

0

Mr & Mrs Paterson
3 Smithy Lane
Balmullo
St Andrews
Fife
KY16 0FG

AM/KS

29/03/05

Alastair Hamilton
Fife Council Planning Department
County Buildings
St Catherine St
Cupar KY15 4TA

Saturday, 05 March 2005

Dear Sir

We understand that Ennstone Thistle has proposed a new road from the quarry at Balmullo.

We regard ourselves as notifiable neighbours but, to date, no notification has been received, nor have we seen any advertisements.

We vehemently object to this proposal on the grounds that :-

- 1 Loss of amenity from a substantial increase in noise and dust pollution
- 2 Potential creation of a windfall site for housing which would further greatly erode the amenity of this property

We suggest that the road be realigned to take the access further north, away from the the existing houses and a safer, straighter stretch of road giving increasing safety and better sight lines.

We ask you to take note of the foregoing in considering the application.

Yours faithfully,

[Redacted signature]

Mr & Mrs Paterson

S



CUPAR & NORTH FIFE PRESERVATION SOCIETY

CUNNOQUHIE COTTAGE, LETHAM, CUPAR, FIFE. KY15 7RU
TEL: 01337 810325 FAX: 01337 811486

Fife Council,
County Buildings,
St. Catherine Street,
Cupar,
Fife. KY15 4TA

28th April 2005

Dear Sirs,

PLANNING APPLICATION REF: 05/00835/EEIA

We note the planning application in connection with the above. In principle the Cupar and North Fife Preservation Society has no particular objections to what is being proposed. This has been well documented in the press as well as information which you have sent to ourselves including the environmental impact assesement disc.

Provided therefore that the extension to Balmullo Quarry and the construction of the new access route will remain hidden certainly from the St. Andrews side and that there is no impact on the surrounding countryside or buildings we will support this application.

Yours faithfully,

John G. Bradburne, FRICS.

**Mammal Survey -
Balmullo**

FIFE COUNCIL DEVELOPMENT SERVICES TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997	
PLANS RECEIVED	17 FEB 2005
APPLICATION No:	05/0083/EE/A

1 Mammal Survey

1.1 Desk Study and Initial Mammal Survey Indications

Badgers are known to have setts in the general area; the nearest known setts are around 2km from the site [Fife and Kinross Badger Group]. Red Squirrels have been recorded in the woodland to the north of the site, although there is no suitable habitat within around 150m of the proposed limit of workings.

Initial indications were that no Badgers are present on the site; there is however an extensive network of animal tracks in the area, there is evidence that these are created/predominantly used by Rabbits and Roe Deer. Quarry operatives have reported the presence of Badgers, indicated by tracks left in the snow to the west of the quarry. Further survey work was deemed necessary to establish the extent of Badger activity.

1.2 Further Mammal Survey

On further investigation of the site [14.04.04] several rabbit warrens were located, some have enlarged entrances that could be used by badgers.

One sett [outlying, single entrance] was discovered and use by badgers confirmed through presence of a single hair in the entrance. This sett is located around 300m to the west of the quarry boundary.

To the north-east of the quarry a crossing point in the fenceline was confirmed through the presence of badger hair caught in barbed-wire. There is also an area of foraging activity in the north-west corner of the field to the east of the quarry.

There seems to be very little activity around the site although there is certainly some movement of badgers around the northern boundary of the site. No main sett was located within the survey area. This encompasses

an area of around 200m in each direction from the existing quarry. A main sett is thought likely to be located in the woodland to the north of the site or in the wooded valley to the west. The other possible location for a main sett is in the woodland to the south-west near to Cuplahills although this is less likely due to this being a younger woodland.

The wooded western valley was walked and no evidence was seen of any increased level of activity, pointing towards the northern woodland as the most likely sett location. Judging from the topography the likely sett location is to the steeper northern side of this woodland.

No latrines were discovered within the search area.

1.3 Conclusion of Mammal Survey

The area is used extensively by Roe Deer and Rabbits. There are red squirrels to the north of the site although no further survey of this population has been carried out at this time. There are certainly Badgers present in the area although a lack of evidence in the general area of the quarry suggests very infrequent use of this site. There is typical Badger foraging land [semi-improved pasture] around the site and to the north of the woodland behind the site. It seems most likely that the Badger territory extends to the northern edge of the extension area, with only very infrequent use of this site.

Further survey of the probable Badger territory has not been carried out; this is thought unnecessary due to the very low level use of the site by Badgers. The proposed quarry extension shall not impact on the ability of the Badgers to forage throughout the majority of their territory. There are no setts within the area to be affected by the proposed extension and no impacts on Badgers are anticipated.

No Badger Management is deemed necessary, continued monitoring of the area is not deemed necessary as the area potentially impacted does not support suitable habitat for badger foraging or sett sites.



DEVELOPMENT SERVICES

Dagleish Associates Ltd
Cathedral Square
Dunblane
FK15 0AH

Direct Line: Alastair Hamilton
08451 55 55 55 ext 450514
Email: alastair.hamilton@fife.gov.uk

Your Ref: WB/ET/BAL/13

Our Ref: 05/00835/EEIA

Date: 8th August 2008

Dear Sir/Madam

APPLICATION NO.: 05/00835/EEIA
PROPOSAL: EXTENSION TO BALMULLO QUARRY AND CONSTRUCT
NEW ACCESS ROUTE
ADDRESS: BALMULLO QUARRY LUCKLAW QUARRY ROAD
BALMULLO

I have pleasure in enclosing a copy of Fife Council's approval of your application for Environmental Impact Assessment. You are advised to carefully read any conditions and notes attached and to contact me if there are any issues on which you are unclear or require further explanation.

This decision notice is an important document and should be kept safe for future reference.

Yours faithfully,

[Redacted Signature]
Alastair Hamilton
Team Leader
Development Promotion & Design

Enc.

COUNTY BUILDINGS
ST CATHERINE STREET
CUPAR FIFE KY15 4TA
KEITH WINTER Head of Service



INVESTOR IN PEOPLE

TELEPHONE 01334 659334

PLANNING DECISION NOTICE



Fife Council, in exercise of its powers under the Town and Country Planning (Scotland) Act 1997 **GRANTS PLANNING PERMISSION** for the particulars specified below.

APPLICATION REFERENCE: 05/00835/EEIA

PARTICULARS OF DEVELOPMENT: Extension to Balmullo Quarry and construct new access route

SITE LOCATION: Balmullo Quarry Lucklaw Quarry Road
Balmullo

As shown on the plans approved relative to this application.

This permission is granted subject to the following condition(s):-

General

1. Except with reference to the conditions noted below the operational and mitigation measures including extraction, access, landscaping, restoration, hydrology, phasing of excavation works etc shall be fully implemented in accordance with the measures specified in the Environmental Statement and plans accompanying this consent.

Residential Amenity

2. The hours of operation of plant and equipment associated with the extraction, processing and transport of hard rock shall be restricted to Monday to Friday 7.30 to 17.00 and 8.00 to 12.00 hours on a Saturday.
3. With the undernoted exceptions noise levels generated by normal mineral extraction operations shall at no time, exceed:
 - a. 45dB(LAeq) 1 hour (freefield) or
 - b. 10dB(A) above the measured background level (whichever is the greater) at any noise sensitive premises
4. Where drilling is being carried out in unison with other normal mineral extraction operations the following noise levels shall not be exceeded

Woodfield Phase 1 48dB LAeq 1hour
Phase 2 48dB LAeq 1hour

Please note that you are legally obliged to comply with these conditions.

Dated:10th July 2008

[Redacted Signature]
For Head of Development Services
Fife Council

Hayston Park Phase 1 50dB LAeq 1hour
Phase 2 50 db LAeq 1 hour

North End of Phase 1 51dB LAeq 1hour
Pitcairn Drive Phase 2 51dB LAeq 1hour
Phase 3 51dB LAeq 1hour

Noise from any plant or machinery associated with normal mineral extraction operations shall be controlled such that it does not exceed 65dB LAeq 1hour at the boundary of Lucklaw Woods.

Drilling operations shall be carried out on no more than 30 days in any calendar year.


5. Soil movement and placement operations and the formation of soil mounds shall be carried out for no more than 8 weeks in any one year. During periods when this work is being carried out, noise from any other plan and machinery shall be controlled such that it does not exceed 70 dB LAeq 1hour (freefield) at any adjacent noise sensitive premises and 65 LAeq 1 hour at the boundary of Lucklaw Woods.
6. The number of drilling days shall be included within the 8 weeks allowable for temporary works in any one year.
7. The noise from quarry vehicles using the new haul route shall not exceed 45dB LAeq 1 hour when measured at any existing sensitive property.
8. White noise reversing systems shall be used on all vehicles operating at the site.
9. All vehicles maintained and operated to comply with manufacturers specifications and shall be fitted with effective silencers.
10. Maximum ground vibration for blasting at any nearby vibration sensitive property shall be of peak particle velocity of 6mm/sec in 95% confidence level of any consecutive block of 20 blasts with no individual blast exceeding a peak particle velocity of 10mm/sec.

The maximum ground vibration for blasting at the water reservoir and the hill top telecommunications mast shall be of peak particle velocity of 50mm/sec at 95% confidence level. The records should be kept for inspection if required.

11. Blasting shall only be carried out between the hours of 10.00-12.00 and 14.00 - 16.00 Monday to Friday.
12. A scheme for monitoring blasting including the location of monitoring points and equipment to be used shall be submitted to the council. The scheme shall be agreed by Fife Council as Planning Authority prior to commencement of the blasting activities. Records should be kept of all blast noise monitoring together

Please note that you are legally obliged to comply with these conditions.

Dated: 10th July 2008


For Head of Development Services
Fife Council

22. BEFORE THE DEVELOPMENT IS OCCUPIED, all existing accesses, made redundant by the approved development (marked purple) on the stamped approved plan), shall be permanently closed off.
23. The extraction and exportation of material from the site shall not exceed 150,000 tonnes per annum, unless otherwise agreed in writing with Fife Council as Planning Authority. Any written request to vary the terms of this condition shall be accompanied by a detailed breakdown of the additional extraction/exportation tonnage and details of the additional number and timings of vehicle trips generated. Fife Council as Planning Authority reserves the right to request an application for planning permission to vary the terms of this consent should it be deemed appropriate to do so.

Visual Amenity

24. Exact detail including variety of species and planting densities for the proposed landscaped bunds shall be submitted for the prior written approval of Fife Council as Planning Authority before works commence on the construction of the proposed access road.
25. Detailed scale plans of the excavation and restoration proposals at key phases of the project implementation, shall be submitted for the prior written approval of Fife Council as Planning Authority. Detailed written specifications of the phased restoration should be produced and agreed in writing with Fife Council. Such specifications should include:
 - a) written statement of intended outcome for restoration in each key area
 - b) description of specific techniques for the preparation of existing rock faces and other surfaces
 - c) description of ground preparation techniques
 - d) description of planting and/or seeding specification including plant or seed origin
 - e) detailed timetable for implementing the restoration works showing key phases of the restoration proposal and key restoration targets/ outcomes.

Ecology

26. No work or other operations affecting fulmar and peregrine falcon nesting areas shall be undertaken during the period from March to September. Exact details of the designated nesting sites and protection areas shall be submitted for the prior written approval of Fife Council as Planning Authority.

Reason(s):

1. To ensure that the development is carried out in accordance with the approved plans unless otherwise agreed.
2. In order to protect the amenity of adjoining and nearby residents.

Please note that you are legally obliged to comply with these conditions.

Dated:10th July 2008


For Head of Development Services
Fife Council

- 3-14. In the interests of residential amenity and the quiet enjoyment of the neighbourhood.
- 15 -17. In the interests of safeguarding the amenity of adjoining and nearby residents.
- 18-19. In the interests of road safety. To ensure an acceptable access location in relation to the existing road system.
20. In the interests of road safety; to ensure the provision of adequate visibility at the junction of the vehicular crossing to the site and the public road.
21. In the interests of road safety; to ensure that the development is to a standard which does not adversely affect the public road.
22. In the interests of road safety; the retention of the existing redundant access points would result in an excessive number of access points generating undesirable traffic movements in close proximity to one another.
23. In the interests of road safety.
- 24-25. In the interests of visual amenity and to ensure a satisfactory standard of local environmental quality.
26. In the interests of protecting and preserving the ecological heritage.

Please note that you are legally obliged to comply with these conditions.

Dated:10th July 2008


For Head of Development Services
Fife Council

IMPORTANT NOTES ABOUT THIS GRANT OF PLANNING PERMISSION

IT IS YOUR RESPONSIBILITY TO SATISFY YOURSELF WITH REGARD TO THE MATTERS LISTED BELOW PRIOR TO IMPLEMENTATION OF THE WORKS WHICH ARE THE SUBJECT OF THIS CONSENT.

STANDARD CONDITION

This permission is granted subject to the standard condition that development must be begun not later than 5 years from the date of this decision notice unless a condition of this permission varies that standard timescale.

CONDITIONS OF THIS NOTICE

By this notice Fife Council, as planning authority, has approved this proposal subject to conditions which the Council consider necessary to ensure the satisfactory implementation of the proposal. **It is important that these conditions are adhered to and failure to comply with conditions may result in enforcement action being taken.**

RIGHTS OF APPEAL

If you are not satisfied with the conditions which have been imposed you may appeal to the Scottish Minister within **six months** of the date on this notice.

A notice of appeal must be lodged in writing on a form supplied by the Scottish Government and the grounds of appeal must be clearly stated. Appeal form P/PPA can be obtained by writing to:

Scottish Government Inquiry Reporters Unit

4 The Courtyard
Callendar Business Park
Callendar Road
Falkirk
FK1 1XR
Tel: 01324 696400

If permission to develop land is refused or granted subject to conditions, whether by the Planning Authority or by the Scottish Minister, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he/she may serve on the Planning Authority a purchase notice requiring the purchase of his/her interest in the land in accordance with Part V Town and Country Planning (Scotland) Act, 1997.

BUILDING WARRANT

This permission does not exempt you from obtaining a Building Warrant under the Building (Scotland) Acts. For further information, please contact Development Services at County Buildings, St Catherine Street, Cupar, KY15 4TA.

Please note that you are legally obliged to comply with these conditions.

Dated: 10th July 2008


For Head of Development Services
Fife Council

ROADS CONSTRUCTION CONSENT

This permission does not exempt you from obtaining a Roads Construction Consent under the Roads Scotland Act 1984. For further information please contact:

Fife Council Transportation Service
County Buildings
St Catherine Street
Cupar
KY15 4TA

DISABLED ACCESS

You are reminded that in providing premises (including university and school buildings, offices, shops, railway premises, factories and toilets) which are open to the public, you should make provision, where reasonably and practicable, for the means of access and parking to be designed to meet the needs of disabled people. This should include appropriate signposting indicating the availability of these facilities. Your attention is specifically drawn to the BSI Code of Practice on Access for the Disabled to Buildings (BS 5810:1979) which explains the manner in which appropriate provision can be made for the needs of disabled people in the design of buildings. For further information please contact the Council's Access Officer for the Disabled,

AVOIDING DANGER FROM UNDERGROUND SERVICES

Freephone Dial-Before-You-Dig, Susiephone No. 0800 800 333. If you require any more information about Susiephone then please contact Janet Gray, Susiephone Operation Centre, Washington Court, Washington Lane, Edinburgh EH11 2HA. Telephone No. 0131 539 7300.

ADVICE FROM SCOTTISH WATER

The issue of a Building Warrant or Planning Permission does not cover aspects of the works for which separate approval is required from Scottish Water (SW). As Fife Council's Planning and Building Control Service notifies SW of all applications which are approved, applicants should be aware that inspection of work which is not approved in advance by SW is often inconvenient and may result in the applicant incurring additional expense to remedy work undertaken incorrectly. The following requirements should, therefore, be adhered to:

WATER

The installation of all water pipes and fittings (which includes central heating, washing machines, dishwashers etc) requires the separate approval of SW and all such work is subject to inspection for Water Byelaws compliance. In the case of an existing installation, a customer must be given not less than five days' notice prior to commencing alterations or additions to the water fittings. Building over a water main or service, or in any way impeding access to such pipes, is not permitted. Applicants should contact SW at an early date before commencing any work.

DRAINAGE

The granting of a Building Warrant or Planning Permission does **not** cover the nature of discharge or the type of connection allowed to the sewer, and the applicant will require to make separate application to SW to obtain a permit to connect to the sewer (incorporating any conditions relating thereto). No alterations or additions to an existing drainage system will be permitted without the prior approval of SW. Normally, building will not be allowed over an existing sewer but, if it is unavoidable, then SW **must** be consulted. In the case of industrial development, the quality of discharge will have to conform to the requirements of the SW "Industrial Wastewater Policy", obtainable from the address below. Applicants must, therefore, contact SW in respect of any proposals, whether domestic or

Please note that you are legally obliged to comply with these conditions

Dated:10th July 2008


For Head of Development Services
Fife Council

industrial, which will include drainage works, alter existing discharges to the sewer, or affect existing systems in any other way.

Please contact: Scottish Water
Craig Mitchell House
Flemington Road
Glenrothes
Fife
KY7 5QH

Tel: 0845 601 8855

ADVISORY NOTES TO APPLICANT

Please note that you are legally obliged to comply with these conditions.

Dated: 10th July 2008

[Redacted]
For Head of Development Services
Fife Council



Fax

Development Service

Transmission query number 0845155555 450514

For the Attention of Willie Booth

Number of Pages
including this one

Location Balmullo Quarry

Number [REDACTED]

From Alastair Hamilton

Date 11.8.08

Time 5.10

Message

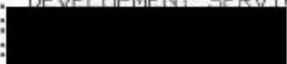
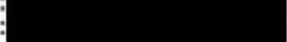
Willie

Attached signed copy of consent following signing of S75

Regards

Alastair

TRANSMISSION VERIFICATION REPORT

TIME : 11/08/2008 17:17
NAME : DEVELOPMENT SERVICES
FAX : 
TEL : 

DATE, TIME	11/08 17:15
FAX NO./NAME	901786822899
DURATION	00:02:09
PAGE(S)	10
RESULT	OK
MODE	STANDARD ECM

Alastair Hamilton - Balmullo Quarry - Issue of Planning Permission

From: "Willie Booth" <willie.booth@dagleishassociates.co.uk>
To: "alastair.hamilton@fife.gov.uk" <alastair.hamilton@fife.gov.uk>
Date: 07/08/2008 12:10
Subject: Balmullo Quarry - Issue of Planning Permission
CC: 'Bob Gordon' <Bob.Gordon@ennstonethistle.co.uk>

Alastair

I have been advised that the situation with respect to Balmullo is now becoming desperate. Can you either confirm that the permission has been issued or get the amended conditions issued today. I consider that we have been very patient on this matter but Ennstone really need to be able to commence works under the new permission now and we cannot allow any further delay.

Regards

Willie Booth
Dagleish Associates Ltd

email: willie.booth@dagleishassociates.co.uk
tel: 01786 822339 fax: 01786 822899
web: www.dagleishassociates.co.uk

Regulated by RICS

Fax

Development Services

To *William Booth*
Location *Balmuccia Quarry*
Fax Number *01786 822 899*
From *A. Hamilton*
Development Services

Date *10/5/07* ~~21 December 2006~~ *3.10 pm*

Willie,

*Please find attached draft A
Section 75 for the above site
A. Hamilton*

Number of pages including this one -

MINUTE OF AGREEMENT

between

THE FIFE COUNCIL, constituted in terms of section 2 of the Local Government etc. (Scotland) Act 1994 and having our principal offices at Fife House, North Street, Glenrothes, Fife, the local authority for the local government area of Fife in terms of the Town and Country Planning (Scotland) Act 1997 (who and whose successors are hereinafter referred to as "the Fife Council").

and ENNSTONE THISTLE LIMITED, incorporated under the Companies Acts and having their registered office at Ennstone House, Ethiebeaton Quarry, Kingennie, Monifieth, Angus (who and whose successors are hereinafter referred to as "the Mineral Operators").

WHEREAS the Mineral Operators submitted to the Fife Council an application Reference 05/00835/EEIA(hereinafter referred to as "the Application") for planning permission for the extension to Balmullo Quarry and construction of new access route at Balmullo Quarry, Lucklaw, Quarry Road, Balmullo in the local government area of Fife (hereinafter referred to as "the Development Site");

AND WHEREAS the Fife Council has agreed to approve the Application subject to a number of planning conditions;

AND SUBJECT ALSO to the relevant parties entering into an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997, to regulate the restoration of the land comprised in the said application to constitute and establish a community liaison group and also to regulate other matters in connection with the proposed development;

AND WHEREAS the Mineral Operators for their interests as heritable proprietors of the Development Site but have agreed to enter into this Agreement;

NOW THEREFORE the Fife Council and the Mineral Operators for their respective interests under and by virtue of Section 75 of the Town and Country Planning (Scotland) Act 1997, HAVE AGREED AND DO HEREBY AGREE in manner following:-

FIRST The Agreement is, so far as may be competently done, entered into under and in terms of Section 75 of the Town and Country Planning (Scotland) Act 1997, provided that, if and to the extent that any term, provision, condition or obligation contained in this Agreement shall be held in any proceedings arising under this Agreement or otherwise, to be a term, provision, condition or obligation, which cannot be competently included or enforced under an Agreement entered into under and in terms of Section 75, such term, provision, condition or obligation shall be and remain enforceable to the same extent and effect as if this Agreement was an Agreement in common form between the parties hereto; And, further, the whole rights and remedies of the parties arising from this Agreement, with and under the foregoing proviso, shall be exercisable without prejudice to any other rights and remedies competent to the parties either under statute or at common law, or otherwise.

SECOND Any difference or dispute arising as to the interpretation or meaning of this Agreement or any other matter arising therefrom shall be submitted to the amicable and final decision of an Arbiter to be mutually appointed or failing agreement as to such appointment to be appointed by the Sheriff Principal of Tayside, Central and Fife on the application of any party hereto.

THIRD This Agreement shall come into effect and shall be enforceable upon the issue of Notice of Planning Consent in respect of the Application, to be issued following hereon, notwithstanding the date or dates hereof;

FOURTH The parties hereto hereby consent to the Registration hereof, and also any Decrees, Interim or Final, of said Arbiter, in the Books of Council and Session for preservation and execution and hereby appoint these presents to be recorded in the Division of the General Register of Sasines applicable to the

County of Fife or the Land Register as appropriate immediately following the execution and delivery hereof.

FIFTH

The Mineral Operators hereby bind and oblige themselves to carry out all necessary restoration works, reinstatement works and landscaping works in accordance with the requirements contained in the draft planning decision notice under application reference number 05/00835/EEIA annexed and executed as relative hereto and in the Environmental Statement and Plans referred to in Condition 1 therein, or with any replacement or additional conditions to be imposed in any renewal or subsequent grant of planning permission relating to the Development Sites or any part thereof.

SIXTH

Prior to the Mineral Operators carrying out any operations in accordance with the Application, they shall underwrite their obligations under clause FIFTH above by purchasing and maintaining a Bond or Guarantee from a Bank or other appropriate financial institution to meet the entire cost of the execution, or if appropriate, the completion, or both, of the restoration, landscaping and other works referred in clause FIFTH hereof in the event of the Mineral Operators going into liquidation whether voluntary or otherwise (other than a voluntary liquidation for the purpose of reconstruction or amalgamation) or having a Receiver appointed to the business and undertaking of the Mineral Operators or otherwise ceasing operations either general or in respect of the Development Sites to which these applications relate before the Mineral Operators have complied with the relevant planning conditions referred to under the planning consent hereinbefore mentioned in clause FIFTH hereof, and for any appropriate replacement or additional conditions as above referred to. The interest of the Fife Council under this Agreement as Planning Authority will be endorsed on any bond or guarantee and the Fife Council shall at its sole discretion have the right to call-up payment of the monies retained in said bond or guarantee to meet the cost of the execution and/or completion of the restoration, landscaping and other works in the event of default by the Mineral

Operators as detailed herein. The said bond or guarantee shall be deposited with the Fife Council prior to any works commencing on the Development Site. The initial sum comprised is said bond or guarantee shall be agreed between the Fife Council and the Mineral Operators, which failing, by an independent professional Valuer appointed by the Fife Council and shall be reviewed every three (3) years having regard to the ongoing nature of the mineral extraction operations and the progressive phased restoration and landscaping, if any, which may have been implemented by the Mineral Operators.

In the event of the Mineral Operators complying entirely with the relevant planning conditions referred to in this and the preceding clause hereof to the satisfaction of the Fife Council, the Mineral Operators shall be entitled to obtain an appropriate discharge.

- SEVENTH
- (i) On the commencement of the proposed development under the Application "development" in this context meaning extraction of rock as more fully set out under the Application, a Liaison Committee (as after defined) shall be constituted by the Mineral Operators.
 - (ii) In the context of this Agreement, a "Liaison Committee" shall mean the Liaison Committee constituted under this Agreement and the following shall apply:-
 - (a) The objects of Liaison Committee shall be to monitor the Mineral Operators' operation of the Development Site and compliance with the appropriate planning consents pertaining thereto.
 - (b) The Liaison Committee shall comprise the following parties as follows:-
 1. The Local Member (Councillor) of the Fife Council in whose ward the Development Site is located.
 2. Two representatives of the Mineral Operators.
 3. A community Councillor of the Balmullo and District Community Council.
 4. A representative of the Fife Council as Planning Authority.

which persons referred to in the paragraph (b)1-4 above are hereinafter referred to as "the Liaison Committee Members".

- (c) The Local Member as set down in paragraph (b)1 above shall Chair any meeting of the Liaison Committee.
- (d) The Liaison Committee shall meet from time to time provided that (a) the said meeting shall be held at the time and a place to be notified to the Liaison Committee Members twenty one days in advance in writing by the Mineral Operators or their successors and or any other Liaison Committee Member and in which case the Liaison Committee Members shall be obliged to attend except where this proves impossible or impractical or said parties giving due notice of his/her ability to attend such a meeting and in the case of an emergency any of the Liaison Committee on giving five working days notice to the Mineral Operators at their registered office.

EIGHTH Prior to any work commencing on the Development Site in accordance with the Application the Mineral Operators shall submit to the Council for approval a Management Plan to secure the long term management of the natural heritage interest of the Development Site. In particular, the Management Plan should address the measures necessary for public safety, vegetation management, habitat enhancement and matters relating to geological interest, tidiness and public amenity. Following the approval of the said Management Plan, the Mineral Operators shall implement the plan.

NINTH In the event of the Mineral Operators deciding to sell or otherwise dispose of any part of the heritable subjects affected by this Agreement, they shall take bound in like manner any person, limited company, firm or other to whom the said subjects may be sold or otherwise disposed of.

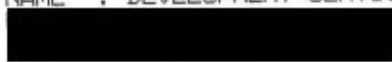
And the Parties consent to registration hereof for preservation and execution: IN WITNESS WHEREOF these presents consisting of this and the preceding pages

Register on behalf of the within-named THE FIFE COUNCIL in the Register of the County of Fife.

JB/MCB/MOA/ENNSTONE THISTLE LTD. BALMULLO QUARRY

TRANSMISSION VERIFICATION REPORT

TIME : 11/05/2007 09:28
NAME : DEVELOPMENT SERVICES



DATE, TIME	11/05 09:27
FAX NO./NAME	901786822899
DURATION	00:00:56
PAGE(S)	07
RESULT	OK
MODE	STANDARD ECM

COMMITTEE DECISION



PLANNING & BUILDING CONTROL

APPLICATION NO.

05/00835/EEIA

SITE ADDRESS

Balmullo Quarry

RECOMMENDATION

- Agreed
- Varied
- Overturned

ACTION

- No decision made (see below for reason)
- Issue decision (as advised below)
- Issue draft decision (as advised below)

DECISION

- Permit subject to S75
- Permit subject to Historic Scotland
- Permit subject to Scottish Executive
- Permitted subject to local members
- Permitted
- Refused
- Referred to Strategic Devt Committee

REASON DECISION NOT ISSUED

- Await S75 legal agreement
- Referred to Historic Scotland
- Referred to Scottish Executive
- Referred to local members
- Continued to next A.O. Commt
- Continued for Councillor Site Visit
- Referred to S.D. Committee
- Await additional information
- Await amendments

ENFORCEMENT POWERS AGREED

ACTION TO BE INITIATED BY PLANNER/WPO

Prepare draft coned.
An 2/19.

IN TRIPIN 16/10

FIFE COUNCIL DEVELOPMENT SERVICES	
To:	Form to be REPLY/INFORMED/NOTICE/SV
Monitor	RESPONSE
YES/NO = 9 DEC 2005	days
Consult:	
Note:	
File Reference:	

Haystack Park
Quarry Road
Balmullo
Fife KY16 0AN
28/June/05.

Balmullo Quarry Extension Application

Dear Sir,

I refer to my recent, denied, request for an opportunity to discuss some specific aspects of the above application with staff of Development Services.

Last year I spoke/and met with Nick Brian in the Capar office as regards this matter. He advised of a potential willingness to reconsider the earlier refusal of an application to extend the quarry based upon - proposals for a new access road - outwith the village - and approach which eliminated, only the adverse visual impact of the storage areas to the south of the road to the quarry. Mr Brian invited me to seek a further meeting with him/offices involved with the processing of a future Custom Thistle planning application to discuss relevant matters when such was received.

I have received no neighbour notifications of the application although I understand that my property boundary abuts with that of Custom Thistle, if not with the area covered by the submitted application. It maybe that I was not due to receive a neighbour notification since the "operation" area identified in the application does not abut with the boundaries of this property. Notwith standing this is not a

matter of concern to me since I am fully aware of current
Thistle's application. However, if I was due to receive a
neighbour's notification and did not there may be an issue as
regards the validity of any subsequent decision made - and I
raise this matter only in this regard.

The matters I specifically wish to raise are as follows

1) Restoration (early) of the product storage area

At my earlier meeting(s) with Mr Brown I said that
whilst the Quarry itself had a certain "industrial majesty"
the unvegetated slopes of the product storage area (and the
storage heaps themselves) were visually very unattractive and
a distinctly negative element in the landscape as viewed
from surrounding roads/areas.

Having read the Lushmore Thistle planning application
Seabrook's I am not clear as to the extent of works
which address these matters - in early course. It is my view
that ~~all~~ all of the works to improve/reinstale this area
should be required to be implemented at the earliest/initial
stage. I do fully accept the need for a car park for
the workforce and area to store lorries (loaded) for an
initial period. However, all works to treat this area
including its surface and the vegetational cladding of the
the SW facing slopes should be required to ^{be} implemented at
the outset and not left to any later stage. This would
bring early environmental gain for the "cost" of enhanced/
longer term working.

Further, this work should in my view be closely
monitored by the Council as regards its effective
implementation. I take no issue with the quarry
having an extended lifespan and offering longer term

employment to its workforce. I do consider that the maximum of early positive environmental improvement actions is a more than reasonable requirement on the operators.

The Eustone Thistle submission makes reference to a Eufe Council "enforcement action" requiring treatment (early) of the product storage area to the south of the Quarry. I would be grateful if you could advise me of the terms of this.

The Eustone Thistle submission makes reference to the works that have been undertaken in response to the foregoing whilst I am aware that there has been some removal of product stored a significant volume of stored - less than 6mm product remains and I cannot detect any other works in this area as regards its surface, surface slopes etc. As I say I would be interested in knowing of the Council's requirements in this regard - as regards its "enforcement action".

The Eustone Thistle submission addresses the issue of dust/emissions and refers to the very limited number of days which this property - Haggston Park - encounters "problems" - 6 days p.a. is referred to - The definition of a "problem" is clearly very material to the assertion. I can say that since purchasing the property "blowing" and washing the south-facing overhangs has been necessary every 10-20 days at maximum and blowing quantity off parked vehicles is far/far greater than 6 days p.a. It does seem that the dust problem has increased in recent times 12-14 months. I had felt that this might be due to the accelerated uplift of material from the storage areas to the south of the quarry. However this

only a heap of < 6mm material remains on the product storage area

Whilst in no way wishing to be negative to the operations of the company and the continued employment of its workforce I would ask that consideration be given to - in the conditions of any contract - the Council/and or SEPA installing monitoring equipment to independently monitor dust levels

I regret that your officer considered that he would not have the time to discuss matters arising from the points made above and I would ask that this statement be reviewed/changed.

I look forward to hearing from you regarding all of the points raised in this letter

Yours faithfully,



10/1/05



CUPAR & NORTH FIFE PRESERVATION SOCIETY

CUNNOQUHIE COTTAGE, LETHAM, CUPAR, FIFE. KY15 7RU
TEL: 01337 810325 FAX: 01337 811486

Fife Council,
County Buildings,
St. Catherine Street,
Cupar,
Fife. KY15 4TA

28th April 2005

Dear Sirs,

PLANNING APPLICATION REF: 05/00835/EEIA

We note the planning application in connection with the above. In principle the Cupar and North Fife Preservation Society has no particular objections to what is being proposed. This has been well documented in the press as well as information which you have sent to ourselves including the environmental impact assesement disc.

Provided therefore that the extension to Balmullo Quarry and the construction of the new access route will remain hidden certainly from the St. Andrews side and that there is no impact on the surrounding countryside or buildings we will support this application.

Yours faithfully,

John G. Bradburne, FRICS.

Alastair Hamilton
Fife Council Planning Department
County Buildings
St Catherine St
Cupar KY15 4TA

7th Mar 2005

Dear Sir

We understand that Ennstone Thistle has proposed a new road from the quarry at Balmullo.

We regard ourselves as notifiable neighbours but, to date, no notification has been received, nor have we seen any advertisements.

We vehemently object to this proposal on the grounds that :-

- 1 Loss of amenity from a substantial increase in noise and dust pollution
- 2 Potential creation of a windfall site for housing which would further greatly erode the amenity of this property

We suggest that the road be realigned to take the access further north, away from the the existing houses and a safer, straighter stretch of road giving increasing safety and better sight lines.

We ask you to take note of the foregoing in considering the application.

Yours faithfully
A

100

DEVELOPMENT	PLANNING
To: AH/KS	INFO
Month: 08 MAR 2005	DATE
Consult: 29/03/05	
Note	
File Reference	

9 March 2005

Mr. A. Hamilton
Fife Council Planning Department
County Buildings
St. Catherine Street
Cupar
KY15 4TA

AM/ks

29/03/05

Dear Mr. Hamilton,

Quarry Road, Balmullo

My wife and I understand that Ennstone Thistle have proposed a new road from the quarry at Balmullo to meet the A914 outwith the village. Whilst we agree in principle with the proposal, we strongly object to the projected line of the road on the following grounds.

1. Loss of amenity from a substantial increase in noise and dust pollution.
2. Potential creation of a windfall site for housing which would further erode the amenity of this property.

We would suggest that the road be realigned to take the access further north, away from the existing houses to a safer and straighter stretch of road which would improve safety and give better sight lines.

We ask you to note the above when considering the application.

Yours faithfully,

Alastair Hamilton
Fife Council Planning Department
County Buildings
St Catherine St
Cupar KY15 4TA

29/03/05

Saturday, 05 March 2005

Dear Sir

We understand that Ennstone Thistle has proposed a new road from the quarry at Balmullo.

We regard ourselves as notifiable neighbours but, to date, no notification has been received, nor have we seen any advertisements.

We vehemently object to this proposal on the grounds that :-

- 1 Loss of amenity from a substantial increase in noise and dust pollution
- 2 Potential creation of a windfall site for housing which would further greatly erode the amenity of this property

We suggest that the road be realigned to take the access further north, away from the existing houses and a safer, straighter stretch of road giving increasing safety and better sight lines.

We ask you to take note of the foregoing in considering the application.

Yours faithfully,

Alastair Hamilton
Fife Council Planning Department
County Buildings
St Catherine St
Cupar KY15 4TA

DEV	AM/KS
Monitor	10 MAR 2005
YES	29/03/05
Consul	
Note	
File Reference	

Sunday, 06 March 2005

Dear Sir

We understand that Ennstone Thistle has proposed a new road from the quarry at Balmullo.

We vehemently object to this proposal on the grounds that :-

- 1 Loss of amenity from a substantial increase in noise and dust pollution
- 2 Potential creation of a windfall site for housing which would further greatly erode the amenity of this property

We suggest that the road be realigned to take the access further north, away from the the existing houses and a safer, straighter stretch of road giving increasing safety and better sight lines.

We ask you to take note of the foregoing in considering the application.

Yours faithfully

L

DEVON
 To: **AM/KS**
 Message: **10 MAR 2005**
 Yes: **29/03/05**
 Const: _____
 Note: _____
 File Reference: _____

Alastair Hamilton
 Fife Council Planning Department
 County Buildings
 St Catherine St
 Cupar KY15 4TA

Saturday, 05 March 2005

Dear Sir

We understand that Ennstone Thistle has proposed a new road from the quarry at Balmullo.

We regard ourselves as notifiable neighbours but, to date, no notification has been received, nor have we seen any advertisements.

We vehemently object to this proposal on the grounds that :-

- 1 Loss of amenity from a substantial increase in noise and dust pollution
- 2 Potential creation of a windfall site for housing which would further greatly erode the amenity of this property

We suggest that the road be realigned to take the access further north, away from the the existing houses and a safer, straighter stretch of road giving increasing safety and better sight lines.

We ask you to take note of the foregoing in considering the application.

Yours faithfully *A*

C

AH/KS

22 MAR 2005

29/03/05

Alastair Hamilton
Fife Council Planning Department
County Buildings
St Catherine St
Cupar KY15 4TA

Tuesday, 15 March 2005

Dear Sir

Re:- new road from the quarry at Balmullo.

We strongly object to this proposal on the grounds that :-

- 1 There would be a loss of amenity from a substantial increase in noise and dust pollution
- 2 Potential creation of a windfall site for housing which would further greatly erode the amenity of this property
- 3 The road would cut right through the "Grizzly path" right of way that me, my children and many others enjoy daily and the presence of lorries crossing the right of way increases the danger to children and old people who also use the path daily. Although a pair of "kissing gates" are to be employed where the lorries pass, I do not feel this to be adequate protection.

We suggest that the road be realigned to take the access further north, away from the the existing houses and a safer, straighter stretch of road giving increasing safety and better sight lines.

Please take note of the foregoing objections in considering the application.

Yours faithfully

Alastair Hamilton
Fife Council Planning Department
County Buildings
St Catherine St
Cupar KY15 4TA

KS

22/3/05

Saturday, ¹²05 March 2005

Dear Sir

We understand that Ennstone Thistle has proposed a new road from the quarry at Balmullo.

We regard ourselves as notifiable neighbours but, to date, no notification has been received, nor have we seen any advertisements.

We vehemently object to this proposal on the grounds that :-

- 1 Loss of amenity from a substantial increase in noise and dust pollution
- 2 Potential creation of a windfall site for housing which would further greatly erode the amenity of this property

We suggest that the road be realigned to take the access further north, away from the the existing houses and a safer, straighter stretch of road giving increasing safety and better sight lines.

We ask you to take note of the foregoing in considering the application.

Yours faithfully

LATE REPRESENTATION

From: F Joyce Kennedy [REDACTED]
To: <Beth.Flynn@fife.gov.uk>
Date: 6/29/06 4:33pm
Subject: Quarry Road Objection - Hearing 29.6.06

I herewith attach our objection in regard of the proposed quarry road, Balmullo.

Chanric, 3 Smithy Lane, Balmullo, St Andrews, Fife KY16 0EG
[REDACTED]

Mr Alistair Hamilton
Fife Council, East
Cupar.

29 June 2006.

Dear Sir

Objection to Proposed Quarry Road, Balmullo
We the undersigned and owner/occupiers of 3 Smithy Road Balmullo wish to register our objections to the current proposal for the new Balmullo quarry road.

Our objections are based on:-

serious loss of amenity
possible windfall housing further reducing amenity
to our knowledge, current proposals are not in accordance with the Draft Proposal drawn up December 2004 by Dalgleish Associates Ltd which is the only prior draft notice of this proposal received at this address. The current proposal is considerably less onerous in its planning conditions with regards to bund size and screen planting.

Yours faithfully

Lt Col A & Mrs F J Kennedy.

Joyce

FIFE COUNCIL TRANSPORTATION SERVICES

AM

To: DEVELOPMENT SERVICES
 Team Leader Development Control (East)
 Fife Council
 County Buildings
 St Catherine Street
 CUPAR
 KY15 4TA

From : AREA TRANSPORTATION MANAGER
 EAST AREA
 DEVELOPMENT CONTROL TEAM
 COUNTY BUILDINGS
 ST.CATHERINE STREET.
 CUPAR.
 KY15 4TA

FAO **Alastair Hamilton**, Grant Baxter,
 Samantha Stone, Chris Smith Shelley Thomson. Suzanne Carson

Proposal:

EXTENSION TO BALMULLO QUARRY AND CONSTRUCT
 NEW ACCESS ROUTE TAT BALMULLO QUARRY LUCKLAW
 QUARRY ROAD BALMULLO FIFE

Planning App. 05/00835/EEIA

Our Ref: RS/200/DC.01.06

Date 16 May 2005

Telephone: 01334 412887

Map Ref 4221	Construction Consent Required Yes	Road Bond Required NO	Footway Crossing Permit Required NO	OUTLINE DETAIL
-----------------	--------------------------------------	--------------------------	--	-------------------

I have assessed the above application and, recommend **refusal**, for the reasons listed below, all **in the interest of road safety**.

There is a presumption against the formation of new accesses or the intensification of use of existing accesses on unrestricted distributor roads out with established built up areas on the grounds that such accesses introduce access traffic manoeuvres which conflict with through traffic movements and hence increase the probability of accidents to the detriment of road safety.

Note to Committee

Should Committee be mindful to grant approval in this instance I would welcome the imposition of the following conditions. These recommendations assume that the planning merit of this proposal is sufficient to outweigh any general road safety concerns that such an access location may give rise to in principle.

1. All works done on or adjacent to existing public roads shall be constructed in accordance with the current Fife Council Transportation Development Guidelines.
2. Visibility splays of 6m x 210m shall be provided and maintained clear of all obstructions above the road channel level, at the junction of the vehicular access and the public road, in accordance with the current Fife Council Transportation Development Guidelines.
3. The new access junction shall be constructed under a Roads (Scotland) Act 1984 Construction Consent permit obtained from Transportation Services.
4. Details of means of prevention of use as a public road to be agreed with the Area Transport Manager prior to opening of road.

pp. AREA TRANSPORTATION MANAGER

AM

DEVELOPMENT SERVICES

with compliments

To: *ARABIAN
INVESTMENT*

*FOUND COPY OF LETTER
BUT TAKEN SENT IN TO
KEITH. PLEASE CONTACT
FOLLO AS BY ROAD*

From: [Redacted]
Jim Birrell
Development Manager
(Development & Regeneration)

5/11/05

*Discussion on Project
12/10/05*

- AS REQUESTED
- FOR YOUR INFORMATION
- FOR NECESSARY ACTION
- FOR OBSERVATIONS
- OTHER REMARKS

Fife Council Fife House
North Street Glenrothes
Fife KY7 5LT



Telephone 01592 414141
Facsimile 01592 416300

Alan and Joyce Kennedy
'Chanric'

3 Smithy Lane, Balmullo, St. Andrews, FIFE, KY16 0FG

Tel: 01344 870378 Mobiles: AGK, 07801 868853 FJK: 07715 371156

Email Addresses: alan365@btinternet.com , fjoycek@btinternet.com

8th July 2006-07-08

Mr R Gordon
Director, Support Services.
ENNSTONE THISTLE LTD
ENNSTONE HOUSE.
ETHIEBEATON QUARRY, KINGENNIE,
ANGUS DD5 3RB

Dear Bob,

Proposed Improved Screening for Balmullo Quarry Access Rd

Further to our brief conversation at the meeting and subsequent emails I have, as agreed, set out below my ideas to improve the present planning proposals for the new access road.

1. The present plan for the screening for the new Quarry access road incorporates a series of bunds on both sides of the road with a beech hedge on top of two bund sections only.
2. It is unlikely that a beech hedge, both boring and unimaginative, will be effective in satisfactorily screening the houses on Smithy Lane from the effects of noise, dust or visual impact of the road. It will take time to establish itself, with the usual gaps associated with new planting failing to root in. In addition it will require regular maintenance if it is not to become unsightly and ragged and most importantly it will add virtually nothing to the environment in the way of attracting bird and insect life.
3. If the quarry access road is to be implemented much more consideration needs to be given to the environmental and visual impact of its construction, both for those whose current view over unspoiled countryside will be affected as well as the general wildlife of the area. What will currently be a total eyesore can be to some extent be alleviated by some imaginative planting which will act as both a screen as well as a view that pleases the eye and does some good for wildlife too.
4. Bearing in mind that the access road has a limited life of around 20 years any planting must reflect the need to return the land to agricultural use at the end of that period. Trees which would have a potential lifespan of over 20 years coupled with a height of over 6 metres would not be suitable.
5. In order to achieve the aim of improving the planting as in para 3 above it is suggested that the following trees and shrubs listed on the Attachment to this paper, which meet the

criteria sought, be considered for planting on the Balmullo side of the bund slopes ideally from above School Rd down to the line of the right of way. All these plants are from genera now indigenous within the UK and are readily sourced mainly from Scottish suppliers. The cost differential between the beech hedging and the trees should not be significant within the overall cost and no doubt contingency funding is an element of the Ennstone Thistle budget for the works

6. If this can be agreed in principle a more detailed planting plan can be drawn up to make best impact whilst retaining maximum use of the existing grass strip between the Smithy Lane houses and the bunds for agricultural use.

I have taken the liberty of copying this to the other residents in the Smithy Lane complex I believe are likely to be directly affected and also to Alistair Hamilton of Fife Council



Cc Alistair Hamilton
Affected residents in the Smithy Lane Area

Attachment to AGK Proposals of 8th July 06

SORBUS

Sorbus commixta var 'Embley'
Sorbus hupehensis
Sorbus koehneana
Sorbus intermedia , 'Joseph Rock'
Sorbus sargentiana
Sorbus hedlundii
Sorbus thibetica
Sorbus aria (bird cherry)

Malus Apple)

Malus domestica (crab and cultivars)

Ilex (Holly)

Ilex aquifolia , 'Silver Queen'
Ilex aquifolia, 'Amber'
Ilex altaclarensis 'Golden King'

Crataegus (Hawthorn)

Crataegus laevigata 'Paul's Scarlet'
Crataegus laevigata 'Rosea Flore Pleno'
Crataegus persimilis 'Prunifolia' #

Prunus

Prunus spinosa (Blackthorn)

Rosa Rugosa

Var 'Alba'
Var 'Rubra'

Juniperus

Juniperus communis

All trees to be secured by stakes against wind rock

R

**Alan and Joyce Kennedy
'Chanric'**

3 Smithy Lane, Balmullo, St. Andrews, FIFE, KY16 0FG
Tel: 01344 870378 Mobiles: AGK, 07801 868853 FJK: 07715 371156
Email Addresses: alan365@btinternet.com , fjoycek@btinternet.com

05857

8th July 2006-07-08

Mr R Gordon
Director, Support Services.
ENNSTONE THISTLE LTD
ENNSTONE HOUSE.
ETHIEBEATON QUARRY, KINGENNIE,
ANGUS DD5 3RB

FIFE COUNCIL DEVELOPMENT SERVICES	
To: <u>AH</u>	For ACTION/REPLY/INFO OBS/CTEE/SV
Monitor	RESPONSE
YES/NO	10 JUL 2006
Consult	days
Note	
File Reference	

Dear Bob,

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4. Bearing in mind that the access road has a limited life of around 20 years any planting must reflect the need to return the land to agricultural use at the end of that period. Trees which would have a potential lifespan of over 20 years coupled with a height of over 6 metres would not be suitable.
5. In order to achieve the aim of improving the planting as in para 3 above it is suggested that the following trees and shrubs listed on the Attachment to this paper, which meet the

criteria sought, be considered for planting on the Balmullo side of the bund slopes ideally from above School Rd down to the line of the right of way. All these plants are from genera now indigenous within the UK and are readily sourced mainly from Scottish suppliers. The cost differential between the beech hedging and the trees should not be significant within the overall cost and no doubt contingency funding is an element of the Ennstone Thistle budget for the works

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Your

Alan

Cc Alistair Hamilton ✓
Affected residents in the Smithy Lane Area

Attachment to AGK Proposals of 8th July 06

SORBUS

Sorbus commixta var 'Embley'
Sorbus hupehensis
Sorbus koehneana
Sorbus intermedia , 'Joseph Rock'
Sorbus sargentiana
Sorbus hedlundii
Sorbus thibetica
Sorbus aria (bird cherry)

Malus Apple)

Malus domestica (crab and cultivars)

Ilex (Holly)

Ilex aquifolia , 'Silver Queen'
Ilex aquifolia, 'Amber'
Ilex altaclarensis 'Golden King'

Crataegus (Hawthorn)

Crataegus laevigata 'Paul's Scarlet'
Crataegus laevigata 'Rosea Flore Pleno'
Crataegus persimilis 'Prunifolia' #

Prunus

Prunus spinosa (Blackthorn)

Rosa Rugosa

Var 'Alba'
Var 'Rubra'

Juniperus

Juniperus communis

All trees to be secured by stakes against wind rock

100/RJHB/LF

3rd March 2005

Alastair Hamilton
Fife Council
Planning Department
County Buildings
St Catherine Street
Cupar
KY15 4TA

Mr Hamilton

Ennstone Thistle Ltd – New Quarry Road Balmullo

I write on behalf of my client who is a neighbour adjoining the proposed road. We consider he is a notifiable neighbour but to date no notice has been received. I understand the application has been lodged but not registered. Is it the applicant's intension to advertise rather than notify individually?

Irrespective of that, my client would like to object to the proposed road on the grounds of: -

- Loss of amenity from noise.
- Potential creation of a windfall site for housing, which would further erode the amenity of his property.

We suggest that the road line be adjusted to take access further north, further away from the existing houses and on a straighter stretch of road, giving better sight lines.

Please take note of the foregoing in considering the application.



CC Client



constructionline

brunton
DESIGNSTUDIO

CHARTERED ARCHITECTS

95 Dundee Street • Carnoustie • DD7 7EW
Tel: 01241 858153 • Fax: 01241 858154
email: architects@bruntondesignstudio.co.uk
www.bruntondesignstudio.co.uk

Rodger Brunton DipArch RIBA FRIAS MaPS
Allan Mudie BSc BArch(Hons) RIBA RIAS

NOTICE OF MEETING

EAST FIFE AREA DEVELOPMENT COMMITTEE

DEPARTURE FROM THE DEVELOPMENT PLAN HEARING

COUNTY HALL, COUNTY BUILDINGS, CUPAR

THURSDAY 29TH JUNE, 2006 – 6.30PM

BUSINESS

Page Nos

1. **APOLOGIES**
2. **DECLARATIONS OF INTEREST**
3. **05/00835/EEIA – EXTENSION TO BALMULLO QUARRY AND CONSTRUCT NEW ACCESS ROUTE** Report by the Head of Development Services. Representations to the applications are contained in the yellow pages (1-35) 1-11

Those persons who submitted representations and the applicant/agent will be invited to address the Hearing and to answer any questions by Members of the Committee to clarify matters raised in their presentation.

(a) Any objectors who wish to address the Hearing.

(b) Mr William Booth, Dalgleish Associates Ltd. (Agent)

H B TAIT
Head of Law and Administration

County Buildings
St Catherine Street
CUPAR
KY15 4TA
22nd June 2006

If telephoning, please ask for Beth Flynn, Committee Administrator, (01334) 412912 or email: beth.flynn@fife.gov.uk.

Further information on planning matters, including agendas, can be found at <http://www.fifedirect.org.uk/> Click on the Fife Council logo on the left of the homepage.

Para:- 2.12 refers to Fife Structure Plan 1994 - should be "2002".

DEPARTURE HEARING REPORT FOR:

APPLICATION FOR ENVIRONMENTAL IMPACT ASSESSMENT REF: 05/00835/EEIA

SITE ADDRESS: BALMULLO QUARRY LUCKLAW QUARRY ROAD BALMULLO

PROPOSAL : EXTENSION TO BALMULLO QUARRY AND CONSTRUCT NEW ACCESS ROUTE

APPLICANT: ENNSTONE THISTLE LTD ENNSTONE HOUSE ETHIEBEATON QUARRY KINGENNIE

CONSULTATIONS

Transportation Services	Objection - formation of new access onto unrestricted distributor road outwith an established built up area.
Scottish Water	No objection subject to standard conditions.
Scottish Environment Protection Agency	No objection subject to appropriate monitoring of the hydrology.
Balmullo Community Council Environmental Services-East	No comments received. Appropriate measures to control noise and dust pollution from construction works and excavations.
Health and Safety Executive Plans and Projects - East	No comments. EIA adequately addresses the ecological and landscape issues associated with proposal. While regrettable to see loss of part of Lucklaw Hill Wildlife Site potential for considerable ecological benefit and landscape enhancement from restoration proposals. Provided proposal complies with other policies there is no objection to this proposal on ecological and landscape grounds subject to conditions relating to:- protection of fulmar and peregrine nesting season, defining site by a fenceline and protection of heather habitat immediately outside site boundary from disturbance from plant and machinery; use of native tree and shrub planting in restoration scheme; tree fellin gto be outwith bird breeding season; submission of detailed landscape plan together with site management plan; Location of RIGS features to be identified in landscape plan.

Scottish Natural Heritage

Objection subject to the provision of additional information relating to the restoration and recontouring of the site which could be secured by conditions or additional information. Conditions and heads of terms for a legal agreement noted.

Historic Scotland
Ministry of Defence

No objection.
No objection subject to no high level structures protruding above a maximum height of 189.5 AMSL.

Scottish Rights Of Way Access Soc
Scottish Wildlife Trust
Central/North Fife Preservation Society
Scottish Executive - Planning
Department

No comments received.
No comments received.
Support in principle.
No objections.

REPRESENTATIONS

A total of 12 objections and representations have been received on the following grounds:-

- Loss of amenity from noise
- Potential creation of windfall site from housing (in pocket of land between village and new access road)
- Dust pollution
- Proposed road realigned further north to take access away from houses to an existing safer straighter part of the main road providing increased safety and better site lines
- Impact on right of right of way (access road)
- Danger to walkers using rights of way
- Restoration works required under enforcement have not been undertaken
- No issue with extended lifespan of the quarry
- Dust/noise monitoring equipment required to be installed in sensitive properties
- Impact of blasting
- Damage to Quarry Road from large trucks serving the quarry
- Quarry not complying with enforcement notice

The comments from Transportation Services and SNH are noted above and discussed in more detail below.

STATUTORY POLICIES AND APPROVED GUIDANCE

National Guidance
SPP1 The Planning System
NPPG 4 Land for Mineral Working (Amended 2001)
NPPG 5 Archaeology and Planning

Fife Structure Plan 2002
Policy R1 Safeguarding of Mineral Resources
Policy R2 Making Mineral Extraction More Sustainable
Policy R3 Mineral Extraction
Policy R4 Construction Aggregates

Finalised Fife Structure Plan 2006
Policy M1 More sustainable Mineral extraction
Policy M2 Minerals Trust Fund
Policy M3 Construction Aggregates

Fife Minerals Subject Local Plan (2004)
Policy Min 4 Safeguarding Minerals Deposits
Policy Min 5 Minerals Applications
Policy Min 6 Provision and Maintenance of Landbank for Minerals
Policy Min 9 Economic Impact
Policy Min 15 Noise Dust Blasting and Light Nuisance
Policy Min 16 Legal Agreements
Policy Min 19 Restoration and Aftercare of site
Policy Min 20 Provision of Bond to secure restoration
Policy Min 21 Protection of Water Resources
Policy Min 23 Footpaths Cycleways and Bridle ways
Policy Min 24 Loss of Prime Quality Agricultural Land
Policy Min 25 Landscape and Countryside
Policy Min 27 Environmental and Monitoring Audits
Policy Min 29 Environmental Assessments
Policy Min 28 Standard of Operators Environmental Achievements
Policy Min 30 Annual Mineral Supply Audit

St Andrews Area Local Plan 1996
Policy E23 Mineral Extraction

PLANNING SUMMARY

1.0 Background

1.1 The purpose of this report is to advise Members of the details of this application. As the application is a potential departure from the Development Plan (Policy SS1 of the Fife Structure Plan 2002, and Policy COU 1 of the Cupar and Howe of Fife Local Plan 2003) and there are more than 10 objections, a hearing into the application is required. This report therefore describes the background and processing of the application only. My assessment of the proposal and my recommendation will be placed before a subsequent meeting of the East Area Development Committee.

1.2 The proposal is for the extension of an existing hard rock quarry to the north west of Balmullo. The application due to its scale and location close to residential properties and environmental impact has been processed under the Environmental Impact Assessment legislation.

1.3 This application relates to the extension of the existing hard rock quarry to the north west of Balmullo, adjacent to the minor road between Balmullo and Logie known as Quarry Road. Operations have continued at the site since 1925. Planning Permission was granted in 1948 to permit the development of quarry workings with a subsequent application being granted to permit storage of materials to the south of Quarry Road. The quarry operators failed to register the quarry under the terms of IDO (Interim Development Order) in 1992 the quarry was subject to a planning application (1997) which was refused in February 1998.

1.4 In February 2002 the quarry was subject to an enforcement notice which required the restoration of the stockpile area, the creation of a haul road to access the upper benches, and the development of the quarry to accommodate the splitting of the existing faces and the final restoration of the quarry by 31 October 2011. The quarry is currently operating under the terms of the enforcement notice.