

Perth and Kinross Council
Planning and Placemaking Committee – 22 February 2023
Report of Handling by Head of Planning & Development
(Report No 23/62)

PROPOSAL: Extension to quarry

LOCATION: Balado Quarry, Balado

Ref. No: [22/01587/MWM](#)

Ward No: P8- Kinross-shire

Summary

This report recommends approval of the application which proposes a north-western extension to Balado Quarry, extending the production capacity of the existing quarry by an additional 370,000 tonnes, to be extracted over a period of 2 years and 8 months. Subject to the recommendations of the Environmental Impact Assessment Report, supporting information and planning conditions, the development is considered to comply with the Development Plan. The application is therefore recommended for conditional approval, subject a S.75 Agreement securing a bank guarantee to secure site decommissioning, restoration and aftercare.

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 Balado Quarry is an existing operational sand and gravel quarry situated in semi-rural Kinross-shire, approximately 2 kilometres west of Kinross and immediately east of Balado Home Farm and the associated access road, which links the A977 with the B918. The quarry occupies an area of approximately 36 Hectares (ha) being generally positioned just north of the A977, previous quarried areas to the east and the South Queich to the north-east. Existing extraction and processing activities are authorised by Planning Permission 17/01441/MWM, which applies an end date for quarrying activities of 25 August 2031.
- 2 This application seeks an extension to the existing quarried area by an additional 7 ha, which includes some overlap with the existing quarry. The remaining reserves at Baldo Quarry, subject to the above planning permission, is estimated at 420,000 tonnes (t). Working at a rate of 140,000t per year, this equates to a reserve life of 3 years. The proposed extension would allow for the extraction of an additional 370,000t over a further period of 2 years and 8 months. In total, with the extension, the consented reserve at the quarry would be increased to 790,000t and extraction works undertaken over 5 years and 8 months, with a further year required for restoration. Planning Permission is therefore sought for a term of 6 years and 8 months. A full description of the extraction process is contained within the

Environmental Impact Assessment Report (EIAR) Non-Technical Summary
Dated September 2022.

- 3 The current land use within the site is varied, comprising part of the existing quarry, a transition area, including partially reinstated ground, as well as land within Balado Home Farm still in agricultural use (pasture) and which has not been quarried in the past. An INEOS High Pressure Gas pipeline is located to the north of the proposed extension area and the proposals makes provision for a standoff area between extractions and the pipeline. There are residential properties within the general vicinity, the closest of which are in the control of the applicant. The site area does not contain any land designations, however, some qualifying interests forming part of the Loch Leven Special Protection Area, located 4.2 kilometres to the east, are identified within the EIAR submitted and these are discussed below.
- 4 The existing quarry takes direct access off the A977, and this access, along with the existing weigh bridge, site offices and processing areas will continue to be utilised. No buildings or fixed plant equipment will be required within the extension area as all excavated material will be transported to the existing processing and stockpiling areas. Extraction operations are essentially to be progressed in three consecutive stages; 1) the excavation and progressive restoration of phase 1 within the proposed extension area, 2) the completion of excavations within the existing quarry, and 3) the excavation of phase 2 within the proposed extension area. Soil stripping within the extension area will be undertaken, with soils being retained to form screening mounds. Thereafter, soils stripped shall be utilised in progressive restoration.
- 5 The development does involve an area classified as being prime agricultural land. Discussion around the use of this land resource is confirmed within the Appraisal Section.

Pre-Application Consultation

- 6 The proposed development is a 'Major' development, in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, due to the size of the development area/site exceeding 2 Ha in area. The applicant was therefore required to undertake formal pre-application consultation with the local community. Questions raised through this consultation process were: queries relating to operational timescales and reserves; the date and timing of any application; water management and flooding; noise; visual impact; air quality; concern over proximity to the INEOS pipeline; restoration and recreational access. These matters have been responded to in writing by the agent and included within a Pre-Application Consultation (PAC) Report submitted with this application.
- 7 The PAC Report notes that in addition to an advertisement of the proposed public event in the local newspaper, a letter drop to local properties (within a 500 m radius) was undertaken, outlining that a consultation event was to be held in person on 31 of May 2022 at the Kinross Curling Club. A second online event was also held on 16 June 2022. Notice was also sent Kinross Community Council as well as to local members. It is noted that attendance

at events was low. The content and coverage of the community consultation exercise is considered sufficient and proportionate and in line with the aforementioned regulations.

Environmental Impact Assessment

- 8 Directive 2011/92/EU (as amended) requires the 'competent authority' (in this case Perth and Kinross Council) when giving a planning permission for particular large-scale projects to do so in the knowledge of any likely significant effects on the environment. The Directive therefore sets out a procedure that must be followed before 'development consent' can be given.
- 9 This procedure, known as Environmental Impact Assessment (EIA), is a means of drawing together, in a systematic way, an assessment of a project's likely significant environmental effects. The EIA Report (EIAR) helps to ensure that the importance of the predicted effects, and the scope for reducing any adverse effects, are properly understood by the public and the relevant competent authority before it makes its decision.
- 10 The types of development subject to EIA are listed in Schedule 1 and 2 of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017. An EIA is required for all Schedule 1 projects, whilst Schedule 2 projects may only require an EIA, subject to factors such as their nature, size, location or where there is potential for significant effects on the environment. Having screened this development proposal, the Planning Authority considered this development to fall within Schedule 2. However it was concluded that due to the scale of the development proposed that it was likely to have a significant effect on the environment and potentially an indirect effect on the Loch Leven Special Protected Area and Special Area of Conservation. As such, an EIA would be required.
- 11 The applicant sought a scoping opinion from the Planning Authority to inform the content of the EIAR, this was issued on 26 April 2022 which confirmed the 13 key matters which should be addressed within the EIA Report

NATIONAL POLICY AND GUIDANCE

- 12 The Scottish Government expresses its planning policies through The National Planning Framework 4 (NPF4), Planning Advice Notes (PAN), Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars.

National Planning Framework 4 (February 2023)

- 13 The National Planning Framework 4 (NPF4) was approved by the Scottish Parliament on 11 January 2023, and was adopted on 13 February 2023. NPF4 has an increased status over previous NPFs and comprises part of the statutory development plan.
- 14 The Council's assessment of this application has considered the policies of NPF4 and it is considered that the development proposal accords with the

intentions of this document. Key policy considerations include Climate mitigation and adaptation, biodiversity and soils.

Planning Advice Notes

- 15 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
- 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 73 Rural Diversification
 - PAN 75 Planning for Transport
 - PAN 79 Water and Drainage
 - PAN 81 Community Engagement: Planning with People

DEVELOPMENT PLAN

- 16 The Development Plan for the area comprises NPF4 and the Perth and Kinross Local Development Plan 2 (2019).

Perth and Kinross Local Development Plan 2 (2019)

- 17 The Local Development Plan 2 (2019) (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.
- 18 The principal relevant policies are, in summary;
- Policy 1A and 1B Placemaking
 - Policy 2 Design Statements
 - Policy 5 Infrastructure Contributions
 - Policy 8 Rural Business and Diversification
 - Policy 26B Archaeology
 - Policy 27A Listed Buildings
 - Policy 38B National Designations
 - Policy 38C Local Designations
 - Policy 39 Landscape
 - Policy 40B Forestry, Woodland and Trees
 - Policy 41 Biodiversity
 - Policy 48A Sterilisation of Mineral Deposits

- Policy 48B Advance Extraction
- Policy 49A Extraction
- Policy 49B Restoration
- Policy 50 Prime Agricultural Land
- Policy 51 Soils
- Policy 52 New Development and Flooding
- Policy 53A Water Environment and Drainage: Water Environment
- Policy 53C Water Environment and Drainage: Surface Water Flooding
- Policy 54 Health and Safety Consultation Zones
- Policy 56 Noise Pollution
- Policy 57 Air Quality
- Policy 60B Transport Standards and Accessibility Requirements

OTHER POLICIES

- Supplementary Guidance – Air Quality, Adopted January 2020.
- Supplementary Guidance – Flood Risk and Flood risk Assessment, Adopted March 2021.
- Supplementary Guidance – Landscape, Adopted January 2020.
- Supplementary Guidance – Financial Guarantees for Minerals Development, Adopted February 2021.

Non-Statutory Guidance

- Planning Guidance – Loch Leven SPA, The Dunkeld-Blairgowrie Lochs SAC and the River Tay SAC.
- Supplementary Guidance – Planning and Biodiversity Planning for Nature and Wildlife - April 2022.

SITE HISTORY

- 19 [04/01322/MW](#) Full planning permission was approved on 23 August 2006 for the extraction and processing of sand and gravel on land adjacent to the A977 to the east of Balado Home Farm, Balado.
- 20 [11/00001/WMP](#) An Extractive Waste Management Plan was approved on 10 October 2011.
- 21 [16/01815/SCOP](#) An Environmental Scoping Opinion was issued on 13 March 2017 by the Planning Authority relating to a proposal to extend the operational life of the quarry, (approved under 04/01322/MW) to allow extraction of remaining consented reserves.
- 22 [17/01441/MWM](#) A planning permission was approved on 25 August 2021 under Section 42 of the Town and Country Planning (Scotland) Act 1997 to allow development without complying with Condition 2 (period of extraction) of

planning permission 04/01322/MW (extraction and processing of sand and gravel). This permission was granted subject to a term of 10 years from the date of the decision in which to complete extraction. Accordingly, all extraction must be completed at Baldo quarry by 25 April 2031.

- 23 [22/00083/SCRN](#) An Environmental Screening Opinion was issued on 4 February 2022 for an extension to the existing sand and gravel quarry area. This confirmed that an EIA was required.
- 24 [22/00084/SCOP](#) An Environmental Scoping Opinion was issued on 25 April 2022 confirming the matters to be scoped in and out of an EIAR, forming part of a development proposal to extend the area for sand and gravel extraction at Balado Quarry.
- 25 [22/00013/PAN](#) A proposal of application notice was submitted on 14 June 2022 for an extension to Balado Quarry.

CONSULTATIONS

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

External

- 27 **Scottish Environment Protection Agency (SEPA):** No objection, subject to conditions to secure an agreed Construction Management Plan and/or an Invasive Species Plan to address the control of Himalayan Balsam, a detailed Restoration Plan, including onsite soil management and planting and a Private Water Supply Impact Report to be submitted and agreed before development commences. (Conditions 18 and 21)
- 28 **NatureScot:** No objection. Advise the development is likely to have a significant impact on Whooper Swans and Pink Footed Geese, which are both qualifying interests of the Loch Leven SPA/SAC.
- 29 **Scottish Water:** No objection, with no additional commentary provided.
- 30 **Historic Environment Scotland (HES):** No objection. Confirm that the development was unlikely to have impacts on their interests.
- 31 **Perth and Kinross Heritage Trust (PKHT):** No objection, subject to a condition to secure an implementation of archaeological works prior to works commencing. (Condition 20)
- 32 **Kinross Community Council:** No comments.
- 33 **Health and Safety Executive (HSE):** No Objection. Advise the development does not generate the need for permission under the Town and Country Planning (Hazardous Substances) (Scotland) regulations 2015. The development is also not located within a safeguarding zone, but does encroach into a consultation zone for the high-pressure gas main located to

the north-west of Phase 1. Confirm no objection provided the gas main operator has been consulted.

- 34 **National Grid:** No objections. Advise works must not proceed until an asset protection review has been undertaken. (See INEOS Consultation below).
- 35 **INEOS FPS Ltd:** No objection, subject to conditions to secure asset protection, including offset distances to the pipeline from any works, maximum excavation slope angles adjacent to the pipeline and ongoing monitoring. These matters are addressed in the supporting Stability Risk Assessment, which has been updated since the submission of the application. The mitigation measures within this risk assessment can be secured by Conditions 6 and 7.
- 36 **Transport Scotland (TS):** No Objection, with no additional commentary provided.
- 37 **Royal Society for the Protection of Birds (RSPB):** No comments.

Internal Consultees

- 38 **Environmental Health (EH):** No objection subject to conditions regarding, noise levels, external lighting, dust management and to ensure that no extracted material is processed onsite within the extension area. (Conditions 9 –14). Advise that review of the supporting EIAR, accepting the methodology and conclusions.
- 39 **Planning and Housing Strategy:** No comments.
- 40 **Transport Planning:** No objection, subject to conditions controlling vehicle movements (based on average tonnage extracted per annum in line with existing permission); that no material is to be deposited on the public road; vehicles shall be able to turn and manoeuvre onsite without reversing onto the public road and that no surface water discharges onto the public road. (Condition 5 and 8). Remaining conditions governing access onto the public road are not required as those matters remain enforceable under the existing quarry permission.
- 41 **Structures and Flooding:** No objections. Note that sections of proposed extension area are at low-medium flood risk from the South Queich. However, in accordance with current SEPA land use vulnerability guidance, sand and gravel workings are generally suitable for development in areas of low to medium flood risk.
- 42 **Biodiversity/Tree Officer:** No objection. Note the need for an otter survey was identified to confirm the use of rest up/shelter areas. Such survey work has been completed and confirms there to be only rest up sites and that appropriate mitigation via conditions setting out stand-off distances is recommended. Further conditions are also recommended to secure the submission and implementation of an agreed Landscape and Planting Scheme as well as a Site Restoration Plan; the protection of nesting birds;

measures to protect animals from being entrapped; and ensuring that the conclusions and recommendations of the submitted Biodiversity Survey work are adhered to. Conditions 15 - 19 are recommended.

Representations

- 43 No representations have been received.

ADDITIONAL STATEMENTS

44

Scoping Opinion	EIA Required
Environmental Impact Assessment Report (EIAR):	Submitted
Appropriate Assessment	Information to Inform a Habitats Regulations Appraisal: Submitted
Additional Supporting Reports Submitted	Pre-Application Consultation Report Waste Management Plan Extended Phase 1 Habitat Survey Noise Impact Assessment Historical Environment Impact Assessment Flood Risk Assessment Stability Risk Assessment for INEOS Pipeline Summation of Information to Inform a Habitats Appraisal Assessment Environmental Impact Assessment Report 2022 Approved Water Management Plan EIAR Non-Technical Summary Planning Statement Restoration Bond Quantification

APPRAISAL

- 45 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The adopted Development Plan comprises NPF4 and the Perth and Kinross Local Development Plan 2 (2019). The relevant policy considerations are outlined in the policy section above and are considered in more detail below.

Principle

- 46 The location is a peripheral / semi-rural area approximately 2 km west of Kinross. Primary LDP2 policy considerations seeking to assess the developments suitability are Policies 1A / 1B Placemaking; 8 Rural Diversification; 26B, 27A Archaeology, and Listed Buildings; 38, 39 and 41 National Designations Landscape and Biodiversity (Loch Level SPA/SAC); 49A and 49B Mineral Extraction and Restoration; Policies 50 and 51 Prime

Agricultural Land and Soil; 54 Health and Safety Consultation Zones; 56 Noise; 57 Air Quality; and 60B Transport. Primary policy considerations under the NPF4 are Policies 2 (Climate Mitigation and Adaptation), 3 (Biodiversity), 5 (Soils) and 33 (Minerals).

- 47 The applicant estimates the existing sand and gravel production within Perth and Kinross is approximately between 340,000 – 415,000 tonnes per annum (depending on operations at each of the 3 main quarries – including Balado) equating to a reserve life of approximately 5.5 years). The Council agrees with the estimates provided. Marlee Quarry recently had an application refused (reference 21/02104/FLM) for an extension to its operations for an additional 1.1 million tonnes. If this application had been consented the reserve life would have increased to approximately 8.1 years. This decision may yet still be subject to appeal. Both Policy 49A(b) of the LDP2 2019 and Policy 33 of the NPF4 set out that maintaining a minimum of 10 years landbank of permitted reserves within a recognised market area is preferred and should be supported. In this case the proposal is adjacent to, within the same land ownership and seeks to extend an existing quarry which already supports market requirements within Perth and Kinross, particularly the surrounding catchment. Importantly minimising transportation requirements is preferable in relation to sustainability and climate impacts (Policy 2 of the NPF4). The proposal is therefore considered to accord with the first part of Policy 49A. However, it must be demonstrated that “their impact on local communities and the environment has been assessed and does not have an adverse residual effect after appropriate mitigation”. This is discussed further below.
- 48 The land take proposed for this development is identified as having a soil Class of 3.1, being Prime Agricultural Land. Policy 50 provides that the use of Prime Land is to be avoided unless necessary to meet a specific established need. In this case the development is to support a major infrastructure project (quarry) utilising an existing minerals reserve. No other alternative sites can be considered as the application specifically seeks to complete working of the existing and fixed reserve. The land take is limited to the necessary area and is not considered to have a significant cumulative impact on the loss of prime land, noting the availability such land elsewhere in the wider location. Overall, on balance the development does align with Policy 50. However, any impacts are considered acceptable when considering the development, economic and employment opportunities retained as well as the reduced carbon impact achieved by avoiding the need to haul material from further afield or outwith Perth and Kinross.

Design and Layout

- 49 The design and layout essentially reflect the physical geology, location of material aggregate and engineering requirements for extraction of material. The worked quarry area within the extension area occupies c.7ha, with some overlap with the existing quarry. It is proposed that the extension area be extracted in two phases. Phase 1 will release an estimated 251,000 tonnes of material over a period of 1 year and 10 months. The excavations will progress from south-east to north-west at depths between 4.4m and 5.8m. All worked material will be transported internally within the existing quarry to the

stockpiling and processing areas already in use. Phase 1 will be progressively reinstated with soil stripped in advance being utilised for restoration. At the conclusion of phase 1, 3m high soil screening mounds will be created along the western boundaries. The existing quarry excavations will then be progressed west in accordance with the approved scheme under the existing permission. With the completion of existing operations within the existing quarry Phase 2 of this permission will commence. Phase 2 will release approximately 121,000 tonnes of material to be extracted over 10 months. The excavation of material will progress east to west at depths between 1.1 and 3.9 m. restoration will take place using exiting silts and soils from the existing quarry. The screening mounds will be remove upon completion of Phase 2 to complete restoration. Matters relating to the submitted design and time period of permission are set out in conditions 1-4. Account has been given within the conditions for an enabling period to be completed (e.g., formation of haulage routes haulage routes) before quarrying commences. Taking into account all extraction works, including those yet to be completed under the existing quarry permission, a defined term of 5 years and 8 months is sought to complete extraction.

- 50 Full details of the extraction profiles, soil bunds, restoration profiles and financial quantifications are contained within the Environmental Impact Assessment Report (EIAR), Restoration Bond Quantification and drawings submitted. Whilst restoration profiles and aftercare details have been submitted, Conditions 22 and 23 are recommended to secure implementation and completion, as part of an agreed Aftercare Management Plan. In addition, a Section 75 Legal agreement is recommended to secure a financial bond to deliver any restoration and aftercare, in the event this is not undertaken. There is no doubting that the development will result in a significant visual change to this location, particularly during operations. However, it is concluded that those impacts to visual amenity are able to be sufficiently mitigated through the use of phasing with progressive restoration, to minimise the area of disturbance at any one time; the introduction of temporary soil bunds to reduce open views across the site; the use of existing peripheral vegetation as partial screening and by the short term nature of the permission where by all extraction and restoration will be completed within 6 years and 8 months, being within the existing consented time period for operations at Balado Quarry.

Landscape and visual amenity

- 51 Safeguarding and enhancing landscape character forms part of policies 39 and 49B of the LDP2 as well as Policy 33 of the NPF4. In this instance, the position and means of extraction is based on local geology and location of material required, which will remain unchanged. Thus, landscape and visual impacts are inevitable given the openness of the site from the north and north-west and in respect of any cumulative impacts resulting from the existing quarry operations. Therefore, it is especially important to ensure robust landscaping, protection of existing trees where possible, along with the use of phasing with progressive restoration to soften any landscape impacts, whilst also improving biodiversity opportunities.

- 52 A full assessment of landscape character and impacts assessment is contained within Section 6 of the EIAR. The impact is assessed as slight during operations, however, due to progressive restoration this impact is short term and reduces to negligible following the completion of restoration. Mitigation is proposed, such as the phasing of the development, soil bunds, landscaping along with a restored profile to reintroduce a naturalised grassland. Overall, it is concluded from the EIAR that the landscape impacts of the proposal are slight to moderate during the operational phase, reducing to negligible upon final restoration. There is no identified potential for new significant cumulative visual impacts. Having regard to the existing baseline character of this predominantly agricultural location, with the existing quarry to the immediate east. The Planning Authority overall accepts the conclusions of the EIAR.
- 53 Subject to conditions requiring landscape details to be submitted and agreed, the protection of existing trees, along with the implementation of restoration agreements, the impacts on landscape and amenity are considered acceptable. Conditions 15–19, 22 and 23 are all recommended.
- 54 Accordingly, the development is considered to accord with policies 38B, 38C, 39 and 49B of LDP2 as well as Policy 33 of the NPF4.

Roads and Access

- 55 The application has been reviewed by the Council's Transportation Planning Service who have confirmed the development will not have a significant negative impact on the public road network. No use of the public roads will be required to access the extension area, with all haulage routes being internalised within the quarry. The existing site entrance, wheel cleaning, weigh bridge and processing area will all continue to be utilised. In addition, it is confirmed that the existing operational processing rates will remain unchanged meaning that there will be no change to the existing rate of quarrying or associated vehicle movements.
- 56 Transportation Planning have identified specific matters pertaining to vehicle movements, vehicle manoeuvring and safety, access safety requirements and wheel washing as impacting the public road network. In each respect conditions are recommended. However, in respect of material processing and access onto the public road those recommended conditions duplicate entirely the existing permission. As activities within the existing quarry will continue to be managed by the existing permission, recommended conditions relative to the site access gradient and wheel washing have not been applied to this permission. However, conditions pertaining to processing rates and operating hours for machinery have been applied. These matters have been addressed by Conditions 5 and 8.
- 57 Subject to conditions the development is considered to accord with Policy 60B of the LDP2 as well as Policy 13 of the NPF4.

Drainage and Flooding

- 58 The site is outwith the functional floodplain and there are no land drains/watercourses within the site, hence fluvial flood risk is negligible. In terms of hydrogeology the site will be dry worked, meaning operations will be above the water table, with the exception during rain fall events when water may filter through the exposed areas. No objections have been raised by SEPA or the Council's Flood Risk/Drainage Officer. The development is considered to accord with Policy 53 of the LDP2 and Policy 22 of the NF4.

Dust and Noise

- 59 The development as proposed has the potential to generate noise and dust nuisance which may differ from any existing quarry activities particularly on residential receptors nearby. However, it is not considered there will be any dust impacts on the Loch Leven SPA/SAC. Policies 38B, 38C, 56 and 57 of the LDP2 as well as Policy 33 of the NPF4 are applicable in the assessment of this application relative to dust and noise.
- 60 The application has been reviewed by Environmental Health in terms of Noise, Air Quality and Dust, having regard to PAN 50 (Planning, Environmental Protection and Restoration) and Annex B 'The Control of Dust at Surface Mineral Workings 1998' and IAQM 'Assessment of Mineral Dust Impacts for Planning 2016' guidance. As part of the Environmental Impact Assessment a Noise Impact Assessment (NIA) "Assessment of Environmental Impact of Noise at Balado Quarry Extension, Kinross" document reference R21.11371/2/AF dated 1 December 2021 which was undertaken by Vibrock Ltd.
- 61 The NIA was assessed in line with PAN 50 "Controlling the Environmental Effects of Surface Mineral Workings" criteria. PAN 50 recommends maximum noise levels of 55dB LAeq,1hr which is consistent with the WHO: Guidelines for Community Noise 1999. PAN 50 also includes a nominal night-time limit of 42dB LAeq,1hr and allows for a higher limit of 70dB LAeq,1hr for a period of up to 8 weeks per calendar year to allow for noisier phases of work such as soil-stripping, construction of permanent landforms etc. The NIA cBalado Quarry Extension can comply with the limits of PAN 50. The NIA also concluded that the impact in relation to noise from the operations of the development is assessed as negligible to slight. However, to protect the residential amenity of existing residential properties from operational noise, conditions are recommended setting maximum noise limits and timing. (Condition 9 - 12).
- 62 Section 9 of the EIA assesses the impact of the potential nuisance arising from fugitive dust from the quarry extensions operations at dust sensitive receptors, in line with the guidance set out in PAN 50 and its Annex B, as well as IAQM Guidance. The assessment of the proposal as a new and additional source does confirm that objectives are still met in the worst-case scenario. The 'Dis-amenity' effects of dust at the specific receptors assessed was determined as negligible at all locations. The EIA states there are no operations in the vicinity of the site that could give rise to a potential

cumulative dust impact. The implementation of a site Dust Management Plan is recommended to control dust emissions and mitigation of potential environmental impacts from the operations to ensure that any dust impact is negligible to slight and unlikely to be any significant reduction in air quality.

- 63 Subject to noise and dust mitigation conditions no objection is raised by the Council's Environmental Health service. Conditions 9 – 13 are recommended. It is thus concluded that the development, subject to mitigation, accords with Policies 38B, 38C, 56 and 57 of the LDP2 as well as Policy 33 of the NPF4.

INEOS Pipeline

- 64 The application is located within proximity to the INEOS High Pressure Gas pipeline, specifically Phase 1 excavations. Accordingly, Policy 54 of the LDP2 and Policy 23 of the NPF4 (Health and Safety Consultation Zones) is applicable. In this case account has been taken of the pipeline operator (INEOS) and the Health and Safety Executive responses.
- 65 Whilst the applicant has set out and detailed a risk assessment for the pipeline in undertaking the EIA, the Consultation response by the operator has set out a number of recommended conditions in relation to stand off zones, to maintain the pipeline integrity as well as enabling further consultation relative to the ongoing nature and monitoring of the works. These matters have been incorporated into Conditions 6 and 7. In particular, Condition 7 seeks to agree a pipeline consultation management plan which will require the applicant to agree a methodology and timing for all future consultation and monitoring of the pipeline with the operator prior to the development commencing. Subject to safeguarding conditions the development is considered to accord with Policy 54 of the LDP2 and Policy 23 of the NPF4.

Private Water Supply

- 66 No specific private water supply bores or other sources are identified within the site. However, SEPA in its consultation response has specifically raised this as a potential concern, noting that changes in groundwater levels or condition may impact private supplies in Balado. The nearest supply identified is the Easter Balado Supply, located approximately 880m to the south-east.
- 67 As the proposal is to be dry worked, meaning no works are undertaken within the water table, any impacts are considered negligible, or have been permitted by the extant planning permission. However, a safeguarding condition is recommended that the development shall not impact any existing private water supply. The applicant shall undertake a review of all existing sources within the area and provide confirmation that these will not be unacceptably impacted. Such information will be required to be provided prior to be provided for prior approval from the Planning Authority prior to the development commencing. (Condition 21)

Tourism and Recreation

- 68 Whilst the development is a continuation of an existing quarry, by an established operator at this location, the proposed expansion and new extraction area has the potential for adverse impacts on recreational users in a wider setting, and in particular along the A977 Road which at the site frontage is also a core path.
- 69 The EIAR considers amenity effects on local sensitive receptors, including socio-economic receptors and recreational users. None of the assessments identify significant effects. The proposal is within an arable field that is not used to any significant extent for recreation. In addition, only limited views of the proposed operations are achieved from the north-west. Accordingly, it is concluded the short terms temporary loss of this area is not considered significant.
- 70 The primary impacts are considered to be from noise and or dust during operational activities. These have been assessed above are not considered to raise any significant impacts subject to conditions controlling; plant noise, operating times, ensuring the processing of material occurs at the existing processing area, and the implementation of a Dust Management Plan. Conditions 8-13 are recommended.

Heritage Assets / Archaeology

- 71 An Historic Environment Impact Assessment (HIA) has been carried out and reviewed by the Perth and Kinross Heritage Trust as well as Historic Environment Scotland. The HIA sets out that the proposed development may have direct and indirect impacts of unknown archaeological sites within the development area. Consequently, it recommends a program of archaeological works and evaluation should take place. The evaluation will inform a mitigation strategy if required to further preserve and document significant deposits.
- 72 This approach is accepted by the Planning Authority as well PKHT and HES. As there are no designated historical assets within the development, nor will the development impact the setting of any heritage asset, any impacts on the historical environment are assessed as negligible. Subject to a condition to secure the implementation of works discussed, (Condition 20) it is considered the development complies with Policies 26B and 27A of the LDP2 and Policy 7 of the NPF4.

Natural Heritage and Biodiversity

- 73 The LDP2 contains a number of policies that seek to protect important species and sites designated for their natural heritage interest and to ensure that proposals that may affect them are properly assessed. Even greater emphasis on biodiversity enhancement is now incorporated into NPF4, notably Policy 3 which provides that proposal should integrate nature-based solutions wherever possible. In this instance there are no 'sensitive areas' within the development site. However, Loch Leven is located approximately

3.5-4 kilometres to the west and is identified as an SPA and SAC. Policies 38B and 38C of the LDP2 are particularly important in the assessment of the development, having regard to any impacts on this site or its qualifying interests. An Appropriate Assessment under the Habitat Regulations (HRA) was required. The qualifying interests of the Loch Leven SPA are Whooper Swan Pink footed Geese, Shoveler and Waterfowl assemblage of European importance.

- 74 NatureScot in its assessment of the application sets out that the development is likely to have a significant effect on Pink Footed Geese and Whooper Swan, due to the impacts of the proposal on a loss of grazing areas. However, NatureScot also confirm that the development is unlikely to directly impact the integrity of SPA/SAC due to the small scale of the development in comparison to alternative grazing areas nearby, and due to the mitigation in place to ensure the protection of surface water from the development. It is confirmed from the EIAR that any impacts to groundwater and or surface water will be negligible. There are no physical changes to overland drainage and mitigation procedures to avoid contamination from fuel, oil and other substances. Furthermore, a flood risk assessment has confirmed the development will not increase flood levels elsewhere associated with a 1 in 200 year event.
- 75 It is considered that the development will not adversely impact Loch Leven including the eutrophic loch features of interest. Furthermore, it is concluded that impacts on any qualifying interests of the SPA will not adversely impact the integrity of the SSSI site. Therefore, the proposed development is considered to accord with Policies 38B and 38C of the LDP2.
- 76 Policies 40 and 41 require that the Planning Authority consider existing trees as well wildlife and wildlife habitats on any development site. The applicant has also completed a Phase 1 Ecological Survey which has identified the presence of Otter hold ups and rest areas within 30m of the development site. As a European Protected Species a determination of the impacts on these values is also required before proceeding to any decision.
- 77 A further Otter Survey has been completed which confirms that the banks of the South Queich, to the north of the site, have been used historically as rest areas for Otter. No evidence has been found of breeding areas. As such any impacts to Otter resulting from this development are considered limited. A safeguarding condition is recommended that no development shall be permitted within 30m of an identified rest area.
- 78 In terms of landscaping, site restoration and the protection of existing trees onsite as far as practical, no objections are raised by the Council's Biodiversity Officer. However, commentary is made that these matters along with the provision of an Invasive Species Management Plan should be secured by condition. Enhanced biodiversity linkages and or offerings is considered necessary and will form part of any review of the final restoration plan when submitted. Subject to conditions and including the mitigation measures identified by the ecological surveys and Otter Survey the

development is considered to comply with Policies 40 and 41 of the LDP2 2019 as well as Policy 3 of the NPF4. (Conditions 15 – 19 are recommended).

Loss of Agricultural Land / Soil Carbon

- 79 As set out in Paragraph 49 the site occupies ground with a land classification of 3.1, defined as prime land. Consequently Policies 50 and 51 of the LDP2 along with Policy 5 of the NPF4 are applicable here. In this case the use of prime land is considered to be justified on balance, a) due to the specific need for the development, to retain the 10 year land bank of mineral resource, and, b) due to the specific locational need, where the application in this case seeks to complete the extraction of available and remaining mineral resource at Balado Quarry.
- 80 Measures to manage, protect and reinstate soils have been set out within the EIAR which will be appropriately covered by conditions 22 and 23 satisfying the objective terms of Policy 50 of LDP2 and Policy 5 of the NPF4.
- 81 Having regard to soil carbon loss, it is confirmed that the site restoration plan proposes biodiversity improvements in the form of planting and the return of the whole quarry development to a natural landscape cover and appearance, including prime agricultural use. Such improvements which integrate ecology and landscape will in part remove and retire ground from agricultural working permanently reducing carbon loss from such processes. The EIAR states that only a proportion of the site will actually be worked at any one time and as such the amount of carbon lost will be less than might otherwise be expected through arable cropping practices. Overall, it is considered any impacts to soil carbon loss will be acceptable, having regard to the restoration commitments and phasing of the development.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

- 82 A Section 75 legal agreement will be required in order to comply with the Council's Supplementary Guidance – Financial Guarantees for Minerals Development, to secure the terms of a bond or financial instrument to guarantee the delivery of site decommissioning and restoration over the lifetime of the development and beyond. A bond quantification document has been submitted and peer reviewed in accordance with the Council's Supplementary Guidance in relation to Financial Guarantees for Mineral Development. The peer review has noted some minor adjustments to the material volume to be placed against the faces within the excavated void to achieve an acceptable final landform. This has resulted in some corrections to the commencement bond. The restoration quantification has been based on the cost of bringing appropriate external contractors on-site to carry out the required works in the event the applicant is not able to deliver this restoration in accordance with the phased details submitted. Provision has been made for aftercare over a period of 5 years. In keeping with the estimation of potential restoration liability (including a contingency of 5% and accounting for the phased approach to excavation as proposed), it is recommended that the commencement bond be set at an initial value of approximately £100,190 to be reviewed every 3 years. The financial guarantee offered by the applicant is

a bank guarantee, the details of which will be reviewed and determined acceptable prior to the completion of any formal legal agreement.

DIRECTION BY SCOTTISH MINISTERS

- 83 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

- 84 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with the adopted Local Development Plan 2 (2019) as well as the National Planning Framework 4. Account has been taken of the relevant material considerations and none has been found that would justify overriding the adopted Development Plan. Accordingly, the proposal is recommended for approval subject to the following conditions.

A RECOMMENDATION

Conditions and Reasons for Recommendation

General

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. The term of approval for this permission shall be 6 years and 8 months from the date of Notification of Initiation of Development.

Reason - This is a Planning Permission in terms of Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 32 of the Planning (Scotland) Act 2019.

3. All sand and gravel extraction within the site shall be completed within 5 years and 8 months from the date of Notification of Initiation of Development. All plant and machinery shall be removed from the site and the land entirely reinstated to the satisfaction of the Council as Planning Authority at the termination of operations or the expiry of the term of approval specified by Condition 2, whichever is the earlier. Termination of operations shall be deemed to be on the cessation of sand and gravel extraction operations for a period of 6 consecutive months or longer.

Reason - In accordance with the terms of the application and for the Planning Authority to maintain control of the period of application in the interests of visual and residential amenity.

4. The extraction of sand and gravel shall commence and proceed only in accordance with the submitted details of phasing, direction and depth of working, as shown on the plans and submitted documentation herewith approved. No deviations from the phasing plan shall be permitted. Restoration of the land to the agreed 'after use' shall take place concurrently with extraction to the satisfaction of the Council as Planning Authority.

Reason - In the interests of visual and residential amenity.

5. The rate of extraction shall not exceed 150,000 tonnes per annum unless otherwise agreed by the Council as Planning Authority.

Reason - In the interests of amenity and to maintain existing processing rates at the Quarry

INEOS Pipeline

6. Notwithstanding Condition 1, No excavation works are hereby approved within 10 metres from the nearest edge of the INEOS FPS Pipeline route. All excavations up to and bordering the defined 10 metre exclusion area shall also not exceed a slope angle of 18 degrees.

Reason - To avoid adverse impacts to the INEOS FPS pipeline and to provide appropriate asset protection, recognising existing defined areas of servitude.

7. Prior to the commencement of development, a pipeline consultation and management plan shall be submitted to the Council as Planning Authority, for approval in writing, in consultation with INEOS PSL Ltd. The consultation and management plan shall set out;
 - The method and timing of notification to the pipeline operator of the proposed commencement of works;
 - the means, timing and responsibility for any pre commencement surveys or marking of the pipeline route;
 - An agreed method, content, timing and notification procedure for the provision of a program of works, including reinstatement works, in proximity to the pipeline. As a minimum the notification must set out anticipated commencement dates, timelines for operations within proximity of the pipeline and any reinstatement works;
 - The means to secure or facilitate access to the quarry by pipeline operators as required for the purposes of inspecting the pipeline and or any quarry slopes adjacent;
 - An agreed monitoring programme for monitoring slope stability in proximity to the pipeline, including notification to the pipeline operator of any monitoring results;
 - An agreed methodology for notification to the pipeline operator in the event any urgent repairs being identified (to the pipeline and or to the slope

stability adjacent to the pipeline), including the means of consultation and cooperation with the pipeline operator in completing those works.

- An agreed methodology for notification of the pipeline operator, including any action points to be undertake if a flood event occurs.

Reason - To avoid adverse impacts to the INEOS FPS pipeline and to secure appropriate asset management.

Transport and Planning

8. Mineral extraction and the movement of vehicles shall only be carried out at the site between the hours of 0800-1800 Mondays to Fridays and 0800-1300 hours on Saturdays. However, in addition, between the hours of 0630-0800 Mondays to Saturdays operations associated with loading and dispatch only may take place. Only essential maintenance work shall be carried out on Saturday afternoons and Sundays.

Reason - In the interests of residential amenity and mitigation of any impacts on the road network.

Noise

9. Noise levels measure at noise sensitive properties shall not exceed the following limits during the specified times.
 - a) Between the hours of 0630-0800 Monday to Saturday at all residential properties - 45dB LAeq,1hour (Free field) and,
 - b) During the normal daytime working hours 0800 to 1800 Monday to Friday and 0800 to 1300 on Saturday the free-field Equivalent Continuous Noise Level (LAeq,1h) for the period due to quarry operations, excluding soil handling activity and other works in connection with landscaping, when measured and assessed in accordance with PAN 50:
 - Mossbeg and Balado Neuk - 49 dB LAeq,1h
 - Balado Farm Cottages & Balado Farmhouse - 50 dB LAeq,1h
 - Tigh na Coille and Balado Bridge Poultry Farm - 55 LAeq,1h
 - The Rieve, Burnbrae - 45 LAeq,1h
10. Soil handling activity and other works in connection with landscaping shall not exceed 70 dB LAeq,1hr when measured and assessed in accordance with PAN 50 at any residential property and be limited to a period not exceeding 8 weeks in any one year.

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

11. In the event of a justified noise complaint being received by the Council the operator shall, at its own expense, employ a consultant approved by the Planning Authority to carry out a noise assessment to verify compliance with 'Conditions 9 sand 10' above. The assessment will be carried out to an appropriate methodology agreed in writing with the Planning Authority. If the

noise assessment shows that the noise levels do not comply with 'Conditions 8 and 9' a scheme of noise mitigation shall be submitted with the noise assessment to the Council as Planning Authority for written approval, specifying timescales for the implementation of the scheme with 28 days of the assessment. The mitigation scheme shall thereafter be implemented in accordance with the approved scheme and timescales.

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

12. No mineral processing operations at any time are permitted within the extraction areas hereby approved and detailed within Drawings 6 and 7. All material shall be processed and stockpiled within the existing quarry area as Authorised by Planning Permission 17/01441/MWM.

Reason - In the interests of protecting amenity for nearby residential receptors, and to mitigate noise and or dust impacts on identified natural and historical interests located in proximity to extraction areas hereby approved.

Dust

13. A Site Dust Management Plan (SDMP) for the development hereby approved shall be submitted to and agreed in writing by the Council as Planning Authority, in consultation with Environmental Health. The SDMP shall set out dust control mitigation measures and a complaints procedure as outlined in Section 9 of the supporting Environmental Impact Assessment Report dated September 2022. All dust management onsite shall thereafter proceed in accordance with the approved scheme for the duration of this permission.

Reason - In the interests of protecting amenity for nearby residential receptors, and to mitigate noise and or dust impacts on identified natural and historical interests located in proximity to the northern excavation area hereby approved.

Lighting

14. All external lighting shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of residential property and that light spillage beyond the boundaries of the site is minimised. In association, the operation of the lighting shall be controlled so as to only be triggered by motion within the boundaries of the site.

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

Biodiversity

15. Prior to the commencement of the development hereby approved, a detailed landscaping and planting scheme for the site shall be submitted for the written agreement of the Council as Planning Authority. The scheme shall include details of the height and slopes of any mounding or recontouring of the site,

full details of all hard landscaping proposals including materials and installation methods and, species, height, size and density of trees and shrubs to be planted. The scheme as subsequently approved shall be carried out and completed within the first available planting season (October to March) after the completion or bringing into use of the development, whichever is the earlier, and the date of Practical Completion of the landscaping scheme shall be supplied in writing to the Council as Planning Authority within 7 days of that date. The scheme as agreed and implemented shall thereafter be maintained to the satisfaction of the Council as Planning Authority.

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

16. Prior to the commencement of any works on site, all trees therein (other than those marked for felling on the approved plans) and those which have Root Protection Areas which fall within the site shall be retained and protected. Protection methods shall be strictly in accordance with BS 5837 2012: Trees in Relation to Design, Demolition and Construction. Protection measures, once in place, shall remain in place for the duration of construction.

Reason - In the interests of amenity and enhancement of local biodiversity values.

17. The conclusions and recommended action points within the supporting Extended Phase 1 Habitat Survey, prepared by Direct Ecology, dated 18.11.2021 Version 1 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).

18. Prior to the commencement of development an Invasive Species Management Plan for the development hereby approved shall be submitted to and agreed in writing by the Council as Planning Authority, in consultation with the Scottish Environment Protection Agency and the Council's Biodiversity Officer. The Invasive Species Management Plan shall set out control, mitigation and eradication measures for all identified invasive non species. The management of all invasive non species shall thereafter proceed in accordance with the approved plan for the duration of this permission.

Reason - In the interests of employing best practice ecology and appropriate implementation of Section 14 of the Wildlife and Countryside Act (1981).

19. 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 150 mm outside diameter being blanked off at the end of each working day.

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).

Archaeology

20. Development shall not commence until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of archaeological investigation which has been submitted by the applicant and agreed in writing by the Council as Planning Authority, in consultation with Perth and Kinross Heritage Trust. Thereafter, the developer shall ensure that the programme of archaeological works is fully implemented including that all excavation, preservation, recording, recovery, analysis, publication and archiving of archaeological resources within the development site is undertaken. In addition, the developer shall afford access at all reasonable times to Perth and Kinross Heritage Trust or a nominated representative and shall allow them to observe work in progress.

Reason - In the interests of protection the historical environment and in order to protect any archaeological assets that may be present within the site.

Private Water Supply

21. The development hereby approved shall not impact any existing private water supply. Prior to the commencement of the development hereby approved, details of the location and measures proposed for the safeguarding and continued operation, or replacement, of any private water sources, private water supply storage facilities and/or private water supply pipes serving properties in the vicinity, sited within and or running through the application site, shall be submitted to and approved in writing by the Council as Planning Authority. The subsequently agreed protective or replacement measures shall be put in place prior to the development being brought into use and shall thereafter be so maintained insofar as it relates to the development hereby approved.

Reason - In the interests of protecting any existing private water infrastructure and to ensure the development compliance with the Water Scotland Act 1980.

Aftercare and Restoration

22. Restoration shall be undertaken in a progressive manner in accordance with the restoration commitments detailed in Section 4 of the Dalgleish Associates Ltd Environmental Impact Assessment Report dated September 2022 and the indicative restoration plan, Drawing 14.

Reason - In the interests of visual amenity, landscape quality and ecological interest and diversity.

23. Within six months of final cessation of quarrying a scheme for final landform restoration and aftercare, shall be submitted for the prior approval of the Planning Authority and shall be based on the restoration and aftercare commitments detailed in Sections 4.3 and 4.4 of the Dalglish Associates Ltd Environmental Impact Assessment Report dated 22 November 2021 hereby approved. Thereafter, the final landform restoration operations and aftercare scheme shall be implemented in accordance with the approved details.

Reason - To ensure that the final contours, updated restoration plans and any after care management for the site are adopted and that the site is capable of beneficial after use, whilst minimising impacts on the landscape, nature conservation and amenity of the surrounding area.

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

Consent shall not to be issued until a Section 75 Agreement to secure the terms of the bond or financial instrument associated with site decommissioning, restoration and aftercare has been completed and signed along with that bond or financial instrument. The legal agreement should be concluded and completed within 4 months of the date of any Committee approval. Failure to conclude a legal agreement within 4 months may result in the planning application being re-assessed through failing to comply with the Minerals and Other Extractive Activities Policy 49B; Restoration and will be ultimately recommended for refusal under delegated powers.

D INFORMATIVES

1. 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.
2. 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.
3. 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 41 of the Development Management Procedure (Scotland) Regulations 2013. 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 41 the notice must be:

- Displayed in a prominent place at or in the vicinity of the site of the development
 - Readily visible to the public
 - Printed on durable material.
4. The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 they 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 Environment Protection Agency (SEPA).
 5. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
 6. The applicant is reminded that, should any protected species be present a licence may be required from NatureScot to disturb a protected species. Failure to obtain a licence may constitute a criminal act under the Habitats Regulations and penalties are severe for non-compliance.
 7. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wildbirds while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.
 8. An updated ecology survey is required if work has not commenced within 2 years of date of last survey (September 2021) approved as part of this permission. The updated survey shall be submitted to the Council as Planning Authority for further written agreement.
 9. Results of restoration monitoring be sent to the Local Authority via Biodiversity@pkc.gov.uk.
 10. The presence of protected species, and the extent to which they could be affected by the proposed development, should be established before works commence. Should protected species be identified within the site the developer should ensure that all appropriate measures required to comply with the relevant legislation are carried out.
 11. 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.

Background Papers: None
Contact Officer: Jamie Torrance
Date: 9 February 2023

DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

If you or someone you know would like a copy of this document in another language or format, (on occasion, only a summary of the document will be provided in translation), this can be arranged by contacting the Customer Service Centre on 01738 475000.

You can also send us a text message on 07824 498145.

All Council Services can offer a telephone translation facility.