

ANGUS COUNCIL

DEVELOPMENT STANDARDS COMMITTEE – 11 FEBRUARY 2025

PLANNING APPLICATION – PITAIRLIE QUARRY, MONIKIE DD5 3PZ

GRID REF: 350087 : 737474

REPORT BY SERVICE LEADER – PLANNING & SUSTAINABLE GROWTH

1. ABSTRACT

- 1.1 This report deals with planning application No. [24/00427/FULL](#) by Denfind Stone Ltd, which relates to the operation of buildings at Pitairlie Quarry, Monikie. This is an application made under section 42 of the Town and Country Planning (Scotland) Act 1997 (as amended) which seeks permission to undertake development subject to different conditions than those attached to planning permission [17/00917/FULL](#). Principally, the application seeks a variation to condition 2 of that permission and associated changes to other conditions to allow the cutting of stone by means of a saw within a building between 0700 hours Monday and 2359 hours Saturday. The application is recommended for approval subject to conditions.

2. RECOMMENDATION

- 2.1 It is recommended that the application be approved for the reason and subject to the conditions given in Section 10 of this report.

3. INTRODUCTION

- 3.1 Planning permission ref: [17/00917/FULL](#) was approved by committee at its meeting on 7 August 2018 for the erection of stone processing building with associated concrete hard standing area and alterations and extension to existing processing building to provide staff welfare facilities and a canopy over a stone feed hopper on land at Pitairlie Quarry, Monikie. A plan showing the location of the site is provided at Appendix 1. The conditions relative to that planning permission are contained in report 219/18 which provided assessment of the proposal, and it is reproduced at Appendix 2.
- 3.2 That permission has been implemented and the approved works have been completed. The stone processing building is fully operational.
- 3.3 Condition 2 of planning permission 17/00917/FULL states: –

That, the hours of operation of the plant and equipment associated with the proposed development shall be limited to Monday to Friday 0700 – 1900 and Saturday 0700 – 1300 only. For the avoidance of doubt there shall be no working on Sundays or on public holidays.

Reason: In order to limit when activities can take place within the site in the interests of the minimising impact on amenity.

- 3.4 The current application is submitted under section 42 of the Town and Country Planning (Scotland) Act 1997 (hereafter referenced as the Act). It seeks permission to develop the land subject to different conditions than those attached to the existing planning permission. Principally, it seeks variation of conditions to allow the cutting of

stone by means of saw within a building between 0700 hours Monday and 2359 hours Saturday. It also seeks amendment to existing conditions to provide appropriate control of noise emissions associated with any such operation during the extended operating hours.

- 3.5 The proposal does not seek to materially change any physical aspect of the previously approved development, and it does not propose any change to the amount of stone product that the existing permission allows to be processed at the facility which is capped at 8000 tonnes per annum. For clarity and the avoidance of any doubt, the proposal does not seek any change to the separate planning permission which relates to the operational quarry.
- 3.6 It is important to note that for this type of application relevant legislation indicates that the planning authority must only consider the question of the conditions subject to which planning permission should be granted and if they decide that permission should be granted subject to the same conditions as detailed on the earlier permission, they shall refuse the application. If they decide that planning permission should be granted subject to conditions differing from those previously attached to the permission, they shall grant planning permission accordingly. The effect of granting permission for a section 42 application is that a new and separate permission exists, with any conditions attached as appropriate. The previous permission remains extant whether the section 42 application is approved or refused.
- 3.7 The description of the application has been varied during consideration of the application such as to clarify the nature of nighttime operations proposed and to limit the requested amendment to hours of operation for the specified activities to between 0700 hours Monday and 2359 hours Saturday only with deletion of the request for Sunday working.
- 3.8 The application has been subject of statutory public advertisement as required by legislation.

4. RELEVANT PLANNING HISTORY

- 4.1 As indicated above, committee resolved to approve planning application 17/00917/FULL at its meeting on 7 August 2018. That permission allowed for the erection of stone processing building with associated concrete hard standing area and alterations and extension to an existing processing building to provide staff welfare facilities and a canopy over a stone feed hopper on land at Pitairlie Quarry, Monikie. That permission has been implemented.
- 4.2 The 2017 application for the same development was subject of a screening process in terms of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017. That process identified that the development would give rise to environmental impacts both in isolation and in combination with existing operations at the quarry. However, it concluded that, those impacts were not considered to be significant in terms of environmental impact assessment and it was determined that the proposal did not constitute environmental impact assessment development. A third party subsequently submitted a request to Scottish Ministers to consider this matter and to issue a screening direction under the Environmental Impact Assessment Regulations. The Scottish Government indicated that it was satisfied that the issues raised in the Screening Direction request did not call into question the validity of the view reached by the planning authority that environmental impact assessment was not required. Scottish Ministers therefore declined to issue a screening direction.
- 4.3 The proposal subject of this application has been considered in terms of the Environmental Impact Assessment Regulations having regard to the previous screening opinion, change in circumstance at the location, and relevant selection

criteria set out in regulations. It was determined that the proposal does not constitute environmental impact assessment development.

5. APPLICANT'S CASE

5.1 A supporting statement has been submitted and it provides background information to the development. It indicates that the stone processing facility has averaged around 3,500 tonnes per annum (tpa), this being significantly short of the maximum 8,000tpa permitted by the planning permission. The statement indicates that there has been a significant increase in the sale of paving products which require cutting and it has become apparent to Denfind Stone Ltd that, whilst there is a clear market demand which would allow production to expand, this cannot be achieved with the existing plant and the current hours of operation. To better meet market demand an automated saw has been purchased which can facilitate 24-hour operation. It is indicated that the saw shuts down following a cutting cycle with monitoring, including CCTV to allow any issue to be tackled by the operators who reside in proximity of the site. Proposed reworded conditions are provided, but the document concludes that the development is intended to maximise efficiency of operations and increase production whilst ensuring that operational noise is controlled such that there is no amenity impact on surrounding residential properties.

5.2 A noise impact assessment accompanies the supporting statement. It advises that it has been undertaken in accordance with a methodology agreed with the council's environmental health service. It provides measured background nighttime noise levels for the area and predicts likely impact on the noise environment arising from proposed stone cutting operations. It concludes that the results of the sound level surveys, and subsequent BS 4142 assessment, indicate that: -

- The initial BS 4142 assessment conclusion is that there would be a low likelihood of adverse impact at one of the two locations assessed (Galloway/ Lismore), and low likelihood of adverse impact at the other, depending upon context. The subsequent consideration of context results in a revision of the initial estimate and exceedance may not result in an adverse impact given the ownership status of No.3 Denfind Cottages, and also the overall low absolute sound levels predicted at both locations.
- All predicted absolute noise levels are very low, and the criteria suggested in BS 8233 for bedrooms would easily be met at night, even with windows open for ventilation purposes.

5.3 A letter entitled Noise Impact Assessment – Additional Information has also been submitted. That document reports that some additional works have been undertaken which should mitigate noise associated with operation of the development, including the blocking of unnecessary openings in the building and the rerouting of a haul road which has allowed amendment to a bund to the south/southwest of the processing buildings. It advises that a saw was operated during nighttime hours to allow measurement of noise emissions. It indicates that measured noise levels were lower than the previously predicted noise levels at the two locations referenced in the original assessment, namely Galloway/ Lismore and No.3 Denfind Cottages. It is suggested that predicted internal noise levels at both locations would be significantly below the BS 8233 recommended criteria for sleeping in bedrooms at night, a suggested limit of 30dB LAeq,8h. It is noted that No.1 and No.3 Denfind Cottages are in the ownership of the applicant and that the occupants have written in support of the application. The document concludes that giving consideration to the BS 4142:20214 + A1:2019 assessment, and the context outlined in the letter, it is considered that a low impact is likely at noise sensitive receptors closest to the application site during proposed nighttime operation.

5.4 A response to matters raised in objection has also been submitted.

5.5 The supporting documents are available to view on the council's [Public Access](#) website.

6. CONSULTATIONS

6.1 **Angus Council – Roads** – no objection.

6.2 **Angus Council – Environmental Health** – identified issues with the noise assessment originally submitted and information contained therein. Those issues have been addressed and the service has confirmed no objection to the revised proposal which excludes Sunday working subject to appropriate conditions. The conditions detailed at section 10 of this report have been discussed and agreed with environmental health colleagues.

6.3 **Scottish Water** – no comment.

6.4 **Community Council** – no comment.

7. REPRESENTATIONS

7.1 21 representations have been received with 19 in objection and 2 offering support. The letters are provided at Appendix 3 and are available to view on the council's [Public Access](#) website.

7.2 In summary terms, the following issues have been raised in objection and are addressed under planning considerations: -

- Concern regarding noise, including methodology and objectivity of assessment, and potential for disamenity for residents and adverse impact on wildlife.
- Dust emissions, including impact on health, wildlife, and absence of monitoring.
- Increased traffic and issues associated with noise and road safety.
- Light pollution.
- Adverse impact on Monikie.
- No benefit to local community.

7.3 The following matters, again in summary terms, have also been raised in objection and are addressed at this stage: -

- **Inadequate public consultation and issues associated with consideration by community council** – statutory notification of the application has been undertaken in accordance with relevant regulations. The manner in which the community council has considered the matter is not relevant to the determination of this application.
- **Proposal requires environmental impact assessment** – as indicated in the planning history section of this report the proposal was subject of screening under the Environmental Impact Assessment Regulations in 2017. At that time it was determined that environmental impact assessment was not required and there is no material change in circumstance that alters that conclusion.
- **Adverse impact of 24-hour quarry working on tourism and country park** – the quarry is subject of a separate planning permission and this application does not seek to alter the hours when quarry activities are permitted to take place. Noise conditions proposed to protect residential amenity should provide adequate safeguard for the country park such that its tourism, recreation, and environmental value is not significantly affected.
- **Need for restoration bond and community liaison group with the quarry** – the quarry is subject of a separate planning permission and these issues are not relevant to determination of this application. However, there is a restoration bond and quarry liaison group in place for the quarry.

- **Business model and assumptions and concern regarding increased quarry extraction** – the applicants business model is not a material planning consideration, and the proposal does not propose any alteration to consented extraction rates at the quarry.
- **Adverse impact on house prices** – this is not a material planning consideration.
- **Personal circumstances of objectors, including sleep habits and health issues** – the planning system operates in the public interest and the individual private circumstances of those making representation in this case are not material considerations. Notwithstanding that, conditions are proposed to provide reasonable safeguard for the amenity of those that live in the area.

7.4 In summary terms, the following issues have been raised in support and are addressed under planning considerations: -

- No issue with noise and general support for proposal.

8. PLANNING CONSIDERATIONS

8.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise.

8.2 In this case the development plan comprises: -

- [National Planning Framework 4 \(NPF4\) \(2023\)](#)
- [Angus Local Development Plan \(ALDP\) \(2016\)](#)

8.3 The development plan policies relevant to the determination of the application are reproduced at Appendix 4 and have been taken into account in preparing this report.

8.4 The ALDP was adopted in September 2016 while NPF4 was adopted on 13 February 2023. Planning legislation indicates that where there is any incompatibility between the provisions of the national planning framework and a provision of a local development plan, whichever of them is the later in date is to prevail.

8.5 As indicated, the current application is made under section 42 of the Act. It constitutes an application to develop land without compliance with conditions attached to a previous planning permission. For an application made under section 42 the planning authority typically must only consider the question of the conditions subject to which planning permission should be granted. If it is decided that permission should be granted subject to the same conditions as detailed on the earlier permission, the application shall be refused. If it is decided that planning permission should be granted subject to conditions differing from those previously attached to the permission, the application should be approved.

8.6 In this case the original planning permission has been implemented and remains extant. The stone processing facility will remain in situ and will continue to operate irrespective of any decision made on the current application. In these circumstances, consideration of the current application is appropriately limited to the question of the conditions which regulate how the development is operated, and most specifically, whether it is appropriate to allow amendment to conditions to facilitate extended hours for stone cutting by saw within the processing buildings.

8.7 Report 219/18 (Appendix 2) provides assessment of the principle of the development at this location and provides some context for the planning conditions restricting operation of the use at that time. The original planning permission was granted at a time when the statutory development plan comprised TAYplan and the ALDP, while Scottish Planning Policy (SPP) set out Scottish Government planning policy. TAYplan

and SPP have now been replaced by NPF4, but the ALDP remains the adopted local development plan for the area.

- 8.8 NPF4 now forms part of the statutory development plan, and it must be considered along with the ALDP in determining this application and the appropriateness of planning conditions.
- 8.9 NPF4 Policy 33 seeks to support the sustainable management of resources and to minimise the impacts of extraction of minerals on communities and the environment. It indicates that the planning system should safeguard important mineral resources and ensure that sufficient resources are available to meet the demands of industry in a way that minimises the impacts of extraction on the environment and local communities. While this development does not involve extraction of minerals, it does involve the processing of material close to the source quarry and the proposal seeks to allow processing to take place in a manner that would meet the demands of industry. In this respect the proposal is broadly compatible with what the policy is seeking to achieve.
- 8.10 The key development plan issues in relation to the proposal are whether the undertaking of the identified activity over extended hours would be acceptable having regard to likely impact on the amenity, environment, infrastructure, and character of the area. It is also necessary to have regard to the tests for planning conditions set out in NPF4 policy and in government circular 4/1998. Specifically, conditions must be necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise, and reasonable in all other respects.
- 8.11 In terms of impacts on amenity, it is relevant to note that the original planning application for this development (17/00917/FULL) did not propose nighttime working and it was not accompanied by any information to demonstrate that nighttime operations would be acceptable at this location. Accordingly, having regard to the relevant tests for planning conditions, it was appropriate to attach a condition restricting operating hours as detailed at paragraph 3.3 above.
- 8.12 This application is accompanied by a noise impact assessment and supplementary noise information which specifically addresses noise emissions associated with the proposed cutting of stone by saw within the building during nighttime hours. The submitted information includes measurement of background noise levels in the area and measurement of noise levels arising from the stone cutting process during nighttime hours. The environmental health service has reviewed that information and has visited the premises to observe operations. The service raised some concern regarding information originally submitted, but following the deployment of additional mitigation measures, the submission of further survey data, and the removal of the request for Sunday working, it has confirmed that noise emissions associated with the limited activity proposed during the extended operational hours should not give rise to unacceptable impact on the amenity or environment of the area. It remains appropriate to set noise limits for the development through the imposition of a planning condition. However, the proposed condition now sets a limit for daytime activity and a separate and lower noise limit for nighttime operations. The proposed nighttime limit is comparatively low and would be measured at the boundary of the curtilage of nearby residential property to safeguard the amenity of outdoor space. That low limit is considered appropriate given existing nighttime background noise levels, but on the basis of available information, it is considered achievable. Expert advice indicates that compliance with the external noise limit should ensure that the noise level within residential property, through a window left slightly open, would be well below the recommended standard for bedrooms during nighttime hours. Based on the expert advice provided by environmental health and observation of activities on site, it is considered that amended conditions that allow nighttime working subject to nighttime specific noise levels would be appropriate and should not give rise to any unacceptable noise impact.

- 8.13 The cutting of stone by saw within a building is unlikely to generate any significant level of dust in the wider environment. The saw is sprayed with water during the cutting process, and this suppresses dust at source. Notwithstanding that, other activities associated with the processing facility are dust generating and a condition regarding dust management remains appropriate having regard to relevant policy and guidance and is proposed below. The proposal is unlikely to give rise to any other significant impact on the sensory amenity, and identified impacts are not considered unacceptable having regard to relevant policy and guidance. The proposed conditions that seek to mitigate amenity impacts are considered appropriate having regard to relevant policy and guidance.
- 8.14 The application site accommodates an operational stone processing facility, and it is not designated for any built, cultural, or natural heritage reasons. There is no evidence of protected species within the application site and there is no reasonable basis to conclude that the proposed revision to working hours for the cutting of stone within an existing building would give rise to any significant impact on environmental interests in the wider area subject to compliance with the proposed conditions. The proposal does not give rise to any significant conflict with development plan policies that deal with environmental designations and interests.
- 8.15 Vehicular access and egress would be taken from the existing track that joins the B961 public road. No change to existing access arrangements is proposed and the proposal does not seek to alter the 8000 tonnes per annum limit on material that can be processed at the facility. The roads service has reviewed the proposal in terms of the traffic likely to be generated by it and its impact on the public road network and has offered no objection. There is no reasonable basis to conclude that the proposed revision to working hours for the cutting of stone within an existing building would give rise to any significant impact on infrastructure in the area. A condition restricting the facility to 8000 tonnes per annum remains relevant and meets the test for conditions provided in relevant policy and guidance. The condition is revised to clarify permitted hours for material to be delivered to or dispatched from the facility.
- 8.16 The stone processing facility and its associated quarry are an established element in the landscape and there are other quarries with related infrastructure in the wider area. The location of this site is such that the buildings are not readily visible from the surrounding public road network. There is some visibility of the site and the buildings from the embankment at the southwest corner of Monikie Country Park, but from that location the buildings are of a scale and appearance typical of modern farm buildings that form a common element in the landscape. This is not an area where nighttime working is commonplace, although there may be occasional seasonal nighttime activity associated with agriculture. However, the nighttime operations associated with this development would be contained within a building and would not require any external activity. Noise limits for nighttime working set out in the proposed conditions are low, and the nighttime operations would not significantly affect the character of the area.
- 8.17 The proposal does not give rise to any other significant issues in terms of relevant development plan policy.
- 8.18 The substantive development associated with planning permission 17/00917/FULL has been constructed and is operational. The limited internal nighttime activity proposed by this application does not give rise to any significant issue in terms of development plan policy subject to the conditions proposed below which principally seek to safeguard amenity. Those conditions have been amended and updated as appropriate to reflect current council practices and they comply with relevant policy and guidance on the use of conditions. In overall terms, the proposal complies with the development plan subject to the proposed planning conditions.

- 8.19 In addition to the development plan it is necessary to have regard to other material considerations which in this case include the planning issues raised in letters of representation.
- 8.20 Concerns regarding impact on amenity have been taken into account in the preparation of this report. Officers from both the planning and environmental health services have assessed the information submitted in support of the application and have reviewed the matters raised in objection. Officers from both services have also observed activities associated with the operation. There is no evidence to suggest that noise or dust from the current processing facility is causing any breach of existing planning conditions. It is of some limited relevance to note that whilst there are 11 residential properties within a radius of around 220m of the application site, objection has only been received from occupants of one of those dwellings. That dwelling is over 200m from the closest stone processing building, it sits round 10-15m lower than the ground level of the processing area and is separated from it by an earth bund and established woodland.
- 8.21 Issues regarding noise and dust are addressed above. The environmental health service has confirmed that the noise information submitted in support of the application is adequate to allow proper consideration of the application. There is a dust management plan in place and dust monitoring undertaken in association with the existing operation. The limited activity proposed during the extended operational hours should not give rise to any significant dust as explained above. There is no evidence to indicate that noise or dust emissions arising from operation of the processing facility is causing any breach of planning conditions or any significant adverse amenity impact in the area. For clarity, the noise limit proposed for nighttime activity is significantly lower than the noise limit currently permitted in association with daytime activity.
- 8.22 The facility is currently permitted to process 8000 tonnes of stone per annum and the application does not seek to alter that limit. Traffic associated with that level of output has been determined to be acceptable and can be dispatched from the site irrespective of any decision taken on the current application. The roads service has offered no objection to the application and there is no reasonable basis to consider that the variation to operating practices proposed by this application would result in any materially different impacts associated with transportation of products than is currently approved.
- 8.23 The buildings have limited openings, and proposed conditions would require nighttime operations to only be undertaken with doors and windows closed, thus limiting potential for light pollution. Notwithstanding that, the operator has indicated that there would generally be no need for lights to be on while the automated saw operates through the night.
- 8.24 The buildings are existing and in general terms are not readily visible from the surrounding area by virtue of established planting. The use of the building in the manner proposed and subject to compliance with the proposed conditions should ensure that there is no significant adverse impact on the amenity of nearby residents or those who reside in the village of Monikie.
- 8.25 The operation provides direct employment for around 20 people and supplies material to and uses services provided by other local companies. The economic benefit associated with the operation is not quantified, but the direct employment benefit alone merits some weight in the decision-making process, particularly in circumstances where the proposal does not give rise to significant adverse impacts and is otherwise in general accordance with the development plan.
- 8.26 In conclusion, this is an application made under section 42 of the Act. It seeks permission to undertake development in accordance with different conditions than

those attached to the existing planning permission. In circumstances where the existing planning permission has been implemented and remains extant, consideration is focused on the question of the conditions subject to which planning permission should be granted.

- 8.27 Existing controls set out in conditions attached to planning permission 17/00917/FULL which control daytime activity associated with the operation remain relevant. However, information has been provided and expert advice confirms that limited nighttime activity comprising the cutting of stone by saw within a building should not give rise to any significant adverse impact on the amenity or environment of the area subject to appropriate controls. In such circumstance there is no development plan policy justification to prevent that limited activity during nighttime hours. The concerns raised in representation both for and against the proposal have been considered in the preparation of this report. However, having regard to all available information, there are no material considerations that would justify refusal of this application and retention of a restriction that prevents the limited nighttime activity proposed. Relevant information indicates that, subject to appropriate mitigation and planning conditions, the proposed alteration to operating hours to allow for the cutting of stone by saw within a building during nighttime hours should not give rise to unacceptable impacts on the environment, amenity, or infrastructure. Planning conditions are proposed that seek to provide appropriate mitigation and those are consistent with relevant policy and guidance.
- 8.28 The proposed development complies with the development plan subject to the proposed planning conditions. There are no material considerations that justify refusal of the application.

9. HUMAN RIGHTS IMPLICATIONS

- 9.1 The recommendation in this report for grant of planning permission, subject to conditions, has potential implications for neighbours in terms of alleged interference with privacy, home or family life (Article 8) and peaceful enjoyment of their possessions (First Protocol, Article 1). For the reasons referred to elsewhere in this report justifying this recommendation in planning terms, it is considered that any actual or apprehended infringement of such Convention Rights, is justified. The conditions constitute a justified and proportional control of the use of the property in accordance with the general interest and have regard to the necessary balance of the applicant's freedom to enjoy his property against the public interest and the freedom of others to enjoy neighbouring property/home life/privacy without undue interference.

10. CONCLUSION

- 10.1 It is recommended that the application be approved for the following reason, and subject to the following condition(s):

Reason(s) for Approval:

The development provides for the alteration and extension of an existing stone processing facility in a manner that does not give rise to unacceptable impacts on amenity, environment, or infrastructure subject to the mitigation measures that are secured in the design of the development and through the stated planning conditions. The proposal complies with development plan policy subject to the stated planning conditions and there are no material considerations that justify refusal of the planning application contrary to the provisions of the development plan.

Conditions:

1. That prior to the commencement of development a dust management plan shall be submitted to and approved in writing by the planning authority. That document

shall include provision for the regular review of the effectiveness of dust mitigation measures and updating of the management plan to reflect best practice. Thereafter the development shall be operated in full compliance with the dust management plan as approved or amended following written approval by the planning authority.

Reason: In order to mitigate impacts on air quality in the interests of the amenity of occupants of nearby properties.

2. That the hours of operation of all plant and equipment, excluding any saw which is housed entirely within a building and used for the cutting of stone, shall be limited to Monday to Friday 0700 – 1900 and Saturday 0700 – 1300 only. No activities outwith the confines of a building are permitted other than between those hours. Any saw used for the cutting of stone which is housed entirely within a building can be operated from 0700 hours Monday to 2359 hours Saturday provided all doors and windows are kept closed during such operation. For the avoidance of doubt there shall be no working on Sundays or on public holidays.

Reason: In order to limit when activities can take place within the site in the interests of the minimising impact on amenity.

3. In respect of noise, the development shall be undertaken and operated in accordance with the following requirements:
 - a. During any single averaging period, noise from the development shall not exceed the limits shown in table A below as measured at any noise sensitive premises. For the avoidance of doubt noise sensitive premises include residential premises, schools, hospitals, etc.

Table A

Day	Time	Average Period (t)	Noise Limit	Notes
Monday – Friday inclusive	0700 – 1900hrs	1 hour	42 dBA Leq t	1, 2, 3
Saturday	0700 – 1300hrs	1 hour	42 dBA Leq t	1, 2, 3

- b. During any single averaging period, noise arising from the operation of the saw, out-with the hours set out in Table A, shall not exceed 30dBA LAr,Tr as measured 1.2 meters above ground level in free field conditions at the boundary of the curtilage of properties not under the ownership of Denfind Stone. For properties under the same ownership as Denfind Stone, the noise should not exceed 35dBA LAr,Tr. (Notes 1, 2, 3)
 - c. All process plant and equipment shall be commissioned, operated and maintained in accordance with the manufacturers recommendations.
 - d. In the event of a justified noise complaint being received by the planning authority 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 noise limits set by this condition. 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 conditions a scheme of noise mitigation shall be included with the noise assessment, specifying timescales for the implementation of the scheme, and shall be submitted to the planning authority with 28 days of the assessment. The mitigation scheme shall thereafter be implemented in accordance with the

approved scheme and timescales.

Notes

1. The assessment location shall be free field within the exterior amenity space of any noise sensitive receptor. For the avoidance of doubt sensitive receptors includes all residential properties, hospitals, schools and office buildings or any other similar premises.
2. As measured and rated in accordance with BS4142:2014 - Method for rating and assessing Industrial and Commercial Sound.
3. Where the noise measurement position is not the same as the assessment location the received noise levels shall be predicted using appropriate methodology.

Reason: In order to regulate noise levels in the interests of the amenity of occupants of nearby properties.

4. That no more than 8000 tonnes of stone product as measured over any 12 month period shall be processed at this facility. Records of annual output shall be kept by the operator and shall be submitted to the planning authority by 30 April of each year. For the avoidance of doubt, material shall only be delivered to or dispatched from the facility between the hours 0700 – 1900 Monday to Friday and 0700 – 1300 Saturday.

Reason: In order to ensure that the development operates in accordance with the parameters against which it has been assessed in the interests of safeguarding the amenity of the area.

5. That the earth bunding to the south and southwest of the stone processing buildings as shown on Douglas Land Surveys Ltd drawing number 2025 Rev 01 shall be retained at its current extent and height as detailed on the aforementioned drawing for the duration of operation of the development hereby approved.

Reason: In order that the amenity of occupants of nearby premises shall be adequately safeguarded.

6. That all reversing alarms fitted to vehicles or mobile plant operating within the application site shall be of either a broadband sound or non-audible type.

Reason: In order that the amenity of occupants of nearby premises shall be adequately safeguarded.

NOTE: No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973, (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above Report.

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DATE: 4 FEBRUARY 2025

APPENDIX 1: LOCATION PLAN
APPENDIX 2: COMMITTEE REPORT NO. 219/18
APPENDIX 3: LETTERS OF REPRESENTATION
APPENDIX 4: DEVELOPMENT PLAN POLICIES