

Perth and Kinross Council  
Planning & Development Management Committee – 8 April 2020  
Report of Handling by Head of Planning & Development (Report No. 20/88)

**PROPOSAL:** Mineral extraction and processing including alterations to vehicular access, erection of ancillary buildings, landscaping, reinstatement and associated works (Phase 3) (in part retrospect)

**LOCATION:** Land SW of Arns Farm, Auchterarder

Ref. No: [19/01927/MWM](#)

Ward No: P7 - Strathallan

### **Summary**

This report recommends **approval** of an application for mineral extraction and processing, including alterations to vehicular access, erection of ancillary buildings, landscaping, reinstatement and associated works providing it follows the recommendations of the submitted documentation and supporting information and is subject to appropriate planning conditions. The proposal is considered to comply with the Development Plan and National Planning Policy and there are no material considerations which are considered to outweigh the Development Plan. The proposals are recommended for approval, subject to conditions, including associated conclusion of a financial bond to ensure satisfactory restoration measures are secured.

### **BACKGROUND AND DESCRIPTION OF PROPOSAL**

- 1 Full planning permission is sought for mineral extraction and processing including alterations to vehicular access, erection of ancillary buildings, landscaping, reinstatement and associated works (Phase 3)(in part retrospect) at Craigrossie Quarry, land SW of Arns Farm, Auchterarder. The application site extends to 21.77 hectares and is located between Aberuthven and Auchterarder, being situated 670m south of Aberuthven and 2 miles north east of Auchterarder.

#### **Site Description**

- 2 The site is currently occupied by a small-scale sand and gravel quarry operated by the applicant. Consent was granted on the 10th of July 2002 for 5 years for sand and gravel extraction as part of a farm diversification project including forestry, conservation and public access (01/01096/MW). An extension of the original 5 year consent was granted in November 2008 for a further 3 years and therefore Phase 1 was required to be completed by November 2010. A further permission was then granted later in 2008 for Phase 2 of the works covering an area of approximately 0.1 hectares which included the realignment of a farm access road. This permission was granted for a period of 5 years. Therefore, the most recent permission expired in July 2014 and works have continued

since then. As such this current application seeks to regularise the situation on the site and is therefore retrospective.

- 3 The existing quarry contains a site compound with cabins, storage containers, weigh-bridge and associated car parking, together with areas of sand and gravel extraction, processing and associated silt holding areas. The wider site includes a farm access road, established woodland, ponds, access tracks and internal access tracks and areas of former agricultural land. Access to the site is from the B8062 to the west of the site.
- 4 The site is bound to the north by an area of woodland which provides screening of the site from the A9 Trunk road. To the south is the Stirling to Perth railway line with further agricultural land beyond. The land to the south east forms part of the Ochil Hill Special Landscape Area. The site is bound to the west by the B8062, with further agricultural land beyond. There is also a commercial building and associated hardstanding located off the B8062 adjacent to the railway. To the east of the site is further agricultural land, some of which is within the ownership of the applicant.
- 5 The wider context of the site is mainly open countryside with a combination of tourism uses.

### **Proposal**

- 6 The application seeks permission for ongoing and future mineral workings and associated ancillary development which comprises the phases below:
  - Recent and future sand and gravel works, including a 5-year phased completion and restoration of existing sand and gravel extraction;
  - Reinstatement landscape works in areas previously worked;
  - New area of quarry, immediately to the south of existing worked areas for extraction of sandstone;
  - Phased restoration and landscaping of new quarry area;
  - Ancillary stone processing and preparation building and associated compound;
  - New/improved internal access tracks;
  - Improvements to existing road access junction on B8062; and
  - Final reinstatement and access plan.
- 7 A detailed phasing plan for the above works which includes a series of sub phases has been submitted with the application. This includes detailed site plans for each phase of the proposed works. Some of the phases will run concurrently. The proposals also seek to regularise the minerals extraction and processing activities which have been carried out on the site beyond the historic permissions and allow for restoration as part of a comprehensive masterplan for all land within the application boundary.
- 8 The proposed phases of development are outlined below and should be read in conjunction with drawings 19/01927/13-17:

- 9 Phase 1 (2020) - This will involve a new road access upgrade at the B8062 junction and new alignment, slightly to the north west of the access track past the quarry. This phase will rely on fill material already in place along the track alignment and some topsoil and spoil taken from the area designated as the three new sandstone working areas. This phase will also restore the north west meadow area to landscape and grass across a slight gradient.
- 10 Phase 2 will be concurrent with the above, a 2019/20 phase to augment clay and fill bunding to the north west and north east of the planned sandstone extraction pits and to plant trees along the new bund. A new internal access track from the entrance into the quarry in a southerly direction is also proposed to the new working compound. The compound will also be laid out for vehicle access and parking and a new stone cutting shed erected (37.5m x 21.5m). A small shelter for an eco hut and environmental interpretation for invited visitors is also proposed. This phase will also include the conclusion of the current working area for sands and gravels. These extraction activities will cease in this period and the area will be restored with fill from the Phase 3 area and topsoil by the end of 2021.
- 11 Phase 3A and 3B will run partly concurrently with the above, with 3A from mid-2020 to the end of 2022 and 3B between 2023 and 2027, an area to the south east of the site close to the railway of former silts and fill material will be regraded and material exported to reinstate other phases including Phase 2.
- 12 Phases 4A and 4B are scheduled for mid-2021 to the end of 2024. These areas of fill heaps and standing water will be regraded and landscaped and subject to a water management plan, which will specify the extent of retained ponds and water courses. The agent has expressed that the water and landscape specification would be brought forward by condition.
- 13 Phase 5 - Sequential stages are then proposed here. The three new sandstone extraction pits; A, B and C will be sequentially worked from 2020 to 2029, each in a 4-year process, the fourth year being overlapped with the first year of a two-year reinstatement. The reinstatement will involve fill material (from either on site burden or inert external fill).
- 14 Phase 6 - this applies to pits A, B and C being reinstated, each in their 2-year stages of 2023/4, 2026/7, 2029/30.
- 15 Phase 7 - 2030 to 2033 signifies the final retreat and closure of all quarrying and reinstatement of all the sandstone areas to landscape and the whole site subject to footpath, parking and public access plan. The applicant seeks for this to be agreed by planning condition. In this phase, the compound and shed will also be dismantled and the haul track graded and planted with grass. The final drawing shows the site reinstated from 2030 onwards, with a small parking area to lead to a planned footpath loop around the site perimeter with ponds in place, nesting habitats provided and safe views of the ponds provided. There will also be provision for the re-use of the existing woodland track to access the eco hut in the south corner of the site.

- 16 An Operational Environmental Management Plan (OEMP) has been submitted with the application which includes the above phasing schedule which acknowledges that the above phasing may require review and updated.

### **PRE-APPLICATION CONSULTATION**

- 17 The proposed development is classed as a Major development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. Therefore the applicant was required to undertake formal pre application consultation with the local community. The content of the Proposal of Application Notice (PoAN) (18/00009/PAN) was approved in August 2018 and a public consultation was held at Aberuthven Village Hall on Tuesday 21 August 2018.
- 18 Public comment during the PAC process, as outlined in the PAC Report, related to:
- Use of heavy traffic between the A824 and the B8062 and potential requirement for road improvements.
- 19 The PoAN was reported to the Planning and Development Management Committee for comment on 26 September 2018 (Report: 18/299). Members noted the report and made no further comments.

### **Environmental Impact Assessment (EIA)**

- 20 A screening exercise was undertaken by the Planning Authority in September 2018 in accordance with the EIA (Scotland) Regulations 2017 which concluded that this development, whilst falling under Schedule 2 (3) of the above regulations relating to extractive industry, the development was unlikely to result in significant environmental effects. It was therefore concluded that the proposal was not EIA development.

### **WASTE MANAGEMENT REGULATIONS 2010**

- 21 The Management of Extractive Waste (Scotland) Regulations 2010 came into effect on 1st April 2010. The Regulations transpose the EC Mining Waste Directive, which was in response to serious accidents at mine tailings ponds, causing considerable environmental damage. The regulations make Planning Authorities determining mineral planning applications, the Competent Authority for issuing associated permits as envisaged in the Mining Waste Directive. Mineral planning permissions therefore serve as a permit under the Mining Waste Directive.
- 22 A plan concerning extractive waste management has been submitted in respect of the above hard rock quarry as required by the Management of Extractive Waste (Scotland) Regulations 2010.
- 23 The tests in the Scottish Government Guidance Note on The Management of Extractive Waste (Scotland) Regulations 2010 are considered to be met,

consistent with established best practice. There are therefore no further requirements under these Regulations. Conditions regarding the stability and prevention of pollution must however continue to be met during the storage, use and aftercare of any material.

- 24 There are no other inert or non-inert waste facilities at the site, which will not be utilised for approved restoration operations. The applicant has recognised and followed the Scottish Government Guidance in relation to the above Regulations and as such I am satisfied with the submission. No formal waste management plan is therefore required in respect of this site.

## **NATIONAL POLICY AND GUIDANCE**

- 25 The Scottish Government expresses its planning policies through the National Planning Framework 3, Scottish Planning Policy (SPP) and Planning Advice Notes (PAN).

### **National Planning Framework 3**

- 26 NPF3 is a long-term strategy for Scotland and is a spatial expression of the Government's Economic Strategy and plans for development and investment in infrastructure. Under the Planning etc. (Scotland) Act 2006 this is now a statutory document and material consideration in any planning application. The document provides a national context for development plans and planning decisions as well as informing the on-going programmes of the Scottish Government, public agencies and local authorities.

### **Scottish Planning Policy 2014**

- 27 The SPP was published on 23 June 2014. It sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:

- The preparation of development plans.
- The design of development, from initial concept through to delivery.
- The determination of planning applications and appeals.

- 28 Of relevance to this application are;

- Paragraphs 24 - 35: Sustainability
- Paragraphs 36 - 57: Placemaking

- 29 A Successful, Sustainable Place:

- Paragraphs 92- 108 Supporting Business and Employment

30 A Natural, Resilient Place:

- Paragraphs 193 - 218 The Natural Environment
- Paragraphs 219 - 233 Maximising the Benefits of Green Infrastructure
- Paragraphs 254 - 268 Managing Flood Risk & Drainage

31 The following Scottish Government Planning Advice Notes (PAN) are also of interest:

- Air Quality and Land Use Planning (2004)
- PAN 1/2011 Planning and Noise
- PAN 2/2011 Planning and Archaeology
- PAN 3/2010 Community Engagement
- PAN 1/2013 Environmental Impact Assessment
- PAN 40 Development Management
- PAN 50 Controlling the Environmental Effects of Surface Mineral Workings
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 60 Planning for Natural Heritage
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 64 Reclamation of Surface Mineral Workings
- PAN 75 Planning for Transport
- PAN 79 Water and Drainage
- PAN 81 Community Engagement: Planning with People

## **OTHER POLICIES**

32 The following supplementary guidance/policies and documents are of particular importance in the assessment of this application:

- Tayside Landscape Character Assessment (TLCA)
- Perth and Kinross Landscape Supplementary Guidance (June 2015)
- Flood Risk and Flood Risk Assessments - Developer Guidance (June 2014)
- Green Infrastructure Supplementary Guidance (November 2014)
- BS 4142: 2014 Methods for rating and assessing industrial and commercial sound

## **National Roads Development Guide 2014**

33 This document supports Designing Streets and expands on its principles and is considered to be the technical advice that should be followed in designing and approving of all streets including parking provision.

## **DEVELOPMENT PLAN**

34 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2019.

## **TAYPlan Strategic Development Plan 2016-2036**

- 35 TAYPlan sets out a vision for how the region will be in 2036 and what must occur to bring about change to achieve this vision. The vision for the area as set out in the plans states that:

*“By 2036 the TAYplan area will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice where more people choose to live, work, study and visit, and where businesses choose to invest and create jobs.”*

- 36 The following sections of the TAYplan 2016 are of particular importance in the assessment of this application.

## **Perth and Kinross Local Development Plan 2019**

- 37 The Local Development Plan 2 (2019) (LDP2) was adopted by Perth and Kinross Council on 29 November 2019. The LDP2 sets out a vision statement for the area and states that, *“Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.”* It is the most recent statement of Council policy and is augmented by Supplementary Guidance.

- 38 The principal relevant policies are, in summary;

Policy 1A: Placemaking

Policy 1B: Placemaking

Policy 5: Infrastructure Contributions

Policy 8: Rural Business and Diversification

Policy 15: Public Access

Policy 26A: Scheduled Monuments and Archaeology: Scheduled Monuments

Policy 26B: Scheduled Monuments and Archaeology: Archaeology

Policy 36A: Waste Management Infrastructure: Existing Waste Management Infrastructure

Policy 36B: Waste Management Infrastructure: New Waste Management Infrastructure

Policy 38A: Environment and Conservation: International Nature Conservation Sites

Policy 38B: Environment and Conservation: National Designations

Policy 38C: Environment and Conservation: Local Designations

Policy 39: Landscape

Policy 40B: Forestry, Woodland and Trees: Trees, Woodland and Development

Policy 41: Biodiversity

Policy 49A: Minerals and Other Activities - Supply: Extraction

Policy 49B: Minerals and Other Activities - Supply: Restoration

Policy 52: New Development and Flooding

Policy 53B: Water Environment and Drainage: Foul Drainage

Policy 53C: Water Environment and Drainage: Surface Water Drainage

Policy 55: Nuisance from Artificial Light and Light Pollution

Policy 56: Noise Pollution

Policy 57: Air Quality  
Policy 60B: Transport Standards and Accessibility Requirements: New  
Development Proposals

## **SITE HISTORY**

- 39 [08/00423/FUL](#) Re-alignment of farm access road and second phase of sand and gravel extraction. Decision Issued 21 July 2009. Application Approved.
- 40 [08/00428/MW](#) Re-alignment of farm access road and second phase of small scale sand and gravel extraction Decision Issued 21 July 2009 Application Approved
- 41 [18/00009/PAN](#) Phase 3 small scale minerals extraction and processing activities (in part retrospect), including reinstatement, restoration, landscaping, processing building and ancillary accommodation, access and associated works Decision Issued 14 August 2018
- 42 [18/01423/SCRN](#) Phase 3 minerals extraction and processing activities Decision Issued 5 September 2018 – No EIA Required

## **CONSULTATIONS**

- 43 As part of the planning application process the following bodies were consulted:

### **External**

#### **Scottish Natural Heritage**

- 44 No comments and advised of standing advice on species, advised to consider need for species licenses.

#### **Auchterarder and District Community Council**

- 45 No objection

#### **Transport Scotland**

- 46 Does not advise against development

#### **Historic Environment Scotland**

- 47 No comments but advised on proximity to three Scheduled Monuments

#### **Network Rail**

- 48 No objections in principle, advisory notes recommended relating to safety of railway



## **Scottish Water**

- 49 Advice has been provided on drinking water protected areas (DWPA) but advise that development is a sufficient distance from the intake and is therefore considered to be low risk. They have also advised that they will not accept surface water connections into their combined sewers.

## **SEPA**

- 50 No objection subject to submission of Water Management Plan. Reference also made to SEPA's regulatory requirements.

## **Internal**

## **Commercial Waste**

- 51 No comments

## **Environmental Health**

- 52 No objections to the submission have been raised and it is noted that the same working hours are proposed as currently used on site (08:00 to 18:00 hours Monday to Friday and 08:00 to 13:00 Saturdays. No workings permitted on Sundays) which is considered to be acceptable. Furthermore the Noise Assessment which has been undertaken is considered to be acceptable and the Vibration Report concludes that vibration from plant operations would not be perceptible to nearby receptors during any phases. The Operational Management Plan sets out best practise to be implemented which is considered to be acceptable. It also recommended mitigation measures relating to dust and lighting which are considered to be acceptable. Conditions are recommended to ensure appropriate controls and mitigation are in place.

## **Perth and Kinross Hertiage Trust**

- 53 No objection.

## **Developer Contributions**

- 54 No contribution required.

## **Transport Planning**

- 55 Site access junction and creation of run off areas are required which should be secured by conditions. Conditions recommended regarding control of traffic through site and traffic management.

## **Community Greenspace**

- 56 No objection.

## Bio Diversity Officer

- 57 The submitted Ecological Appraisal concludes that there is no evidence of badger, bats, otter or red squirrel on the site. It is imperative that sand martin nesting birds are protected and maintained on the site. A Non Native Species Control Plan should be submitted. The mitigation measures listed in the OEMP should be adhered to in full with particular regard to protecting sand martin and limiting light spill into woodland areas. Conditions are recommended to ensure this.

## REPRESENTATIONS

- 58 No letters of representation have been received.

## ADDITIONAL STATEMENTS

|    |   |  |
|----|---|--|
| 59 | Screening Opinion   | Undertaken and no EIA required   |
|    | Environmental Impact Assessment (EIA): Environmental Report | Not Required   |
|    | Appropriate Assessment                                      | Not Required   |
|    | Design Statement or Design and Access Statement             | Submitted  |
|    | Report on Impact or Potential Impact                        | Environmental Appraisal Submitted which includes – Phasing Programme <ul style="list-style-type: none"><li>• Landscape and Visual Assessment</li><li>• Ecological Appraisal</li><li>• Noise Impact Assessment</li><li>• Geo – Environmental Assessment</li><li>• Draft Operational Environmental Management Plan</li><li>• Flood Risk Assessment</li><li>• Transport Statement</li></ul> |

## APPRAISAL

- 60 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) requires that planning decisions be made in accordance with the Development Plan unless material considerations indicate otherwise.
- 61 The most relevant policies of the Development Plan, the TAYplan Strategic Development Plan 2016-2036 and LDP2 including Supplementary Guidance are outlined in detail above.
- 62 In terms of assessing the principle of a development of this nature at this location, specific mineral resource policies and land designation policies must be reviewed and considered first of all. It should be noted, however, that the principle of

mineral extraction on this site has been established through the extant permissions on the site for sand and gravel extraction.

- 63 TAYplan recognises the importance of resources and assets with potential to support economic growth. The Plan highlights that development and growth in the economy should occur in a way that does not place unacceptable burdens on environmental capacity and should not increase the exposure of users or inhabitants to risks.
- 64 Policy 7 on Energy, Waste and Resources allows Local Development Plans to meet Scottish Government energy and waste targets and seeks to ensure appropriate safety regimes and post-operational restoration of land, particularly for extraction of minerals.
- 65 The recently adopted LDP2 Policies 49A and B apply to proposals for the extraction of minerals. It gives support for the proposed development, provided the proposal complies with the criteria within the policy, and with other national, strategic and local planning policy. The other main relevant policy is Policy 8, which supports rural business subject to safeguards including specific locational need or site-specific resource. The proposal, given the presence of the existing mineral extraction and presence of sandstone for extraction, is considered to comply with the criteria outlined in Policy 8. A detailed assessment of the relevant criteria within Policies 49A and B and consideration under other relevant policies is outlined below.

### **Design and Layout**

- 66 Relevant LDP2 Policies include 1A and B, which set out a range of policy criteria. The scale, form and situation of the proposed structural elements are considered to be acceptable in terms of their operational requirements, versus the impact and contribution to the surrounding natural environment and aim of respecting important views and the landscape character of the area. The structures and buildings associated with the development are considered to be of an appropriate scale in the context of the wider nature and character of the site. The proposal is therefore considered to comply with the criteria contained within Policies 1A and B of the LDP.

### **Landscape and Visual Impact**

- 67 Generally, the associated landscape policies within the SPP, TAYplan and the LDP2 seek to protect areas of landscape value and only support development where it can be accommodated without adversely affecting the quality of the landscape. Policies 1A and B are relevant in considering the proposal's relationship to the surrounding built and natural environment and assessing whether it respects important views and the landscape character of the area.
- 68 The overall assessment in respect of landscape and visual impact has to be considered in three distinct development phases of construction, operation and restoration.

- 69 The landscape and visual impact assessment (LVIA) was prepared as part of the submission (appendix C of the Environmental Appraisal) seeking to address the landscape and visual impact of the site and all associated construction works as well as the ongoing operational phases of the scheme. Given the nature of the mineral extraction proposal, an assessment of the impacts of these elements and the associated mitigation concerning these elements is crucial in assessing the overall acceptability and in relation to policy criteria.
- 70 As outlined above, the existing quarry is located within a rural agricultural landscape between Auchterarder and Aberuthven. The site falls within the Broad Valley Lowlands landscape character area as defined in the Tayside Landscape Character Assessment (TLCA) (SNH 1999).
- 71 The TLCA identifies that the area the lowland straths include substantial deposits of fluvio-glacial material, some of which has been exploited to provide aggregates and materials for the construction industry as is the case with Craigrossie.
- 72 The TLCA provides a series of strategies for the management of the landscape. The overall aim is to restore the characteristics of the landscape of hedged fields, hedgerow trees, avenues and policy woodlands which helps to maintain the contrast between lowland landscape and adjacent extensive upland.
- 73 A series of visualisations accompany the LVIA which help to demonstrate the extent of landscape and visual impact of the site from key receptors. The application site is well enclosed, particularly on the west and north sides by recently planted small woodlands which were planted as part of a farm diversification scheme associated with the commencement of the sand and gravel extraction. A mature tree belt associated with the Pairney Burn on the west sides also provides screening from the B8062.
- 74 The site is more visible from the south from the Perth to Stirling railway, which forms the southern boundary and sits at a higher level, and also from the north slopes and summit of Craig Rossie (410m) two kilometres to the south. There are no views of the site from the A9.
- 75 The nearest settlements to the site are Auchterarder and Aberuthven. There are also a series of individual houses and farms within a 2km radius. There are no views into the site from any of the properties to the north and west due to intervening topography and existing woodland. Similarly, views from Easter Coul and Pairney to the south are also screened by the topography and tree cover. Views from Arns to the north east and properties to the east of Arns are also closed by local topography and woodland. The site is therefore not considered to have a detrimental impact on nearby residential receptors.
- 76 It is considered that, given the location of the site and the existing screening afforded to it, the site has little impact on the existing landscape with the main inward view being from the railway. There are proposed to be limited changes to the drainage arrangements on the site but this will continue to be managed through the use of the existing settling ponds before entering the local farm drainage network of ditches. The ponds are proposed to be retained and reshaped as part of the final restoration as permanent features in the landscape.

- 77 Overburden area will be contained within the site boundary and will be used to infill worked sand and gravel areas as they progress. These are not considered to alter the viewpoints in the local area. A low bund of boulder clay between the sand and gravel extraction and sandstone quarry is proposed to be contoured and planted before the sandstone operation commences.
- 78 The site support area will result in a change to the woodland and grassland nature of this part of the site for the duration of the works. This area is already occupied by a series of small-scale buildings and is well screened from the public domain.
- 79 Overall it is concluded that the proposal will have a limited effect on the landscape character of the area due to the relatively short working life and the size and scale of the proposal and its position within the landscape. The reinstatement to grass meadow and woodland (which is referred to in more detail below) is also considered to be appropriate in terms of the long-term restoration for the site.
- 80 The restoration will generally return the landscape in this area to its form and make up prior to the commencement of the sand and gravel operation.
- 81 Overall the selected viewpoints indicate that the site is well screened and contained by existing woodland and topography and has a limited impact on the landscape character of the area given its position. The proposal is therefore considered to meet the aims of the TLCA and the criteria contained within Policies 1A and B of LDP2.

### **Restoration and Aftercare**

- 82 A phased landscape restoration plan for the site has been submitted with the application which includes a series of site plans which demonstrate progress with the restoration and can be read in conjunction with the associated phasing plan. The proposal is to progressively restore the quarry to a mixed landscape of native mixed woodland, meadow grassland and water features including ponds linking to watercourses. The restoration is proposed to commence in 2020 with restoration across the sand and gravel quarry to be completed and fully restored by 2024 and the sandstone and support centre by 2030.
- 83 Site overburden materials are proposed to be used in the reinstatement to create a new contoured landscape which will broadly reflect the landscape character of the area. The existing ponds are proposed to be re-shaped to more natural profiles to provide opportunities for bio diversity. The restored quarry will sit within a framework of woodland, as detailed above and also be augmented with additional tree planting.
- 84 A condition is recommended to ensure the restoration and aftercare is progressed in accordance with the submitted phasing document and plans which will ensure that there is no adverse impact on the landscape character and visual amenity of the area over the longer term (Condition 18).

## **Financial Guarantees and Bond**

- 85 A bond will be required to give financial security throughout the 13 year life of the development, ensuring decommissioning is undertaken and more importantly, the agreed appropriate restoration measures and associated monitoring and management of that restoration can always be fully resourced. A draft bond is currently being worked up by the applicant for consideration by the Council as Planning Authority which can be secured through an appropriate Section 75 Agreement. The Section 75 will also ensure the bond is updated at regular intervals.

## **Ecology and Bio Diversity**

- 86 Policy 41 of LDP2 requires new development to take account of any potential impact on natural heritage including protected species and states that the Council should seek to protect and enhance all wildlife and wildlife habitats whether formally designated or not.
- 87 The Planning Authority is required to have regard to the Habitats Directive and the Habitats Regulations. Consideration of how 'European Protected Species' (EPS) are affected must be included as part of the consent process, not as an issue to be dealt with at a later stage. Three tests must be satisfied before the Scottish Government can issue a license under regulation 44(2) of the Habitats Regulations so as to permit otherwise prohibited acts.
- 88 An ecology survey accompanies the application which indicates that there is no evidence of badger, bats, otter or red squirrels on the site. The Bio Diversity Officer indicates that the site does have potential to be used for badgers, otters and bats for foraging and shelter. The ponds within the site are considered to have a poor to average suitability to support great crested newt based on the Habitat Suitability Index Assessment.

## **Breeding Birds**

- 89 A sand martin colony was identified on the steep banks by the large settling lagoon. It is proposed that the large pond to the northeast of the site will be developed to protect and enhance sand martin nesting sites. It is imperative the sand martin nesting sites are protected and maintained. A condition will ensure the conclusions and recommendations of the submitted survey are fully adhered to (Condition 9).

## **Invasive Non-Native Species**

- 90 The submitted survey indicates the presence of two small areas of giant hogweed and recommends these be treated. For any materials that are to be taken off site, consideration should be given to separating any soils that may potentially contain non-native species in line with the Non-Native Species Code of Practice to limit the potential species of invasive species. Details of this treatment should be included in an Invasive Non-Native Species Control Plan and submitted to the Planning Authority. This can be secured by condition (Condition 3).

### Wider Biodiversity

- 91 This proposal includes reinstatement, restoration and landscaping and it is proposed that the site will be restored to mixture of woodland, grassland meadows and ponds for the benefit of wildlife. Many measures are welcomed including the reprofiling of ponds for maximum wildlife benefit, areas of open ground left with bare soil, and planting tree species that are native to Scotland that will maximise the biodiversity value of the site.

### Ground Water Dependent Terrestrial Eco Systems (GWDTEs)

- 92 Due to the previously farmed and disturbed nature of the site, it is not believed that any groundwater-dependent terrestrial ecosystems (GWDTEs) are present on site. The Phase 1 habitat survey identifies a range of habitats in the survey area including broadleaved plantation woodland, semi-improved neutral grassland, scrub, ephemeral / short perennial and bare ground areas, but concludes that these habitats are of low ecological value. No habitats which appeared to be potential GWDTEs were identified during the ecological surveys.
- 93 The mitigation measures listed in section 4.3 of the submitted Draft Operations Environment Management Plan (Appendix 6) should be adhered to in full, with attention drawn to protecting the sand martin nesting areas and limiting artificial light spill onto existing woodland areas. This can be secured by condition (Condition 1).

### **Impact on Trees/Forestry**

- 94 Policies 40A and 40B relate to consideration on the impact to trees, and Policy 40A supports proposals where forests, woodland and trees are protected or where existing woodland is expanded or new areas delivered. Policy 40B sets out that where there are existing trees on a development site, the application should be accompanied by a tree survey. As outlined above the site is well screened by existing woodland and tree belts, all of which are proposed to remain. There is no tree felling proposed as part of the proposal and the wider restoration and aftercare includes additional native tree planting. The proposal is therefore considered to comply with Policies 40A and B of LDP2.

### **Traffic and Transport**

- 95 Paragraph 271 of SPP 2014 requires development plans and development management decisions to take account of the implications of development proposals on traffic, patterns of travel and on road safety.
- 96 PAN 50 Controlling the Environmental Effects of Surface Mineral Workings is also relevant, providing good practice advice, including the assessment of traffic at mineral working sites, which has been reflected in the ES.
- 97 Policy T60B of LDP2 requires a full assessment of the impact of the development to pedestrian and traffic safety to be undertaken. The submission included a Transport Statement (TS) which outlines the implications on the road network of the proposed development.

- 98 The TS states that the current quarry operation employs 4 people and exported materials include ballast, washed gravel, building sand and screened soil. The site is accessed from the B8062 off the A824 to the north. The majority of quarry traffic travels to the north from the site.
- 99 The existing quarry employs 4 staff which mainly travel by car resulting in 6 car movements per day. The quarry exported 39,470 tonnes over a 12-month period between April 2017 and March 2018. Based on a 50-week business year and 5 working days per week this equates to 160 tonnes per day i.e eight 20 tonne lorry loads (16 HGV movements). These sand and gravel movements will eventually cease given the move to sandstone extraction and the restoration of the sand and gravel areas.
- 100 The sandstone is proposed to be quarried and loaded onto HGVs for processing by customers elsewhere. There will be a transition period from the existing sand and gravel operation and the phasing plan indicates that this will cease in the short term and over the next 1-2 years.
- 101 The sandstone extracts are based upon a business model of 5000 tonnes per year. Based on a 50-week year this equates to 100 tonnes per week or one 20 tonne HGV per day (2 movements). As such the HGV movement associated with the operation will initially increase with the overlap between sand and gravel extraction and sandstone extraction to 18 HGV movements on average per day but this will be for a limited period of up to 2 years. The movements will then decrease from 18 to 2 HGV movements per day which is considered to be acceptable.
- 102 It should be noted that there is also a haulage business located at Islabank to the south of the B8062 which also makes use of the road. The haulage business operates 10 HGVs which according to the TS are “out on the road” for the most part and do not routinely return to the depot.
- 103 There is potential for there to be additional HGV traffic associated with the restoration phases should there not be sufficient overburden on site to carry out the restoration works. This therefore may require additional HGV movements to bring additional materials onto the site. On that basis a condition is recommended to ensure a further Traffic Management Plan is submitted prior to the restoration of this phase proceeding to ensure the Council retains some control over these restoration measures should they require off site materials (Condition 21).
- 104 During a meeting on site in September 2018 there was discussion relating to the condition of the existing access into the site and the condition of the B8062 between the site and the junction within the A824 to the north. Particular concern was raised relating to the bend on the road and the damage which had been caused to road verges. It has been recommended that over run areas are constructed on the public road, together with bringing the bellmouth access up to current Council standards. Signage on the bridge over the Ruthven Water to indicate its width was also requested. It was requested during the meeting in September 2018 that these works required to be undertaken asap. On that basis a series of conditions are recommended to ensure these works are undertaken



within 6 months of the date of this decision to ensure the required road improvements are undertaken (Conditions 5, 6, 7 and 8).

- 105 The proposal, subject to the above conditions, is considered to comply with Policy 60B of LDP2.

### **Impact on Water Environment**

- 106 Policies 53B and C requires development to have appropriate foul water and surface water drainage.

#### Surface Water

- 107 The main surface water features associated with the site are the Ruthven Water and the Pairney Burn.
- 108 The Pairney Burn rises in the Ochil Hills and flows from the hills and close to the western boundary of the site adjacent to the B8062, passing beneath the A9 in a culvert and flows into the Ruthven Water close to Shinafoot. The Pairney Burn has a “High” overall Water Framework Directive (WFD) status.
- 109 The Ruthven Water rises in the Ochil Hills in Glen Eagles to the south of Auchterarder and flows north east before joining the River Earn 2km north of Aberuthven. It also has a High overall WFD status.
- 110 The WFD objectives are that the High status is maintained.
- 111 There are also a number of ponds within the quarry and a small number of unnamed watercourses which drain into these ponds into the Ruthven Water.
- 112 The hydrology report states that there is no direct link between the Pairney Burn and the quarry. There is, however, a link between the large natural pond and settling ponds in the quarry and Ruthven Water via a small un-named watercourse. SEPA indicate that there is a potential risk of pollution (including silt and contaminants) entering into the Ruthven Water via the ponds and the un-named watercourse. SEPA have indicated that to avoid contamination of aquatic habitat it is imperative that pollutants are not allowed to enter the water courses. SEPA’s pollution prevention guidelines should be followed.
- 113 SEPA have also indicated that water pumped from a natural pond discharges off site via settlement ponds to tributary of the Ruthven Water. These activities will require authorisation under the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) (CAR). An informative is recommended to advise the applicant of this requirement (Informative 8)
- 114 A detailed assessment of the hydrological and hydrogeological regimes on the site, including the drainage arrangements have been submitted as part of Appendix H of the Environmental Appraisal. Furthermore, the Draft Operation Environmental Management Plan (OEMP) also addresses the mitigation relating to surface water. SEPA have considered this and do not consider it to adequately address the management of surface water drying earthworks or

stockpiling of soils. Also matters such as cut off drains, proposed abstractions, welfare drainage also require to be addressed. A condition is therefore recommended to ensure that a Water Management Plan which addresses the above is submitted for approval in consultation with SEPA (Condition 2).

#### Groundwater

- 115 The submission indicates that the site lies over two groundwater bodies, Crieff (Water Framework Directive (WFD) ID 150668) and Path of Condie (WFD ID 150586). The Ruthven Water and Pairney Burn flow over both of these.
- 116 The Crieff groundwater waterbody covers an area of 397sqm. Almost the full extent of the quarry, Ruthven Water and Pairney Burn wall within the boundary of the waterbody.
- 117 The Path of Condie groundwater waterbody covers an area of 109sqm but only a small part of the quarry, the head waters of the Ruthven Water and most of the Pairney Burn fall within the boundary of the waterbody.
- 118 The WFD objectives are that the overall “High” status of these waterbodies are maintained. The submission includes an assessment of groundwater impact.
- 119 SEPA have been consulted on the application and indicate that there is a historic borehole on the site which is 8.5m deep and approximately 200m from the proposed sandstone extraction. SEPA state that the surface water bodies on site could be groundwater fed due to the levels.
- 120 As such SEPA consider that during the sandstone extraction groundwater could be encountered. SEPA therefore state that if dewatering is necessary, then details should be included within the Water Management Plan referred to above which can be secured by condition (Condition 2).

#### Drinking Water Supplies

- 121 Scottish Water have been consulted and state that the site falls within a drinking water catchment where a Scottish Water abstraction is located. These areas are protected under the WFD. Scottish Water have concluded that the catchment is relatively large and the site is a sufficient distance from the intake that it is likely to be low risk. Scottish Water have provided advice within their consultation response to the applicant which will be reference in an informative on any permission granted (Informative 9).
- 122 Given the above, it is considered the proposed development of this site and the associated elements fully accord with policy 53B and C of LDP2 and the wider national policy position of the SPP.

#### **Flooding**

- 123 Policy 52 relates to flooding and states that there is a general presumption against proposals for built development or land-raising on a functional flood plain and in areas where there is a significant possibility of flooding from any source.

- 124 The SEPA flood maps identify an area of surface water flooding to the south of the railway line but outwith the red line boundary of the application site. There are also two areas of surface water flood risk within the site on the settling ponds and flooded workings which drain onto an unnamed watercourse. A Flood Risk Assessment accompanies the application which concludes that the proposals on site do not present a change to flood risk at the site.
- 125 SEPA and the Council's Structures and Flooding Team have been consulted and both have raised no objection in relation to the drainage and flooding issues associated with the site. The proposal is therefore considered to comply with Policy 52 of LDP2.

### **Developer Contributions**

- 126 The Council's Transport Infrastructure Developer Contributions Supplementary Guidance, which relates directly to Policy 5, requires a financial contribution towards the cost of delivering the transport infrastructure improvements, which are required for the release of all development sites in and around Perth.
- 127 There is no policy requirement for developer contributions at this location.

### **Residential Amenity**

- 128 The proposal has a number of environmental considerations associated with it such as dust, air pollution impacts through particulates, noise and vibration.

### **Noise**

- 129 Policy 56 of LDP2 and part of Policy 49A state that there is a presumption against the siting of development, which will generate high levels of noise in the locality of existing noise sensitive land uses. A Noise Assessment has been submitted with the application.
- 130 Environmental Health have considered the contents of the Noise and Vibration Assessment and it is noted that the same working hours are proposed as currently used on site (08:00 to 18:00 hours Monday to Friday and 08:00 to 13:00 Saturdays And no workings permitted on Sundays) which is considered to be acceptable. A condition is recommended to ensure this remains the case (Condition 13).
- 131 The Noise Report indicates that noise monitoring of the existing operation has been carried out and concludes that the present noise impact from the site is minimal.
- 132 It should also be noted that there are no letters of representation and Environmental Health have advised that they have received no complaints regarding noise, vibration or dust associated with the operations of the quarry.

### Vibration

- 133 A qualitative assessment of potential impacts from vibration on sensitive receptors has also been carried out based upon the proposed phasing and operations at the site and the plant which is required during each phase and concludes that vibration is not likely to impact upon nearby receptors.

### Air Quality and Dust

- 134 An assessment of potential dust generating sources was undertaken to determine the best methods of limiting or suppressing dust attributable to the proposals. Given the nature of the quarry and its proximity to the water table all extraction is in the form of wet sands and gravels and therefore there is limited dust generation.
- 135 There is not considered to be any adverse impact on neighbouring or recreational amenity providing that the recommendations within the submitted OEMP are strictly adhered to which will ensure best practise measures are employed on site. A condition is recommended to ensure a finalised OEMP is submitted for approval (Condition 4).

### Lighting

- 136 Policy 55 of LDP2 relates to light pollution, seeking to prevent statutory nuisance from occurring due to artificial lighting. Lighting generally is restricted to the site compound area and on the front of certain plant and machinery. The applicant has advised that site operations will generally not take place during the hours of darkness. A condition is recommended to control light spill from the site (Condition 22). Due to the surrounding topography and screening afforded by existing woodland the site is not considered to generate significant light pollution and therefore accords with Policy 55 of LDP2.
- 137 As such, on the basis of the information submitted and through the use of appropriately worded conditions (Conditions 4, 11, 12, 13, 14, 15, 16, 17, 19 and 20) the proposal is considered to comply with Policies 49A and 56 (relating to noise and residential amenity) of LDP2.
- 138 Overall, subject to conditions and adherence to the OEMP the proposal is considered to be acceptable in terms of residential amenity.

### **Recreational Access and Tourism**

- 139 Policy 15 relates to public access, advising acceptable development proposals shall not have an adverse impact upon the integrity of any (proposed) core path, disused railway line, asserted right of way or other well used routes.
- 140 Development proposals that would unreasonably affect public access rights to these features will be refused unless these adverse impacts can be adequately addressed in the supporting plans and suitable alternative provision is made.

- 141 There are no core paths or right of ways located on the site with closes routes being on the north side of the A9 and into the Ochills to the south. As such, the proposal is not considered to impact on these routes other than minimal impact in terms of visual and landscape impacts of users of the Ochills routes which overall is acceptable.
- 142 The final restoration proposals involve reinstatement of the land to create ponds for fishing and recreational walking routes which will provide improvements and additional recreation and tourist uses in the local area. The final footpath access plan will be subject to further approval by condition (Condition 22).

### **Archaeology**

- 143 Perth and Kinross Heritage Trust have been consulted on the application and have advised that there are no concerns or impacts relating to archaeology associated with this site. The proposal therefore complies with Policy 26B of LDP2.

### **Cultural Heritage**

- 144 LDP2 seeks to ensure that matters of cultural heritage are protected from inappropriate development.
- 145 Historic Environment Scotland (HES) have commented on the proposals and identified three Scheduled Monuments within the vicinity of the site and have concluded that the proposal would not impact on the integrity of these sites. There are no other cultural heritage impacts associated with the development.
- 146 The proposal is therefore considered to comply with the relevant cultural heritage provisions of LDP2.

### **Socio-Economic Benefits**

- 147 Policy 8 encourages appropriate rural economic development opportunities and diversification and Policies 49A and B, which seeks to address extraction of minerals and subsequent restoration are considered directly relevant in the assessment of the socio-economic assessment. Perth and Kinross Council identifies sustainable economic growth as a key vision statement, recognising that its rural areas provide a valuable platform for food and raw material production, but equally through supporting tourism through the areas environmental assets and associated economic enterprises. Given the presence of an existing quarry operation on this site a socio-economic assessment was not considered to be necessary for this submission. It is acknowledged, however that the quarry provides materials for the local building trade and results in localised benefits to the economy and employment on site.
- 148 There is therefore considered to be tangible benefits associated with the operation of the site as a quarry in accordance with the objectives of Policies 8, 49A and B of LDP2.

## **PLANNING PROCESSING AGREEMENT**

- 149 In line with best practice working arrangements, the applicant and the planning authority have entered into a planning processing agreement.

## **LEGAL AGREEMENTS**

- 150 A Section 75 will be required in order to adequately secure the terms of the bond or other financial instrument associated with securing the required site decommissioning, restoration and aftercare over the lifetime of the development and beyond. The approved bond or financial instrument also requires to be maintained throughout the duration of the operation of the development hereby approved. The agreement would also require reviews at five-yearly intervals (as a minimum) from the commencement of the development, to ensure an independent review of the approved bond or financial instrument is carried out and submitted to the Council as Planning Authority. The Council as Planning Authority may direct that the approved bond or financial instrument be amended if this is necessary to ensure that funds remain sufficient to cover the removal of all development granted by this permission and the site's restoration.

## **DIRECTION BY SCOTTISH MINISTERS**

- 151 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, regulations 30 – 33 there have been no directions by the Scottish Government in respect of an Environmental Impact Assessment screening opinion, call in or notification relating to this application.

## **CONCLUSION AND REASONS FOR RECOMMENDATION**

- 152 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, I have taken account of the Local Development Plan and material considerations and, in this case, I am content that the development proposed does not conflict with the Development Plan.
- 153 Accordingly the proposal is recommended for approval subject to the following conditions.

## **RECOMMENDATION**

### **Conditions and Reasons for Recommendation**

- 1 The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.

Reason: To ensure the development is carried out in accordance with the approved drawings and documents.

- 2 Within 6 months of the date of this decision a detailed Water Management Plan shall be submitted to and approved in writing by the Planning Authority in consultation with SEPA. The Water Management Plan shall include full details of the management of surface water during earthworks or stockpiling of soils and shall include details of silt management devices, cut off drains, proposed abstractions and welfare drainage. It should also detail de-watering details if this is proposed. The details, as approved in writing, shall be strictly adhered to for the duration of the operations on site to the satisfaction of the Council as Planning Authority.

Reason: To ensure adequate management of water on site.

- 3 Within 6 months of the date of this decision notice, an Invasive Non-Native Species Control Plan shall be submitted to and approved in writing by the Planning Authority. The Invasive Non-Native Species Control Plan as approved in writing shall be strictly adhered to during the lifetime of the development.

Reason: In the interests of protecting environmental quality and of biodiversity.

- 4 Prior to the commencement of any phases of development which relate to new mineral extraction, a detailed Operational Environmental Management Plan (OEMP) shall be submitted to and approved in writing by the Planning Authority. to include mitigation measures to minimise the impact of noise, vibration, dust and lighting from the development site, must be submitted to and approved in writing by the Planning Authority. The finalised OEMP can be based upon the draft OEMP (Appendix G of the Environmental Appraisal) submitted with the application.

The OEMP is a live document which shall be updated to reflect changing site conditions as works progress on site.

The OEMP, as approved, shall be strictly adhered to for the duration of operations on site until the site is fully restored to the satisfaction of the Council as Planning Authority.

Reason: In the interests of neighbouring recreational and residential amenity; to ensure a satisfactory standard of local environmental quality is maintained.

- 5 Within six months of this planning application being approved, the vehicular access shall be formed in accordance with Perth & Kinross Council's Road Development Guide Type E Figure 5.8 access detail, of Type C Road construction detail. The Type C Road construction detail shall continue for a minimum of 15 metres back from the edge of the road carriageway. The dropped kerbs shown in Perth & Kinross Council's Road Development Guide Type E Figure 5.8 access detail will not be required as there is no existing footway. Any change to the specification above shall be agreed in advance of any works, in writing, with the Council as Planning Authority in consultation with the Roads Authority.

Reason: In the interests of road safety; to ensure an acceptable standard of construction within the public road boundary.

- 6 Within six months of the date of this decision notice, the road carriageway on the B8062 shall be resurfaced across both running lanes over the length of the Type E access formation, using the construction detail below:

- 40-50mm Wearing Course Hot Rolled Asphalt with 12/14mm stone

The work shall be supervised by the Area Roads Engineer and in accordance with standards of the Roads Authority. Any change to the specification above shall be agreed in advance of any works, in writing, with the Council as Planning Authority in consultation with the Roads Authority.

Reason: In the interests of road safety; to ensure an acceptable standard of construction within the public road boundary.

- 7 Within six months of the date of this decision notice, the over-run areas to the south verge and north verge on the B8062, as outlined in Figures 5.2 and 5.3 respectively of the Transport Statement dated 17<sup>th</sup> May 2019, shall be resurfaced, using the construction detail below:

- 50mm Wearing Course Hot Rolled Asphalt with 12/14mm stone
- 100mm Basecourse - Dense Bitumen Macadam with 20mm stone
- 300mm Sub-base type 1

The work shall be supervised by the Area Roads Engineer and in accordance with standards of the Roads Authority. Any change to the specification above shall be agreed in advance of any works, in writing, with the Council as Planning Authority in consultation with the Roads Authority. For the avoidance of any doubt, the existing kerb line shall remain in place.

Reason: In the interests of road safety; to ensure an acceptable standard of construction within the public road boundary.

- 8 Within six months of the date of this decision notice, road signs showing that the public road narrows on both approaches to the Ruthven Water Bridge must be installed. Diagram 516 with a supplementary plate (S2-2) "Oncoming vehicles in middle of road" must will be installed on both approaches. The location of the signs must be agreed with the Area Roads Engineer prior to installation and be erected in accordance with standards of the Roads Authority.

Reason: In the interests of road safety.

- 9 The conclusions and recommended action points within the supporting biodiversity survey (19/01927/28) submitted and hereby approved shall be fully adhered to, respected and undertaken as part of the construction phase of development.

Reason: In the interests of employing best practice ecology and to ensure there is no adverse impact on any protected species as identified under the Wildlife and Countryside Act (1981).



- 10 Measures to protect animals from being trapped in open excavations and/or pipe and culverts shall be implemented for the duration of the construction works of the development hereby approved. The measures may include creation of sloping escape ramps for animals, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day and open pipework greater than 150mm outside diameter being blanked off at the end of each working day.

Reason: In order to prevent animals from being trapped within any open excavations.

- 11 Noise from any plant and machinery associated with the development shall be controlled such that it does not exceed 55dBAeq, 1 hour (free field) at 3.5m from the façade of noise sensitive properties (except during temporary operations as referred to in condition 12.

Reason: In the interests of residential amenity; to ensure a satisfactory standard of local environmental quality.

- 12 To allow for temporary operations such as soil stripping, removing soil heaps, creating earth bunds, crushing operations and restoration, noise levels measured at 3.5m from the façade of any noise sensitive dwelling shall not exceed 70dB LAeq, 1 hour (free field) for more than 8 weeks in any one year, unless otherwise agreed in writing by the Council as Planning Authority. Perth and Kinross Council, Environmental Health and all neighbouring noise sensitive dwellings should be advised in advance of the activities detailing the timings, actual activities to be undertaken and any additional noise mitigation measures.

Reason: In the interests of residential amenity; to ensure a satisfactory standard of local environmental quality.

- 13 The hours of operation shall be limited to Monday to Friday 08:00 to 18:00 hours and 08:00 to 13:00 Saturdays. No workings permitted on Sundays.

Reason: In the interests of residential amenity; to ensure a satisfactory standard of local environmental quality.

- 14 All vehicles, plant and machinery shall operate only during the permitted hours of operation and shall always be silenced in accordance with the manufacturer's recommendations and so operated as to minimise noisy emissions. The Council as Planning Authority reserves the right to insist on any reasonable additional measures to further minimise noise emissions, should it prove expedient to do so.

Reason: In the interests of residential amenity; to ensure a satisfactory standard of local environmental quality.

- 15 The existing dry wheel bath on site shall be retained for the duration of site works and until all aftercare measures have been completed and shall be utilised at all times. The dry wheel bath shall be supplemented by a road brush as required.

Reason: To ensure the public road is kept clear of debris from the site.

- 16 Audible vehicle reversing alarms shall be operated on the method that they only emit the warning if necessary, e.g. on an infrared signal which detects persons to the rear of the vehicle.

Reason: In the interests of residential amenity; to ensure a satisfactory standard of local environmental quality.

- 17 No blasting shall take place on the site at any time.

Reason: In the interests of residential amenity; to ensure a satisfactory standard of local environmental quality.

- 18 The extraction of sand, gravel and sandstone and subsequent restoration and aftercare shall commence and proceed only in accordance with the submitted details of phasing, direction and depth of working, restoration, landscaping and proposed aftercare as shown on the plans herewith approved. No deviations from the phasing plan shall be permitted unless agreed in writing with the Council as Planning Authority.

Reason: In order to ensure the development proceeds in accordance with the approved plans and documents and to serve the rights of the Council as Planning Authority.

- 19 If any aspects of the operation results in justified complaints the applicant shall, if required by the Planning Authority, have recognised consultants carry out monitoring for noise or dust and provide reports to the satisfaction of the Planning Authority. The applicant shall be required to take any reasonable remedial measures recommended in such reports, unless otherwise agreed in writing with the Planning Authority.

Reason: In the interests of residential amenity; to ensure a satisfactory standard of local environmental quality.

- 20 All external lighting shall be sufficiently screened and aligned to ensure that there is no direct illumination of neighbouring land and that light spillage beyond the boundaries of the site is minimised to a degree that it does not adversely affect the amenity of the neighbouring land.

Reason: In the interests of residential amenity; to ensure a satisfactory standard of local environmental quality.

- 21 Should any external materials be required for site restoration a detailed Traffic Management Plan (TMP) shall be submitted to and approved in writing by the Planning Authority in consultation with the Roads Authority (Structures) prior to commencement of that phase of restoration. The TMP shall detail the number of HGV movements required for bringing additional materials into the site to complete the restoration phase. The Traffic Management Plan (TMP) shall include the following:

- (a) restriction of construction traffic to approved routes and the measures to be put in place to avoid other routes being used;
- (b) timing of construction traffic to minimise impact on local communities particularly at school start and finishing times, on days when refuse collection is undertaken, on Sundays and during local events;
- (c) a code of conduct for HGV drivers to allow for queuing traffic to pass;
- (d) arrangements for liaison with the Roads Authority regarding winter maintenance;
- (e) emergency arrangements detailing communication and contingency arrangements in the event of vehicle breakdown;
- (f) arrangements for the cleaning of wheels and chassis of vehicles to prevent material from construction sites associated with the development being deposited on the road;
- (g) arrangements for cleaning of roads affected by material deposited from construction sites associated with the development;
- (h) arrangements for signage at site accesses and crossovers and on roads to be used by construction traffic in order to provide safe access for pedestrians, cyclists and equestrians;
- (i) details of information signs to inform other road users of construction traffic;
- (j) arrangements to ensure that access for emergency service vehicles are not impeded;
- (k) co-ordination with other significant developments known to use roads affected by construction traffic;
- (l) traffic arrangements in the immediate vicinity of temporary construction compounds;
- (m) the provision and installation of traffic counters at the applicant's expense at locations to be agreed prior to the commencement of construction;
- (n) monitoring, reporting and implementation arrangements;
- (o) arrangements for dealing with non-compliance; and
- (p) details of HGV movements to and from the site.

The TMP as approved shall be strictly adhered to during the entire site construction programme.

Reason: To ensure adequate controls are put in place should there be a significant uplift in HGV movements to the site as a result of the restoration process.

- 22 Prior to the commencement of Phase 7 of the development full details of the proposed footpath recreational access plan and any associated buildings shall be submitted to and approved in writing by the Planning Authority. The footpath recreational access plan shall be implemented in full as part of the Phase 7 works to the satisfaction of the Council as Planning Authority.

Reason: To ensure appropriate final restoration of the site in accordance with the agreed phasing.

## **B JUSTIFICATION**

The proposal is in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

## **C PROCEDURAL NOTES**

No permission should be issued until a bond has been agreed through a Section 75 Legal Agreement which has been signed by the Council and applicant associated with required site decommissioning, restoration and aftercare over the lifetime of the development and beyond.

## **D INFORMATIVES**

- 1 This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. (See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).
- 2 Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
- 3 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
- 4 This development will require the 'Display of notice while development is carried out', under Section 27C (1) of the Town and Country Planning Act 1997, as amended, and Regulation 38 of the Development Management Procedure (Scotland) Regulations 2008. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 38 the notice must be:
  - Displayed in a prominent place at or in the vicinity of the site of the development.
  - Readily available to the public
  - Printed on durable material.
- 5 The findings and recommendations contained with the Bat Survey remain valid for a period of 18 months. If the approved planning permission is not implemented within 18 months of the date of the survey it is strongly recommended that an updated Bat Survey is undertaken prior to any works commencing. Failure to do so could potentially leave you open to prosecution should any bats be harmed as a result of the works. Please note that bats are protected by law, and it is a criminal offence to deliberately harm, capture, kill or disturb a bat or its resting place.

- 6 Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.
- 7 The applicant should be advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.
- 8 The applicant should be aware of the advice contained within SEPA's consultation response dated 28 January relating to pollution prevention control and the potential requirement for CAR Authorisation and should make contact with SEPA's regulatory team to discuss these matters.
- 9 The application should be aware of the guidance contained within Scottish Water's consultation response dated 16<sup>th</sup> December 2019 relating to Drinking Water Protected Areas.
- 10 Cranes and jibbed machines, used in connection with the works, must be so positioned that the jib or any suspended load does not swing over railway infrastructure or within 3 metres of the nearest rail if the boundary is closer than 3 metres.
- 11 All cranes, machinery and constructional plant must be so positioned and used to prevent the accidental entry onto railway property of such plant, or loads attached thereto, in the event of failure.
- 12 Only inert spoil shall be used as the backfill material. In the event that biodegradable waste is imported to the site, Network Rail will hold the operator responsible for the escape of hazardous landfill gas or leachate which may affect railway operations or the safety of the public.
- 13 Network Rail shall be notified of any significant alteration to the characteristics of the work or site, for example changes in the depth of working, limits of extraction, and nature of any waste materials or extraction methods.
- 14 The applicant should be aware of the guidance contained within Scottish Water's consultation response dated 16<sup>th</sup> December 2019 with particular regard to Drinking Water Protected Areas and Surface Water Drainage.
- 15 The applicant is reminded that there is a duty of compliance with other requirements such as The Water Environment (Controlled Activities) (Scotland) Regulations 2011, The Waste Management Licensing (Scotland) Regulations 2011 and The Pollution Prevention and Control (Scotland) Regulations 2012. The SEPA consultation response letter of 28 January 2020 gives further specific

guidance on the responsibilities of the site owner / operator and the applicant is expected to establish an on-going site environmental management plan in liaison with SEPA to meet their regulatory requirements.

- 16 The applicant should be aware of the potential requirement for licensing in relation to protected species and should make contact with licensing department at Scottish Natural Heritage to discuss these requirements.
- 17 There is a Section 75 legal obligation associated with this planning permission, which relates to a financial bond for restoration. A copy is available to view on the Council's Public Access portal

Background Papers: None

Contact Officer: John Williamson 01738 475360

Date: 26 March 2020

**DAVID LITTLEJOHN**  
**HEAD OF PLANNING & DEVELOPMENT**

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