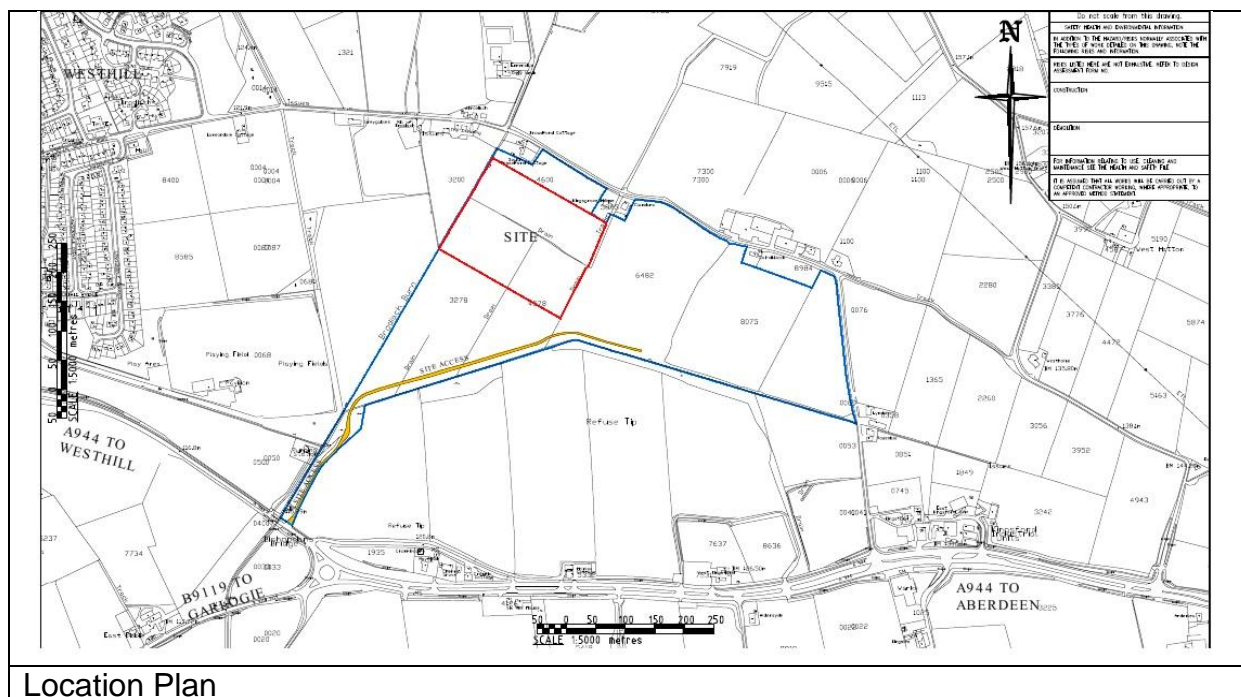


Planning Development Management Committee Detailed Planning Permission

151807: Land infilling / ground raising (retrospective), including importation and tipping of subsoil material from civil engineering works outwith the farming unit and reinstatement for agricultural use at Land adjacent former Landfill site, Cairdhilllock Farm, Kingswells, by Westhill, Aberdeen, AB15 8QS

For: McIntosh Plant Hire

Application Date:	15 December 2015
Officer:	Robert Forbes
Ward:	Kingswells/Sheddocksley/Summerhill
Community Council:	Kingswells
Advertisement:	Can't Notify Neighbours
Advertised Date:	27/01/16



RECOMMENDATION: Approve Conditionally

SITE DESCRIPTION

This site lies in open countryside adjacent to the city boundary, about 1km to the east of the built up area of Westhill, and 2km west of the residential area of Kingswells. It has previously been subject of landraising / infill operations associated with agricultural improvement. It is relatively level and contains no woodland, vegetation or landscape features of significance. Brodiach Burn runs along the western edge of the site, in a southerly direction. The western part of the site lies within its flood plain. About 0.5km to the south of the site lies the A944, a heavily

trafficked dual carriageway, from which the site is accessed via an unmetalled track. This track is gated and previously provided access to "Cairdhilllock East Landfill site". There are a few detached houses lining the public road to the north of the site.

RELEVANT HISTORY

Application Number	Proposal	Decision Date
95/1530	Infilling of land with subsoil Approved Conditionally. Permission expired 2000	1995
150315	Agricultural ground improvement	Decision Pending
1510107	Proposal of application notice Further consultation not required	24/7/15

DESCRIPTION OF PROPOSAL

The application is for land infilling / ground raising (retrospective), including importation and tipping of subsoil material from civil engineering works outwith the farming unit and reinstatement for agricultural use. The application is partly retrospective as the "subsoil" material has already been imported to the site. Its restoration for agriculture remains to take pace. The application has been amended by reduction of the volume of material to be imported. The agent has advised that the site would be regraded with the existing material on site, so that the works can be finalised and restoration can be concluded quickly.

SUPPORTING DOCUMENTS

All drawings and supporting documents listed below can be viewed on the Council's website at www.publicaccess.aberdeencity.gov.uk.

The application is supported by a Pre-application Report, Flood Risk Assessment (FRA) and Supporting Letter

CONSULTATIONS

Consultee	Date of Comments	Comments Made
SEPA	26/9/16	No objection. Advise that there is no requirement for a waste management license. Request that a condition is imposed regarding implementation of a Construction Environmental Management Plan (CEMP).
ACC - Roads	30/9/16	No comments.
ACC - Flooding And Coastal Protection	16/9/16	No objection. Satisfied with flood assessment report.
ACC- Environmental Health (Contaminated	29/9/16	No objection. Satisfied that the materials imported to the site

Land)		largely consist of natural subsoils and do not consider that they represent a contamination risk. Compliance with an appropriate CEMP, as requested by the Scottish Environment Protection Agency, should ensure that adjacent watercourses are protected from pollution and sedimentation during the earthworks.
Community Council	28/1/16	Adverse comments. Unsatisfactory pre application discussions with applicant. Lack of supporting information regarding topography and drainage.

REPRESENTATIONS

In total four letters of objection have been received from neighbouring residents and a local Councillor, raising the following issues:-

Insufficient information, drainage / flooding impact, transport impact, concern regarding unauthorised tipping of imported material on site, agricultural operations near to residential property, contrary to green belt policy, precedent

REASON FOR REFFERAL TO COMMITTEE

The application has been referred to the Planning Development Management Committee because of objection from the Community Council.

PLANNING POLICY

SPP paragraph 49 sets out the function of Green Belts (e.g. protecting / enhancing landscape character). Paragraph 52 requires local plans to describe types and scales of appropriate development,.

The following Adopted Local Plan policies are relevant :-

NE2: Green Belt

D6: Landscape

NE6: Flooding and Drainage

NE8: Natural Heritage

R2: Degraded and Contaminated Land

Supplementary Guidance

Landscape Guidelines (March 2012);

Buffer Strips Adjacent to Water Bodies (March 2012).

OTHER RELEVANT MATERIAL CONSIDERATIONS

The site was the subject of a report to Committee regarding alleged breach of planning control on 28/5/15. This is available below :-

<http://committees.aberdeencity.gov.uk/documents/s47409/Alleged%20breach%20of%20planning%20control%20at%20Cairdhillock%20Farm%20Kingswells.pdf>

A Temporary Stop Notice (TSN) was served on 15/05/15. Infilling operations have since ceased following discussions with the applicant and SEPA, in an attempt to regularise / resolve the breach of planning control which has occurred.

EVALUATION

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.

Development Principle / Landscape Impact

Approval would enable restoration of the site and its productive use for agricultural purposes, thereby according with the green belt and landscape policy objectives of preservation and enhancement of landscape character, as set out in local plan policies NE2, D6 and SPP. It is considered that the revised cross sections / levels provided by the applicant indicate that the completed development would integrate well with adjacent land to the east (which has also been subject to land raising) and is in agricultural use. Although no details of planting proposals have been provided, the proposed re-contouring / finished levels and associated supplementary planting (to be required by condition) would accord with the Council's Landscape Guidelines Supplementary Guidance. No coalescence or physical building works would take place as part of this development and, on completion, the existing open landscape character would be preserved. Subject to imposition of conditions to regulate the works, there would be no insurmountable environmental, amenity or safety issues.

Drainage / Flood risk

There is no record of flooding incidents at the site, notwithstanding that the western part of the site lies within the flood plain of a burn. The proposed development has been amended in accordance with the conclusions of the FRA by reduction in the extent of infill material and retention of the existing flood plain associated with the burn. SEPA originally objected to the proposal due to lack of information regarding impact on wetland, including peatlands. However, it is understood that no wetlands or peatland remain on site. The site is not identified as bog / heath / fen and there is no evidence of presence of peat soil. A 2005 habitat survey described the site as "wet fields" lying adjacent to a tip and containing "poor semi-improved neutral grassland". Neither SEPA nor the Council's flooding team now object to the proposal. The Brodiach Burn is situated to the west of the site and depending on the planned works during and after construction, there may be potential to pollute the watercourse. The burn will require protecting to ensure that no sediments or polluted runoff (for example) enter the watercourse. A condition can be imposed to ensure that the burn is suitably protected from risk of pollution and sedimentation during the works, in accordance with the objective of policy NE6.

Contamination

Land to the south and east of the site, which has been subject to historic quarrying and tipping, is identified as being potentially contaminated, but no such constraint is identified within the site itself. Notwithstanding the historic / recent importation of fill material into the site, neither SEPA nor the Council's expert officers have identified a need for further assessment of contamination on site. It is likely that the materials recently imported to the site largely consist of natural subsoils from a nearby development site in Westhill (Arnhall Business Park) and do not represent a significant contamination risk to human health or the environment. There is no evidence of conflict with policy Local plan policy R2. Completion of restoration and landscaping of the site would accord with its objectives.

Wildlife / Ecology Impact

Although the southern part of the site is indicated as being designated as a "District Wildlife Site" in the Adopted Local Plan, that designation no longer applies and the site is not identified as a Local Nature Conservation Site in the proposed local plan. There are no natural heritage designated sites on or near to the application site, although the burn may function as a valuable wildlife corridor. Given the absence of woodland or other ecologically important vegetation on site, it is considered that there would be no significant adverse environmental impact on site during the operations. The environmental and wildlife value of the site could be enhanced by implementation of the development by imposition of a condition requiring implementation of native tree / shrub planting along the western site edge adjacent to the burn. This would also accord with the objective of policy NE8, Landscape Guidelines Supplementary Guidance, Buffer Strips Adjacent to Water Bodies Supplementary Guidance, and wider policy objectives regarding promotion of sustainable development and avoidance of pollution / protection of water quality.

Traffic

Whilst implementation of the development has resulted in a degree of heavy traffic movement at the junction with the A944 during the implementation phase, the Council's roads officers have no adverse consultation comments or public safety concerns. A reduction in the volume of material originally anticipated for importation has taken place. As no new importation of material is proposed, there would now be no significant increase in traffic post approval. There would be no increase in traffic movement following completion and restoration of the site to agriculture as no operational traffic is generated by the proposal.

Other Considerations

Whilst it is noted that the Community Council is unhappy with the pre-application consultation undertaken by the applicant, and it is agreed that such events should include evening sessions, such perceived consultation inadequacy is perhaps of academic value in this case, given the retrospective nature of the works. It is not considered necessary to defer determination of the application pending further consultation. It is noted that the applicant has provided additional information / amended the proposal in response to consultee comments. The application requires to be assessed on its merits. The fact that unauthorised work has taken place on site, and enforcement action has taken place in accordance with Committee Instruction in May 2015, is not in itself justification for either refusal, or approval of similar retrospective proposals elsewhere. The planning authority has no control over legitimate agricultural operations which are the subject of objection in this case.

(e.g. manure storage). Implementation of the development would enable restoration of the site for agricultural use. Refusal of the application and undertaking enforcement action to secure removal of the material which has been imported and deposited without consent would result in additional traffic generation on the A944, would be likely to delay the period for restoration of the site to agriculture, and is not considered to accord with the objective of sustainable development.

Proposed Aberdeen Local Development Plan

The Proposed ALDP was approved for submission for Examination by Scottish Ministers at the meeting of the Communities, Housing and Infrastructure Committee of 27 October 2015 and the Reporter has now reported back. The proposed plan constitutes the Council's settled view as to what should be the content of the final adopted ALDP and is now a material consideration in the determination of planning applications, along with the adopted ALDP. 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 comment by the Reporter; and
- the relevance of these matters to the application under consideration.

The Reporters response does not affect policies in a manner that is relevant to this application. In relation to this particular application proposal policies in the Proposed LDP are not materially different from those in the adopted LDP. Approval to adopt the LDP will be sought at Full Council meeting of 14th December. The actual adoption date is likely to be around the third week in January.

RECOMMENDATION: Approve Conditionally

REASONS FOR RECOMMENDATION

Approval would enable restoration of the site and its productive use for agricultural purposes, thereby according with the green belt and landscape policy objectives of preservation and enhancement of landscape character, as set out in local plan policies NE2, D6 and R2. Subject to imposition of conditions, there would be no insurmountable environmental, amenity or safety issues.

CONDITIONS

1. Notwithstanding the description of the development hereby approved, no further importation into, or tipping of material onto, the site shall take place. Final restoration of the site to farmland, or other appropriate countryside use (e.g. forestry / woodland) and final re-contouring / regrading of the site in accordance with the approved cross-sections shall be completed by 01/01/2018, unless otherwise agreed in writing by the planning authority.

Reason:-- For the avoidance of doubt and in order to secure restoration of the site in accordance with the objectives of green belt policy.

2. No further development shall take place pursuant to this permission unless a scheme for the protection of Brodiach Burn, including provision of a vegetated buffer strip on its east bank (at least 6m wide within the site), and associated

fencing, has been submitted to and agreed in writing by the planning authority.

Reason :- In order to avoid pollution and protect the water quality of the Brodiach during and after construction works.

3. No further development pursuant to the planning permission hereby approved shall be carried out unless there has been submitted to and approved in writing for the purpose by the planning authority a detailed scheme of landscaping for the western part of the site adjacent to Brodiach Burn. This scheme shall include proposed areas of native tree/shrub planting including details of numbers, densities, locations, species, sizes and stage of maturity at planting.

Reason: - In the interests of protection of the visual amenity and ecological value of this green belt area.

4. All planting, and seeding / turfing comprised in the approved scheme of landscaping and approved scheme for the protection of the Brodiach Burn specified by Conditions 2 and 3 of this consent shall be carried out in the first planting season following the completion of the development and any trees which, within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a size and species similar to those originally required to be planted, or in accordance with such other scheme as may be submitted to and approved in writing for the purpose by the planning authority.

Reason:- In the interests of protection of the visual amenity and ecological value of this green belt area.

5. No further development shall take place on site unless a site specific Construction Environmental Management Plan (CEMP) has been submitted to, and approved in writing by, the Planning Authority, in consultation with SEPA. All works on site must be undertaken in accordance with the approved CEMP unless otherwise agreed in writing with the Planning Authority. The CEMP must address the following issues:-
 - Construction method statement;
 - Surface water management including construction phase SUDS;
 - Water engineering works;
 - Details of imported material

Reason: In order to minimise the impacts of necessary construction works on the environment.

ADVISORY NOTES FOR APPLICANT

Informative : - The applicant is advised to contact SEPA in relation to their regulatory requirements and potential consent needs. It is recommended that the CEMP is

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submitted at least 2 months prior to the commencement of any further works on site; this is to allow the necessary agencies sufficient time to fully review the mitigation proposals to avoid any potential delays to the project moving forward.