

ANGUS COUNCIL

DEVELOPMENT STANDARDS COMMITTEE – 18 OCTOBER 2022

PLANNING APPLICATION – ARDOWNIE QUARRY ARDOWNIE MONIFIETH

GRID REF: 349552:734645

REPORT BY SERVICE LEADER – PLANNING & SUSTAINABLE GROWTH

Abstract: -

This report deals with planning application No. [21/00865/FULL](#) by D Geddes (Contractors) Ltd for the erection of a recycling shed – part retrospective at Ardownie Quarry, Ardownie, Monifieth. The planning application is recommended for approval subject to conditions.

1. RECOMMENDATION

It is recommended that the planning 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 in the Angus Local Outcomes Improvement Plan and Locality Plans: -

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

3. INTRODUCTION

3.1 Planning permission is sought for the erection of a recycling shed (part retrospective) at Ardownie Quarry, Ardownie, Monifieth. A plan illustrating the location of the site is provided at Appendix 1.

3.2 The site measures around 1500 square metres and is located towards the northeastern area of the established Ardownie quarry on an elevated area above the quarry void. Agricultural land bounds the quarry to the north, east and south and the U306 public road between Drumsturdy Road and Ardownie runs along the south of the quarry, with quarrying operations extending west.

3.3 The proposal is for the erection of a recycling building in the northeast of the approved quarry area. The building would replace a recycling building previously located in the quarry void to the west. The building (which has been partially constructed) measures around 11 metres in height, 49 metres in length and 31 metres in width. The roof would be finished in juniper green coloured galvanised steel sheeting with rooflights. The walls would be finished in a combination of concrete panels and juniper green steel sheeting. The shed would be accessed via the existing quarry haul road from the west, which runs along the north of the quarry void. Information submitted in support of the application indicates that tree planting is proposed to the northeast and southeast of the proposed shed, although no details are provided.

- 3.4 The recycling shed would be utilised for the segregation of predominantly construction/demolition material to facilitate reuse of that material. Recycling activities of this nature have previously been carried out within the quarry void at Ardownie, and information submitted in support of the application indicates a need for the recycling building to relocate to enable the on-going extraction of minerals in the void.
- 3.5 The proposal does not seek to alter the general operational restrictions which currently regulate recycling activities within the quarry under planning permission 10/01189/MINM, which includes controls relating to noise, dust, operating hours, and requiring site restoration at the end of the 30 year mineral extraction period. The applicant has indicated that the recycling shed would be removed from the restored quarry at the expiration of the approved 30 year extraction period.
- 3.6 The planning application has been subject of statutory neighbour notification and was advertised in the press as required by legislation.

4. RELEVANT PLANNING HISTORY

- 4.1 Ardownie Quarry has been in operation since around 1973.
- 4.2 A recycling and waste transfer station was approved within the quarry in July 1998 (98/00655/FULL).
- 4.3 Planning permission [10/01189/MINM](#) for the extension to and merging of Ethiebeaton and Ardownie Quarries for continued working of hard rock, recycling of aggregates, batching of concrete and progressive restoration at Ethiebeaton and Ardownie Quarries was approved subject to conditions on 1 February 2012.

That permission allows for the recycling of aggregates within the approved quarry area, which includes the application site. Amongst other things, the conditions granted permission for extraction from the quarry for a period of 30 years and required all plant and buildings to be removed and the site fully restored within the following year.

Condition 3 of the planning permission required the development to be operated in accordance with the environmental statement, which in turn indicated that the processing plant would be relocated within the quarry void. It did not identify a specific location for the processing shed to be relocated to.

- 4.4 Planning enforcement case 21/00042/UNDV was created on the 7 July 2021 as a result of observations regarding the erection of the recycling shed in the location identified in this application. The enforcement case has resulted in the submission of the current application.

5. APPLICANT'S CASE

- 5.1 The following documents have been submitted in support of the planning application:
- Supporting Statement
 - Noise Impact Assessment
 - A viewpoint appraisal and response to representations.
- 5.2 The supporting information is summarised at Appendix 2. Those documents are available to view on the council's [Public Access](#) website.

6. CONSULTATIONS

- 6.1 **Angus Council – Archaeology** – has confirmed no objection.

- 6.2 **Angus Council – Environmental Health** – has confirmed no objection to the proposal in respect of noise subject to the mitigation measures identified in the noise assessment being provided, including the full cladding of the northwest elevation of the recycling shed to provide a barrier to noise. It has confirmed that the noise assessment and associated mitigation shows that the noise limit conditions regulating the existing hard rock extraction, aggregate recycling and concrete batching operation (10/01189/MINM) would not be exceeded. Environmental health has indicated that the existing dust management measures and the design of the proposed shed should prevent an unacceptable level of dust arising from the proposal.
- 6.3 **Angus Council – Roads** – has confirmed no objection in relation to road traffic or flooding and drainage matters.
- 6.4 **Scottish Water** – no comments received.
- 6.5 **Community Council** – no comments received.

7. REPRESENTATIONS

- 7.1 Eight letters of representation have been received raising objection to the proposal. The letters of representation are provided at Appendix 3 and are available to view on the council's [Public Access](#) website.
- 7.2 The following matters have been raised in objection to the proposal and are discussed under Section 8 of this report: -
- landscape and visual impact
 - design
 - impacts as a result of noise, dust, vibration, litter, odour and loss of light
 - increased vehicular traffic
 - damage to property
 - lack of neighbour notification

8. PLANNING CONSIDERATIONS

- 8.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise.
- 8.2 In this case the development plan comprises: -
- [TAYplan](#) (Approved 2017)
[Angus Local Development Plan](#) (ALDP) (Adopted 2016)
- 8.3 The development plan policies relevant to the determination of the application are reproduced at Appendix 4 and have been considered in preparing this report.

Preliminary matters

- 8.4 The ALDP is more than 5-years old as it was adopted in September 2016. TAYplan was approved in October 2017 but Scottish Government has indicated that approved strategic development plans and any associated supplementary guidance will remain in force until the publication of NPF4. Issues associated with the age of the ALDP are addressed further below.

Principle of development

- 8.5 TAYplan Policy 7 relates to energy, waste and resources and requires that 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). It requires consideration of identified impacts associated with the construction and operation of such facilities. Policy PV17 of the ALDP indicates that existing waste management facilities will be safeguarded from alternative development. It indicates that the preferred location for new waste management facilities will be within or adjacent to existing waste management sites and indicates former mineral sites or degraded land may also be acceptable. It indicates that proposals will be supported where identified impacts are acceptable or can be satisfactorily mitigated.

- 8.6 The proposal relates to the erection of a recycling building at an established mineral extraction and waste recycling site. Ardownie Quarry has been used for the recycling of inert demolition waste since July 1998 and currently operates under planning permission 10/01189/MINM which was granted in February 2012. Information submitted with the current application indicates that the applicant requires to relocate the recycling shed previously sited within the quarry void in order to allow on-going quarrying operations within the void.
- 8.7 The new recycling shed would continue to be located within the site which was granted planning permission for waste recycling in 2012, albeit the building would be in a more elevated location than its previous position in the void to the west. The principle of the recycling of inert waste within the site was established by the earlier planning permissions and development plan policy seeks to safeguard existing waste management facilities from alternative development.

Impacts on the natural and built environment

- 8.8 The proposal is unlikely to result in any significant direct impacts on the natural or built environment. The shed is located on an area of land that was previously quarried and subsequently infilled and is within an established quarry and waste recycling site. The site is not subject to any national designation for natural or built heritage. The archaeology service has been consulted in respect of local archaeological interests and has offered no objection to the proposal indicating that no archaeological mitigation is required.
- 8.9 In terms of indirect impacts on cultural heritage, it is noted that the proposed shed would be located around 380m south of Laws Hill, which is a scheduled monument with remains of an iron age hillfort. The shed would also be located around 600m northwest of Ardestie souterrain which is also a scheduled monument. The Laws Hill monument is located on an elevated hilltop site at around 125AoD. While the proposed shed is likely to be visible in views to and from the Laws Hill monument, it would not impact on its setting due to the separation distance, the difference in elevation, and the simple agricultural appearance of the proposed shed (which is similar in appearance to other agricultural buildings located close to the monument). The proposal would not impact on the setting of the souterrain at Ardestie having regard to the distance between the proposed shed and that site.
- 8.10 The site is located some distance from sites designated for natural heritage value and the proposed shed would not result in any significant indirect impacts on the natural environment. Impacts on the natural and built environment associated with the use of the site for recycling activities were assessed as part of the 2010 planning application and the planning permission that regulates the wider operation makes provision for site restoration at the end of the 30-year mineral extraction period.

Amenity Impacts

- 8.11 As noted above, the site has an established planning permission for recycling activities and those activities are subject to restrictions which regulate noise, dust, operating hours, vehicle movements and to secure site restoration at the end of the permitted 30-year operating period.

- 8.12 Information submitted in support of the application demonstrates that noise impacts associated with the proposed recycling shed would meet the established noise limits which regulate the existing recycling operation, subject to the northwest elevation of the proposed shed being completely clad to provide a physical barrier to noise. Environmental health has considered the noise assessment information submitted and has offered no objection to the proposal subject to the mitigation identified in the noise assessment being carried out. Environmental health has also indicated that the existing dust management measures, the design of the proposed shed and the distance to the closest receptors would be such that there should be no significant loss of residential amenity due to dust.
- 8.13 The proposed shed would not give rise to any other significant amenity impacts. The materials recycled in the shed are inert and not odorous. There would be no change to vehicle movements to and from the site and noise associated with skip lorries using the haul road to access the shed is considered in the noise assessment. There are no dwellings within 300m of the shed and impacts associated with overshadowing/loss of light to surrounding agricultural land as a result of the building and associated landscaping are unlikely to be significant.

Landscape and visual impacts

- 8.14 Planning policy requires consideration of design and promotes development which fits in with the character and pattern of development in the surrounding area. It seeks to protect and enhance the quality of the landscape, its distinctive local characteristics and important views and landmarks.
- 8.15 The proposed shed is located on land at the east side of Ardownie quarry. The area in which the shed is sited has previously been quarried and subsequently infilled. The site is not subject of any landscape designation and sits is an area of land which is categorised as Dipslope Farmland in the NatureScot Landscape Character Assessment in Scotland. The key characteristics of Dipslope Farmland are described as including (amongst other things) a dominance of productive agricultural land, with a dispersed settlement pattern including some suburban development.
- 8.16 The application is supported by a viewpoint appraisal which describes the shed as not being visibly intrusive in the landscape. It suggests that its impact in the landscape will reduce further when the green external cladding is applied to the building and the proposed planting matures. It suggests that the proposed shed will look no different to agricultural buildings found in the surrounding landscape.
- 8.17 While much of the quarrying and associated activities at Ardownie are discreetly located in the quarry void, the proposed shed does sit in a relatively elevated position and is visible in the surrounding area. However, the building has the appearance of an agricultural shed and there are numerous buildings of a similar design and scale in the surrounding area. The proposed shed would not represent a particularly incongruous feature and is likely to blend into the landscape more effectively once green cladding is applied to the building; and further still when the proposed landscaping matures. The proposed shed would not unacceptably disrupt important views in the surrounding area. Its appearance is considered to generally fit with the character and pattern of dispersed agricultural buildings found elsewhere in the surrounding area and the proposed design is acceptable. Planning conditions are proposed to ensure the cladding of the building is completed before it comes into use and to ensure appropriate landscaping takes place shortly thereafter.

Other development plan considerations

- 8.18 Vehicular access to the site would utilise existing access arrangements into the quarry from the public road. The roads service has been consulted on the proposal and has no objection. The application form indicates that surface water from the shed would be

managed using sustainable drainage methods, and roads – flooding has offered no objection to the proposal in respect of flooding and drainage. Site restoration was secured as part of planning permission 10/01189/MINM and planning conditions are proposed to ensure the removal of the building and restoration of the site in line with the time periods that apply to the quarry.

- 8.19 The proposal does not give rise to significant issues in terms of other development plan policy and is considered to be of a scale and nature appropriate for this location. The proposal complies with development plan policy subject to the proposed conditions.

Material Considerations

- 8.20 In addition to the matters covered by development plan policy it is necessary to have regard to other material planning considerations. In this case those are Scottish Planning Policy (SPP), relevant planning issues raised in letters of representation to the application in so far as they are not addressed in the discussion above, and draft NPF4.
- 8.21 Paragraph 33 of 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. In this case TAYplan is 5-years old but Scottish Government has indicated that approved strategic development plans and any associated supplementary guidance will remain in force until the publication of NPF4. The ALDP is more than 5-years old as it was adopted in September 2016.
- 8.22 Paragraph 29 of SPP identifies sustainability principles that should be used to guide decisions. The principles include consideration of net economic benefit; supporting good design; making efficient use of land; supporting delivery of business and infrastructure; supporting climate change mitigation and adaptation; improving health and wellbeing; having regard to the principles of sustainable land use; protecting and enhancing cultural and natural heritage; reducing waste, facilitating its management and promoting resource recovery; and avoiding over development and protecting amenity.
- 8.23 The proposal would support continuation of the existing authorised use of the site for the recycling of inert materials. The recycling of construction/demolition wastes can reduce the quantity of new aggregates needed for construction, and the proposal would support a reduction of waste, facilitating its management and promoting resource recovery. Adverse impacts associated with the proposal can be adequately mitigated. The development would contribute to sustainable development and there are no adverse impacts which would significantly and demonstrably outweigh the benefits of the proposal when assessed against the wider policies of SPP.
- 8.24 A number of the matters raised in representations are addressed in the assessment above. Recycling activities within the site are regulated by the existing planning permission and information submitted in support of this application has demonstrated that activities within the new recycling shed would not exceed existing noise limits. Vibration as a result of quarry blasting activities is regulated by the existing planning permission, and the proposed recycling building is unlikely to result in any significant vibration impacts on neighbouring property. The applicant has indicated that there will be no storage of unprocessed material or separated deleterious material outside the shed reducing the likelihood of windblow of materials onto neighbouring land. The application has been subject to the notification and publicity requirements set out in planning legislation. There is no reason to consider that the new building proposed in the application would give rise to damage of third party property outside of the site.
- 8.25 Draft NPF4 is currently subject of consultation and may be amended following that consultation. The published draft suggests that developments should aim to reduce, reuse or recycle waste in line with the waste hierarchy and supports waste infrastructure and facilities where adverse impacts can be mitigated. Limited weight should be attached to draft NPF4 at this stage.

Conclusion

- 8.26 Planning legislation requires that decisions are made in accordance with the development plan unless material considerations indicate otherwise. In this case the site has an established planning permission for mineral extraction and waste recycling. The relocation of the recycling building from within the quarry void onto land to the east is necessary to allow the ongoing mineral extraction in the quarry to take place safely. Information submitted in support of the application indicates impacts associated with the relocated recycling building can be mitigated and are not unacceptable. The proposal complies with development plan policy. The development would contribute to sustainable development and there are no adverse impacts which would significantly and demonstrably outweigh the benefits of the proposal when assessed against the wider policies of SPP. There are no material planning considerations which justify the refusal of planning permission.

9. OTHER MATTERS

HUMAN RIGHTS IMPLICATIONS

The recommendation in this report for grant of planning permission, subject to proposed 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 planning application be approved for the following reason and subject to the following conditions:

Reason(s) for Approval:

The site has an established planning permission for mineral extraction and waste recycling. The relocation of the recycling building from within the quarry void onto the site is necessary to allow the ongoing mineral extraction in the quarry. Information submitted in support of the application indicates impacts associated with the relocated recycling building can be mitigated. The proposal complies with development plan policy. The development would contribute to sustainable development and there are no adverse impacts which would significantly and demonstrably outweigh the benefits of the proposal when assessed against the wider policies of SPP. There are no material planning considerations which would justify refusal of planning permission.

Conditions:

1. Prior to the use of the building hereby approved, the following shall be submitted to and approved in writing by the planning authority: -
 - a) precise details of the proposed landscape planting. All planting indicated in the approved details shall be carried out in the first planting season following the grant of planning permission. Any plants or trees which within a period of five years from the commencement of the use die; are removed or become seriously damaged or diseased; shall be replaced in the next planting season with others of a similar size and species.
 - b) precise details of the proposed means of surface water disposal. The

development shall not be brought into use until the approved surface water drainage scheme has been provided in its entirety.

- c) evidence showing that the external walls and roof of the proposed building have been completed in accordance with the approved details (including the complete cladding of the north-western elevation of the proposed building as directed by Section 9.2.2 of the Vibrock Noise Impact Assessment for the New Recycling Shed, Ardownie Quarry dated 17 March 2022).

Reason: To ensure that suitable landscaping is provided to help integrate the development into the surrounding landscape; to ensure that suitable surface water disposal arrangements are provided; and in order to ensure that the proposed development does not give rise to noise levels which exceed the limits specified in planning permission 10/01189/MINM for the Extension to and Merging of Ethiebeaton and Ardownie Quarries for Continued Working of Hard Rock, Recycling of Aggregates, Batching of Concrete and Progressive Restoration at Ethiebeaton & Ardownie Quarry Ethiebeaton Monifieth for Breedon Aggregates Scotland Ltd & D Geddes (Contractors) Ltd.

2. That the recycling shed hereby approved shall not operate outside of the hours 0700 to 1900 hours Monday to Friday and 0730 to 1400 hours on Saturdays. For the avoidance of doubt, the recycling shed hereby approved shall not operate on a Sunday or on public holidays.

Reason: To ensure that the amenity of nearby premises shall be adequately safeguarded.

3. Noise from all plant, machinery and operations within the building hereby approved shall be controlled such that they do not exceed the noise limits specified in conditions 14 and 15 of planning permission 10/01189/MINM for the Extension to and Merging of Ethiebeaton and Ardownie Quarries for Continued Working of Hard Rock, Recycling of Aggregates, Batching of Concrete and Progressive Restoration at Ethiebeaton & Ardownie Quarry Ethiebeaton Monifieth for Breedon Aggregates Scotland Ltd & D Geddes (Contractors) Ltd.

Reason: To ensure that the amenity of nearby noise sensitive premises shall be adequately safeguarded.

4. The recycling shed hereby approved shall be removed from the site in accordance with the timeframes specified in condition 2 of planning permission 10/01189/MINM for the Extension to and Merging of Ethiebeaton and Ardownie Quarries for Continued Working of Hard Rock, Recycling of Aggregates, Batching of Concrete and Progressive Restoration at Ethiebeaton & Ardownie Quarry Ethiebeaton Monifieth for Breedon Aggregates Scotland Ltd & D Geddes (Contractors) Ltd. Thereafter the site shall be fully restored within 1 year from the date extraction has ceased in accordance with the restoration plans approved under condition 22 of planning permission 10/01189/MINM.

Reason: In order to clarify the terms of this planning permission and to ensure that the building is removed and the site restored in line with the requirements of planning permission 10/01189/MINM.

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

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APPENDIX 1: LOCATION PLAN
APPENDIX 2: SUMMARY OF APPLICANTS SUPPORTING INFORMATION
APPENDIX 3: LETTERS OF REPRESENTATION
APPENDIX 4: DEVELOPMENT PLAN POLICIES
APPENDIX 5: PLANNING SERVICE PRESENTATION