

ANGUS COUNCIL

DEVELOPMENT STANDARDS COMMITTEE – 8 MARCH 2022

PLANNING APPLICATION - POWMYRE QUARRY ROUNDYHILL

GRID REF: 336704 : 750386

REPORT BY SERVICE LEAD – PLANNING & SUSTAINABLE GROWTH

Abstract: This report deals with application No. [21/00769/FULM](#), submitted by Breedon Trading Ltd, which relates to Powmyre Quarry, Roundyhill by Forfar, DD8 1QD. It is an application under Section 42 of the Town and Country Planning (Scotland) Act 1997 (as amended) to allow for sand and gravel extraction including change of use of Blindwells Cottage from house to quarry office, canteen and toilet block, restoration to facilitate a fishing lochan, associated wetlands and reprofiling of farmland, to take place subject to different conditions than those attached to planning permission [03/00691/MIN](#). Specifically, the application seeks a variation to extend the permitted timescale for the completion of the quarry operations at the site until March 2035. This application is recommended for conditional approval as it is considered appropriate to attach different conditions to the development given the change of circumstances since the grant of previous permission.

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 Planning permission [03/00691/MIN](#) was approved on 8 February 2007 for sand and gravel extraction, including a change of use of Blindwells Cottage from house to quarry office, a canteen and toilet block, restoration to facilitate a fishing lochan, associated wetlands and reprofiling of farmland at the application site. A plan showing the location of the site is provided at Appendix 1. The conditions relative to the original planning permission are reproduced at Appendix 2.
- 3.2 The permission allows for the extraction of around 4.1 million tonnes of sand and gravel to be worked over a period of 14 years, with a further year to allow full restoration. It allows for extraction of 300,000 tonnes of material each year with the site worked in 12 phases. Quarrying operations commenced on 10 March 2008 and the site has been worked over intervening years.
- 3.3 A previously vacant cottage within the site is used as a quarry office, canteen, and toilet block. A processing area has been formed within the phase 1 area and accommodates a variety of plant and machinery. A dedicated haul road has been formed between the site and the A928 public road.

3.4 Condition 2 of planning permission 03/00691/MIN states: –

That extraction of aggregates shall cease within 15 years of the date of entry or such other period as may be agreed in writing with the planning authority. Thereafter all plant and buildings to which the permission relates shall be removed and the site fully restored within 15 years from the aforementioned date unless otherwise agreed in writing with the planning authority. The date of entry to be confirmed in writing to the Director of Planning and Transport no later than 7 days post the commencement of quarrying operations.

Reason: In order to comply with the requirements of the Town and Country Planning (Scotland) Act 1997'

3.5 The applicant has indicated that the quarry will not have been fully worked by 2023 and significant reserves of sand and gravel (around 2.2m tonnes as of March 2021) remain to be extracted. Five of the 12 phases have been worked.

3.6 The current application is submitted under Section 42 of the Town and Country Planning (Scotland) Act 1997. It seeks permission to develop the land subject to different conditions than those attached to the existing planning permission. Specifically, it seeks to vary condition 2 of planning permission 03/00691/MIN, which required the site to be restored by 2023, to allow a further period up to March 2035 for extraction and final restoration.

3.7 The application does not propose to alter the size of the quarry, its extraction phasing, method of operation, annual extraction limit, or the restoration and aftercare schemes previously approved by the existing permission. The application essentially seeks additional time to work the remaining reserves of aggregate and to restore the site in accordance with the requirements of the original planning permission.

3.8 For this type of application relevant legislation indicates that the planning authority must only consider the question of the conditions subject to which planning permission should be granted and if they decide that permission should be granted subject to the same conditions as detailed on the earlier permission, they shall refuse the application. If they decide that planning permission should be granted subject to conditions differing from those previously attached to the permission, they shall grant planning permission accordingly. The effect of granting permission for a Section 42 application is that a new and separate permission exists, with any conditions attached as appropriate.

3.9 The application has not been subject to variation.

3.10 The application is supported by an Environmental Impact Assessment Report (EIA Report) and it 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 press.

4. RELEVANT PLANNING HISTORY

4.1 Planning permission was granted on 8 February 2007 for the sand and gravel extraction including change of use of Blindwells Cottage from house to quarry office, canteen and toilet block, restoration to facilitate a fishing lochan, associated wetlands and reprofiling of farmland ([03/00691/MIN](#) and Report [1116/04](#) refers) at the application site. That planning permission has been implemented and remains extant.

4.2 Planning permission was approved on 6 February 2006 for the formation of a Quarry Access into the site from the A928 ([04/00137/FUL](#)). The approved access has been formed.

5. APPLICANT'S CASE

- 5.1 An EIA Report along with a Non-Technical Summary (NTS) has been submitted in support of the application.
- 5.2 Volume 1 is a written statement which describes the application site, the proposal, relevant planning history, the applicant, and the EIA team. The statement lists the consented quarrying activities and the works undertaken to date, as well as the proposed restoration scheme. The statement indicates that as the quarry development at Powmyre was the subject of a comprehensive EIA in 2003, many of the environmental topics have already been the subject of a detailed assessment. On that basis topics related to land and soils, land use, infrastructure, landscape and visual impact, noise and vibration, air quality, traffic, cultural heritage, and population and human health have been 'scoped-out' and are not considered further. The EIA process has focused on the topics of natural heritage (ecology and nature conservation impacts), and hydrology and hydrogeology. In terms of ecological impacts, the statement concludes that no significant adverse impacts are likely, subject to the proposed mitigation. In terms of hydrology and hydrogeology the statement indicates the site will continue to be worked in accordance with good practice guidance and there is no change to the consented means of extraction, extent of extraction or change to the site restoration scheme as approved. The statement suggests there is a demonstrated need to maintain production at Powmyre Quarry to serve the local and regional areas and the operations involve well established quarrying and materials handling techniques for which the potential environmental impacts are well understood. The report concludes the continuation of the quarrying operation has been assessed and it has been shown that the quarrying operation complies with the current environmental legislation and guidance which seeks to protect the environment and amenity of properties surrounding the development.
- 5.3 Volume 2 comprises appendices that include drawings, the existing planning permission documents, a scoping report and opinion, an ecological impact assessment, and hydrogeology and hydrology report.
- 5.4 Volume 3 is the NTS which summaries the main considerations and conclusions of the EIA Report.
- 5.5 In addition, a Planning Statement has been submitted. That document provides background and policy analysis of the proposal and is supported by appendices that, amongst other things, provide a soil management plan, an archaeological written scheme of investigation, a visual assessment review, noise and air quality monitoring schemes, and an extractive waste plan.
- 5.6 The EIA Report and Planning Statement are available to view on the [Public Access](#) system. A copy of the NTS is provided at Appendix 3 and a summary of the Planning Statement is provided at Appendix 4.

6. CONSULTATIONS

- 6.1 **Angus Council – Environmental Health** – no objection and advises no record of any relevant complaint history. It recommends a number of existing and updated conditions be attached to any permission in order to protect the amenity of sensitive receptors and the environment.
- 6.2 **Angus Council – Roads** – no objection.
- 6.3 **Archaeology Service** – no objection but indicates there is still a requirement for archaeological mitigation across the development site.

- 6.4 **Shell** – no objection and advises the associated construction works would not directly affect its pipeline, servitude strip, or the safety and integrity of its pipeline.
- 6.5 **Health and Safety Executive (HSE)** – no objection and does not advise on safety grounds, against the granting of planning permission in this case.
- 6.6 **Cadent Gas** – no objection.
- 6.7 **NatureScot** – no objection.
- 6.8 **Historic Environment Scotland** – no objection.
- 6.9 **SEPA** – no objection and advises the pollution prevention mitigation for the water environment is appropriate and agrees that the risk to ground water is minimal.
- 6.10 **Scottish Water** – no objection.
- 6.11 **Glamis and Area Community Council** – has stated it *'is broadly supportive of this application so long as the planning conditions and monitoring agreed under the original Planning Consent continue to be adhered to.'*

7. REPRESENTATIONS

No letters of representation were received.

8. PLANNING CONSIDERATIONS

- 8.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) 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 5 and have been considered in preparing this report.
- 8.4 As indicated, the current application is made under Section 42 of the above Act. It constitutes an application to develop land without compliance with conditions attached to a previous planning permission. For an application made under Section 42 the planning authority typically must only consider the question of the conditions subject to which planning permission should be granted. If it is decided that permission should be granted subject to the same conditions as detailed on the earlier permission, the application shall be refused. If it is decided that planning permission should be granted subject to conditions differing from those previously attached to the permission, the application should be approved.
- 8.5 Powmyre is an operational quarry and the reserves it contains contribute towards the council's 10-year land bank of sand and gravel. The applicant has indicated that extraction rates have been lower than originally anticipated when the original planning permission was granted. Average annual output has been closer to 150,000t rather than the consented maximum limit of 300,000t. Accordingly, there are substantial mineral reserves that remain unworked, and the infrastructure is in place to allow those reserves to be extracted. Planning policy seeks to safeguard workable mineral reserves and to ensure they are not sterilised by other forms of development. This is a site where it has previously been determined that aggregate can be worked in a manner that complies with relevant development plan policy. Issues regarding impacts on landscape, amenity, natural and built environment, pollution, land use,

transport, and restoration have all previously been found to be acceptable.

- 8.6 All details relating to the size and location of the quarry, its phasing and method of operation, annual extraction limits, and the restoration and aftercare schemes would remain unchanged from those details previously approved. The quarry is operational and further detail required by conditions attached to the original permission has been submitted, approved, and implemented where appropriate. The broad principle of extending the duration of mineral working to allow consented reserves to be extracted is compatible with development plan policy.
- 8.7 In general terms the conditions that seek to regulate the way the development is undertaken and to mitigate impacts on the environment, amenity, and infrastructure remain relevant. However, the detailed wording of the conditions can be modified to ensure continued implementation of necessary mitigation. Updated schemes for monitoring noise and dust have been provided, along with details of soil management. The proposed conditions require adherence with those schemes.
- 8.8 The EIA Report addresses issues in relation to natural heritage interests and reaffirms the conclusion of the Environment Statement submitted with the original planning application, that the proposed development would not give rise to unacceptable impact on natural heritage interests. The supporting information identifies appropriate mitigation and suggests that following restoration there would be biodiversity net-gain. Relevant consultation bodies have raised no issues with the adequacy of the assessments undertaken in relation to natural heritage interests.
- 8.9 The EIA Report also addresses issues in relation to hydrology and hydrogeology and again reaffirms the conclusion of the Environment Statement submitted with the original planning application, that the proposed development would not give rise to unacceptable impact on the water environment. Relevant consultation bodies have raised no issue with the adequacy of the assessments undertaken in relation to impact on the water environment.
- 8.10 An updated assessment of visual impact arising from the development has been undertaken and submitted. That document considers the impact of the development on sensitive visual receptors in the area, including new receptors in the period since the original applications was approved. A number of new residential properties have been formed in the wider area in the period since the quarry has become operational, but the assessment suggests that associated visual impact would not be unacceptable. This is a reasonable conclusion on the basis that where planning permission has been granted for the formation of new dwellings, it has been on the basis that they could coexist with the consented and operational quarry.
- 8.11 A programme of archaeological works has been undertaken in accordance with an approved scheme of investigation for the phases worked to date. The council's archaeology advisor has indicated that there is still a requirement for archaeological mitigation across the remainder of the development site. Accordingly, an updated condition regarding archaeological mitigation is attached.
- 8.12 A gas pipeline dissects the site and is affected by quarrying activity in later phases of the development. A condition of the existing permission requires evidence of agreement with the relevant operating company and the HSE prior to works in its vicinity. Relevant consultation bodies have offered no objection in relation to the proposal, which retains provision for a standoff in the vicinity of the pipeline, but it is appropriate to retain the condition.
- 8.13 The existing planning permission is subject of a planning obligation that, amongst other things, secures the provision of restoration bonds and mechanisms for the monitoring of extraction and restoration; a routing agreement for quarry traffic and associated monitoring; potential for structural survey of nearby property; and

contribution towards traffic infrastructure. A condition is proposed to ensure that the provisions of the existing agreement apply to this planning permission and the revised operational timescales.

- 8.14 Paragraph 33 of Scottish Planning Policy (SPP) states that where a development plan is more than five years old, the presumption in favour of development that contributes to sustainable development will be a significant material consideration. TAYplan is less than 5-years old but the ALDP has recently become more than 5-years old as it was adopted in September 2016. In this case TAYplan indicates 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. SPP recognises that minerals make an important contribution to the economy, providing materials for construction, energy supply and other uses, and supporting employment. It indicates that planning should safeguard mineral resources and facilitate their responsible use. The continued working of an existing quarry that provides continuity of supply to the construction industry represents a sustainable form of development and is generally supported by SPP.
- 8.15 NPF4 has been published in draft form and contains national planning policy that will form part of the development plan when it is approved. However, it has been published for consultation purposes and therefore the policies it contains merit little weight at this time. Notwithstanding that, it is relevant to note that the document retains a general policy objective to support the sustainable management of resources and to minimise the impacts of extraction of minerals on communities and the environment. It indicates that the planning system should safeguard important mineral resources and ensure that sufficient resources are available to meet the demands of industry in a way that minimises the impacts of extraction on the environment and local communities. There is nothing in the draft NPF that would lead to a different conclusion in relation to this application.
- 8.16 In conclusion, there is an established and operational quarry and processing facility at this location. It has operated without significant issue and this application, which essentially seeks approval to work the previously consented reserves over an extended period of time has attracted no third-party objection and no objection from relevant consultation bodies. The physical extent of the quarry, its method of working, and all other details, including final restoration would remain as previously approved. Relevant information, including the original environmental statement and the updated EIA Report indicates that, subject to appropriate mitigation and planning conditions, the proposed extension to the extraction timeframe should not give rise to unacceptable impacts on the environment, amenity, or infrastructure. The proposed conditions would ensure that the extended operational period would not give rise to unacceptable impacts on the amenity of those that live in or visit the area. The proposal would provide continuity of supply to the market and economic benefits to the area in a manner that complies with the development plan.
- 8.17 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 permission/consent, 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.

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 development provides for the extraction of sand and gravel in a manner that would provide continuity of supply to the market. Environmental, amenity and infrastructure impacts associated with the proposed development are acceptable and can be appropriately mitigated subject to the stated planning conditions and by the mitigation measures identified in the Environmental Statement and Environmental Impact Assessment Report. The proposal complies with development plan policy subject to the stated planning conditions and there are no material considerations that justify refusal of the planning application contrary to the provisions of the development plan.

Conditions:

1. That prior to the commencement of any development in association with this planning permission, the planning obligation (ref 7/12/192) between Angus Council and Aggregate Industries UK Limited recorded in the General Register of Sasines for the County of Angus on 5 December 2006, and its associated restoration bonds shall be revised and updated such that it has full force and effect in relation to this permission and to take account of the extended extraction period hereby approved. No development reliant upon this permission shall be undertaken until evidence that the revised and updated obligation has been recorded has been submitted to and approved in writing by the planning authority.

Reason: For clarification and to ensure that a planning obligation and associated restoration bonds necessary to mitigate the impact of the development and secure restoration of the site are in place.

2. That the extraction of aggregates shall cease and all plant and buildings to which the permission relates shall be removed and the site fully restored by 31 March 2035. Within 1-month of that date the applicant shall provide written notification to the planning authority that all site restoration works have been completed in accordance with the approved restoration scheme identified in drawing 4810-10-16 or such other scheme that is in general accordance with that drawing as is otherwise approved in writing by the planning authority.

Reason: To ensure a satisfactory phasing to the development in the interest of road safety and the amenity of the area.

3. That except as otherwise provided for and amended by the terms of this permission, the development shall be undertaken in accordance with the provisions and mitigation measures contained in the Powmyre Farm, Strathmore Estate, Glamis Planning Application and Environmental Statement and Regulation 19 Addendum, as amended and updated by the Powmyre Quarry Environmental Impact Assessment Report dated September 2021.

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

4. For the duration of this permission, the quarry shall be worked in accordance with the phasing plans 4810-4-02:14 and the working programme and figures specified in the Powmyre Farm, Strathmore Estate, Glamis Planning Application and Environmental Statement and Regulation 19 Addendum as amended and updated by the Powmyre Quarry Environmental Impact Assessment Report dated September 2021. No extraction shall take place out with the defined phases. Restoration within each phase shall be completed in accordance with the approved restoration scheme within 6 months of the final extraction of sand and gravel within that phase and in any case within 6 months of the commencement of extraction in any subsequent phase, unless otherwise provided for by the terms of this permission.

Reason: To define the limits of extraction and the phasing of development.

5. That the annual rate of extraction from the quarry area as measured in any 12-month period shall be no more than 300,000 tonnes per annum. Records of annual output shall be kept by the applicant and submitted to the planning authority on 1 April each year.

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

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 Monday to Friday 7.30am to 5.30pm and 8.00am to 1.00pm on Saturdays with no working on Sundays or public holidays.

Reason: In order that the amenity of occupants of nearby premises is adequately safeguarded.

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

Powmyre	45 dBA LAeq (1 hour)
Drumshade	46 dBA LAeq (1 hour)
Dairsie	45 dBA LAeq (1 hour)
Greenbank Cottage	45 dBA LAeq (1 hour)
Greenbank Farm	45 dBA LAeq (1 hour)
Mossend	48 dBA LAeq (1 hour)

Reason: In order to control site activity generated noise to an acceptable level in the interests of safeguarding the amenity of occupants 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 occupants of nearby premises is adequately safeguarded.

9. All site operations shall at all times be undertaken in full accordance with the noise mitigation measures contained in the Powmyre Farm, Strathmore Estate, Glamis Planning Application and Environmental Statement and Regulation 19

Addendum, as amended and updated by report R21.10874/1/AF by Vibrock and contained within Appendix 7 of the Powmyre Quarry Planning Statement dated September 2021.

Reason: In order that the amenity of occupants of nearby premises is adequately safeguarded.

10. Prior to the commencement of operations within Phase 9, an acoustics report prepared by a qualified consultant specifying the stand-off distance from the operations to the steading of Powmyre Farm shall be submitted to and approved in writing by the planning authority. Thereafter the approved stand-off distance shall be implemented and maintained during the operations within Phases 9, 10 and 11.

Reason: In order that the planning authority may verify the acceptability of the proposed stand-off in the interests of residential amenity.

11. Noise monitoring of site operations shall be undertaken in accordance with the scheme of monitoring detailed in report R21.10874/1/AF by Vibrock and contained within Appendix 7 of the Powmyre Quarry Planning Statement dated September 2021.

Reason: In order that the amenity of occupants of nearby premises is adequately safeguarded and that acceptable measures are in place to monitor noise emissions from the operations.

12. All site operations shall at all times be undertaken in full accordance with the dust mitigation measures contained in the Powmyre Farm, Strathmore Estate, Glamis Planning Application and Environmental Statement and Regulation 19 Addendum, as amended and updated by report R21.10874/1/AF by Vibrock and contained within Appendix 7 of the Powmyre Quarry Planning Statement dated September 2021.

Reason: In order that the amenity of occupants of nearby premises is adequately safeguarded.

13. On the request of the planning authority following a complaint made to the Authority, dust monitoring shall be undertaken in accordance with the scheme of monitoring detailed in report R21.10874/1/AF by Vibrock and contained within Appendix 7 of the Powmyre Quarry Planning Statement dated September 2021.

Reason: In order that the amenity of occupants of nearby premises is adequately safeguarded and that acceptable measures are in place to monitor dust emissions from the operations.

14. That no commercial vehicles shall enter the public road unless their wheels and chassis have been cleaned to prevent material being deposited on to the road.

Reason: To prevent the deposition of waste materials on the public roads in the interests of road safety.

15. That all loaded vehicles leaving the site carrying materials of under 75mm size shall require to be sheeted.

Reason: To avoid spillage of material on the public road in the interests of road safety.

16. Prior to the extraction of any material from Phases 8, 9, 10 and 11 proof of an agreement with the pipeline operator and the Health and Safety Executive detailing a stand-off area for the gas pipeline shall be submitted to and approved

in writing by the planning authority. Thereafter the approved stand-off shall be implemented and maintained while works are carried out within these phases.

Reason: In order that the planning authority may ensure that adequate provision is made for the safeguarding of the gas pipeline.

17. That the topsoils and subsoils to be excavated from the extraction areas must be stored on site as described in the Powmyre Farm, Strathmore Estate, Glamis Planning Application and Environmental Statement and Regulation 19 Addendum as amended by the Powmyre Quarry Soil Management Plan dated September 2021. Soils shall be retained for the eventual reuse as part of the progressive restoration works and shall not be removed from the application site.

Reason: To ensure retention and management of soils for restoration of the site.

18. A programme of archaeological works shall be carried out at the site in accordance with the approved Written Scheme of Investigation, compiled by CFA Archaeology Ltd, dated 3 February 2020, and submitted in support of this application. Should the archaeological works reveal the need for post excavation analysis the development shall not commence in that area 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: To safeguard and record the archaeological potential of the area.

19. The mitigation identified in paragraphs 6.41 – 6.44 and Table 6.3 of the Powmyre Quarry Environmental Impact Assessment Report dated September 2021 shall be implemented and adhered to. Specifically, but not exclusively, the applicant shall: -
- a) prior to the commencement of operations within Phase 8 and prior to the removal of any trees within that area, ensure that a survey for red squirrel within the tree-belt is undertaken by a suitably qualified person;
 - b) prior to the commencement of any soil stripping or tree felling activity in Phases 8, 9, 10 or 11 during the nesting bird season (March-September), nesting bird checks should also be undertaken at suitable habitat by a suitably qualified person.

Prior to the commencement of quarry operations in the respective phases identified above, a report of the aforementioned surveys, along with details of any necessary or proposed mitigation shall be submitted to and approved in writing by the planning authority in consultation with NatureScot. Thereafter works shall be undertaken in accordance with any approved mitigation measures.

Reason: In order to verify the results of existing survey work and to minimise risk to protected species in compliance with the requirements of wildlife legislation.

20. That any chemical, oil or diesel storage tanks installed within the application site shall be sited on impervious bases and surrounded by impervious bunded walls and the bunded areas shall be capable of containing 110% of the tank volume and should enclose all fill and draw pipes.

Reason: To minimise risk of pollution of any water or soil resources.

21. 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.

22. 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 in the Powmyre Farm, Strathmore Estate, Glamis Planning Application and Environmental Statement and Regulation 19 Addendum 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.

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APPENDIX 1: LOCATION PLAN
APPENDIX 2: PLANNING PERMISSION 03/00691/MIN CONDITIONS
APPENDIX 3: EIA REPORT NON-TECHNICAL SUMMARY
APPENDIX 4: SUMMARY OF APPLICANTS SUPPORTING INFORMATION
APPENDIX 5: DEVELOPMENT PLAN POLICIES
APPENDIX 6: PLANNING SERVICE PRESENTATION