

Perth and Kinross Council
Planning & Development Management Committee – 31 July 2019
Report of Handling by Head of Planning & Development (Report No. 19/208)

PROPOSAL: Application under Section 42 of the Town and Country Planning (Scotland) Act 1997 to modify condition 2 (expiry), 3 (phasing), 17 (extraction rate) and 28 (noise) of planning permission 98/00710/FUL (Winning and working of minerals)

LOCATION: Loanleven Quarry, Almondbank, Perth PH1 3NF

Ref. No: [18/02123/MWM](#)
Ward No: P5 - Strathtay

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 application site is located just off the A85 trunk road 2km west of Perth and 50 metres west (at its closest point) from the settlement of Almondbank. The total site area extends to 42.4 hectares.
- 2 The existing quarry area is located within an area consisting of agricultural land and forestry. The closest residential properties to the current extraction area are located 120 metres to the east. Two residential properties are also located on the A85, close to the site entrance. The landowner lives at Loanleven Farm, located to the south of the conveyor, which runs between the extraction area and processing area.
- 3 The Methven Woods Site of Special Scientific Interest (SSSI) is located 160 metres to the north of the processing plant. The River Tay Special Area of Conservation (SAC) runs to the north, west and south of the quarry. At its closest approach, the River Tay SAC is located approximately 100 metres to the west of the extraction area, as it runs north through Almondbank.
- 4 The land capability class for agriculture within the extraction area and the eastern part of the processing plant is 3.2, (land capable of supporting mixed agriculture) whilst the western part of the processing plant and access road is located within 3.1 (Prime Agricultural Land).
- 5 The quarry is wholly located within the Methven Castle Garden and Designed Landscape. A Scheduled Monument (Loanleven Enclosure Ref SM8755) is located within the application site, to the south west of the proposed extraction

area. The extraction area was amended during the determination of the 1998 planning application to exclude the Scheduled Monument and this exclusion has been maintained. The Battle of Tippermuir Historic Battlefield is located 600 metres to the south of the quarry boundary. The Pitcairngreen Conservation Area is located 1.1km to the north of the quarry. A number of listed buildings are located within the local area, mainly concentrated within Almondbank. Methven Castle Category A listed building is located 1.1km west of the processing plant.

- 6 Access to the quarry is via an access of approximately 1km which takes access directly from the A85 Trunk road. The access road leads to the processing plant and consists of an unpaved single carriageway gravel track with several passing places.
- 7 The plant site, which extends to approximately 7 hectares, accommodates the quarry's site offices and welfare facilities, car parking, processing plant, stocking areas and water treatment lagoons. The plant site is linked to the extraction area via a low level field conveyor which extends to approximately 380 metres in length. The extraction area consists of a quarry void within the north of the site and unworked agricultural fields to the south of the void.
- 8 The proposal is that the quarry operators (CEMEX) seek to continue operating as per its 1998 planning permission, with the exception of the following proposed changes to four conditions from the original approval 98/00710/FUL & P/PPA/340/134. They are as follows:
 - Condition 2: Request to extend the duration of the planning permission which is currently due to cease extraction operations on 24th August 2029 and to expand this to 24th August 2034 (a 5 year extension).
 - Condition 3: Amend the working phased extraction and restoration plans to Figures 2-1 to 2-9.
 - Condition 17: Request to increase the permitted output of the quarry from 100,000 tonnes per annum to 200,000 tonnes per annum. The increase in output would lead to an increase in the number of HGV's travelling to and from the site by an estimated 36 round trips.
 - Condition 28: Increase the noise limit at Loanleven Farm (property of landowner).

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

- 9 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 for certain types of project before 'development consent' can be given.
- 10 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 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.

- 11 An EIA Report was required to be submitted with the proposal as the cumulative scale of development falls under a Schedule 1 development within the 2017 EIA Regulations.

PRE-APPLICATION CONSULTATION

- 12 The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, does not require Pre-application Consultation for Section 42 applications which relates to a 'major planning applications' made on or after the 3 February 2013.

NATIONAL POLICY AND GUIDANCE

- 13 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

- 14 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

- 15 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.
- 16 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

Planning Advice Notes

- 17 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
- PAN 40 Development Management
 - PAN 50 Controlling the Environmental Effects of Surface Mineral Workings
 - PAN 51 Planning, Environmental Protection and Regulation
 - PAN 61 Planning and Sustainable Urban Drainage Systems
 - PAN 64 Reclamation of Surface Mineral Workings
 - PAN 75 Planning for Transport

DEVELOPMENT PLAN

- 18 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

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

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

- 20 The following sections of the TAYPlan 2016 are of particular importance in the assessment of this application.

Policy 7: Energy, Waste and Resources

- 21 Seeks to deliver a low/zero carbon future. Development proposals should ensure all areas of search, sites and routes for energy, waste and resource management infrastructure have been justified against a series of considerations including: the specific land take requirements, the proximity of resources, the sensitivity of the surrounding environment, health and safety considerations, cumulative impacts, strategic cross-boundary impacts, and consistency with the National Planning Framework.

Policy 9: Managing TAYplans Assets

- 22 Seeks to ensure responsible management of TAYplan’s assets by: using the locational priorities of the Plan to identify and protect finite resources (mineral deposits and important soils); Protecting Natura 2000 sites; and safeguarding the integrity of natural and historic assets including habitats, wild land, sensitive green spaces, forestry, water environment, wetlands, floodplains (in-line with the Water Framework Directive), carbon sinks, species and wildlife corridors,

and also geo-diversity, landscapes, parks, townscapes, archaeology, historic battlefields, historic buildings and monuments and by allowing development where it does not adversely impact upon or preferably enhances these assets.

Perth and Kinross Local Development Plan 2014

- 23 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.

- 24 The principal relevant policies are, in summary;

Policy PM1A - Placemaking

- 25 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

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

Policy PM3 - Infrastructure Contributions

- 27 Where new developments (either alone or cumulatively) exacerbate a current or generate a need for additional infrastructure provision or community facilities, planning permission will only be granted where contributions which are reasonably related to the scale and nature of the proposed development are secured.

Policy ED3 - Rural Business and Diversification

- 28 Favourable consideration will be given to the expansion of existing businesses and the creation of new business. There is a preference that this will generally be within or adjacent to existing settlements. Outwith settlements, proposals may be acceptable where they offer opportunities to diversify an existing business or are related to a site specific resource or opportunity. This is provided that permanent employment is created or additional tourism or recreational facilities are provided or existing buildings are re-used. New and existing tourist related development will generally be supported. All proposals are required to meet all the criteria set out in the policy.

Policy RD1 - Residential Areas

- 29 In identified areas, residential amenity will be protected and, where possible, improved. Small areas of private and public open space will be retained where

they are of recreational or amenity value. Changes of use away from ancillary uses such as local shops will be resisted unless supported by market evidence that the existing use is non-viable. Proposals will be encouraged where they satisfy the criteria set out and are compatible with the amenity and character of an area.

Policy TA1A - Transport Standards and Accessibility Requirements

- 30 Encouragement will be given to the retention and improvement of transport infrastructure identified in the Plan.

Policy TA1B - Transport Standards and Accessibility Requirements

- 31 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

- 32 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 HE1A - Scheduled Monuments

- 33 There is a presumption against development which would have an adverse effect on the integrity of a Scheduled Monument and its setting, unless there are exceptional circumstances.

Policy HE1B - Non Designated Archaeology

- 34 Areas or sites of known archaeological interest and their settings will be protected and there will be a strong presumption in favour of preservation in situ. If not possible provision will be required for survey, excavation, recording and analysis.

Policy HE2 - Listed Buildings

- 35 There is a presumption in favour of the retention and sympathetic restoration, correct maintenance and sensitive management of listed buildings to enable them to remain in active use. The layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting should be appropriate to the building's character, appearance and setting.

Policy NE1 - Environment and Conservation Policies

- 36 National, local and European protected species should be considered in development proposals.

Policy NE2A - Forestry, Woodland and Trees

- 37 Support will be given to proposals which meet the six criteria in particular where forests, woodland and trees are protected, where woodland areas are expanded and where new areas of woodland are delivered, securing establishment in advance of major development where practicable.

Policy NE3 - Biodiversity

- 38 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 NE5 - Green Belt

- 39 Development in the Green Belt will only be allowed where it conforms with the 5 criteria set out. The Housing in the Countryside Policy RD3 does not apply in the Green Belt.

Policy ER3A - Minerals and Other Extractive Activities

- 40 Development which would sterilise important economically workable mineral deposits will not be allowed unless there is an overriding need for the development and prior extraction of the mineral cannot reasonably be undertaken; or extraction of the mineral is unlikely to be practicable or environmentally acceptable.

Policy ER4A - Minerals and Other Extractive Activities

- 41 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 ER5 - Prime Agricultural Land

- 42 Development on prime agricultural land will not be permitted unless it is necessary to meet a specific established need such as a major infrastructure proposal, there is no other suitable site available on non-prime land or it is small scale development (generally single buildings) linked to rural business.

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

- 43 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 EP2 - New Development and Flooding

- 44 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 probability of flooding from any source, or where the proposal would increase the probability of flooding elsewhere. Built development should avoid areas at significant risk from landslip, coastal erosion and storm surges. Development should comply with the criteria set out in the policy.

Policy EP3A - Water, Environment and Drainage

- 45 Proposals which do not accord with the Scotland River Basin Management Plan and any relevant associated Area Management Plans will be refused unless they are considered to be of significant specified benefit to society and / or the wider environment.

Policy EP3C - Water, Environment and Drainage

- 46 All new developments will be required to employ Sustainable Urban Drainage Systems (SUDS) measures.

Policy EP8 - Noise Pollution

- 47 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.

Proposed Perth and Kinross Local Development Plan 2 (LDP2)

- 48 The Proposed LDP2 2017 represents Perth & Kinross Council's settled view in relation to land use planning and is a material consideration in determining planning applications. The Proposed LDP2 is considered consistent with the Strategic Development Plan (TAYplan) and Scottish Planning Policy (SPP) 2014. It is now the subject of an Examination Report (published 11 July 2019). This includes the Reporter's consideration of issues and recommended modifications to the Plan, which are largely binding on the Council. It is therefore anticipated that they will become part of the adopted Plan; however, this is subject to formal confirmation. The Council is progressing the Proposed Plan (as so modified) towards adoption which will require approval by the Council and thereafter submission to the Scottish Ministers. It is expected that LDP2 will be adopted by 31 October 2019. The Proposed LDP2, its policies and proposals are referred to within this report where they are material to the recommendation or decision.

SITE HISTORY

- 49 98/00710/FUL Winning and working of minerals. Application refused December 1998 but granted on appeal P/PPA/340/134 in August 1999.

- 50 [12/00004/WMP](#) Extractive Waste Management Plan. Application approved July 2012.
- 51 [18/00950/SCOP](#) EIA Scoping request for variation of condition to consent (98/00710/FUL) increase of annual output. Scoping decision issued 13 July 2018

CONSULTATIONS

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

EXTERNAL

Scottish Environment Protection Agency (SEPA)

- 53 No objection to the proposal provided a condition regarding groundwater monitoring is included with any consent.

Scottish Natural Heritage (SNH)

- 54 No objection. There are natural heritage interests of national and international importance in the vicinity of the quarry but the proposed modifications to the existing conditions will not adversely affect these interests.

Transport Scotland

- 55 No objection provided the first 25 metres of the access road off the A85 trunk road is 7.4 metres wide.

Historic Environment Scotland (HES)

- 56 The proposals do not raise historic environment issues of national interest and therefore do not object. This is provided the Loanleven Scheduled Monument is protected to the Councils satisfaction as there is a risk of accidental damage.

Scottish Water

- 57 No objection but cannot confirm that the proposed development can currently be serviced by them.

Forestry Commission Scotland (FCS)

- 58 No response received.

Royal Society of Protection of Birds (RSPB)

- 59 No response received.

Methven Community Council

60 No response received.

Perth and Kinross Heritage Trust (PKHT)

61 No objection and confirm that the EIA Report is broadly in line with the assessment outcomes as specified in the EIA Scoping Report.

Tay Salmon Fisheries Board

62 No response received.

Scottish Canoe Association

63 No response received.

British Geological Survey

64 No response received but did provide detailed feedback during EIA Scoping process.

INTERNAL

Structures and Flooding

65 No objection to the proposal.

Environmental Health

66 No objection following submission of further noise assessment.

Transport Planning

67 No response received.

Biodiversity Officer

68 No objection to the proposal.

Strategy and Policy

69 No response received but provided detailed feedback during EIA Scoping process.

Community Greenspace

70 No response received.

71 The following points were raised in the one representation received:

- Planning creep;
- Increased levels of dust;
- Increased noise levels;
- Adverse impact on quality of life.

72 These issues are addressed in the Appraisal section of the report.

ADDITIONAL STATEMENTS

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|--|---------------------------|
| Environment Statement | Submitted |
| Screening Opinion | Not Required – Schedule 1 |
| Environmental Impact Assessment | Submitted |
| Appropriate Assessment | Not Required |
| Design Statement / Design and Access Statement | Not Required for Minerals |
| Reports on Impact or Potential Impact | Planning Statement |

APPRAISAL

73 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.

74 I consider the main issues to be assessed are need, traffic, noise, air quality including dust, flood risk, ecology, cultural heritage as well as landscape and visual impact.

Principle and Need

75 TAYPlan recognises the importance of resources and assets with potential to support economic growth. It highlights that development and growth in the economy should occur in a way that does not place unacceptable burdens on environmental capacity and should not increase the exposure of users or inhabitants to risks. Policy 9: Managing TAYPlan's Assets deals with finite resources and specifically refers to mineral deposits of economic importance; while emphasising the protection of prime agricultural land, forestry areas and carbon rich soils.

76 LDP Policy ER4A - Minerals and Other Extractive Activities provides favourable consideration 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. 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.

- 77 The proposed increased extraction of minerals from 100,000 to 200,000 tonnes per annum (tpa) is required to supply material for the proposed and approved major development projects within the region such as the Scottish Governments A9 dualling project from Perth to Inverness, Scone North, Berthapark, & Almond Valley Village residential developments etc. The principle of the proposal is therefore considered acceptable in planning terms.

Proposed Modifications

- 78 The site consists of a 1km access road leading from the A85 to the plant site. The plant site extends to approximately 7 hectares and accommodates the quarry's site offices, welfare facilities, car parking, processing plant, stocking areas and water treatment lagoons.
- 79 The plant site is linked to the current and proposed extraction area via a field conveyor which extends to 380 metres in length and 1 metre in height. The conveyor transports mineral from the extraction area to the plant site. It is located to the south of Methven Loch and north of Loanleven Farm. An access track runs parallel with the conveyor.
- 80 The current extraction area consists of a quarry void within the north east of the site and unworked agricultural fields to the south of the void. The topography of the proposed extraction area rises gently from the south (33m AOD) to the north (45m AOD). The proposal is to continue the extraction on a phased basis in a southerly direction until 2034. The mineral deposit is extracted in three benches of depths around 4 to 5 metres.
- 81 Access roads are maintained from the quarry void to land to the south to allow access for plant and machinery needed to strip and stockpile soils. A water treatment system will be installed within the northern portion of the extraction area. Water will be pumped from the processing plant to the water treatment system. The suspended solids will be allowed to settle in the lagoons and clean water will be pumped back to the processing plant for reuse.

Condition 2 – Time Extension

- 82 It is proposed to amend the duration of the planning permission to allow quarrying activities to continue southwards towards the boundary with the A85 until the 24th August 2034, as opposed to the current cessation date of 24th August 2029 (a 5-year extension).
- 83 The quarry contains an estimated remaining sand and gravel reserve of 2.1 million tonnes. Based on the current maximum rate of production of 100,000 tonnes per annum (tpa) the remaining reserve is equivalent to 21 years.
- 84 The proposal seeks to increase the maximum permitted rate of extraction from 100,000tpa to 200,000tpa. If the quarry were to operate at a maximum permitted rate of production of 200,000tpa, the duration of the workings would be approximately 10.5 years.

- 85 The applicant however advises that it is unlikely that the quarry would be worked at the maximum permitted rate of extraction until reserves are exhausted. The output would be capped at 200,000tpa, but would depend on the demand and would therefore vary from year to year.
- 86 Planning permission for the extraction of sand and gravel is therefore sought for approximately a 15 year period, until 24th August 2034, which is equivalent to an annual output of 140,000tpa for the remaining life of the quarry. This represents a 5-year extension to the current permitted duration of the consent. A further 12 months would also be required to complete restoration of the site.
- 87 There are a number of potential consequences of this proposed variation to Condition 2. The variation would prolong the use of the site for quarrying operations and a prolonged use of the public road network by HGV's travelling to and from the quarry.
- 88 However, the proposal would ensure a continued steady supply of construction aggregates to a region experiencing a high level of development over the next 15-20 years. An additional 5 year period would delay the need for either a new quarrying operation within the locality or the need to import construction aggregates from elsewhere. Consequently the proposed extension of time is considered acceptable.

Condition 3 – Working and Restoration Scheme

- 89 It is proposed to vary Condition 3 in order to replace the currently approved working scheme drawings with the updated working scheme drawings. No changes are proposed to the limit of extraction, the depth of extraction or the restoration proposals. The applicant is unsure why a cap of 100,000 tpa was stipulated in the appeal decision as there is more available sand and gravel within the same site boundaries. The proposed working and restoration scheme is contained within Figures 2-1 to 2-9 of the EIA Report which show the quarrying activity set out in 6 phases moving southwards stopping short of the site's boundary with the A85. After each phase is completed, restoration is commenced by directly placing the excavated soils onto it so as to minimise handling. The proposed phasing and restoration is considered logical and acceptable.

Condition 17 – Rate of Extraction

- 90 As already mentioned, it is proposed to amend Condition 17 to increase the maximum permitted output of the quarry from 100,000 tpa to 200,000 tpa. The proposed increase in output from the quarry is in response to an increased demand for construction aggregate in the region. The current 'cap' on quarry output would limit the contribution the quarry can make to supporting the construction industry and projects in the region, leading to the need to import construction aggregates from further afield.
- 91 The EIA Report identifies no significant environmental effects caused by the proposed increase to the output of the quarry. The processing plant would

require to be upgraded in order to process additional volumes of mineral. The replacement or partial replacement of the processing plant would be undertaken under permitted development rights (Class 55 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992) and would not materially affect the external appearance or noise levels generated by the plant.

- 92 The increase in output would lead to a projected increase in the number (36) of HGV's travelling to and from the site on a daily basis. The increase in HGV's to and from the quarry have been assessed by Transport Scotland and is discussed further in this report but considered acceptable.

Condition 28 – Noise Limits

- 93 Condition 28 sets maximum noise levels at various nearby residential properties, including Lochend Cottage, 37 Admiralty Wood, 2 Lochty Park, Wildwood, Loanleven Farm, Easter Powside and the dwellings at the Quarry Access. The submitted Noise Assessment finds that, with the exception of Loanleven Farm, the predicted noise levels from the proposed quarrying will comply with the limits set within Condition 28.
- 94 At Loanleven Farm, Condition 28 sets the noise limit at 48dB. Background noise levels, whilst the quarry was not operational, were recorded to be 38dB, with a predicted worst case noise level during normal extraction operations, of 49dB.
- 95 This level meets the most stringent daytime limit suggested in PAN 50 Annex A of the existing background noise level which in the case of this property would be 53dB but fails to meet the current planning restriction. It is therefore proposed to vary Condition 28 to increase the noise limit applied to Loanleven Farm to 49dB and this is examined in detail in the Residential Amenity (Noise) section of this report.

Residential Amenity

- 96 The main potential impact on residential amenity from the proposed quarrying is from noise and air quality in particular dust. The Noise and Air Quality sections of the EIA Report have been assessed by Environmental Health. Following the submission of additional information, Environmental Health has no objection in to the application provided their requested conditions are included with any permission.

Noise

- 97 Condition 17 of 98/00710/FUL relates to the permitted extraction output from the quarry and the applicant now seeks to increase the amount from 100,000 tonnes to 200,000 tonnes per annum. Condition 28 relates to a noise which restricts noise levels from the quarry operation at 7 locations around the site. This application now seeks to increase the noise limits at the landowner's property (Loanleven Farm) from 48dB to 49dB as this is the only location that is predicted to be breached.

- 98 Noise monitoring was undertaken at 8 locations on the 20, 22 August 2018 to measure background levels. This included the 7 monitoring locations contained in Condition 28 and an additional location at Honeypot Nursery as requested by Environmental Health. The quarry was in operation during the background noise survey; however, it was observed that no quarry noise was audible throughout the survey at the monitoring locations. Further noise measurements were undertaken to measure noise from quarry operations on the 28 August 2018.
- 99 The noise survey undertaken indicated that background noise levels in the vicinity of Loanleven Farm remained the same as when previously assessed for the original quarry application with a measured background level of 38dB and an ambient level of 42dB. Based on PAN 50 Guidance this would give a noise limit of 48dB which is the same as the current noise limit set under Condition 28.
- 100 Table 9-1 of the Noise Assessment lists the proposed plant and equipment that will be used in the quarry operations if Condition 17 of planning permission 98/00710/FUL was varied to the permitted extraction output from 100,000 to 200,000 tpa.
- 101 The Noise Assessment shows the worse-case predicted noise levels from the normal quarry operation and compares the noise predictions with the measured background noise levels obtained from the noise monitoring survey
- 102 Based on a background noise level of 38dB at Loanleven Farmhouse and Farm Cottage an appropriate noise limit based on PAN 50 Guidance would be 48dB LAeq and Environmental Health are unable to support an amendment to increase this level to 49dB.
- 103 However, further noise mitigation measures have now been proposed to screen both Loanleven Farm Cottage and Loanleven Farmhouse in the form of a 2 metre high bund to the western boundary which has been predicted to reduce noise levels to acceptable limits that would not require Condition 28 to be amended.
- 104 The worse-case predicted noise levels are at Myreside Cottage. This has predicted a level of 50 dB, which is at the noise limit for this receptor. After further discussions between Environmental Health and the applicant it has been confirmed that this is the most sensitive receptor at this location and therefore noise limits could be met. This could be further controlled through the submission of a noise management plan and compliance monitoring, when necessary.
- 105 In light of the above, Environmental Health advise that no amendment should be made to Condition 28. It is their view that provided their requested conditions are attached to any permission (Conditions 24-27 and 30), then an acceptable noise level can be achieved at all noise sensitive receptors.

Dust and Air Quality

- 106 The proposed increase in the extraction of minerals from the quarry from 100,000 tpa to 200,000 tpa initially raised concern for Environmental Health regarding dust emissions from the quarry that could impact on local air quality and the residential amenity of nearby residential properties.
- 107 Chapter 10 of the EIA Report examines Dust and Air Quality including an assessment of emissions from the quarry operation in terms of local air quality and residential amenity. An indication of the existing dust conditions was obtained over a period of 8 days, during mid- August 2018. This was undertaken at 5 locations, however it is not clear if wind direction or speed was recorded or taken into consideration in terms of the assessment.

Particulate Matter (PM) 10 and 2.5

- 108 Current levels of PM10 and 2.5 were assessed for pollution concentration levels in line with Scottish Government advice. Existing levels of PM10 and PM2.5 have also been predicted to be below the Air Quality Objectives for PM10, PM2.5 and Environmental Health are satisfied that the assessment has been undertaken using the appropriate guidance.
- 109 In terms of assessments for Nitrogen Dioxide (NO₂), Environmental Health confirm that it has been predicted well below the air quality objective. This has been based on data obtained from Transport Scotland for the number of vehicles that will travel along the A85 per day. The EIA Report states that HGV movements from the site are estimated to increase by 72 (36x2) HGVs per day. Based on Guidance in IAQM - Land Use Planning & Development Control: Planning for Air Quality January 2017 – Table 6.2, a change of HGV flows on local roads of more than 100 in areas outside of an AQMA would require an air quality assessment. The levels of HGV movements from the site are well below this threshold.
- 110 The conclusions of the Dust Impact Assessment states that the magnitude of dust effect was slight adverse in the worst cases at Phase 2, 3 and 4A of the extraction process and that overall the impact on residential amenity from dust was not significant. Notwithstanding this, the applicant has recommended that a dust management plan be prepared for the site to minimise any emissions from quarry operations. Environmental Health is satisfied this can be controlled by attaching a condition (Number 26) to the planning consent.

Landscape and Visual Impact

- 111 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, as detailed in policy ER6.

- 112 Chapter 6 of the EIA Report covers Landscape and Visual Assessment (LVA) because the potential landscape and visual effects have been a key consideration during its design development. The LVA has given consideration to important mitigation measures including retention of existing vegetation around the boundary of the Extraction Area, and the stand-off from the Loanleven Scheduled Monument in the south west corner of the site.
- 113 The Proposal would directly affect a small area of existing arable farmland to accommodate the extraction operations. The effect on the existing landscape fabric within the site is considered to be moderate but not significant because of the phased nature of the works and the relatively quick timescales associated with the restoration and re-establishment of workable agricultural land.
- 114 In relation to landscape character and based on SNH's Tayside Landscape Character Assessment 1999, there would be localised significant effects on the Lowland River Corridors Landscape Character Type (LCT), which would be restricted solely to the proposed Extraction Area. The effects across the LCT as a whole would be Moderate/minor, not significant. There would be no significant effects on any other LCT.
- 115 Effects on the A Listed Methven Castle and its Garden and Designed Landscape (GDL) would be significant across localised areas but limited to the proposed extraction area. Beyond this area the effects would reduce abruptly as almost all views of the proposal would be completely screened by woodland and vegetation. The effects across the GDL as a whole would be moderate - not significant. Key areas of the GDL, comprising the Castle and surrounding gardens/parkland would remain completely unaffected.
- 116 In terms of visual effects, there would be major/moderate, significant effects on views from the landowners farmstead at Loanleven based on partial views of the extraction area. There would be no significant effects on views from any settlement or any other isolated dwelling. There would be no significant effects on any recreational route or destination. With establishment of advanced mitigatory planting, there would be no significant effects on the A85 Trunk Road.

Traffic and Transport

- 117 Paragraph 271 of SPP 2014 requires development management decisions to take account of the implications of development proposals on traffic, patterns of travel and on road safety. PAN 50 Controlling the Environmental Effects of Surface Mineral Workings is also relevant, providing good practice advice, including the assessment of traffic at mineral working sites, which has been reflected in the EIA Report. LDP Policy TA1B of the LDP requires the impact of the development to pedestrian and traffic safety to be assessed.
- 118 Chapter 12 of the applicants EIA Report covers Traffic and Transport as the proposed increase in tonnage from 100,000 per annum to 200,000 will result in more Heavy Goods Vehicles (HGVs) entering and exiting the site. The impact

on transport infrastructure has been assessed by Transport Scotland as it directly affects the A85 trunk road network.

- 119 No objection is offered by Transport Scotland provided the first 25 metres of access off the A85 is widened to 7.3 metres as there is a need to maintain safe access and egress to the site and Transport Scotland's proposed condition will ensure compliance with SPP, PAN 50 and Policy TA1B (Condition 36).

Groundwater and Flood Risk

- 120 Chapter 12 of the applicants EIA Report covers the Water Environment in particular Ground Water, Flood Risk and Groundwater Dependent Terrestrial Ecosystems.

Groundwater

- 121 Planning permission 98/00710/FUL was granted for quarrying operations above the groundwater table, and the current application indicates that this remains the same, with the quarry operation being dry working with no groundwater abstraction. The restoration proposal depends upon the achievement of dry agricultural fields following excavation which must therefore be above the seasonal maximum groundwater level.
- 122 SEPA therefore recommend planning conditions (18 and 19) to ensure that the developer maintains the excavations above the seasonal maximum groundwater. This should be informed by ongoing groundwater level monitoring. The final excavation levels planned should be readjusted as necessary if the current assessment of groundwater levels, which is based only on one monitoring round in late 2018, is found not to be representative of the longer term seasonal maximum. It would be beneficial to consider any further (monthly) groundwater level monitoring data collected in winter 2018, since the submission. An updated plan of the proposed restoration profiles compared to the maximum groundwater level would help provide confidence in the proposed dry working method.
- 123 Monthly monitoring of the groundwater levels in the seven boreholes in the excavation is proposed, with reviews of the data to ensure that the groundwater table is not reached by the works. SEPA welcome the proposal to develop a Water Monitoring and Management Plan. This should detail the groundwater monitoring to be undertaken before, during and after excavation operations. This should include the monitoring locations and frequency. It should also be clarified if boreholes will be lost as excavations progresses in the Excavation Area (e.g. BH7) and if these will be suitably replaced.

Flood Risk

- 124 SEPA and the Council's Structures and Flooding team have reviewed the Flood Risk Assessment (FRA) (dated November 2018) which indicates that the site is not at fluvial flood risk from the East Pow Burn or the River Almond, which both

accept. Workings will be undertaken above ground water table levels and therefore no dewatering will be required on site, which is also supported.

- 125 Following review of the Flood Risk Assessment, SEPA has no objection to the proposed development on flood risk grounds. They recommend that the Flood Risk Authority should comment on their requirements for the management of surface water at the application site including any mitigation measures. Whilst no issue has been raised by Structures and Flooding, Condition 23 will ensure there is no surface water flood risk on site.

Groundwater Dependent Terrestrial Ecosystems (GWDTE)

- 126 SEPA has reviewed the conceptual model and the information provided in the hydrogeological report and we are satisfied that there is no concern about potential GWDTEs. It is clearly demonstrated that Methven Loch and the area of marshy grassland to the west of the site are not groundwater fed, and that the water table is well below the base of the quarry. It is further clarified that borehole monitoring will remain in place so that the final base of the excavation may be revised if necessary in order to maintain the base of the quarry and the restoration level above groundwater levels.

Natural Heritage and Biodiversity

- 127 Policy NE3 – Biodiversity sets out the Council’s legislative obligation to further the conservation of biodiversity. The Council is required to seek to protect and enhance all wildlife and wildlife habitats whether formally designated/protected or not by taking into account national and international legislation and the Tayside Local Biodiversity Action Plan, and associated guidance. Proposals that have a detrimental impact on the ability to achieve these guidelines and documents will not be supported unless clear evidence can be provided that the ecological impacts can be satisfactorily mitigated.
- 128 SNH confirms it is unlikely that the proposed modifications will have a likely significant effect on the protected interests of either the River Tay Special Area of Conservation (SAC) or the Methven Woods Site of Special Scientific Interest (SSSI). This is due to the modifications being confined to matters that will not affect the protected interests. Also, the quarry has been operational for a number of years without impacting upon either protected site.
- 129 The EIA Report has also been assessed by the Council’s Biodiversity Officer. Red squirrel dreys, potential badger’s setts and ancient woodland have been found in the adjacent woodland surrounding the site with the conclusion there will be no significant impact due to the location of the workings. There will be an impact on breeding birds using the field proposed for extraction but it has been demonstrated that this can be mitigated by the ongoing restoration of the site and the final restoration proposals.
- 130 The EIA Report is considered appropriate and complies with LDP Policy NE3 as there is no objection to the appraisal of effects provided the mitigation

specified in Chapter 7 of the EIA Report is adhered to (Condition 14). This includes:

- Root protection of the ancient woodland;
- Enhancement planting in restoration through new hedges and treelines;
- 10 summer roost and 10 hibernating roost bat boxes;
- Nesting bird surveys prior to works commencing and protection of any nests found;
- Nest boxes installed on suitable trees with a range of entrance hole sizes;
- Undisturbed sand martin nesting habitat.

Cultural Heritage including Archaeology

- 131 The Cultural Heritage section of the EIA Report has been examined by both Historic Environment Scotland (HES) and Perth and Kinross Heritage Trust (PKHT). HES have confirmed their key interests are the potential effects on the A Listed Methven Castle and its Garden and Designed Landscape (GDL) and the Scheduled Monument known as Loanleven Enclosure (SM 8755).

Methven Castle Inventory GDL

- 132 HES have reviewed the assessment of effects of the proposed development on the Methven Castle GDL. It is noted that quarrying in this area of the GDL was identified at the time of its designation as a GDL on the Inventory. HES are content that the effects of the proposal will not increase the level of effect on the GDL.

Methven Castle (LB 17895) and other designated assets

- 133 HES are largely content with the assessments and conclusions provided in the EIA Report for Category A listed Methven Castle and the other nationally important designated historic environment assets in the surrounding area.

Scheduled Monument 8755 – Loanleven Enclosure

- 134 This scheduled monument comprises a large early Neolithic causewayed enclosure measuring 200 metres across, which is visible as a cropmark on aerial photographs.
- 135 In terms of direct effects, although the monument is located within the application boundary, paragraph 11.101 of the EIA Report states that no direct impacts are anticipated to the monument as it is excluded from the proposed extraction area.
- 136 HES does have concern that the EIA Report does not fully assess the potential for impacts deriving from the Scheduled Monument's proximity to proposed extraction and restoration area as Phase 4b shows the extraction would be undertaken directly adjacent to it. Mitigation is proposed further in this report.

- 137 The EIA Report does not consider the risk of direct impacts to the monument from inadvertent damage or from damage caused by slope slippage or erosion of extraction faces during the operation of the quarry. Without mitigation there is a risk of inadvertently extending extraction into the Scheduled Monument because of a lack of clarity about the extent of the scheduled area on the ground. There is also a risk of exposed steep extraction faces eroding into the monument during the operational lifetime of the quarry. Both such eventualities could cause damage to the nationally important Scheduled Monument.

Setting effects

- 138 HES do not agree with paragraph 11.114 of the EIA Report that there will be a negligible impact on the setting of this Scheduled Monument. The quarry extraction and restoration proposals will alter the topography around the monument leaving an artificially steep slope to the immediate east of the monument and we consider that this would have an effect greater than the negligible effect identified in the EIA Report. However, HES are content in this instance that the effects from the proposal will not increase the level of effect on the setting of the monument from that of the existing consent.

Mitigation

- 139 Given the potential for accidental damage to the Loanleven Scheduled Monument HES consider that mitigation is required to avoid these impacts. The risk could be mitigated by including a fenced buffer area around the monument of at least 20 metres. A buffer, such as this, may also mitigate the impacts from increased erosion of the scheduled area following restoration. PKHT are supportive of HES's proposed buffer and fencing to safeguard this monument from subsidence/damage.
- 140 Overall HES consider that the proposed variations to the conditions in the Section 42 application will not alter the consented scheme to such an extent that it would raise issues of national interest within their remit. There is the possibility of potential direct effects and setting impacts on Loanleven, Enclosure and strongly recommend consideration should be given to required measures to mitigate these impacts (Condition 34).

Archaeology

- 141 PKHT have reviewed the suggested mitigation for the future extraction area (EIA Report paragraph 11.14) and is content with the information provided. They confirm this covers the likely extent of archaeology on site and an adequate background for activity in this area.
- 142 Although the Loanleven Scheduled Monument area will be excluded from the Future Extraction Area and preserved in situ there is the possibility of outlying unknown archaeology adjacent to this. PKHT recommend that the agreed trenching scheme should focus on existing undesignated cropmarks and also the southern extent of site, closer in height level and adjacent with the oval enclosure.

- 143 The proposed mitigation at paragraph 11.77 is in line with PKHT's suggestion for up to 10% evaluation of the Future Extraction Area, and a further programme of archaeological works as required.

Prime Agricultural Land

- 144 The land capability class for agriculture within the extraction area and the eastern part of the processing plant is 3.2, whilst the western part of the processing plant and access road is located within 3.1 (Prime Agricultural Land).
- 145 As no extraction will take place on prime agricultural land the proposal accords with LDP Policy ER5 – Prime Agricultural Land.

Site Restoration and Aftercare

- 146 Paragraph 235 of SPP 2014 states that the planning system should secure the sustainable restoration of sites to beneficial after use after working has ceased. LDP Policy ER4B Restoration states that restoration, after use and aftercare proposals will require to be agreed in advance of operations. Operators are encouraged to consider after-uses that would add to the cultural, recreational and environmental assets of the area.
- 147 After excavation ceases, restoration will be completed in the shortest time practicable. The overall aim of the submitted restoration scheme is to reinstate the site back to agricultural use for the landowner. Appropriate financial bonds for restoration will be required.
- 148 Loanleven Quarry currently benefits from an approved restoration plan that will see the quarry progressively restored, returning the land back to agricultural use. A revised working and restoration scheme (Figures 2-3 to 2-9) has been submitted to replace the approved scheme. There is no change to the extraction limit, depth of working or restoration proposals. The revised scheme simply provides a clearer graphical illustration of the phasing and restoration of the quarry Condition 14)
- 149 The principle of restoration of the site to return the site to agriculture after mineral extraction has been previously approved. The new scheme provides greater detail of how the restoration will be implemented, and a better graphical illustration of its phasing. As a result, the proposed restoration is considered to comply with LDP Policy ER4B – Restoration.

Waste

- 150 SEPA are satisfied with the submitted Waste Management Plan (dated November 2018) which states that all wastes generated are to be reused on site during restoration. The risk to surface and ground water is minimised as any water on site will be recirculated between the two on site lagoons.

Developer Contributions

- 151 The Developer Contributions Guidance is not applicable to this application and therefore no contributions are required in this instance.

Economic Impact

- 152 There will be a positive economic impact associated with the extraction of minerals supplying development projects in the region and continued employment for staff at the quarry.

Other Conditions

- 153 The Section 42 planning application seeks to amend planning conditions 2, 3, 17 & 28 in order to achieve the proposal set out and reflect current circumstances. Circular 3/2013 states that where it is considered that permission should be granted subject to different conditions or no conditions, a new permission should be granted and all conditions attached.
- 154 There are, however, other conditions attached to the original permission 98/00710/FUL and P/PPA/340/134 which require to be updated to reflect current circumstances and best practice.

LEGAL AGREEMENTS

- 155 It is anticipated that a Section 75 will be required in order to adequately secure the terms of the bond or financial instrument associated with required site decommissioning, restoration and aftercare over the lifetime of the development and beyond.

DIRECTION BY SCOTTISH MINISTERS

- 156 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

- 157 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.
- 158 With a number of major developments within the region underway or close to starting there is increased demand for minerals to meet the demands and having a local supply is reasonably sustainable with less journey time by HGVs. Following the end of the consent the site will be required to be restored back to agricultural land and returned to the landowner.

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

RECOMMENDATION

Approve the application

Conditions and Reasons for Recommendation

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

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

- 2 All sand and gravel extraction shall be completed by the 24th August 2034.

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

- 3 The development, including the extraction of sand and gravel, the construction and seeding of bunds, and the subsequent restoration to agriculture shall be implemented in accordance with the scheme of phasing shown on drawings Figures 2-1 to 2-9 of the EIA Report by CEMEX Ltd. dated November 2018.

Reason: In the interests of visual and residential amenity.

- 4 No more than one phase or sub-phase shall be worked at any one time.

Reason: In the interests of visual and residential amenity.

- 5 The areas already worked shall be restored to agriculture as soon as practicable thereafter and no later than twelve months after extraction has ceased.

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

- 6 Land awaiting extraction shall remain in agricultural use at least six months before it is required for extraction.

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

- 7 The conveyor shall be maintained in accordance with drawing titled Proposed Layout of Conveyor (Appendix 2-2 of EIA Report) and shall thereafter be decommissioned during the final restoration phase of the development.

Reason: In the interests of residential amenity.

- 8 The conveyor shall be used for all excavated material leaving the site for processing or any other purpose and none shall leave by road.

Reason: In the interests of residential amenity.

- 9 The hours of operation shall be restricted to between 0700 hours and 1800 hours Monday to Friday; 0800 hours and 1300 hours on Saturdays, with no working permitted on Sundays.

Reason: In the interests of residential amenity.

- 10 Top-soil and sub-soil stripping and subsequent re-spreading shall be undertaken in accordance with a specification to be agreed with the Scottish Government and to the satisfaction of the Planning Authority.

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

- 11 The site shall be adequately drained at all times so as to prevent flooding or water seepage to adjacent agricultural land. No effluent shall be discharged to any adjacent watercourse.

Reason: In order to protect watercourses and water quality.

- 12 The surface water level of Methven Loch shall be monitored at monthly intervals and results shall be submitted to Scottish Environment Protection Agency and the Planning Authority on a quarterly basis. This monitoring shall continue to be implemented throughout the duration of the permitted works.

Reason: In order to protect watercourses and water quality in accordance with the advice of SEPA.

- 13 Other than material awaiting transfer by conveyor, no stockpiling of sand and gravel shall take place within the extraction site. In the event of a breakdown of the conveyor, no more than two days of stockpiling shall take place. On resumption of the conveyor, the stockpile shall be removed.

Reason: In the interests of visual amenity and landscape quality.

- 14 Mitigation measures submitted as part of the EIA Report by CEMEX Ltd. dated November 2018 shall be incorporated into subsequent applications for the approval of matters specified in conditions attached to this consent and thereafter fully implemented.

Reason: To ensure environmental impacts are satisfactorily mitigated.

- 15 Within two months of this consent, updated details of all temporary buildings erected on site shall be submitted to and approved in writing by the Planning Authority.

Reason: In the interests of residential and visual amenity.

- 16 There shall be no artificial lighting in the extraction areas with the exception of vehicle headlights and internal lighting within temporary buildings.

Reason: In the interests of residential amenity.

- 17 A record of the quantity of materials leaving the plant site shall be submitted annually to the Planning Authority. For the avoidance of doubt the rate of extraction shall not exceed 200,000 tonnes per annum.

Reason: In order for the Planning Authority to maintain control and in the interests of visual and residential amenity.

- 18 With two months of the date of this permission an updated plan of the proposed restoration profiles compared to the maximum groundwater level shall be submitted for the written approval of the Planning Authority in consultation with Scottish Environment Protection Agency. For the avoidance of doubt all excavations shall be above the maximum groundwater level.

Reason: In order to protect watercourses and water quality in accordance with the advice of SEPA.

- 19 The groundwater levels shall be monitored at monthly intervals and results shall be submitted to Scottish Environment Protection Agency and the Planning Authority on a quarterly basis. This monitoring shall continue to be implemented throughout the duration of the permitted works.

Reason: In order to protect watercourses and water quality in accordance with the advice of SEPA.

- 20 On completion of excavation work, all processing plant and buildings shall be removed and the land restored to agriculture as soon as practicable thereafter and no later than twelve months after extraction on the site has ceased.

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

- 21 The approved restoration and aftercare scheme, contained within Appendix 2-3 of the EIA Report by CEMEX Ltd. dated November 2018, shall be implemented to the satisfaction of the Planning Authority no later than twelve months after extraction on the site has ceased on 24 August 2034.

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

- 22 The approved excavation area shall be adequately secured at all times to prevent access by the public.

Reason: In the interests of public safety.

- 23 Within six months of the date of this permission, a Water Monitoring and Management Plan shall be submitted for the written approval of the Planning Authority in consultation with Scottish Environment Protection Agency. The agreed actions shall be implemented throughout the duration of the permitted works.

Reason: In order to protect watercourses and water quality in accordance with the advice of SEPA.

- 24 Within two months of this permission, a Noise Management Plan shall be submitted for the written approval of the Planning Authority. The plan shall include all sources of noise from the site i.e. equipment & machinery, number of vehicle movements, times of any deliveries to and from the site etc. Once all sources of noise have been identified the plan shall include measures on how noise will be minimised and controlled and incorporate a complaint investigation procedure. The Plan shall be reviewed on a regular basis, following receipt of a justified complaint or at the request of the planning authority. Once the Noise Management Plan has been approved, it shall be fully implemented for the lifetime of the development.

Reason: In the interests of residential amenity.

- 25 In the event of a justified noise complaint being received by the Council the operator shall, at the request of the planning authority, employ a consultant approved by the Planning Authority to carry out a noise assessment to verify compliance with Condition 28 of planning consent P/PPA/340/134. 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 the noise conditions a scheme of noise mitigation shall be included with the noise assessment, specifying timescales for the implementation of the scheme and shall be submitted to the Planning Authority 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.

- 26 Within two months of this permission, a Dust Management Plan shall be submitted for the written approval of the Planning Authority. The plan shall include measures to minimise dust from quarry operations and detail how dust from the process will be adequately controlled to kept fugitive emissions to a minimum. The plan shall be reviewed on a regular basis, following receipt of a justified complaint or at the request of the planning authority. Once the Dust Management Plan has been approved, it shall be fully implemented for the lifetime of the development.

Reason: In the interests of residential amenity.

- 27 In the event of a justified dust complaint being received by the Council the operator shall at the request of the Planning Authority arrange for dust assessment and monitoring to be carried out by a competent person. The

methodology for the assessment shall be agreed in writing with the planning authority prior to it being undertaken. The assessment shall detail any necessary steps and measures that will be put in place to reduce dust to an acceptable level.

Reason: In the interests of residential amenity.

- 28 Except for temporary operations, the free-field equivalent continuous noise level LAeq,T at any noise sensitive premises due to operations in the site shall not exceed the LAeq, 1 hour criterion levels tabulated as follows (measurements so taken shall have regard to the effects of extraneous noise and shall be corrected for any such effects):-

| <u>Location</u> | <u>Criterion LAeq</u> |
|----------------------------|-----------------------|
| Lochend Cottage | 48 |
| 37 Admiralty Wood | 50 |
| 2 Lochty Park | 55 |
| Wildwood (rear garden) | 51 |
| Loanleven Farm | 48 |
| Easter Powside | 48 |
| Dwellings at Quarry Access | 54 |

Reason: In the interests of residential amenity.

- 29 For temporary operations including site preparation, soil and overburden stripping, bund formation and removal, and restoration, the noise level at the nearest point to the noise sensitive properties shall not exceed 70Laeq expressed in the same manner as Condition 28. Temporary operations shall not exceed a total of six weeks per annum for work within 200 metres of the noise sensitive properties mentioned at Condition 28.

Reason: In the interests of residential amenity.

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

Reason: In the interests of residential amenity.

- 31 The detailed landscaping and replanting scheme which is hereby approved shall be implemented as part of the site restoration programme and thereafter maintained.

Reason: To ensure a satisfactory standard of local environmental quality.

- 32 Concurrent with development on site, all trees on site 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: To ensure a satisfactory standard of local environmental quality.

- 33 Within two months of this permission detailed specification of the 2 metre high bund/barrier to the western boundary of the site shall be submitted for the written approval of the Planning Authority. This shall demonstrate that resultant noise levels at Loanleven Farmhouse and Loanleven Farm Cottage will comply with Condition 28 of planning consent P/PPA/340/134. Once approved, the bund/barrier will be installed prior to the development commencing on Phase 1C.

Reason: In the interests of residential amenity.

- 34 Prior to the commencement of the development of Phase 4A, protective fencing shall be erected a minimum of 20 metres around LoanLeven Enclosure Scheduled Monument (SM8755) in a manner to be agreed in advance with the Council as Planning Authority in consultation with Perth and Kinross Heritage Trust. No works shall take place within the area inside the fencing.

Reason: To protect known archaeology and Scheduled Monuments in area.

- 35 The developer shall afford access at all reasonable times to any archaeological organisation acceptable to the Council as Planning Authority and shall allow them to observe work in progress and record items of interest and finds. The name of archaeological organisation retained by the developer shall be given to the Planning Authority and Perth and Kinross Heritage Trust in writing not less than fourteen days before the commencement date provided in the Notice of Initiation of Development.

Reason: To protect known archaeology in the area.

- 36 Within two months of this permission, the width of the access shall be at least 7.3 metres wide for a distance of 25 metres measured back from the nearside of the Trunk Road.

Reason: To ensure that the access is wide enough to allow vehicles to enter and exit the access at the same time without conflict.

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 required site decommissioning, restoration and aftercare over the lifetime of the

development and beyond has been completed and signed. 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 will result in the planning application being re-assessed through failing to comply with the associated developer contributions policy and will be ultimately recommended for refusal under delegated powers.

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 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. In accordance with 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 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.
- 5 The applicant is reminded that, should any protected species be present a licence may be required from Scottish Natural Heritage 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.
- 6 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 wild birds while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.

- 7 Boreholes that have no further use should be appropriately decommissioned please refer to SEPAs [guidance](#) on this.
- 8 According to records, the development proposals impact on existing Scottish Water. The applicant must identify any potential conflicts with Scottish Water assets and contact our Asset Impact Team directly at service.relocation@scottishwater.co.uk.
- 9 A Section 75 legal agreement will be required to deal with the financial bond for decommissioning, restoration and aftercare following cessation of extraction.

E ENVIRONMENTAL IMPACT ASSESSMENT (EIA) DECISION

- 1 The proposed development was determined by Perth & Kinross Council under the provisions of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 to be EIA development. In accordance with Regulation 29, notice of this decision is hereby given in respect of the following:
- 2 The application submitted and EIA Report dated November 2018. The public had opportunity to participate in the decision making process through notification of the EIA Report was undertaken for premises on neighbouring land and it was publicised on the Planning Authority's website, in the Edinburgh Gazette and the Perthshire Advertiser. The EIA Report was also available for public inspection in Part 1 of our register at our offices.
- 3 The EIA Report provides a summary of the baseline, the information gathered to consider the likely significant effects on the environment and details of environmental mitigation and monitoring that are to be incorporated in to the proposal. The significant effects on the environment were identified to be:
 - Methven Woods Site of Special Scientific Interest (SSSI);
 - River Tay Special Area of Conservation (SAC)
 - Archaeology including Scheduled Monument of Loanleven Enclosure;
 - A Listed Methven Castle Garden and Designed Landscape;
 - Air Quality including Dust
 - Noise
- 4 The Planning Authority is satisfied that the EIA Report is up-to-date and complies with Regulation 5 and is therefore suitable for determination of the planning application.
- 5 The Planning Authority has considered the EIA Report, other environmental information and recommendation from the consultations bodies. It is concluded that the development will not give rise to any unacceptable significant environmental effects. In reaching this conclusion, regard has been given to environmental design and mitigation measures incorporated into the proposal, as well as a regime for the ongoing monitoring measures for the construction and operation of the development. These mitigation and monitoring measures include the provision of the following;

- Protection of Methven Woods SSSI
- Protection of River Tay SAC
- Protection of Loanleven Enclosure Scheduled Monument
- Protection of A Listed Methven Castle and its GDL
- Air Quality Mitigation
- Dust Management Plan
- Noise Management Plan

- 6 In the absence of unacceptable and significant environmental impacts, and subject to the mitigation and monitoring measures secured through planning conditions 10, 12, 14, 18, 19, 21, 23, 24, 25, 26, 27, 28, 29, 32, 33, 34 and 35, as set out herein, the proposal is acceptable and can be approved.

Background Papers: 1 letter of representation
 Contact Officer: Steve Callan 01738 475337
 Date: 18 July 2019

DAVID LITTLEJOHN
HEAD OF PLANNING AND 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.

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