

Agenda Item	6.10
Report No	PLS 049/18

HIGHLAND COUNCIL

Committee: South Planning Applications Committee
Date: 12 June 2018
Report Title: 18/00108/S42: Dalgleish Associates Ltd
Mid Lairgs Quarry, Farr, Inverness
Report By: Area Planning Manager – South/Major Developments

Purpose/Executive Summary

Description: Application under Section 42 of the Act in relation to non compliance with conditions 1 and 2 of planning permission 02/00765/FUL to extend the period of time of extraction
Ward: 12 - Aird and Loch Ness

Development category: Major

Reason referred to Committee: Major Application

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

Recommendation

Members are asked to agree the recommendation to **Grant** planning permission as set out in section 11 of the report.

1. PROPOSED DEVELOPMENT

- 1.1 This application has been submitted under Section 42 of the Planning Etc (Scotland) Act 2006 and relates to Conditions 1 and 2 attached to planning permission 02/00765/FULIN granted on 27 March 2002 in respect of the Mid Lairgs Sand, Gravel and Hard Rock Quarry. The applicant seeks to extend the timescale for working of the quarry for a further 27 years with a further year to complete restoration works and to work the consented excavation area to a deeper level (down to a floor of 193m).
- 1.2 The quarry at Mid Lairgs, if amended in line with the proposed application, would yield a further of 490,000 tonnes of sand and gravel and 8.1 million tonnes of hard rock. The operations on site involve extraction, processing and distribution of the material with restoration of the previously worked areas. While some areas of the quarry have been restored there are some areas where restoration has not taken place and the site has been left to naturally regenerate. It is envisaged that quarrying of the site will take place over the next 27 years with final restoration taking a further 12 months.
- 1.3 The site has been operational since 1948. A copy of the current planning permission for the quarry is included as Appendix 1.
- 1.4 This application has been supported by the following information:
- Supporting statement / letter;
 - Previously approved plans for the development;
 - Environmental Statement assessing matters including:
 - Hydrology and Hydrogeology
 - Air Quality
 - Noise;
 - Phasing; and
 - Restoration.

The Environmental Statement submitted in support of the 2002 application has also been submitted as part of the Environmental Statement.

- 1.5 Variations: None.

2. SITE DESCRIPTION

- 2.1 The site comprises an existing quarry to the south of Inverness. Access is from the A9(T) via the local road network (B851) and a previously upgraded junction and access track. The site itself is back dropped by woodland. The settlements of Daviot, Inverarnie and Tombreck lie in relatively close proximity to the site.

3. PLANNING HISTORY

3.1	16 August 2007	01/00097/FULIN - Excavation of sand and gravel	Application Withdrawn
3.2	1 May 2002	01/00519/FULIN - Proposed extension	Permission Granted
3.3	27 March 2003	02/00765/FULIN - Amended proposal for continued extraction of sand and gravel and associated processing to supersede application IN/2001/97	Permission Granted
3.4	24 January 2003	02/00839/FULIN - Variation of Condition 1 of planning consent IN/1993/376 to extend the life of the asphalt plant at Mid-Lairgs Quarry until 31 July 2004	Permission Granted
3.5	24 January 2003	02/00840/FULIN - Variation of Condition 1 of planning consent IN/1993/377 to extend the life of the ready mixed concrete plant at Mid-Lairgs Quarry until 31 July 2004	Permission Granted
3.6	2 December 2004	04/01006/FULIN - Variation to condition 1 of planning consent IN.1993/376 to extend the life of the asphalt plant until 13 December 2010	Temporary Permission
3.7	3 December 2004	04/01007/FULIN - Variation to Condition 1 of Planning Consent IN/1993/377 to extend the life of the ready mix plant until 31 December 2010	Temporary Permission
3.8	27 September 2005	05/00246/FULIN - Establishment and utilisation of a concrete batching plant, garage/mobile plant storage shed and a concrete pad for the production and storage of the concrete blocks.	Permission Granted
3.9	4 July 2006	06/00354/FULIN - Planning application for a variation of Condition 2 of 02/00765/FULIN to allow the drilling and blasting of rock	Temporary Permission
3.10	19 April 2007	06/01084/FULIN - Reworking of a previous excavation to extract sand and gravel	Permission Granted
3.11	7 February 2008	07/00735/FULIN - Aggregate recycling	Permission Granted
3.12	31 October	08/00870/FULIN - Variation of condition 1	Permission

	2008	(IN/1993/377)	Granted
3.13	31 October 2008	08/00871/FULIN - Variation of Condition 1 (IN/1993/376)	Permission Granted
3.14	14 September 2012	11/04397/FUL - Erection and operation of asphalt plant	Permission Granted
3.15	11 October 2012	12/02360/S75M - Application for the modification of Planning Obligations for application 02/00765/FULIN	Grant Section 75 (Modify Obligations)
3.16	22 November 2012	12/03804/S75D - Discharge of planning obligation to the provision of a restoration guarantee for an older permission which has been superseded by new permissions and new agreements. Consequently we are applying to have this old agreement discharged.	Grant Section 75 (Discharge Obligations)
3.17	22 May 2017	17/01400/SCOP - Scoping request in relation to applications 02/00765/FULIN & 06/00354/FULIN	Scoping Application Decision Issued
3.18	3 January 2018	17/04383/SCRE - Extend the duration of operations	Scoping Application Decision Issued
3.19		17/05498/PAN - Northern extension of sand and gravel extraction into area known as Littlemills	Pending Consideration
3.20		18/01691/FUL - Extension to Mid Lairgs Quarry	Pending Consideration

4. PUBLIC PARTICIPATION

4.1 Advertised: Yes - EIA Development and Unknown Neighbour

Date Advertised: 26.01.2018

Representation deadline: 25.02.2018

Timeous representations: 0

Late representations: 0

5. CONSULTATIONS

- 5.1 **Strathnairn Community Council** did not respond to the consultation.
- 5.2 **THC Transport Planning** does not object to the application. No modifications to the conditions related to traffic movements are proposed by the applicant.
- 5.3 **THC Access Officer** does not object to the application. Concern is raised over whether any future re-routing of the public right of way through the quarry on completion of restoration will be used given the quality of the existing route. Furthermore there are some issues raised in relation to when access to the restored elements of the site will be brought forward. Conditions are requested to secure details of how the right of way will be reinstated and a schedule for the provision of public access in the south western corner of the site.
- 5.4 **THC Environmental Health** does not object to the application. Conditions are requested in relation to operational hours; noise limits; noise surveys; and dust suppression.
- 5.5 **THC Historic Environment Team** has no comments in respect of the application.
- 5.6 **Scottish Natural Heritage** do not object to the application. They note that the site is immediately adjacent to Littlemill Fluvio-glacio Landforms Site of Special Scientific Interest (SSSI) but the site does not encroach on the SSSI nor cause slope stability issues within the SSSI.
- 5.7 **Scottish Environment Protection Agency** do not object to the application. Conditions are sought to secure an updated water treatment plan; a Pollution Prevention Plan; and a final restoration plan to include a scheme for watercourse restoration and enhancement.
- 5.8 **Transport Scotland** do not object to the application.
- 5.9 **Scottish Water** has not responded to the application.
- 5.10 **Historic Environment Scotland** do not object to the application. It notes that the applicant has previously discharged the conditions related to archaeology.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 **Highland Wide Local Development Plan 2012**

- 28 - Sustainable Design
- 29 - Design Quality & Place-making
- 30 - Physical Constraints
- 51 - Trees and Development
- 53 - Minerals
- 54 - Mineral Wastes
- 56 - Travel
- 57 - Natural, Built & Cultural Heritage

- 58 - Protected Species
- 59 - Other important Species
- 60 - Other Importance Habitats
- 61 - Landscape
- 62 - Geodiversity
- 63 - Water Environment
- 64 - Flood Risk
- 65 - Waste Water Treatment
- 66 - Surface Water Drainage
- 72 - Pollution
- 73 - Air Quality
- 74 - Green Networks
- 77 - Public Access

6.2 Inverness Local Plan 2006 (as continued in force)

No specific policies apply.

6.3 Inner Moray Firth Local Development Plan 2015

No specific policies apply

6.4 Supplementary Guidance

- Flood Risk & Drainage Impact Assessment (Jan 2013)
- Highland Historic Environment Strategy (Jan 2013)
- Highland's Statutorily Protected Species (March 2013)
- Trees, Woodlands and Development (Jan 2013)
- Standards for Archaeological Work (March 2012)
- Physical Constraints (March 2013)
- Managing Waste in New Developments (March 2013)
- Construction Environmental Management Process for Large Scale Projects (August 2010)

7. OTHER MATERIAL CONSIDERATIONS

7.1 Scottish Government Planning Policy and Guidance

- National Planning Framework 3 (2014)
- Scottish Planning Policy (2014)
- PAN 50 - Controlling the Effects of Surface Mineral Workings (1996)
- PAN 51 - Planning, Environmental Protection and Regulation (2006)
- PAN 60 - Planning for Natural Heritage (2000)
- PAN 63 - Waste Management Planning (2002)
- PAN 64 - Reclamation of Surface Mineral Workings (2002)
- PAN 79 - Water and Drainage (2006)
- PAN 1/2011 - Planning and Noise (2011)
- PAN 2/2011 - Planning and Archaeology (2011)

8. PLANNING APPRAISAL

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

Determining Issues

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

Planning Considerations

- 8.3 The principle of the development has been established through the previous permissions. This is an application to modify Condition 1 and 2. In order to address the determining issues therefore, Committee must consider the extent to which the proposal continues to comply with development plan policy and take into consideration any other material considerations.

Development Plan

- 8.4 Development Plan policy has changed since the time of the determination of the original application. The Highland Structure Plan (2001) is no longer in force. The policy provisions of this and the Inverness Local Plan (2006) have been superseded by the Highland-wide Local Development Plan (2012) and the Inner Moray Firth Local Development Plan (2015).
- 8.5 The key issue therefore is whether the amendment of the condition applied for would result in the development being incompatible with the Development Plan. The remainder of this report will consider the modification proposed and assess its compatibility with the Development Plan.

Modification to Conditions 1 and 2

- 8.6 The applicant has sought to modify the wording of the condition to allow for the working of the quarry for a further 28 years and to a greater depth as there are no technical concerns such as stability; impact on the water environment; or landscape impact. In principle, the extension of time for working of the quarry is supported, as is the winning of further minerals from an existing quarry by the relevant policies in the Highland-wide Local Development Plan. However, these modifications to the permission can only be supported if appropriate conditions exist to ensure appropriate environmental mitigation is in place and the site is satisfactorily restored.
- 8.7 It is worth highlighting that an application submitted under S42 of the Planning Act provides the Planning Authority with an opportunity, as part of the process in considering the proposed variation, to amend any, or each of the original conditions previously applied which it considers necessary to regulate the development proposed. Following consideration of the conditions attached to the extant planning permission, it is considered appropriate to revisit all the conditions attached to the

original permission to ensure the wording is in line with current good practice and to ensure the conditions are suitable to regulate the proposed development. This is also reflected in the responses of consultees. In doing so, this has provided an opportunity to strengthen the terms of the conditions and provide greater clarity as to the requirements of these, including the information required to satisfy the conditions.

Other material considerations

8.8 There are no other material considerations.

Matters to be secured by Section 75 Agreement

8.9 Restoration of the quarry is secured by condition and is largely progressing inline with the previously approved plans. However, in order to ensure that the restoration is completed to the satisfaction of the Planning Authority and in a timeous manner, a financial guarantee will continue to be required. This will be secured via legal agreement and will comprise:

Full details of a bond or other financial provision to be put in place to cover all of the decommissioning and site restoration measures outlined in the Decommissioning and Restoration Plan approved under Condition 3 of this permission.

Thereafter, the Quarry Operator will be required to:

- i. Ensure that the bond or other financial provision is maintained throughout the duration of this permission; and
- ii. Pay for the bond or other financial provision to be subject to a review five years after the commencement of development and every five years thereafter until such time as the quarry is decommissioned and the site is fully restored.

8.10 The applicant has four months from the date that the Council's solicitor writes to the Applicant/Applicant's solicitor indicating the terms of the legal agreement, to deliver to the Council a signed legal agreement. Should an agreement not be delivered within four months, the application shall be refused under delegated powers.

9. CONCLUSION

9.1 The extension of time for working the quarry and increase in depth of the workings is acceptable and will provide a resource for the delivery of construction schemes across Highland. Subject to the application of appropriate conditions, the development is unlikely to have a significant adverse impact on the environment.

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

10. IMPLICATIONS

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

11. RECOMMENDATION

Action required before decision issued Y

Conclusion of Section 75 Obligation Y

Subject to the above, it is recommended that planning permission be **GRANTED**, subject to the following:

Conditions and Reasons

1. The permission hereby granted shall endure until 12 June 2046 by which time all workings shall have ceased, all plant and equipment removed and the site restored in accordance with the approved plan to agricultural land (pasture) with trees and scrub planting with exposed quarry faces retained for geodiversity value to the satisfaction of the Council.

In the event that working ceases for a period of more than 24 months prior to the expiry of this permission then the site shall be restored to the satisfaction of the Council within 36 months from the cessation of working, or in any case before the expiry of this permission.

Reason: to clarify the terms of the permission and ensure the site is fully restored to an appropriate use.

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (As Amended), no fixed plant (including any tar making or concrete making plant), other than those specifically approved through this consent, shall be operated on the site without the express grant of planning permission.

Reason: To clarify the terms of the permission and to ensure the amenity impacts of any additional plant are properly assessed.

3. Within 6 months of the grant of this planning permission, a detailed scheme to ensure the decommissioning and phased rolling restoration of the site for the purpose of agriculture with trees and scrub planting with exposed quarry faces and floors and their aftercare, in line with the approved restoration

plans, has been submitted to and subsequently approved in writing by the Planning Authority. The scheme be known at the Decommissioning and Restoration Plan and shall ensure:

- a. The grading of all ground to stable slope angles and the shaping and contouring of the ground such as to be sympathetic to adjacent geological features;
- b. The progressive phasing of restorations works to ensure early restoration of any excavated phase;
- c. The treatment of surfaces prior to and after topsoiling and proposals to establish suitable vegetative cover (including tree and scrub planting);
- d. A programme of after care for each phase or sub-phase of restoration;
- e. A programme of aftercare and maintenance for a minimum of 36 months following the last working of the site.

Reason: To ensure an appropriate scheme is in place for the interim and final restoration of the site.

4. The following activities shall not take place outwith the hours of 0700-1900 Monday to Friday, 0700-1300 on Saturday without prior written approval of the Planning Authority and in consultation with Strathnairn Community Council:

- Production operations;
- Loading of lorries;
- Driving of lorries;
- Soil stripping;
- Bund formation

Works outlined above may be undertaken if they are required for saving of life or property or for the safety of the works. If works are carried out for this reason, the Planning Authority must be informed within 72 hours of such works.

Reason: In the interests of amenity due to the potential noise impacts of the above activities on noise sensitive receptors.

5. The development shall be undertaken entirely in accordance with the submitted application, the mitigation highlighted within the supporting Environmental Statement, and the approved plans as amended by the specific conditions attached to this planning permission or by the prior written approval of the Planning Authority.

For the avoidance of doubt no additional sand, gravel or hard rock material is to be imported to the site in order to maintain production of plant or sustain the dispatch of materials.

Reason: In order to ensure the production capacity of this quarry does not exceed levels considered through Environmental Statement.

6. At no time during the operation of the development shall anything obscure visibility between a driver's eye height of 1.05m along the visibility splays of 9m x 215m (the X dimension and Y dimension respectively) in each direction formed from the centre line of the junction, positioned at the X dimension and an object height of 0.60m anywhere along the Y dimension.

Reason: In order to ensure the safety and free flow of traffic on the public road.

7. Within 6 months of the grant of this planning permission a site Environmental Management Plan (EMP) shall be submitted to, and approved in writing by, the Planning Authority. The EMP shall include, but will not necessarily be limited to:
 - a. Maintenance of a 10m buffer between the extraction area and any watercourse or waterbody;
 - b. Maintenance of a 3m buffer between the fenced boundary with the Littlemills SSSI;
 - c. Maintenance of a 3m buffer between the fenced boundary with the adjacent Forestry;
 - d. A site map showing the location of pollution prevention measures such as spill kits, oil interceptors, drainage associated with welfare facilities, recycling and bin storage and vehicle washing areas;
 - e. A site log sheet detailing how often the pollution prevention and drainage measures will be checked and maintained which will be kept on site ready for inspection at any time;
 - f. An updated site map showing where soils and overburden will be stored including details of the heights and dimensions of each store, how long the material will be stored for and how soils will be kept fit for restoration purposes;
 - g. Sections and plans detailing how restoration will be progressed including the phasing, profiles, depths and types of material to be used;
 - h. Details of cut of drains, ensuring that these maximise diversion of water from entering quarry works;
 - i. A scheme for monitoring excavations for signs of groundwater ingress and outlining the mitigation which will be undertaken if such an event occurs;
 - j. Location of any and all processing plant;
 - k. A Silt Management Plan, identifying locations and details of silt management devices and settlement lagoons;
 - l. Locations of proposed borehole(s);
 - m. Dust management, monitoring and suppression plans for the site and access road;
 - n. Noise management and control plans inclusive of a scheme of notification to be submitted within two weeks following commencement of a new operating phase or any other significant change in operations providing a noise survey

undertaken by a competent person to ensure the limits applied in condition 11 are being complied with. The scope of any survey and monitoring shall be agreed in writing by the Planning Authority with results of any survey being submitted to the Planning Authority within 28 days of the survey being undertaken;

- o. Details of any and all lighting on the site;
- p. Details of the person(s) who will oversee the implementation and adherence to the Environmental Management Plan;
- q. A detailed plan identify all proposed nature conservation mitigation measures, such as: -
 - i. Measures for protected species / breeding birds that may be found using the site;
 - ii. Areas of vegetation removal – with timings of work outwith spring / summer months to avoid impact on breeding birds and other wild life interests.

The Environmental Management Plan shall be implemented as approved, ensuring all on site staff are familiar with and adhere to its terms.

The EMP shall be reviewed every 5 years from the date of the approval of the permission to ensure that it remains in line with good practice. The reviewed and updated documents shall be submitted and approved in writing to the Planning Authority by 01 March of any review year.

Reason: In order to enable the Planning Authority to adequately control the development and to minimise its impact on the nature conservation and amenities of the local area.

8. From the date of any commencement of this development until completion of the final restoration, a copy of this planning permission, all approved plans and associated documentation together with any approved amendments shall be made available for inspection at the site offices during approved working hours.

Reason: In order to ensure the site operator and visiting officials are aware of the details of the planning permission and any approved amendments.

9. Within 6 months of the grant of this planning permission an Operational Traffic Management Plan (OTMP) shall be submitted to, and approved in writing by, the Planning Authority. The OTMP shall include, but will not necessarily be limited to:

- a) Traffic routing for all HGV quarry traffic via the B851/B861 and to and from the site via Inverarnie;
- b) A scheme for communication of traffic routing to drivers of vehicles who may use the quarry including details of location and content of signage; and
- c) No incoming or outgoing lorry movements on the B851 southwest of the quarry between 0830 and 0900 on any school day; and
- d) A scheme of signage to instruct HGV drivers to use the B851

eastward to the A9.

The Operational Traffic Management Plan shall be implemented as approved, ensuring all on site staff are familiar with and adhere to its terms.

The Operational Traffic Management Plan shall be reviewed every 5 years from the date of the approval of the permission to ensure that it remains in line with good practice. The reviewed and updated documents shall be submitted and approved in writing to the Planning Authority by 01 March of any review year.

Reason: In order to enable the Planning Authority to adequately control the development and to minimise its impact on the amenity of users of the local road network.

10. Within 6 months of the grant of this planning permission, an access management statement/plan shall be submitted to, and approved in writing by the Planning Authority. This shall detail how access routes will be reinstated and timescales for their reinstatement. The access arrangements contained within shall then be implemented as approved.

Reason: In order to make clear the public access rights regarding quarrying activities, sustain existing public access connections away from quarry activities and promote access to the area following restoration.

11. The noise levels arising from the workings on the site at the nearest noise sensitive receptors at the time of the commencement of this planning permission shall not exceed:
 - 45 dB (A) Leq 1 hour free field during permitted operational hours Monday to Saturday;
 - 35 dB (A) Leq 15 minutes free field at all other times;
 - 70 dB (A) Leq 1 hour free field when undertaking soil stripping, mound construction and landscaping during permitted operational hours. Any such operations should not take place in more than 8 weeks of any calendar year.

For the avoidance of doubt the times stated means that period of time during the defined working day. Further "free field" shall be interpreted to mean at least 3.5m from significant sound reflecting surfaces, other than the ground plane.

Noise monitoring must be carried out at the start of each new phase of workings and a report of the monitoring thereafter to be submitted to the Planning Authority.

Monitoring to be undertaken during typical normal working hours and should avoid meal breaks and periods of plant breakdown. All noise monitoring is to be carried out by a competent person.

Monitoring to be carried out in accordance with BS4142:1997. In the event

of a valid complaint in relation to noise, the operator shall at his own expense carry out an investigation into the complaint, including undertaking noise monitoring to assess compliance with the permitted noise levels detailed above, and where necessary cease the operations giving rise to the complaint until such time as appropriate mitigation measures have been implemented.

Reason: In order to ensure the operations cause no adverse impact on amenity of nearby residents.

12. The operator of Mid Lairgs Quarry shall submit an annual statement and illustrative drawings to the Planning Authority by 28 February each year following the commencement of this permission. The annual statement will present an audit of the workings undertaken in the preceding calendar year, illustrating: -
 1. The rates of extraction against the projected operations,
 2. Areas of final restoration delivered on site, and
 3. The results of monitoring from the mitigation actions as presented in the application, the Site Environmental Management Plan and or in compliance with the conditions attached to this planning permission.
 4. The results of ongoing groundwater monitoring.

Reason: In order to ensure the planning authority can monitor the workings undertaken and retain effective control over the quarry operations.

REASON FOR DECISION

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

TIME LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION

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

FOOTNOTE TO APPLICANT

Initiation and Completion Notices

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

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

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

Accordance with Approved Plans & Conditions

You are advised that development must progress in accordance with the plans approved under, and any conditions attached to, this permission. You must not deviate from this permission without consent from the Planning Authority (irrespective of any changes that may separately be requested at the Building Warrant stage or by any other Statutory Authority). Any pre-conditions (those requiring certain works, submissions etc. prior to commencement of development) must be fulfilled prior to work starting on site. Failure to adhere to this permission and meet the requirements of all conditions may invalidate your permission or result in formal enforcement action

Flood Risk

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

Scottish Water

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

Septic Tanks & Soakaways

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

Local Roads Authority Consent

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

Roads office for further guidance at the earliest opportunity.

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

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

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

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

Mud & Debris on Road

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

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

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

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

Protected Species – Halting of Work

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

from SNH: www.snh.gov.uk/protecting-scotlands-nature/protected-species

Signature: Nicola Drummond
Designation: Area Planning Manager – South/Major Developments
Author: David Mudie
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 - Site Location
Plan 2 - Phasing Plan
Plan 3 - Restoration Plan

APPENDIX 1

Grid Reference			27	12	53
			83	62	94
Reference No.	02	00765	FULIN		

To: Messrs A Ross & Sons per Messrs Bowlts
Chartered Surveyors
Barnhill
Pluscardin
By Elgin IV30 8TZ

With reference to your application dated **20 August 2002** for planning permission under the above-mentioned Act for the following development, viz: -

Amended proposal for continued extraction of sand and gravel and associated processing to supersede application IN/2001/97

The Highland Council in exercise of its powers under the above-mentioned Act hereby grant planning permission for a limited period only expiring on **27 March 2020** for the said development in accordance with the particulars given in, and with the plans accompanying, the application, subject to the following additional condition(s), viz:-

Temporary Permission

1. The permission hereby granted shall endure for a period of 15 years for extraction purposes and 2 years for final restoration works from the date of this consent, within which period, unless with the express approval of the Planning Authority, the site shall have been cleared and re-instated in accordance with an approved restoration scheme which shall be submitted for the further prior approval of the Planning Authority before restoration work commences on any relevant phase hereby approved in terms of the conditions of this permission.

Reason: To allow the Planning Authority to retain effective control over development which is temporary in nature.

Manner of Development

2. Except as otherwise provided by the terms of this permission, the developer shall operate the development in accordance with the drawings and supporting information, including the Environmental Statement, submitted with the application and docquetted as relevant hereto and no deviation therefrom unless otherwise approved in writing by the Planning Authority. In particular:-

Dated this 27th day of March 2003

.....
Head of Development and Building Control
Planning & Development Service

- (i) In relation to further extraction at Wester Lairgs ie, Phase 1, 2, 2a, unless otherwise agreed, operations shall cease within this area by 31 December 2005 by which time the area shall be restored including grading and landscaping. Except for the separation of large stones from as dug material, there shall be no processing, by crushing or screening, of any materials at Wester Lairgs or the siting of any fixed plant ,equipment, structures or erections, except for fencing or markers as may be agreed.
- (ii) In areas of the quarry contiguous with the boundary of Littlemills SSSI, no excavation shall be made closer than 3 metres to the fenced boundary and this limit of excavation shall be identified by suitable marker posts. Similarly no excavations will be closer than 3 metres to Forestry Commission land.

Reason: In order to clarify the terms of the permission hereby granted and to ensure that the development is implemented as approved.

Lorry Routing Arrangements

- 3. The quarry operators shall employ all available measures to prevent HGV quarry traffic routing by the B851/B861 to and from the site via Inverarnie. This shall include:-
 - (i) a standing instruction to all drivers of vehicles who may use the quarry
 - (ii) appropriate signage within the quarry and at the access/egress

Reason: To prevent any regular passage of HGV is on the B851/B861 through Inverarnie in the interests of amenity and road safety.

- 4. Condition No 3 shall not apply to the delivery of quarry product to any customer located locally in upper Strathnairn, Balnafoich or vicinity, but any such deliveries shall be logged and notified annually to the planning authority in association with the requirement for regular auditing.

Reason: To allow the reasonable delivery of quarry product to the local area.

- 5. Unless otherwise expressly agreed by the Planning Authority, the operator shall ensure that there are no incoming or outgoing lorry movements on the B851 southwest of the quarry entrance during the morning peak school transfer time between 8.30 and 9 am on any school weekday.

Reason: To avoid hazard to school children during the morning journey to school.

Quarry Operations

- 6. The operational hours of the quarry shall be 7am – 7pm on any day Monday to Friday and 7am – 1pm Saturday. No operations shall be undertaken on any Sunday with the exception of essential maintenance operations, which shall only be undertaken at Mid Lairgs and not at Wester Lairgs.

Reason: To control quarry operation in the interests of amenity.

Dated this 27thday of..... March2003

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Head of Development and Building Control
Planning & Development Service

Noise

7. Noise generated from the appeal site, when measured or calculated at the access road beside West Lairgs Farmhouse, or other appropriate monitoring point which may be agreed by the planning authority, shall not exceed:-
- (i) 70 dB (A) Leq 1 hour free field during soil stripping, mound construction and landscaping operations, and for not more than eight weeks in any calendar year and during the hours of operation specified in Condition No 6 which weeks shall be determined by the mineral operator and notified to the planning authority in writing prior to the commencement of such operations;
 - (ii) 45 dB (A) Leq 1 hour free field between the hours specified in condition No 6 ;
 - (iii) 35 dB (A) Leq 15 minutes free field at all other times.

“Free field” shall be interpreted to mean at least 3.5 metres from significant sound reflecting surfaces, other than the ground plane.

Reason: To control noise arisings and to prevent noise nuisance.

Condition 8

8. (1) Prior to the commencement of operations on site a noise monitoring and management scheme (“the Scheme”) shall be agreed with the Planning Authority which shall cover, inter alia, the following conditions:-
- (a) The Scheme shall:-
 - (i) include free field monitoring locations as defined in Condition 7 and provisions for the monitoring of any other relevant noise sensitive property in respect of which the planning authority, following preliminary investigation, has notified the operator of a complaint about noise from the appeal site;
 - (ii) ensure that monitoring is undertaken in accordance with the relevant provisions of BS 7445 and BS 5228;
 - (iii) confirm that the frequency of monitoring in relation to each phase of operations of the appeal site shall be not less than once annually or once during the commencement of each major phase as identified in the programme of mineral extraction and site restoration or as in terms of a review under para (b) of this Condition 8;
 - (iv) include a requirement to repeat surveys or calculate levels in the event that weather, or other relevant conditions, fall outwith recommended survey procedures and standards;

Dated this 27th day of March2003

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Head of Development and Building Control
Planning & Development Service

- (v) detail the information required by the planning authority from each monitoring survey.
 - (vi) include a requirement to submit a written report of the results of the monitoring surveys to the planning authority not less than 4 weeks after the date of survey;
 - (vii) set out a procedure for complaints by members of the public and a requirement on the part of the operator, in the event of complaint to carry out monitoring, or where access to the relevant property is denied or not available, to calculate received sound levels at the complainant property; and
 - (viii) include a requirement for the monitoring to be undertaken by an independent consultant engaged by the operator with the written approval of the planning authority.
- (b) Annual reviews of the monitoring regime with the planning authority to consider the effectiveness, frequency and detail of the Scheme.
 - (c) Prior to the commencement of operations a survey of current background and ambient noise conditions of each monitoring location, established, above, shall be carried out by the operator and reported to the planning authority.
 - (d) Prior to the commencement of operations, predictions of operational noise levels at each monitoring location established in terms of para (a) above, shall be carried out and reported to the planning authority and any noise control measures necessary to enable operations to conform with Condition 7 shall be detailed in that report.
- (2) The Scheme shall be implemented by the operator.
 - (3) No later than 2 months from the date of planning consent, the operator shall submit to the planning authority a scheme in terms of sub Condition (1) above for approval and in the event that the planning authority does not give the operator written intimation of its disagreement with that scheme within two months of its receipt the planning authority shall be deemed to have agreed to that scheme.

Reason: To control noise arisings and to prevent noise nuisance.

Control of Dust Arisings

- 9. Measures shall be taken at all times to suppress dust arisings from activities at the site. In the event of any dust nuisance arising off-site, the operator shall immediately implement appropriate remedial action in accordance with all good operational practice and with observance of the following:-
 - (i) material stockpiles shall be no greater than 4 metres in height and shall be sprayed to suppress dust arisings in dry or windy conditions;

Dated this 27th day of March 2003

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Head of Development and Building Control
Planning & Development Service

- (ii) all quarry vehicles above 3 tonne load capacity carrying dry material containing sand particles or smaller shall be sheeted before exiting the quarry or suitably dampened to prevent dust blow;
- (iii) unless otherwise expressly agreed, all vehicles carrying quarry product shall pass through a wheel washing facility before entering the public road B851;
- (iv) in dry conditions vehicle marshalling areas within the quarry and the access road shall be regularly bowsed and hard surfacing swept to reduce dust arisings;
- (v) all quarry processing plant shall be fitted with appropriate dust suppression equipment and regularly maintained;
- (vi) the haul road from Wester Lairgs shall be maintained regularly to avoid pothole formation and excessive dust arisings.

Reason: To control dust emissions and prevent nuisance arising.

Protection Against Surface and Ground Water Pollution

- 10. The quarry extension will be designed and operated to ensure that all process water shall be contained and recycled, that surface water is controlled to avoid pollution of ground water or any water course and that no fuel, concrete or other chemical substance is stored or used in a manner which would pollute ground or surface water. Before any excavation is undertaken within Phases 3 and 4 hereby approved, a Water Management Plan shall be submitted for prior approval of the Planning Authority in consultation with SEPA and SNH and thereafter implemented. All operations shall be undertaken in accordance with relevant Pollution Preventions Guidelines published by SEPA.

Reason: To avoid pollution to ground water or any watercourse.

Fencing

- 11. The site shall be securely fenced at all times and the details of fencing shall be subject to the prior approval of the Planning Authority.

Reason: To ensure the site is securely fenced in the interests of safety and to define the quarry area.

Signage

- 12. A scheme of quarry sign-posting including signage necessary to instruct HGV drivers to use the B851 eastwards to the A9 shall be established subject to the prior approval of the Planning Authority.

Reason: To control signage and to encourage HGV routing by way of the B851 eastwards from the site to the A9 (T).

Dated this 27th day of March 2003

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Head of Development and Building Control
Planning & Development Service

Quarry Building Plant and Staff Facilities

- 13. All proposals for any new buildings on site shall be subject to the prior approval of the Planning Authority, including servicing arrangements for staff facilities. Buildings and plant shall be coloured dark green recessive tone to the satisfaction of the Planning Authority.

Reason: To retain effective control in the interests of amenity.

Landscape Works

- 14. The details of final landscaping and restoration operations shall be in accordance with those approved in the Environmental Impact Assessment unless otherwise expressly agreed by the Planning Authority. In addition, a method statement and specification including a maintenance and remedial strategy over a period of 5 years from restoration will be submitted for prior approval within 6 months of the date of this permission.. Also, within 6 months of the date of this permission a conservation plan for the management of the peat bog west of the haul road and the restoration of heathland shall be submitted for further prior approval in consultation with SNH.
- 15. Top soil shall be stored separately from overburden and no top soil shall be removed or sold off-site.
- 16. Except as may be specifically agreed, landscaping screening works as approved shall be implemented and completed at the earliest opportunity and in any case no later than 12 months from the commencement of development, which date shall be notified to the Planning Authority.
- 17. Before final restoration works are undertaken in relation to any phase, the applicant shall require the prior approval of the Planning Authority to the details of such works which shall include the removal of all plant equipment structures and erections, the topography of the final landform, the extent of lochan formation, the seeding of the ground surface, any associated tree shrub planting, and the final proposed after-use. Unless expressly agreed in relation to final restoration arrangement, no car park shall be formed adjacent the Wester Lairgs access track.

Reasons 14-17: In the interests of establishing appropriate landscape, restoration, amenity and after-use.

Archaeology

- 18. Prior to the commencement of development on Phases 3 and 4, a programme of archaeological work for the preservation and recording of any archaeological features affected by the proposed development, including a timetable for investigation, shall be submitted to and require the approval in writing of the Planning Authority. All arrangements thereby approved shall be implemented in accordance with the approved timetable for investigation. The archaeological scheme shall in particular assess safeguards for the protection of the township and also the buildings of Mid Lairgs Farm.

Reason: To safeguard archaeological interest.

Dated this 27th day of March 2003

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Head of Development and Building Control
Planning & Development Service

Annual Audit

19. From the commencement of operation of the quarry, the operator shall submit an annual statement and illustrative drawing to the Planning Authority illustrating the extent of quarry working and projected operations during the forthcoming 12 month period, as an audit of operations. This shall include an audit of restoration works.

Reason: To assist the Planning Authority to retain effective control over quarry operations.

Dated this 27th day of March2003

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Head of Development and Building Control
Planning & Development Service