

Perth and Kinross Council
Planning and Placemaking Committee – 10 January 2024
Report of Handling by Strategic Lead – Economy, Development and Planning
(Report No. 24/5)

PROPOSAL: Northern lateral extension to quarry with further excavation works (for a temporary period)

LOCATION: Collace Quarry, Collace, Perth, PH2 6JB

Ref. No: [22/02133/MWM](#)

Ward No: P2- Strathmore

Summary

This report recommends approval of the application for an extension the existing Collace Quarry, extending the period of operations to 2052. The development is considered to broadly comply with the relevant provisions of the Development Plan and there are no material considerations that outweigh this conclusion.

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 The site is an existing quarry, operating under Minerals Permission PK/91/1845/MW, which will expiry on 31 December 2032. This permission limits the depth of the quarry operations but includes no limitation on the rate of extraction.
- 2 The existing quarry is bounded to the north-east by Dunsinane Hill which is identified as a Scheduled Ancient Monument (Dunsinane Hill Fort) and which forms part of Sidlaw Hills Local Nature Reserve and Local Biodiversity Site. The existing quarry is also provisionally identified as local geodiversity site.
- 3 The proposed northern lateral extension to the quarry extends into an area of ancient woodland.
- 4 Core Path BURR/20 Collace to Dunsinane Hill and Macbeth's Castle (also recorded in the Register of Public Right of Way as 37/20) runs between Collace and Dunsinane Hill, to the immediate north and north-east of the proposed quarry extension.
- 5 The site is approximately 500m south of the southern edge of the village of Collace and is accessed via the unclassified road which links the A94 and the B953. There are few residential properties within the proximity of the site with the closest properties in excess of 300m away.

- 6 Collace Quarry is operated by Tayside Contracts, a single purpose company jointly funded by three local authorities - Angus, Dundee, and Perth & Kinross. The supply of rock products and asphalt from Collace Quarry is an important part of the construction activity undertaken by Tayside Contracts in particular in maintaining local authority roads within these council areas. The primary function of Collace Quarry is to provide asphalt materials at competitive rates to the local authorities. The quarry also produces a drystone fill material for general construction work as secondary product.
- 7 Current planning permission provides for hard rock mineral extraction at Collace down to a floor level of 202mOD. The consent includes no limitation on the rate of mineral extraction but does require closure by 2032.
- 8 During current operations a weaker “brown/red” rock which is not suitable for coated roadstone products has been exposed in the south-east of the site. Subsequent investigation has confirmed that this weaker rock represents as much as 60% of the currently consented reserve which has significant implications for the continued operation of the coating plant which is the primary recipient of extracted rock from the site and of prime importance to Tayside Contracts and the local authorities it serves. In this regard remaining reserves of rock suitable for coated roadstone production are less than 5 years.
- 9 As a result, the current proposal has been submitted comprising the following main elements:
- A lateral extension to the site area to the north increasing the existing 12.4ha site by circa 2.2ha to allow continued mineral extraction in a phased manner with progressive restoration, extending the period of operations to 2052.
 - Completion of working within the existing site to current maximum depth (202m AOD) with the existing quarry benches above this level worked to final position within the quarry extension.
 - Further extraction below 202m AOD over part of the existing and extended quarry floor to a maximum depth of 178m AOD.
 - The phased restoration of areas of the site as they become worked out and available for seeding and planting.

Environmental Impact Assessment (EIA)

- 10 The impact of the wider development site was screened for EIA ([22/00391/SCRN](#)) and it was determined that the proposal does not constitute an EIA development.

Pre-Application Consultation

- 11 Pre application Reference: [22/00017/PAN](#)

NATIONAL POLICY AND GUIDANCE

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

National Planning Framework 4

- 13 The National Planning Framework 4 (NPF4) was approved by the Scottish Parliament on 11 January 2023. NPF4 has an increased status over previous NPFs and comprises part of the statutory development plan.
- 14 NPF4 was adopted on 13 February 2023. NPF4 has an increased status over previous NPFs and comprises part of the statutory development plan. The Council's assessment of this application has considered the following policies of NPF4:
- Policy 1: Tackling the Climate and Nature Crisis
 - Policy 2: Climate Mitigation and Adaptation
 - Policy 3: Biodiversity
 - Policy 4: Natural Places
 - Policy 5: Soils
 - Policy 6: Forestry, Woodland and Trees
 - Policy 7: Historic Assets and Places
 - Policy 22: Flood Risk and Water Management
 - Policy 23: Health and Safety
 - Policy 26: Business and Industry
 - Policy 33: Minerals

Planning Advice Notes

- 15 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
- PAN 50: Controlling the Environmental Effects of Surface Mineral Workings
 - PAN 64: Reclamation of Surface Mineral Workings

DEVELOPMENT PLAN

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

Perth and Kinross Local Development Plan 2

- 17 The Local Development Plan 2 (2019) (LDP2) sets out a vision statement for the area and states that, "Our vision is of a Perth and Kinross which is dynamic,

attractive and effective which protects its assets whilst welcoming population and economic growth.” It is the most recent statement of Council policy and is augmented by Supplementary Guidance.

18 The principal relevant policies are, in summary:

- Policy 1A: Placemaking
- Policy 1B: Placemaking
- Policy 5: Infrastructure Contributions
- Policy 6: Settlement Boundaries
- Policy 8: Rural Business and Diversification
- Policy 15: Public Access
- Policy 26A: Scheduled Monuments and Archaeology: Scheduled Monuments
- Policy 38C: Environment and Conservation: Local Designations
- Policy 39: Landscape
- Policy 40B: Forestry, Woodland and Trees: Trees, Woodland and Development
- Policy 41: Biodiversity
- Policy 49A: Minerals and Other Activities - Supply: Extraction
- Policy 49B: Minerals and Other Activities - Supply: Restoration
- Policy 51: Soils
- Policy 52: New Development and Flooding
- Policy 53C: Water Environment and Drainage: Surface Water Drainage
- Policy 55: Nuisance from Artificial Light and Light Pollution
- Policy 56: Noise Pollution
- Policy 57: Air Quality
- Policy 60A: Transport Standards and Accessibility Requirements: Existing Infrastructure
- Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

OTHER POLICIES

- Financial Guarantees for Minerals Development Supplementary Guidance February 2021

SITE HISTORY

- 19 [90/01622/FUL](#) Full Planning Permission was refused on 18 December 1990 for extension to quarry boundary. This was subsequently allowed on appeal.
- 20 [05/02288/FUL](#) Full Planning Permission was approved on 13 December 2005 for the erection of an open sided storage building.
- 21 [09/01239/FLL](#) Full Planning Permission was approved on 9 September 2009 for Installation of a sludge filter press.

- 22 [11/00003/WMP](#) was Approved on 10 October 2011 for Extractive Waste Management Plan.
- 23 [22/00391/SCRN](#) was Approved on 28 March 2022 for proposed extension to operations.
- 24 [22/00017/PAN](#) On 7 July 2022 for northern lateral extension to quarry with further excavation works.

CONSULTATIONS

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

External

Historic Environment Scotland

- 26 No concerns in relation to physical impacts to Dunsinane Hill. The current proposals have pulled the quarry edge to the south of the ridge-line which will reduce the impact of the proposed extension on views to and from the monument from significant to moderate. No objections but would encourage consideration of further mitigation measures to limit dust and noise, such as the use of spray-damping during quarry works.

Scottish Environment Protection Agency

- 27 No objections. The quarry has a PPC Part B Permit (PPC/B/1004343) for a roadstone coating plant and a Paragraph 13 Waste Management Exemption (WML/XS/1031534) for the processing of waste material generated by the quarrying activities. Neither of these authorisations shall be affected by the proposed extension of the quarry.
- 28 The site also has a CAR Licence (CAR/L/1000938) in relation to a discharge from its surface water treatment lagoons. The proposal is not expected to have a negative impact on the efficiency of the surface water treatment lagoons.

Health And Safety Executive

- 29 No comments. The site is not within an HSE consultation zone.

Dundee Airport Ltd

- 30 No objections.

RSPB

- 31 No comments.

Perth And Kinross Heritage Trust

- 32 The submitted Cultural Heritage Assessment is a robust document that fully considers the historic environment. No archaeological mitigation is required.

Burrelton And District Community Council

- 33 No comments.

Internal

Transportation And Development

- 34 No objections, subject to conditions on additional signage and road markings.

Structures And Flooding

- 35 No objections.

Environmental Health (Noise Odour)

- 36 No objections, subject to conditions to control external lighting, noise, vibration and dust.

Development Contributions Officer

- 37 The site is located in the 'Reduced' Transport Infrastructure contributions zone. However, the quarry will continue to produce minerals in accordance with current extraction rates and will not alter current traffic generation or distribution patterns. Therefore, no contributions required.

Commercial Waste Team

- 38 The existing bin store is sufficient for the site. No objections.

Biodiversity/Tree Officer

- 39 No objections, subject to a condition requiring the submitted Ecological Impact Assessment to be strictly adhered to.

Community Greenspace

- 40 No comments.

REPRESENTATIONS

- 41 No representations were received.

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ADDITIONAL STATEMENTS

Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not Required
Appropriate Assessment under Habitats Regulations	AA Not Required
Design Statement or Design and Access Statement	Not Required
Report on Impact or Potential Impact eg Flood Risk Assessment	Pre-Application Consultation Report Ecological Impact Assessment Vibration And Blasting Assessment Environmental Noise Assessment Air Quality Assessment Landscape And Visual Impact Assessment Cultural Heritage Assessment Hydrological And Hydrogeology Review Transport Statement Extractive Waste Management Plan Planning And Environmental Review Restoration Liability Assessment Report

APPRAISAL

- 43 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 Development Plan comprises NPF4 and the Perth and Kinross Local Development Plan 2019. 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 and supplementary guidance.

Principle

- 44 NPF4 Policy 33: Minerals and LDP2 Policy 49: Minerals Extraction state that support will be given to proposals for minerals extraction where it would assist in maintaining, as a minimum, a ten-year landbank of construction aggregates within a recognised market area. The applicant estimates that there is an existing shortfall in the landbank for hard rock aggregates within the Perth market area, with existing quarries serving the market due to be worked out in the next 4-8 years. Whilst the proposal will not wholly fulfil the needs of the market beyond this time the proposal will assist in maintaining a supply of hard rock aggregates and asphalt close to Perth, fulfilling an existing and demonstrable need.

- 45 The application seeks to extend an existing quarry that has been in operation for 30 years. The existing impacts of the operations on local communities and the environment are understood and appropriate mitigation is in place to offset any adverse effects. Information has been submitted in support of the application assessing any additional impacts on communities and the environment arising as a result of the proposed extension. These matters are considered in further detail in the relevant headings below.
- 46 Overall, the proposal is acceptable in principle subject to compliance with relevant development plan policies.

Landscape and Visual Amenity

- 47 NPF4 Policy 4: Natural Places advises that development proposals that affect a site designated as a local nature conservation site or landscape area in the LDP will only be supported where development will not have significant adverse effects on the integrity of the area or the qualities for which it has been identified. LDP2 Policy 39: Landscapes states that development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross.
- 48 The site is situated in the Sidlaw Hills Local Landscape Area (LLA). A Landscape and Visual Impact Assessment (LVIA) has been submitted in support of the application. Baseline desktop studies were conducted to determine the current features and character of the landscape within and surrounding the site, and sensitive visual receptors and important views present.
- 49 The quarry extension area essentially reflects the physical geology, location of material aggregate and engineering requirements for the extraction of material. Visual effects will vary during extraction and progressive restoration of the quarry. The lateral extension will generate a quarry void that appears larger from the summit of Dunsinane Hill. However, the progressive restoration of the southern part of the quarry, and the initial benches along the northern edge of the quarry will substantially moderate this.
- 50 Visual effects are experienced in two key contexts, within the wider lowland agricultural surroundings of Dunsinane Hill to the north, and then at the summit of Dunsinane Hill itself. In terms of locations to the north, effects are considered to be minor, relating primarily to small changes in vegetation context. From the summit of Dunsinane Hill, views into the quarry are possible, and the proposed lateral expansion and deepening would be noticeable in views of the quarry. Visual effects generated by the proposals would be no greater than moderate and, in the context of the proposal forming an extension to the existing quarry, the landscape and visual impact is considered to be acceptable.

Noise, Dust and Vibration

Noise

- 51 A Noise Impact Assessment (NIA) has been undertaken and submitted along with the application. Predictions were made for noise sensitive locations where existing noise levels were measured: New Farm (Collace Village), Hoolmyre, and Hoole, together with a fourth location, Woodburn Cottage (Bandirran). These locations were selected as they are the closest dwellings to the quarry.
- 52 Mitigation measures have been incorporated into the proposed working method of the development. The measures include ensuring that only a down-the-hole type rig is used for the upper 248m bench in the northernmost extent of the extension area which is the most exposed area to Collace village. Primary crushing at the 224m bench level is also to be kept at a distance of at least 50m east of the north western corner of the Phase 1 extraction area which will be the highest level where crushing will take place.
- 53 Environmental Health has considered the NIA and offer no objections subject to the proposed mitigation measures being incorporated into the working methods (Conditions 7-12).

Vibration

- 54 An Assessment of the Environmental Effects of Vibration (AEEV) has been undertaken and submitted along with the application. Environmental Health has assessed the proposal and its compliance with PAN 50 Annex D: The Control of Blasting at Surface Mineral Workings. Environmental Health offer no objections subject to a condition requiring operations to comply with the recommendations of the AEEV (Condition 13).

Dust

- 55 An Air Quality Assessment (AQIA) have been undertaken and submitted along with the application. The assessment undertaken predicted that dust effects from mineral extraction would be negligible at residential properties and any dust occurrence events will be limited and of short duration these can be further minimised by the implementation of the dust control recommendations.
- 56 Environmental Health has no objections subject to the implementation of the proposed dust mitigation measures being required by condition (Condition 14).

Roads and Access

- 57 The quarry has two vehicle accesses to the site, with the most northern one being the primary access for HGVs and the southern access being for exiting only of HGVs. The northern access will have vehicles accessing and egressing from the site, particularly vehicles entering the offices.

- 58 The applicant has provided an estimate of the number of vehicles that enter and exit the site on a normal operational day, with 40 HGVs entering and exiting the site, along with staff car movements which are estimated to be approximately 10 vehicles per day. The estimated trips have approximately 60% heading to the south and 40% heading to the north on the C441.
- 59 The applicant has engaged with the Traffic & Network Team to agree the following improvements on the C441 within Collace:
- Making the temporary 20mph speed limit through Collace permanent.
 - Introducing permanent Vehicle Activated Signs at either end of the village showing the drivers their speed, similar to what is installed nearby in Burrelton. It is intended that these would be solar powered and include messaging.
 - Introducing an Edge of Carriageway road marking which will reduce the carriageway running width by 0.5m, encouraging slower speeds.
 - Introducing '20mph' and 'SLOW' road markings along with roadside advance warning signage.
- 60 Transport Planning has assessed the proposal and has no objections subject to the imposition of a condition (Condition 15) requiring the implementation of the above improvements on the C441.

Drainage and Flooding

- 61 An existing water management system is in place at the site. Water from the quarry void is currently conveyed to two lagoons on the south-western site boundary where the water is settled before being discharged to an unnamed drainage ditch which subsequently joins a small watercourse running south-west.
- 62 SEPA has confirmed that the site has a CAR Licence in relation to a discharge from its surface water treatment lagoons. The discharge is regularly monitored and the results indicate that the lagoons work well and, therefore, given the size of the proposed extension to the quarry, it is not expected to have a negative impact on the efficiency of the surface water treatment lagoons.
- 63 SEPA and the Council's Structures and Flooding Team have been consulted and both have raised no objection in relation to the drainage and flooding issues associated with the site. The proposal is therefore considered to comply with NPF4 Policy 22: Flood Risk and Water Management and LDP2 Policy 52: New Development and Flooding and Policy 53: Water Environment and Drainage.

Conservation Considerations

- 64 A Cultural Heritage Assessment has been submitted in support of the application. Dunsinane Hill Fort is listed as Scheduled Ancient Monument (SM1595) by

Historic Environment Scotland. This hill fort is located approximately 135 metres to the east of the existing quarry but the scheduled area takes in the surrounding area and extends to approximately 50 metres of the quarry. It is not proposed to extend the quarry face closer to the existing hill fort.

- 65 Extensive pre-application discussions have been held with Historic Environment Scotland (HES). This has seen a reduction in the scale of the proposed extension to keep it to the south of the ridge-line which was identified as critical by HES. HES was consulted on the application and has welcomed the reduction in the scale of the proposed extension, noting that this reduced the impact of the development below the threshold of significant impact, but that the scheme retained a moderate impact upon the setting of Dunsinane Hill. They further note that the quarry face restoration scheme has been sensitively designed to consider views to and from the monument at Dunsinane Hill, and thus can expect that once quarry operations are finished the setting impact will be reduced from moderate to minor.
- 66 HES conclude that the proposals do not raise historic environment issues of national significance and therefore we do not object. However, they would encourage consideration of further mitigation measures to limit dust, such as the use of spray-damping during quarry works (Condition 14).
- 67 PKHT has also been consulted on the proposal and has advised that they agree with the recommendations of the Cultural Heritage Assessment that no archaeological mitigation is required.
- 68 Overall, the proposal complies with NPF4 Policy 7: Historic Assets and Places and LDP2 Policy 26: Scheduled Monuments and Archaeology.

Natural Heritage and Biodiversity

- 69 An area of approximately 0.44ha of Ancient Woodland Inventory (AWI) will be directly impacted by the quarry extension. In terms of ancient woodland, as a long-established mixed conifer plantation (Class 2b) it is of lower importance. Management has resulted in the removal of any shrub layer and the establishment of a grassy field layer with no heath. Approximately 3.28ha of the ancient woodland lies outside the quarry footprint. Compensatory planting will be carried out in Phase 1 of operations on an area to the north of the extension covering an area of 2.22ha. Removal of woodland from the southern sector of the AWI will ensure that there is no fragmentation to further devalue the integrity of the site. Losses are therefore in the low range of magnitude.
- 70 The submitted Extractive Waste Management Plan and associated site plans show that soils and overburden will be retained on site and utilised for the site restoration. A condition is recommended to this effect (Condition 5). This is in compliance with NPF4 Policy 5: Soils and LDP2 Policy 51: Soils, which seek to protect and consider opportunities to re-use soils necessarily excavated from the site.

- 71 NPF4 Policy 3: Biodiversity and LDP2 Policies 41: Biodiversity, seek to protect and enhance wildlife and habitats. Planning permission will not be granted for development likely to have an adverse effect on protected species unless clear evidence can be provided that the ecological impacts can be satisfactorily mitigated.
- 72 The submitted ecological survey information is in accordance with best practice and was undertaken at the correct time of year over two seasons to give more information. The submitted Ecological Impact Assessment is thorough and comprehensive. All recommendations made in the Report must be adhered to in full (Condition 16).
- 73 The proposed restoration plans are comprehensive and demonstrate biodiversity enhancement and include the provision of exact habitat types for a range of invertebrate species. A condition will ensure that the restoration plans are adhered to in full (Condition 4).

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

- 74 The applicant for this proposal is Tayside Contracts, which is a joint committee constituted by the 3 Councils of the former Tayside area of Dundee, Angus and Perth & Kinross. In view of this, the lease of the quarry was entered in to between the landowner and PKC, as the tenant, and not with Tayside Contracts. That is consistent with the Memorandum of Understanding between the 3 councils, which provides that the Council in which a site is located will acquire or lease the ground.
- 75 The normal approach for minerals applications, as required by LDP2 policy 49B and the Financial Guarantees for Minerals Development Supplementary Guidance, is for a bond to be obtained by the developer and for the maintenance of that bond for the duration of the consent. However, the situation as set out above would require the Council (as tenant) to contract with itself (as developer), which is not possible nor competent.
- 76 Legal advice has been sought on this matter. In these unusual circumstances the advice received is that, providing the planning assessment concludes that development plan policies and material considerations are complied with, the Council should be prepared to depart from its policy and established practice and be prepared to grant the application without either a s75 agreement or bond.
- 77 The purpose of a bond is to provide certainty to the Council that the site restoration costs will be met at the end of the consent if the developer defaults or becomes insolvent, but in most cases this safeguard will not be called upon. A valuation of the remediation costs has been provided and that valuation figure has been peer reviewed, as is required by the Guidance. The restoration guarantee amount as reviewed on behalf of PKC is £243,780.15.

- 78 There is a requirement for phased restoration over the life of the consent and therefore the restoration guarantee figure is the maximum cost, which can be expected to reduce as the phased restoration is completed. In addition, the Council, as tenant, has already contracted (on behalf of Tayside Contracts) with the landowner to comply with any planning obligations to restore/remediate the site.
- 79 As an alternative arrangement, a letter has been provided, signed by the Managing Director of Tayside Contracts, in which they acknowledge the situation set out above and that, ordinarily, a bond and related s75 agreement would be required to ensure that the applicant's restoration obligations are complied with. The letter acknowledges that the site will have to be remediated by Tayside Contracts in accordance with the approved restoration scheme, and that they undertake to comply with that requirement.
- 80 Planning permission 'runs with the land' and accordingly the justification for the policy departure would cease to apply in the event that Tayside Contracts assigned its interest in the site. Given that PKC is the tenant of the site, it will not be possible for a third party to take over from them without the Council's approval. Accordingly, appropriate security could be insisted upon at that point as part of any approval to be given by the Council.

DIRECTION BY SCOTTISH MINISTERS

- 81 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

- 82 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, and the adopted Local Development Plan 2 (2019). Account has been taken account of the relevant material considerations and none has been found that would justify overriding the Development Plan.
- 83 Accordingly the proposal is recommended for approval subject to the following conditions.

RECOMMENDATION

Approve the application

Conditions and Reasons for Recommendation

1. All extraction operations within the site shall be completed by 31 December 2052.

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

2. Within one year of the termination of operations or the expiry of the term of approval specified in Condition 1, whichever is the earlier, all structures, plant and machinery associated with the quarry shall be removed in full from the site to the satisfaction of the Council as Planning Authority. Termination of operations shall be deemed to be on the cessation of extraction operations for a period of 6 consecutive months or longer.

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

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

Reason - In the interests of visual and residential amenity.

4. All works for the progressive restoration and landscaping of the site shall be implemented in line with the hereby approved restoration and landscaping plans and the Restoration Liability Assessment (RAL) and RAL Review.

Reason - In the interests of visual amenity.

5. All top soil and overburden removed in connection with the quarry extension shall be stored wholly within the working quarry boundary, to the satisfaction of the Council as Planning Authority.

Reason - In the interests of visual amenity and ensuring appropriate restoration of the quarry.

6. All external lighting shall 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 visual and residential amenity.

7. All plant or equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 25 between 2300 and 0700 hours daily, within any neighbouring residential property, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.

Reason - In the interests of residential amenity.

8. During the hours of 07:00 – 23:00, noise from quarry operations shall not exceed 45 dB LAeq,1hr when measured and assessed in accordance with PAN 50 at any residential property.

Reason - In the interests of residential amenity.

9. During the hours of 07:00 – 23:00, noise from operations including roadstone plant equipment shall not exceed 42 dB LAeq,1hr when measured and assessed in accordance with PAN 50 at any residential property.

Reason - In the interests of residential amenity.

10. Soil handling activity and other works in connection with landscaping shall not exceed 70 dB LAeq,1hr when measured and assessed in accordance with PAN 50 at any residential property and be limited to a period not exceeding 8 weeks.

Reason - In the interests of residential amenity.

11. All mitigation measures incorporated within working methods as described within Section 9.1.3 of the Noise Impact Assessment (NIA) shall be adhered to. The NIA was undertaken by Vibrock Ltd, Reference R22.10906/3/RK, dated 9 November 2022.

Reason - In the interests of residential amenity.

12. In the event of a justified noise complaint being received by the Council the operator shall, at its own expense, employ a consultant approved by the Planning Authority to carry out a noise assessment to verify compliance with the relevant condition above. The assessment will be carried out to an appropriate methodology agreed in writing with the Planning Authority. If the noise assessment shows that the noise levels do not comply with the relevant condition(s) 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.

13. All recommendations within Section 11 of The Assessment of the Environmental Effects of Vibration, undertaken by Vibrock Ltd, Reference R22.10908/2/JH, dated 9 November 2022 shall be fully implemented to ensure a vibration limit of 6 mms-1 peak particle velocity for 95% of blasts can be met. In the event of a justified vibration complaint being received by the Council the operator shall, at its own expense, employ a consultant approved by the Planning Authority to carry out a vibration assessment to verify compliance.

Reason - In the interests of residential amenity.

14. Prior to the commencement of development, a Dust Management Plan for the development shall be submitted to and agreed in writing by the council as Planning Authority and Environmental Health, the DMP shall include monitoring and complaints procedures and dust control mitigation measures as outlined in Sections 3 & 7 of Air Quality Assessment Report No. R22.10907/2/JH dated 9 November 2022. The agreed scheme shall thereafter be implemented throughout the operations of the development.

Reason - In the interests of residential amenity.

15. Within six months of this decision notice, the developer shall provide for the written agreement of the Planning Authority, the following mitigation measures, as noted on Drawing 22/02133/08:

- Vehicle Activated Signs at either end of the village showing the drivers their speed
- Edge of Carriageway road markings
- '20mph' and 'SLOW' road markings along with roadside advance warning signage.

The agreed mitigation measures shall be implemented in accordance with the approved details to the satisfaction of the Council as Planning Authority.

Reason - In the interests of road safety; to ensure an acceptable standard of construction within the public road boundary.

16. The conclusions and recommended action points within the supporting Ecological Impact Assessment undertaken by ECOS Countryside Services LLP, dated 9 November 2022, shall be fully adhered to, respected and undertaken as part of the construction phase of development, to the satisfaction of the Council as Planning Authority.

Reason - In the interests of protecting biodiversity.

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, refer to paragraphs 74 – 80 above.

INFORMATIVES

1. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken.
2. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
3. This development will require the 'Display of notice while development is carried out', under Section 27C (1) of the Town and Country Planning Act 1997, as amended, and Regulation 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 41 the notice must be:
 - Displayed in a prominent place at or in the vicinity of the site of the development
 - Readily visible to the public
 - Printed on durable material.
4. The applicant is advised that, in terms of Sections 56 of the Roads (Scotland) Act 1984, they must obtain from the Council, as Roads Authority, consent to open an existing road or footway prior to the commencement of works. Information on junction types, requirements for Vehicular Access consents (VA1) and application forms are available at www.pkc.gov.uk/vehicleaccess. Advice on the disposal of surface water should be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
5. The applicant is advised to refer to Perth & Kinross Council's [Supplementary guidance on Flood Risk and Flood Risk Assessments 2021](#) as it contains advice relevant to your development.
6. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild

bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.

7. The applicant is reminded that, should any protected species be present a licence may be required from NatureScot to disturb a protected species. Failure to obtain a licence may constitute a criminal act under the Habitats Regulations and penalties are severe for non-compliance.
8. 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.
9. The applicant is advised that any proposed signage will require a further application to be submitted for advertisement consent unless it benefits from express consent as per the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984.

Background Papers: 0 letters of representation
Contact Officer: Alex Gudgeon
Date: 11 December 2023

DAVID LITTLEJOHN
STRATEGIC LEAD - ECONOMY, DEVELOPMENT AND PLANNING

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