

Agenda Item	7.5
Report No	PLS-40-23

HIGHLAND COUNCIL

Committee: South Planning Applications Committee
Date: 27 June 2023
Report Title: 22/01638/FUL: MGL Contractors
Land 230m East of Lairgandour, Daviot, Inverness
Report By: Area Planning Manager - South

Purpose/Executive Summary

Description: Development of recycling facility for inert materials (in retrospect)
Ward: 12 – Aird and Loch Ness
Development category: Local
Reason referred to Committee: Objection by Community Council

All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

Recommendation

Members are asked to agree the recommendation to **GRANT** the application as set out in section 11 of the report

1. PROPOSED DEVELOPMENT

- 1.1 The proposal seeks planning permission (in retrospect) for the development of a recycling facility for inert construction waste at Lairgandour, Daviot. Permission for a smaller recycling facility is already in place within the 'platform area' to the east of the A9 which also accommodates MGL's main office and other associated buildings. This application is for the regularisation of a much larger area of land to the SE of the platform area for recycling use.
- 1.2 The development is largely complete and has been in operation for a number of months. This application is in retrospect and seeks to regularise the position on site.
- 1.3 The facility seeks to meet demand from construction sites throughout the Highlands, in particular the Inner Moray Firth area, including waste from the current installation of broadband facilities in Inverness. The total amount of materials to be brought on-site will not exceed 25,000 tonnes, therefore the application does not meet the threshold for the Major category of development. A Waste Management License will be required to be obtained from SEPA and the development will be undertaken in accordance with the license.
- 1.4 Access to the site will utilise MGL's existing private access track which leads (via the B9154) from the A9. Access to the site itself is via two upgraded sections of road which extend from the main platform. An 'in and out' system will be in operation, with all traffic exiting via a weighbridge. A gravity fed pond and series of settlement ponds have been created to provide an onsite water supply for the washing of waste materials, enabling the reuse of water. Surface water will be discharged to a separate settlement pond via filter trenches.
- 1.5 All recycling equipment will be stored on site. The number of lorries delivering waste materials is managed by the applicant and only pre-booked vehicles will be given access to the site.
- 1.6 The processes involved in recycling are controlled under license from SEPA, in order to ensure that the development will not result in any adverse impact on the environment, species, habitats or freshwater systems. Activities on site are monitored by SEPA and any breach of the Waste Management License may result in the closure of the operation until appropriate mitigation is put in place.
- 1.7 Pre-Application Consultation: None
- 1.8 Supporting Information: Design Statement; Environmental Plan;
- 1.9 Variations: Amendments to site layout

2. SITE DESCRIPTION

- 2.1 Lairgandour sits to the east of the A9, on the outskirts of Daviot. The application site is 9.72 hectares in area and is located on the higher ground to the southeast of the main MGL complex, within an undulating landscape with open moorland to the east and south, and the A9 to the west. The application is in retrospect; therefore, the recycling operations are already in place and the site laid out accordingly.

3. PLANNING HISTORY

3.1	n/a	23/00141/FUL Restoration of borrow pit	Pending Consideration
3.2	18.04.2023	22/00729/FUL - Formation of operating yard, erection of two sheds for paint spraying, sandblasting, vehicle and equipment storage, welfare facilities (part retrospective)	Planning Permission Granted
3.3	07.08.2019	19/00347/FUL – Internal recycling facility	Planning Permission Granted
3.4	07.12.2018	18/03539/FUL - Change of use of existing buildings to office, use for maintenance of vehicles & fleet vehicles	Planning Permission Granted
3.5	19.12.2018	18/02211/FUL - Internal Recycling Facility	Application withdrawn
3.6	25.08.2017	16/05097/FUL - Erection of 2no. steel frame buildings to form offices & agricultural store	Planning Permission Granted
3.7	23.01.2015	14/04678/FUL – Amended design (13/00796/FUL)	Planning Permission Revoked
3.8	07.05.2014	14/01882/SCRE - Installation of 2 70kw vertical access wind turbines to provide power for Daviot Farms	EIA not required
3.9	23.05.2014	14/01250/FUL - Amendment to consent 10/04900/FUL to omit silage pit and Dutch barn and incorporate implement shed	Planning Permission Granted
3.10	21.03.2014	13/02618/FUL - Application under Section 42 to alter condition 4 from temporary recycling operation to permanent recycling operations 10/02008/FUL	Planning Permission Refused
3.11	03.04.2014	13/00796/FUL - Erection of Farm office	Planning Permission Revoked
3.12	25.06.2012	12/00036/FUL - Application to construct a thirteen turbine wind farm, including associated access tracks, construction compound, substation, two permanent 100m lattice tower	Planning Permission Refused

anemometry masts, ancillary developments and proposals for additional public access.

3.13	28.10.2011	10/04900/FUL - Erection of agricultural buildings - livestock housing facility, Dutch Barn, workshop and silage pit	Planning Permission Granted
3.14	08.10.2010	10/02008/FUL - Use an area of existing hard standing for temporary recycling operations.	Planning Permission Granted
3.15	14.10.2009	09/00456/FULIN - Change of use to repair workshop	Planning Permission Granted
3.16	11.05.2009	09/00279/AGRIN - Agricultural Shed	Prior Approval not required
3.17	14.01.2009	09/00027/AGRIN - Erect new agricultural shed, re-locate existing shed & formation of hard standing	Prior Approval not required

4. PUBLIC PARTICIPATION

4.1 Advertised: Schedule 3 Development / Unknown Neighbour

Date Advertised: 03.06.2022

Representation deadline: 19.06.2022

Timeous representations: 0

Late representations: 0

5. CONSULTATIONS

5.1 **Strathnairn Community Council** previously complained about the unauthorised use of land at this with little or no action being taken. This has resulted in disturbance to local residents due to lorry traffic coming and going from the unauthorised site and damage to the roads infrastructure. It is also likely that the result of these unauthorised works will have resulted in the contamination of the land on which is it located. The proposed site will involve the further industrialisation of farmland and possible contamination of the land. It will also result in the continued pollution from noise, diesel fumes and dust affecting local residents and the area as a whole. Should the application be granted the following conditions should be applied:

- The requirement to plant mature trees to shield the operational area from view
- Operating time restrictions and specification of materials to be recycled
- Time restrictions on lorry access and egress
- Time restrictions to be in line with other site operations, 0700 – 1900 Monday to Friday; 0700 – 1300 Saturday; no work on Sundays or bank holidays.

- 5.2 **Contaminated Land** indicate that part of the site near the entrance has a historic use as a Sheep Dip which may have resulted in land contamination. It considers that, from the information submitted, the proposed development would not appear to materially change the risk of potential contamination and a contaminated land condition which required further investigation is not recommended for this application. An informative is recommended.
- 5.3 **Environmental Health** understand that the materials to be received include road planings, clean spoil, clean construction waste and clean stone and rubble and that the recycling processes include crushing, sorting, grading, storage and washing. The main concern of Environmental Health is the potential for any emissions of noise, dust or lighting to adversely affect any sensitive properties which may be located within the vicinity as there are a number of properties within 1km of the development. If the site is covered by a Waste Management License issued by SEPA, and this covers conditions to control noise, dust and light then planning conditions will not be necessary. A condition to control operating hours is however recommended. If a Waste Management License is not required, additional conditions regarding the control of noise and dust are recommended.
- 5.4 **Flood Risk Management Team** is content with the proposed surface water drainage arrangements. Due to the nature of the operations the primary concern is surface water quality, which is part of SEPA's remit. It is FRMT's understanding that this will be controlled and monitored by SEPA through Waste Management Licensing requirements. SUDS measures are proposed to provide treatment and attenuation. No objection subject to a condition to ensure that all surface water discharge is limited to the pre-development greenfield run-off rate.
- 5.5 **Transport Planning Team:** Following the submission of further information regarding vehicle movements, Transport Planning do not consider that the impact of this development will be detrimental to the B9154, however recommend a condition to secure improvements to the bus stop area, adjacent to the entrance to Daviot Farm's private road.
- 5.6 **Transport Scotland:** Do not propose to advise against the granting of permission.
- 5.7 **SEPA:** No site-specific planning advice, however the site will require multiple authorisations from SEPA in relation to retrospective and proposed activities. Insufficient information has been submitted to address the regulatory aspects on site and the Highland Council should be made aware that issues relating to this may impact on the site layout.

6. DEVELOPMENT PLAN POLICY

- 6.1 National Planning Framework 4 (NPF4) was adopted by the Scottish Ministers and published on 13 February 2023. It is now part of the statutory development plan, while also replacing NPF3 and Scottish Planning Policy.
- 6.2 The following Development Plan policies are relevant to the assessment of the application:

6.3 **National Planning Framework 4 (2023)**

- 1 - Tackling the climate and nature crises
- 2 - Climate mitigation and adaptation
- 3 – Biodiversity
- 5 - Soils
- 12 - Zero Waste
- 13 - Sustainable Transport
- 18 - Infrastructure First
- 23 - Health and Safety
- 29 - Rural Development

6.4 **Highland Wide Local Development Plan 2012**

- 28 - Sustainable Design
- 41 - Business and Industrial Land
- 56 - Travel
- 61 - Landscape
- 63 - Water Environment
- 66 - Surface Water Drainage
- 70 - Waste Management Facilities
- 72 - Pollution
- 73 - Air Quality

6.5 **Inner Moray Firth Local Development Plan 2015**

Policy 3 - Other Settlements: Daviot

6.6 **Highland Council Supplementary Planning Policy Guidance**

Sustainable Design Guide (Jan 2013)

7. **OTHER MATERIAL POLICY CONSIDERATIONS**

7.1 None

8. **PLANNING APPRAISAL**

8.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

Determining Issues

8.2 This means that the application requires to be assessed against all policies of the Development Plan relevant to the application, all national and local policy guidance and all other material considerations relevant to the application.

Planning Considerations

8.3 The key considerations in this case are:

- a) compliance with the development plan and other planning policy;

- b) planning history;
- c) the process;
- d) siting and design;
- e) impact on amenity and environment;
- f) access; and
- g) any other material considerations.

Development plan/other planning policy

- 8.4 The newly adopted National Planning Framework 4 (NPF4) now forms part of the development plan and contains a number of policies aimed at reducing emissions and conserving and recycling assets, which are relevant to the proposal. Policy 1 (Tackling the Climate and Nature Crises) encourages, promotes and facilitates development which addresses the global climate emergency, and Policy 2 (Climate Mitigation and Adaption) encourages, promotes and facilitates development which minimises emissions and adapts to the current and future impacts of climate change. The general principle of the proposal for a facility to recycle local construction waste for reuse in the local area conforms with national and council low carbon aspirations.
- 8.5 Of particular relevance is Policy 12 (Zero waste) which seeks to prioritise the reduction and reuse of materials in construction, and to ensure that infrastructure for zero waste and to develop Scotland's circular economy is delivered in appropriate locations. It further states that development proposals for waste infrastructure and facilities will only be supported where there are no unacceptable impacts on a number of criteria, including residential amenity, the transport network and natural and historic environment assets; environmental impacts relating to dust, noise, smells, pest control and pollution are acceptable; an adequate buffer between sites and sensitive uses such as homes is provided; and a restoration and aftercare scheme is agreed to ensure the site is restored.
- 8.6 Policy 70 of the HwLDP (Waste Management Facilities) states that waste management facilities are acceptable where they are located on existing or allocated industrial land, specifically Class 5: General Industrial, and Class 6: Storage or Distribution, provided they meet a number of criteria including the suitability of the local road network and of the site access to accommodate the nature and volume of traffic likely to be generated by the proposed development, and compatibility with surrounding existing and allocated land uses.
- 8.7 When considering appropriate locations for waste management facilities the NPF4 approach appears to be more permissive in terms of location, stating that waste management infrastructure should be located in 'appropriate locations' whereas the HwLDP specifies that such facilities should be directed to existing or allocated industrial land. Policy 41 of the HwLDP (Business and Industrial Land) supports new business and industrial ventures where they are located in sustainable locations and reduce the need to travel. The policy states that proposals for new business and industrial developments will be directed to established business and industrial sites in the first instance. However, it also states that the Council will support the principle of business and industrial proposals outwith these sites if there are extenuating circumstances and if the developer can demonstrate that their proposal cannot

reasonably be accommodated on existing allocated sites. The proposal does not strictly meet the terms of Policy 41, however the policy is mainly concerned with proposals for new businesses. The situation at Lairgandour is more complicated in that the proposal is effectively for the extension of an existing industrial facility (which includes a recycling element), albeit one in which the industrial operations have developed over a long time period in a piecemeal fashion.

- 8.8 Policy 28 (Sustainable Design) assesses proposals against a number of criteria, including their impact on individual and community residential amenity; demonstration of sensitive siting and high-quality design in keeping with local character; transport factors; and their contribution to the economic and social development of the community.
- 8.9 The application site is within the Hinterland of Inverness, however the HwLDP states that all development proposals (other than housing within the Hinterland) shall be assessed against Policy 36 (Wider Countryside). This states that outwith Settlement Development Areas development proposals will be assessed for the extent to which they are acceptable against a range of criteria including siting and design; compatibility with existing patterns of development and with landscape character and capacity; avoidance of inappropriate incremental expansion of development within landscape's whose character relies on an intrinsic mix of characteristics; and ability of proposals to be adequately serviced. Policy 29 (Rural Development) of NPF4 seeks to encourage rural economic activity, innovation and diversity whilst ensuring that the distinctive character of the rural area is safeguarded and enhanced; and states that development proposals in rural areas should be suitably scaled, sited and designed to be in keeping with the character of the area.
- 8.10 The proposal, while perhaps not ideally located, does accord with the broad principles of national planning policy and subject to ensuring that there is no significant detrimental impact on local amenity, environment and infrastructure.

Planning History

- 8.11 The Community Council's objection refers to the further industrialisation of the countryside. The industrial operations at Lairgandour have developed gradually over the past decade or so, firstly utilising a number of buildings within the main complex at Lairgandour which had originally been erected for agricultural use (some under agricultural permitted development rights). Over time the use of these buildings gradually changed from agricultural to industrial – firstly for ancillary operations such as the maintenance of farm equipment, then latterly for maintenance of vehicles associated with MGLs civil operations. The balance has slowly tipped, and the predominant use of the site is now industrial, with Lairgandour forming the headquarters of MGLs civil engineering business, whose UK-wide divisions cover earthworks and road construction, flood defence works, power cable installation, quarrying and mobile aggregate processing and road surfacing. The main complex area now consists of a number of buildings for the maintenance of MGL vehicles, MGLs main office and welfare facilities. The complex also includes an area for the recycling of materials derived from MGLs construction activities which was granted in 2018. Permission has recently been granted for an operating yard and sheds immediately to the west of the application site.

The Process

- 8.12 The materials that are brought onto site consist of road planings and clean stone, rubble, spoil and construction waste which originates predominantly from construction sites from within the Inner Moray Firth area, including that produced as part of the current upgrade of broadband facilities in Inverness and several large housing developments. The materials are transported to the site from the A9 via the Daviot East junction then to the MGL facility at its junction with the B9154 close to the war memorial. Access to the site includes the existing internal road network as well as 2 upgraded sections of road into the site itself, allowing an in/out system with traffic entering and exiting the site via a weighbridge.
- 8.13 The proposal includes:
- the formation, reprofiling and extension of soil bunds from topsoils already located on site (largely completed)
 - the implementation of additional planting across the bunded areas
 - creation of ponded areas for settlement of waters (process waters and runoff waters (largely completed)
 - the construction of hardstanding areas (partially completed)
 - the installation of drainage and associated infrastructure (culverts, ditches and interceptors) (largely completed)
 - the installation of process machinery – crushers, wash plant and graders (in situ)
 - allocation of stockpile areas for raw and processed materials (in situ)
- 8.14 The materials enter the site via a weighbridge and are deposited in an appropriate pre-treatment stockpile for storage prior to treatment and processing. Large materials are crushed to form smaller sized materials and to remove unsuitable materials. Materials are then graded to form piles of different sized materials in line with demand. Following the crushing process some materials require to be washed in order to comply with specific requirements. Finally, cleaned, graded materials are stored in separate stockpiles to await removal from the site. The process results in relatively little waste, and that which is produced (inert silts) will be used in the reinstatement of a nearby borrow pit, which is located around 380m to the NE of the recycling site, and for which a planning application is currently pending consideration (23/00141/FUL). This will require an appropriate waste management licensing exemption from SEPA.
- 8.15 Water for the cleaning of materials is taken from a clean feed pond, fed naturally from the hillside, which forms part of this application but has already been constructed. Water from this pond is only used for direct operations and consumes less than 10m³ per day. The wastewater from the washing process is discharged into the first of 2 adjacent settlement ponds (also already constructed). When full, water is piped to the second pond and a further period of settlement. The eventual pond outfall is to an existing watercourse. Surface water from the site is directed to a separate settlement pond, to the SW of the site, via filter trenches and ditches.
- 8.16 SEPA have already granted a waste management licence for the approved small (platform) recycling area which sits to the northwest. This covers the general

management of that site including type and quantity of waste, pollution and dust control measures, and hours of operation. An application for a further waste management licence will need to be submitted to SEPA in relation to the current planning application site as this is not covered by the existing licence. SEPA will thereafter regulate the site in accordance with their licence.

Siting and Design

- 8.17 The application site sits to the SE of the main complex at Lairgandour and to the east of the recently granted operating yard. It is divided into 2 main sections – the main area, for recycling and storage of graded materials, is located towards the north of the site and is segregated into areas for the storage of graded waste. The majority of equipment for washing, crushing and sorting is also located in this area. To the south of this, on lower lying land, is an area which is currently used for the storage of waste materials which have been delivered to the site. This has effectively formed an ‘overflow’ area which was required due to the volume of materials, however over time the majority of this area will be reinstated to original ground levels, as the materials are recycled and moved on. The proposal shows the area closest to the main treatment area to be retained for the storage of topsoil. A 50m x 15m section of concrete hardstanding, with associated drains and interceptor to ensure there is no contamination with the ground below, will allow for the stockpiling of soils containing hydrocarbons.
- 8.18 Despite the relatively large scale of the development, the site is extremely well screened from general view due to the undulating landform of the area, higher ground to the rear, and significant bunding surrounding the recycling activities. This is such that the application site is not clearly visible from the A9(T) and only partially, and from a distance, from the minor Daviot West - Farr hill road. Subject to conditions requiring additional landscaping of the bunds, it is considered that the proposal is acceptable in terms of siting and design.
- 8.19 The applicant has indicated that while demand for the recycling of construction waste is currently strong it is anticipated that demand will, over time, decrease, at which point the site will be restored and other uses will take its place. The Design Statements sets out the applicant’s long-term objectives for the creation of a tourism facility with self-catering accommodation and appropriate rural pursuits, making use of the lochans and road and drainage infrastructure which are already in place. An indicative layout/masterplan is provided for information, however it must be stressed that this aims only to demonstrate what may be possible on the site, and does not form part of this application.

Impact on amenity and environment

- 8.20 The Community Council objection relates, in part, to the potential impact on the amenity of existing residential properties in the vicinity. Environmental Health has reviewed the proposal with regard to the potential for emissions of noise, dust or light to adversely affect any sensitive properties which may be located within the vicinity. The two closest properties are within the applicant’s ownership, therefore the closest noise sensitive property is around 1km from the application site. However, some of the crushing machinery may generate significant noise therefore Environmental Health has suggested the inclusion of a noise assessment condition unless the

applicant can demonstrate that noise controls are covered by a Waste Management License and therefore regulated by SEPA. Further conditions relating to operating hours, lighting and dust are also included.

- 8.21 SEPA has confirmed that a Waste Management License will be required for the site and note that there is the possibility that the site layout may need to be altered in order to meet its requirements. The applicant has been made aware that this is a possibility and given the opportunity to apply for the license in tandem with the planning application. The applicant wishes to proceed with the planning application and is aware that there is a risk that a further application may be necessary in order to take account of any changes required by SEPA during the licensing process.
- 8.22 The Community Council objection raises concerns that the land may be contaminated by the recycling process being undertaken on site. The Council's Contaminated Land Team has assessed the proposal and do not consider that the proposed development would materially change the risk of potential contamination.
- 8.23 An Environmental Plan has been submitted as part of the application which sets out environmental management best practice measures around issues such as pollution control, ecological and soil management, noise and air quality and health and safety, to be complied with. This includes the employment of an Environmental Manager who will be responsible for all environmental aspects of the project during construction and operation in order to ensure compliance with all mitigation, environmental commitments and legislation. A planning condition is included to ensure that the Environmental Plan is adhered to at all times, however it is noted that the monitoring of activities on the site will be the responsibility of SEPA under the terms of a Waste Management License.

Access

- 8.24 The Community Council has raised concerns that the additional traffic associated with the development will cause disturbance to local residents and damage to the road infrastructure. The applicant has confirmed that the vehicles utilised are 8 wheeled 20 tonne tipper lorries and on average there will be 48 vehicle movements per week (24 in and 24 out) averaging 4 in/out trips per day. There will be no additional employee trips as existing staff will manage the facility. Transport Planning has assessed the proposal and do not consider that the impact of this development will be detrimental to the B9154, however recommend a condition to ensure improvements to the bus stop area, adjacent to the entrance to Daviot Farm's private road. This is as per the condition applied to a recent permission issued for an operating yard and sheds at Lairgandour (22/00729/FUL). Given that this is an application in retrospect, and the recycling centre is currently in operation, the condition will ensure that the works are undertaken within 3 months of any permission being granted.

Other material considerations

- 8.25 There are no other material considerations.

8.26 **Non-material considerations**

8.27 None

8.28 **Matters to be secured by Legal Agreement / Upfront Payment**

8.29 None

9. CONCLUSION

- 9.1 The proposal will regularise an existing, unauthorised recycling facility which, the applicant submits, is required to meet demand from local developers and construction companies to dispose of inert waste associated with their various construction and development projects, much of which can be recycled and reused. The proposal augments an existing small scale recycling facility on the site and the principle of reuse and recycling of construction waste is supported by local and national policies. Concerns raised by the Community Council about the further industrialisation of farmland are acknowledged. However, while the operations at Lairgandour have developed gradually in a piecemeal fashion, planning permission is in place for the main complex from which MGL runs their operation. The proposal can therefore be considered as an extension to this existing industrial operation. In this context the proposal can be supported subject to further consideration of amenity and visual impact aspects through condition.
- 9.2 The site is around 1km from the nearest noise sensitive property and is very well screened by the existing landform and bunding around the site, meaning that the development will not be visually prominent from the local area or from the A9(T). Information submitted by the applicant demonstrates that the proposal will not generate significant additional traffic, however improvements to the B9154 close to the junction with the private access road will be secured by planning condition. The site will operate under the strict terms of the SEPA license and will be monitored by SEPA as necessary. Only inert building rubble/waste is deposited on site and once treated is suitable for use elsewhere.
- 9.3 The development would provide a significant inert waste recycling facility for the area. However, it is considered appropriate to limit the duration of any permission in order for the Planning Authority to retain control and oversight of the development and allow for changing environmental considerations, operating practices, and new planning policy frameworks to be reviewed over time. In order to do this, but still provide a reasonable degree of commercial and financial certainty for the developer, it is considered that a condition restricting the duration of any permission to a maximum of 10 years is appropriate. This timeframe will also allow the success of any restoration and reinstatement works to be assessed. Furthermore, it is considered appropriate to control the restoration and reinstatement of the site by condition.
- 9.4 All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

10. IMPLICATIONS

- 10.1 Resource: Not applicable
- 10.2 Legal: Not applicable
- 10.3 Community (Equality, Poverty and Rural): Not applicable
- 10.4 Climate Change/Carbon Clever: Not applicable
- 10.5 Risk: Not applicable
- 10.6 Gaelic: Not applicable

11. RECOMMENDATION

Action required before decision issued	N
Notification to Scottish Ministers	N
Conclusion of Section 75 Obligation	N
Revocation of previous permission	N

Subject to the above actions, it is recommended to **GRANT** the application subject to the following conditions and reasons

1. In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), the development to which this planning permission relates must commence within THREE YEARS of the date of this decision notice. If development has not commenced within this period, then this planning permission shall lapse.

Reason: Statutory requirement.

2. The development hereby approved and thereafter, any operations on site shall only be carried out between:
 - i. 0700 hours and 1900 hours Monday to Friday; and
 - ii. 0700 hours and 1300 hours on Saturdays

Notwithstanding the above, no such operations shall take place at any time on a Sunday or Christmas Day, New Years' Day, 2nd January or Good Friday Bank Holidays (as prescribed in Schedule 1 of the Banking and Financial Dealings Act 1971 (as amended), unless otherwise approved in writing by the Planning Authority as an exceptional instance for operating outwith these hours.

Reason: In the interests of residential amenity

3. All surface water discharge from the SUDS system shall be limited to the pre-development greenfield run-off rate for a range of storm events up to and including the 1 on 200 year plus climate change storm.

Reason: In the interests of amenity

4. Within 3 months of the date of this permission, details of improvements to the B9154/Lairgandour bus stop area shall be submitted to, and approved in writing by, the Planning Authority, in consultation with the Roads Authority. This shall involve minor amendments to the kerbing and surfacing to enhance the bus stop area. Thereafter, the work shall be carried out in accordance with the approved details within 6 months from the date of this planning permission, unless otherwise agreed in writing by the Planning Authority.

Reason: In the interests of road safety

5. Within 3 months of the date of this permission, full details of any external lighting to be used within the site and/or along its boundaries and/or access shall be submitted to, and approved in writing by, the Planning Authority. Such details shall include the location, type, angle of direction and wattage of each light which shall be so positioned and angled to prevent any direct illumination, glare or light spillage outwith the site boundary; and details of when the lighting shall be operational. Thereafter, any lighting approved shall be undertaken in accordance with the approved details within 6 months from the date of this planning permission, unless otherwise agreed in writing by the Planning Authority.

Reason: In order to ensure that any lighting installed within the application site does not spill beyond the intended target area

6. Unless otherwise agreed in writing by the Planning Authority, all construction and operation of the development hereby approved shall be carried out at all times in accordance with the Environmental Plan Construction and Operation (dated March 2022) submitted as part of this planning application (22/01638/FUL).

Reason: In the interests of residential amenity

7. Unless demonstrated by the applicant that the control of noise forms part of a Waste Management License for the site, a Noise Impact Assessment shall be submitted to, and approved in writing by, the Planning Authority within 6 months of the date of this permission or as may otherwise be agreed in writing by the Planning Authority. The assessment shall be carried out by a suitably qualified and competent person and shall assess the likely impact of noise emanating from the development on neighbouring properties. For the avoidance of doubt, the Noise Impact Assessment shall include:

- i. A description of the proposed development in terms of noise sources and the proposed locations and operating times of the same;

- ii. A description of any noise mitigation methods that will be employed. The effect of mitigation methods on the predicted levels should be reported where appropriate;
- iii. A detailed plan showing the location of noise sources, noise sensitive premises and survey measurement locations;
- iv. A survey of current ambient (LAeq) and background (LA90) noise levels at appropriate locations neighbouring the proposed site;
- v. A prediction of noise levels resultant at neighbouring noise sensitive premises, for the operational phase of the proposed development. The raw data and equations used in the calculations should be provided; and
- vi. An assessment of the predicted noise levels in comparison with relevant standards.

Development shall thereafter be undertaken in accordance with any mitigation measures approved within the Noise Impact Assessment.

8. Within 3 months of the date of this permission, the developer shall provide a fully detailed scheme of landscaping for the bunding within and immediately surrounding the application site, including a scheme of maintenance, for the approval in writing of the Planning Authority. All planting thereby approved shall be undertaken in the first available planting season and shall thereafter be maintained in accordance with the approved scheme of maintenance. Any plants which, within a period of five years from the commencement of the development die, are removed, or become seriously damaged or diseased, shall be replaced in the immediately following planting season with others of a similar size and species.

Reason: In order to ensure the site is adequately screened in the interests of visual amenity

9. Planning permission is hereby granted for a temporary period only and shall cease to have effect on 03.07.2033 (the 'cessation date'). Prior to the cessation date, the application site shall be cleared of all development approved under the terms of this permission (including any subsequent ancillary works, infrastructure, fixtures, fittings and any temporary developments permitted under Class 14 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended)) and reinstated in accordance with a scheme approved in writing by the Planning Authority under condition 10 of this permission.

Reason: In order to enable the Planning Authority to retain effective control over the development, and to enable the Planning Authority to reassess the impact of the development after a given period of time and secure removal and restoration.

10. Within 3 months from the date of this permission, the developer shall have provided a draft Restoration and Reinstatement Plan (RRP) for the site for the approval in writing of the Planning Authority in consultation with SEPA. Thereafter:
 - i. No later than 3 years prior to the decommissioning of the development, the draft RRP shall be reviewed by the developer and a copy submitted to the Planning Authority for their written approval, in consultation with SEPA; and
 - ii. No later than 12 months prior to the decommissioning of the development, a detailed RRP, based upon the principles of the approved draft plan, shall be submitted to, and approved in writing by, the Planning Authority, in consultation with SEPA.

For the avoidance of doubt, the RRP shall include the removal of all elements of the development, the treatment of ground surfaces, management and timing of the works, environmental management provisions and a traffic management plan to address any traffic impact issues during the decommissioning period. The detailed Restoration and Reinstatement Plan shall be implemented as approved.

Reason: In order to ensure satisfactory restoration and reinstatement of the site.

REASON FOR DECISION

All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

INFORMATIVES

Initiation and Completion Notices

The Town and Country Planning (Scotland) Act 1997 (as amended) requires all developers to submit notices to the Planning Authority prior to, and upon completion of, development. These are in addition to any other similar requirements (such as Building Warrant completion notices) and failure to comply represents a breach of planning control and may result in formal enforcement action.

1. The developer must submit a Notice of Initiation of Development in accordance with Section 27A of the Act to the Planning Authority prior to work commencing on site.
2. On completion of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Act to the Planning Authority.

Copies of the notices referred to are attached to this decision notice for your convenience.

Contaminated Land

There is the potential for contamination at this site due to an area being formerly used as a sheep dip, near the site entrance. As the proposed development would not appear to materially change the risk of potential contamination at the site an investigation is not required at this stage. However, be advised that all sites with a former industrial/commercial use have been prioritised by the Highland Council under duties conferred by Part IIA of the Environmental Protection Act 1990 and may require investigation in the future. In addition, land contamination issues may affect property value. Should you wish to discuss potential contamination issues or commission your own investigation, please contact Community Services – Contaminated Land for advice.

Flood Risk

It is important to note that the granting of planning permission does not imply there is an unconditional absence of flood risk relating to (or emanating from) the application site. As per Scottish Planning Policy (paragraph 259), planning permission does not remove the liability position of developers or owners in relation to flood risk.

Scottish Water

You are advised that a supply and connection to Scottish Water infrastructure is dependent on sufficient spare capacity at the time of the application for connection to Scottish Water. The granting of planning permission does not guarantee a connection. Any enquiries with regards to sewerage connection and/or water supply should be directed to Scottish Water on 0845 601 8855.

Septic Tanks and Soakaways

Where a private foul drainage solution is proposed, you will require separate consent from the Scottish Environment Protection Agency (SEPA). Planning permission does not guarantee that approval will be given by SEPA and as such you are advised to contact them direct to discuss the matter (01349 862021).

Local Roads Authority Consent

In addition to planning permission, you may require one or more separate consents (such as road construction consent, dropped kerb consent, a road openings permit, occupation of the road permit etc.) from the Area Roads Team prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local Area Roads office for further guidance at the earliest opportunity.

Failure to comply with access, parking and drainage infrastructure requirements may endanger road users, affect the safety and free-flow of traffic and is likely to result in enforcement action being taken against you under both the Town and Country Planning (Scotland) Act 1997 and the Roads (Scotland) Act 1984.

Further information on the Council's roads standards can be found at: <http://www.highland.gov.uk/yourenvironment/roadsandtransport>

Application forms and guidance notes for access-related consents can be downloaded from:

http://www.highland.gov.uk/info/20005/roads_and_pavements/101/permits_for_working_on_public_roads/2

Mud and Debris on Road

Please note that it is an offence under Section 95 of the Roads (Scotland) Act 1984 to allow mud or any other material to be deposited, and thereafter remain, on a public road from any vehicle or development site. You must, therefore, put in place a strategy for dealing with any material deposited on the public road network and maintain this until development is complete.

Construction Hours and Noise-Generating Activities

You are advised that construction work associated with the approved development (incl. the loading/unloading of delivery vehicles, plant or other machinery), for which noise is audible at the boundary of the application site, should not normally take place outwith the hours of 08:00 and 19:00 Monday to Friday, 08:00 and 13:00 on Saturdays or at any time on a Sunday or Bank Holiday in Scotland, as prescribed in Schedule 1 of the Banking and Financial Dealings Act 1971 (as amended).

Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under Section 60 of the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to result in court action.

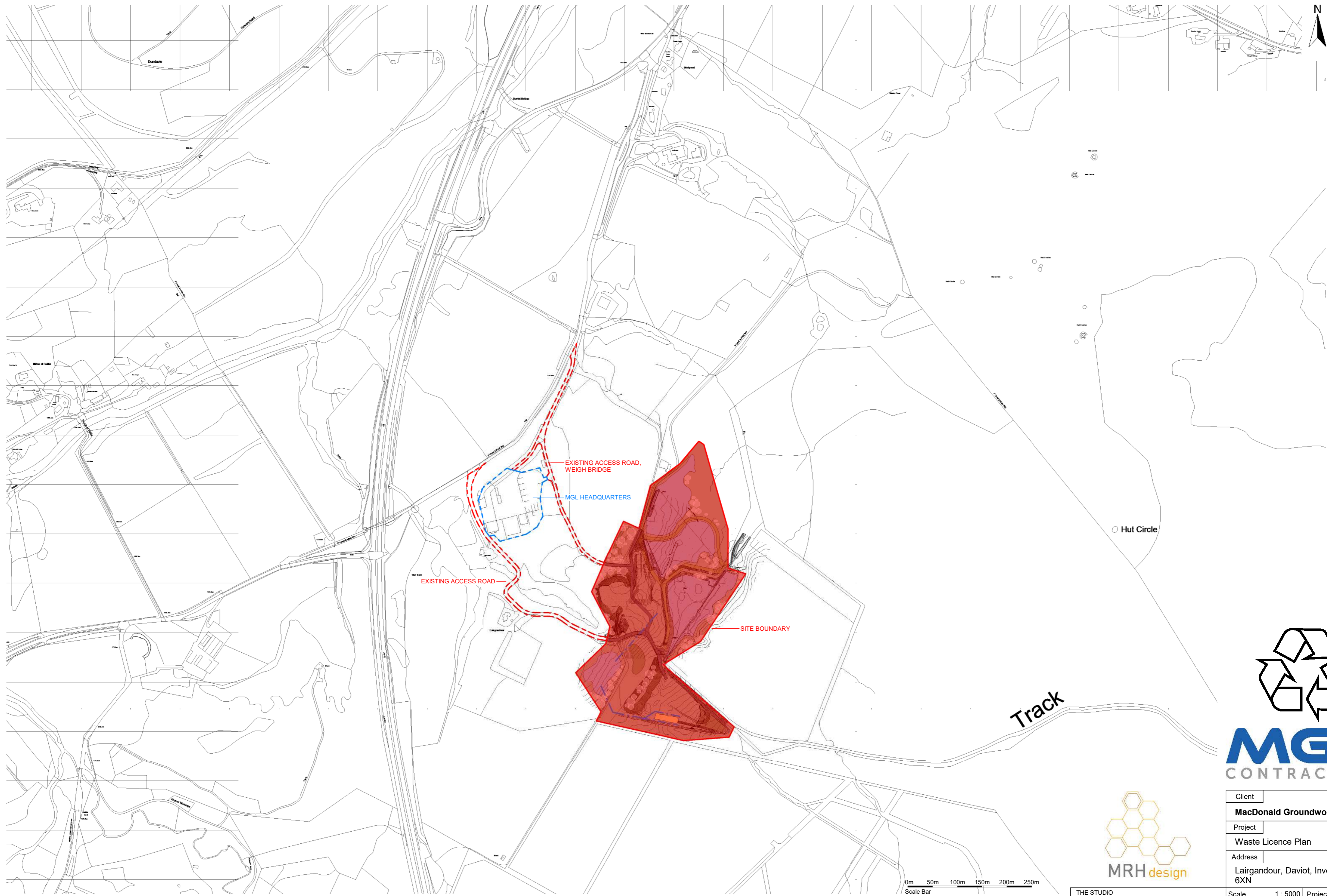
If you wish formal consent to work at specific times or on specific days, you may apply to the Council's Environmental Health Officer under Section 61 of the 1974 Act. Any such application should be submitted after you have obtained your Building Warrant, if required, and will be considered on its merits. Any decision taken will reflect the nature of the development, the site's location and the proximity of noise sensitive premises. Please contact env.health@highland.gov.uk for more information.

Protected Species – Halting of Work

You are advised that work on site must stop immediately, and NatureScot must be contacted, if evidence of any protected species or nesting/breeding sites, not previously detected during the course of the application and provided for in this permission, are found on site. For the avoidance of doubt, it is an offence to deliberately or recklessly kill, injure or disturb protected species or to damage or destroy the breeding site of a protected species. These sites are protected even if the animal is not there at the time of discovery. Further information regarding protected species and developer responsibilities is available from NatureScot: <https://www.nature.scot/professional-advice/protected-areas-and-species/protected-species>

Signature: David Mudie
Designation: Area Planning Manager - South
Author: Christine Macleod
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 - 2022-13-MRH-101 Rev B (Location Plan)
Plan 2 - 2022-13-MRH-100 Rev B (Site Layout)
Plan 3 - 2022-23-MRH-0 Rev B (Landscaping)
Plan 4 - 2022-13-MRH-0 Rev B (Block Plan SUDS)

PROPOSED - PHASE 2 RECYCLING, DAVIOT



1 Location Plan
1 : 5000

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Client	MacDonald Groundworks Limited		
Project	Waste Licence Plan		
Address	Lairgandour, Daviot, Inverness, IV2 6XN		
Scale	1 : 5000	Project No.	2022-13
Date	June 2023	Drawing No.	2022-13-MRH-101
Drawn by	KH		
rev.	REVa - KH	REVb - KH	-
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PROPOSED - PHASE 2 RECYCLING, DAVIOT



The Torr

Lairgandour

1 Block Plan
1 : 2000

SITE AREA = 115,700m²
= 28.59ac
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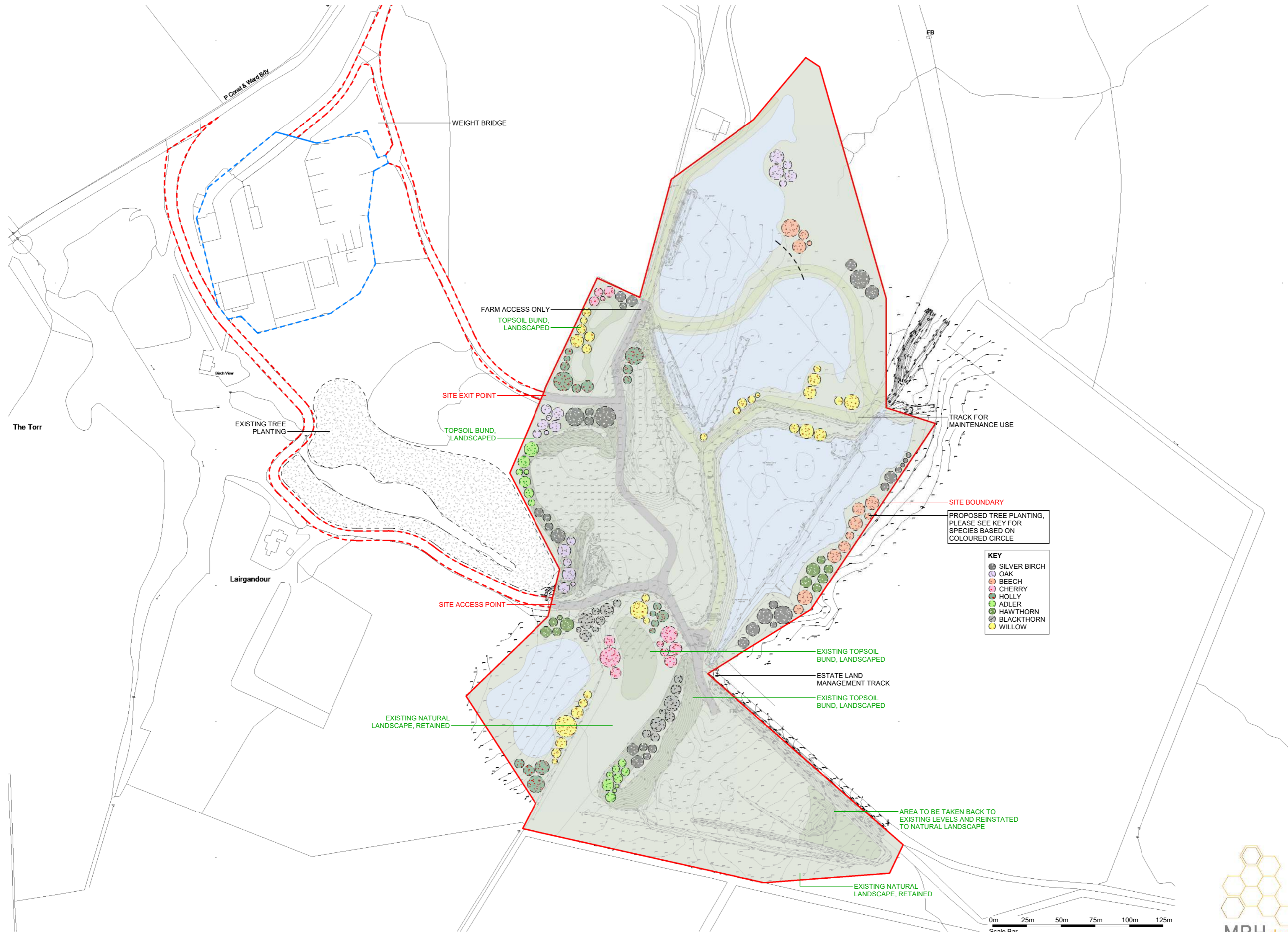
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Drawn by	KH		

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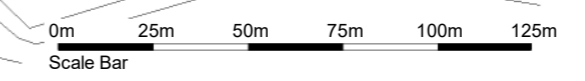
rev.	REVa - KH	REVb - KH	-	A2
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PROPOSED - PHASE 2 RECYCLING, DAVIOT - LANDSCAPING PLAN -



PROPOSED TREE PLANTING, PLEASE SEE KEY FOR SPECIES BASED ON COLOURED CIRCLE

- KEY**
- SILVER BIRCH
 - OAK
 - BEECH
 - CHERRY
 - HOLLY
 - ADLER
 - HAWTHORN
 - BLACKTHORN
 - WILLOW



1 Block Plan - Landscaping
1 : 2000

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Address	Lairgandour, Daviot, Inverness, IV2 6XN		

Scale	1 : 2000	Project No.	2022-13
Date	June 2023	Drawing No.	2022-23-MRH-0
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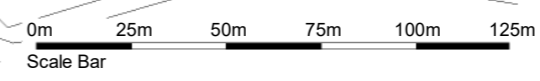
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PROPOSED - PHASE 2 RECYCLING, DAVIOT
- SUDS PLAN -



1 Block Plan - SUDS
1 : 2000



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rev.	REVa - KH	REVb - KH	-
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