

ANGUS COUNCIL

DEVELOPMENT STANDARDS COMMITTEE – 16 AUGUST 2022

PLANNING APPLICATION – HATTON MILL QUARRY KINNEL ARBROATH

GRID REF: 361207 : 749764

REPORT BY SERVICE LEAD – PLANNING & SUSTAINABLE GROWTH

Abstract: This report deals with application No. [22/00249/FULM](#), submitted by D Geddes (Contractors) Ltd, which relates to Hatton Mill Quarry, Kinnell, Arbroath, DD11 4UL. It is an application under Section 42 of the Town and Country Planning (Scotland) Act 1997 (as amended) to allow for the proposed extension of Hatton Mill Quarry for the extraction of sand and gravel including the restoration of the land, to take place subject to different conditions than those attached to planning permission [19/00083/FULM](#). Specifically, the application seeks a variation to permit the extraction of minerals over a period of 6 years from the date of commencement of development, and restoration of the site within a period of 7 years from the date of commencement of development. 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 [19/00083/FULM](#) was approved on 20 June 2019 for the proposed extension of Hatton Mill Quarry for the extraction of sand and gravel including the restoration of the land at the application site. A plan showing the location of the site is provided at Appendix 1. That permission remains extant and the conditions relative to it are reproduced at Appendix 2.

3.2 The extant permission allows for a quarry extension of some 8.0ha and the extraction of 469,000 tonnes of sand and gravel at an average of 130,000 tonnes per annum over a period of 4 years with a further year required to complete restoration of the site. The site would be developed in 2 phases with Phase 1 comprising the northern part of the site (some 3.6ha) which would release 240,000 tonnes over a period of 1 year and 10 months with the excavation depth varying between 4.8m and 5.5m. Phase 2 would comprise the southern and western extents of the site (an area of some 4.4ha) which would release 229,000 tonnes over a period of 1 year and 9 months with excavation depths varying between 2.9m and 5m. The extraction area

would be restored to grassland with progressive restoration taking place as the development proceeds.

- 3.3 No buildings or fixed plant is required within the extension area as the existing infrastructure at the site (site access route, offices, weighbridge, processing area, stocking areas, maintenance area and fuelling facilities) would be utilised. The extracted material would be transported to the existing processing area via the existing internal access road. Soils from the initial excavation would result in the creation of a 2m high screening mound along the southern boundary of the site with a 5.5m high storage mound formed to the east of the Phase 1 excavation area. Access to the site is taken from the B965 classified road. It is proposed that the hours of operation for the site would be 0700 – 1900 Monday – Friday and 0700 – 1200 on Saturdays with no operations undertaken on Sundays. Work outwith the aforementioned hours, would be confined to essential maintenance operations.
- 3.4 The terms of that permission require development to commence before 19 June 22 (that date has been automatically extended to 31 March 2023 by virtue of emergency coronavirus regulations).
- 3.5 Condition 1 of planning permission 19/00083/FULM states: –

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

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

- 3.6 The applicant has indicated that due to the Covid pandemic there has been reduced demand for aggregate and the existing reserves at Hatton Mill have not been worked as anticipated. Therefore, development in the extension area has yet to commence and the applicant has requested variation of the conditions to allow additional time for extraction to take place having regard to the implications of coronavirus and current market conditions.
- 3.7 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 1 of planning permission 19/00083/FULM, which required the extraction of minerals to cease no later than 4 years from the date of commencement of development, with a further year for its restoration. The application seeks a variation to permit the extraction of minerals over a period of 6 years from the date of commencement of development, and restoration of the site within a period of 7 years from the date of commencement of development.
- 3.8 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 reserves of aggregate, with the site ultimately restored in general accordance with the previously approved restoration scheme.
- 3.9 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.

- 3.10 The application has not been subject to variation.
- 3.11 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 28 June 1993 by the former Angus District Council for the sand and gravel excavation area at Hatton Mill Quarry (Appn: 01/92/0823 refers). That planning permission was implemented, and the majority of the land has now been restored to agricultural use.
- 4.2 Planning permission was granted on 8 December 2010 for an extension to the quarry excavation area at Hatton Mill Quarry (Appn: [06/01136/FUL](#) and Reports [723/07](#) and [1000/07](#) refer). That planning permission has been implemented and provides for the extraction of up to 130,000 tonnes of sand and gravel in any 12-month period.
- 4.3 Planning permission was granted on 20 June 2019 for the proposed extension of Hatton Mill Quarry for the extraction of sand and gravel including the restoration of the land ([19/00083/FULL](#) and Report [203/19](#) refer). That permission has not been implemented but remains extant.

5. APPLICANT'S CASE

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

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

Appendix 1 – Pre-application Consultation Report

Appendix 2 – Consultee Responses to Screening and Scoping of EIA

Appendix 3 – Site Investigation and Piezometer Data

Appendix 4 – Extended Phase 1 Habitat Survey

Appendix 5 – Assessment of Environmental Noise

Appendix 6 – Stability Assessment of Scheduled Monument

Appendix 7 – Written Scheme of Archaeological Investigation

- 5.2 The EIA Report advises that the method of working has been designed on engineering principles which will enable safe working both for site personnel and members of the public, while ensuring stability of the surrounding land. It indicates that no quarry development can be designed to have no adverse environmental impacts, although mitigation measures can negate many of these, lower the magnitude of others, and reduce the probability of significant impacts occurring. The report advises that following the implementation of the mitigation measures described in the Environmental Impact Assessment Report the overall environmental impact of the proposal is considered to be slight reducing to negligible at restoration. It concludes that, in planning terms, the proposal is in accordance with national and development plan policy and that the positive benefits identified outweigh the identified minor disbenefits.
- 5.3 In addition, a S42 supporting statement has been submitted. It indicates that production at the existing quarry has been affected by Covid-19 and current market conditions have resulted in reduced demand for sand and gravel. Extraction within the extension area has therefore not commenced and additional time is requested to allow development to take place, reflecting current market conditions.
- 5.4 The EIA Report and supporting statement are available to view on the [Public Access](#) system. A copy of the NTS is provided at Appendix 3.

6. CONSULTATIONS

- 6.1 **Angus Council – Roads** – no objection.
- 6.2 **Angus Council – Environmental Health** – no objection and recommends a number of conditions be attached to any permission in order to protect the amenity of sensitive receptors and the environment.
- 6.3 **Archaeology Service** – no objection but indicates there is still a requirement for archaeological mitigation across the development site.
- 6.4 **NatureScot** – no objection.
- 6.5 **SEPA** – no objection is offered in respect of flood risk and groundwater impacts.
- 6.6 **Historic Environment Scotland** – has offered no objection in relation to matters that fall within its remit, specifically the potential impacts on the scheduled monuments located adjacent to the application site. HES remains satisfied that the proposal would not have direct physical effects on or have an adverse effect on the integrity of the setting of the scheduled monuments.
- 6.7 **National Grid** – no objection.
- 6.8 **Health and Safety Executive (HSE)** – no objection and does not advise on safety grounds, against the granting of planning permission in this case.
- 6.9 **Scottish Water** – no objection.
- 6.10 **Community Council** – has offered no comments.

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 4 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 Hatton Mill 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 the existing reserves at Hatton Mill were not exhausted by 2021 as originally anticipated and are expected to last a further 2-years. Accordingly, the extension area approved in 2019 remains unworked although the planning permission remains extant.
- 8.6 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, and the infrastructure is in place to allow those reserves to be extracted. Issues regarding impacts on landscape, amenity, natural and built environment, pollution, land use, transport, and restoration have all previously been found to be acceptable as set out in report [203/19](#). There is no evidence to suggest that potential impacts have materially changed in the period since grant of the previous permission. Consultation on this application has not identified any significant issues.
- 8.7 Details relating to the size and location of the quarry extension area, its phasing and method of operation, and annual extraction limits would remain largely unchanged from those previously approved, albeit permission is sought to allow extraction and final restoration to take place over an extended period. The broad principle of extending the duration of mineral working to allow consented reserves to be extracted is compatible with development plan policy. It would allow extraction rates to better reflect current market demand and support sustainable use of resources.
- 8.8 Information has previously been submitted and approved in relation a number of matters that were identified by conditions attached to the original planning permission. This includes minor amendment to the restoration proposals required by condition 5(a), and details of the temporary screening bund proposed adjacent to the south and southwest boundary of the site, which includes provision for the extension of the screening bund along the western extent of the existing quarry road as required by condition 5(d). As the submitted drawings incorporate changes that were previously required, condition 5(a) is revised to remove the requirement for details of topography. The requirements of condition 5(d) of the previous permission are deleted as the necessary information is included in the drawings that accompany the current application. However, a new condition 6 is proposed that deals with provision and retention of the screen bund during quarrying activity. However, for the

avoidance of doubt, the detail provided with the current application has previously been considered and approved in the discharge of the conditions attached to the existing planning permission.

- 8.9 The conditions that seek to regulate the way the development is undertaken and to mitigate impacts on the environment, amenity, and infrastructure remain relevant. Those conditions reflect the findings of the original EIA Report, they take account of the comments provided by expert consultation bodies, and they are restated and would apply to the operation of the quarry extension. Minor amendment is made to wording to reflect current practice and to coordinate timescales for submission of monitoring information by the quarry operator.
- 8.10 The proposed quarry extension is consistent with development plan policy, and the extended period for extraction and final restoration does not give rise to any conflict with policy.
- 8.11 In addition to the development plan, it is also necessary to have regard to material planning considerations. In this case that includes the planning history of the site, Scottish Planning Policy (SPP), and draft National Planning Framework 4 (NPF4).
- 8.12 As indicated above, there is an extant planning permission that allows for substantively the same development to take place at this site. Committee previously determined that the development proposed by the previous application was compatible with development plan policy and the development plan policy framework has not changed in the intervening period. That permission could be implemented irrespective of any decision taken on the current application. Committees' previous decision, and the applicants ability to undertake essentially the same development under the terms of an extant planning permission, constitute a significant material consideration.
- 8.13 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. This proposal would effectively safeguard mineral reserves and allow their extraction over a longer period to reflect market demand. It would facilitate continued use of a processing facility associated with an existing quarry and would provide continuity of supply to the construction industry in a manner that would not give rise to any unacceptable impacts on the environment, amenity, or infrastructure. It represents a sustainable form of development and is generally supported by SPP.
- 8.14 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.

- 8.15 In conclusion, the extension of Hatton Mill quarry at this location has previously been approved by committee. The existing permission could be implemented, but extraction would be at a rate that exceeds current market demand. The extension is associated with an established and operational quarry and processing facility. That quarry has operated without significant issue and this application, which essentially seeks approval to work the extension area over an extended period, has attracted no third-party objection and no objection from relevant consultation bodies. The physical extent of the quarry extension area and its method of working would remain as previously approved by committee albeit, potentially over an extended period. Relevant information indicates that, subject to appropriate mitigation and planning conditions, the proposed quarry extension, undertaken over a longer period than previously approved, should not give rise to unacceptable impacts on the environment, amenity, or infrastructure. The proposed conditions would ensure that the environmental, amenity, and infrastructure impacts associated with the proposed development are appropriately mitigated and acceptable. 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.
- 8.16 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 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 extraction of minerals shall cease no later than 6 years from the date of commencement of development, and restoration of the site shall be completed within a period of 7 years from the date of commencement of development. The planning authority shall be notified in writing of the date of commencement of development not less than 5 working days prior to the date of commencement of development. The applicant shall obtain written confirmation from the Planning Authority that all site restoration works have been completed in accordance with the approved restoration scheme.

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

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

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

3. That from the commencement of quarrying and thereafter for the duration of this permission, the quarry excavation shall be worked in accordance with the approved Hatton Mill Extension Quarry Development Plans Phases 1 and 2 (Figures 3.1 – 3.2 of the Environmental Impact Assessment Report) as modified by Dalgleish Associates Ltd drawings Figures 3.1 Rev 01 – 3.2 Rev 01 (dated 26.01.22) and the working programme and figures specified Environmental Impact Assessment Report. No extraction shall take place out with the defined phases.

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

4. That the annual rate of extraction from the quarry area as measured in any 12-month period shall be no more than 130,000 tonnes per annum. Records of annual output/ production shall be kept by the applicant and submitted to the planning authority on 1 April each year following the commencement of extraction.

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

5. That no development in connection with the planning permission hereby approved shall take place until the following details have been submitted to and approved in writing by the Planning Authority: -
 - (a) A detailed restoration scheme (including a programme for implementation). The restoration scheme shall be consistent with Section 3 and Figure 3.3 of the Environmental Impact Assessment Report as modified by Dalgleish Associates Ltd drawings Figure 3.3 Rev 01 (dated 26.01.22) and Figure 3.4 Rev 01 (dated 21.01.22) and the guidance in PAN 64: Reclamation of Surface Mineral Workings (2002). The submitted scheme shall provide: -

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

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

- (b) A landscaping aftercare and long-term management plan in conjunction with the restoration scheme that shall provide for the aftercare of progressively restored areas during the lifetime of the operation of the quarry and following completion of the final restoration. Thereafter the approved management plan shall be fully implemented and be carried out during the aftercare period of 5 years following the completion of the restoration of the site;
- (c) Details of a bond or other financial provision to cover all site restoration costs. This shall include provision for the regular review of the bond value. No work shall commence on the site until the developer has provided documentary evidence that the proposed bond or other financial provision is in place and written confirmation has been given by the Planning Authority that the proposed bond or other financial provision is satisfactory. The developer shall ensure that the approved bond or other approved financial provision is in place throughout the operational life of the development hereby approved;
- (d) A noise management strategy, incorporating measures outlined in PAN 50 Annex A: The Control of Noise at Surface Mineral Workings and noise mitigation measures indicated in the Environmental Impact Assessment Report. The noise management strategy shall include: -
 - A noise monitoring scheme and complaint investigation procedure; and
 - Provision for the regular review of the effectiveness of noise mitigation measures and updating of the management strategy to reflect best practice.

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

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

Thereafter the approved dust management strategy shall be fully implemented upon commencement of the development and remain in

place for the duration of the development hereby approved.

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

Reason: In order that the planning authority may verify the acceptability of the specified details in the interests of amenity, restoration of the site and environmental protection.

- 6. That prior to the commencement of extraction of sand and gravel from the quarry hereby approved, the soil storage mound/ screening bund shown on Dalgleish Associates Ltd drawings Figure 3.1 Rev 01 and 3.2 Rev 01 (dated 26.01.22) and Figure 3.4 Rev 01 (dated 21.01.22) shall be formed and retained for the duration of quarry extraction activities.

Reason: In order to ensure that the screening bund is provided and retained in a manner that will assist in minimising visual impact associated with quarry activities.

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

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

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

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

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

9. 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.

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

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

11. That on 1 April each year following the commencement of extraction and for the duration of the quarry operation, the operator shall submit a quarry progress plan to 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.

12. Before 1 April in each year during the aftercare period (defined in condition 5(b)), a written report of (i) the aftercare operations carried out during the preceding year (or part year), and (ii) the aftercare operations intended to be carried out during the following year (or part year) shall be submitted to the Planning Authority for its written approval. Aftercare operations in the year following date of approval shall be carried out in accordance with the details as approved.

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

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

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

14. Should the extraction of sand and gravel from the site cease for a period in excess of 12 months, the extraction shall be deemed to have ceased. The Planning Authority shall be notified in writing within 1 month of the date of cessation of mineral extraction. An updated scheme for the restoration of the worked area and associated aftercare programme that shall reflect the objectives of the restoration described by Section 3 and Figure 3.3 of the Environmental Impact Assessment Report as amended by Dalgleish Associates Ltd drawings Figure 3.3 Rev 01 (dated 26.01.22) and Figure 3.4 Rev 01 (dated 21.01.22) and the guidance in PAN 64: Reclamation of Surface Mineral Workings (2002) shall be submitted for the written approval of the Planning Authority within 2 months of the effective cessation of quarrying operations. The updated scheme of restoration and associated aftercare programme shall be implemented as approved within a year of the aforementioned unscheduled cessation of extraction.

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

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

REPORT AUTHOR: JILL PATERSON
EMAIL DETAILS: PLANNING@angus.gov.uk

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APPENDIX 1: LOCATION PLAN
APPENDIX 2: PLANNING PERMISSION 19/00083/FULM CONDITIONS
APPENDIX 3: EIA REPORT NON-TECHNICAL SUMMARY
APPENDIX 4: DEVELOPMENT PLAN POLICIES
APPENDIX 5: PLANNING SERVICE PRESENTATION