Abstract: This report deals with planning application No. 08/00401/MIN for an extension of working area at existing stone processing facility for Charles Binnie Ltd. at Pitairlie Quarry, Newbigging. This application is recommended for conditional approval.

1 INTRODUCTION

1.1 Planning permission is sought for an extension of the working area at existing stone processing facility at Pitairlie Quarry, Newbigging by Monifieth.

1.2 The application site is located to the west of the B961 Dundee to Friockheim road, approximately 1 kilometre north of the village of Newbigging and 0.5 kilometres south of the Monikie Reservoirs at Denfind Brae. The site comprises an area of some 5.5 hectares and includes an area of previously worked quarry and an area of agricultural field. It forms part of a larger quarry. The site is bound to the north by agricultural land and Denfind Cottages, to the west and south by other areas of the quarry and two dwellings known as Galloway Cottage and Lismore and to the east by an area of woodland that has recently been planted. The garden area of Galloway Cottage is some 25 metres from the application site, whilst the garden areas of the Denfind Cottages are some 30 metres from the proposed access road. The Pitairlie Burn runs through the western edge of the application site through a culvert. Access to the quarry is proposed to be maintained using the existing track to the south of Denfind Farm Cottages.

1.3 The proposal involves (1) an extension to the plan area of the quarry; (2) an increase in the duration of the permission for extraction; and (3) an increase in the rate of extraction from 5,000 to 8,000 tonnes per annum in order to produce building stone. The extension proposed projects from the existing permitted area in a westerly and south westerly direction. The existing weighbridge and access to the site would be utilised and a bund would be formed to shield the operations from the Pitairlie Burn. A new route for vehicular access and surface water management requires to be formed to access the existing quarry waterbody. The operational area for processing the product will continue to be undertaken in the base of the excavation area. The level of demand for the product has been such that a 3,000 tonne per year increase in extraction is proposed to allow 8,000 tonnes of product to be removed. It is indicated that approximately 50% of the spoil material is useable and as such 50% is retained to create a shallower final profile to the quarry. The extension will allow the processing of 190,000 cubic metres of waste, which it is expected will return 85,000 cubic metres of saleable product. This could take 20-30 years to complete.
Material would continue to be extracted by excavator from the floor of the quarry and the base of the scree slopes and passed through screening equipment located on the floor of the processing area. The creation of the route through to the standing water body would form part of the initial operations and it is indicated that this would be completed in the first 6 months following any permission being granted. The working of the waste materials would thereafter progress in a westerly direction moving away from the residential properties. Stockpiles of materials, which would be stored on the quarry floor, would require to be replenished 8 to 12 times a year with the screening equipment operating for between one and two weeks per visit. It is indicated that the operating hours will be as follows:

- Monday – Thursday: 8 am to 5 pm, exceptionally 6 am to 8 pm
- Friday: 8 am to 4 pm, exceptionally 6 am to 8 pm
- Saturday: 8 am to 12 noon, exceptionally 8 am to 6 pm
- Sunday: no working, exceptionally 10 am to 4 pm

The application has been advertised as a potential departure from Development Plan and as a bad neighbour development.

As the site is not located in an environmentally sensitive location and given the proposed scale of the development the proposal does not require environmental impact assessment.

PLANNING HISTORY

Planning application 04/00156/MIN for a quarry waste processing facility was granted a temporary planning permission for a 5 year period on 10 May 2004 to allow for the extraction of 5,000 tonnes of material annually. This area forms part of the current planning application.

APPLICANT’S CASE

The applicant has submitted a statement in support of the application. The statement describes the proposal and provides an indication of the likely impacts of the development and proposed mitigation in relation to the following issues:

- Landscape and visual impact
- Ecology and nature conservation
- Traffic
- Noise
- Dust
- Water quality.

The Statement concludes that the proposed mitigation and restoration strategy and adoption of best practice will ensure that the proposed works will not significantly impact upon the environment of the area.

CONSULTATIONS

Monikie and Newbigging Community Council identified a number of concerns regarding the proposal but subsequently withdrew their objection following discussions with, and reassurances from the applicant.
4.2 The Head of Roads has commented that the quarry is located adjacent to the B961 Dundee – Froickheim road, north of Newbigging village. The proposed development involves the extraction of 8,000 tonnes per annum. This will generate an average of four vehicles movements per day for the extraction and six per day during the remediation works. Given the low volumes of traffic generation, he has no objections to the proposed development.

4.3 SNH has viewed the details of the proposal and has offered no objection to the proposal but recommends conditions to minimise adverse landscape, visual and ecological impacts arising from the proposal.

In terms of protected species, there are no designations covering the application site. Red Squirrels, Bats and Otters are protected species which are identified as being present at the site. SNH has requested that site contractors be made aware of the possible presence of Otters. The applicant is advised that discussions should be undertaken with the Forestry Commission regarding the felling of the trees to the north to ensure no offense is committed regarding Red Squirrels.

In terms of the ecological value of the Pitairlie Burn and the quarry waterbody, SNH has commented that the bund proposed as a buffer between the burn and the quarry should shield it from the operational area. The settling area proposed for surface water prior to discharging in the quarry waterbody should help protect the frogs, toads and newts in the quarry pond.

In considering landscape and visual impacts, SNH has commented that the proposed screen planting will in time reduce the effect of the loss of the trees from the existing plantation. SNH has recommended retaining some of the existing mature conifer planting to act as a screen while the new planting matures. The processing equipment and stockpiles would be located on the quarry floor and would have no visual impact. SNH has also commented that the use of temporary screening bunds will help to reduce the visual impact of the operation and has requested that this proposal forms part of any planning conditions.

4.4 SEPA has offered no objection to the proposal but has offered guidance regarding pollution prevention and safe oil storage.

4.5 The Head of Environmental and Consumer Protection has viewed the plans and has commented that it has been estimated that the likely duration of activity within the proposed extension could be between 20 to 30 years, and therefore is not of short duration like the previous permission granted.

The quarry is located near to residential properties at Galloway Cottage, Lismore, and Denfind Cottages and background noise levels at these locations are relatively low. Based on guidance in PAN 50 “Controlling the Environmental Effects of Surface Mineral Workings”, noise from mineral working should be no more that 10 dB above the existing background noise levels. This would place a nominal noise limit of 50 $L_{A_{eq}}$ dB (1 Hr) at Galloway Cottage and Lismore and 48 dB $L_{A_{eq}}$ (1 Hr) at Denfind Cottages. Based on noise predictions calculated by the applicant’s noise consultant a noise limit of 50 $L_{A_{eq}}$ (1Hr) at Galloway Cottage is unlikely to be achievable due to the distance this property will be from the mobile screening plant.
However, it would be possible to relocate the mobile screening plant further away from Galloway Cottage once material has been excavated from the area North West of the screening plant’s current location and this would take a maximum of 6 months to complete. Once the screen has been relocated a noise limit of 50 dB $L_{Aeq}$ (1 Hr) would be achievable.

It would also be necessary for a degree of civil engineering works to be undertaken which would include drainage works, construction of a road and formation of a bund. These works would be of short duration and would be completed within the first 6 months of any planning permission. It has been predicted that worse case noise levels from these works would be 53 dB $L_{Aeq}$ (1 Hr).

In light of the above, I have no objection to this application subject to a number of planning conditions.

5 LETTERS OF REPRESENTATION

5.1 One letter of representation has been submitted and is copied at the end of this report. The main areas of concern relate to:

- **Health (dust, noise, danger to children)**

  The Head of Environmental and Consumer Protection has assessed the information submitted by the applicant in connection with noise impacts and has proposed a range of conditions to ensure that the proposal is consistent with the provisions of Planning Advice Note 50 ‘Controlling The Environmental Effects Of Surface Mineral Workings’.

  The information submitted in support of the proposal indicates several sources where dust could be generated, with dry conditions likely to give rise to more dust. A number of mitigation measures are proposed utilising water spraying on stockpiles and equipment in order to minimise airborne dust and it is proposed that the mitigation measures proposed form planning conditions attached to any permission.

  The applicant has recently erected a number of boundary fences to prevent pedestrian access to the working area. The footpath through the working area is to be redirected to outside of the working area to ensure that public health is protected. This should ensure that the dangers to children and risk to individuals is minimised.

  The applicant has indicated that despite the application site being close to the boundary of residential property, once the vehicular and surface water access to the waterbody has been created, the operating of the quarry will progress away from the residential property in a westerly direction and the majority of works will be further from residential property than the existing stone processing area.

- **Safety (risk of injury, increased traffic)**

  In terms of risk of injury, the above details should ensure adequate measures are in place to protect members of the public from the stone processing facility. Workers within the quarry are regulated by health and safety legislation.
The Head of Roads has viewed the proposal and has commented that due to the low level of traffic generated, he has offered no objection.

The applicants supporting statement suggests that the short stretch of public road between the quarry and Defind Steading will be regularly checked and swept where dirt appears on the road. The applicant has also confirmed that the recent relocation of the grain drying facility from Denfind Steading to Little Lour has resulted in the reduction of 150 grain collections or 300 HGV vehicle movements. In the context of the above, road safety is not considered to be a significant issue.

- **Environment (impact on wildlife)**

The applicant has provided a detailed analysis of the impact of the proposal on flora and fauna. Breeding bird and habitat surveys have been undertaken over a greater area than the application site. This included a Badger survey. There are no statutory designations affecting the application site. Frogs, Toads and Newts are known to breed in the quarry pond. A number of bird species are known to be found in the general area. Several species such as Kingfisher, Osprey and Grey Heron are associated with the burn but have no association with the development site according to the information submitted. No Badgers or Water Voles were recorded at the site, but squirrel dreys are located in and around the site. A bund is proposed to protect the Pitairlie Burn and associated Otters from pollution. A settling pond is proposed to intercept sediment prior to surface water discharging into the quarry waterbody and this will ensure protection of the waterbody species. Care will be taken during tree felling to protect Red Squirrels and the felling of trees will improve foraging habitats for Bats.

SNH has viewed the information submitted in connection with the proposal including the proposed restoration strategy and mitigation measures identified to control the environmental effects. SNH has confirmed no objection to the proposal subject to conditions being attached to any permission to ensure that the mitigation, restoration and aftercare measures described in the supporting statement are carried out as detailed.

### 6 PLANNING CONSIDERATIONS

6.1 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.

6.2 In this case the development plan comprises:

- Dundee and Angus Structure Plan (Approved 2002) (DASP);

The development plan is current and up-to-date and in this respect merits considerable weight in the determination of the proposal.

6.3 It should be noted that Angus Council has been undertaking a review and roll forward of the adopted local plan and whilst this new local plan does not yet form part of the statutory development plan framework, Angus Council has agreed that policies from
the Finalised Angus Local Plan Review (as modified) can be a material consideration in the determination of development proposals. (Report 739/08 refers.)

6.4 The FALPR (as modified) establishes policies and proposals for the period to 2011, taking into account the guidance from the Dundee & Angus Structure Plan. In this report policies of the FALPR have been referred to when the said policy is materially different to the adopted local plan to the extent that, as a consequence, the recommendation contained within this report has been substantially influenced.

6.5 The determining issues in this case are whether:-

- the proposal complies with development plan policy;
- there are any other material considerations which justify a departure from policy.

6.6 A number of other matters will also be material to the consideration of this application and these include:-

- Scottish Planning Policy 4 ‘Planning For Minerals’;
- Planning Advice Note 50 and Annexes A to D thereof;
- the current condition of the land subject of the application.

6.7 Accordingly the key policy and material considerations in relation to the determination of this application are: -

1. need for material;
2. impact on natural and built heritage including designated sites;
3. impact on residential amenity from quarry operations and transportation of material, including possible cumulative impact with nearby development;
4. visual impact;
5. adequacy of restoration proposals.

Each matter is addressed in relation to development plan policy (policies appended to this report) and relevant environmental information below.

Need

6.8 Environmental Resources Policy 9 of the DASP indicates that proposals for the extraction of hard rock will only be considered where it can be demonstrated that development is required to maintain a 10 year land bank for aggregates in the Structure Plan area or the market requirements cannot be met from existing mineral workings or the use of recycled or secondary material.

6.9 The mineral policies of the ALP do not deal specifically with proposals for the reworking of mineral waste deposits. However, as the proposal does involve the extraction of mineral I consider that the guidance provided by Policy EMP15 of the local plan is material to the consideration of this application.
Scottish Planning Policy 4 “Land for Mineral Working” indicates that provision should be made for the reworking of mineral waste deposits and the recycling of demolition and construction wastes. It is stated that this could reduce the demand for naturally occurring aggregates and at the same time remove existing dereliction and contribute towards sustainable development.

In this case the proposal is for the reworking of a previous quarry in order to make use of waste product that remains in the existing quarry void following the success of the initially approved area. Existing loose stone within the void is to be sorted, stockpiled in the void and removed for use in dry stone dykes, wall cladding, other walling features and as ground cover within contemporary landscape designs. The applicant has identified that there is a market requirement for this type of material which is shown by increasing demand for the product since the 2004 approval. I am unaware of any other quarries within the local area providing material of this nature. The proposal does involve the reuse of spoil material from the existing quarry void and as such represents the use of secondary aggregate mineral which is consistent with Scottish planning policy and the principles of the DASP. Evidence of a particular market requirement has been provided.

Impact on Built and Natural Heritage

Environmental Resources Policy 1 of the DASP seeks to protect sites designated for their natural heritage interest and to ensure that proposals that may affect them are properly assessed. Environmental Resources Policy 2 of the DASP indicates that developments must respect the main features and characteristics of the natural heritage and should contribute to landscape restoration or improvement, biodiversity conservation and enhancement, environmental quality, and where appropriate, promotion of public enjoyment and understanding. It indicates that developers will be encouraged to enhance or create new habitat networks such as native trees and traditional field boundaries. Environmental Resources Policy 5A provides for local plans to establish a policy framework to safeguard and enhance important features of the areas historic environment. It indicates that local plans should include policies to protect the site and setting of listed buildings and scheduled ancient monuments, archaeological sites and sensitive areas and conservation areas and historic gardens and designed landscapes.

The ALP provides a suite of policies that seek to protect sites of built or natural heritage importance. Policy EMP15 requires proposals for mineral extraction to have no adverse effect on areas important for wildlife, archaeology or landscape. In this case the proposal does not adversely affect any designated site or the setting of any such site. Policy ENV8 of the ALP indicates that development should follow the guidance provided by the Tayside Landscape Character Assessment and identifies criteria against which proposals will be considered.

The Ecology and Nature Conservation Assessment undertaken by the applicant identifies that the areas within and adjacent to the application site there is evidence of a number of bird species including the locally important Buzzard, Great Spotted Woodpecker and Sparrowhawk. Frogs, Toads and Newts are known to breed in the quarry water body. No Badgers were recorded in the survey for the 2004 application nor were any noted during the 2008 survey. Signs of Water Vole were not recorded in either the quarry water body or the adjacent burn. Red and Grey Squirrel dreys were noted within and adjacent to the site. Bats are known to roost in local houses
and land within the application site forms part of the foraging areas of these bats. In terms of habitat, the survey identifies that a Phase 1 habitat survey has been undertaken and that the development will lead to the loss of a small area of coniferous woodland, a small loss of neutral semi-improved grassland and an area of arable land for the new native woodland planting. In mitigation it is indicated that trees to be felled will be checked for Red Squirrel dreys and all tree felling will be undertaken outwith the bird breeding season. Additional Larch and Scots Pine trees will be planted to the north east of the site in compensation for the trees to be removed and to provide additional long term screening. In the longer term this will provide additional habitat for fauna in the area. It is indicated that neutral grassland is likely to establish quickly in the area of the new coniferous plantation and adjacent to the access track. The proposed bund adjacent to the Pitairlie Burn coupled with the proposed settlement pond prior to discharging in the quarry water body should ensure adequate protection of the riparian zone. SNH has not offered any objection to the application and I am satisfied that no site designated for its natural heritage interest will be adversely affected by the development. Similarly I am satisfied that the proposed mitigation measures will limit disturbance to fauna, including the Red Squirrels. There are no sites or buildings of built heritage interest in the immediate vicinity of the site that will be adversely affected by this proposal.

Impact on Residential Amenity

6.15 Policy EMP15 of the ALP indicates that proposals for mineral extraction should ensure that the amenity of residential areas is not significantly harmed. Policy H21 of the ALP states that proposals which have a significant adverse affect on the character and amenity value of existing housing will be resisted.

6.16 Planning Advice Note 50 and Annexes A to D thereof provide an indication of good practice in relation to controlling the environmental effects of surface mineral workings. The annexes provide specific guidance regarding noise, dust, traffic and blasting.

6.17 The applicant has submitted information in respect of noise and dust. In relation to noise, background noise levels have been measured at the closest noise sensitive properties and detailed predictions of likely noise levels produced by the proposal have been provided. The Head of Environmental and Consumer Protection (HECP) has indicated that the likely duration of the proposed extension could be between 20 and 30 years and as such the proposed extension is not short life like the previous permission granted in 2004. The HECP has commented that the quarry is located near to residential properties at Galloway Cottage, Lismore and Denfind Cottages and background noise levels in these locations are relatively low. Based on PAN 50 guidance, noise from mineral workings should be no more than 10 dB above the existing background noise levels. This would place a nominal noise limit of 50 \( L_{Aeq} \) dB (1 Hr) at Galloway Cottage and Lismore and 48 dB \( L_{Aeq} \) (1 Hr) at Denfind Cottages. Based on noise predictions calculated by the applicant’s noise consultant, a noise limit of 50 \( L_{Aeq} \) (1Hr) at Galloway Cottage is unlikely to be achievable due to the distance this property will be from the mobile screening plant.

6.18 The HECP has however indicated that it would be possible to relocate the mobile screening plant further away from Galloway Cottage once material has been excavated from the area North West of the screening plants current location and that this would take a maximum of 6 months to complete. He has stated that once the
screen has been relocated a noise limit of 50 dB L_{Aeq} (1 Hr) would be achievable. It would also be necessary for a degree of civil engineering works to be undertaken which would include drainage works, construction of a road and formation of a bund. These works would be of short duration and would be completed within the first 6 months of the site being occupied. It has been predicted that worse case noise levels from these works would be 53 dB L_{Aeq} (1 Hr).

6.19 In this case the HECP has indicated that given the relatively short period of civil engineering works including works to relocate the screening equipment, he is prepared to support the proposal subject to a number of conditions that should provide adequate protection to the occupants of the neighbouring noise sensitive residential properties. The 2004 permission provides for a noise limit of 55 dB L_{Aeq} (1 Hr). I propose to allow this limit to remain for a further 6 months from the date of permission to allow the civil engineering works to be completed. After 6 months, a 50 dB L_{Aeq} (1 Hr) limit is proposed, which will ensure the noise associated with the operation at present is reduced to a level advised as acceptable by government guidance. I have discussed the proposed hours of operation with the HECP and am of the opinion that given the anticipated noise levels it is not appropriate to permit working before 7am or after 7pm, as was the case for the 2004 planning permission. Similarly I am not prepared to permit working on Sundays. As the main source of noise is the mobile screening plant I consider that it is appropriate to provide additional controls to further restrict the hours during which it is operational and to ensure that it is located at least 175 metres from Galloway Cottage and Lismore following the initial 6 month period. The operating hours provided by condition are consistent with government guidance in PAN 50 Annex A which defines the daytime period as 7 am to 7 pm.

6.20 In relation to dust, the applicants supporting statement indicates that a number of operations that will be undertaken on the site have the potential to create dust. The statement identifies a number of measures to mitigate dust emissions including spraying material, minimising drop heights, spraying water on road surfaces, imposing speed restrictions, spraying stock piles during extended dry periods and covering loads of smaller materials prior to transporting them. The mobile screening plant does have potential to produce dust however it will require to be authorised by SEPA and operated in accordance with the authorisation conditions. On this basis the HECP has confirmed that he has no objection to the proposal.

6.21 In relation to traffic movement, the business has been operating since 2004 and during this period I am not aware of any significant issues arising from the operation of the stone processing facility on public roads in the area. The applicant has indicated that vehicle movements would continue to be infrequent and it is anticipated that between one and two movements per hour over an 8 hour working day would travel through Newbigging village. In addition to the infrequent nature of HGV movements, the applicant has indicated that their grain drying facility has recently been removed from the adjacent Pitairlie Steading to Little Lour, which should remove around 300 HGV movements from the local road network each year. The applicant has indicated a commitment to encouraging customers to observe speed limits and has indicated that loads will be covered during dry periods to avoid dust outfall. The Head of Roads has viewed the details of the proposal and has commented that due to the low level of traffic associated with the proposal, the road network is adequate to deal with the traffic associated with the business. I recognise
the concerns raised in the representation regarding increased traffic movement however the levels proposed are very low and will not, in my opinion, give rise to any significant amenity issues.

6.22 On this basis, and subject to the restrictive conditions identified below, I am satisfied that the proposal will not significantly adversely affect the residential amenity of the area and as such is consistent with the relevant development plan policies.

Fit in the Landscape

6.23 Environmental Resources Policy 2 confirms that the Tayside Landscape Character Assessment (TLCA) 1999 will constitute a material consideration in the determination of planning applications. It indicates that developments must respect main features and characteristics of the natural heritage and should contribute towards a number of aims including landscape restoration or improvement and biodiversity conservation and enhancement.

6.24 Policy ENV8 of the ALP indicates that development proposals should follow the guidance provided by the TLCA on how various types of development or land use changes might best be accommodated within the different landscape areas identified, and on their capacity to absorb these changes, to conserve characteristic landscape features and to strengthen and enhance landscape quality. Criteria against which development proposals in the countryside will be considered are provided. Policy ENV9 requires appropriate landscaping in order to assimilate new development into its local landscape context.

6.25 SPP4 confirms that visual impact is a material consideration in the determination of planning applications for mineral working. It recognises that various activities associated with mineral workings can create visual disturbance and that this disturbance cannot always be eliminated but can be reduced.

6.26 The TLCA identifies that the application site falls within a landscape type described as dipslope farmland. The dipslope farmland character is generally a large area of sloping land which merges into the Angus hills to the north and the coastal zone to the south. The TLCA concludes that the overall aim should be to conserve and restore the rural character of the dipslope farmland, and to reduce the range of urban influence upon it. The provision of hedgerows in association with road improvements is identified.

6.27 The existing quarry is presently well screened from the public road by existing tree cover. The proposal involves the planting of an additional area of woodland to the north east of the site which will eventually compensate for the loss of trees which currently screen the northern edge of the quarry which is to be worked as part of the proposal. The planting undertaken between the quarry and the public road is starting to provide a visual screen along the eastern site boundary. The majority of the operation will be disguised because works will take place below the view level across the site and the large remaining area of plantation to the south of the site will provide a woodland backdrop until the new planting becomes established. The visual impact of the existing access track has been reduced by the provision of a hedge and I am satisfied that the measures proposed to mitigate adverse visual impacts as a result of the extended area are sufficient. The mitigation measures proposed are considered
to be consistent with the guidance provided by the TLCA and would increase biodiversity.

**Restoration Proposals**

6.28 SPP4 emphasises the need to achieve a high standard of restoration, aftercare and provide for beneficial after-uses when mineral working has ceased.

6.29 PAN64 provides an indication of best practice in relation to the reclamation of surface mineral workings. It identifies that it is a key aim of government policy to ensure that land worked for minerals is reclaimed as soon as possible after working has ceased. Guidance is provided in terms of assessing reclamation proposals, potential after uses, reclamation process, consultation procedures, planning conditions, restoration and aftercare schemes and planning agreements.

6.30 The supporting statement indicates that the side slopes of the excavated faces will be formed to a gradient of between 1:3 and 1:5 which is much shallower than the existing side slopes within the void and the slopes will be capable of sustaining growth comparable to the rest of the planted areas. The shallow slopes and any level area associated with the quarry floor would be sub soiled and top soiled and planted out with trees and shrubs to create a diverse habitat. The quarry water body would be altered by extending the northern water edge to allow a shallower water depth therefore increasing its habitat value. A condition is attached requiring details of restoration planting to be submitted for approval. The weighbridge is to be removed, however, it is proposed to retain the access track towards the standing water body.

**Angus Local Plan Review**

6.31 The proposal stone processing facility has been considered against policies S1, S4, S6, Sc16, ER4, ER5, ER7, ER23, ER31 and ER38 of the ALPR and is considered to accord with these policies, which form a material consideration to be taken account of in assessing this proposal. In terms of the Sequential Approach For Mineral Extraction, the quarry is well in excess of the 400 metres required from settlement boundaries at Monikie and Newbigging, being 650 and 800 metres away respectively.

**Conclusion**

6.32 The proposed extension to allow the reworking of quarry spoil within an existing quarry void in order to obtain secondary aggregate is consistent with national planning guidance and the spirit of the DASP. Demand has been shown indicating a need for wall cladding and dyking stone that would be produced from the proposed operation. The ALP/ALPR do not contain policies that deal specifically with proposals of this nature however the application is for mineral extraction and as such I consider that the guidance provided by Policy EMP15 of the ALP is of relevance. In this respect I am satisfied that the proposal does generally comply with the relevant criteria identified by that policy subject to conditions to safeguard the amenity of nearby occupied premises. The proposal is small scale in nature and the associated traffic movements are limited. The addition of between 8 and 10 HGV vehicle movements per day through Newbigging can be accommodated on the local road
network without compromising safety or detracting from the amenity of the area or properties along the haul route.

7 HUMAN RIGHTS IMPLICATIONS

7.1 The recommendation in this report for grant of planning permission, subject to conditions, has potential implications for neighbours in terms of alleged interference with privacy, home or family life (Article 8) and peaceful enjoyment of their possessions (First Protocol, Article 1). For the reasons referred to elsewhere in this report justifying this recommendation in planning terms, it is considered that any actual or apprehended infringement of such Convention Rights, is justified. The conditions constitute a justified and proportional control of the use of the property in accordance with the general interest and have regard to the necessary balance of the applicant's freedom to enjoy his property against the public interest and the freedom of others to enjoy neighbouring property/home life/privacy without undue interference.

8 EQUALITIES IMPLICATIONS

8.1 The issues dealt with in this report have been the subject of consideration from an equalities perspective (as required by legislation). An equalities impact assessment is not required.

9 RECOMMENDATION

9.1 It is recommended that the application be approved subject to the following conditions.

1. That prior to the mobile screening plant being relocated noise from extraction, processing and transportation of stone, when measured at a height of 1.2m above ground level in free field conditions, at the boundary of the dwelling house at Galloway Cottage and Lismore, shall not exceed 55 dB $L_{Aeq}$ (1Hr).
   Reason: In the interests of residential amenity.

2. That within 6 months of the date of this permission the screening plant shall be relocated within the site to a distance of a minimum of 175 metres away from Galloway Cottage and Lismore. Thereafter noise from extraction, processing and transportation of stone, when measured at a height of 1.2m above ground level in free field conditions, at the boundary of the dwelling house at Galloway Cottage and Lismore, shall not exceed 50 dB $L_{Aeq}$ (1Hr).
   Reason: In the interests of residential amenity.

3. That noise from extraction, processing and transportation of stone when measured at a height of 1.2m above ground level in free field conditions, at the boundary of the dwelling house at Denfind Cottages, shall not exceed 48 dB $L_{Aeq}$ (1Hr).
   Reason: In the interests of residential amenity.

4. That noise from civil engineering works including drainage works, road construction and bund formation when measured at a height of 1.2m above ground level in free field conditions, at the boundary of Galloway Cottage, Lismore and Denfind Cottages shall not exceed 55 dB $L_{Aeq}$ (1Hr).
5. That subject to condition 6 of this permission, the hours of operation of the quarry, including plant and machinery on the site and the transportation of material shall be restricted to 0700 hours to 1900 hours Monday to Friday and 0700 hours to 1300 hours on Saturdays with no working on Sundays or public holidays.
   Reason: In order to maintain the amenity of nearby noise sensitive property.

6. That notwithstanding Condition 5 above, the hours of operation of the mobile screening plant shall be restricted to 0800 hours to 1700 hours Monday to Friday and 0800 hours to 1300 hours on Saturdays with no operation on Sundays or public holidays.
   Reason: In order to maintain the amenity of nearby noise sensitive property.

7. That the development hereby permitted shall be begun before the expiration of five years from the date of this permission.
   Reason: In order to comply with the requirements of the Town and Country Planning (Scotland) Act 1997.

8. That no alterations or amendments be made to the details contained in the approved and docqueted plans unless so indicated by conditions attached to this consent or agreed in writing with the Planning Authority.
   Reason: For clarification purposes and for the avoidance of any possible misunderstanding.

9. That unless otherwise specified by condition or agreed in writing with the Head of Planning and Transport the working of the site shall be undertaken in accordance with the submitted methodology and subject to the mitigation measures identified at paragraphs 5.3, 6.7.1, 6.7.2, 7.3, 8.6, 9.3.1, 9.3.2, 9.3.3, 9.3.4, 9.3.5, 9.3.6 and 10.3 of the approved application and Denfind Stone Ltd Planning Application: Supporting Statement (Macleod Consulting UK Ltd, March 2008).
   Reason: In order to mitigate the adverse environmental impact resulting from the proposed development.

10. That the annual rate of extraction as measured over any 12 month period shall be no more than 8,000 tonnes. Records of annual output shall be kept by the applicant and submitted to the Planning Authority by 30 April of each year or at such other time as may be agreed with the Planning Authority.
    Reason: For clarification purposes and for the avoidance of any possible misunderstanding.

11. That prior to the commencement of development details of the tree planting for the agricultural land to the north of the quarry void shall be submitted for the prior written approval of the Planning Authority. Thereafter, the scheme shall be planted in the first planting season following commencement of development unless otherwise agreed in writing with the Planning Authority.
    Reason: In order to provide adequate screening for the operation in the interests of the visual amenity of the area.
12. That road surfaces of the site access shall be maintained in a good state of repair and kept clean and free of mud and other debris at all times.
   
   Reason: In order to mitigate the adverse impacts on the public road resulting from the operation of the quarry.

13. That all loaded vehicles leaving the site carrying materials of under 75mm size shall be covered.
   
   Reason: In order to minimise the dust resulting from the movement of small materials in the interests of residential amenity.

14. That prior to the commencement of development a detailed scheme of water management for the quarry and haul road shall be prepared in consultation with SEPA and submitted for the written approval of the Planning Authority and implemented thereafter.
   
   Reason: In order to ensure that water management proposals are acceptable to SEPA in order to protect flora and fauna.

15. That no later than one year following the granting of this planning permission, a detailed scheme of restoration in accordance with the restoration proposals detailed at paragraph 4.11 and Figure 7 of the Denfind Stone Ltd Planning Application: Supporting Statement (Macleod Consulting UK Ltd, March 2008) shall be submitted for the written approval of the Planning Authority. The approved scheme shall be implemented within the first planting season following cessation of extraction.
   
   Reason: To ensure that a satisfactory restoration and aftercare scheme is implemented in line with the requirements of SPP4.

16. That should the site cease operation for a continuous period of 12 months for any reason, the approved scheme of restoration and aftercare as required by Condition 15 of this planning permission, shall be fully implemented to completion within the following 6 months. For the avoidance of doubt temporary suspension of operations shall be notified in writing to the Planning Authority.
   
   Reason: In order to ensure that a suitable restoration scheme is provided in line with the guidance provided in SPP4.

17. That the stockpiles shall be limited to a maximum height of 6 metres and shall be located within the quarry void so that they are not visible from the public road.
   
   Reason: 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.

P&T/ET/IAL
30 October 2008

Eric Lowson
Director of Infrastructure Services
DEVELOPMENT PLAN POLICIES

Dundee And Angus Structure Plan (Approved 2002)

ENVIRONMENTAL RESOURCES POLICY 1 : NATURAL HERITAGE DESIGNATIONS

Development proposals within or affecting a proposed or designated area of natural heritage importance will be determined according to their effects on the particular interests that the designation is intended to protect. Where development proposals are likely to have a significant effect on a designated area of natural heritage importance, they must be accompanied by an appropriate ecological or similar assessment that sufficiently establishes the impacts on the conservation interests of the designation.

International Designations: Development proposals within or otherwise impacting on a Natura 2000 area or Ramsar site will be permitted where they do not adversely affect the conservation interests for which the area has been designated, and are consistent with policies elsewhere in the Plan.

Where an adverse impact is identified and cannot be suitably mitigated, development proposals will only be considered acceptable where it can be sufficiently demonstrated that there are no alternative solutions, and there are imperative reasons of overriding public interest which outweigh the particular conservation interests of the area (including those of a social or economic nature).

National Designations: Development proposals that do not compromise the designation objectives and the overall integrity of the area will be permitted where they are consistent with policies elsewhere in the Plan. Where proposals fail to satisfy these requirements, they will only be considered acceptable where it can be sufficiently demonstrated that their impacts are clearly outweighed by social or economic benefits of national importance.

Regional and Local Designations: Developments that do not compromise the overall integrity and natural heritage value of a site will be permitted where they are consistent with policies elsewhere in the Plan. Where proposals fail to meet these requirements, they will only be considered acceptable where it can be sufficiently demonstrated that their local economic and social benefits outweigh the natural heritage value of the site.

ENVIRONMENTAL RESOURCES POLICY 2 : THE WIDER NATURAL HERITAGE

The Tayside Landscape Character Assessment 1999 (Scottish Natural Heritage), and Local Biodiversity Action Plans produced for Tayside and the Cairngorms area will constitute material considerations in determining development proposals and in providing for new development within Local Plans. Landscape capacity studies will be pursued as necessary to assist the allocation of land and the determination of applications of strategic importance.

All developments must respect main features and characteristics of the natural heritage and should contribute to landscape restoration or improvement, biodiversity conservation and enhancement, environmental quality, and where appropriate, promotion of public enjoyment and understanding. Developers will be encouraged to incorporate positive environmental features that either enhance existing or create new habitat networks, such as native trees and woodlands; lochs, ponds, wetlands and watercourses; traditional field boundaries; unimproved grasslands; and coastal habitats.
ENVIRONMENTAL RESOURCES POLICY 9 : SAFEGUARDING AND EXTRACTION OF MINERAL RESOURCES

Proposals for the extraction of hardrock and sand and gravel deposits will only be considered where it can be demonstrated that development is required to maintain a 10 year landbank for aggregates in the Structure plan area or that market requirements cannot be met from existing mineral workings or the use of recycled or secondary material.

Where appropriate, proposals for new or extended quarries will require to be accompanied by an Environmental Statement and Transport Assessment.

Mineral deposits of economic importance will be safeguarded against other types of permanent development that would either sterilise them or inhibit their subsequent extraction. Such resources and policies for the control of mineral extraction will be identified in Local Plans.

ENVIRONMENTAL RESOURCES POLICY 5A : HISTORIC ENVIRONMENT

Local Plans will establish a policy framework to safeguard and enhance important features of the area’s historic environment as a means of conserving the diverse and distinctive qualities of Dundee and Angus.

The historic environment of Dundee and Angus is a valuable, non-renewable resource which must be protected, conserved and enhanced. Local Plans shall identify these assets and include policies which:-

- Protect the site and setting of listed buildings and ancient scheduled monuments;
- Protect other archaeological sites and sensitive areas. Where this is not feasible, proper recording and analysis shall take place;
- Protect and enhance conservation areas and historic gardens and designed landscapes.

Angus Local Plan (Adopted 2000)

Policy ENV 8: Conservation of Landscape Character

Development proposals should follow the guidance provided by the Tayside Landscape Character Assessment on how various types of development or land use changes might best be accommodated within the different landscape areas identified, and on their capacity to absorb these changes, to conserve characteristic landscape features and to strengthen and enhance landscape quality. All development proposals in the countryside will be considered against the following criteria:

(a) sites selected should be capable of absorbing the proposed development to ensure that it fits into the landscape;

(b) where needed landscape mitigation measures such as screening should be in character with, or enhance, the existing landscape setting;

(c) development should be compatible with its surroundings in land use terms and not result in a significant loss of amenity to the local community;
(d) areas of landscape, environmental or scientific value should be avoided;

(e) in relation to new buildings/structures, development should respect the existing pattern of building in terms of scale, siting, form, design, colour and density of development;

(f) priority should be given to locating new development in villages or building groups in preference to isolated development.

**Policy ENV9: Landscaping of Development Sites**

Development will only be permitted where satisfactory provision can be made for landscaping in order to assimilate the development into its local landscape context and assist in protecting the amenity of adjacent occupiers. Where appropriate, natural features should be retained within the proposed layout and enhanced by additional planting.

**Policy H21: Residential Character and Amenity**

Development proposals which have a significant adverse affect on the character and amenity value of existing housing will be resisted. Applications will only be acceptable where they are compatible with established housing use.

**Policy EMP13: Mineral Reserves Conservation**

Angus Council will seek to conserve mineral reserves within Angus taking account of market demand and availability of any suitable alternative sources of supply.

**Policy EMP15: Minerals Development**

All proposals for mineral extraction, which meet policy EMP13 : Mineral Extraction Landbank, will also be required to satisfy the following criteria:-

(a) there is no adverse effect on areas important for wildlife, archaeology or landscape, especially habitats or species safeguarded as SACs, SPAs, or RAMSAR sites including development outwith these areas;

(b) the conservation objectives and overall integrity of NNRs, SSSIs and NSAs are not compromised;

(c) the amenity of residential areas is not significantly harmed;

(d) there is no significant damage to any scheduled ancient monument or site of national archaeological interest or the integrity of their setting;

(e) full regard is had to the effect on sites of significant archaeological interest, listed buildings and their setting, conservation areas and historic gardens or designed landscapes;

(f) prime quality agricultural land is not used in an irreversible way;

(g) there is not a significant adverse effect on recreational facilities, opportunities for countryside access, tourism or leisure facilities.