House, Blawearie – Shank of Omachie and proposed properties at Shank of Omachie as detailed in drawing AL(0)001, Proposed Site Masterplan):-

[a] 55 dB LAeq, 1hr (free field) during production and processing phases (i.e. all operations with the exception of soil stripping and overburden operations).

[b] 70 dB LAeq, 1hr (free field) during stripping and overburden operations.

Reason: In the interests of the amenity of nearby sensitive property.

8. That operations outwith the specified hours shall be limited to exceptional circumstances which must be agreed in advance with the Planning Authority. The noise from all machinery and activities associated with mineral extraction during these agreed operations (19:00 to 07:00 hours) shall be controlled to minimise nuisance as far as reasonably practicable. Noise shall be controlled such that the following noise levels shall not be exceeded at any noise sensitive property (Cunmont House, Blawearie – Shank of Omachie and proposed properties at Shank of Omachie as detailed in drawing AL(0)001, Proposed Site Masterplan):-

[a] 42 dB LAeq, 1hr (free field) during production and processing phases (i.e. all operations with the exception of soil stripping and overburden operations).

Reason: In the interests of the amenity of nearby sensitive property.

9. That ground vibration as a result of individual blasts shall not exceed 12mms-1. Ground vibration shall not exceed a peak particle velocity of 7.5mm-1 in 95% of each block of 20 consecutively numbered blasts. All blasting activities should be the subject of monitoring by the quarry operators, the measurement to be the maximum of 3 mutually perpendicular directions taken at the ground surface at any existing vibration sensitive building and the results submitted in writing upon request by the Planning Authority.

Reason: In the interests of the amenity of nearby sensitive property.

10. That blasting activities shall only be carried out between 10.00 hours to 17.00 hours on weekdays and 10.00 hours to 12.00 hours on Saturdays and not at all on Sundays or Public Holidays.

Reason: In the interests of the amenity of nearby sensitive property.

11. Prior to the recommencement of extraction, a scheme of measures for the control of dust created by site operations shall be submitted to and approved in writing by the Planning Authority. Following approval of the scheme, the development shall thereafter be carried out in accordance with the scheme.

Reason: In the interests of the amenity of nearby sensitive property.

12. Wheel cleaning facilities shall be provided and used by vehicles associated with operations of the quarry. Wheel cleaning facilities shall be maintained and used for the duration of operations.

Reason: In order to prevent loose material being carried onto the public road in the interest of road traffic safety.

13. That loaded vehicles carrying products containing crushed rock of size less than 75mm shall leave the site sheeted.

Reason: In order to prevent loose material being deposited onto the public road in the interest of road traffic safety.

14. Prior to the recommencement of extraction operations at the site, a survey by a suitably qualified ornithologist shall be undertaken during May to August to ascertain the presence of nesting birds at the site. The results of the survey together with mitigation measures, if required, shall be submitted for the further written approval of the Planning Authority and any approved mitigation measures shall thereafter be fully deployed prior to operations commencing and maintained for the duration of operations.

Reason: In the interest of safeguarding the habitat of bird species within the site during operations.

15. Prior to the recommencement of extraction, a survey for damselflies, dragonflies and

butterflies shall be undertaken with results of the survey used to inform the requirement for the employment of mitigation measures. The results of the survey together with mitigation measures, if required, shall be submitted for the further written approval of the Planning Authority and any approved mitigation measures shall thereafter be fully deployed prior to operations commencing and maintained for the duration of operations.

Reason: In the interest of safeguarding the habitat of sensitive species during operations.

16. No topsoil or subsoil shall be removed from the site, except for restoration purposes within the site.

Reason: To ensure restoration of the site can be completed.

17. All soil stripping, regrading, subsoiling and the spreading of soils and their cultivation shall be carried out during periods of dry soil conditions.

Reason: To preserve soil quality.

18. The water management and mitigation measures detailed in Chapter 8 of the Environmental Impact Assessment Report shall be implemented.

Reason: In order to ensure the protection of the water environment.

19. Prior to the commencement of extraction in Phase 2, the operator shall submit for the approval of the Planning Authority, a Water Management Plan (WMP). The WMP shall include such details surface water management, groundwater monitoring and the management of groundwater levels including dewatering and discharge. The operations within Phase 2 shall thereafter be undertaken in accordance with the approved WMP.

Reason: In order to ensure the protection of the water environment.

20. That any fuel, oil, lubricant, paint or solvent stored on site shall be contained within impervious bunds or double skinned tanks. All secondary containment systems must have a capacity of not less than 110% of the container's storage capacity or, if there was more than one container within the system, of not less than 110% of the largest container's storage capacity, or 25% of the aggregate storage capacity, whichever is greater. Any valve, filter, sight gauge, vent pipe or other equipment ancillary to the container (other than a fill pipe or draw off pipe or a pump) must be situated within the secondary containment system.

Reason: In order to ensure that potential pollution sources are adequately contained in order to avoid the pollution of other land and watercourses.

21. That 12 months prior to the cessation of mineral extraction, detailed proposals for the restoration of the workings (the restoration plan) shall be submitted for the approval of the Planning Authority. Such proposals shall be in accordance with the principles established in Drawing CUM006 and Chapter 5 of the Supporting Statement. The scheme shall include details of:

- 1) Proposed timescales for commencement and completion of restoration;
- 2) Proposed treatment of the worked faces;
- 3) Proposed treatment of the quarry floor plant site and any associated water management.

Restoration of the site shall be undertaken in accordance with the timescales and details contained in the approved detailed restoration plan.

Reason: In order to ensure that the site is restored to a satisfactory condition capable of beneficial afteruse.

22. That 12 months prior to the cessation of mineral extraction, the operator shall submit for the approval of the Planning Authority an outline 5 year aftercare scheme setting out the

provisions for aftercare of the site. Annual detailed schemes will be submitted to the Planning Authority in each aftercare year for approval in respect of the aftercare requirements for the following calendar year. Aftercare shall be undertaken in accordance with the approved detailed scheme in each calendar year.

Reason: In order that a suitable management regime can be identified.

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: 24 FEBRUARY 2020

APPENDIX 1: LOCATION PLAN

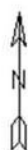
APPENDIX 2: EXISTING PLANNING CONDITIONS 98/00790/MIN

APPENDIX 3: DEVELOPMENT PLAN POLICIES

APPENDIX 4: SCHEDULE OF REVISIONS TO CONDITIONS



APPENDIX 1: LOCATION PLAN



Site Name: CUNMONT QUARRY

Drawing Title: Location Plan

Scale: 1:50,000

Drawing No: C08/RA/001

Drawn by: KAB

ANGUS COUNCIL

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT
TOWN AND COUNTRY PLANNING (GENERAL
DEVELOPMENT) (SCOTLAND) ORDERS**



**MINERAL PERMISSION APPROVAL
Ref: 07/98/1001**

To The James Johnston Trust
c/o Johnson Poole & Bloomer
50 Speirs Wharf
Glasgow
G4 9TB

With reference to your application dated 2 April 1998 for planning permission under the above mentioned Acts and Order for the following development, viz:-

Application for the Determination of Conditions for Mineral/Mining Site under Section 96 Environment Act - 1995 at Cunmont Quarry Kingennie Broughty Ferry Dundee DD5 3PX for The James Johnston Trust

The Angus Council in exercise of their powers under the above mentioned Acts and Orders hereby **Grant Planning Permission** for the said development in accordance with the plans docqueted as relative hereto and particulars given in the application, **subject however to the following conditions, namely:-**

- 1 That the road surface from the quarry to the B961 (Drumsturdy Road) junction should be maintained in a satisfactory (no potholes) state and should be maintained on a regular basis to be kept free of mud and debris resulting from site operations.
- 2 That wheel cleaning facilities are provided within the site and be used by working vehicles associated with operations and be maintained to the satisfaction of the Director of Planning & Transport.
- 3 That ground vibration as a result of individual blasts should not exceed 12mms-1. Average levels should not exceed 10mms-1, and usually will not be below 6mms-1 in 95% of all blasts. All blasting activities should be the subject of monitoring by the quarry operator and the results submitted in writing on a six monthly basis to the Director of Planning and Transport with the first monitoring submission being six months after the commencement of development on site.
- 4 That blasting activities should only be carried out between 10.00 hours to 17.00 hours on weekdays and 10.00 hours to 12.00 hours on Saturdays and not at all on Sundays of Public Holidays unless agreed in writing with the Director of Planning & Transport.
- 5 That during daytime hours (07.00 to 19.00) noise from all plant, machinery and operations associated with the mineral extraction activities shall be controlled to minimise nuisance as far as reasonably practicable. Noise shall be controlled such that the following noise levels shall not be exceeded at any noise sensitive property (Cunmont House, Blawearie -Shank of Omachie):-

[a] 55 dB LAeq, 1hr (free field) during production and processing phases (i.e. all operations with the exception of soil stripping and overburden operations).

[b] 70 dB LAeq, 1hr (free field) during soil stripping and overburden operations.
- 6 That operations outwith the specified hours shall be limited to exceptional circumstances which must be agreed in advance with the Director of Planning & Transport. The noise from all machinery and activities associated with mineral extraction during these agreed operations (19.00 to 07.00 hours) shall be controlled to minimise nuisance as far as reasonably practicable. Noise shall be controlled such that the following noise levels shall not be exceeded at any noise sensitive property (Cunmont House, Blawearie - Shank of Omachie):-

APPENDIX 3: DEVELOPMENT PLAN POLICIES

TAYplan

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 PV3: Access and Informal Recreation

New development should not compromise the integrity or amenity of existing recreational access opportunities including access rights, core paths and rights of way. Existing access routes should be retained, and where this is not possible alternative provision should be made.

New development should incorporate provision for public access including, where possible, links to green space, path networks, green networks and the wider countryside.

Where adequate provision cannot be made on site, and where the development results in a loss of existing access opportunities or an increased need for recreational access, a financial contribution may be sought for alternative provision.

Policy 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.

APPENDIX 4: SCHEDULE OF REVISIONS TO CONDITIONS

07/98/1001 98/00790/MIN	17/00902/EIAM	Issue	Comment
1	4	Road surface	No substantive change
2	12	Wheel cleaning	No substantive change
3	9	Vibration limit	Amended to reflect Shank of Omachie and additional information provided in EIA Report
4	10	Blasting hours	No substantive change
5	7	Noise limits daytime	Amended to reflect Shank of Omachie
6	8	Noise limits other times	Amended to reflect Shank of Omachie
7	6	Extraction hours	No substantive change
8	11	Dust control	No substantive change
9	13	Sheeted loads	No substantive change
10	1, 18 & 19	Surface water control	Amended to reflect additional information provided in EIA Report
11	20	Storage of materials	No substantive change
12	1 & 21	Landscaping and restoration	Amended to reflect additional information provided in EIA Report
13	14	Ornithological mitigation	No substantive change
14	1, 21 & 22	Restoration and aftercare	Amended to reflect additional information provided in EIA Report
15	1 & 22	Aftercare	Amended to reflect additional information provided in EIA Report
16	3	Removal of plant and buildings	No substantive change
17	1 & 5	Programme for mineral extraction	Amended to reflect additional information provided in EIA Report
18	-	Fencing	Addressed by Quarry Regulations
19	-	Warning signs	Addressed by Quarry Regulations
20	-	Burning on site	Condition does not meet tests in Circular 4/1998
21	2	Termination date	No substantive change
22	1	No alterations to approval	Wording amended to require operation in accordance with EIA Report
-	15	Ecological survey and mitigation	New issue identified in EIA Report
-	16	On site soil retention	New issue - good practice
-	17	Soil management	New issue - good practice