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Our ref: NA-ABS-048
Planning Authority Ref: APP/2018/3018

24 March 2021

Dear Sir/Madam

Decision Notice

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 RETROSPECTIVE CHANGE OF USE OF AGRICULTURAL LAND TO FORM A 10 STANCE PRIVATE PERMANENT CARAVAN PARK, FORMATION OF ROAD, ERECTION OF BOUNDARY FENCING, WALLS GATES AND EDUCATION FACILITY AT LAND SOUTH-WEST OF ESKVIEW FARM, ST CYRUS, MONTROSE, ABERDEENSHIRE, DD10 0AQ

1. This letter contains Scottish Ministers' decision on the above application submitted to Aberdeenshire Council by [REDACTED] on behalf of [REDACTED] (NA-ABS-048). [REDACTED] of Brodies LLP took over as agent from [REDACTED] on behalf of the applicants.
2. Aberdeenshire Council was minded to grant the application, but it was required to notify it to Scottish Ministers because there was an unresolved objection by SEPA in respect of flood risk. The application was subsequently called in for Scottish Ministers' determination on 5 September 2019 in view of the proposed development's potential conflict with national policy on flooding.
3. The application was considered by means of written submissions and an unaccompanied site inspection by [REDACTED], a reporter appointed for that purpose. A copy of the reporter's report was submitted to Scottish Ministers on 20 January 2021.

Reporters' Recommendation and Scottish Ministers' Decision

4. The reporter has recommended that planning permission is approved for a limited period. Ministers have carefully considered all the evidence presented and the reporter's conclusions and recommendations. For the reasons given below, Scottish Ministers agree with the reporters that planning permission should be granted for a limited period and adopt his reasoning for the purpose of their own decision. However, Ministers disagree with the reporter that permission should be granted for a period limited to 15 years. Ministers consider that planning permission

should be granted for a period of 10 years to align with the Local Development Plan period and preparation of the next plan and to allow for more suitable and sustainable sites to come forward.

The Reporter's Report

5. The reporter's report has combined consideration of this application ('The Permanent Site') with a related application on the adjacent site - ('The Halting Site') - for a nine stance caravan park Touring Gypsy/Traveller site, formation of road, erection of boundary fences, walls, gates, pump station and amenity blocks (NA-ABS-047/ APP/2018/3027). The reporter's consideration of the issues is in chapter 4 and the conclusions and recommendations in chapter 5.

The Proposals and Site

6. The site is located about 2.5 kilometres south-west of the village of St Cyrus. The Permanent Site is located south of The Halting Site. On The Permanent Site there are 10 stances, most of which are now occupied by mobile homes. There are also various outbuildings and sheds within each stance, and a number of touring caravans. On one of the stances is a portable building which houses a classroom for the younger children living on the site. It is proposed to install a foul sewer serving both sites, connected to a pumping station within The Permanent Site, and then to a package drainage treatment plant located in the currently undeveloped land south-west of The Permanent Site.

Development Plan Context

7. Under the terms of section 25 of the Town and Country planning (Scotland) Act 1997 all applications must be determined in accordance with the development plan, unless material considerations indicate otherwise. In this case, the development plan comprises:

- The Aberdeen City and Shire Strategic Development Plan adopted in 2014;
- The Aberdeenshire Local Development Plan (LDP) adopted in 2017; and associated supplementary guidance.

8. The site is located outside the Settlement Boundary for St Cyrus. The site is designated at a Coastal Zone in the adopted LDP. It is subject to policy R1 (Special Rural Areas) of that plan. This restricts housing and employment development opportunities in greenbelt and coastal zones. Development is allowed in these areas if it is essential and cannot be located elsewhere.

9. The proposed Aberdeenshire Local Development Plan was sent to Scottish Ministers on 12 March 2021 for examination.

10. The Strategic Development Plan contains policies relating to flood risk and meeting the needs of Gypsies/Travellers. The Local Development Plan contains a specific policy (H5) on making provision for Gypsies and Travellers. It also contains a policy (C4) on flooding, which states that development should avoid areas of medium to high flood risk. Other relevant policies are R1 (development in special

rural areas), E1 (natural heritage), E2 (landscape) and HE1 (impact on listed buildings). These are supported by related statutory supplementary guidance.

11. Scottish Planning Policy 2014 (SPP) contains relevant policies for Gypsy/Travellers sites (para 133) and managing flood risk and drainage (para 254-268).

Summary of Reporters' findings

12. Having regard to the provisions of the development plan, Scottish Ministers agree with the reporter that the main determining issues in this application are:

- the need for additional provision for Gypsies and Travelling people in Aberdeenshire;
- the environmental effects of the development at the application sites; and,
- the extent of the flood risk at the application sites.

13. Scottish Ministers agree with the reporter's consideration in paras 4.4 - 4.12 of the report. The reporter sets out that paragraph 133 of SPP requires local development plans to identify suitable sites for Gypsy and Travelling people communities, if a need has been identified in their area. The reporter considers that Aberdeenshire Council has failed to provide suitable sites in South Aberdeenshire and as a result, the Gypsy/Travelling people community has made its own provision at this location. LDP Policy H5 on making provision for Gypsies and Travellers does not require developers of private Gypsy/Traveller sites to prove a specific need for their proposals, though it does require other policy tests in the plan be met. The reporter finds that there is a need for provision of facilities such as this in the Kincardine and Mearns area of Aberdeenshire, and that granting planning permission helps meet that need.

The environmental effects of the development

14. The development site is within an area designated as Coastal Zone in the LDP. Ministers agree with the reporter's reasoning in para 4.14 that the development is not consistent with LDP policy R1, (development in special rural areas), in that it does not require a coastal location or meet the criteria for location in special rural areas.

15. In para 4.16 the reporter has taken into account an addendum to the previous Landscape and Visual Report submitted with the planning application in 2015. Ministers agree with the reporter's findings that while the proposals will have localised adverse visual impacts in the immediate surroundings, they are not sufficient to refuse permission on those grounds and that further mitigation would be provided by new tree and hedge planting.

16. In paragraph 4.25, the reporter has acknowledged that the previous 2017 report considered that the proposals would intrude into close and distant views from the B listed former railway viaduct and would not preserve the setting of the listed building. Scottish Ministers adopted the reporter's reasoning in the 2017 report as their own. In paragraph 4.28, the reporter considers the value of the viaduct as a tourism and leisure asset is recognised but this does not affect the assessment of the intrinsic historic or cultural significance of the setting of a listed building. The reporter has reached a

different view and finds that, on balance, the development, while prominent in certain views from the viaduct, have a neutral effect overall on the setting of the listed viaduct and therefore preserve its setting. Scottish Ministers have taken into account the Heritage Statement submitted by Simpson and Brown Architects since the previous application was determined in 2017. The Statement notes that “the development at the application sites has no physical impact on the viaduct or its immediate setting.” and also highlights “Whilst the view east towards the sea is very attractive, it would not have been considered important when the viaduct was being built.” Further tree planting will also help to screen the development sites from the listed building. Scottish Ministers agree with the reporter’s conclusion in paragraph 4.29 that the development site will have a neutral impact on the B listed railway viaduct given its role in the wider landscape and that the impacts would not be detrimental to its setting.

17. Ministers agree with the reporter’s conclusions in para 4.30 that the proposals would have no adverse effects on natural heritage, including the adjacent St Cyrus and Kinnaber Links SSSI. Ministers have taken into account that the bund on site which has impinged on the SSSI is now proposed for removal and remediation that will be covered by conditions. NatureScot is content with the restoration strategy. Overall Ministers agree with the reporter’s findings in respect of potential environmental impacts.

Flooding

18. Scottish Ministers agree with the reporter in paras 4.31 – 4.80 that the key issues relating to flood risk are: (a) the extent of the predicted flood risk and the methodology used for the prediction; (b) the consequences resulting from the potential flooding of the site; and (c) the impact of flooding on drainage and water supply.

19. Ministers agree with the reporter’s consideration in paras 4.81 - 83 that the development does not comply with the development plan. This is because of the site’s location in an area of medium to high risk of flooding contrary to national policies in SPP on flooding and LDP policy C4 on flooding. Policy guidance in SPP and in SEPA’s documents is that areas of medium to high risk of flooding (when the annual probability is greater than 0.5% (1 in 200 years)) are generally not suitable for the most vulnerable uses, which include caravans, mobile homes and park homes intended for permanent residential use.

20. Ministers have taken into account the reporter’s consideration in para 4.31 that the liability of the application sites to flooding was a key issue in the previous refusal of permission by Scottish Ministers in 2017. The previous reporter’s report from 2017 concluded, in line with the precautionary approach in SPP, that it would be unsafe to consider that the risk of flooding is outweighed by the contribution that the site currently makes towards meeting the undoubted need for Gypsy/Traveller accommodation in the locality. The previous reporter concluded that the development gave rise to substantial risk to life and property on account of the propensity of the site to flood which goes against local and national policies and would not be a sustainable development.

21. The reporter acknowledges in para 4.95 that in respect of the development plan context little has changed since previous decisions in 2017. The current proposals do

not contain any physical mitigation in relation to possible flooding, but do contain measures to manage the flood risk through a Flood Resilience Plan. New Flood Risk and Drainage Appraisals (FRDA) were submitted for each site in response to the previous refusal of planning permission.

22. There is no dispute between the parties that the site is predicted to be flooded by water from the North Esk by a 0.5% (1 in 200 year) Annual Exceedance Probability (AEP) event, and that both The Halting Site and The Permanent Site would be flooded during a 0.1% (1 in 1000) AEP event. The reporter considers in para 4.43 that it is appropriate to take a precautionary approach in assessing flood risk, as has been done by SEPA. The reporter concludes based on the worst-case scenarios for flooding from the North Esk that:

- at a 1 in 200 year (0.5% AEP) flood event, all of The Halting Site and a significant part of The Permanent Site would be flooded, with a maximum flood depth of about 0.3 metres;
- taking into account the likely effects of climate change, the maximum depth of flooding would increase to about 0.48 metres;
- for the 1 in 1000 year (0.1%) flood event, the maximum depth of flooding would be about 0.4 metres, and probably more, given that the impact of climate change has not been modelled;
- the depth of flooding across the two sites would not be uniform, and part of The Permanent Site is likely to remain unflooded in all scenarios; and
- the public road leading to the sites from beneath the former railway viaduct would be flooded to at least 0.5-0.7 metres during the 0.5% AEP event, and at least 0.8 metres in the 0.1% AEP event.

23. SEPA has indicated that it would aim to give three hours' warning before the sites were due to flood. In para 4.59 the reporter has taken into account that a North Esk Community Resilience Group has been set up, with the assistance of the Scottish Flood Forum, and a flood resilience plan has been prepared. This plan sets out procedures to be followed in the event of a flood warning being received, as well as the relevant contacts in the emergency services. Evacuation of the sites would be the first option in the event of potential flooding. The plan was tested as a desk-top exercise with representatives of the Scottish Flood Forum, Aberdeenshire Council, Police Scotland and SEPA, when it was considered to be a success. The reporter has taken into account a multi-agency exercise carried out in May 2019, followed by a full test evaluation in June when 40 residents were evacuated in 18 minutes. The reporter considers that in a real flood situation it is anticipated that evacuation would take 45 minutes. The reporter considers in para 3.21 that at the flood warning level flow, the sites and access road would remain free of flooding. The reporter adds that it would take approx. 30 minutes for the water level to rise from the forecast flow to the level of the road beneath the viaduct, thus allowing a further period of dry access after the warning had been issued.

24. SEPA raised concerns that the FRDA stated that the mobile homes would provide a safe place of refuge during flooding. Whilst evacuation of the site would be the first option in the event of a flood warning, the report notes in para 4.6 that the mobile homes on The Permanent Site are generally about 0.7 metres above ground level. This would therefore give at least 0.4 metres freeboard above predicted flood levels for a 1 in 200 year event above the flood level for the pitches that would be

flooded in such circumstances. The mobile homes have the potential to provide some freeboard above the maximum predicted flood levels, and the reporter considers in para 4.65 that the mobile homes are potential refuges if evacuation were not possible. Whilst SEPA supports the preparation of such plans for existing properties, it does not remove the flood risk to the sites. Ministers accept the reporter's reasoning in para 4.66 that notwithstanding some concerns about the practicalities of evacuation, provided there is adequate warning of an impending flood, there should be sufficient time for the occupants of both sites to safely evacuate.

25. Ministers have taken into account SEPA and the reporter's reasoning in para 4.62 that the existence of a flood resilience plan does not physically mitigate the risk of flooding but seeks to deal with the consequences of flooding having taken place. The reporter considers in paras 4.64 – 8 that the measures taken to manage the predicted flood risk through the plan will significantly reduce any risk to the life of people living on these sites. However, there could be some damage to property, such as outbuildings within the grounds of the mobile homes, and possibly to some touring caravans if they cannot be safely removed in time. While most of the development on site is retrospective, it is understood that the amenity blocks on the 9 pitches on The Halting Site have not been constructed yet. A condition is recommended to ensure flood resistant design. Ministers have accepted the reporter's reasoning that the flood risk management plan will reduce the risk to life and property in the event of a flood.

26. The reporter considers in para 4.64 that potential water velocities on the sites in the event of flooding would be low compared to those in the river itself. Ministers accept the reporter's reasoning that this, together with the relatively low depth of flood water and the impact of the walls and fences within the site, is likely to reduce damage to the mobile homes from entrained debris.

27. The FRDA has modelled the potential impact on adjoining land. The reporter considers in para 4.74 that any issues relating to the possible displacement of flood water onto adjoining land as a result of the development are not significant. At present, each of the mobile homes on The Permanent Site is served by an individual septic tank. It is proposed to install a package sewage treatment plant on the area of land to the south-west of The Permanent Site. This would also deal with foul drainage from The Halting Site pitches. The reporter concludes in para 4.74 - 80 that the provision of adequate drainage facilities could be controlled by planning condition. SEPA would still have to make an independent decision on the application for a Controlled Activities Regulations (CAR) licence. The current water supply for this development is obtained from a borehole situated within The Halting Site. The applicants intend to bring mains water into the site if permission is granted. Further hydrogeological investigations would be needed to determine the adequacy of the long-term supply, and could be achieved through suitable planning conditions. Ministers accept the reporter's reasoning in regard to the potential impacts on of flood risk on drainage and water supply.

Material Considerations

28. In para 4.83 the reporter considers whether there are any other material considerations which outweigh this non-compliance with the development plan.

Ministers have taken into account the material considerations identified by the reporter in paras 4.84 - 4.93:

- The lack of readily available facilities for Gypsies/Travelling people in south Aberdeenshire;
- The significant hardship that would be caused to the families currently living on the site that would result from the refusal of planning permission, and the subsequent enforcement measures that would have to be taken, taking into account the provisions of the Equalities Act 2010 and the Human Rights Act 1998; and
- The measures that have been taken to manage the predicated flood risk which will significantly reduce any risk to the life of people living on these sites.

29. Ministers have also taken into account the previous decisions of Scottish Ministers to refuse planning permission for a previous application at the site in 2017 and associated enforcement notices, and the breach of planning control and the public's perception of that. Ministers agree with the reporter that weight should be given to these issues in the planning balance.

Planning Balance

30. Scottish Ministers agree with the reporter in para 4.81 that the proposal does not comply with the development plan. Specifically that the development is not consistent with policy R1, in that it does not require a coastal location or meet the other criteria for location in special rural areas. The development is contrary to policy C4 relating to flooding, as it is located within an area of medium to high flood risk, and do not meet any of the criteria for location in such areas. Policy H5 in the local development plan does not require developers of private Gypsy/Traveller sites to prove a specific need for their proposals. It does require that the other policy tests in the plan should be met.

31. The reporter considers that the development would comply with LDP policies E1 on natural heritage and E2 relating to landscape as it would not cause unacceptable effects to the South East Aberdeenshire Coast SLA or the St Cyrus and Kinnaber Links SSSI subject to the proposed restoration. The reporter considers that the development complies with policy HE1 on built heritage as it will have a neutral effect on the setting of the listed viaduct. Ministers agree with the reporter in para 4.82 that overall the development does not comply with the development plan and that it remains to consider whether there are any other material considerations which outweigh this non-compliance.

32. Ministers have accepted the reporter's reasoning set out above that, since the last permissions were refused, measures have been put in place to manage the flood risk through the flood resilience plan to ensure that the sites could be safely evacuated in the event of impending flooding, and that the risk to life is therefore low. Ministers have also accepted the reporter's conclusions that there would be some damage to their property in the event of a flood.

33. Ministers have also taken in account the material considerations and the significant hardship that would be caused to the people living on site and the

practicalities of enforcing to refuse permission when there is a lack of other suitable sites for Gypsy/Travellers within South Aberdeenshire.

34. Ministers agree with the reporter in para 4.92 that there is no wholly satisfactory solution to the issues raised in these cases. Due to the circumstances, Scottish Ministers accept the reporter's conclusion in para 4.101 that non-compliance with the development plan and the flood risk to the site is outweighed by the hardship that would be caused to the families currently living on the site that would result from the refusal of planning permission due to lack of available sites for the Gypsy/Travelling people community in South Aberdeenshire.

Conditions

35. Ministers agree with the reporter that planning permission should be granted for a limited period, and that the situation could be reviewed in the light of the circumstances pertaining at the time, specifically the on-going need for these facilities. The reporter considers in para 4.100 that permission should be granted on a long term basis for a period limited to 15 years. This is because a significant amount of additional investment in the site is needed and that the nature of this development constitute changes of use of the land rather than the carrying out of building or other operations. The reporter also notes this time period will also allow a further period of time for peak flow conditions in the River North Esk to be recorded and monitored, which might modify the flood risk predictions. The reporter considers that this time frame would also allow at least one generation of children a settled school education.

36. Ministers disagree with the reporter that the period for planning permission should be 15 years. Ministers consider that planning permission should be granted for a period of 10 years to align with the LDP period and preparation of the next plan and to allow for more suitable and sustainable sites to come forward. Scottish Ministers therefore impose a condition 1 which has been revised from that proposed by the reporter, setting out the duration of consent for 10 years from the date of this decision.

Conclusions and Scottish Ministers' Decision

37. Scottish Ministers have considered the reporter's findings carefully. Scottish Ministers agree with the reporter that the proposal does not comply with the development plan when taken overall. Specifically that the development is not consistent with policy R1, in that it does not require a coastal location or meet the other criteria for location in special rural areas. The development is contrary to policy C4 relating to flooding, as it is located within an area of medium to high flood risk, and does not meet any of the criteria for location in such areas.

38. Scottish Ministers have considered SEPA's concerns that the existence of a flood resilience plan does not physically mitigate the risk of flooding, but seeks to deal with the consequences of flooding having taken place. Scottish Ministers have considered these cases on their own merits and accept the reporters reasoning on flood risk in this particular instance. Ministers have accepted the reporter's reasoning that the flood emergency plan for the evacuation of the occupiers of the development in the event of a flood will minimise the risk to life and property.

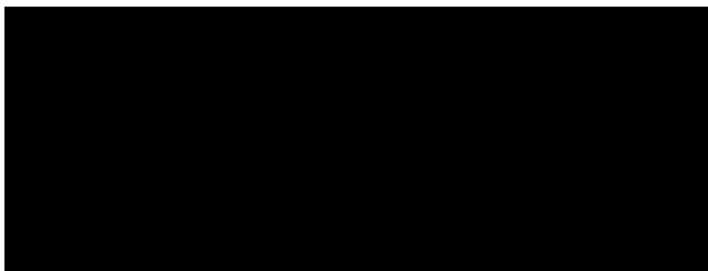
39. Scottish Ministers accept the reporter's conclusion that non-compliance with the development plan and the flood risk to the site is outweighed by the hardship that would be caused to the people currently living on the site that would result from a refusal of permission due to a lack of available sites for the Gypsy/Travelling people community in South Aberdeenshire. On this basis it is considered that granting temporary planning permission for a limited period is justified to allow time for other more suitable and sustainable sites to be identified. Ministers consider that temporary permissions should be granted for a period of 10 years to align with the next LDP process.

40. Accordingly, for the reasons set out in the Reporter's report and as summarised above, Scottish Ministers hereby grant planning permission for a limited period of 10 years for 'the retrospective change of use of agricultural land to form a 10 stance private permanent caravan park, formation of road, erection of boundary fencing, walls, gates and education facility' (Scottish Government ref. NA-ABS-048; Aberdeenshire Council ref. APP/2018/3028), subject to the conditions set out in Appendix 1 to this letter.

41. The decision of Scottish Ministers is final, subject to the right conferred by Sections 237 and 239 of the Town and Country Planning (Scotland) Act 1997 of any person aggrieved by the decision to apply to the Court of Session within 6 weeks of the date of this letter. If an appeal is made, the Court may quash the decision if satisfied that it is not within the powers of the Act, or that the appellant's interests have been substantially prejudiced by a failure to comply with any requirements of the Act, or of the Tribunals and Inquiries Act 1992, or any orders, regulations or rules made under these Acts.

42. A copy of this letter and the report has been sent to Aberdeenshire Council and SEPA. Those parties who lodged representations will receive a copy of this letter.

Yours sincerely



Chief Planner

**APPENDIX 1: CONDITIONS TO BE ATTACHED TO PLANNING PERMISSION
NO. NA-ABS-048 (ABERDEENSHIRE COUNCIL REF. APP/2018/3028)**

1. The use authorised by this planning permission shall be discontinued and all buildings and works authorised by this planning permission must be removed on or before the date of expiry of the period 10 years beginning with 24 March 2021. Not later than one year before the expiration of that 10 year period, detailed proposals for the restoration of the land, including the removal of all buildings, structures, caravans, vehicles, walls and fences, and drainage facilities shall be submitted for the approval of the planning authority. The restoration of the land shall thereafter be completed in accordance with the details and timescales approved by the planning authority.

Reason: Due to the temporary nature of the proposed development and to ensure the site is reinstated

2. Within three months from the date of this permission, a Flood Emergency Plan, for the evacuation of the occupiers of the development hereby approved in the event of a flood shall be put in place and a copy of such plan shall be submitted to the planning authority.

Reason: In the interests of safety and to minimise risk to life and property.

3. Within three months from the date of this permission, full details of the proposed means of disposal of foul and surface water from the development and the proposed future maintenance of the foul and surface water drainage system shall be submitted for the written approval of the planning authority in consultation with the Scottish Environment Protection Agency. The submitted details shall set out, with written certification from a suitably qualified drainage engineer, how the foul drainage system shall be protected from flood level events of at least 0.5% (1:200) plus climate change (as derived from the SLR Hydraulic Modelling Report Appendix HMR 25 "Post-Development 0.5% AEP Flood Depth Inclusive of Climate Change" dated December 2018). Such protection measures shall include, as necessary, provisions for shutting down and subsequently re-starting the drainage system in the event of such flooding.

Within three months from the date of the written approval by the planning authority of the drainage systems required by this condition, the planning authority shall be provided with written certification from a suitably qualified drainage engineer that the approved foul drainage system has been installed and is serving the development in accordance with the approved scheme. Thereafter the foul drainage system shall be retained throughout the lifetime of the permitted development, and maintained in accordance with the approved maintenance scheme.

Surface water shall be disposed of via the use of Sustainable Drainage Systems. Within three months from the date of the written approval from the planning authority of the drainage systems required by this condition, the surface water drainage system shall be installed in accordance with the approved details and shall be retained throughout the lifetime of the permitted development, and maintained in accordance with the approved maintenance scheme.

For the avoidance of doubt, the existing foul drainage scheme installed on the site is not approved.

Reason: In the interests of protecting public health, preventing pollution, and minimising localised flood risk, and to ensure the provision of acceptable drainage systems in the interests of general amenity.

4. Within six months from the date of this permission, the development shall be connected to the public water supply, unless otherwise approved by the planning authority.

Reason: to ensure the provision of an adequate long-term water supply for the occupants of the site.

5. Within three months from the date of this permission, a detailed scheme for all landscaping and tree planting proposals, shall be submitted for the written approval of the planning authority. Details of the scheme shall include:

- a. a schedule of planting, including trees, to comprise species, plant sizes, proposed numbers and density to be planted throughout the development including along the northern boundary with Eskview Farm; and
- b. a programme for the implementation, completion and subsequent maintenance and management of all such landscaping and tree planting.

All soft landscaping proposals shall be carried out in accordance with the approved planting scheme (during the first available planting season), and maintenance and management programme. Any planting which, within a period of 5 years from the completion of the landscaping, which in the opinion of the planning authority is dying, being severely damaged or becoming seriously diseased, shall be replaced in the next planting season by plants of similar size and species to those originally required to be planted.

Reason: To ensure the implementation and management of a satisfactory scheme of landscaping which will help to integrate the development into the local landscape, and in the interests of protecting the amenity of neighbouring residents and the visual amenity of the wider area.

6. Within three months from the date of this permission, the first five metres (as measured from the edge of the public road) of the access that serves this development shall be constructed or reconstructed to be fully paved and shall be retained as such.

Reason: To ensure the provision of a means of access to an adequate standard in the interests of road safety and public safety.

7. Within three months from the date of this permission, off street parking for 30 cars surfaced in hardstanding materials must be provided within the site.

Reason: To ensure the provision of off-road parking at all times and to an adequate standard to serve the development in the interests of road and public safety.

8. Within three months from the date of this permission, visibility splays of 120 metres in each direction shall be provided from a point 2.4 metres measured at right angles from the existing edge of the road carriageway surface along the centre line of the approved access. The visibility splays shall be physically formed on the ground and any existing fences, walls, hedges or other means of enclosure or obstructions within the splays shall be removed or relocated outwith the splays.

Once formed, the visibility splays shall be retained thereafter throughout the lifetime of the permitted development, and no visual obstruction of any kind shall be permitted within the visibility splays so formed.

Reason: To enable drivers of vehicles using the access to have a clear view of other road users and pedestrians in the interests of road and public safety.

9. Within three months of the date of this permission, details of a scheme for the storage of recycling, food waste and residual waste within the site shall be submitted for the written approval of the planning authority. The refuse and recycling bins shall include 3 x 1100 litre refuse bins, 3 x 1100 litre recycling bins and 2 x 240 litre food waste bins. These receptacles should be located beside the site road to reduce the distance needed to pull the bins to the lorry. Once provided, the recycling, food waste and residual waste storage scheme shall thereafter be retained and managed throughout the lifetime of the permitted development.

Reason: To ensure that suitable provision is made for the storage of communal recycling, food waste and residual waste bins in the interests of protecting public health and visual amenity.