Agenda Item	1.2
Report No	NPC/02/20

### HIGHLAND COUNCIL

Report of handling for consultation which Chair of NPAC under the revised Scheme of Delegation applicable during the Covid19 outbreak

Date: 21 April 2020

19/05228/S42: Limehillock Quarries Ltd

Report Title: Ledmore Quarry, Elphin, Lairg, Sutherland, IV27 4HJ

**Report By:** Acting Head of Development Management – Highland

1. Purpose/Executive Summary

1.1 **Description:** Application for non-compliance with condition 3 (Operational

timescale) of planning permission 98/00164/FULSU

**Ward:** 01 – North, West and Central Sutherland

1.2 **Development category:** NA02A – Minerals Major

Under the previous Scheme of Delegation this application would have been reported to Committee for the following reasons: Major development and Community Council objection.

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.

# 2. Recommendations

2.1 The Chair is asked to agree the recommendation to Grant planning permission as set out in section 11 of the report.

# 3. PROPOSED DEVELOPMENT

- 3.1 The application is submitted under Section 42 of the Planning Act and seeking approval from non-compliance with Condition 3 (operational period) of planning permission 98/00164/FULSU granted on 7<sup>th</sup> December 2001. The applicant seeks to extend the timescale for the working of the quarry for a further 20 years with a further year to complete restoration works. A copy of the previous planning permission is provided at Appendix 1.
- 3.2 Condition 3 of the existing planning permission (98/00164/FULSU) states:

Time Duration (Completion – Mineral Extraction)

The winning and working of minerals shall cease and the site restored no later than 15 May 2020 (being subject to a Review of Conditions by the Environment Act 1995 by no later than 15 years from the date of this consent or as otherwise notified by the Planning Authority), or until all economic workable mineral reserves have been exhausted, whichever be the sooner.

**Reason:** To enable the Planning Authority to retain effective control over development.

- 3.3 Since the granting of planning permission, the output from the site has been much lower than originally anticipated, therefore there is still a significant amount of mineral reserves. Due to the amount of reserves on site, planning permission is sought in order to extract the remaining material.
- The site will be restored in accordance with the previously approved restoration scheme which will provide the opportunity to enhance biodiversity through the site. The majority of the restoration will take place following the end of the mineral extraction period with some elements of the restoration taking place once working in particular areas are complete.
- 3.5 All mineral extraction which has taken place to date has been from the two previously approved extraction areas within the quarry. The proposed mineral extraction will be limited to a maximum of 100,000 tonnes per year and no extraction shall take place below 150 metres above Ordnance Datum (AOD).
- 3.6 Pre-Application Consultation: There is no requirement for Pre-Application consultation on Section 42 applications, and in this case none was undertaken.
- 3.7 Supporting Information:
  - Supporting Statement
  - Appendix 1 Planning Permission 98/00164/FULSU
  - Appendix 2 Approved Marble Extraction Plan
  - Appendix 3 Approved Illustrative Restoration Plan
- 3.8 Variations: None

# 4. SITE DESCRIPTION

4.1 Ledmore Quarry is a working quarry for the extraction of hard stone/rock (marble and quartzite). The site is located approximately 1km north of the A836 junction with the A837 at Ledmore. The site entrance and quarry are located to the east of

the A837. Ledmore is 1km to the south of the quarry and Elphin 4.5km to the south west. The site area is 39ha, whilst the areas permitted for mineral extraction is limited to 4.1ha for the marble and 0.9ha for the quartzite.

- 4.2 The site is located within the boundary of Assynt Coigach National Scenic Area, with the quarry located to the southern boundary. The eastern boundary of the site is located within Reay Cassley Wild Land Area. Although the site is not located within any Sites of Special Scientific Interest (SSSI), it is surrounded by several SSSIs. The closest being Ben More Assynt SSSI located to the north east, Loch Awe and Loch Ailsh to the north, Cam Loch to the west and Loch Urigill SSSI to the south and west.
- 4.3 Ledmore Quarry is located within the Moine Thrust zone which is a major geological structure dominating the geology of North West Scotland. The site contains deposits of marble, syenite, garnet sands (derived from syenite) and quartzite.
- 4.4 The majority of the site cannot be viewed from the A837, as it is well hidden between the existing land features, nestling into a low-lying area at between 175m and 195m AOD. The site is surrounded by steep hills rising to approximately 688m AOD. The land then drops away northwards towards the Ledbed River where the site becomes more open in distant views.
- 4.5 The site is accessed from an existing access road which rises across the shoulder of a low ridge, the bulk of the existing quarry site is well screened from the A836.

# 5. PLANNING HISTORY

5.1	98/00164/FULSU Continuation of use for the extraction and processing of marble and associated minerals	Temporary Permission Granted	03.12.2001
5.2	SU/1994/286 Extension of NW Boundary of the Ledmore North Quarry, Ledmore for extraction of quartzite and temporary stockpiling of broken marble.	Permission	23.12.1994
	SU/1990/165 Spreading. Seeding peat overburden.	Granted	18.06.1990
	SU/1989/249 Development of quarry for extraction of marble, the erection of plan for crushing rock, construction of weighbridge and office	Permission	16.05.1990
	SU/1988/128 Excavation 300cu.m. bulk sample	Granted	23.05.1988
	SU/1987/106 Exploratory Drilling (25Nos. Boreholes)	Granted	12.05.1987

### 6. PUBLIC PARTICIPATION

6.1 Advertised: Unknown Neighbour

Date Advertised: 06.12.2019

Representation deadline: 20.12.2019

Timeous representations: 0

Late representations: 0

# 7. CONSULTATIONS

- 7.1 **THC D & I Flood Team** do not object to the application and made no further comments.
- 7.2 **THC Environmental Health** do not object to the application and made no further comments.
- 7.3 **THC Transport Planning** do not object to the application subject to an appropriate condition to secure the re-surfacing of the access road to the quarry for a minimum of 3 metres from the public road.
- 7.4 **Scottish Environment Protection Agency** do not object to the application and do not consider this variation to the planning permission would affect the site's current authorisations under other regulations.
- 7.5 **Scottish Natural Heritage (SNH)** do not object to the application subject to the existing conditions related to their interests remaining continuing to apply. SNH do not consider that there would be any detrimental impacts on national or international protected areas that would arise from the change to this condition.

### 8. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

# 8.1 Highland Wide Local Development Plan 2012

- 28 Sustainable Design
- 29 Design Quality and Place-making
- 30 Physical Constraints
- 31 Developer Contributions
- 53 Minerals
- 54 Mineral Wastes
- 55 Peat and Soils
- 56 Travel
- 57 Natural, Built and Cultural Heritage
- 58 Protected Species
- 59 Other important Species
- 60 Other Importance Habitats
- 61 Landscape
- 64 Flood Risk
- 65 Waste Water Treatment
- 66 Surface Water Drainage

# 8.2 Caithness and Sutherland Local Development Plan 2018

No site specific policies or allocations apply.

# 8.3 Highland Council Supplementary Planning Policy Guidance

Developer Contributions (March 2013)

Flood Risk and Drainage Impact Assessment (Jan 2013)

Highland Historic Environment Strategy (Jan 2013)

Highland's Statutorily Protected Species (March 2013)

Physical Constraints (March 2013)

Special Landscape Area Citations (June 2011)

Sustainable Design Guide (Jan 2013)

Trees, Woodlands and Development (Jan 2013)

Construction Environmental Management Process for Large Scale Projects (August 2010)

# 8.4 OTHER MATERIAL POLICY CONSIDERATIONS

# **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 Nosie (2011)
- PAN 2/2011 Planning and Archaeology (2011)
- Guidance on the Management of Extractive Waste (Scotland) Regulations 2010

# 9. PLANNING APPRAISAL

9.1 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.

# **10.** Determining Issues

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**

10.2 The principle of the development has been established through the previous permissions. This is an application to modify a condition. In order to address the determining issues therefore, it is necessary to consider the extent to which the

proposal continues to comply with development plan policy and take into consideration any other material considerations. The key considerations in this case are:

- a) compliance with the development plan and other planning policy
- b) modification of Condition;
- c) any other material considerations.

# Development plan/other planning policy

- 10.3 Development Plan Policy has changed since the time of the determination of the previous planning application. The Development Plan documents which were extant at the time of the former planning consent (ref: 98/00164/FULSU) have been superseded by the Highland-wide Local Development Plan (HwLDP) (2012), the Caithness and Sutherland Local Development Plan (CaSPlan) (2018) and all statutorily adopted supplementary guidance.
- 10.4 The key issues therefore whether the amendment of the condition applied for would result in the development being incompatible with Development Plans. The remainder of this report will consider the modification proposed to the condition and its compatibility with the Development Plan.

### Modification to Condition 3

The application relates solely to vary a time-related condition. In this case the applicant has sought to modify Condition 3 of the extant planning permission to extend the operational period for a further 20 years. There are no changes to the existing permitted planning boundaries, permitted production outputs, working methods, or any other matters of concern to the Planning Authority. The proposed variation to Condition 3 does not raise material planning considerations beyond those assessed when the original permission was determined as the amount of minerals extracted have been much lower than what was originally anticipated. In principle, the extension of time for the working of the quarry is supported by the relevant policies in the Highland-wide Local Development Plan. However, this modification 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.

# 10.6 <u>Landscape and Visual</u>

The continuing extractive operations will not result in any new significant landscape and visual effects as the extraction areas are limited to the existing approved areas within the site. Although the site is located within a National Scenic Area and close to Sites of Special Scientific Interest, the operations are well established and do not have a significant visual impact as the main body of the site is well screened by natural features. The proposed extension to the operational period of the development is not considered to have a detrimental impact on the landscape designations. Furthermore, SNH have not raised any concerns and are satisfied that the extension of time will not have any detrimental impacts on national or international protected areas. Given it is a well established feature, it is not considered that the extension of time for continued excitation would have any adverse impacts on the qualities of the now identified Wild Land Areas.

# 10.7 Access and Transport

The site is operational and there are no known issues in terms of transportation. Transport Planning have requested that a suspensive condition is attached to any consent that ensures the first 3 metres of the access road from the public road is surfaced in bituminous material. The access to the site has become damaged over the years through use and is in need of repair in order to protect the public road. Transport Planning have reported that there has been previous damage to the public road on occasions due to potholes forming within the access.

# 10.8 Noise, Vibration and Residential Amenity

The closest residential property is Lyn Cottage that lies approximately 454m to the north west of the main working area of the quarry. It is noted that following public advertisement and consultation that no representations have been received. The quarry has been in operation since the 1990s with no issues, therefore it is unlikely that any new issues will arise, and appropriate conditions will be attached to any planning consent to ensure that there will not be a detrimental impact on amenity.

# 10.9 Restoration of the site

Restoration of the quarry is secured by conditions of the former planning permission which was also subject to an existing Restoration Bond Agreement and a Section 69 Legal Agreement, this requires the operator to provide financial guarantee to secure the restoration of the site in a form acceptable to the Council.

10.10 The quarry shall be restored for nature conservation and/or rough grazing use and managed for purposes in accordance with the approved scheme within twelve months from the end of the consent period. These works will include the provision for a restoration schedule quantifying soil and overburden movements, areas to be seeded, tree and shrub planting, proprietary regarding works, paths / parking provision, drainage, fencing, aftercare, and final plant equipment and hardstanding removal. These details will be secured by condition and a bond to ensure appropriate financial measures are in place for restoration of the site is secured through the existing legal agreement.

### Other material considerations

10.11 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.

### 10.12 There are no other material considerations.

# Matters to be secured by Legal Agreement

- 10.13 The existing development is subject to an agreement under Section 69 of the local Government (Scotland) Act 1973 (As Amended). This requires a financial bond to be lodged with the Council to cover decommissioning and site restoration. The provisions of the bond are reviewed every five years allowing indexation of the bond in line with inflation. Should the application be supported then the legal agreement will need to be updated to reflect the longer period of operation and has been reviewed as part of this application.
- 10.14 A wear and tear agreement covering use of the local road network from the quarry to the A9 junction will also be required to be secured by an agreement under Section 96 of the Roads (Scotland) Act 1984. This agreement shall establish an inspection and repair arrangement for this section of road. In the interest of road safety this will ensure this section of road is brought up to, and remains, in a safe and serviceable condition throughout the lifetime of the development.
- 10.15 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.

# 11. **CONCLUSION**

- 11.1 The extension of time for working the quarry within the originally consented locations and parameters is considered to be acceptable. Subject to the application of appropriate conditions, the extension of time for operation of the development is unlikely to have additional significant adverse impact on the environment or residential amenity beyond that already identified through the original assessment of the application. Further, the development will continue to provide important natural resources and provide employment within the local area.
- 11.2 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.

### 12. IMPLICATIONS

12.1 Resource: Not applicable

Legal: Not applicable

Community (Equality, Poverty and Rural): Not applicable

Climate Change/Carbon Clever: The change in operational timescale is unlikely to significantly increase impact on climate change as a result of this development.

Risk: Not applicable Gaelic: Not applicable

### 13. RECOMMENDATION

# Action required before decision issued Y

Conclusion of Section 75 Agreement N

Conclusion of Wear and Tear Y
Agreement

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

# **Conditions and Reasons**

1. Planning permission is hereby granted for a temporary period only and shall cease to have effect on 7 December 2041 (the 'cessation date') within which time all extractions and working and winning of aggregates shall have ceased, all plant, buildings and machinery shall have been removed and the site shall have been restored to the satisfaction of the Planning Authority. In the event that working ceases for a period of more than 6 months prior to the expiry of this permission then the site shall be restored to the satisfaction of the Council within 12 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. In the event that mineral extraction 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 in accordance with scheme submitted for approval under Condition 5 of this permission within 36 months from the cessation of working, or in any case before the expiry of this permission whichever is earlier.

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

3. The extraction of hard rock and restoration of the site shall be undertaken in accordance with the submitted application, implementing the mitigation measures set out within the Supporting Statement, and as per the approved plans as amended by the specific conditions attached to this planning permission.

**Reason**: To clarify the terms of the permission, to ensure that the extent of mineral extraction and production levels of this quarry does not exceed levels considered in the Supporting Statement and to ensure the site is fully restored to an appropriate use.

- 4. Within 6 months of the grant of this planning permission, an Environmental Management Plan shall be submitted to and agreed in writing by the Planning Authority. The document shall include provision of a:
  - a. Schedule of Mitigation derived from the mitigation measures set out within all sections of the Environmental Impact Assessment Report.
  - b. Sensitive Lighting Strategy detailing all site lighting, provision and maintenance of dark foraging areas and flight corridors for bats.

- c. Pollution Prevention Plan detailing a site map showing:
  - the location of pollution prevention measures such as spill kits, oil interceptors, vehicle washing areas;
  - ii. use of a road sweeper of the site access road as required;
  - iii. surface water drainage arrangements via routing of surface water through quarry sedimentation ponds before discharging from site.
  - iv. drainage associated with welfare facilities;
  - v. recycling and bin storage; and
  - vi. felled forestry disposal arrangements.
- d. 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.

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

**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.

- 5. Within 6 months of the grant of this planning permission, a detailed progressive restoration, decommissioning, maintenance and aftercare scheme for the site shall be submitted to and agreed in writing by the Planning Authority. The scheme shall ensure:
  - a. Restoration of disturbed ground and worked out areas takes as soon as practically possible on a phased basis with the provision of timescales.
  - b. The provision of a restoration schedule by phase quantifying soil and overburden movements; areas to be seeded, tree and shrub planted; proprietary regrading works, paths / parking provision, drainage, fencing, aftercare, and final plant equipment and hardstanding removal.
  - c. The provision of a site plan with sections 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.
  - d. The provision seed mix, woodland and shrub planting specifications, and details of the surface proprietary works to establish suitable vegetative cover.
  - e. The provision of a clear internal path network to a possible trig point and path design specification.

f. The aftercare and maintenance provisions for each phase of restoration which shall endure for a minimum of 5 years following completion of restoration on a phased basis.

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

6. Within 4 months of the granting of this Planning Permission, the first 3 metres of the access, as measured from the edge of the public road carriageway, shall be surfaced in bituminous macadam or a similar hard, cohesive material, details of which shall first be submitted to, and approved in writing by, the Planning Authority. Only the approved details shall be employed and thereafter the access shall be maintained to the agreed standard unless/until it is adopted for maintenance under the Roads (Scotland) Act 1984 (as amended).

**Reason:** In the interests of road safety, and that the works involved comply with applicable standards.

7. No mineral extraction shall take place below 150 metres above Ordnance Datum (OAD) or as otherwise agreed in writing by the Planning Authority.

**Reason:** To enable the Planning Authority to retain effective control over development.

8. Unless otherwise agreed in writing with the Planning Authority, the sales output from the quarry shall not exceed 100,000 tonnes in any 12 month period.

**Reason:** To enable the Planning Authority to retain effective control over development.

- 9. No vegetation clearance or blasting activity shall take place until an Environmental Clerk of Works (ECoW) has been appointed by the quarry operator. Their appointment and remit shall first be approved in writing by the Planning Authority. The ECoW shall be appointed for the duration of quarrying operations and their remit shall, in addition to any functions approved in writing by the Planning Authority, include:
  - a. Prior to any blasting during the bird breeding season, undertaking walkover surveys for breeding birds and protected species to ensure these species are removed from any disturbance related effects of noise and vibration.
  - b. Prior to any pre-vegetation clearance or tree felling, undertaking walkover surveys for breeding birds and protected species and advising and overseeing the implementation of any further mitigation measures to be put in place.
  - c. Identify any nesting site which has supported breeding peregrine to ensure that these areas be retained in-situ and not be subject to any hydroseeding or woodland planting.
  - d. Advise the site manager regarding adherence with the Woodland Management Plan for the southern perimeter woodland within the site.

- e. Advise and liaise with the site manager to implement the Sensitive Lighting Strategy for bats.
- f. Prior to the removal of fixed plant equipment and buildings on site all structures shall be subject to bat survey which requires to be undertaken within 18 months or removal / demolition with any bat roosting opportunities being compensated for through the provision of bat boxes elsewhere on site.
- g. Advise the site manager and all onsite staff on adequate protection for environmental and nature conservation interests within, and adjacent to, the application site.
- h. Direct the operations on site and the avoidance of sensitive features with the ECoW having the power to call a halt to quarry operations on site where environmental considerations warrant such action.
- i. Report on monitoring and findings to the Planning Authority as part of the site's annual report.

**Reason:** To ensure that an ECoW, with sufficient remit, is appointed for the duration of development in order to monitor, advise and direct the quarry operator; in the interests of nature conservation.

10. The quarrying activities, inclusive of: extraction; storage; restoration; processing; and distribution of mineral and related products, shall only operate between the hours of 7.00am to 7.00pm Monday to Friday, 7.00am to 4.00pm on Saturday and not at all on Sundays other than essential repair and maintenance.

Proposal to operate out with these hours for the purpose of maintenance or to supply product shall only be considered in exceptional circumstances and shall require the prior written approval of the Planning Authority.

**Reason:** In order to safeguard the amenity of neighbouring properties and occupants.

- 11. For temporary operations (such as overburden removal and surface restoration works) the noise emitted from the quarry operations shall not exceed LAeq(1hr) 70dB free field\* during the permitted operating times at any noise sensitive properties. Temporary operations which exceed the normal day-to-day criterion shall be limited to a total of 8 working weeks in any 12 month period unless otherwise agreed in writing by the Planning Authority.
  - \* "Free field" shall be interpreted to mean at least 3.5 metres from significant sound reflecting surfaces, other than the ground plane.

**Reason:** In order to safeguard the amenity of neighbouring properties and occupants.

- 12. Noise at any noise sensitive property outside the planning permission boundary shall not exceed the following levels (as measured over a one hour period free field) other than specified in Condition 11:
  - i. Daytime hours 0700 1900: 50 dBLAeq (1hr)

- ii. Nigh hours 1900 0700: 45 dBLAeq (1h)
- iii. Sundays and Bank Holidays as night hours
- \* "Free field" shall be interpreted to mean at least 3.5 metres from significant sound reflecting surfaces, other than the ground plane.

**Reason:** In order to safeguard the amenity of neighbouring properties and occupants.

13. No blasting shall take place until details of a blasting notification procedure have been submitted to and approved in writing by the Planning Authority. This shall include measures of how the public in the locality will be given adequate advanced warning of any blasting activity. Blasting operations shall not take place out with the hours of 9.00am to 5.00pm Monday to Friday and not at all on Saturdays, Sundays or Public holidays in Scotland.

**Reason:** In order to safeguard the amenity of neighbouring properties, occupants and users of the local road / path network.

14. Blasting shall be carried out using the best practicable means available to ensure that the resultant air overpressure is minimised in accordance with the current British Standards and Mineral Guidelines.

**Reason:** In order to safeguard the amenity of neighbouring properties and occupants.

15. Ground vibrations as a result of the blasting operations shall not exceed a peak particle velocity of 6mms-1 in 95% of all blasts measured over any period of twelve months and no individual blast shall exceed a peak particle velocity of 12mms-1 at or near the foundations of any vibration sensitive building or residential premises. The measurement shall be the maximum of three mutually perpendicular directions taken at the ground surface.

**Reason:** In order to safeguard the amenity of neighbouring properties and occupants.

16. A record of blast undertaken at the site shall be kept for a minimum period of three years and shall be made available on request for inspection by the Planning Authority.

**Reason:** To enable the Planning Authority to retain effective control over development.

17. No mineral extraction shall take place closer than 5 metres, or the removal of overburden materials than 3 metres, to the land adjoining the planning permission boundary as shown on Plan RG456-PA-F-01. Any boundary fence damaged as a result of this development shall be made good without undue delay.

**Reason:** To ensure the development is contained within the permitted boundaries; to avoid effects on adjoining land including surface water drainage provision.

18. The Best Practice Means (BSPM) of minimising noise and general disturbance shall be employed at the site, at all times.

**Reason:** In order to safeguard the amenity of neighbouring properties and occupants, as well as the integrity of neighbouring infrastructure.

19. All vehicles, plant and machinery operating within the site shall be maintained in accordance with the manufacturers' specification to minimise noise emissions and shall be fitted with effective silencers.

**Reason:** n order to safeguard the amenity of neighbouring properties and occupants, as well as the integrity of neighbouring infrastructure.

20. The Best Available Techniques Not Entailing Excessive Cost (BATNEEC) shall be employed on the site to minimise the nuisance of airborne dust. This shall include the use of water bowsers or sprinkler system to dampen the haul roads during periods of dry and windy weather.

**Reason:** In the interest of dust related pollution prevention.

- 21. The quarry operator shall submit an annual statement and 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, as well as areas anticipated to be worked and restored in the forthcoming year, illustrating:
  - a. The areas and mineral extraction rates, including production tonnage, against the projected operations and quantification of remaining consented mineral reserves;
  - b. Areas of restoration and areas subject to maintenance / aftercare;
  - c. Areas and quantification of soil and overburden storage;
  - d. The results of ECoW on site monitoring; and
  - e. Demonstration of compliance with the conditions attached to this planning permission.

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

22. No soils shall be exported from the site and with the exception of specialist hard rock required for asphalt production, no other hard rock material shall be imported to the site without the prior written approval of the Planning Authority.

**Reason:** In order to ensure the retention of site restoration material and to ensure that no imports are undertaken in order to maintain production of plant or sustain the dispatch of materials.

23. All available surface vegetation, topsoils and subsoils shall be stripped separately and no movement of topsoil or subsoil shall occur except when all soil is in a suitable dry and friable conditions. Peat shall be excavated separately from any soil materials during suitable climatic periods. The Planning Authority shall be notified in writing at least 7 days prior to commencement of soil stripping operations.

**Reason:** To ensure adequate control over deposition of quarry waste; availability of materials for restoration purposes; control of imported materials.

24. Topsoils and subsoils removed shall be stored separately by the formation of mounds to be located as agreed with by the Planning Authority. The soil storage mounds shall not exceed 5 metres in height. The mounds shall not be traversed by heavy vehicles or machinery, except where essential for purposes of mound construction and maintenance.

**Reason:** To ensure adequate control over deposition of quarry waste; availability of materials for restoration purposes; control of imported materials.

25. All soil storage mounds that will remain in situ for more than three months shall be seeded with a seed mixture, to be approved in writing by the Planning Authority, during the first available planting season and subject to a five year aftercare provision.

**Reason:** To ensure adequate control over deposition of quarry waste; availability of materials for restoration purposes; control of imported materials.

26. All waste scrap, including redundant disused plant and equipment shall be stored at a suitable location on the site for collection at regular intervals, the location to be agreed in writing with the Planning Authority.

**Reason:** To minimise the environmental impact of the development on the locality.

27. No later than four months from the date of this Planning Permission a Waste Management Plan (WMP) shall be submitted to and agreed in writing by the Planning Authority. Thereafter, extractive waste must be managed in accordance with the approved Waste Management Plan (WMP). The WMP must be reviewed by the operator and updated as appropriate at least every 5 years from the date of consent, and no later than every fifth year following the date of the last review. Any amendments made to the WMP should be notified to the planning authority. A review of the WMP must be undertaken in the event of substantial changes to the area of deposition or waste and a copy of the revised plan sent to the Planning Authority.

**Reason:** To ensure that waste arising from the development is dealt with in accordance with the waste management plan.

28. For the avoidance of doubt, all cabins and buildings shall be maintained in a good state of repair and the external colour shall be as agreed with the Planning Authority. All plant and buildings shall be removed from the site when no longer required for the purpose intended or by 7 December 2041, whichever is the sooner.

**Reason:** To minimise the environmental impact of the development on the locality.

29. No loaded lorries shall leave the site unsheeted except those carrying stone in the excess of 75mm.

**Reason:** To minimise the environmental impact of the development on the locality.

30. For any inert waste facility deposit, operations shall not commence until the Planning Authority has inspected the facility

**Reason:** To ensure that the operation of any inert waste facility are undertaken safely and in accordance with the objective of the waste management plan.

31. All bulk oil, fuel, lubricant and other potential pollutants, including waste oils, shall be handled on the site in such a manner as to prevent pollution of any watercourse or aquifer. This shall include storage in suitable tanks and containers which shall be housed in an area surrounded by bund walls or structures sufficient so as to contain 110% of the total contents of all containers and associated pipework. The base and sides of the bunded areas shall be impervious to both water and oil. The pipes shall vent downwards into the bund. Mobile fuel tanks shall be parked when not in use on an impervious hardstanding, all to the satisfaction of the Planning Authority, in consultation with SEPA.

**Reason:** To minimise the risk of pollution to surface water and aquifer.

32. Throughout the period of working, restoration and aftercare, the operator shall take all reasonable steps to ensure that drainage from areas adjoining the site is not impaired or rendered less efficient by the permitted operations. The operator shall take all reasonable steps, including the provision of any necessary works, to prevent damage by erosion, silting or flooding and to make provision for the appropriate disposal of all water entering, arising or leaving the site during the period of permitted operational all to the satisfaction of the Planning Authority, in consultation with SEPA.

**Reason:** To ensure the development is contained within the permitted boundaries; to avoid effects on adjoining land including surface water drainage provision.

33. There shall be no discharge of trade effluent, sewage effluent or contaminated drainage from the site into any ditch, watercourse, or to the underground strata.

**Reason:** To minimise the risk of pollution to surface water and aquifer.

34. No commercial vehicles associated with the operations of this development shall enter the public highway unless their wheels and chassis have been cleaned, as and when necessary, to prevent material being deposited on the highway.

**Reason:** In the interests of highway safety and the local environment; prevent mud on the highway.

35. Other than for routine daily maintenance, or emergency repairs, no servicing of plant and machinery shall be undertaken on the site other than on the hardstanding to be located adjacent to the workshop.

**Reason:** To minimise the risk of pollution to surface water and aquifer.

36. A sign shall be erected no later than four months of the date of this Planning permission and maintained in good condition instructing lorry drivers leaving the site for southern destinations to turn left and then first right for the A835 to Ullapool.

**Reason:** In the interests of highway safety and the local environment; prevent mud on the highway.

37. No storage of bulk fuels or lubricants shall be permitted on the site other than in approved bulk fuel/lubricant storage tank facilities. Mobile fuel tanks shall be of an approved double skinned design, all to the satisfaction of the Planning Authority, in consultation with SEPA.

**Reason:** To minimise the risk of pollution to surface water and aquifer.

38. From the date of this planning permission until completion final restoration of the site, 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.

### **REASON FOR DECISION**

The extension of time for working the quarry with the originally consented parameters is acceptable. Subject to the application of appropriate conditions, the development is unlikely to have a significant adverse impact on the environment or residential amenity.

### **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.
- 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 and 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 and Soakaways**

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

# **Local Roads Authority Consent**

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

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

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

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

http://www.highland.gov.uk/info/20005/roads and pavements/101/permits for working on public roads/2

### **Mud and Debris on Road**

Please note that it 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: <a href="www.snh.gov.uk/protecting-scotlands-nature/protected-species">www.snh.gov.uk/protecting-scotlands-nature/protected-species</a>

Designation: Area Planning Manager - North

Author: Claire Farmer

Background Papers: Documents referred to in report and in case file.

Relevant Plans: Plan 1 - Location Plan

Plan 2 - Site Layout Plan

Plan 3 - Topographic Survey

Plan 4 - Location Plan - Residential Property

# Appendix 1 – Previous Planning Permission 98/00164/FULSU

PLANNING PERMISSION
GRANTED FOR A LIMITED PERIOD
SUBJECT TO CONDITIONS

Grid Reference	Easting: 225500 Northing: 913500
Reference No	98/00164/FULSU

# THE HIGHLAND COUNCIL TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

To: Ledmore Marble Ltd Marshall Building

Glenfoot March Glen

Tillicoultry FK13 6BT

Per: Glentoal Associates Ltd

Bath House Bath Street Bakewell

Derbyshire DE45 1BX

With reference to your application received on 20.07.1998 for planning permission under the above-mentioned Act for the following development, viz: -

Continuation of use for the extraction and processing of marble and associated minerals Ledmore Quarry Elphin Lairg Sutherland IV27 4H,J

The Highland Council in exercise of its powers under the above-mentioned Act hereby grant planning permission for a limited period only expiring on 15 May 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:-

#### GENERAL

Unless otherwise agreed in writing by the Planning Authority the working of the quarry for minerals shall be carried out in accordance with the manner described in the Supporting Statement and plans submitted with the application and in compliance with the conditions contained in this Planning Notice.

# 2. TIME DURATION (COMMENCEMENT)

This permission shall come into effect from the date of this Planning Notice which, upon termination of statutory rights of appeal procedures, supersedes all previous planning permissions. After that date, all quarrying activities, mineral processing and restoration works shall be carried out in full accordance with these conditions and approved plans.

# 3. TIME DURATION (COMPLETION - MINERAL EXTRACTION)

The winning and working of minerals shall cease and the site restored no later than 15 May 2020 (being subject to a Review of Conditions as required by the Environment Act 1995 by no later than 15 years form the date of this consent or as otherwise notified by the Planning Authority), or until all economic workable mineral reserves have been exhausted, whichever be the sooner.

Dated 7 December 2001

Area Planning & Building Control Manager

(see over)

PL/

Grid Reference	Easting: 225500 Northing: 913500
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#### 4. PLANNING PERMISSION (COPY)

From the date of this Planning Notice a copy of this permission, plans and documents as approved shall be available for inspection by the Planning Authority at the quarry site office during normal working hours.

# 5. DEPTH OF WORKING - MINERAL EXTRACTION

No mineral extraction shall take place below 150 metres above Ordnance Datum (OAD) or as otherwise agreed in writing by the Planning Authority.

#### 6. HOURS OF WORKING

Except in emergencies to maintain safe quarry working (which shall be notified to the Planning Authority as soon as practicable) or unless the Planning Authority has agreed otherwise in writing:

a) No mineral extraction and processing operations, other than maintenance and testing of plant, shall be carried out at the site except between the following times:

0700 hours and 1900 hours Monday to Saturday No operations on Sundays or Bank Holidays (other than Good Friday)

b) No servicing, maintenance and testing of plant shall be carried out at the site between 2200 hours and 0700 hours on any day (and at no time on Public Holidays other than Good Friday).

#### 7. PRODUCTION LIMITS

Unless otherwise agreed in writing with the Planning Authority, the sales output from the quarry shall not exceed 100,000 tonnes in any 12 month period.

### 8. SALES RECORDS

From the date of this permission the site operator shall maintain summary records of the monthly product sales and shall make them available to the Planning Authority on a confidential basis at any time upon request. The summary records shall be kept for at least 24 months.

Dated 7 December 2001

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#### 9. SITE SURVEYS

At regular intervals every three years following the date of this planning notice, the site operator shall supply the Planning Authority with a current survey plan of the site detailing position of faces, benches, material stockpiles, waste dumps and restored areas.

#### 10. BLASTING

a) Unless otherwise agreed in writing by the Planning Authority, no blasting shall be carried out on the site except between the following times:

Mondays to Fridays 0900 and 1700 hours

No blasting shall take place on Saturdays, Sundays or Public Holidays (except Good Friday).

- b) Audible warnings shall be given prior to the commencement of any blasting operations.
- c) A notice or notices shall be displayed at the site entrance conveniently located for viewing by the public advising of blasting times and warning procedure. Sentries shall be positioned where appropriate to ensure no members of the public are within the blast zone.

#### 11. BLASTING (VIBRATION)

Ground vibration from blasting shall not exceed a peak particle velocity of 6 mm/second in 95% of all blasts measured over any period of twelve months and no individual blast shall exceed a peak particle velocity of 12 mm/second at or near the foundations of any vibration sensitive building or residential premises. The measurement shall be the maximum of three mutually perpendicular directions taken at the ground surface.

# 12. BLASTING (RECORD OF BLASTS)

A record of blast undertaken at the site shall be kept for a minimum period of three years and shall be made available on request for inspection by the Planning Authority.

# 13. ADJOINING LAND/BOUNDARY FENCING

No mineral extraction shall take place closer than 5 metres, or the removal of overburden materials closer than 3 metres, to the land adjoining the planning permission boundary as shown on Plan GA.GS.0521-1. Any boundary fence damaged as a result of this development shall be made good without undue delay.

Dated 7 December 2001

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#### 14. OVERBURDEN REMOVAL

All available surface vegetation, topsoils and subsoils shall be stripped separately and no movement of topsoil or subsoil shall occur except when all soil is in a suitable dry and friable condition. Peat shall be excavated separately from any soil materials during suitable climatic periods. The Planning Authority shall be notified in writing at least 7 days prior to commencement of soil stripping operations.

#### 15. SOILS STORAGE

Topsoils and subsoils removed shall be stored separately by the formation of mounds to be located as agreed with by the Planning Authority. The soil storage mounds shall not exceed 5 metres in height. The mounds shall not be traversed by heavy vehicles or machinery, except where essential for purposes of mound construction and maintenance.

#### 16. SOIL STORAGE MOUNDS (SEEDING)

All soil storage mounds that will remain in situ for more than three months shall be seeded with a seed mixture, to be approved by the Planning Authority, during the first available planting season and subject to a five year aftercare provision.

### 17. NOISE CONTROL (EARTHWORKS)

For temporary operations such as overburden removal and surface restoration works, the LAeq level at any noise sensitive properties shall not exceed 70dB(A). Temporary operations which exceed the normal day-to-day criterion shall be limited to a total of 8 working weeks in any 12 month period unless otherwise agreed in writing by the Planning Authority.

#### 18. POLLUTION CONTROL - NOISE CONTROL (GENERAL OPERATIONS)

Noise at any noise sensitive property outside the planning permission boundary shall not exceed the following levels (as measured over a one hour period freefield) other than specified in Condition 17 of this Decision Notice.

i) Daytime hours: 0700 - 1900 : 50 dBLAeq (1 hr)
 ii) Night hours: 1900 - 0700 : 45 dBLAeq (1 hr)

iii) Sundays and Bank Holidays as night hours

Dated / X December 2001

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### 19. SITE CABINS AND WORKSHEDS

For the avoidance of doubt, all cabins and buildings shall be maintained in a good state of repair and the external colour shall be as agreed with the Planning Authority. All plant and buildings shall be removed from the site when no longer required for the purpose intended or by 15 May 2020, whichever is the sooner.

# 20. POLLUTION CONTROL (LORRY SHEETING)

No loaded lorries shall leave the site unsheeted except those carrying stone in excess of 75 mm.

# 21. HIGHWAY ENTRANCE (SITE ACCESS)

Vehicular access for the development hereby permitted shall be via the existing access as shown on Plans GA.GS.0521-1. The access shall be maintained in a good state of repair throughout the operational life of the site, to the satisfaction of the Planning Authority, in consultation with the Roads Authority.

### 22. POLLUTION CONTROL - DUST

The Best Available Techniques Not Entailing Excessive Cost (BATNEEC) shall be employed on the site to minimise the nuisance of airborne dust. This shall include the use of water bowsers or sprinkler systems to dampen the haul roads during periods of dry and windy weather.

# 23. POLLUTION CONTROL - NOISE (Vehicles)

The Best Practical Means (BSPM) of minimising noise and general disturbance shall be employed at the site, at all times.

# 24. POLLUTION CONTROL - NOISE (Vehicles)

All vehicles, plant and machinery operating within the site shall be maintained in accordance with the manufacturers' specifications to minimise noise emissions and shall be fitted with effective silencers.

# 25. SCRAP MATERIALS - GENERAL

All waste scrap, including redundant disused plant and equipment shall be stored at a suitable location on the site for collection at regular intervals, the location to be agreed in writing with the Planning Authority.

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#### 26. WASTE MATERIALS

No waste materials shall be imported to and deposited on the site.

# 27. DRAINING (ADJOINING LANDS)

Throughout the period of working, restoration and aftercare, the operator shall take all reasonable steps to ensure that drainage from areas adjoining the site is not impaired or rendered less efficient by the permitted operations. The operator shall take all reasonable steps, including the provision of any necessary works, to prevent damage by erosion, silting or flooding and to make provision for the appropriate disposal of all water entering, arising on or leaving the site during the period of permitted operations; all to the satisfaction of the Planning Authority, in consultation with SEPA

#### 28. POLLUTION CONTROL (VEHICLE MAINTENANCE)

Other than for routine daily maintenance, or emergency repairs, no servicing of plant and machinery shall be undertaken on the site other than on the bardstanding to be located adjacent to the workshop as shown on Plan GA.GS.0521-2.

### 29. POLLUTION CONTROL (OIL TRAPS)

An impervious hardstanding area, as required by Condition No 28 of this planning notice, shall be constructed by no later than four months from the date of this planning notice. All plant maintenance involving oil changes shall be carried out at this location. The construction of the concrete pad, including an oil interceptor and soakaway shall be to the satisfaction of the Planning Authority, in consultation with the Scottish Environment Protection Agency (SEPA).

### 30. POLLUTION CONTROL (FUEL STORAGE)

No storage of bulk fuels or lubricants shall be permitted on the site other than in approved bulk fuel/lubricant storage tank facilities. Mobile fuel tanks shall be of an approved double skinned design, all to the satisfaction of the Planning Authority, in consultation with SEPA.

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### 31. POLLUTION CONTROL (FUEL STORAGE TANKS)

No later than four months from the date of planning notice all bulk oil, fuel, lubricant and other potential pollutants, including waste oils, shall be handled on the site in such a manner as to prevent pollution of any watercourse or acquifer. This shall include storage in suitable tanks and containers which shall be housed in an area surrounded by bund walls or structures sufficient so as to contain 110% of the total contents of all containers and associated pipework. The base and sides of the bunded areas shall be impervious to both water and oil. The pipes shall vent downwards into the bund. Mobile fuel tanks shall be parked when not in use on an impervious hardstanding, all to the satisfaction of the Planning Authority, in consultation with SEPA.

### 32. POLLUTION CONTROL (FOUL WATER)

There shall be no discharge of trade effluent, sewage effluent or contaminated drainage from the site into any ditch, watercourse, or to the underground strata.

#### 33. VEHICLE CLEANING

No commercial vehicles associated with the operations of this development shall enter the public highway unless their wheels and chassis have been cleaned, as and when necessary, to prevent material being deposited on the highway.

#### 34. TRAFFIC ROUTING

A sign shall be erected no later than four months of the date of this Planning Notice and maintained in good condition instructing lorry drivers leaving the site for southern destinations to turn left and then first right for the A835 to Ullapool.

#### 35. RESTORATION SCHEME

The quarry shall be restored in places for nature conservation and/or rough grazing use and managed for purposes in accordance with a scheme to be submitted by no later than twelve months from the date of this Planning Notice for approval by the Planning Authority. The schemes shall include details of:

- a) the sequence of backfilling and reclamation;
- the ripping of any compacted upper layers of final cover to ensure adequate drainage and aeration, and such ripping shall normally take place before placement of the cover materials;

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- the re-spreading over the fill material with suitable cover materials previously stripped from the site;
- the machinery to be used in soil re-spreading operations;
- the final level of the reclaimed land (and the gradients of the restored slopes around the margins of the excavation) shall be no higher than the original ground levels and graded to provide surface water drainage, generally as shown as Drg. GA.GS.0521-6;
- drainage of the reclaimed land including the formation of suitably graded contours to promote natural drainage and the installation of drainage ditches where applicable;
- g) grass seeding of reclaimed areas with a suitable herbage mixtures;
- a timetable for implementation of aftercare;
- i) any other matters which are relevant.

#### 36. PREMATURE CESSATION OF MINERAL WORKINGS

In the event of a cessation of winning and working of minerals for a period of 5 years (or as otherwise agreed with the Planning Authority) prior to the achievement of the completion of the approved scheme which, in the opinion of the Planning Authority, constitutes a permanent cessation within the terms of the Town and Country Planning (Scotland) Act 1997, a revised scheme, to include details of reclamation and aftercare, shall be submitted in writing for approval to the Planning Authority within 6 months of confirmation of cessation of winning and working. The approved revised scheme shall be fully implemented within 2 years of the written approval, unless otherwise agreed in writing with the Planning Authority.

#### REASONS FOR CONDITIONS

#### GENERAL

1,2,3,4,5,7,8, 9,12,21,36 To enable the Planning Authority to retain effective control over

development

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#### ENVIRONMENT

6,10,11,17,18,19,

To minimise the environmental impact of the development on

20,22,23,24,25 the locality

#### QUARRY WASTE MATERIALS/RESTORATION MATERIALS

14,15,16,26,35

To ensure adequate control over deposition of quarry waste;

availability of materials for restoration purposes; control of imported materials

#### ADJOINING LAND/DRAINAGE

13,27,35

To ensure the development is contained within the permitted boundaries; to avoid effects on adjoining land including surface water drainage provision

### POLLUTION

28,29,30,31,32

To minimise the risk of pollution to surface water and the aquifer

#### HIGHWAY

33,34

In the interests of highway safety and the local environment;

prevent mud on the highway

Dated 7 December 2001





