

Perth and Kinross Council
Development Management Committee – 6 December 2017
Report of Handling by Interim Development Quality Manager

Proposal: Extraction of sand and gravel

Location: Land SE of Milton of Panholes, Blackford

Ref. No; 17/00546/FLL
Ward No; N7- Strathallan

Summary

This report recommends approval of the application as the development is considered to comply with the relevant provisions of the Development Plan and there are no material considerations apparent which outweigh the Development Plan.

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 The proposal is for the excavation of 19,300m³ of sand and gravel from an embankment at Mains of Panholes. As a result of the excavation it will reduce the extent of the embankment and increase the workable extent of the lower field area for farming work. The Stirling to Perth Railway Line is to the south of the application site. Across the railway track is the site associated with planning application 15/01637/FLL for the Blackford Rail Sidings, the village of Blackford is beyond.
- 2 The rail sidings benefit from planning consent and there is a requirement to raise the level of ground as part of that proposal. Instead of sourcing the material from a sand and gravel quarry that would likely utilise the national road network then the main road through Blackford, this application seeks to open a borrow pit and extract a mineral resource at Mains of Panholes for the rail siding. This would result in the use of the local road network to the north and east of Blackford. If approved and implemented the extraction of material from this source for the rail sidings would mean a reduction in vehicle traffic through the village associated with application 15/01637/FLL.

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

- 3 Directive 2011/92/EU 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 for certain types of project before 'development consent' can be given.
- 4 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. This 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.

- 5 An Environmental Report was not required to be submitted with this proposal.

MANAGEMENT OF EXTRACTIVE WASTE (SCOTLAND) REGULATIONS

- 6 Whilst the application is for the extraction of minerals, it is to be treated as akin to a temporary borrow pit in relation to the definitions established by the 'Management of Extractive Waste (Scotland) Regulations 2010'. Thus, it is determined that the winning and working of the material is associated with a borrow pit and that the above Regulations are therefore not applicable to this proposal.

PRE-APPLICATION CONSULTATION

- 7 The proposed development is not classed as a Major development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. Therefore the applicant was not required to undertake not any formal pre-application consultation with the local community.

NATIONAL POLICY AND GUIDANCE

- 8 The Scottish Government expresses its planning policies through The National Planning Frameworks, the Scottish Planning Policy (SPP), Planning Advice Notes (PAN), Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars.

National Planning Framework

- 9 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

- 10 The Scottish Planning Policy (SPP) was published in June 2014 and 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; and
 - The determination of planning applications and appeals.

- 11 The following sections of the SPP will be of particular importance in the assessment of this proposal;
- Sustainability ; paragraphs 24 – 35
 - Placemaking ; paragraphs 36 – 57
- 12 A Successful, Sustainable Place;
- Paragraphs 92- 108 Supporting Business and Employment
- 13 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

Planning Advice Notes

- 14 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal;
- Air Quality and Land Use Planning (2004)
 - PAN 1/2011 Planning and Noise
 - 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

National Roads Development Guide 2014

- 15 This document supports Designing Streets and expands on its principles and is considered to be the technical advice with regards to roads and road use.

DEVELOPMENT PLAN

- 16 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2014.

TAYPlan Strategic Development Plan 2016-2036

- 17 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;

- 18 *“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.”*

Perth and Kinross Local Development Plan 2014

- 19 The Local Development Plan (LDP) was adopted by Perth and Kinross Council on 3 February 2014. The LDP 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.
- 20 The principal relevant policies are, in summary;

Policy PM1A - Placemaking

- 21 Development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place. All development should be planned and designed with reference to climate change mitigation and adaption.

Policy PM1B - Placemaking

- 22 All proposals should meet all eight of the placemaking criteria.

Policy TA1B - Transport Standards and Accessibility Requirements

- 23 Development proposals that involve significant travel generation should be well served by all modes of transport (in particular walking, cycling and public transport), provide safe access and appropriate car parking. Supplementary Guidance will set out when a travel plan and transport assessment is required.

Policy CF2 - Public Access

- 24 Developments will not be allowed if they have an adverse impact on any core path, disused railway line, asserted right of way or other well used route, unless impacts are addressed and suitable alternative provision is made.

Policy NE3 - Biodiversity

- 25 All wildlife and wildlife habitats, whether formally designated or not should be protected and enhanced in accordance with the criteria set out. Planning permission will not be granted for development likely to have an adverse effect on protected species.

Policy ER4A - Minerals and Other Extractive Activities

- 26 Favourable consideration will be given to proposals for the extraction of

minerals where they are in accordance with the criteria set out and where they do not have an adverse effect on local communities and the environment.

Policy ER4B - Minerals and Other Extractive Activities

- 27 Restoration, after use and aftercare proposals will require to be agreed in advance of mineral and other extractive operations. Financial bonds for restoration will be required.

Policy ER6 - Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Areas Landscapes

- 28 Development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross and they meet the tests set out in the 7 criteria.

Policy EP8 - Noise Pollution

- 29 There is a presumption against the siting of proposals which will generate high levels of noise in the locality of noise sensitive uses, and the location of noise sensitive uses near to sources of noise generation.

OTHER POLICIES

- 30 The following supplementary guidance and documents are of particular importance in the assessment of this application;
- Tayside Landscape Character Assessment (TLCA)
 - BS 4142; 2014 Methods for rating and assessing industrial and commercial sound

SITE HISTORY

- 31 15/01637/FLL Alterations and extension to the rail yard including associated works at Yard, Moray Street, Blackford 17 March 2016, Approved by Development Management Committee.
- 32 17/00349/FLL Extraction of sand and gravel 17 March 2017 Application Withdrawn.

CONSULTATIONS

EXTERNAL

- 33 **Transport Scotland** – Does not advise against the granting of permission.
- 34 **Network Rail** – No objection. Conditional control and Informatives recommended due to its close proximity to the operational railway.

- 35 **Scottish Environment Protection Agency** – Have removed their objection in relation to a lack of information following the submission of further information relating to private water supplies. They reaffirm their position regarding conditional control and how this relates to flood risk.
- 36 **RSPB** – Recommend conditional control.
- 37 **Blackford Community Council** – Concern with the proximity of the site to the community and the potential impact this could have from noise and dust. Relationship with Scottish Water development (a new sewerage works) and a new pedestrian bridge over the railway by Network Rail. The road between Blackford Village and Orchil Road is in need of repair and it would need upgrading to accommodate the vehicle movements associated with extraction. There is a potential impact on Core Path Network. Sand Martins use the site for nesting. An undesirable precedent will be created by permitting extraction in this location. Concerns on how this scheme relates to conditions on the receiving site (15/01637/FLL).

INTERNAL

- 38 **Environmental Health** – No objection in principle to the application but conditional control is recommended relating to noise, dust as well as operation methods and timescales
- 39 **Transport Planning** – No objection subject to conditional control relating to a traffic management scheme and the surveying of the road (pre and post construction) to take account of any potential damage to the road associated with construction vehicles and the making good of damage caused.
- 40 **Local Flood Prevention Authority** – No objection.

REPRESENTATIONS

- 41 The following points were raised in the 14 representations received;
- Concerns that there will be an impact on footpaths that are utilised as a recreational resource.
 - Impact on amenity with regards to dust.
 - Impact on amenity with regards to noise.
 - Traffic impacts and vehicle movements.
 - Impact on road network.
 - Site restoration.
 - No archaeological survey.
 - Too close to the river.
 - Impact on nesting birds.

42 These issues are addressed in the Appraisal section of this report. However the following issues also raised are best addressed at this stage.

- The railway should bring in the aggregate. Response – This concern is noted. However, I do not consider this to be a feasible solution at this stage as the rail siding is not yet built.
- There are other potential extraction areas. Response – There are potentially other extraction areas and the required material for the rail siding could come from sand and gravel quarries. However, there is a requirement to assess the applicant's scheme as proposed.

ADDITIONAL STATEMENTS

43	Environment Report	Not Required
	Screening Opinion	Undertaken
	Environmental Impact Assessment	Not Required
	Appropriate Assessment	Not Required
	Design Statement / Design and Access Statement	Not Required
	Reports on Impact or Potential Impact	Submitted

APPRAISAL

44 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 the TAYplan Strategic Development Plan 2016–2036 and the Perth and Kinross Local Development Plan 2014. The relevant policy considerations are outlined in the policy section above and are considered in more detail below.

Principle

- 45 LDP Policy ER4 applies to proposals for the extraction of minerals. It gives support for the proposed development, provided the proposal complies with the criteria in the policy; and with other national, strategic and local planning policy.
- 46 While there are other regional sources of material I consider there are benefits with extracting the mineral resource from a borrow pit at the proposed site as it will reduce the extent of traffic movements through Blackford associated with application 15/01637/FLL and the wider road network.
- 47 Policy ER4A also sets out criterion that requires assessment to ensure that the extraction of a mineral resource does not impact local communities and the environment.
- (i) the effect on local communities and neighbouring land uses by reason of noise, dust, vibration or other pollution or disturbance;
 - (ii) the visual effect of the proposals;

- (iii) the transport implications, and in particular the scale and nature of traffic likely to be generated, and its implications for site access, road capacity, road safety, and the environment generally;
- (iv) the effect on the quality and quantity of water resources including the ecology of water courses and wetlands, and on water supply and flood protection interests;
- (v) ensuring there are no unacceptable adverse cumulative impacts arising from development proposals; and
- (vi) ensuring there are no adverse effects on the integrity of a European designated site(s).

48 These matters where applicable are assessed in greater detail under the headings below.

Landscape

- 49 Development and land use change should be compatible with the distinctive characteristics and features of Perth & Kinross's landscape. Development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross.
- 50 In this case the extraction and re-contouring of the land will have a short term landscape impact when the material is being worked. However the impact can be mitigated by progressive restoration, see condition 4. On completion of extraction and with the implementation of a restoration scheme I do not consider that local distinctiveness, diversity and quality of the landscape will have been eroded. I do not consider there will be a significant adverse impact on the landscape that would conflict with the aims of Policy ER6.
- 51 It is worthwhile noting that Policy ER4B relates to restoration and this policy seeks a financial bond. However, given the relatively small scale extraction at this borrow pit I do not consider this is requirement for a bond in this instance. I am content that extraction can be undertaken in a phased manner with progressive restoration (condition 12).

Residential Amenity and Amenity

Noise

- 52 The planning system has an important role to play in preventing and limiting noise pollution. Although the planning system cannot tackle existing noise problems directly, it has the task of guiding development to the most suitable locations and regulating the layout and design of new development. The noise implications of development can be a material consideration in determining applications for planning permission.
- 53 A Noise Assessment (NA) was undertaken by consultants KSG Acoustics Limited dated 22 August 2017. The scope of the assessment was the extraction operations at the application site and the HGV movements from site to the Blackford Rail Sidings site.

- 54 Environmental Health were consulted on the NA and they confirm that the assessment methodology is in line with Planning Advice Note (PAN 50); *Controlling the Environmental Effects of surface mineral workings, Annex A – Control of noise at surface mineral workings*. The assessment was based on day time operational hours 07;00 to 17;30 hours Monday to Thursday and 07;00 to 15;30 hours Friday, with no weekend workings. The mineral extraction operations will be approximately over a 7 week period with HGV movements over 6 weeks within this period.
- 55 The consultant has sourced data for mobile plant that will be used at the site from British Standard 5228. The proposed plant is a 25 t excavator and dozer. The assessment has also taken into account 6 HGV off site movements when leaving and accessing the extract site. Therefore the cumulative level, with a 5dB reduction for noise source being partially visible from the measurement point Abercairney Close, is 45.7 dBLAeq, 1h. The report states that this is a conservative calculation as no correction has been made for soft ground attenuation.
- 56 The assessment concluded that the recommendations in PAN 50 paragraph 33 of 55 dBLA_{eq,1h} (free field) at the closest residential property, would not be exceeded. With no adverse impacts anticipated from the extraction or from the haul route proposed.
- 57 The consultant also states within the conclusion that the contractor should ensure that noise emissions associated with the works are controlled so far as reasonably practical, through Best Practicable Means and Control of Pollution Act 1974.
- 58 Environmental Health have recommended conditional control to mitigate noise impacts. In this case noise mitigation measures are incorporated into conditions 3, 6, 7, 8, 9 and 10 of the recommendation in this report.

Dust

- 59 The 'Blackford Quarry Kilmac Mineral Dust Risk Assessment', document reference 11179-001 dated 25 August 2017, submitted with this application was undertaken by consultants ITPENERGISED.
- 60 The scope of the assessment undertaken was to assess the effects of all site activities; site preparation, mineral extraction and handling, onsite and offsite transportation and stockpiles, on the levels of 'disamenity dust' on sensitive receptors and any changes in the 24 hour and annual mean PM₁₀.
- 61 The assessment was carried out in line with the '*Institute of Air Quality Management (2016), technical guidance on the assessment of mineral dust impacts for planning.*'
- 62 Ten Sensitive Receptor locations have been assessed, and vary from residential properties within Blackford and along the operational route road B808, Blackford Primary School, Core Paths and Play area. These are all

representative of areas where people are likely to be exposed as is consistent with the periods for the objectives.

- 63 The consultant has obtained background PM₁₀ data from the Scottish Government Air Quality website from background maps for 2017, which is in accordance with relevant guidance. The annual mean average background obtained for PM₁₀ was 9.55 ug/m³, which is significantly below the Scottish PM₁₀ objective of 18 ug/m³.
- 64 Environmental Health would have preferred that the meteorological data obtained was from Strathallan as this would have been more representative at a local level than Leuchars, however they are of the view that this will not make a great difference to the outcome of the report.
- 65 The report concluded that for the disamenity dust assessment only one receptor would have a slight adverse effect due to dust from the offsite transportation operations; this is due to the close proximity of the property to the proposed route road on the B8081. The report also states that the health effects of PM₁₀ are assessed as low from earthworks and offsite transportation operations.
- 66 The report states that with good-practice mitigation measures as outlined in Section 6 of the report and site specific mitigation measures, the impact of dust is negligible and not significant. The report states that all mitigation measures will be included in an Environmental Management Plan (EMP) which will be submitted prior to the commencement of any works, see condition 9.

Private water supplies

- 67 SEPA has a responsibility to protect groundwater abstractions. Foundations, borrow pits and linear infrastructure such as roads, tracks and trenches can disrupt groundwater flow. With four licensed abstractions within 250m of proposed excavation SEPA requested further information from the applicant. (1) Either the owners of the groundwater abstractions had agreed contingency plans including temporary or permanent replacement or (2) an appropriate risk assessment be undertaken to demonstrate that the abstractions will not be impacted by the proposals.
- 68 The applicant submitted an email to SEPA on 4 October which provided confirmation that the owners of the groundwater abstractions were also the owners of the land and proposed boreholes. SEPA were content that this information is sufficient to satisfy requirements of their guidance.
- 69 Given the water supplies are within the control of the applicant I see no need to apply conditional control as they would need to implement contingency plans themselves including temporary or permanent replacement in order to provide security of supply.

Roads and Access

- 70 I acknowledge the impact construction traffic can have on the road network and sympathise with the concerns of local residents. However part of the function of the public road is to facilitate approved developments on sites which are served by it.
- 71 The applicant has provided both a route plan and proposed method statement for traffic movements. This has been reviewed in consultation with road maintenance colleagues, who whilst not objecting to the proposal, would be keen to carry out a pre-commencement road condition survey and to enter into a maintenance agreement with the applicant prior to the commencement of any operation.
- 72 Conditional control has been recommended, see condition 10 and 11, this will assist in minimising the adverse impact on road users. In light of this the development would not conflict with LDP policy TA1B.
- 73 I am aware that the rail siding application has already assessed how that proposal relates to core path (BLFD/3) and asserted Right of Way (29/3) and conditional control has already been imposed on that consent. Core path (BLFD/3) and asserted Right of Way (29/3) crosses the railway line and continues in a northerly direction. While the path is to the west and outwith the extraction area there is a core path spur after the rail crossing that runs through the red line boundary of the mineral extraction site, referenced as (BLFD/11). There is a requirement to ensure that there is a holistic approach to public access in this area and both the extraction proposal and the construction of the rail siding need to take account.
- 74 I consider a detailed plan and phasing proposal for the diversion works to the core path (BFLD/11) and signage needed to facilitate the development is required. This can be dealt with by conditional control to comply with Policy CF2, see condition 12.

Drainage and Flooding

- 75 Policy EP2 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.
- 76 SEPA have reviewed the information provided and they note that part of the application lies within the medium likelihood (0.5% annual probability or 1 in 200 year) flood extent of the SEPA Flood Map, and may therefore be at medium to high risk of flooding.
- 77 It is the proposed access track to the site that is within this flood envelope. The extraction pit is out with this envelope. As the access track is within the functional floodplain SEPA require that no land raising occurs when installing or upgrading the track to ensure that it will have a neutral impact on flooding and this is incorporated into condition 13. SEPA note that the position of the access track is a commercial risk to the applicant due to the likelihood of flooding.

- 78 Consultation with the Councils Flood Team has not raised any objections to the scheme.
- 79 Network Rail has specified that uncontrolled drainage towards the railway may have a direct impact on the reliability and frequency of the rail transport. Condition 14 requires all surface water arising from the development to be collected and diverted away from Network Rail land. Thus ensuring water from the site does not pond on or near railway land either during or after any mineral extraction. A requirement to ensure extraction does not occur within 20 metres of the railway boundary is also incorporated into condition 2.
- 80 I am satisfied that conditional control can ensure compliance with Policy EP2 of the LDP.

Natural Heritage and Biodiversity

- 81 Policy NE3 of the LDP 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.
- 82 The RSPB have noted that there is an active sand martin colony breeding within the material due to be removed. They note that there is no mention of this within the planning application or any proposal to survey the site prior to extraction to avoid nesting birds and the applicant is asking for a 12 month permission.
- 83 Sand martins and their active nests are fully protected by the Wildlife and Countryside Act 1981 (as amended) from the moment birds begin tunneling. Birds are usually present in Scotland from April to September and often produce two broods. RSPB note that conditional control should be utilised in order to prevent an offence being committed under the Wildlife and Countryside Act.
- 84 In this case condition 15 has been imposed to ensure that animals are not trapped in trenches and condition 16 takes account of the Sand Martins on the site. With the conditional control in place the proposal complies with the provisions of Policy NE3 of the LDP.

Archaeology

- 85 Policy HE1B relates to non-designated archaeology. In this case there is no known archaeological resource at the site and a programme of archaeological works has not been sought from Perth and Kinross Heritage Trust's archaeologist.

Economic Impact

- 86 The proposal is not considered to have a significant economic impact but it is associated with the delivery of the Rail Siding approved under application

15/01637/FLL a scheme that was considered to have economic and carbon reduction benefits.

LEGAL AGREEMENTS

- 87 None required

DIRECTION BY SCOTTISH MINISTERS

- 88 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

- 89 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.
- 90 Accordingly the proposal is recommended for approval subject to the following conditions.

RECOMMENDATION

Approve the application

Conditions and Reasons for Recommendation

- 1 The proposed development must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this permission.
- Reason -To ensure the development is carried out in accordance with the approved drawings and documents.
- 2 The borrow pit hereby approved shall only be exploited to serve planning application 15/01637/FLL for the Blackford Rail Sidings. The total volume of mineral extracted from the mine shall not exceed 19,300m³ of sand and gravel. No extraction is to occur within 20 metres of Network Rail's Boundary and all excavation/restoration shall be completed not more than 1 year from the date of commencement of the development (as indicated on the 'Notice of Initiation of Development').

Reason - In order to ensure that the material extracted is used solely for this development and to reflect the nature of development contained in the planning application.

- 3 Mineral extraction and processing shall only be carried out at the site between the hours of 0700-17:30 Monday to Thursday and 0700-15:30 on Friday only. No mineral extraction or processing will occur on Saturday or Sunday. No blasting shall take place on the site.

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

- 4 The working, restoration and aftercare of the site shall be carried out only in accordance with the working programme and plans that have been submitted to and approved in writing by the Planning Authority and thereafter implemented in accordance with the approved details to the satisfaction of the Planning Authority.

Reason - To enable the Local Planning Authority to control the development and to minimise its impact on the amenities of the local area.

- 5 All external lighting to be installed shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighbouring land and ecologically sensitive habitats and that light spillage beyond the boundaries of the site is minimised. No illumination of the site is permitted out with the operational hours outlined in condition 3 of this consent.

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

- 6 All vehicles, plant and machinery shall operate only during the permitted hours of mineral extraction and processing in condition 3 and shall at all times be silenced in accordance with the manufacturer's recommendations and so operated as to minimise noisy emissions. The 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.

- 7 Only the plant machinery and equipment specified in the Noise Assessment submitted with this application (or similar plant which generates no greater sound power levels) shall be used on the mineral extraction site.

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

- 8 Should any aspect of the proposed operations result in justified nuisance complaints the applicant shall, if required by the Planning Authority, have qualified consultants carry out monitoring for noise or dust and provide reports to the Planning Authority. The applicant is required to take any reasonable remedial measures recommended in such reports. Noise levels measured at 3.5m from the façade of noise sensitive properties shall not exceed the following limit $L_{Aeq, 1 \text{ Hour}}$ 46 dB (free field).

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

- 9 Prior to the commencement of operations, a satisfactory Environmental Management Plan must be submitted to and approved by the Planning Authority. The EMP should include:-
- (a) a Dust Management Plan covering all operational activities.
 - (b) a Noise Control Plan covering all operational activities.
 - (c) Measure to prevent contamination of the site or any watercourse from oils, fuels, hydraulic fluids and anti-freeze to be stored or used on the site.

Thereafter the measures contained with the EMP shall be implemented during the construction programme and records kept for perusal of the Planning Authority.

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

- 10 Prior to the commencement of the development hereby approved, the applicant shall submit for the further written agreement of the Planning Authority, in consultation with the Roads Authority (Structures), a Construction Traffic Management Scheme (TMS) which 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) all vehicles from the site transporting aggregate to the Blackford Rail Siding site shall be covered and measures shall be put in place to ensure

no undue idling or waiting on the public road at extraction site and Rail Sidings sites occur.

- (m) 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.
- (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 TMS as approved shall be strictly adhered to during the entire site construction programme.

Reason – In the interests of pedestrian and traffic safety and in the interests of free traffic flow.

- 11 Prior to the commencement of the development an agreement dealing with liability for remedial work required as a result of damage to the local road network directly attributable to the construction of the development and allowing for pre- and post-construction surveys of the said local road network shall be submitted to and approved in writing by the planning authority, in consultation with the roads authority.

Reason - In the interests of road safety and the amenity of other users of the public highway.

- 12 Prior to the commencement of any development on site a detailed plan and phasing proposal for the diversion works to the core path (BFLD/11) and signage needed to facilitate the development at the west and southern end of the site shall be submitted to and approved in writing by the Planning Authority. This plan shall fully detail the temporary arrangements, timescales and proposals for the diversion work to ensure that continued access along the core path and shall take account of any diversion works to (BLFD/3) and asserted Right of Way (29/3) associated with condition 20 of application 15/01637/FLL. The details, as approved in writing, shall be implemented as part of the development of the site and completed to the satisfaction of the Planning Authority prior to the site being brought into use.

Reason – To ensure continued public access along the core path/right of way.

- 13 No land raising shall occur within the medium likelihood (0.5% annual probability or 1 in 200 year) flood extent.

Reason - To ensure that the development will have a neutral impact on flooding.

- 14 All surface water arising from the development must be collected and diverted away from Network Rail land. Water must not be caused to pond on or near railway land either during or after any mineral extraction.

Reason - To ensure that the development will have a detrimental impact on the

Rail Network.

- 15 All trenches and excavations on the site shall be fitted with measures to prevent animals from being trapped. This can include the creation of sloping escape ramps or by using planks within the excavations to allow animals to escape.

Reason – In order to prevent animals being trapped in open excavations.

- 16 Prior to the commencement of operations a satisfactory mitigation plan must be submitted to and approved by the Planning Authority in writing to deal with the sand martin resource at the site and shall include the following:-
- (a) Identification of non-operational areas where suitable vertical faces can be provided to encourage sand martin colonisation along with timescales for the formation of these vertical faces.
 - (b) Identification of long-term retention areas that will not be extracted that can be left for breeding birds in future years.
 - (c) Between mid - March and mid-May the appointment of a suitably qualified ecologist or clerk of works at the developers' expense with the details of appointment being subject to the prior written agreement of the Planning Authority, to ensure the checking of all operational faces for evidence of sand martin nests along with the demarcation of areas which should not be disturbed and routinely monitor activities, with the ability to stop operations, make changes to demarcated areas and working practices as necessary.

Thereafter the measures contained within the mitigation plan shall be implemented during the construction programme and records kept for perusal of the Planning Authority.

Reason – To take account of the bio-diversity resource on the site.

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

None.

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 The applicant should ensure that any existing wayleaves for maintenance or repair to existing private water supply or septic drainage infrastructure in the development area are honoured throughout and after completion of the development.
- 5 Details of all changes in ground levels, laying of foundations, and operation of mechanical plant in proximity to the rail line must be submitted to Network Rail's Asset Protection Engineer for approval prior to works commencing on site. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. by a "possession" which must be booked via Network Rail's Asset Protection Engineer and are subject to a minimum prior notice period for booking of 20 weeks.
- 6 It is suggested that signing up to a maintenance agreement under Section 96 of the Roads (Scotland) Act 1984 could fulfil the aims of condition 11 in respect of the public roads used to transport the borrow pit material.

Background Papers: 14 letters of representation
Contact Officer: John Russell 01738 475346
Date: 23 November 2017

ANNE CONDLIFFE
INTERIM DEVELOPMENT QUALITY MANAGER

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