

THE HIGHLAND COUNCIL

**NORTH PLANNING APPLICATIONS COMMITTEE
10 June 2014**

Agenda Item	6.8
Report No	PLN/045/14

**14/00539/FUL: Pat Munro (AIness) Ltd.
Novar Estate Novar Evanton**

Report by Area Planning Manager

SUMMARY

Description : Sand and Gravel Working

Recommendation - GRANT

Ward : 7 Cromarty Firth

Development category : Major

Pre-determination hearing : Not required

Reason referred to Committee : Community Council objection and Major application.

1. PROPOSED DEVELOPMENT

- 1.1 The detailed application is for the extraction of sand and gravel from an area of approximately 3 hectares on part of an esker within the Novar Estate woodlands to the north of the village of Evanton. It is proposed to extract up to 500,000 tonnes of sand and gravel. Mobile crushing and screening plant together with stockpiles are proposed to be located behind a 4m high screen bund of stripped topsoil in around 1.5ha of a disused former mineral working area approximately 500m to the west of the proposed quarry. It is anticipated that the development will have a working life of ten years.
- 1.2 As the proposal involves over 2ha of land, it falls within the category of a 'major' development as defined in the Town and Country Planning (Hierarchy of Developments)(Scotland) Regulations 2009. Statutory pre-application consultation with the community therefore took place at the time of the Proposal of Application Notification served on the Council on 14 May 2013. As the proposal also triggers the need for Environmental Impact Assessment (Schedule 2 Class 2a – impact on sensitive areas) a request for a Scoping Opinion was submitted in May 2013 and such Opinion was issued by the Council on 17 June 2013.

- 1.3 Access to the site is proposed via the existing private Estate track which currently serves the maintenance of the Novar wind farms. Access between the proposed quarry and the plant area will also use this track. The access track joins the B817 public road at the north-east end of Fyrish Crescent on the eastern edge of the village of Evanton.
- 1.4 The application is supported by a Pre Application Consultation Report and an Environmental Impact Assessment (EIA). The EIA includes a Landscape and Visual Impact Assessment; Cultural Heritage Impact Assessment; Sustainable Design Statement; Transport Statement; Noise Impact Assessment; Waste Management Plan; Dust Management Plan; Public Access Plan; Draft Environmental Management Plan; Breeding Bird and Habitat Surveys; and Hydrological and Hydro-Geological Assessment;
- 1.5 **Variations:** No variations have been made since the application was submitted.

2. SITE DESCRIPTION

- 2.1 The site of the proposed quarry is part of a wooded esker within Novar Estate on the north-east edge of the village of Evanton. It is set back approximately 440m from the B817 public road and lies adjacent to the private Estate track which currently serves the maintenance of the Novar wind farms and the construction of Hydro Electricity schemes on Novar Estate and beyond on Wyvis Estate. The section of the esker involved lies at approximately 40m AOD rising to around 56m AOD at its highest point. The woodland on the esker is regenerating birch, approximately 20 years old. To the south-east of the esker, close to the field boundary the woodland is a mix of more mature native pine, birch, rowan, beech, western hemlock, larch, spruce and cypress. The separate site for the proposed crushing and screening plant and stockpiles is presently a cleared flat area used intermittently for lay-down by contractors maintaining the wind farms at Novar.

The site is surrounded by woodland to the north, west and north-east. To the south, the site is separated from the public roads and existing village of Evanton by agricultural fields.

3. PLANNING HISTORY

- 3.1 13/01779/PAN Proposal of Application Notice submitted 14.05.2013
13/01808/SCOP Scoping Opinion issued 17.06.2013

4. PUBLIC PARTICIPATION

- 4.1 Advertised : Environmental Statement
Representation deadline : 28.03.2014

Representations : 3

- 4.2 Material considerations raised are summarised as follows:

- Noise and dust pollution affecting local householders;
- Flooding concerns with history of flooding;
- Access roads need to be improved;

- Heavy vehicle access will impact on site allocated for housing nearby;
- Preferable to allow the quarry and allocate land for housing at East Teandallon where land is owned by the Council;
- Concerns that effluent or water run off will be coming past Culcairn Steading and increase in water will have an impact on the Steading building;

4.3 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet www.wam.highland.gov.uk/wam. Access to computers can be made available via Planning and Development Service offices.

5. CONSULTATIONS

5.1 **Development Plans** : No objections. The key determining policy for the principle of the proposal is Highland wide Local Development Plan Policy 53 - Minerals. Regard must also be made to proximity of the site allocated for housing in both existing and emerging Local Development Plans to the south known as Culcairn.

5.2 **Forestry Officer**: No objections. The woodland on and surrounding this site is listed in SNH's Inventory of Ancient Woodland as 2b Long Established Woodland of Plantation Origin. This means that it appears as woodland on the first edition Ordnance Survey maps dating back to the 1860's. The proposed quarry site also falls within the boundary of the Novar Designed Landscape, which is reflected in the character of the woodland.

The proposed quarrying activity has been considered against the Scottish Government's policy on the Control of Woodland Removal. Given that this application is for a temporary change in land use, after which the quarry will be restored to woodland, it has been accepted that in this case the policy does not apply. This, however, relies on the successful and timeous implementation of the restoration works. Should there be any subsequent application to extend the quarrying activity beyond the ten year consent, then the Planning Authority will review this position.

The Draft Environmental Management Plan (January 2014) gives a brief summary of the conservation measures and restoration proposals (sections 47-49). This approach was agreed during the pre-application site meeting, with a more detailed restoration plan to follow as the quarry approaches the end of its operational life. Conditions are recommended to secure tree protection, screening, tree removal and restoration to woodland.

5.3 **Historic Environment Team**: No objections and concur with findings of the Environmental Statement. Potential impact on cultural heritage is low. Note that in objection from Kiltarn Community Council reference is made to possible archaeological feature at western end of esker and more information should be sought from Community Council on this matter. If appropriate a standard archaeological condition could be attached to any permission granted.

- 5.4 **Access Officer:** No objections. The inclusion of a Public Access Plan within the application is welcomed. All the relevant points discussed at pre-application stage are within this plan and should ensure continued public access during the operation of the development.
- 5.5 **Environmental Health:** No objections. Initially questions were raised over aspects of the noise assessment undertaken and further to correspondence between the applicant's agent and the Environmental Health Officer (EHO), additional information was submitted. The EHO now confirms that the applicant has used actual sound power levels for the intended plant instead of the generic (conservative) sound power levels from BS5228. This has brought the predicted noise levels for the operation below the proposed 45 dB(A) noise limit at all except one address and the predicted level at that address is 45.3dB(A). There will still be an element of conservativeness built into the prediction method so it is considered reasonable to accept the application as proposed subject to a 45dB(A) noise limit condition. It is highlighted also that the use of high frequency audible reversing alarms on mobile plant is often a cause for complaint and use of such alarms should be avoided at this development.
- 5.6 **Transport Planning:** No objections. The Council and Sustrans have a scheme proposed in the current financial year to upgrade the joint cycle/pedestrian route (national cycle route 1) through Evanton to the off road section north east of the village. The intensification of use by HGVs of this junction will increase the conflict with pedestrians and cyclists. It will also impact on the layout and detailed design of the cycle route scheme. A developer contribution should be sought to cover the cost of providing a 3m wide joint cycle/footway adjacent to the carriageway between the end of the footway at Fyrish Crescent and the existing remote foot/cycle path; a distance of approximately 100m. A condition cannot be drawn up due to the possibility that the link may require land outwith the road boundary and the control of the applicant. It would be more economical to carry out the works in conjunction with the upgrading of the full route through Evanton (which is currently programmed to take place this financial year).
- 5.7 **Community Works (Roads):** No objections subject to the requirement that HGV traffic must use the B817 to the B9176 Skiach junction onto the A9 trunk road. No HGV traffic should use the B817 through Evanton or the B817 B9176 junction to Westford roundabout except for local access.
- 5.8 **Kiltearn Community Council:** Object as it is considered that the proposal is not in the public and community interests for the following reasons:
- The extraction area is within an area of semi-mature woodland on a glacial esker which is of outstanding beauty and importance to the amenity of the village of Evanton, the wider public and local wildlife population;
 - Possible evidence of an unexamined archaeological site within the application site which would be destroyed by quarrying;
 - The proposed use of the former quarrying area for processing material will substantially increase the area which will generate noise and dust;

- The landowners have promoted an area adjacent for housing which was supported by the Community Council particularly because of its proximity to the woodland. The proposed quarry is an inappropriate neighbouring use and is contrary to the Council's position with regard to residential development requiring a high standard of environment;
- The woodland between the proposed quarry and Novar House is outstanding and it is probable that future extension would be into this area resulting in a longer quarry life span and more environmental destruction;
- The wind farm access road was put in by the former quarry operators as a condition of their consent. It was required to be tarred. This was never done and the Planning Authority later waived the condition. This has resulted in noise from heavy vehicles bumping over the potholed surface becoming a constant irritant to nearby residents. This noise would be multiplied by approval of the proposed quarry;
- The former quarry was required to be reinstated and this has never been done and has been ignored by the developer and the Planning Authority with rubbish, quarry products and overburden overgrown with weeds, gorse and birch. It can be expected that the proposed quarry would not be reinstated and left in a similar degraded condition;
- No shortage of sand and gravel locally and such material can be obtained from outwith the local area at a lower cost;
- Novar Estate has substantial deposits of sand and gravel, much of which is in farmland well away from residential areas without forest destruction.

5.9 **Ardross Community Council:** No objections. It is considered that any noise impact on Ardross CC area will be deflected by the topography. Welcome Roads comments with regard to restrictions of heavy traffic within the centre of Evanton. Do not share the view of Transport Scotland that increased traffic is not significant on Skiach junction and feel that at busy times the junction is reaching capacity. Would like it noted that it is considered serious thought should be given to a roundabout in this location.

5.10 **Alness Community Council:** No response

5.11 **Ferintosh Community Council:** No response

5.12 **Scottish Natural Heritage:** No objections. SNH was involved in the pre-application discussions regarding the scope of the Environmental Statement. Content that comments have been incorporated into Environmental Statement.

5.13 **SEPA:** No objections. Conditions are recommended requiring the submission of and agreement to a site management plan; the requirement of a safeguarding buffer from the watercourse to the north-western edge of the site; and limiting the proposed depth of abstraction to ensure it does not impact on winter groundwater levels. SEPA also recommends that the Planning Authority secures a bond for restoration; expects that all soil and overburden at the site will fall under the

Council's control via the Extractive Waste Regulations; and notes that any proposals for woodland removal should comply with SEPA Guidance: Management of Forest Waste.

- 5.14 **Historic Scotland:** No objections. Historic Scotland has previously been consulted at the scoping stage of the EIA. The proposal does not raise issues of national significance. The proposed site lies within Novar Designed Landscape and will have a direct impact on this designation and an indirect impact on views from the Fyrish monument and the Evanton - Alness public road, which was the old coaching road. It is considered that those impacts are not significant enough to warrant an objection and mitigation measures including the retention of the southern wooded edge to the site are welcomed. Content with level of information in the Environmental Statement and welcome the fact that Historic Scotland's comments on the draft ES have been taken into account.
- 5.15 **Transport Scotland:** No objections. The percentage increase in traffic is such that the proposed development is likely to cause minimal environmental impact on the trunk road network.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 Highland Wide Local Development Plan 2012

Policy 28	Sustainable Design
Policy 31	Developer Contributions
Policy 36	Development in the Wider Countryside
Policy 42	Previously Used Land
Policy 51	Trees and Development
Policy 52	Principle of Development in Woodland
Policy 53	Minerals
Policy 54	Mineral Wastes
Policy 56	Travel
Policy 57	Natural, Built and Cultural Heritage
Policy 58	Protected Species
Policy 59	Other Important Species
Policy 60	Other Important Habitats

Policy 61	Landscape
Policy 63	Water Environment
Policy 64	Flood Risk
Policy 66	Surface Water Drainage
Policy 77	Public Access

6.2 Ross and Cromarty East Local Plan (As continued in force, April 2012)

All relevant policies superseded by Highland wide Local Development Plan

7. OTHER MATERIAL CONSIDERATIONS

7.1 Draft Development Plan

Inner Moray Firth Proposed Local Development Plan November 2013

7.2 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)

Trees, Woodland and Development (Jan 2013)

7.3 Scottish Government Planning Policy and Guidance

Scottish Planning Policy (SPP)

Scottish Historic Environment Policy (SHEP)

PAN 50 Controlling the Environmental Effects of Surface Mineral Workings

PAN 1/2013 Environmental Impact Assessment

PAN 1/2011 Planning and Noise

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.

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.

8.3 **Development Plan Policy Assessment**

The adopted development plan comprises the Highland wide Local Development Plan (2012) (HwLDP), the Ross and Cromarty East Local Plan 2007 (as continued in force) (RACE LP) and relevant Supplementary Guidance. Following approval of the Inner Moray Firth Proposed Local Development Plan at the Council's Planning, Environment and Development Committee on 18th September 2013 it is now a material consideration in the determination of planning applications.

The proposal could be described as an extension to a former sand and gravel quarry because it uses the same access, plant and stockpile site and the extraction area is within 400 metres of the former quarry. The objective of Policy 53 in the Highland wide Local Development Plan is to minimise the environmental costs of mineral extraction by giving preference to the extension of existing sites and re-opening of dormant quarries. Given that the extraction site lies within an area that has a history of sand and gravel extraction and processing (and therefore is likely to result in less environmental costs than a wholly new quarry) and the geographic distribution of sand and gravel deposits in the area it is not considered that the proposal conflicts with the objective of the policy and therefore the principle can be supported in the absence of further information about permitted reserves.

The extraction site and screening/storage plant lie approximately 230m and 430m respectively from the northern boundary of a development site known as Culcairn. This site is allocated in the Ross & Cromarty East Local Plan for housing and continues to be supported by the Council in the Inner Moray Firth Proposed Local Development Plan for housing (160 units), business and community use. With regards to the proximity of the proposals to the development plan allocation at Culcairn, it is noted that paragraph 3.9.4(vi) of the Environmental Statement states that the digital terrain model shows that the noise levels in this area are unlikely to exceed 45 dBA. Provided the Council's Environmental Health Team are content that sufficient evidence has been supplied that shows the proposal will not impact upon the amenity of occupants of future housing and mixed use development at Culcairn it is considered that this potential issue appears to have been addressed.

There are a number of other constraints associated with the development including its location partially within the Novar Designed Landscape, Inventory of Ancient Woodland and its potential impact on the local and trunk road network. The Environmental Statement has assessed impact on those features and consultation has been undertaken with specialist internal and external consultees on these and other potential issues to allow consideration to be given to the compatibility of the proposed development with other relevant policies of the Highland wide Local Development Plan listed at section 6.1 above.

8.4 **Material Considerations**

- 8.5 **Designed Landscape** – The site of the proposed quarry lies on the south-west edge of the Novar Inventory Designed Landscape. In view of this, Historic Scotland has been consulted at EIA Scoping stage, in relation to the draft Cultural Heritage Impact Assessment and formally in relation to the current application and Environmental Statement (ES). Further to early consultation with Historic Scotland, the ES contained visualisations and assessment of views from Novar House, the Fyrish monument and the former coaching road (modern B817). Historic Scotland considers that the impact of the proposal on the Designed Landscape will not be significant and has confirmed no objections.
- 8.6 **Woodland and trees** – The woodland within the site consists predominantly of 20 year old birch regeneration and mature Scots pine. To the south east of the ridge is a mixture of native pine, birch and rowan, along with non-native beech, western hemlock, larch, spruce and cypress. The Council's Forestry Officer has been consulted from an early pre-application stage and is content with the approach taken which will involve clear felling of the proposed extraction area whilst leaving a substantial area of trees along the south-east boundary for screening purposes. Draft proposals for replanting the area following extraction have also been submitted and agreed in principle. A number of conditions are proposed to secure protection of retained trees and appropriate and timeous replanting as part of the scheme of restoration.
- 8.7 **Noise** – The assessment of noise has taken into account the two distinct elements of the proposal: the excavation at the quarry; and the crushing and screening within the compound to the west. Noise has been covered in section 3.9 and Annex F of the Environmental Statement and a bund at the plant and stockpile site together with the direction of working at the quarry will ensure that daytime noise at residential property will be within acceptable limits. In response to third party and Community Council objections and further to initial concerns from the Council's Environmental Health Officer, additional information has been provided and this shows that the predicted noise levels for the operation are below the proposed 45 dB(A) noise limit at all except one address and the predicted level at that address is 45.3dB(A). Given the element of conservativeness built in to the prediction method, the Environmental Health Officer is content that a standard noise condition is attached restricting noise levels to 45 dB(A) which is achievable. It is further recommended that the quarry operator does not use high frequency audible reversing alarms and that another mechanism is used for health and safety reasons on site. The ES advises that only smart white sound self adjusting reversing alarms will be used. Nonetheless, an informative note can be added in relation to this matter.
- 8.8 **Dust** - Section 3.10 of the ES and the Dust Management Plan submitted in support of the planning application identify the actions proposed to ensure that dust arising will not be a nuisance for residents. A condition is proposed to reinforce the mitigation measures outlined in the Dust Management Plan.
- 8.9 **Archaeology** – Kiltearn Community Council suggests that there is a possible archaeological site on the esker which has not been picked up by the archaeological survey carried out by CFA Archaeology Ltd. No information has been provided by the Community Council to support this claim. It is unfortunate that

the Community Council did not raise this at pre-application stage as it could have been included within the survey carried out, however the applicants have confirmed that they have no objections to the standard archaeological condition being attached to ensure that the site is examined in advance of any operations.

8.10 **Landscape/Ecology** – Concerns have been expressed by the Community Council and third parties over the impact on the wooded landscape which is important to the setting of Evanton. In response the applicant has pointed out that the ornamental edge of the woodland which contains the important amenity trees is to be retained. The naturally regenerated birch and the scots pine on the esker itself are not outstanding and are relatively common throughout the Novar forest. Furthermore there are no objections from statutory consultees subject to restoration and replanting proposals. The ecological survey suggests that this woodland is not significantly important as a wild life habitat which is replicated throughout Novar forest. SNH has no objections and is content with the content and surveys carried out as part of the ES.

8.11 **Public access** – The Community Council refers to paths along the top of the esker which will be lost. The applicants have advised that any such paths on the esker appear to have been formed by animals and are visible in winter months only. The path which passes along the top of the esker largely disappears under bracken in the summer. The core paths are close by and are well used by walkers and cyclists. The Council's Access Officer has confirmed that he welcomes the inclusion of a Public Access Plan within the application. All the relevant points which he has discussed at pre-application stage are within this plan and should ensure continued public access during the operation of the development. Informal routes through the remainder of the woodland will remain and accordingly it is not considered that there will be any significant loss of public accessibility to the wider woodland network at Novar caused by the proposed quarry. A condition is attached to ensure that access to the core path network is safeguarded throughout the extraction period and thereafter.

8.12 **Proposed housing development at Culcairn** – It is acknowledged that land is allocated in the adopted and emerging Local Development Plans for housing/mixed use development to the rear of the existing houses on Fyrish Crescent to the south of the application site. This land is in the same land ownership as the proposed quarry. The applicants have responded indicating that the proposed quarry will have a working life of 8 to 10 years. It is submitted that it will be completed and restored before the proposed housing is completed and probably when this housing is in its first phase of development. A digital terrain model has been prepared to generate façade noise levels for all the residential properties around the proposed quarry. This digital terrain model shows that the noise levels in this phase 1 area are unlikely to exceed 45 dBA. It would not be in the interests of the land owner to pursue development of a residential site if there were any outstanding environmental issues generated by the proposed sand and gravel operation. The timescale of the housing development has been confirmed as longer term and it would be a requirement of any such development if brought forward to address any potential conflict of access or noise. As noted in the policy assessment at 8.3 above it is not considered that there is any significant or long term conflict with the allocation for housing.

- 8.13 **Future Proposals and Restoration** – Concerns have been expressed that there will be expansion of the quarry towards Novar House and also that the processing area will not be reinstated. The applicants confirm that there is no intention of expansion eastwards towards Novar House and into the designed landscape which would give rise to strong objections from Historic Scotland; the access track will be maintained to avoid potholes and poor drainage and to minimise dust; and the plant and stockpile area will be levelled and tidied and returned to its current use as an occasional lay-down area. On completion of the sand and gravel extraction it is proposed to reinstate this area as mixed native and ornamental woodland with a mix of native pine, birch and rowan and pockets of beech, firs and larch. A condition is recommended requiring submission and approval of a detailed plan for restoration and a Bond to cover this reinstatement will require to be secured by a Section 75 Agreement to which the owners, Novar Estates, will have to be a party, along with the applicants, Pat Munro (Alness) Ltd.
- 8.14 **Flooding/Surface/Ground Water** – There are third party concerns about impact on land and flooding. There are no proposals to discharge to the local watercourses either at the quarry site or the plant and stockpile area and all surface water will soak into the ground. SEPA requirements will ensure that this is the case. The development will not cause any increase in flow into the water course passing Culcairn Steading. The ES contains a Hydrological and Hydro-Geological Assessment which identifies the surface water features adjacent to the proposed development and considers mitigation measures including working outside the water environment, buffer zones, installing on-site drainage system, bunding of processing areas and culvert maintenance. A ground water investigation was carried out during Autumn/Winter 2013/2014 involving boreholes and groundwater level monitoring and this showed that the maximum level recorded is below the floor level of the proposed quarry. There is therefore expected to be no impact on surface water or ground water.
- 8.15 **Access and Traffic** – It is proposed that the number of lorry movements (empty in and loaded out) will be 50 per working day. Quarry operators and contractors will access the site with cars and vans and again those movements will not exceed 50 per day. All vehicle movements will be between 0700 and 1800 Monday to Friday and 0700 to 1200 on Saturday. The access exists onto the B817 at the eastern end of Fyrish Crescent having been constructed to provide access to a former quarry worked in the 1980s and 1990s which is now worked out. The track has been used more recently as access for construction of wind farms and hydro schemes and continues to be used by the estate for sporting and forestry purposes. At pre-application stage the Roads Officer asked that consideration be given to the routing of HGV traffic via the B817 road to Skiach junction to avoid Evanton village centre and also to use the A9 to Caplich Quarry to avoid the B817 road to Westford and the road through Alness town centre. The transport statement submitted with the application contains a routing plan which adheres to this advice. This can be reinforced by condition.
- 8.16 **Developer Contributions**
The Council and Sustrans have a scheme proposed in the current financial year to upgrade the joint cycle/pedestrian route (national cycle route 1) through Evanton to the off road section north east of the village. The intensification of use by HGVs at this junction will increase the conflict with pedestrians and cyclists. It will also

impact on the layout and detailed design of the cycle route scheme. A developer contribution is therefore sought to cover the cost of providing a 3m wide joint cycle/footway adjacent to the carriageway between the end of the footway at Fyrish Crescent and the existing remote foot/cycle path; a distance of approximately 100m. A condition cannot be drawn up due to the possibility that the link may require land outwith the road boundary and the control of the applicant. It would be more economical to carry out the works in conjunction with the upgrading of the full route through Evanton, which is currently programmed to take place this financial year. The applicant has agreed to the contribution of £28,360 requested and for this to be covered within a Section 75 legal obligation.

8.17 Matters to be secured by Section 75 Obligation

The provision and maintenance of a Restoration Bond in relation to securing restoration and reinstatement of the area of extraction to mixed native and ornamental woodland.

Developer Contribution of £28,360 towards improvements to the footpath/cycleway route on the B817 on the north-east edge of Evanton.

9. CONCLUSION

- 9.1 The proposed development comprises two separate elements – a proposed sand and gravel extraction area located to the north-east of the estate track; and an area of hardstanding for screening and stockpiling material approximately 500m to the west. In view of the set back from the B817 public road and from the village of Evanton; and taking account of the wooded edge to the site which is to be retained; it is considered that the development will have limited visual impact on this existing edge of village site. Visibility of the proposed development will be restricted to views from the estate track which will also form access to the site; and in elevated views from the Fyrish monument to the north. After restoration such views will return largely to that as at present. The extraction will generate additional traffic movements onto the public road system. However the proposed routing plan via the Skiach junction onto the A9 will ensure that such heavy traffic avoids the centre of Evanton and Alness. The robust Environmental Statement takes account of pre-application and Scoping advice to give comfort to statutory consultees and there are therefore no technical objections. Material concerns expressed by Kiltarn Community Council and three third parties have been assessed and have already been addressed within the submission or can be controlled by condition. 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. The applicants have agreed to a Section 75 Legal Obligation to cover a Financial Bond to secure the proposed restoration work together with developer contributions towards upgrading the existing footpath and cycle way network which runs along the B817 at the site access. It is therefore considered that the relatively self-contained nature of the site and the manner in which it is to be developed is acceptable. Accordingly it is considered that 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 material considerations.

- 9.2 **If the Section 75 Legal Obligation is not concluded within a period of four months, or an extended period as may be agreed in writing with the Planning Authority, then the application is recommended for Refusal for the reason set out below.**

10. RECOMMENDATION

Action required before decision issued	Y
Notification to Scottish Ministers	N
Notification to Historic Scotland	N
Conclusion of Section 75 Agreement	Y
Revocation of previous permission	N

Subject to the above, it is recommended the application be **Granted** subject to the following conditions and reasons / notes to applicant:

1. No development or work (including site clearance) shall commence until a programme of work for the evaluation, preservation and recording of any archaeological and historic features affected by the proposed development/work, including a timetable for investigation, all in accordance with the attached specification, has been submitted to, and approved in writing by, the Planning Authority. The approved programme shall be implemented in accordance with the agreed timetable for investigation.

Reason : In order to protect the archaeological and historic interest of the site.

2. No excavation shall commence until the operational boundary of the quarry and the extent of any tree felling has been clearly marked on site and approved in writing by the Planning Authority. No other trees within the application boundary shall be cut down, uprooted, topped, lopped (including roots) or wilfully damaged in any way, without the prior written permission of the Planning Authority.

Reason : To control the extent of tree removal.

3. No excavation shall commence until all retained trees have been protected against construction damage using protective barriers located beyond the Root Protection Area (in accordance with BS5837:2012 Trees in Relation to Design, Demolition & Construction). Barriers shall be inspected and approved in writing by the Planning Authority prior to any excavation commencing and shall remain in place throughout the operational life of the quarry.

Reason : To ensure the protection of retained trees.

4. No excavation shall commence until a Tree Planting Plan and maintenance programme for the southern boundary of the site has been submitted to and approved in writing by the Planning Authority. The Tree Planting Plan shall be implemented in full in the first planting season following the granting of this permission and maintained until established to the satisfaction of the Planning Authority.

Reason : In order to secure long term screening to the south of the quarry.

5. No development shall commence until a suitably qualified woodland consultant is employed at the applicant's expense to ensure that the tree felling, tree protection measures and initial screen planting are implemented and maintained to the agreed standard. Stages requiring supervision shall be agreed with the Planning Authority and certificates of compliance for each stage shall be submitted for approval.

Reason : To ensure the protection of retained trees and to secure screen planting.

6. Planning permission is hereby granted for the quarry operations for a temporary 10 year period only from the date of commencement and shall cease to have effect on 31 July 2024 (the 'cessation date'). Prior to the cessation date, the application site shall be cleared of all development approved under the terms of this permission (including any subsequent ancillary works, infrastructure, fixtures, fittings and any temporary developments permitted under Class 14 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended))and reinstated in accordance with the approved restoration scheme.

Reason: In recognition of the temporary nature of the proposed development, to enable the Planning Authority to reassess the impact of the development after a given period of time and secure timeous restoration.

7. At least two years prior to completion of quarrying activity, a detailed restoration programme shall be submitted to and approved in writing by the Planning Authority. All restoration works shall be implemented in full to the satisfaction of the Planning Authority within ten years of the date of this permission. A suitably qualified woodland consultant shall be employed at the applicant's expense to ensure that the restoration programme is implemented and maintained to the agreed standard. Stages requiring supervision shall be agreed with the Planning Authority as part of the restoration programme and certificates of compliance for each stage shall be submitted for approval.

Reason : To ensure that the site is successfully restored to woodland.

8. Noise from the development shall not exceed 45dB LAeq,1hour free field at nearest noise sensitive premises, as measured in accordance with the method contained within Planning Advice Note PAN50 Annex A "Control of Noise from Surface Mineral Workings."

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

9. No development shall commence until a Site Environmental Management Plan has been submitted to and approved in writing by the Planning Authority in consultation with SEPA. This should provide clear information on the methods that will be

adopted to protect the environment from pollution and should include relevant plans and supporting information. Thereafter the development shall proceed on the basis of the Site Environmental Management Plan as approved.

Reason: In the interests of safeguarding the environment and pollution prevention.

10. No development shall commence until a buffer of at least 10 m is physically marked around the watercourse running around the north-west edge of the esker and arrangements are put in place to ensure that no works can be carried out within this area. Such arrangements and form of marking the edge of the buffer area shall be submitted to the Planning Authority for approval and no works shall commence until such written approval is given. Thereafter the development shall proceed on the basis of the arrangements approved.

Reason: In the interests of safeguarding the water environment.

11. For the avoidance of doubt abstraction is limited to a level of 42 m AOD in accordance with the detailed design and management of the works as proposed within the application and supporting Environmental Statement.

Reason: To ensure that the risks of hydrogeological impact is minimised.

12. The dust management plan dated January 2014 submitted as supporting information as part of the application shall be implemented and maintained in place throughout the extraction period to the satisfaction of the Planning Authority in consultation with Environmental Health.

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

13. Public access to any Core Path within, or adjacent to, the application site shall at no time be obstructed or deterred by construction-related activities, unless otherwise approved in writing by the Council's Access Officer as a temporary measure required for health and safety or operational purposes. Under such circumstances, any temporary obstruction or determent shall cover only the smallest area practicable and for the shortest duration possible, with way-marked diversions provided as necessary.

Reason: In order to ensure that access to the core path network is not obstructed as a result of this development.

14. The traffic routing proposals contained at part 6 of the supporting Transport Statement dated January 2014 shall be implemented on commencement of development and remain in place until the development is complete. For the avoidance of doubt this requires all site traffic to be directed away from Evanton village on the B817 towards Novar Toll and the Skiach junction onto the A9. Caplich Quarry bound lorries shall be routed along the A9 to avoid Alness High Street.

Reason: In the interests of road and pedestrian safety.

15. Prior to the erection of any temporary building or siting of portable structures a fully detailed site layout, plans and elevations of each building shall be submitted to, and approved in writing by, the Planning Authority. Thereafter, development and work shall progress in accordance with these approved details.

Reason: As no details of buildings or structures have been submitted with the application.

16. Upon the first use of the development hereby approved and thereafter, operations for which noise is audible at the boundary of the application site shall only be carried out between:

- i. 0700 hours and 1800 hours Monday to Friday; and
- ii. 0700 hours and 1200 hours on Saturdays.

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

Reason: In accordance with the hours of operation requested within the application and in order to safeguard the amenity of neighbouring properties and occupants.

REASON FOR REFUSAL (If Section 75 is not concluded within agreed period)

1. The development is contrary to policies 28, 31, 53, 56 & 57 of the Highland Wide Local Development Plan as the applicants have failed to conclude a Section 75 Legal Obligation to cover a Financial Bond to secure the required restoration work proposed as part of this application; and have failed to provide security over developer contributions necessary towards the upgrade of the joint cycle/pedestrian route (National Cycle Route 1) because of intensification of use by HGVs at the access point onto the B817.

REASON FOR DECISION

The proposals accord with the provisions of the Development Plan and there are no material considerations which would warrant refusal of the application.

TIME LIMITS

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.

Major Development Site Notice

Prior to the commencement of this development, the attached Site Notice must be posted in a publicly accessible part of the site and remain in place until the development is complete. This is a statutory requirement of the Town and Country Planning (Scotland) Acts and associated regulations.

Environmental Impact Assessment

In accordance with Regulation 3 of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011, environmental information, in the form of an Environmental Statement, has been taken into consideration in the determination of this application and the granting of planning permission.

Accordance with Environmental Statement, Approved Plans & Conditions

You are advised that development must progress in accordance with the supporting Environmental Statement, 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 (p.198), planning permission does not remove the liability position of developers or owners in relation to flood risk.

Local Roads Authority Consent

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

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.

Damage to the Public Road

Please note that the Council, under Section 96 of the Roads (Scotland) Act 1984, reserves the right to recover all costs for repairing any damage to the public road (and/or pavement) which can be attributed to construction works for this development.

Reversing Alarms

The use of high frequency audible reversing alarms on mobile plant is often a cause for complaint and use of such alarms should be avoided at this development.

Woodland Removal

Any proposals for woodland removal should comply with SEPA Guidance: Management of Forest Waste which is available from SEPA's website at:

www.sepa.org.uk/waste/waste_regulation/idoc.ashx?docid=13ce5bb6-6145-42cc-a3d3-ccc750773448&version=-1

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

Protected Species - Contractors' Guidance

You must ensure that all contractors and other personnel operating within the application site are made aware of the possible presence of protected species. They must also be provided with species-specific information (incl. guidance on identifying their presence) and should be made aware of all applicable legal requirements (incl. responsibilities and penalties for non-compliance).

Protected Species - Tree Felling

Any mature trees within the application site which are to be felled, lopped or topped must be surveyed for bats prior to the works being carried out. If a bat roost is identified work must stop and further advice sought from SNH's area office. It is an offence to interfere with bats and/or their roosts without a license and strict penalties will be applied through the courts where a license has not been obtained.

Protected Species - Ground Nesting Birds

Construction/demolition works have the potential to disturb nesting birds or damage their nest sites, and as such, checks for ground nesting birds should be made prior to the commencement of development if this coincides with the main bird breeding season (April - July inclusive). All wild bird nests are protected from damage, destruction, interference and obstruction under the Wildlife and Countryside Act 1981 (as amended). Some birds (listed on schedule 1 of the Wildlife and Countryside Act) have heightened protection where it is also an offence to disturb these birds while they are in or around the nest. For information please see: www.snh.org.uk/publications/online/wildlife/law/birdsegs.asp

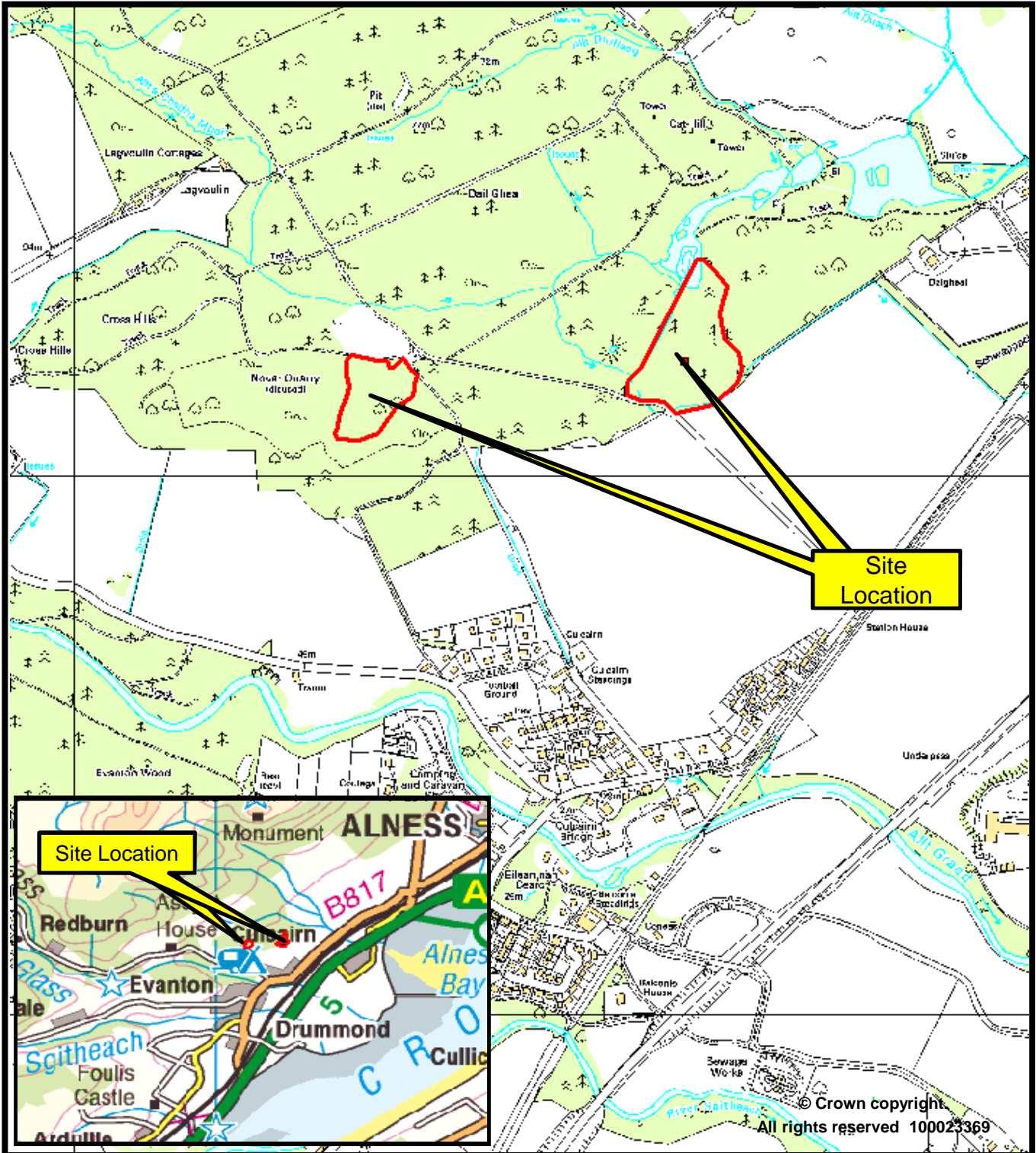
Section 75 Obligation

You are advised that this planning permission has been granted subject to a Section 75 Obligation. The terms of the obligation must be read in conjunction with the planning permission hereby approved. The terms of the obligation may affect further development rights or land ownership and you are therefore advised to consult with the Planning Authority if considering any further development.

Signature: Dafydd Jones
Designation: Area Planning Manager North
Author: Dorothy Stott
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 – Location Plan
Plan 2 – Site Layout
Plan 3 – Proposed Quarry Section

Appendix – Letters of Representation

Name	Address	Date Received	For/Against
Mr Angus Craik	Burnside Station Road Evanton	14.03.2014	Against
Mr Stephen Dennett	4 Culcairn Steading Evanton	26.03.2014	Neutral
Mr Stanley Munro	Kildare Station Road Evanton	01.04.2014	Against



The Highland Council
Comhairle na Gàidhealtachd

Planning & Development Service

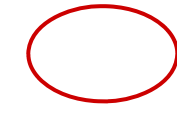
14/00539/FUL

Sand and Gravel Working at Novar Estate, Novar, Evanton





Legend

 General Location of Proposed Quarry & Screening & Storage Area. Including Access Road

0 500m 1000m 2000m

Bar Scale



Proposed Quarry Novar Estate

Drawing Title: Location Plan

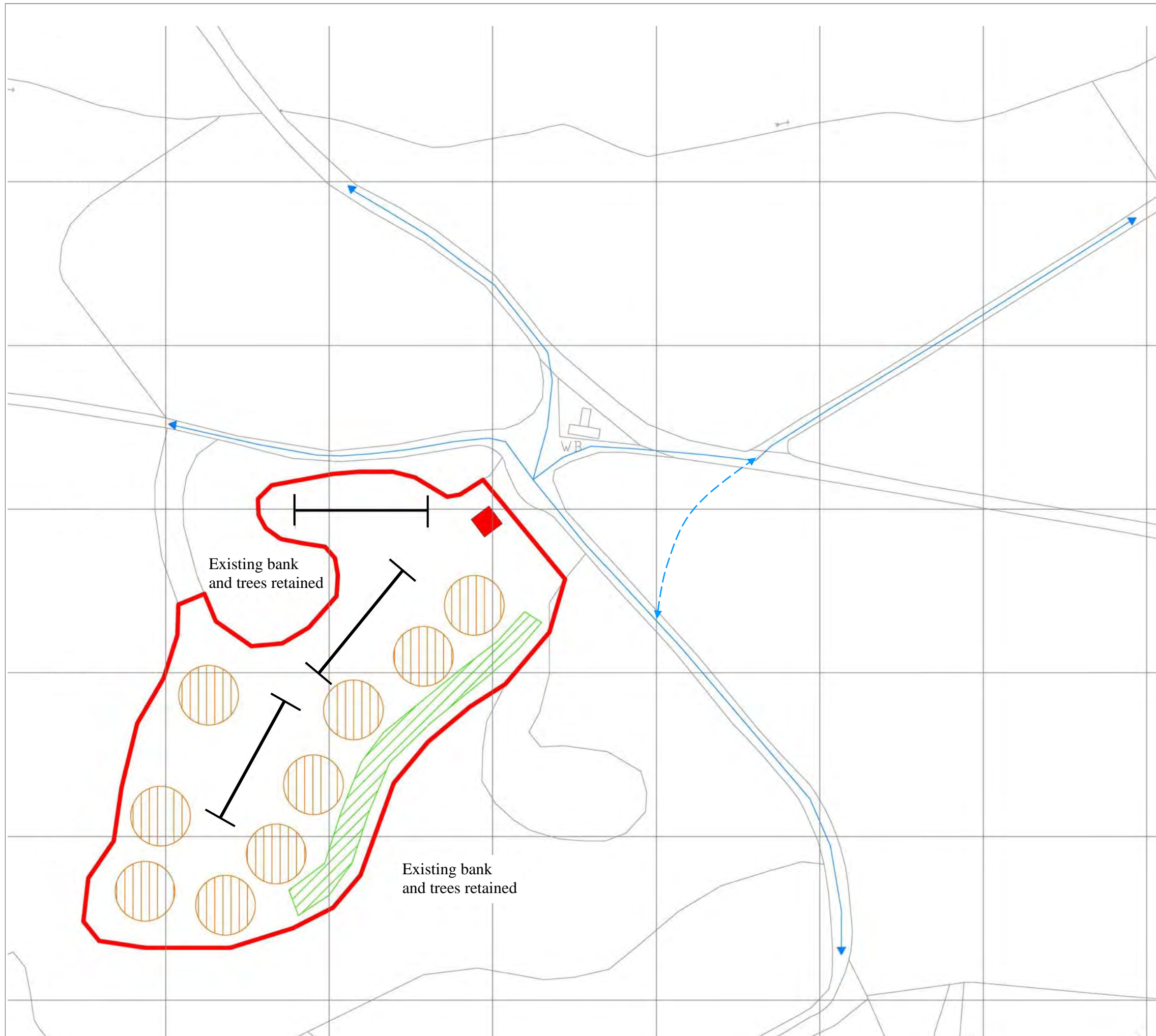
Date: January 2014

Figure: 01




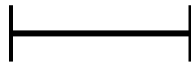
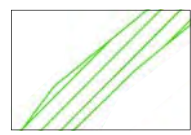




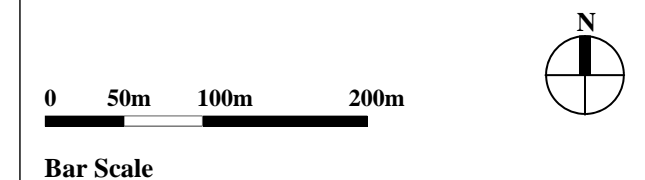
Pat Munro (Alness) Ltd
Caplich Quarry
Alness
Ross-shire IV17 0XU

Telephone: 01349 882377 Fax: 01349 882019
E-mail info@patmunro.co.uk



Legend

-  Red Line Boundary of Application Site
-  Weighbridge
-  Stockpile Storage
-  Mobile Plant
-  Noise Attenuation Bund 4m
-  Core Paths
-  Existing Diversion of Core Paths



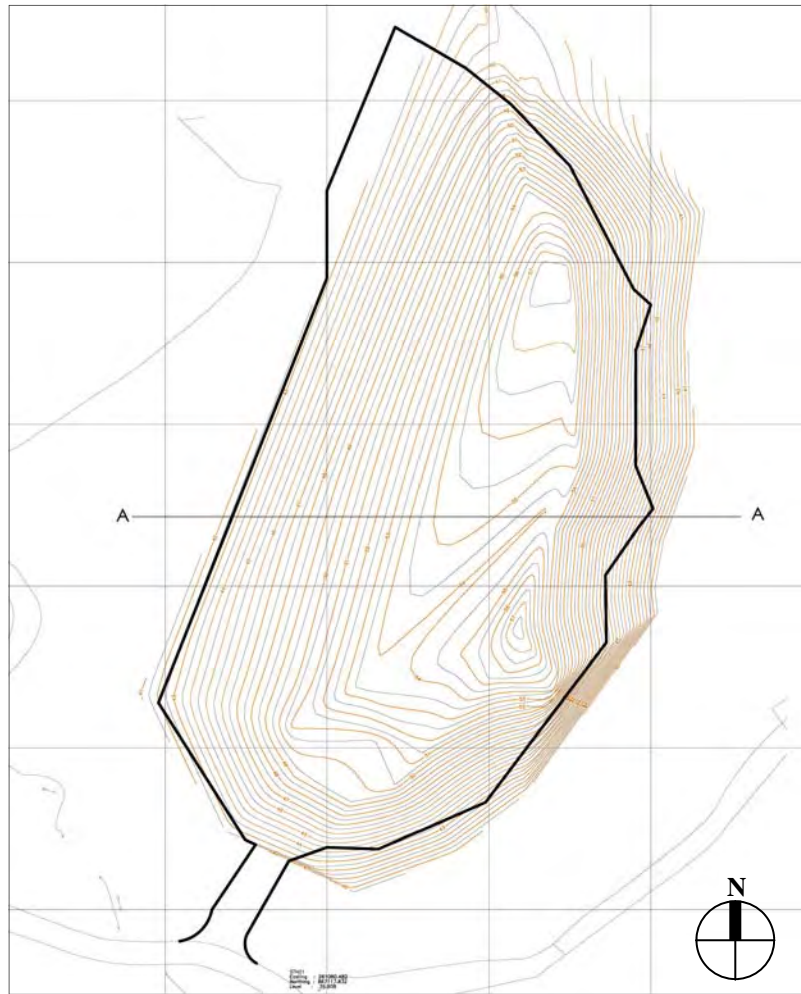
Proposed Quarry Novar Estate

Drawing Title: Screening Plant and Stockpiles Area Layout
 Date: January 2014
 Figure: 07

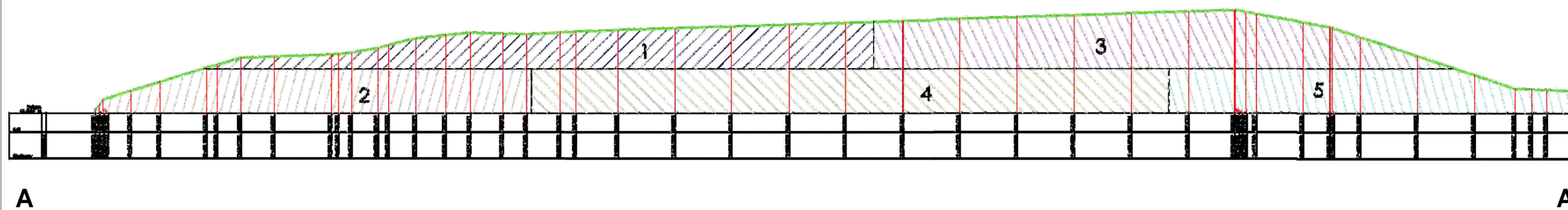


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 Alness
 Ross-shire IV17 0XU

Telephone: 01349 882377 Fax: 01349 882019
 E-mail info@patmunro.co.uk



Location of Cross Section A - A



Cross Section A - A

Legend

1 - 5 Quarry Working Phases

Note that the aggregates will be extracted from the north-west to south-east in two layers.

The two layers are required for reasons of health & safety to ensure a stable working face at all times.

Proposed Quarry Novar Estate

Drawing Title: Quarry Working Plan and Cross Section

Date: January 2014

Figure: 06



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