

Perth and Kinross Council  
Planning & Development Management Committee – 8 April 2020  
Report of Handling by Head of Planning & Development (Report No. 20/89)

**PROPOSAL:** Formation of a borrow pit, vehicular access and track, storage yard and car parking, siting of ancillary processing equipment, 2 portable buildings for office and canteen use and associated works for a temporary period (S42 to modify condition 9 (hours of operation) of permission 18/00395/MWM)

**LOCATION:** Land south of Loak Farm, Bankfoot

Ref. No: [19/02106/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 proposed development site is 16.9 hectares (ha) of former agricultural (arable and grazing) land located approximately 1 km south of the village of Bankfoot directly to the west of the existing A9 Trunk Road. The site is bounded by agricultural land to the south, the Garry Burn and agricultural land to the North, a private road (old A9) and the existing A9-(T) to the east and the Ordie Burn and agricultural land to the west. The site itself is relatively flat but there are two glacial hummocks at the northern perimeter.
- 2 Planning permission was granted in December 2018 to extract 400,000 tonnes of sand and gravel over a 30-month period to serve the Luncarty to Pass of Birnam section of the Scottish Governments' A9 dualling project. This approval commenced operation in Spring 2019 and has just over 2 years remaining before the operation ceases and restoration of the site is required. The applicant seeks to vary Condition 9 under Section 42 of the Planning Act to allow for an earlier start time of 6am. The applicant has been asked by the main contractor to supply asphalt from 6am Monday to Saturday. Operational activity is presently curtailed to a 7am start (Monday to Saturday) under Condition 9 of approval 18/00395/MWM. An Updated Noise Impact Assessment (NIA) has been submitted in support of the proposed modification
- 3 The site was established in Spring 2019 as a temporary borrow pit and depot exclusively supplying minerals to the Luncarty to Birnam leg of the A9 Dualling project. The approved plant and stocking yard comprises an area of 2.8-ha. Within the stocking yard the asphalt plant, ready mix concrete plant, weighbridge, wheel cleaning facilities are currently in operation.

## **PRE-APPLICATION CONSULTATION**

- 4 Due to the size of the application site, which is over 2 hectares, this proposal is classed as a Major Application as defined in the Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009. However, the amended Regulations, which came into force on the 30 June 2013 removes the requirement for Pre-application Consultation for Section 42 applications (which relate to a 'major planning application') made on, or after the 3 February 2013. Accordingly, there is not a requirement for the applicants to carry out a pre-application public consultation on this major application due to the inclusion of Regulation 49(5) in the above Regulations.

## **ENVIRONMENTAL IMPACT ASSESSMENT (EIA)**

- 5 A screening exercise was carried out in 2017. It was concluded that the development is not EIA development under the Town and Country Planning EIA (Scotland) Regulations 2011. As the site and surrounding circumstances have not altered in the past 3 years, and this is a S42 application to modify a condition, it is considered that a fresh screening will not be required in this instance.

## **NATIONAL POLICY AND GUIDANCE**

- 6 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**

- 7 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**

- 8 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.

- 9 The following sections of the SPP will be of particular importance in the assessment of this proposal:

- Paragraphs 24 – 35: Sustainability
- Paragraphs 36 – 57: Placemaking
- Paragraphs 92- 108 Supporting Business and Employment
- 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**

- 10 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 2/2011 Planning and Archaeology
- PAN 3/2010 Community Engagement
- 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**

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

### **DEVELOPMENT PLAN**

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

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

- 13 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.”*

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

- Policy 7: Energy, Waste and Resources
- Policy 9: Managing TAYPlans Assets

### **Perth and Kinross Local Development Plan 2 2019 (LDP2)**

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

- Policy 1A: Placemaking
- Policy 5: Infrastructure Contributions
- Policy 15: Public Access
- Policy 26: Scheduled Monuments and Archaeology
- Policy 38: Environment and Conservation
- Policy 39: Landscape
- Policy 41: Biodiversity
- Policy 48: Minerals and Other Extractive Activities
- Policy 49: Minerals and Other Activities - Supply: Restoration
- Policy 51: Soils
- Policy 52: New Development and Flooding
- Policy 53: Water Environment and Drainage
- Policy 54: Health and Safety Consultation Zones
- Policy 55: Nuisance from Artificial Light and Light Pollution
- Policy 56: Noise Pollution
- Policy 57: Air Quality
- Policy 60A: Transport Standards and Accessibility Requirements

### **SITE HISTORY**

- 16 The following planning history is relevant.

[17/01115/SCRN](#) EIA Screening request for sand and gravel borrow pit and associated coated roadstone and ready-mix concrete plants to serve A9 dualling project. Decision Issued August 2017 – EIA not required.

[17/00008/PAN](#) Proposal of Application Notice (PoAN) for creation of sand and gravel borrow pit and associated ready mix concrete and asphalt plants. Content of PoAN approved September 2017.

[18/00395/MWM](#) Formation of a borrow pit, vehicular access and track, storage yard and car parking, siting of ancillary processing equipment, 2no. portable buildings for office and canteen use and associated works for a temporary period. Application approved by Planning and Development Management Committee August 2018.

## **CONSULTATIONS**

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

### **External**

- 18 **Scottish Environment Protection Agency (SEPA)** – No objection to the proposed modification.
- 19 **Scottish Natural Heritage (SNH)** - No objection to the proposed modification.
- 20 **Scottish Water** - No objection to the proposed modification but advise they do have infrastructure within the site.
- 21 **Transport Scotland** - No objection to the proposed modification.
- 22 **Historic Environment Scotland (HES)** No objection to the proposed modification but advise that a Scheduled Monument is in proximity of the site.
- 23 **Health and Safety Executive (HSE)** - Following online assessment tool (PADHI+), no objection to the proposed modification.
- 24 **Perth and Kinross Heritage Trust (PKHT)** - No objection to the proposed modification as an existing Working Scheme of Investigation (WSI) is in operation.
- 25 **Auchtergaven Community Council** - No objection to the proposed modification provided the B867 road is not used as a result.

### **Internal**

- 26 **Environmental Health** - No objection to the proposed modification following assessment of updated Noise Impact Assessment. Slight modification required to Condition 13 of permission 18/00395/MWM in relation to acceptable noise levels at neighbouring properties.
- 27 **Land Quality** - No objection to the proposed modification.
- 28 **Biodiversity/Tree Officer** - No objection to the proposed modification.
- 29 **Strategy and Policy** - No objection to the proposed modification provide impact of noise and traffic generation is acceptable.
- 30 **Community Greenspace** – No response received.

- 31 **Transport Planning** - No objection to the proposed modification.
- 32 **Structures and Flooding** - No objection to the proposed modification.
- 33 **Development Negotiations Officer** - No objection to the proposed modification.

## **REPRESENTATIONS**

- 34 None received.

## **ADDITIONAL STATEMENTS**

35	Screening Opinion	Submitted in 2017 – EIA Not Required
	Environmental Impact Assessment (EIA): Environmental Report	Not Required
	Appropriate Assessment (AA)	Not Required for S42. AA completed for 18/00395/MWM
	Design Statement or Design and Access Statement	Not Required for minerals application
	Report on Impact or Potential Impact	Noise Impact Assessment

## **APPRAISAL**

- 36 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 LDP2. The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, this involves considerations of the Council's other approved policies, supplementary guidance, consultation response and any representation received.

### **Principle**

- 37 Since the approval of the 18/00395/MWM application in December 2018 there has been a Development Plan change from the Perth and Kinross LDP 2014 to the adoption of LDP2. Notwithstanding this change, the principle of mineral extraction at this location is still maintained under the extant permission as the approved site is currently in operation. The proposed variation of condition 9 (hours of operation) to allow works to commence on site at 06:00 every weekday must be assessed to ascertain if there is any adverse impact on the area, including residential amenity, by allowing an extra hour's operation per working day.
- 38 In addition, the 2018 permission had a number of pre-commencement elements of conditions that are no longer relevant as they have since been approved and the site has been in operation since Spring 2019. It is good practice, where

approving a S42 application, to update the conditions to meet current regulations and requirements.

### **Residential Amenity**

- 39 The approved development has been in operation for 18 months and the applicant has requested to extend the operational times by one hour, starting at 06:00 hours Monday to Saturday. Environmental Health have examined the submitted the Noise Impact Assessment (NIA). They have agreed that a lower noise measure of 47dB LAeq would be acceptable for nearby noise sensitive receptors where previously a 55dB LAeq limit had been applied for the hours of 0700 – 1900 and 42dB LAeq for the properties that had the lower limit of 45dB LAeq applied by Condition 13 of 18/00395/MWM.
- 40 Environmental Health agree with the findings of the NIA in that the proposed noise levels are below the existing noise levels without the site in operation between 06:00 and 07:00hours. To continue protection for the residential amenity of neighbouring properties, they recommend a slightly modified Condition 13 to that of the 18/00395/MWM permission. Overall the proposed change to Condition 9 and modification to Condition 13 accords with LDP2 Policy 56 – Noise Pollution and makes the proposed modification acceptable. (Condition 9 & 13)

### **Design and Layout**

- 41 The proposed modification to Condition 9 will have no impact on the approved and operational layout as no physical changes are being proposed.

### **Landscape**

- 42 The proposed modification to Condition 9 will have no impact on the local landscape as no physical changes are being proposed.

### **Visual Amenity**

- 43 The proposed modification to Condition 9 will have no impact on the visual amenity of the area as this will remain unaltered.

### **Roads and Access**

- 44 Neither Transport Scotland nor the Council's Transport Planning team have raised any issue with an extra hour per day operation on site in relation traffic and road safety. The proposed modification will have no impact on the nearby road network. Auchtergaven Community Council (Bankfoot) did not raise any objection to the proposal providing traffic originating from the earlier start time did not use the B867 before 07:00hours. This is covered in the Traffic Management Plan (TMP) and condition 19 requires compliance with that agreed TMP (Condition 19).

### **Drainage and Flooding**

- 45 Neither SEPA nor the Council's Structures and Flooding department have raised any flood risk or drainage issues with the proposed modification to Condition 9.

### **Conservation Considerations**

- 46 HES has confirmed that the proposed modification of Condition 9 will not have any impact on the nearby Scheduled Monument. An approved Archaeological Working Scheme of Investigation (WSI) is currently in operation on site with feedback being provided to PKHT. The proposed modification will not have an impact on any archaeology in the area.

### **Natural Heritage and Biodiversity**

- 47 SNH have no comment to make on the proposed modification and the Council's Biodiversity Officer has confirmed that the proposal will not have an impact on local biodiversity.

### **Developer Contributions**

- 48 No contributions are required by this S42 application.

### **Economic Impact**

- 49 The proposed modification will not have an impact on the local economy.

### **LEGAL AGREEMENTS**

- 50 None required. A Section 75 Legal Agreement is already in place for the restoration of the site following the end of mineral extraction and will not require modification in light of this proposal.

### **DIRECTION BY SCOTTISH MINISTERS**

- 51 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**

- 52 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 and that residential amenity will be maintained for the duration of the mineral extraction.



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

## **RECOMMENDATION**

### **Approve the application**

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

- 1 The approved development shall continue to be carried out in accordance with the approved plans and documents associated with 18/00395/MWM, 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 within the site shall be completed within 3 years of the commencement of development i.e. 25 March 2022.

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

- 3 The total volume of sand and gravel extracted from the mine shall not exceed 400,000 tonnes. On request, the Council as Planning Authority shall be provided with full details of the annual extraction volumes (through weighbridge records) from the date of commencement of development.

Reason: To ensure that all associated mine operations do not exceed maximum volumes of extraction assessed and ensuring a satisfactory standard of local environmental quality is maintained.

- 4 The extraction of sand and gravel shall continue to only be in accordance with the details of area and depth of working, as shown on the approved plans. No deviations shall be permitted.

Reason: In the interests of visual and residential amenity.

- 5 The approved Construction Environment Management Plan (CEMP) dated January 2019, incorporating a Construction Method Statement (CMS), a Site Waste Management Plan (SWMP), a Drainage Management Plan (DMP) and Environmental Management Plan (EMP) detailing pollution prevention and control measures for all phases of construction and operation programmes shall continue to be fully undertaken in accordance with the agreed CEMP.

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

- 6 Restoration shall be fully implemented within twelve months of the completion of extraction and shall be in accordance with the restoration scheme approved under Condition 7 below and shall thereafter be maintained to the satisfaction of the Council as Planning Authority.

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

- 7 The approved restoration scheme (plan reference 18/00395/4) shall be implemented in full following the completion of mineral extraction.

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

- 8 Prior to the commencement of restoration of the site a detailed scheme with final contours and an aftercare management plan for the site shall be submitted to and approved by the Planning Authority. Thereafter the approved scheme shall be implemented in full.

Reason: To ensure that final contours, an updated restoration plan and an updated aftercare plan for the site are adopted prior to the site ceasing operation thereby ensuring the site is capable of beneficial after use and to minimise adverse impacts on the landscape, nature conservation and amenity of the surrounding area (due to the intervening time period).

- 9 Mineral extraction and processing and the movement of vehicles shall only be carried out at the site between the hours of 0600-1900 Mondays to Fridays and 0600-1300 hours on Saturdays. No operations are permitted on Sundays.

Reason: In the interests of residential amenity.

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

Reason: In the interests of residential amenity.

- 11 Only the plant machinery and equipment specified in the noise assessment submitted in support of this permission (or similar plant which generates no greater sound power levels) shall be used, to the satisfaction of the Council as Planning Authority.

Reason: In the interests of residential amenity.

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

Reason: In the interests of residential amenity.

- 13 Noise levels measured at 3.5m from the façade of noise sensitive properties shall not exceed the following limits during the hours of 06:00 – 19.00 Monday to Friday and 06:00 -13.00 on Saturdays.

Loak Farm	L <sub>Aeq</sub> , 1 Hour 42 dB (free field)
Jackstone Steadings and Farm	L <sub>Aeq</sub> , 1 Hour 42 dB (free field)
Watermill Cottage	L <sub>Aeq</sub> , 1 Hour 42 dB (free field)
House of Nairne	L <sub>Aeq</sub> , 1 Hour 42 dB (free field)
Kilburn	L <sub>Aeq</sub> , 1 Hour 42 dB (free field)
Barn House, East Mains	L <sub>Aeq</sub> , 1 Hour 47 dB (free field)
Holm Cottage, East Mains	L <sub>Aeq</sub> , 1 Hour 47 dB (free field)
Anvil Cottage, East Mains	L <sub>Aeq</sub> , 1 Hour 47 dB (free field)
Westwood Farm	L <sub>Aeq</sub> , 1 Hour 47 dB (free field)

Where there is more than one property at the above sites, noise limits apply to all properties at that location.

Reason: In the interests of residential amenity.

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

Reason: In the interests of residential amenity.

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

Reason: In the interests of residential amenity.

- 16 Wheel cleaning facilities shall be provided at the exits from the site for the entire duration of operations and restoration. All vehicles leaving the site will be required to use these facilities.

Reason: To ensure that material from the site is not deposited on the trunk road to the detriment of road safety.

- 17 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.

- 18 No blasting shall take place on the site.

Reason: In the interests of residential amenity.

- 19 The approved Traffic Management Plan (TMP) shall continue to form part of the works documentation for the A9 Luncarty to Pass of Birnam dualling scheme by Transport Scotland.

Reason: To minimise interference with the safety and free flow of the traffic on the trunk road; To maintain safety for both the trunk road traffic and the traffic moving to and from the borrow pit to the A9 Luncarty to Pass of Birnam dualling scheme.

- 20 No part of the access road from the borrow pit shall extend beyond the parallel road to the west of the existing A9 until this is demonstrated to be necessary to allow the movement of material from the borrow pit to the works for the A9 Luncarty to Pass of Birnam dualling scheme.

Reason: To minimise interference with the safety and free flow of the traffic on the trunk road.

- 21 The approved drawings of the link road, agreed as part of the Traffic Management Plan, between the parallel road to the west of the A9 and the existing A9 carriageway shall continue to form part of the works documentation for the A9 Luncarty to Pass of Birnam dualling scheme.

Reason: To minimise interference with the safety and free flow of the traffic on the trunk road; To maintain safety for both the trunk road traffic and the traffic moving to and from the borrow pit to the A9 Luncarty to Pass of Birnam dualling scheme; To ensure that the standard of access layout complies with the current standards and that the safety of the traffic on the trunk road is not diminished.

- 22 The approved drawings show the construction and alignment of the link road and the connection to the existing A9. The approved junction shall continue to prevent right turns to and from the link road to the existing A9.

Reason: To minimise interference with the safety and free flow of the traffic on the trunk road; To maintain safety for both the trunk road traffic and the traffic moving to and from the borrow pit to the A9 Luncarty to Pass of Birnam dualling scheme.

- 23 The agreed timing of any works necessary to allow the movement of material from the borrow pit to the dualling works for the Luncarty to Pass of Birnam dualling scheme, shall continue as approved.

Reason: To minimise interference with the safety and free flow of the traffic on the trunk road; To maintain safety for both the trunk road traffic and the traffic moving to and from the borrow pit to the A9 Luncarty to Pass of Birnam dualling scheme.

- 24 No works necessary to allow the movement of material from the borrow pit to the dualling works for the A9 Luncarty to Pass of Birnam dualling scheme, shall be undertaken without the approval of the appointed contractor.

Reason: To minimise interference with the safety and free flow of the traffic on the trunk road.

- 25 The use of the borrow pit shall cease on the completion by Transport Scotland of the A9 Luncarty to Pass of Birnam Dualling Scheme.

Reason: To restrict the use of the borrow pit to the duration of the contraction for the A9 Luncarty to Pass of Birnam dualling scheme.

- 26 The development shall not adversely impact public access particularly on core path AGVN/115 which must remain safely available for public access throughout construction and on completion. Any damage to the core path must be reinstated prior to completion.

Reason: To protect an existing core path.

- 27 The agreed programme of archaeological work in accordance with the written scheme of archaeological investigation shall continue to be fully implemented including that all excavation, preservation, recording, recovery, analysis, publication and archiving of archaeological resources within the development site is undertaken. In addition, the developer shall afford access at all reasonable times to Perth and Kinross Heritage Trust or a nominated representative and shall allow them to observe work in progress.

Reason: To protect known and potential archaeology in area.

- 28 Protective fencing shall continue to be erected around MPK 2337 and along southern red line boundary at SM1562 and SM1524, and in a manner agreed with the Council as Planning Authority in consultation with Perth and Kinross Heritage Trust. No works shall take place within the area inside that fencing without prior written agreement of the Council as Planning Authority in consultation with Perth and Kinross Heritage Trust.

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

## **B JUSTIFICATION**

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

## **C PROCEDURAL NOTES**

None.

## D INFORMATIVES

- 1 This planning permission will last only for 3 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 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
- 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 operation of this site will need to be licenced under SEPA's Pollution Prevention and Control (PPC) Certification as activities involve road stone coating and crushing and the cement batching.
- 5 This permission continues to be tied by the Section 75 legal agreement for restoration of the site associated with 18/00395/MWM and the associated requirements will continue to apply. The terms of the obligation can be viewed via PKC Public Access or at the Registers of Scotland ([www.ros.gov.uk](http://www.ros.gov.uk)).

Background Papers: 18/00395/MWM Decision Notice  
Contact Officer: Steve Callan 01738 475337  
Date: 26 March 2020

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

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