

Public Document Pack

ADDITIONAL CIRCULATION



To: Councillor Boulton, Convener; Councillor Stewart, Vice Convener, the Depute Provost; and Councillors Allan, Cooke, Copland, Cormie, Greig, MacKenzie and Malik.

Town House,
ABERDEEN, 14 August 2020

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

The undernoted items are circulated in connection with the meeting of the **PLANNING DEVELOPMENT MANAGEMENT COMMITTEE** to be held remotely on **THURSDAY, 20 AUGUST 2020 at 10.00am.**

FRASER BELL
CHIEF OFFICER - GOVERNANCE

BUSINESS

WHERE THE RECOMMENDATION IS ONE OF REFUSAL

- 7.1 **Detailed Planning Permission - erection of 4 detached dwelling houses - 19 South Avenue Aberdeen**

Please note the Planning Reference for this item is 200533, not 200553 as indicated in the principal agenda

All documents associated with this application can be found at the following link and enter the reference number above:-

[Link.](#)

Planning Officer: Dineke Brasier

- 7.2 Detailed Planning Permission - formation of aggregate recycling facility, installation of wash pod and generator with all associated works - Tyrebagger Quarry, Clinterty Aberdeen (Pages 3 - 24)

Please disregard the documents circulated in the principal agenda for this item, these were uploaded in error. The correct documents are included within the additional circulation.

Planning Reference – 200498

All documents associated with this application can be found at the following link and enter the reference number above:-

[Link.](#)

Planning Officer: Gavin Clark

Should you require any further information about this agenda, please contact Lynsey McBain, Committee Officer, on 01224 522123 or email lymcbain@aberdeencity.gov.uk

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE



Formation of aggregate recycling facility,
installation of wash pod and generator with all
associated works

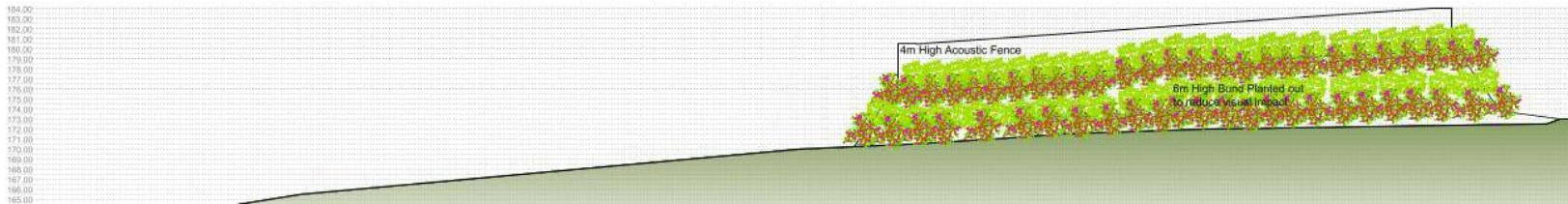
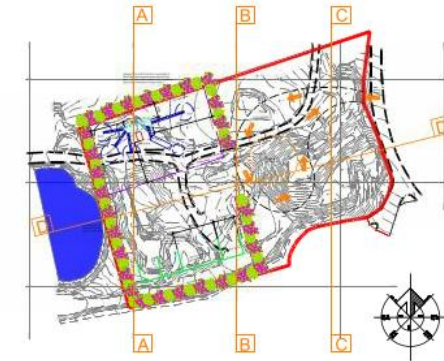
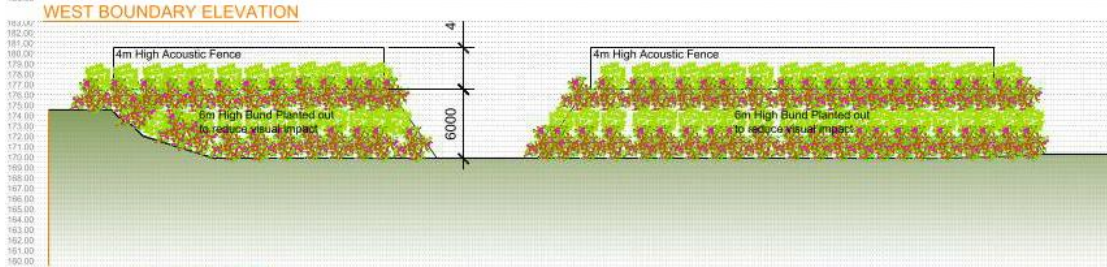
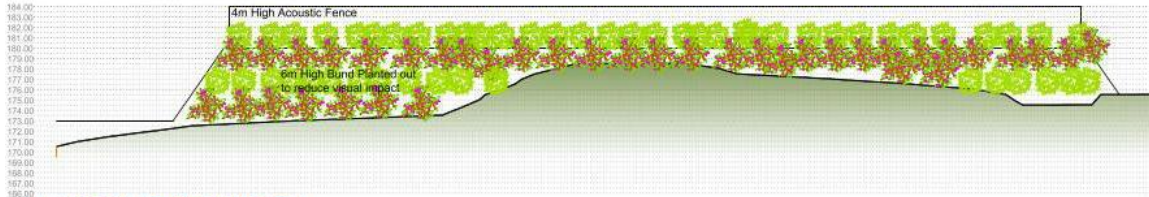
Tyrebagger Quarry, Clinterty, Aberdeen

Detailed Planning Permission
200498/DPP

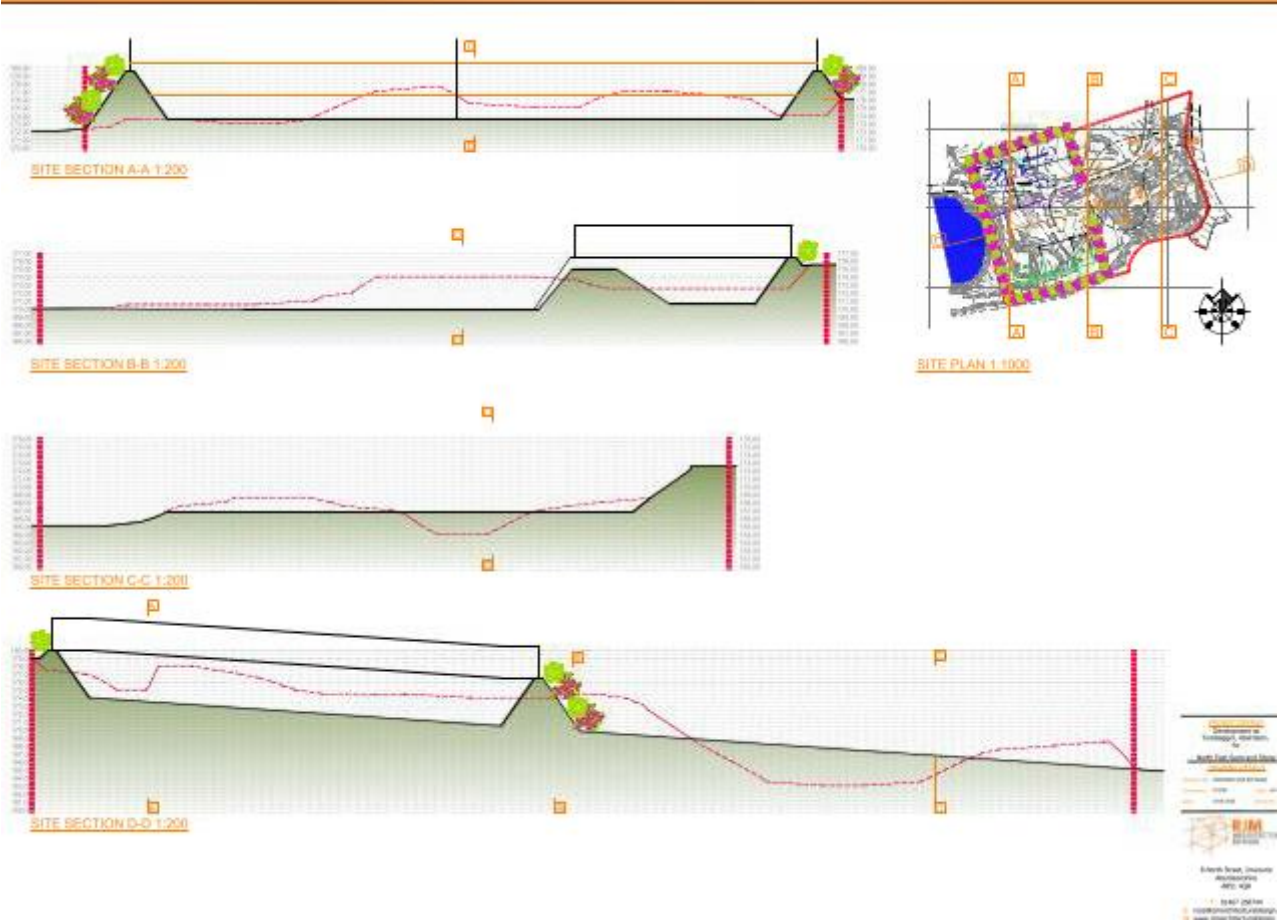
Location Plan



Boundary Details (Proposed)



Site Sections (Proposed)



Access Entrance (from B979)



Site Photos (Site Boundary)



Site Photos (Site Boundary)



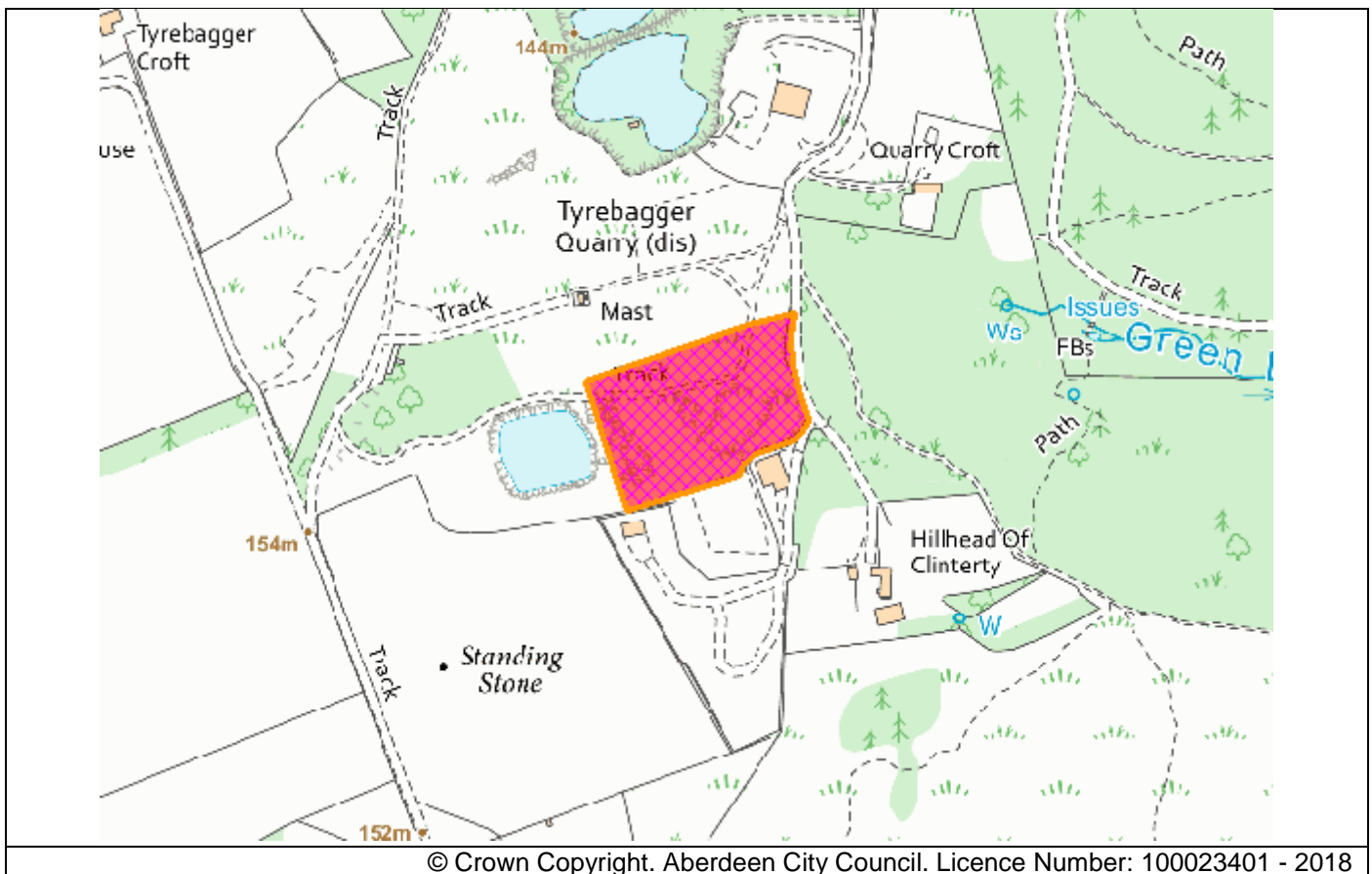


Planning Development Management Committee

Report by Development Management Manager

Committee Date: 20th August 2020

Site Address:	Tyrebagger Quarry, Clinterty, Aberdeen, AB21 9TD
Application Description:	Formation of aggregate recycling facility, installation of wash pod and generator with all associated works
Application Ref:	200498/DPP
Application Type	Detailed Planning Permission
Application Date:	23 April 2020
Applicant:	North East Soil and Stone
Ward:	Dyce/Bucksburn/Danestone
Community Council:	Dyce and Stoneywood
Case Officer:	Gavin Clark



RECOMMENDATION

Refuse

APPLICATION BACKGROUND

Site Description

The application site extends to an area of approximately 1.2 hectares, located within the Green Belt, on a site known as Tyrebagger Quarry. Whilst there is some evidence of this former quarry use, the site is now covered by extensive areas of vegetation. Access to the site is taken via a private single-track access road (with passing places) from the B979 to the north. The A96 lies approximately 1km north of the site. There is a mixture of uses in the surrounding area including a small number of residential properties, a vehicle breakers yard (to the south) and a crane operator training centre (to the immediate north) which all use the same private access road. Tyrebagger Wood is located to the east. A disused reservoir, comprising a former quarry now filled with water would appear to have been utilised by the site's previous quarry use is located to the immediate west.

Relevant Planning History

An application (Ref: 191317/DPP) was withdrawn prior to determination in October 2019 for the formation of aggregate recycling facility, installation of wash pod and generator with all associated works. This application was withdrawn due to insufficient supporting information having been provided and has effectively been replaced by the current application.

APPLICATION DESCRIPTION

Description of Proposal

Consent is sought for the formation of an aggregate recycling facility, installation of wash pod and generator with all associated works.

The submitted supporting statement indicates that excavation and building materials including earth, tar, rock, stone and concrete would be delivered to the site and then fed through a wash pod, which would clean and separate the materials. The recycled materials would then be stored on site and delivered for re-use in a variety of construction projects.

A 6m high bund with 4m high fencing is proposed to bound the structures proposed for the western part of the site (and would mostly be located within the application site boundary). This would include extensive areas of landscaping around the bund (which could be controlled via an appropriately worded planning condition). A new access to the site would be formed, with a vehicle turning area located within the eastern section of the site to ensure that vehicles could enter and exit the site in a forward gear. The proposed wash pod would measure 13m x 3m and an associated screen would measure 10.5m x 2.6m. The wash pod is a standalone piece of equipment that would be movable by crane, rather than a purpose-built structure for this site. Materials storage areas would be located within the south west part of the site.

Supporting Documents

All drawings and supporting documents listed below can be viewed on the Council's website at: <https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=Q98JYABZHJY00>

Supporting Statement: April 2020: provides an introduction to the proposal, a background and planning history, details of the site, design development and process, discusses the Scottish Government Zero Waste Plan, provides a policy assessment, an overall conclusion and also details of changes from the previously submitted application.

Noise Impact Assessment: April 2020: provides a summary of the proposal, introduction, the methodology, noise assessment, discussion of the findings and an overall conclusion. The report also includes a number of appendices.

Walkover and Protected Species Survey: November 2019: provides a summary, objectives, a description of the site, the method of assessment, limitations, results, an impact assessment, recommendations and associated supplementary information.

Other supporting information submitted includes a brochure providing details of the machinery to be utilised on site, the proposed noise barrier details and specifications for the proposed generator.

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because the proposal has been subject to more than six letters of objection and Dyce and Stoneywood Community Council have objected to the proposal. The application subsequently falls out with the scheme of delegation.

CONSULTATIONS

ACC - Roads Development Management Team – have no objection to the proposal following the submission of amended plans. Their response will be discussed in further detail in the evaluation section of this report.

Scottish Environment Protection Agency – no objection to the planning application. They have noted that the discharge of wash waters (considered trade effluent) from and into the quarry will require authorisations from SEPA under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR). They have also provided regulatory advice to the applicant in relation to abstraction of water, discharge of waste water, permits that would be required, details of the generator, and the various regulations that the applicant would require to satisfy to achieve a licence under The Waste Management Licensing (Scotland) Regulations 2011.

ACC - Environmental Health – no objection to the application following the submission of amended plans. The use of conditions in relation to hours of operation, the proposed acoustic barriers and the operation of the machinery within the site is requested. These matters could be controlled via appropriate conditions and will be discussed further in the evaluation section of this report.

Aberdeen International Airport – no objection.

Dyce and Stoneywood Community Council – object, stating that the proposed land use would not be consistent with Policy NE2 (Green Belt) of the ALDP. They also state that the B979 is a dangerous road at its junction with the A96 and is not considered to be able to accommodate numerous HGV movements.

REPRESENTATIONS

28 letters of representation have been received (21 letters of objection, 6 letters of support and one neutral representation). The matters raised can be summarised as follows:

Objections

1. The proposal would have an adverse impact on protected species, with common lizards, bats,

newts' toads, frogs, deer, squirrels, badgers and owls being found near the development site. Other species such as pine martins have also been found close to the site. The protected species survey was also inadequate as it did not cover the whole seasons.

2. The submitted noise survey is not considered to be sufficient as it does not take into account the special nature of the site and surrounding topography.
3. Adverse impact that the proposed vehicles would have on the surrounding area, with a potential of 10-12 haulage vehicles per day entering and existing the site.
4. The proposed working hours would have an adverse impact on surrounding residential amenity.
5. Inadequate access to the site via a single-track road, along the B979 and on to the A96 to Tyrebagger Woods.
6. Concerns in relation to dust (and associated pollution), and the nuisance this would cause to surrounding residents.
7. The proposed development would conflict with Green Belt Policy.
8. The quarry, which is to be utilised for water and spill, should be included within the application site boundary.
9. How is contaminated water to be dealt with?
10. Query where the levels of water would come from to be utilised within the development.
11. Concerns about the materials that would be recycled on site, including tar.
12. There is no method statement on how they would test/ control the composition of inert materials at the point of intake.
13. Concerns in relation to neighbour notification procedures – particularly around the times of the pandemic.
14. There was an allegation made of potential contamination within the quarry.
15. Unauthorised works have taken place regarding industrial re-landscaping of the site.
16. One of the objectors queried whether an archaeological survey would be required.
17. One of the objectors advised that the quarry has not been in operation for over 60 years.
18. The proposal has the potential to have an adverse impact on activities around Clinterty Woods/ Elrick Hill.
19. Insufficient landscaping proposed.

Support

1. Aimed to correct some of the objecting comments in terms of previous operations on site, earthworks that have taken place and works that were undertaken to stop trespassing on site.
2. Consider the impacts in terms of noise, dust and access to be minimal due to the screened nature of the site, the proposed modern industrial machinery, there are a number of industrial operations in the surrounding area, and that the proposed access road could facilitate the proposed development. The proposal would have no detrimental impact on the surrounding area.
3. A proposal that adds to the “green network” should be welcomed and recycling/ reuse should be encouraged as much as possible.
4. The proposal will contribute to the local economy, which faces an uncertain future due to COVID-19/ Brexit and the service would benefit businesses in the surrounding area and the facility would help reduce the impact on the local environment.

One comment didn't provide any narrative, only that they supported the proposed development.

Neutral

A neutral comment was received from Leith's (Scotland) Ltd stating that they operate an aggregates recycling facility at Loch Hills Quarry, north of Dyce. Some of the objections also made reference to this and similar facilities operated by A&M Smith (Portlethen) and EIS Waste (Cove).

Other matters raised through representations including queries in relation to the applicant's abilities to operate an aggregate recycling facility and financial implications on neighbouring residential properties are not material to the consideration of this application. SEPA have advised that the recycling process will be regulated by SEPA under the appropriate exemptions to The Waste Management Licensing (Scotland) Regulations 2011 unless there is any chemical treatment used in the process, in which case it may need a higher level of authorisation.

MATERIAL CONSIDERATIONS

Legislative Requirements

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that where, in making any determination under the planning acts, regard is to be had to the provisions of the Development Plan and that determination shall be made in accordance with the plan, so far as material to the application unless material considerations indicate otherwise.

National Policy and Guidance

- Scottish Planning Policy (SPP)

Aberdeen City and Shire Strategic Development Plan (2014) (SDP)

The purpose of the SDP is to set a spatial strategy for the future development of the Aberdeen City and Shire. The general objectives of the plan are promoting economic growth and sustainable economic development which will reduce carbon dioxide production, adapting to the effects of climate change, limiting the use of non-renewable resources, encouraging population growth, maintaining and improving the region's built, natural and cultural assets, promoting sustainable communities and improving accessibility.

From the 29 March 2019, the Strategic Development Plan 2014 will be beyond its five-year review period. In the light of this, for proposals which are regionally or strategically significant or give rise to cross boundary issues between Aberdeen City and Aberdeenshire, the presumption in favour of development that contributes to sustainable development will be a significant material consideration in line with Scottish Planning Policy 2014.

The Aberdeen City Local Development Plan 2017 will continue to be the primary document against which applications are considered. The Proposed Aberdeen City & Shire SDP may also be a material consideration. The Proposed SDP constitutes the settled view of the Strategic Development Planning Authority (and both partner Councils) as to what should be the final content of the next approved Strategic Development Plan. The Proposed SDP was submitted for Examination by Scottish Ministers in Spring 2019, and the Reporter has now reported back. The Scottish Ministers will consider the Reporter's Report and decide whether or not to approve or modify the Proposed SDP. The exact weight to be given to matters contained in the Proposed SDP in relation to specific applications will depend on whether: these matters have been subject to comment by the Reporter; and the relevance of these matters to the application under consideration.

Aberdeen Local Development Plan (2017)

- D1: Quality Placemaking by Design
- D2: Landscape
- T2: Managing the Transport Impact of Development
- T4: Air Quality

- T5: Noise
- NE1: Green Space Network
- NE2: Green Belt
- NE6: Flooding, Drainage and Water Quality
- NE8: Natural Heritage
- B4: Aberdeen Airport
- R3: New Waste Management Facilities
- R6: Waste Management Requirements for New Development

Supplementary Guidance (SG)

- Landscape
- Transport and Accessibility
- Air Quality
- Noise
- Natural Heritage
- Flooding, Drainage and Water Quality
- Green Space Network and open Space
- Resources for New Development

Proposed Aberdeen Local Development Plan (2020)

The Proposed Aberdeen Local Development Plan (Proposed ALDP) was approved at the Council meeting of 2 March 2020. The Proposed ALDP constitutes the Council's settled view as to what the final content of the next adopted ALDP should be and is now a material consideration in the determination of planning applications. The Aberdeen Local Development Plan 2017 will continue to be the primary document against which applications are considered. The exact weight to be given to matters contained in the Proposed ALDP (including individual policies) in relation to specific applications will depend on whether – these matters have been subject to public consultation through the Main Issues Report; and, the level of objection raised in relation these matters as part of the Main Issues Report; and, the relevance of these matters to the application under consideration.

The foregoing can only be assessed on a case by case basis. The following policies of the Proposed Aberdeen Local Development Plan are of relevance to the determination of this application.

- WB2: Air Quality
- WB3: Noise
- NE1: Green Belt
- NE2: Green and Blue Infrastructure
- NE3: Our Natural Heritage
- NE4: Our Water Environment
- B3: Aberdeen International Airport and Perwinnes Radar
- D1: Quality Placemaking
- D2: Amenity
- D4: Landscape
- R3: New Waste Management Facilities
- R5: Waste Management Requirements for New Developments
- T2: Sustainable Transport

Other Material Considerations

- Scottish Government Zero Waste Plan

EVALUATION

Strategic Development Plan

In terms of assessment against the Strategic Development Plan, due to the small scale of this proposal the proposed development is not considered to be strategic or regionally significant, or require consideration of cross-boundary issues and, therefore, does not require detailed consideration against the SDP.

Principle of Development

The application site is designated as “Green Belt” in the adopted LDP, therefore policy NE2 applies. This advises that *“no development will be permitted in the Green Belt for purposes other than those essential for agriculture; woodland and forestry; recreational uses compatible with an agricultural or natural setting, mineral extraction/ quarry restoration; or landscape renewal.”*

The policy goes on to state that: *“Proposals for development associated with existing activities in the green belt will be permitted, but only if **all** of the following criteria are met: the development is within the boundary of an existing activity; the development is small scale, the intensity of the activity is not significantly increased; and any proposed built construction is ancillary to what exists.*

In assessing the proposal against the above it is noted that the proposal is not related to agriculture, woodland/ forestry and is not a recreational use compatible with the green belt. In addition, despite its former use as a quarry the proposal does not relate to mineral extraction, quarry restoration or landscape renewal.

What therefore needs to be considered is whether the proposal complies with any of the exemption criteria. It is acknowledged that the previous use of the site was that of a quarry, with this use terminating at least 30 years ago (no evidence has been provided on the exact date of closure – with one objector suggesting that the quarry use ceased 60 years ago). On the basis of the current condition of the site, with self-seeded trees and vegetation across the quarried area, it is considered that the site has been reclaimed by nature and its site’s use as a quarry has been abandoned. As a result, the proposal would not be within the boundaries of an existing activity as defined by Policy NE2. The development can be considered small scale; however, the associated vehicle movements would represent an intensification of the current situation. In terms of the final point of the Policy NE2 criteria, the proposed structures proposed would be ancillary to the proposed aggregate recycling use, however this use is not existing.

In terms of the principle of the use, the proposal would therefore fail to comply with the exemption criteria set out in policy and the proposed development is contrary to Policy NE2 (Green Belt) of the Aberdeen Local Development Plan. Consideration is therefore required as to whether there are material planning considerations that would warrant departing from this policy.

Also relevant to the principle of development is Policy R3 (New Waste Management Facilities), which advises that *“proposals for waste management facilities within the city must comply with the waste hierarchy. It goes on to state that ‘applications for waste management facilities will be supported provided they: confirm to the Zero Waste Plan and Aberdeen Waste Strategy; meet a clear need for the development to serve local and/ or regional requirements for the management of waste; will not compromise health and safety and will minimise the transport of waste from its source”*. The policy goes on to state that sufficient information should be provided to make an assessment of the likely effects of the development, a design statement should be submitted where the development would have more than a local visual impact and after-care plans should be

submitted in respect of landfill proposals (not relevant in this instance).

The applicants have argued that the proposed development would contribute to Scottish Government targets as set out in the Zero Waste Plan, and that there are no comparable aggregate recycling facilities within the surrounding area. It should be noted that whilst Leith's have submitted a statement advising they offer a similar facility north of Dyce, it is not the exact same offering that would be provided by this proposal in that other sites such as Loch-Hills Quarry, which offers a variety of products quarried on site, in addition to recycled materials. No quarrying operations are proposed at the Tyrebagger site, only aggregate recycling. The applicants indicate that there is an identifiable need for such a facility in the city/ shire. The supporting statement goes on to argue that there would be no health and safety concerns apart from the operation of machinery within the site and that the provision of such a facility would minimise transport for several businesses in the north-east. This view has been echoed by several letters in support of the proposal submitted by local businesses who would use the facility. They state this would reduce transportation distances for aggregate recycling, which in some cases sees materials transported to the Central Belt. Having reviewed the submitted information and the relevant documents and guidance it is considered that there would be no significant conflict with the terms or guidance as set out in Policy R3.

The applicants refer to previous sites at Mill of Dyce and Kinellar, Blackburn being considered prior to the current application being submitted. These sites are described as no longer viable, hence the planning application for the Tyrebagger site. There is not a locational need to have an aggregate recycling facility located in a former quarry, it could for example be successfully sited within an existing industrial area. There is some merit in the idea of siting the operation within a redundant quarry, given the opportunities for minimising noise and visual impacts, however the proposal remains contrary to Policy NE2 Green Belt of the ALDP.

Design and Amenity

Policy D1 requires that *“all development must ensure high standards of design and have a strong and distinctive sense of place... Well considered landscaping and a range of transport opportunities are required to be compatible with the scale and character of developments”*.

The proposal includes various works within the site to facilitate the development including the installation of a bund and fencing and associated machinery for the proposed development. Given their location within the development and the levels of landscaping that would be proposed to mitigate the development it is considered that the proposed works could be facilitated within the site without having an adverse impact on the character and appearance of the surrounding area. The proposed works have therefore been designed with due consideration for their context and would therefore comply with Policy D1 of the ALDP.

The impact in terms of impact on the general amenity of the surrounding area has been discussed elsewhere within the report. It is noted that the nearest residential properties at Hillhead of Clinterty and Quarry Croft are located 100m to the south-east and north-east respectively. The mitigation measures as suggested in the NIA have indicated that these properties will not be adversely impacted by the proposed development and that a suitable level of residential amenity can be retained (this is discussed further in the noise/ air quality section). In addition, the increase in vehicle movements (HGV vehicles) to and from the site has been discussed with colleagues in Roads Development Management and the expected number of up to 12 movements per day (within normal working hours) would not significant impact on amenity, given the other existing uses in the surrounding area.

Noise/ Air Quality

The proposal has been assessed by colleagues in Environmental Health, as well as by SEPA. Initial

concerns were raised by EH regarding the findings of the Noise Assessment. Further information/details were submitted, proposing a 6m bund with 4m fence atop around the edge of the site. This would reduce the levels of noise emanating from the site to an acceptable level. EH have also suggested that a condition would be required restricting the hours of use to protect the amenity of the surrounding area. Subject to conditions ensuing the implementation of these features it is expected that a suitable level of residential amenity could be achieved, and the proposal would therefore comply with the general provisions of Policy T5: Noise of the ALDP.

Colleagues in EH also requested the submission of a Dust Management Plan, due to the nature of the proposed development, and its potential to have an adverse impact on the amenity of properties in the surrounding area. They have confirmed that this matter could be controlled via an appropriately worded suspensive planning condition, to ensure compliance with Policy T4: Air Quality of the ALDP.

Roads

The proposal has been assessed by colleagues in Roads Development Management, who raised no significant concerns with what was proposed. In their initial consultation response, they requested a plan showing the provision of three 18m long passing places on the existing access road from the B979 to the site. Whilst this matter cannot be included in the current application (as the passing places are on land out with the application site boundary) a condition could be added to the consent requesting the submission of a further planning application to ensure these required works are implemented prior to the use being implemented on site. It is noted that colleagues in RDM are content with all other aspects of the proposal. Subsequently, provided the details above could be implemented prior to the commencement of development it is considered that the proposal meets the requirements of Policy T2: Managing the Transport Impact of Development) of the ALDP.

Natural Heritage

In addition to the previously mentioned Green Belt designation, the site is also designated as Green Space Network, therefore Policy NE1 Green Space Network applies. This policy advises that *“the Council will protect, promote and enhance the wildlife, access, recreation, ecosystem services and landscape value of the Green Space Network.... Proposals for development that are likely to destroy or erode the character and/ or function of the Green Space Network will not be permitted.*

In this instance it is noted that no public access is afforded to the site, but that the site has been taken over with extensive self-seeded vegetation and therefore contributes to the landscape value of the Green Space Network to an extent. The removal of this as a result of the development proposal would therefore likely detrimentally impact on the character of the Green Space Network and any proposal to develop the site would be contrary to policy. The proposed development would therefore conflict with Policy NE1 of the ALDP. Whilst it is noted that the proposal would conflict with this policy, it is not considered to be to such a degree that it should be included as an additional reason for refusing this planning application.

A Walkover and Protected Species Survey Report was submitted in support of the application. This acknowledged that several creatures such as deer and foxes utilised the site and badgers were found passing the site. The report concluded that compensatory planting would be required on site, felling should take place out with the bird nesting season and measures would need to be put in place to protect badgers during construction phase. The survey was assessed by colleagues in the Environmental Policy team who were content with the findings of the report and advised that a Badger Mitigation Plan would be required to ensure the safety of badgers during construction and operation. They have also suggested screening around the site, which is proposed by the applicant and could be controlled via an appropriately worded planning condition. Subject to the above works taking place it could be considered that the proposal would comply with Policies NE5 and NE8 of

the ALDP, as well as with their associated Supplementary Planning Guidance.

Flooding, Drainage and Water Quality

Policy NE6 advises that development will not be permitted if it *would increase the risk of flooding by reducing the ability of the functional flood plain to store and convey water, through the discharge of additional surface water or by harming flood defences. It also states that development will not be permitted if it would be at risk itself from flooding, adequate provision is not made for access to waterbodies for maintenance or if it would require the construction or new or strengthened flood defences.*

It is noted that SEPA have commented on the proposal and note that they have no objection to the planning application. They have, however, noted that no assessment of the adjacent water environment has been carried out and no opportunities for the protection, creation or enhancement of water and ecological interests have been identified. Whilst it would have been beneficial to include this, the reservoir where the water would be proposed from extracted from is out with the application site boundary and could not realistically be controlled via the current application.

The abstraction of water from the quarry would require authorisation from SEPA, as would the discharge of trade effluent. All other associated works (where a licence would be required) would be controlled by SEPA under The Pollution Prevention and Control (Scotland) Regulations 2012 and the Waste Management Licensing (Scotland) Regulations 2011.

It is therefore not anticipated that the proposal would have any adverse impact from a planning perspective and there would be no significant conflict with Policy NE6 of the ALDP. All other associated matters would be controlled via various licenses required from SEPA and any other consenting authorities.

Aberdeen Airport

The proposal required consultation with the airport due to the proximity of the site to Aberdeen Airport. The airport confirmed that the proposed development would not conflict with safeguarding criteria and they therefore have no objection to the proposal. Subsequently, the proposal complies with Policy B4 (Aberdeen Airport) of the ALDP.

Matters Raised in Representations

Objection:

1. The submitted ecological survey was assessed by colleagues in our Environmental Policy team, who were generally content with its findings and raised no objection to the proposal in this regard.
2. Further information has been submitted and assessed by colleagues in Environmental Health. This includes bunding, fencing and extensive landscaping around the area(s) where the works would take place. The mitigation measures proposed have been deemed acceptable to colleagues in EH and would be controlled via an appropriately worded planning condition, were consent to be granted on site.
3. The proposed use, and therefore vehicle movements, has been considered acceptable by colleagues in RDM. They have therefore raised no concerns regarding this aspect of the proposed development.
4. The proposed working hours have been amended and are in line with the detail in the NIA

and are considered acceptable to colleagues in EH. The operating hours of the facility will be Monday to Friday 0800 – 1700 hrs and Saturday 0800 – 1300 hrs and could be controlled via an appropriately worded planning condition.

5. The proposed access, with the provision of enhanced passing places, are acceptable to colleagues in RDM. No objection has been raised with regards to the access to the site and they are content with the proposal, subject to appropriate conditions, from a road safety perspective.
6. This matter has been considered by colleagues in EH. They are content that subject to a suspensive condition requiring the submission of a dust management plan there would be no significant concerns in relation to dust/ pollution from within the application site boundary or on surrounding residential amenity. In addition, is it considered that the mitigation measures proposed would ensure that there would not be a significant adverse impact on surrounding residential amenity.
7. It is noted that the proposal fails to comply with Green Belt policy, and this forms the reason for refusal of the planning application.
8. These matters would be controlled via various licenses required from SEPA as discussed earlier in this report.
9. A licence would be required from SEPA to deal with contaminated water (as detailed in their consultation response). They have also advised that the discharge of wash water is considered a trade effluent and would require authorisation from SEPA. The discharge of contaminated water will not be permitted into the quarry.
10. This is not a material planning consideration. Water could be imported from elsewhere, if required. SEPA have advised that the abstraction of water from the quarry would require authorisation from SEPA and the level of this will be dependent on the volume to be abstracted.
11. In terms of materials imported to the site, the Planning Authority are considering whether the proposed use is acceptable and, if approved, would have no control over the types of materials that would be imported. This would likely be covered by other licencing procedures.
12. Comments are noted regarding concerns about the materials being utilised on the site.
13. The neighbour notification was undertaken in accordance with Scottish Government guidelines, with neighbours within 20m of the site notified in writing by the Planning Authority. In addition to this, an advertisement was placed in the local press on the 6th May 2020.
14. Colleagues in Contaminated Land have not commented on the proposal. An informative could be added to the consent, if required, requesting the applicant to stop works during the development if any contamination is found on site.
15. The Planning Authority have no record of any unauthorised works having taken place on site; it may have been that any works did not require planning permission.
16. In this instance the Planning Authority are of the view that an archaeological survey is not required, based on the site history and previous use.

17. The Planning Authority note that the site has not been utilised as a quarry for a significant number of years and has, in our view, been reclaimed by nature.
18. It is not anticipated that the proposed development would have an adverse impact on the surrounding uses (in relation to Clinterty Woods/ Elrick Hill, given the distances involved to these, and the fact that most works would be enclosed within the application site boundary).
19. The level of landscaping proposed is appropriate to allow for sufficient buffering around the application site boundary.

Support:

1. The first comment is noted in relation to unauthorised works that were alleged to have taken place.
2. The Planning Authority are of the view that the proposal is acceptable in relation to these matters raised subject to the insertion of appropriate conditions.
3. This matter was discussed above in the principle of development section.
4. Comments noted.

Proposed Aberdeen Local Development Plan

In relation to this particular application, the policies in the Proposed Aberdeen Local Development Plan 2020 (ALDP) substantively reiterate those in the adopted Local Development Plan and the proposal is unacceptable in terms of both Plans for the reasons previously given.

Policy D2 (Amenity) is a new policy in the Proposed ALDP with no direct equivalent in the adopted ALDP. Policy D2 seeks to ensure that where new developments are proposed that a satisfactory level of amenity would be created for the new occupants of residential development, but also that all development would ensure that the amenity of existing residential properties would not be adversely affected. In this regard, the amenity of the occupants of the application property would not be affected given the current situation on site and the distance to other residential properties and is therefore considered acceptable.

The proposal is unacceptable in terms of both Plans for the reasons previously given.

Conditions

In the event that committee are minded to approve the application, conditions would be required in relation to the provision of passing places, the hours of operation, development being undertaken in accordance with the submitted Noise Impact Assessment, the submission of a Dust Management Plan, the submission of a detailed scheme of landscaping and compensatory planting and the submission of a Badger Protection Plan.

RECOMMENDATION

Refuse

REASON FOR RECOMMENDATION

The proposed development is not considered to be essential for the purposes of agriculture;

woodland and forestry; recreational uses compatible with an agricultural or natural setting; mineral extraction/ quarry restoration or landscape renewal, nor does it satisfy the exemption criteria set out within Policy NE2. The proposal is therefore contrary to Policy NE2 (Green Belt) of the Aberdeen Local Development Plan and Policy NE1 (Green Belt) of the Proposed Aberdeen Local Development Plan.

This page is intentionally left blank