

Agenda Item	6.8
Report No	PLS 061/19

## HIGHLAND COUNCIL

**Committee:** South Planning Applications Committee  
**Date:** 7 August 2019  
**Report Title:** 19/00347/FUL: Macdonald Ground Works Ltd  
Lairgandour, Daviot, Inverness, IV2 6XN  
**Report By:** Area Planning Manager – South

### **Purpose/Executive Summary**

**Description:** Internal recycling facility  
**Ward:** 12 – Aird and Loch Ness

**Development category:** Local

**Reason referred to Committee:** Community Council objection

All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

### **Recommendation**

Members are asked to agree the recommendation to **Grant** planning permission as set out in section 11 of the report.

## **1. PROPOSED DEVELOPMENT**

- 1.1 The proposal is to provide an area for the recycling of materials derived from the applicants' civil engineering business which is involved with a number of activities including road construction. The inert waste from this is proposed to be recycled at the site. The development involves the provision of hard standing, a number of bays for vehicles dropping off recycling materials and a control building. Lighting, skips and equipment will also be kept on site.
- 1.2 HGV vehicles will access the site from the existing main private access off the B9154 to the north, which in turn is accessed from the Daviot East junction on the A9(T). All other vehicles will use the B851 public road to the south. Drainage will be via a 2m grass filter strip and a 1m wide, 1.5m deep filter drain along the north eastern site boundary. Surface water will be contained within the yard by a kerb upstand along the western boundary.
- 1.3 Pre Application Consultation: Informal discussion with case officer following previous withdrawn application.
- 1.4 Supporting Information: Design Statement, Operational Management Plan and drainage calculations.
- 1.5 Variations: None

## **2. SITE DESCRIPTION**

- 2.1 The site sits to the east of the A9(T) on the outskirts of Daviot on an elevated 'platform' against a backdrop of rolling hills to the east. At its greatest extent it measures approximately 65m long (north-south) and 35m wide (east-west), with a generally rectangular footprint. The existing facilities on the wider site to the south and west of the proposed development include a total of 6 agricultural/industrial style units, and a further shed on lower ground adjacent to the private access road near the A9(T). The units range from fabrication facilities, workshops, storage, offices and welfare amenities for staff with associated parking throughout the perimeter of the site and space for larger vehicles in the centre. The facility is largely screened from view by landscape bund and surrounding landform.

## **3. PLANNING HISTORY**

- |     |            |  |                       |
|-----|------------|--|-----------------------|
| 3.1 | 07.12.2018 | 18/03539/FUL - Change of use of existing buildings to office, use for maintenance of vehicles & fleet vehicles | Permission granted    |
| 3.2 | 19.12.2018 | 18/02211/FUL - Internal Recycling Facility   | Application withdrawn |
| 3.3 | 25.08.2017 | 16/05097/FUL - Erection of 2no. steel frame buildings to form offices & agricultural store                     | Permission granted    |
| 3.4 | 23.01.2015 | 14/04678/FUL - Amended design (13/00796/FUL)   | Permission revoked    |

3.5	07.05.2014	14/01882/SCRE - Installation of 2 70kw vertical access wind turbines to provide power for Daviot Farms	EIA required	not
3.6	23.05.2014	14/01250/FUL - Amendment to consent 10/04900/FUL to omit silage pit and Dutch barn and incorporate implement shed	Permission granted	
3.7	21.03.2014	13/02618/FUL - Application under Section 42 to alter condition 4 from temporary recycling operation to permanent recycling operations 10/02008/FUL	Application refused	
3.8	03.04.2014	13/00796/FUL - Erection of Farm office	Permission revoked	
3.9	25.06.2012	12/00036/FUL - Application to construct a thirteen turbine wind farm, including associated access tracks, construction compound, substation, two permanent 100m lattice tower anemometry masts, ancillary developments and proposals for additional public access.	Application refused	
3.10	28.10.2011	10/04900/FUL - Erection of agricultural buildings - livestock housing facility, Dutch Barn, workshop and silage pit	Permission granted	
3.11	08.10.2010	10/02008/FUL - Use an area of existing hard standing for temporary recycling operations.	Permission granted	
3.12	14.10.2009	09/00456/FULIN - Change of use to repair workshop	Permission granted	
3.13	11.05.2009	09/00279/AGRIN - Agricultural Shed	Prior Approval not required	
3.14	14.01.2009	09/00027/AGRIN - Erect new agricultural shed, re-locate existing shed & formation of hard standing	Prior Approval not required	
3.15	22.12.2008	08/00982/AGRIN - Erection of 3 agricultural sheds and hard standing	Application withdrawn	

#### 4. PUBLIC PARTICIPATION

4.1 Advertised: Schedule 3 Development and Unknown Neighbour

Date Advertised: 01.03.2019 and 12.04.2019

Representation deadline: 26.04.2019

Timeous representations: None

Late representations: None

4.2 Material considerations raised are summarised as follows:

- a) Contrary to the Development Plan
- b) Over development of the site
- c) Impact on amenity
- d) Impact on public roads
- e) Increased traffic

4.3 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet [www.wam.highland.gov.uk/wam](http://www.wam.highland.gov.uk/wam).

## 5. CONSULTATIONS

5.1 **Strathnairn Community Council:** Object:

- Contrary to Development Plan policy
- Uncertainty over number of vehicles delivering/removing materials, where waste products are disposed of
- Industrialisation of rural landscape
- Loss of visual amenity and noise
- Dust / air pollution from delivery, crushing, handling and removal of products
- Light pollution
- Damage to public roads

If permission granted, suggest:

- Restricted hours and vehicle transits
- No weekend working
- Installation of weighbridge to monitor material movements
- Repair and maintenance of public roads by developer
- Screening of site by (mature) trees
- Access to surrounding land, the access road and associated A9(T) tunnel maintained

5.2 **Transport Planning Team:** No objections following the submission of further details and road improvements.

5.3 **Environmental Health** considers that there is potential for any emissions of noise, dust or lighting to adversely affect any sensitive properties which may be located within the vicinity, particularly noting the residential property "Birchwood View" within close proximity to the proposed development. However, it notes that the site is subject to a Waste Management Licence (WML), issued by SEPA, which controls the volume and type of materials which can be brought onto site, and includes conditions for the management of noise, dust and lighting. On the basis that SEPA will control these aspects, Environmental Health does not request any specific conditions in relation to these.

Environmental Health has no objection subject to condition controlling the operational hours of the site.

- 5.4 **National Air Traffic Services (NATS):** No objections.
- 5.5 **Scottish Environmental Protection Agency (SEPA):** No objections. The emissions to air, land and water from the site and volumes and types of waste are to be processed through the Waste Management Licensing (Scotland) Regulations 2011 (WML).

## **6. DEVELOPMENT PLAN POLICY**

The following policies are relevant to the assessment of the application

### **6.1 Highland Wide Local Development Plan 2012**

- 28 - Sustainable Design
- 41 - Business and Industrial Land
- 56 - Travel
- 61 - Landscape
- 64 - Flood Risk
- 65 - Waste Water Treatment
- 66 - Surface Water Drainage
- 70 - Waste Management Facilities
- 72 – Pollution
- 73 – Air Quality

### **6.2 Inner Moray Firth Local Development Plan (2015)**

Policy 3 –Other Settlements: Daviot

### **6.5 Highland Council Supplementary Planning Policy Guidance**

Flood Risk & Drainage Impact Assessment (Jan 2013)  
Sustainable Design Guide (Jan 2013))

## **7. OTHER MATERIAL POLICY CONSIDERATIONS**

### **7.1 Scottish Government Planning Policy and Guidance**

## **8. PLANNING APPRAISAL**

- 8.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires Planning Applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise.

### Determining Issues

- 8.2 This means that the application requires to be assessed against all policies of the Development Plan relevant to the application, all national and local policy guidance and all other material considerations relevant to the application.

### Planning Considerations

- 8.3 The key considerations in this case are:
- a) Compliance with the Development Plan and other planning policy

- b) Design, layout and visual impact
- c) Impact on amenity including noise disturbance, dust/air/light pollution, vehicle movements
- d) Impact on roads
- e) Drainage
- f) any other material considerations.

Development plan/other planning policy

- 8.4 The Development Plan supports development that enhances the social, economic and environmental well-being of Highland with proposals assessed against specific criteria including the likely impact on community and residential amenity, ability to demonstrate sensitive siting in keeping with local character and the extent to which it would impact on environmental matters including landscape and scenery.
- 8.5 Waste management facilities are acceptable where they are located on existing or allocated industrial land, specifically Class 5: General Industrial, and Class 6: Storage or Distribution, provided they meet a number of criteria including the suitability of the local road network and of the site access to accommodate the nature and volume of traffic likely to be generated by the proposed development, and compatibility with surrounding existing and allocated land uses.
- 8.6 However, the Development Plan directs this type of activity to existing business and industrial sites. The proposal would therefore not appear to accord with Policy 41 of the Highland wide Local Development Plan in this regard. Having said that, Policy 41 can support development out with such sites where the need can be justified. The cluster of buildings at Lairgandour has developed gradually over the past decade or so, with a range of agricultural and commercial buildings evolving into the current commercial operation. The applicant (Macdonald Ground Works Ltd., formerly DFL) has stated that its core business has moved away from agriculture and is now centred on its civil engineering contractor operation. The existing buildings have been increasingly used for the servicing/storage of vehicles associated with MGL contractors and other fleet rather than for agriculture. The applicant has recently been seeking to regularise these uses.
- 8.7 The opinion of the Community Council, which refers to the previous refusal (13/02618/FUL) of a recycling facility in the same location, in identifying that the current application does not comply with policy is valid. It would not strictly meet with Policy 41. However, given the circumstances, that the site has now effectively become a business/industrial site, rather than as was an agricultural unit, then the principle of the current proposal is not considered unreasonable.
- 8.8 Subject to there being no significant detrimental impact on local amenity, environment and infrastructure the proposal could be supported by the Development Plan when considered in the round.

### Design, layout and visual impact

- 8.9 The proposed recycling facility is contained within the existing operational site. The proposal will contain 9 concrete bays measuring 6m by 1.5m supported by vertical steel beams. The bays will contain material as it is recycled. Full details of the design and materials of the control building in the centre of the site can be controlled by condition.
- 8.10 Ongoing landscaping works will be used to enhance and improve the general setting of the site including re-contouring of the existing bunds and tree planting. The proposal is situated towards the eastern boundary and is largely screened by existing buildings throughout the site. Further landscaping and tree planting at the location will add to this. Subject to this, it is not considered that there will be an adverse impact on visual amenity.

### Impact on amenity

- 8.11 The waste management process is governed by the Waste Management Licensing (Scotland) Regulations 2011 (WML) that is regulated by SEPA. The applicant can only import and recycle materials that accord with any WML granted. This also stipulates a strict site management process. The proposed waste materials to be brought onto the site will be inert such as road plainings, soil/stones and concrete/brick associated with the applicant's engineering operations. SEPA advise that the proposal will not import or recycle sludges, liquids, special waste or non-inert materials and that it can regulate the management of noise, dust and lighting.
- 8.12 There are very few houses within close proximity to the site and these are associated with the applicant. No objections have been received from a third party. It is noted that some years ago there were a number of complaints from the community about unauthorised activities and associated noise from the site; however there have not been any such complaints in recent years. In order to mitigate against potential amenity issues arising from vehicle deliveries and associated noise, Environmental Health requests a condition to restrict operational hours.

### Impact on roads

- 8.13 The applicant has confirmed the vehicle fleet is made up of 5 Heavy Goods Vehicles (3 tipper trucks and 2 low loaders), 6 vans and 6 jeeps. There will be approximately 8 to 10 additional visits from loaded tipper trucks each day. The access will remain unchanged with HGV's entering from the B9154 public road and all other vehicles from the B851 public road and underpass. Transport Scotland has no objection to the proposal from the perspective of the impact on the A9(T). The Transport Planning Team has no objection to the proposal subject to minor resurfacing works to the A9(T) southbound/B9154 junction and the B9154/Lairgandour bus stop; matters that can be controlled by condition.

#### Drainage arrangements

- 8.14 The deep filter drain adjacent to the grass filter strip on the periphery of the site boundary will be topped with a 150mm layer of sand and pea gravel on a layer of geotextile. The rest of the drain will be packed with 40mm stone filler and wrapped with Terram 1000 geotextile membrane or equivalent.

#### Other material considerations

- 8.15 There are no other material considerations.

#### Non-material considerations

- 8.16 The right to a view from properties along the Daviot Quarry to Balnafoich Road or views from the A9(T) is not a material planning consideration. Notwithstanding this, landscaping measures, including landscape bunds and planting, are proposed as part of the development and will assist in mitigating any visual impact.
- 8.17 The Community Council has raised concerns that the applicant has previously circumvented proper planning procedure by constructing the buildings without the appropriate planning permission having been granted. It is very disappointing that works have not been undertaken without full recourse to the planning process. However, as has been noted, the applicant has been seeking to regularise the uses of the buildings on the site in recent times.

#### Matters to be secured by Section 75 Agreement

- 8.18 None

### **9. CONCLUSION**

- 9.1 It is considered the proposal involves a proposed use which is generally compatible with the use of the adjacent land – which has now effectively become a commercial industrial business use – and accordingly would be broadly supported by the Development Plan. The recycling of inert waste is considered to be a sustainable approach to resolving waste products from the applicant's existing engineering activities.
- 9.2 Whilst Strathnairn Community Council has raised concerns regarding the potential detrimental impact on amenity, the site will be subject to control by SEPA through Waste Management License. Other concerns relating to the control of operational hours, details of further landscaping and planting to control and safeguard amenity, and upgrading works to the public road can be controlled by condition.
- 9.3 All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.



## 10. IMPLICATIONS

- 10.1 Resource: Not applicable
- 10.2 Legal: Not applicable
- 10.3 Community (Equality, Poverty and Rural): Not applicable
- 10.4 Climate Change/Carbon Clever: Not applicable
- 10.5 Risk: Not applicable
- 10.6 Gaelic: Not applicable

## 11. RECOMMENDATION

<b>Action required before decision issued</b>	N
Notification to Scottish Ministers	N
Conclusion of Section 75 Obligation	N
Revocation of previous permission	N

**Subject to the above**, it is recommended that planning permission be **GRANTED**, subject to the following:

### Conditions and Reasons

1. The development hereby approved and thereafter, any operations on site shall only be carried out between:
  - i.* 0700 hours and 1900 hours Monday to Friday; and
  - ii.* 0700 hours and 1300 hours on Saturdays.

Notwithstanding the above, no such operations shall take place at any time on a Sunday or Christmas Day, New Year's Day, 2<sup>nd</sup> January or Good Friday Bank Holidays (as prescribed in Schedule 1 of the Banking and Financial Dealings Act 1971 (as amended)), unless otherwise approved in writing by the Planning Authority as an exceptional instance for operating outwith these hours.

**Reason:** For the avoidance of doubt and in order to safeguard the amenity of occupants of the adjacent properties.

2. No development shall commence until full details of the resurfacing works to the A9(T) southbound/B9154 public road junction have been submitted to and approved in writing by the Planning Authority in consultation with the Roads Authority. Thereafter works shall commence in accordance with the approved details and shall have been implemented prior to the first use of the recycling facility hereby approved.

**Reason:** In the interests of road safety, and that the works involved comply with applicable standards.

3. No development shall commence until full details of the resurfacing and improved kerbing at the B9154 public road/Lairgandour bus stop have been submitted to and approved in writing by the Planning Authority in consultation with the Roads Authority. Thereafter works shall commence in accordance with the approved details and shall have been implemented prior to the first use of the recycling facility hereby approved.

**Reason:** In order to facilitate the use of a variety of modes of transport.

4. No development or work shall commence until a detailed specification for all proposed external materials and finishes of the control room (including trade names and samples where necessary) has been submitted to, and approved in writing by, the Planning Authority. Thereafter, development and work shall progress in accordance with these approved details.

**Reason:** In order to enable the planning authority to consider this matter(s) in detail prior to the commencement of development; in the interests of amenity.

5. No development shall commence until details of a scheme of hard and soft landscaping works have been submitted to, and approved in writing by, the Planning Authority. Details of the scheme shall include:
  - i. All earthworks and existing and finished ground levels in relation to an identified fixed datum point;
  - ii. A plan showing existing landscaping features and vegetation to be retained;
  - iii. The location and design, including materials, of any existing or proposed walls, fences and gates;
  - iv. All soft landscaping and planting works, including plans and schedules showing the location, species and size of each individual tree and/or shrub and planting densities; and
  - v. A programme for preparation, completion and subsequent on-going maintenance and protection of all landscaping works.

Landscaping works shall be carried out in accordance with the approved scheme. All planting, seeding or turfing as may be comprised in the approved details shall be carried out in the first planting and seeding seasons following the commencement of development, unless otherwise stated in the approved scheme.

Any trees or plants which within a period of five years from the completion of the development die, for whatever reason are removed or damaged shall be replaced in the next planting season with others of the same size and

species.

**Reason:** In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.

6. No development, site excavation or groundwork shall commence until a Tree Planting Plan and Maintenance Programme has been submitted to, and approved in writing by, the Planning Authority. The approved Tree Planting Plan shall be implemented in full during the first planting season following commencement of development, or as otherwise approved in writing by the Planning Authority, with maintenance thereafter being carried out in accordance with the approved Maintenance Programme.

**Reason:** In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.

## **REASON FOR DECISION**

All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

## **TIME LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION**

In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), the development to which this planning permission relates must commence within THREE YEARS of the date of this decision notice. If development has not commenced within this period, then this planning permission shall lapse.

## **FOOTNOTE TO APPLICANT**

### **Initiation and Completion Notices**

The Town and Country Planning (Scotland) Act 1997 (as amended) requires all developers to submit notices to the Planning Authority prior to, and upon completion of, development. These are in addition to any other similar requirements (such as Building Warrant completion notices) and failure to comply represents a breach of planning control and may result in formal enforcement action.

1. The developer must submit a Notice of Initiation of Development in accordance with Section 27A of the Act to the Planning Authority prior to work commencing on site.
2. On completion of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Act to the Planning Authority.

Copies of the notices referred to are attached to this decision notice for your

convenience.

### **Accordance with Approved Plans & Conditions**

You are advised that development must progress in accordance with the plans approved under, and any conditions attached to, this permission. You must not deviate from this permission without consent from the Planning Authority (irrespective of any changes that may separately be requested at the Building Warrant stage or by any other Statutory Authority). Any pre-conditions (those requiring certain works, submissions etc. prior to commencement of development) must be fulfilled prior to work starting on site. Failure to adhere to this permission and meet the requirements of all conditions may invalidate your permission or result in formal enforcement action

### **Flood Risk**

It is important to note that the granting of planning permission does not imply there is an unconditional absence of flood risk relating to (or emanating from) the application site. As per Scottish Planning Policy (paragraph 259), planning permission does not remove the liability position of developers or owners in relation to flood risk.

### **Local Roads Authority Consent**

In addition to planning permission, you may require one or more separate consents (such as road construction consent, dropped kerb consent, a road openings permit, occupation of the road permit etc.) from the Area Roads Team prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local Area Roads office for further guidance at the earliest opportunity.

Failure to comply with access, parking and drainage infrastructure requirements may endanger road users, affect the safety and free-flow of traffic and is likely to result in enforcement action being taken against you under both the Town and Country Planning (Scotland) Act 1997 and the Roads (Scotland) Act 1984.

Further information on the Council's roads standards can be found at: <http://www.highland.gov.uk/yourenvironment/roadsandtransport>

Application forms and guidance notes for access-related consents can be downloaded from:

[http://www.highland.gov.uk/info/20005/roads\\_and\\_pavements/101/permits\\_for\\_working\\_on\\_public\\_roads/2](http://www.highland.gov.uk/info/20005/roads_and_pavements/101/permits_for_working_on_public_roads/2)

### **Mud & Debris on Road**

Please note that it is an offence under Section 95 of the Roads (Scotland) Act 1984 to allow mud or any other material to be deposited, and thereafter remain, on a public road from any vehicle or development site. You must, therefore, put in place a strategy for dealing with any material deposited on the public road network and maintain this until development is complete.

## **Construction Hours and Noise-Generating Activities**

You are advised that construction work associated with the approved development (incl. the loading/unloading of delivery vehicles, plant or other machinery), for which noise is audible at the boundary of the application site, should not normally take place outwith the hours of 08:00 and 19:00 Monday to Friday, 08:00 and 13:00 on Saturdays or at any time on a Sunday or Bank Holiday in Scotland, as prescribed in Schedule 1 of the Banking and Financial Dealings Act 1971 (as amended).


Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under Section 60 of the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to result in court action.

If you wish formal consent to work at specific times or on specific days, you may apply to the Council's Environmental Health Officer under Section 61 of the 1974 Act. Any such application should be submitted after you have obtained your Building Warrant, if required, and will be considered on its merits. Any decision taken will reflect the nature of the development, the site's location and the proximity of noise sensitive premises. Please contact [env.health@highland.gov.uk](mailto:env.health@highland.gov.uk) for more information.

## **Protected Species – Halting of Work**

You are advised that work on site must stop immediately, and Scottish Natural Heritage must be contacted, if evidence of any protected species or nesting/breeding sites, not previously detected during the course of the application and provided for in this permission, are found on site. For the avoidance of doubt, it is an offence to deliberately or recklessly kill, injure or disturb protected species or to damage or destroy the breeding site of a protected species. These sites are protected even if the animal is not there at the time of discovery. Further information regarding protected species and developer responsibilities is available from SNH: [www.snh.gov.uk/protecting-scotlands-nature/protected-species](http://www.snh.gov.uk/protecting-scotlands-nature/protected-species)

Signature: David Mudie  
Designation: Area Planning Manager – South  
Author: Roddy Dowell  
Background Papers: Documents referred to in report and in case file.  
Relevant Plans: Plan 1 - Site Layout Plan 2018-01-MRH-100 Rev A  
Plan 2 - Location Plan 2018-01-MRH-300 Rev A  
Plan 3 - Drainage Layout Plan CTCH-2320-023



VERSION 1.1  
APRIL 23, 2018

**MRH**design  
[www.mrhdesign.co.uk](http://www.mrhdesign.co.uk)

# DESIGN & PLANNING STATEMENT

**LAIRGANDOUR - PROPOSED RECYCLING FACILITY**

MRH DESIGN  
9 HEIGHTS OF WOODSIDE: WESTHILL: INVERNESS

Phone / Fax: 01463 794410  
E-mail: [info@mrhdesign.co.uk](mailto:info@mrhdesign.co.uk)  
[www.mrhdesign.co.uk](http://www.mrhdesign.co.uk)



## DESIGN & PLANNING STATEMENT

### PLAN OVERVIEW

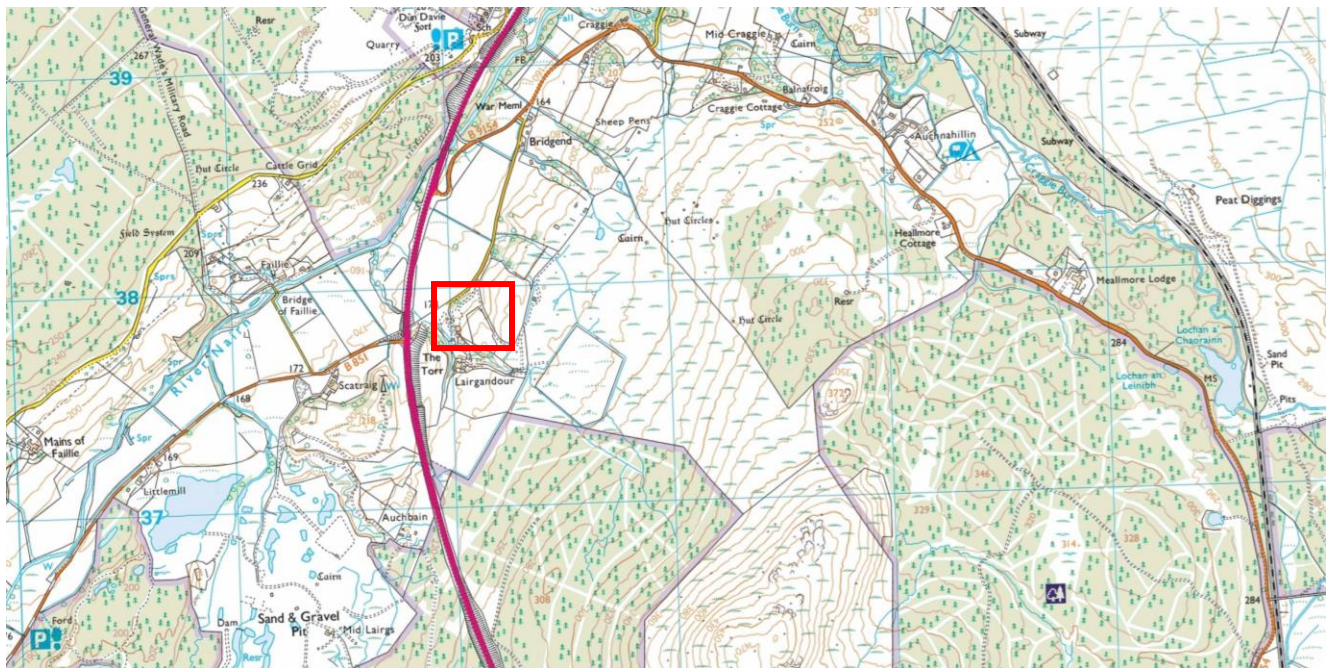
This statement is submitted in support of a detailed planning application for internal recycling facility

This statement will set out a planning justification in accordance with the provisions of the development plan, and other material considerations. It is to meet with and supply additional information as required for planning permission

### LOCATION

The application site comprises of an area totalling

### LOCATION



ARIEL





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## BACKGROUND

The applicant operates a successful agricultural and civil engineering business and is involved in engineering works locally and nationally. The agricultural operation involves land associated with Lairgandour together with other farm holdings. The agricultural activity is predominantly arable and is supported by a repair and maintenance facility of equipment and machinery at Larigandour which was granted planning permission in 2009. The repair of agricultural equipment supports the existing agricultural contractor business operated by the applicant.

The civil engineering division is involved in several key engineering projects including road construction. A by-product of the engineering works involved in road construction, particularly upgrading of existing road networks, involves inert material. By careful management, this can be re-used providing a sustainable option to the engineering waste products.

Planning permission was previously granted under planning permission 10/02208/FUL. The permission was restricted by condition for a temporary period of 3 years to provide the planning authority the opportunity to review the permission. A further application seeking removal of the time restricting condition under planning reference 13/02618/FUL was lodged but refused planning permission. The main reason for the refusal was because this use and a subsequent planning permission granted to the applicant for holiday lodges was considered incompatible.

Key to this application is the fact that the planning permission for the proposed 5 holiday lodges, has since lapsed.



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## PROPOSED DEVELOPMENT

The development at Lairgandour has spanned several years with planning permissions granted for a number of uses. These relate to agricultural and civil engineering activities. The site is recognized as the main base for the company and has operated on site without issue in recent years.

To take account of recent civil engineering projects, the applicant again seeks to provide a facility to enable inert waste products directly related to the civil engineering contracts, to be recycled on site. The recycling process will then allow for the recyclates to be reused in further civil engineering projects. This represents a sustainable alternative to land fill and makes appropriate use of materials which can successfully be used for further projects with which the company are involved.

The recycling facility will be sited within the existing main yard, involves sorting and crushing of road planings and building materials as set out in the drawings and will include the following:

- creation of an area of impermeable hard standing,
- bays to contain material as it is recycled
- equipment including portable crusher
- skips for waste products
- vehicle circulation area for delivery and uplift of materials

The vehicles will access the site from the existing main access off the B9154 which in turn is accessed from the Daviot East junction on the A9 trunk road. No vehicles would use the B851.



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## WASTE TYPES

The applicant appreciates the sensitivities of importing waste materials onto the site. It is important to establish that the waste materials will be inert and predominantly associated with the applicant's engineering operations.

These include:

- road planings
- soil and stones
- mixtures of concrete and brick from buildings

The whole process of waste management is governed by the stringent regulations managed by SEPA. The applicant can only import and recycle materials that accord with the SEPA consented site license. SEPA had granted a license for Waste Management on this site. The terms of the license, which remains valid, are specific to the site, set out the maximum amount of materials that can be imported on site and stipulates a strict site management process. This includes management of noise, dust and lighting and also the hours of operation. The applicant is fully appreciative of the requirement to adhere to the terms of the site licence.

No sludges, liquids, special waste or non-inert materials are permitted on the site.

With the added protection of the site licence which is regulated by SEPA through Waste Management Regulations, the planning authority can be assured that the operation on site will be subject to rigorous control by SEPA.

Informal discussion with the Council's Environmental Health Service indicates that no concerns have been raised and it is noted that neither the Council's Transport Planning team or Transport Scotland raised any objections or concerns with regard to the previous application.



## POLICY

The adopted Development Plan for the area comprises the Highland wide Local Development Plan (HwLDP) and Inner Moray Firth Local Development Plan (IMFLDP). The application site lies to the south of the Inverness settlement boundary and is contained within the defined Hinterland area. Policies 28 – Sustainable Design and 41 – Business and Industrial land of the HwLDP are relevant for the assessment of this proposal. There are no specific policies within the IMFLDP which apply.

### Policy 28 – Sustainable Design

This general policy identifies that the Council will support developments which enhance the social, economic and environmental well being of Highland and sets out the criteria against which a proposal will be assessed including impact on community and residential amenity, demonstrate sensitive siting in keeping with local character and the extent to which it would impact on environmental matters including landscape and scenery.

#### Policy 28 Sustainable Design

The Council will support developments which promote and enhance the social, economic and environmental wellbeing of the people of Highland.

Proposed developments will be assessed on the extent to which they:

- are compatible with public service provision (water and sewerage, drainage, roads, schools, electricity);
- are accessible by public transport, cycling and walking as well as car;
- maximise energy efficiency in terms of location, layout and design, including the utilisation of renewable sources of energy and heat;
- are affected by physical constraints described in Physical Constraints on Development: Supplementary Guidance;
- make use of brownfield sites, existing buildings and recycled materials;
- demonstrate that they have sought to minimise the generation of waste during the construction and operational phases. (This can be submitted through a Site Waste Management Plan);

- impact on individual and community residential amenity;
- impact on non-renewable resources such as mineral deposits of potential commercial value, prime quality agricultural land, or approved routes for road and rail links;
- impact on the following resources, including pollution and discharges, particularly within designated areas:
  - habitats
  - freshwater systems
  - species
  - marine systems
  - landscape
  - cultural heritage
  - scenery
  - air quality;
- demonstrate sensitive siting and high quality design in keeping with local character and historic and natural environment and in making use of appropriate materials;
- promote varied, lively and well-used environments which will enhance community safety and security and reduce any fear of crime;
- accommodate the needs of all sectors of the community, including people with disabilities or other special needs and disadvantaged groups; and
- contribute to the economic and social development of the community.

Developments which are judged to be significantly detrimental in terms of the above criteria will not accord with this Local Development Plan. All development proposals must demonstrate compatibility with the Sustainable Design Guide: Supplementary Guidance, which requires that all developments should:

- conserve and enhance the character of the Highland area;
- use resources efficiently;
- minimise the environmental impact of development;
- enhance the viability of Highland communities.

Compatibility should be demonstrated through the submission of a Sustainable Design Statement where required to do so by the Guidance.

All developments must comply with the greenhouse gas emissions requirements of the Sustainable Design Guide.

In the relatively rare situation of assessing development proposals where the potential impacts are uncertain, but where there are scientific grounds for believing that severe damage could occur either to the environment or the wellbeing of communities, the Council will apply the precautionary principle.

Where environmental and/or socio-economic impacts of a proposed development are likely to be significant by virtue of nature, size or location, The Council will require the preparation by developers of appropriate impact assessments. Developments that will have significant adverse effects will only be supported if no reasonable alternatives exist, if there is demonstrable over-riding strategic benefit or if satisfactory overall mitigating measures are incorporated.

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## POLICY ASSESSMENT

There are no technical issues which would limit or prevent the proposal in this location. The site occupies a proportion of an existing yard area within an established business activity and is contained within the core of the site and adjacent to the existing and consented activities. The area proposed for the waste recycling area cannot be viewed from the A9 and cannot therefore impact on the landscape character of the area or general rural character of the wider area. It is contained wholly within an established development site, is screened from view from out with the site and involves only inert waste materials. This facility provides an opportunity to recycle waste materials related to the established engineering activity and is compatible with the current use. The grant of planning permission in 2012 supports this contention.

The Waste Licence controls not only the scope and amount of material brought on site, but also requires a methodology for dust suppression and noise control. It also requires attention to lighting of the site and restricts activity to between the hours of 0700 and 1900 Monday to Friday and 0700 and 1300 on Saturday with no activity on Sundays. It is anticipated that similar restrictions will be applied on any planning permission through appropriate conditions.

The number of lorries per day and frequency of activity are determined by off site engineering activity but will be limited to a maximum of medium sized tipper trucks only.

In terms of Policy 28 therefore the proposal is not in conflict with the relevant criteria. It will not impact on residential amenity as it will be contained within an existing yard which is screened from site, is restricted by the terms of the Waste License which limits material to inert waste only and makes use of an existing established facility which has operated from this site for a number of years. The recycling of waste materials meets sustainability objectives of the Council and the site is well served by the main trunk road route serving the Highlands meaning delivery of materials can avoid travel through the city and adjacent roads.

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## POLICY

### **Policy 41 – Business and Industrial Land**

The terms of this policy relate most specifically to new development rather than expansion of an existing established business. Recognition is given to the fact that setting up a new industrial business which has not first considered allocated sites will meet with some resistance.

This site has developed and expanded and involves agricultural and industrial activities which have obtained planning permission in intervening years. Policy 41 is not concerned with existing or expanding business and industrial uses, it relates only to new enterprises. The current proposal must therefore be assessed only on the extent to which it meets the terms of Policy 28.

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### **SCOTTISH PLANNING POLICY**

SPP sets out that the government's key objectives and guiding principles for ensuring a sustainable economic growth. Support for existing and expanding businesses is an underlying tenet of this.

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### **DRAINAGE & SURFACE WATER**

Full system design and installed by engineer , taking surface water run off through design interceptor  
Ground slab cast to walls as required and designed

Surface water drainage will be contained on site and meet SEPA requirements in terms of discharge of any run off associated with the hard standing area. As the materials are inert, there will be no discharge of pollutants.

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### **LANDSCAPING**

#### **GENERAL LANDSCAPING**

The proposed recycling facility is contained within the existing development site. Currently, on going landscaping works to enhance and improve the general setting of the site are being undertaken. These include recountouring of the existing bunds and the planting of a considerable number of trees, which will develop into a meaningful screen of the site, particularly when viewed from the A9.

Because the proposed recycle centre is situated to the rear of the site, it is largely screened by existing buildings and will be afforded further screening by the on going landscape and tree planting.



SITE PHOTO







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**SUMMARY**

The proposal involves a compatible and appropriate use within an established facility which has planning permissions for both agricultural and engineering activities. The recycling of inert waste, which benefits from a Waste Management License from SEPA, is a sustainable approach to resolving waste products from the applicants engineering activities. It is resource efficient and there are no policy considerations which would lend other than support for this complementary facility.

Assessment of the previous proposal to enable continued use of part of the site for recycling considered the recently granted permission for 5 holiday lodges. That consent is no longer valid removing any concerns regarding juxtaposition of the two uses.

Residential amenity will not be adversely impacted by this development which is contained within the existing development area and involves only recycles from an existing business activity. This proposal involves a process which relates specifically to existing uses undertaken by the applicant.

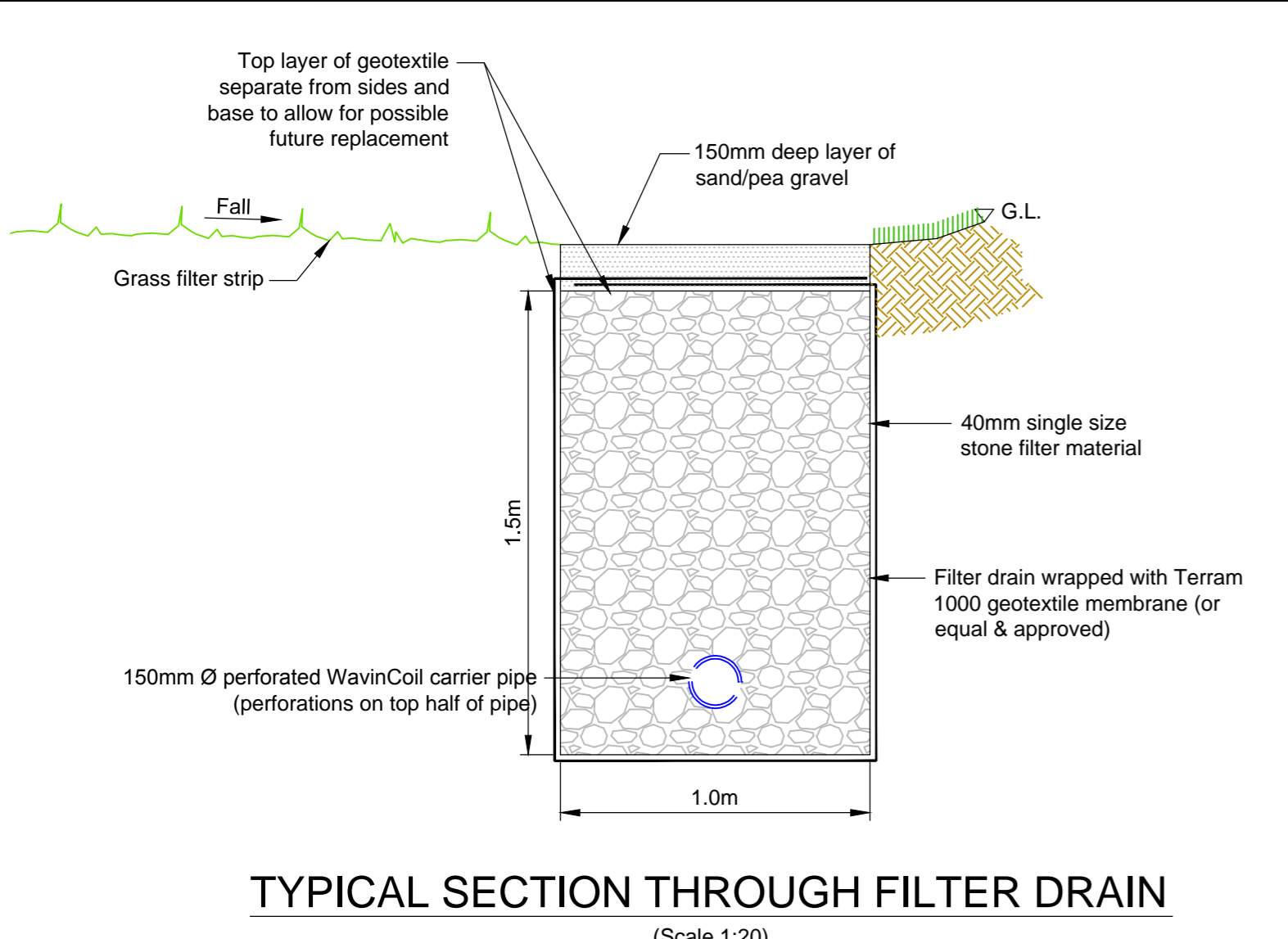
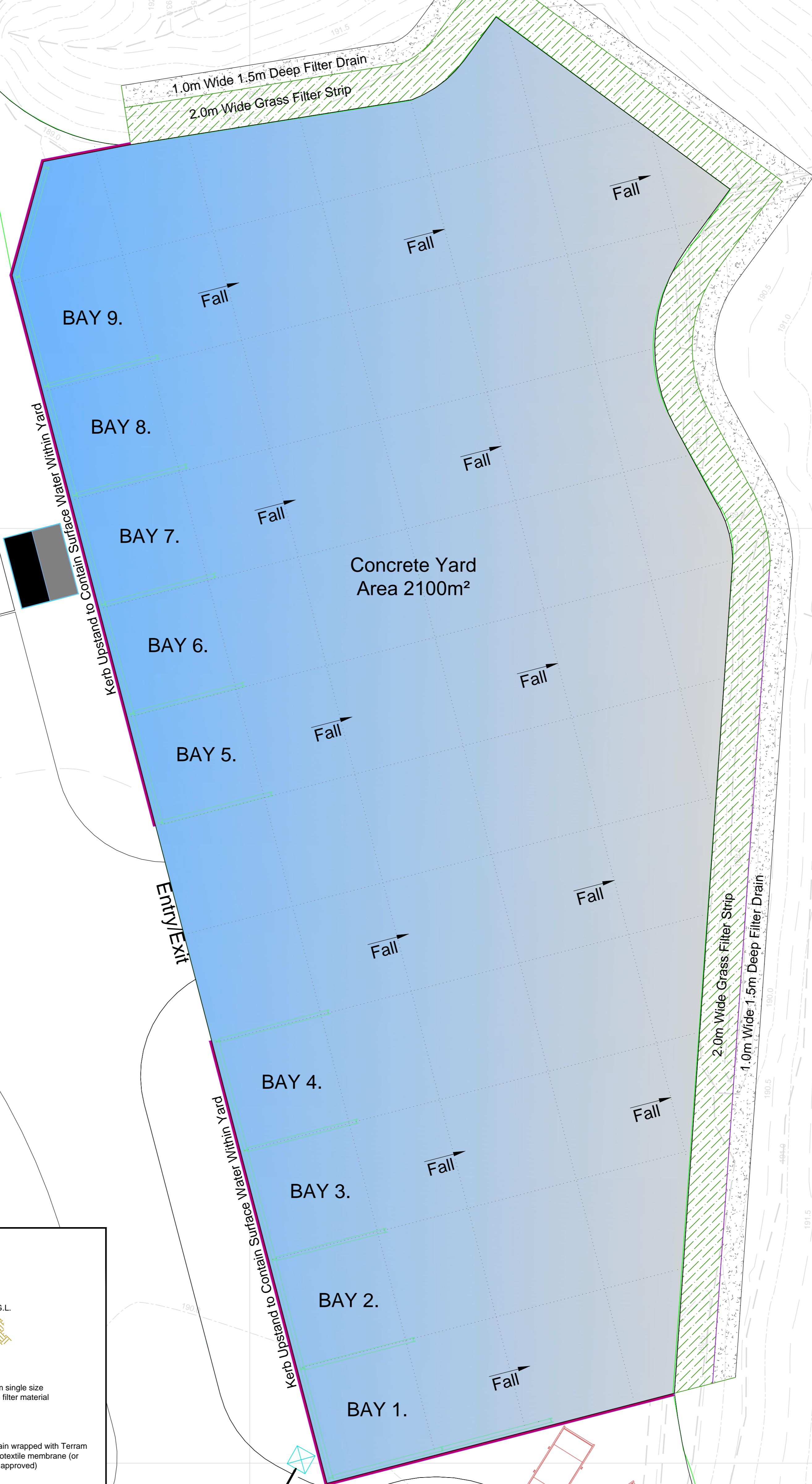
The applicant understands that a balance between existing activity and further development must be achieved. Conditions restricting hours of operation, use of lighting on site and limiting the permission to the current applicant are welcomed if considered necessary.



OR DIRECTION OF TRAVEL

TRUCK DIRECTION OF TRAVEL

1.0m Wide 1.5m Deep Filter Drain  
2.0m Wide Grass Filter Strip



NOTES:-

1. Drainage to be constructed, installed & tested in accordance with the recommendations in BS EN 752 :2008, BS EN 1610 :1998, 'The SUDS Manual - Ciria C753'.

2. All levels shown are relative to Ordnance Datum.

Client:  
**MacDonald Groundworks Ltd**  
Lairgandour  
Daviot  
Inverness  
IV2 6XN

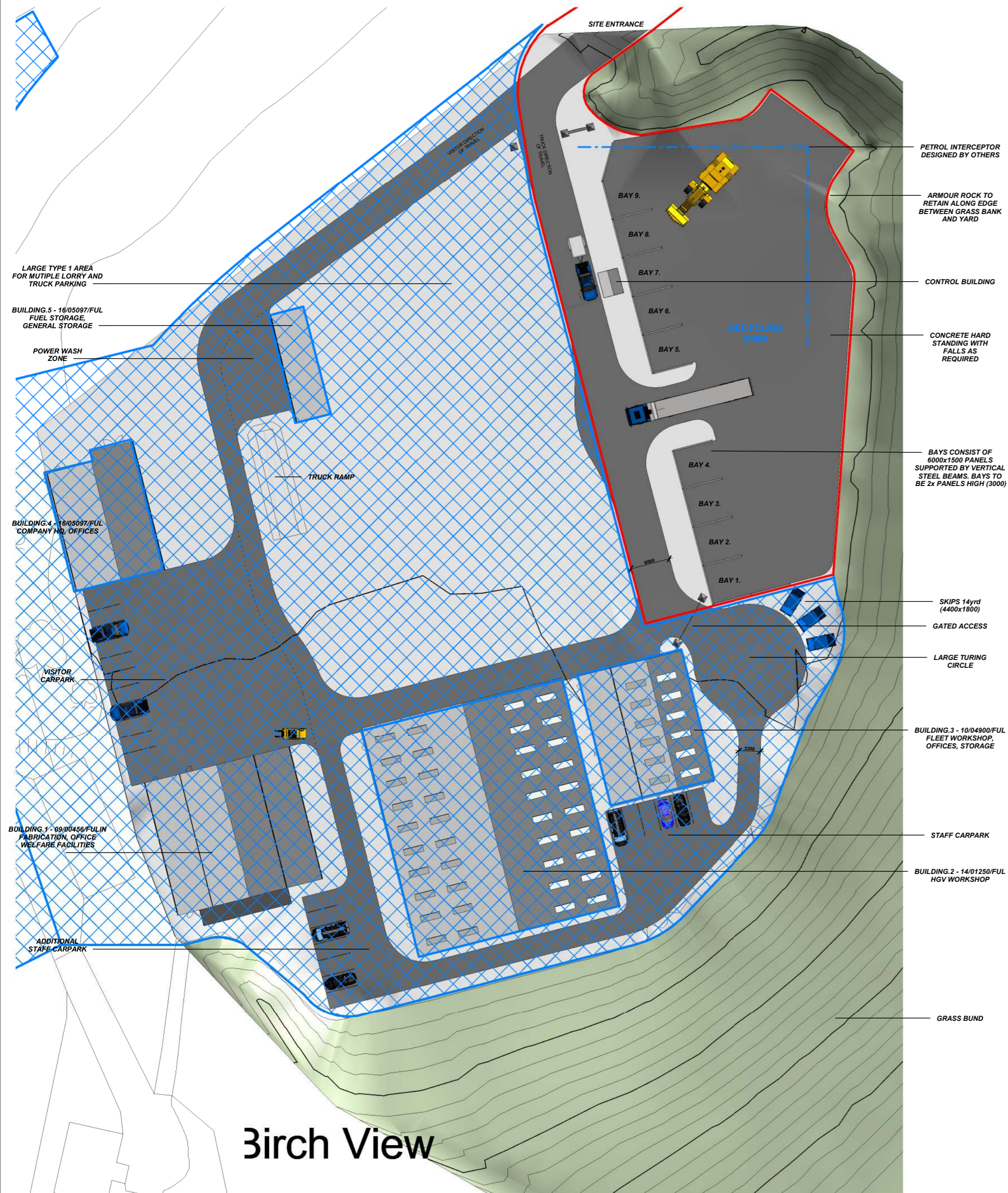
Site Layout:  
**Drainage Layout Plan**  
Proposed New Recycling Centre  
Lairgandour  
Daviot  
Inverness  
IV2 6XN

Drawn By: **GCN** Checked By: **KGT** Surveyed By: **JDS** Drawing Scale: **1: 125 @ A1**  
Surveyed Date: **Jan 2018** Drawing No: **CTCH-2320-023**  
Drawing Date: **28.06.2018** Our Job Ref: **J2320**

**CainTech**  
LAND & BUILDING SURVEYING  
SETTING OUT ENGINEERS  
CIVIL ENGINEERING DESIGN  
LASER SCANNING SERVICES  
HYDROGRAPHIC SURVEYING  
VOLUMETRIC SURVEYING  
DIMENSIONAL CONTROL SURVEYING  
AUTOCAD DRAUGHTING SERVICES  
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Drawing Status:  
 FOR APPROVAL  
 FOR ISSUE  
 FOR DISCUSSION  
 DRAFT STATUS  
• Levels are in metres and are to Ordnance Datum.  
• Co-ordinates are to National Grid. (GPS Network)

PLANNING - PROPOSED



**MRH design**  
Architectural Technology

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Web: www.mrhdesign.co.uk

DO NOT SCALE, IF IN DOUBT PLEASE ASK  
All setting out must be checked on site prior to commencement.  
Any discrepancy must be reported to client.

Client  
**MacDonald Groundwork Limited**  
Project  
MGL Ground Work

Address  
Lairgandour, Daviot, Inverness, IV2 6XN

Scale	1 : 500	Project No.	2018-01
Date	Jan 2019	Drawing No.	2018-01-MRH-100
Drawn by	KH		

rev. a. A2  
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