

Perth and Kinross Council
Planning and Placemaking Committee – 10 April 2024
Report of Handling by Strategic Lead - Economy, Development & Planning
(Report No. 24/109)

PROPOSAL:	Siting of mobile crushing and screening plant (for a temporary period)
LOCATION:	Newtyle Farm, Dunkeld, PH8 0HZ

Ref. No: [23/01255/FLL](#)
Ward No: P5 - Strathtay

Summary

This report recommends approval for the temporary (2 year) period for the siting of a mobile crusher and screener associated to waste slate processing at Newtyle Farm, Dunkeld, 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 This application seeks to obtain detailed planning permission for the siting of a mobile crusher and screener (*the 'machinery'*) for a further two-year period at a former slate extraction site at Newtyle Farm, Dunkeld. The machinery has previously been sited and operated for several years on both this, and at various other locations within the former slate extraction area.
- 2 In its current location, temporary planning permission granted in 2020, given until 1 July 2023 at which point it should have been removed on the basis that it was no longer required. At the present time, the screener remains on site but is not in use (with only maintenance and repair work having been undertaken in the intervening period), whilst the crusher was removed. This current application looks to extend that temporary period for a further 2-years, as there remain waste slate reserves to gather, process and export.
- 3 It should be noted that this planning application relates solely to the siting, and operation of the machinery. The physical gathering and removal of the surrounding waste slate material, which was left over from the former slate extraction activity is permitted development under the terms of Part 19, Class 66 of the Town and Country Planning (General Permitted Development) (Scotland)

Order 1992 (GPDO). These permitted development rights are however subject to the specific conditions stated within that class – which includes control over the eventual restoration of the site and details of the vehicular access. As this particular part of the quarry sees Class 66 rights in place, material can be removed from the site until the defined area has been exhausted. This activity is ongoing, although the material is not currently being screened or crushed on site. The reason the waste slate is processed is to allow greater flexibility in the size (screened into separate piles i.e. small/medium/large pieces) and type of waste material available for reuse.

PRE-APPLICATION CONSULTATION

- 4 The proposal is not classified as ‘Major’ development and as such did not require any statutory pre-application consultation with the local community.

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

- 5 The proposal has been screened and is not considered to require assessment through EIA.

DEVELOPMENT PLAN

- 6 The Development Plan for the area comprises National Planning Framework 4 (NPF4), Perth and Kinross Local Development Plan 2 (2019) (LDP2) and statutory supplementary planning guidance (SPG).

National Planning Framework 4

- 7 The National Planning Framework 4 (NPF4) is the Scottish Government’s long-term spatial strategy with a comprehensive set of national planning policies. This strategy sets out how to improve people's lives by making sustainable, liveable and productive spaces.
- 8 NPF4 was adopted on 13 February 2023, has an increased status over previous NPFs and comprises part of the statutory development plan.
- 9 The Council’s assessment of this application has considered the following policies of NPF4:
 - Policy 3: Biodiversity
 - Policy 4: Natural Places
 - Policy 12: Zero Waste
 - Policy 26: Business and industry
 - Policy 29: Rural Development

Perth and Kinross Local Development Plan 2 (2019)

- 10 The Local Development Plan 2 (2019) (LDP2) sets out a vision statement for the area and states that, “*Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.*” It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 11 The site is located within the landward area of the LDP2, where the following policies are applicable,
- Policy 1A: Placemaking
 - Policy 1B: Placemaking
 - Policy 37: Inert and Construction Waste
 - Policy 38: Environment and Conservation
 - Policy 41: Bio-diversity
 - Policy 56: Noise Pollution
 - Policy 57: Air Quality

Statutory Supplementary Planning Guidance

- 12 The following statutory SPG are applicable to this proposal,
- Placemaking
 - Delivering Zero Waste
 - Landscape

OTHER PKC POLICIES

Non-Statutory Planning Guidance (PG)

- 13 The following non-statutory PG is applicable,
- Planning & Nature

NATIONAL PLANNING GUIDANCE

- 14 The Scottish Government expresses its planning policies and guidance through Planning Advice Notes (PAN), Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars. Of relevance to this proposal are,

Planning Advice Notes

- 15 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:

- PAN 40 Development Management
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 68 Design Statements
- PAN 69 Planning and Building standards Advice on Flooding

SITE HISTORY

- 16 There has been significant planning history across the wider former slate quarry site at Newtyle. This includes the following history on the site subject to the current planning application,
- 17 20/0005/NOTIF - Notification under Class 66 of the GPDO for the removal of slate waste within the area surrounding the site of the proposed machinery. PKC confirmed that the activities were permitted development, and this authorisation remains active until all the waste slate is removed from the notification area. It is not time barred.
- 18 20/00409/FLL – Detailed planning permission was approved until 1 July 2023 for the siting of the mobile crusher and screener (for a temporary period). The current planning application looks to reinstate that planning permission.

Undetermined Planning Applications in the wider Newtyle area

- 19 22/01654/FLL - Detailed planning permission sought for the extraction of waste slate (for a temporary period). This application seeks approval for the further physical removal of slate waste on an area behind Deans Park.
- 20 23/01497/FLL - Detailed planning permission sought for the siting of mobile crushing and screening plant (for a temporary period). This application seeks approval for the siting of a screener and crusher on an area behind Deans Park and intended to be used in association with material removed under the terms of the above planning application.

Previous Planning Approvals/Authorisations on other areas of Newtyle Farm

- 21 11/01125/PREAPP - Notification under Class 66 of the GPDO for the removal of slate waste. The area concerned being the initial extraction area immediately to the west of the public road, PKC confirmed that the activities were permitted development.
- 22 11/02014/FLL - Detailed planning permission for the Siting of mobile crushers and screener (in retrospect) on a site to the west of the public road. The machinery processed material gathered under the Class 66 authorisation above.

This application was approved by the then Development Management Committee.

- 23 16/0038/NOTIF - Notification under Class 66 of GPDO for an extension to agreed period of works approved under 11/01125/PREAPP. This notification related to the same area as 11/01125/PREAPP but looked to extend the time for extraction only. PKC confirmed that the activities were permitted development.
- 24 17/0063/NOTIF - Notification under Class 66 of the GPDO for the removal of slate waste. The area concerned related to the northern area of extraction and PKC confirmed that the activities were permitted development.
- 25 17/00992/FLL - Detailed planning permission for the Siting of a mobile crusher and screener on a side on the northern extraction area. The machinery processed material which was extracted under the Class 66 authorisation granted under 17/0063/FLL. This application was approved by the Planning and Development Management Committee.
- 26 18/01250/FLL - Detailed planning permission for the formation of an agricultural access track and land engineering (in part retrospect) immediately west of the public road. This application saw no letters of representations.
- 27 19/0031/NOTIF - Notification under Class 66 of the GPDO for the removal of slate waste and related to the southern extraction area. This request was refused.
- 28 19/0047/NOTIF - Notification under Class 66 of the GPDO for the removal of slate waste and related to the southern extraction area. Further information was requested, and the notification was returned.

Planning Enforcement Records associated to Newtyle

- 29 2010 – Enforcement Case (10/00351/UNAWKS) complaint received related to presumed unauthorised quarrying. No breach of planning control as activities confirmed as permitted development and related to the Class 66 authorisation approved under 11/01125/PREAPP.
- 30 2011 – Enforcement Case (11/00323/UNAWKS) complaint related to presumed unauthorised screening and grading of slate on the site to the south of the public road. Planning permission was deemed to be required and the approval of 11/02014/FLL regulated the breach
- 31 2016 – Enforcement Case (16/00058/ALUNDV) complaint received about removal of slate waste. No breach of planning control as activities confirmed as permitted development and related to the notification recorded as 16/0038/NOTIF.

- 32 2017 – Enforcement Case (17/00112/ALUNDV) complaint received related to presumed breaches of GDPO Class 66 restrictions. No breach of planning control as activities confirmed as permitted development and related to the notification recorded as 17/0063/NOTIF.
- 33 2018 – Enforcement Case (18/00091/ALUNDV) complaint received related to the formation of an agricultural track without prior approval. Planning permission subsequently granted, with no objections received and enforcement case closed;
- 34 2020 - Enforcement Case (20/00091/PLACON) complaint received concerning mud on the local roads, relating to ongoing activities. Issue investigated and developer deployed a street sweeper to the public road. No formal action was required as the matter was resolved.
- 35 2023 – A Temporary Stop Notice (23/00018/PLACON) was served in relation to importation of soil materials in the formation of the agricultural track on the southern side of the public road. A landscaping and restoration scheme was subsequently approved, such that the TSN was addressed.

CONSULTATIONS

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

External

Dunkeld and Birnam Community Council

- 37 Object to the proposal. The principal areas of concern relate to:

- Traffic implications
- Ecological and landscapes impacts
- Impacts on trees
- Public Health Concerns
- Unregulated processing of waste materials and
- Lack of Compliance with various Health and Safety and Environmental Regulations

The Community Council have also expressed concerns over the Council's enforcement of previous planning conditions and other potential breaches of planning control on both this site, and other areas of the wider former quarried area. These issues are summarised above and discussed below in the appraisal, however the majority are not directly applicable to this planning application, which relates to the siting and use of crushing/screening machinery. Rather they appear more applicable to the excavation activities and associated transportation, which are not requiring of planning permission; or the works associated to the field access.

Internal

Environmental Health

- 38 No objection, subject to similar noise and dust conditions being attached to any permission, as applied to the previous approval for the machinery (Ref: 20/00409/FLL). EH also confirm that in relation to the use of the machinery up to summer 2023 they received no complaints in relating to noise, dust or any other 'nuisance' matters relating to the operations. Complaints were received in 2017 (dust/mud on the road), 2019 (noise) and 2020 (noise), but these related to different activities and locations from the current application, and the issues were resolved. Wider noise and dust matters are considered in the appraisal section below.

REPRESENTATIONS

- 39 Six objections have been received. Five from individuals, in addition to that from Dunkeld and Birnam Community Council. The principal issues raised are:
- Contrary to the Development Plan
 - Impact on visual amenity
 - Traffic concerns
 - Impact on residential amenity (noise and dust)
 - Impact on ecology
 - Impact on trees
 - Loss of open space
 - Inappropriate land use
- 40 These issues are addressed below in the main appraisal section; however the majority are not directly applicable to this planning application, relating more to permitted development excavation activities.

ADDITIONAL STATEMENTS

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Screening Opinion	No EIA required
Environmental Impact Assessment (EIA): Environmental Report	Not applicable
Appropriate Assessment under Habitats Regulations	AA not Required
Design Statement or Design and Access Statement	Not required
Report on Impact or Potential Impact	Planning Statement

APPRAISAL

- 42 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) (TCPSEA) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The Development Plan comprises NPF4, the LDP2 and statutory SPG. The relevant policy considerations are outlined in the policy section above and are considered in more detail below.
- 43 In terms of other material considerations, this involves considerations of the Council's non-statutory planning guidance and consideration of the sites planning history.
- 44 The Community Council have made reference in their submission to the relevance of:
- The Quarries Regulations 1999;
 - The Quarries Regulations 1999: Approved Code of Good Practice (HSE);
 - Control of Substances Hazardous to Health (HSE); and
 - Tayside Procurement Consortium 2013.
- 45 These documents are not considered to be material planning considerations in the determination of this planning application, under the TCPSEA. The enforcement and monitoring responsibilities associated with The Quarries Regulations 1999 and the related code of good practice falls to the Health and Safety Executive (HSE), and their requirements are out with the scope of the planning system. The guidance and advice offered in the Control of Substances Hazardous to Health is also regulated principally by the HSE, however the main principles relating to dust and noise mitigation are routinely considered by Environmental Health colleagues (EH) when assessing the impact on residential amenity and public health. In this regard EH have been consulted on the application and have no objection subject to the same conditions as were applied to the 2020 permission, they also advise that they have not received any complaints related to the previous operation of the machinery. The applicant has advised that they take their H&S obligations very seriously and employ qualified advisors on these matters and also that the proposals are not managed under the Quarries Regulations. Notwithstanding the applicant advises that they, as required by SEPA, keep a full record of all materials deposited and this confirms the inert nature. Also, that SEPA regularly inspect the site and has raised no significant issues.
- 46 The Tayside Procurement Consortium 2013 document looks to set out the required procurement standards for the Council in relation to the award of contracts and monitoring. This is not a document which the planning system can monitor or enforce. If it was established that there was a breach of any of the environmental responsibilities, then this would be addressed by Procurement

colleagues. However, the grant of any planning permission would not override any contractual obligations between an appointed contractor and PKC.

Policy

- 47 There are relevant policies contained across the Development Plan.
- 48 Within the NPF4, Policy 4 (Natural Places) seeks to ensure that our natural assets are protected against inappropriate new developments, whilst Policy 12 (Zero Waste) supports waste infrastructure when there are no unacceptable impacts on residential and environmental amenity. Policy 26 (Business and Industry) looks to encourage, promote and facilitate business and industrial uses, whilst Policy 29 (Rural Development) encourages rural economic activity and diversification – both subject to being in suitable and appropriate locations. Both policies also look to ensure that the nature and scale of the proposals is compatible, and in keeping with the surrounding area.
- 49 Within the LDP2, the site lies within the landward area where land use Policies 1 (Placemaking), 8 (Rural Business and Diversification), 37 (Management of Inert and Construction Waste), 38 (Environment and Conservation) and 50 (Noise) would be directly applicable.
- 50 Policy 1 seeks to ensure that all new developments do not have an adverse impact on the local environment, which includes visual and residential amenity impacts. Policy 8 supports the expansion of existing businesses and the creation of new ones in rural areas and states that there is a preference for such developments to be within or adjacent to existing settlements. This policy goes on to say that when the location is out with a settlement (such as this site), proposals may still be acceptable when they offer opportunities to diversify an existing business or are related to a site-specific resource or opportunity – providing that the proposal contributes positively to the local economy through (amongst other things) the provision of permanent employment.
- 51 Policy 37 offers support for proposals which are for the recycling and processing of inert and construction waste, providing they are environmentally acceptable and take place in suitable locations – such as at existing industrial and brownfield sites. Policy 38 seeks to ensure that our natural assets are protected against inappropriate new development.
- 52 Finally, Policy 56 states that there will be a presumption against development which will generate high levels of noise in the locality of existing or proposed noise sensitive land uses, and similarly against the locating of noise sensitive uses near to sources of noise generation.
- 53 In terms of statutory Supplementary Planning Guidance (SPG), the Council's guidance on Placemaking, Landscapes and Delivering Zero Waste are

applicable, and the content of these broadly follows the comparable LDP2 policies.

Land Use Acceptability

- 54 As stated previously, this application is not related to the physical extraction of any additional material, that being authorised under the explicit terms of Part 19, Class 66 of the GPDO and that position will not change until the area of extraction is exhausted. 20/0005/NOTIF relates to this, and there are no time restrictions thereon.
- 55 In light of this, the proposal only relates to the machinery for onsite processing of the remaining waste material, such that it can be more easily directly transported for use in the construction industry and without requiring to be taken elsewhere for processing. This one stop arrangement seeing less transportation miles, loading and unloading – thus more sustainable in terms of the wider environmental impact and financially. The siting of the machinery would be for a temporary period of two years and after which time, the applicant has indicated the area of authorised slate waste excavation should have been exhausted on this part of the site and as such the machinery no longer being required.
- 56 Slate was historically quarried but that fixed resource has effectively been exhausted. However, left over from the quarrying is a significant quantity of slate waste, a by-product, and this remains spread across the wider former quarry area, including on the land immediately surrounding the location of the machinery. The applicant is continuing to remove this slate waste via their rights under Part 19, Class 66 of the GDPO.
- 57 The removal and proposed processing of the slate waste to make it more suited to export as a usable product, would effectively see the entire slate resource exhausted and all waste associated with the principal quarrying removed, recycled and used elsewhere.
- 58 The principle of this use of the slate waste would align positively with Policy 37 of the LDP2, supporting a proposal which involves recycling and processing of inert and construction waste, which is environmentally acceptable, within an area where industrial quarrying activity has taken place and the site is essentially brownfield, and the machinery will be removed upon exhaustion of the slate resource. The same positive alignment applies to Policy 12 of the NPF4, which looks to minimise waste and to offer support for waste infrastructure developments which are in appropriate locations which offer little direct residential or environmental harm. Given the machinery is located in the middle of an area that has previously been extensively quarried and is still currently having slate waste removed (lawfully), the area where the machinery is to be sited is considered to be both industrial and brownfield in nature and no

unacceptable environmental or residential harm is evidenced as a direct result of the siting or operation of the machinery

- 59 In terms of rural business and diversification, Policy 8 of the LDP2 and Policies 26 and 29 of the NPF4 are all applicable.
- 60 In the context of rural business, Policy 8 of the LDP2 and Policy 29 of the NPF4 both offer support for the expansion of existing businesses within rural areas, when the proposal offers opportunities to diversify an existing business or when the process is related to a site specific resource or opportunity – providing that the proposal contributes positively to the local economy through (amongst other things) the provision of permanent employment, and there is no adverse impact on the environment or communities.
- 61 The proposed siting of the machinery to further process onsite waste material (with no need to import), and to make it more suitable for local use for construction projects aligns positively with the aims and objectives of these policies. There is no evidenced unacceptable harm to the environment, via the use of the machinery, and nuisance from noise and dust arising directly from the use of the machinery is controllable to within recognised acceptable levels.
- 62 The principle of processing the waste slate onsite before transporting it elsewhere is not new to the site or the wider waste slate resource and does not constitute a diversification of the existing business, rather it is the continuation of the business, and this has been previously carried out across the wider area of waste reserves. The proposal would therefore result in the continued expansion of the existing business, and an opportunity to continue to use the associated site-specific resource – which is effectively a waste product from the previous quarrying activity.
- 63 The proposal is therefore considered compliant with both Policy 8 of the LDP2 and Policy 29 of the NPF4, in relation to rural businesses and diversification.
- 64 Support for business and industry in a general context is offered by Policy 26 of the NPF4 which supports businesses and industry providing that proposals are of a scale and nature which is compatible with the surrounding area, proposals are compatible with the primary business function of the area and that protection is afforded to residential amenity and the surrounding environment. In this context, and as mentioned earlier, the proposed machinery is sited within the centre of an area of quarry related waste, of which processing will continue for the proposed duration of the siting of the machinery. There will be no direct unacceptable impact on the environment as a direct result of this proposal (i.e. further physical excavations of material), and the residential amenity impacts associated to the operation of the machinery can be controlled so that nuisance to residential properties is within acceptable tolerances. As such, there is not considered to be any conflict with Policy 26 of the NPF4.

Noise and Dust Pollution

- 65 There will be some noise and dust generation, both from the excavation and removal of the slate waste from the site, and more so by the operation of the machinery.
- 66 However, it is important to clarify that the scope of the planning application under consideration relates solely to the proposed siting of the machinery and its processes only, and not any impacts from the associated physical removal of slate waste. The potential for noise and dust generation by the proposed equipment has been assessed fully by Environmental Health and can be controlled by recommended conditions 3 – 6, and it is the view of the Council that the impact on existing residential properties can be a) controlled and b) monitored (if required) to acceptable levels. It should be noted that during the operation of the machinery under the terms of Planning Permission 20/00409/FLL there was no breaches of the previous operational conditions, and no formal enforcement action has required to be taken by the Council. In addition, no complaints have been made to Environmental Health. The only breach of planning control is that the physical machinery (which is not in use) has yet to be removed following the expiry of the previous temporary planning permission. Formal enforcement action has not been taken in relation to this as there is minimal environmental harm associated to its retention and the fact that further retention is proposed by this application, and this retention is now recommended to be approved. It was the view of officers that to require the machinery to be removed was disproportionate in this context. However, if planning permission is not granted and no appeal made during the relevant period, this position will require to be reconsidered. Furthermore, it is also noted that
- 67 The proposal is therefore considered in accordance with Policy 56 of the LDP2, and the more generic amenity policies of the Development Plan.

Residential Amenity

- 68 In terms of overlooking or loss of privacy to neighbouring residential properties, the proposal raises no concerns. The proposed location of the equipment approx. 160m from the closest residential dwelling.
- 69 In terms of nuisance from dust and noise, as stated above these elements are controllable to an acceptable level. All noting that dust and noise associated to the wider removal and transportation of the slate waste does not fall into the scope of this application.
- 70 There would be some noise and dust generated from the removal of the slate waste directly, and this can be subject to planning control. Evidence indicates that due to the relatively large particulate size, most dust arising from use of the

machinery would be deposited within the immediate vicinity - which sits within the larger area of slate waste working and would be unlikely to affect the nearest residential properties directly. While representations have raised to the contrary, it is acknowledged that other live planning applications, which are also a concern of the DBCC and local residents, are located in closer proximity, but not a consideration of this specific application.

- 71 In terms of noise, subject to the recommended noise and operational time conditions, nuisance should not occur to any existing residential property as a direct result of the use of the machinery. Subject to these proposed conditions, the use of the equipment can be adequately controlled so that there is no unacceptable impact on the residential amenity.

Dust on the Local Road Network

- 72 Although the removal of material from the site does not require planning permission and cannot be controlled through this planning application, it is the case that the proposed crushing and screening process may create additional dust, over and above that which would be created just by collecting, loading and transporting the waste material unprocessed.
- 73 Accordingly, vehicles leaving the site therefore have the potential to transfer this dust onto the public roads. There have also been related complaints during previous operations of screening and crushing machinery.
- 74 However, the general state of the public road and its ability to accommodate HGV movements associated with the removal of the slate waste from this site is not a matter open for consideration under the limits of this planning application.
- 75 Notwithstanding, controlling the transfer of dust (which could in part be seen to be directly caused from the crushing / screening process) onto the public road is a consideration and could cause nuisance to residential properties near the site, and also properties which are located along the haulage routes.
- 76 On this basis it is considered appropriate to try to minimise the level of additional dust nuisance arising by seeking the further submission and approval of an updated Dust Management Plan (Condition 6). It is expected that the dust management procedures increase and improve upon some of the existing measures, such as the wetting of exposed material and internal roadways. during dry weather, regular use of a road sweeper and the potential need for wheel wash facilities before vehicles leave the site.

Roads and Access

- 77 This proposal, the siting and use of the machinery, raises no issues over vehicular access or parking – which are all in place. It is noted that concerns over

the number of movements of HGVs on local roads has been raised within the representations, and the impact that has been having and will continue to have on road and pedestrian safety and the condition of the roads themselves. However, the Class 66 permitted development rights don't allow for restrictions on these traffic movements. It is also important to note that the level of HGV movements would not significantly differ between a) raw slate waste being removed and b) processed slate waste being removed – the volumes being largely comparable. Thus, although the impact on local roads is appreciated, it is not a material planning consideration of any significance for this application.

Trees

- 78 A number of objections, and the Community Council, comment on the impact that this development will have on trees during the material harvesting. However, again, this application is not for any removal of slate waste from the ground, just the siting of machinery (on already excavated land) and the associated processing by that machinery. As a result of this, there are no trees which are affected directly by the proposal.

Impact on National Scenic Area

- 79 The extraction of the waste material is permitted development and is not considered by this planning application. Policy 38 of the LDP2 and Policy 4 of the NPF4 should be noted, however the siting of the machinery in the context of the larger extraction areas are considered to have limited, temporary and ultimately acceptable impact on the integrity of the National Scenic Area.

Impact on Biodiversity

- 80 The siting and use of the proposed equipment would have negligible impact on any local habitats or wildlife species. The areas where the machinery is located is clear of any vegetation and made ground, which has little in the way of habitat value. Noise arising from the use of the crusher and screener would be in combination with existing noise associated the extraction of the material and would not result in any disturbance to wildlife in isolation.

Drainage and Flooding

- 81 The proposal raises no issues in terms of drainage or flooding.

Developer Contributions

- 82 The proposal has no requirement for any Developer Contributions or Affordable Housing provision.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

83 None.

CONCLUSION AND REASONS FOR RECOMMENDATION

84 To conclude, the application must be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with NPF4, the adopted Local Development Plan 2 (2019) and statutory SPG. Account has been taken account of the relevant material considerations and none has been found that would justify overriding the Development Plan.

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

RECOMMENDATION

Approve the application, subject to the following conditions:

1. Permission is hereby granted for a limited period until 10 April 2026. Prior to this date, the use of all plant and machinery associated with this development shall cease, and all associated equipment removed from the site.

Reason - In view of the nature of the proposed development and to enable the Planning Authority to review the circumstances pertaining to the proposal within a reasonable period of time.

2. 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.

3. Noise from any plant and machinery associated with this development shall be controlled so that noise levels do not exceed 55dB LAeq, 1 hour (free field) at any adjacent dwellinghouse.

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

4. Prior to the commencement of the development hereby approved, confirmation of the model of both crusher and screener shall be submitted to and approved in writing by the Council as Planning Authority. Any change from the approved model(s) shall be approved in writing with the Council before being brought into site. All plant and equipment shall thereafter be operated and maintained

according to the manufacturer's recommendations. This includes all necessary servicing and the provision of satisfactory exhaust systems to ensure that noise emissions are minimised. Records regarding all services and modifications made to all plant and equipment shall be kept on site and shall be available for inspection by the Council as Planning Authority.

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

5. The hours of operation of the plant and equipment hereby approved shall be limited to 0700 hours to 1900 hours Monday to Friday and 0800 to 1300 on Saturdays, with no operation on Sunday.

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

6. Prior to the commencement of the development hereby approved, a Dust Management Plan must be submitted to and approved in writing by the Council as Planning Authority. The plan must include adequate precautions to ensure that all times and at all stages of the process (including reinstatement), dust generation on the site and outwith, is minimised by implementing agreed dust prevention measures e.g. wheel washing facilities. The plan shall also provide details of future monitoring and reporting on the successfulness of the plan. The approved plan shall thereafter be implemented in full.

Reason - To ensure a satisfactory standard of local environmental quality

JUSTIFICATION

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

PROCEDURAL NOTES

None.

INFORMATIVES

1. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken. Please use the form attached herewith.
2. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country

Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position. Please use the form attached herewith.

Background Papers: 6 letters of representation
Date: 28 March 2024

DAVID LITTLEJOHN
STRATEGIC LEAD – ECONOMY, DEVELOPMENT & PLANNING

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