

THE HIGHLAND COUNCIL
CAITHNESS, SUTHERLAND & EASTER ROSS PLANNING
APPLICATIONS AND REVIEW COMMITTEE
20 January 2009

Agenda Item	4.3
Report No	05/09

**08/00312/FULSU – Extension to existing gravel extraction area at Achley Quarry
Poles Road Dornoch**

Report by Area Planning and Building Standards Manager

SUMMARY

The application is in detail to extend the existing Achley Quarry on the northwestern side of Dornoch to the west of the B9168 Poles Road.

Prior to the submission of the Planning Application, the developer sought a Screening Opinion under the Environmental Impact Assessment (Scotland) Regulations 1999. The Planning Authority concluded that an Environmental Impact Assessment was not required in this instance.

The application is reported to Committee as the Dornoch Area Community Council has objected to the application.

The application was advertised under s34 of the Act, with the advert expiring on 19th September 2008.

The Recommendation is to GRANT planning permission for a temporary period of 10 years subject to the prior conclusion of a s75 agreement for restoration and after-care of the site.

Ward Number 5 – East Sutherland and Edderton

Applicant – Mr I McHardy

1. PROPOSAL

1.1 The application is in detail to extend the existing Achley Quarry on the northwestern side of Dornoch to the west of the B9168 Poles Road. The Quarry is a source of alluvial materials including sands and gravels for the local construction market. The site has been developed over the last decade with a succession of planning applications to work the glacial deposits from close to the Poles Road to the proposed extraction site, which lies approximately half way between it and the A949 Evelix Road.

- 1.2 The quarry has worked the alluvial deposits including the esker glacial ridge since 1999, with progressive re-instatement to each stage with topsoil, re-seeding and screen planting. The screen planting is of native hardwood and Scots Pine. The workings, including the secondary processing area which contains plant, washing facilities, weighbridge, staff facilities and areas for storage of sorted materials, are located to the north side of the esker ridge and therefore well screened from the south. The existing plant on site includes a loading shovel, excavator, dump truck, portable screen, washing plant and dust suppression machine and tanker. In addition, the applicant brings in a portable crushing plant every 3 months which is used and then removed to another site.
- 1.3 The proposal would retain the existing secondary processing area and work into the high ridge to the southwest of this area. The ridge is approximately 1ha in area and is up to 10m in height covered in grass and whins. To the north of the esker is the Dornoch Burn. The developer proposes to retain the profile of the esker ridge but at a reduced height. Members will note that previous planning permissions have restricted the reduction in height of the esker ridge to no less than 4m above the floor level of the quarry. This is also considered to be acceptable in this instance.
- 1.4 The developer has indicated that the area would provide approximately 10 years supply of materials. In 2007-2008 20000 tonnes of material was extracted from the currently worked area - around 400 tonnes per week, or 66 tonnes per day over a 6 day week, or around 4 HGV trips. A similar level of extraction is anticipated at the extended area, although there are seasonal peaks and troughs in demand and traffic would be proportionate to this.
- 1.5 The hours of operation are proposed to be extended from the current 8am to 6pm Monday to Saturday inclusive to 7.30 am to 6pm Monday to Saturday inclusive in order to offer greater operational flexibility. The site access from the B9168 is located close to the Cemetery. The developer is well aware of this and has advised that operations cease on site for the duration of any funeral which is notified to the site operators.
- 1.6 In addition to the quarrying operation, the applicant has operated a mobile readymix concrete lorry from the site over the last few years. This provides measured pre-mixed concrete for the local building market. Following the success of the lorry, the applicant recently added another lorry to the readymix operation. These 2 lorries use the secondary processing area as an operational base. The developer has indicated that the lorries run in and out of the quarry usually no more than 3 times a day. The developer has been advised of this and has indicated that a planning application to regularise this use of the site will be submitted in due course.
- 1.7 This development was initially judged as being secondary and subsidiary to the main use of the site as a quarry. However Members will note that the operation of the mobile concrete lorries is now considered to be a use in its own right, separate to the main quarrying operation.

2. PLANNING HISTORY

- 2.1 The esker deposit and quarry area has had a recent history of quarry applications:
- 99/00125/FULSU – Gravel extraction and soil reinstatement (Amended Site). Approved 9 August 1999.
 - 01/00167/FULSU - Gravel extraction and soil reinstatement. (Amended Site). Approved 17 December 2002.
 - 05/00022/FULSU - Extension to existing gravel extraction area. Approved 4 March 2005.
 - 05/00454/FULSU - Installation of secondary processing at existing gravel extraction site (provision of screening and washing plant with water borehole and settlement pond). Approved 27 February 2006.
 - 06/00224/FULSU – Siting of portable weighbridge and 2No. portacabins. Approved 28 June 2006.

3. PUBLIC PARTICIPATION

3.1 Four letters of representation have been received and relate to the following matters:

- Area has commercial sand and gravel deposits which can supply the area without destroying this esker
- Esker is visited by geologists and geographers – it would be pity if the esker is quarried away
- Noise from quarry – machinery in quarry is noisy
- Dust – vehicles on the quarry road create dust clouds
- Visual impact – scarring of landscape
- Suspension of operations during funerals at graveyard
- Traffic – level of traffic accessing the quarry – number and intensity of aggregate lorries, concrete lorries, vans with trailers.
- Times of operation – vehicles breaching the planning conditions relating to the opening hours of the quarry

3.2 The letters of representation are available in the Area Office and will be available at the Committee meeting. The names of those making representation are listed at the end of this report.

4. CONSULTATIONS

- 4.1 **Dornoch Community Council** – Minded not to support the application. There should be significant reinstatement of the first two phases of the extraction area before any new phase is programmed. The area applied for is excessive and the amount of material that has and is being taken from an important geological feature is considerably larger than was anticipated. The retained height of the esker ridge shown on the plan is 'minimum 4m height'. The Community Council had been assured at the time of the earlier applications that the esker ridge would be maintained at its existing height.

4.2 Internal Consultees

Area Roads and Community Works Manager – No objections.

Environmental Health – A verbal update shall be provided to Committee.

4.3 External Consultees

SEPA – A surface water management plan and dust management strategy are required. Details of restoration measures are also required.

Scottish Water – No objections.

SNH – No objections, but recommends conditions to minimise the visual impacts which may arise from the development. The proposal area will be screened by the high ridge of the Dornoch esker. Due to landforms of the western end of the extension area, it is likely that the proposed extraction site will remain 'cloaked' from the view travelling east along the A949.

5. POLICY

5.1 The following policies are relevant to the assessment of the proposal

Highland Structure Plan:

- G2 Design for Sustainability
- M2 Mineral extraction

South and East Sutherland Local Plan

The site is not allocated for any specific purpose, with applications being assessed on their individual merits.

Material to the consideration of the application is the **Pre-Deposit Draft Sutherland Local Plan** policies 3, 4.1.

5.2 The proposal also requires to be assessed against the following relevant Scottish Planning Policies (SPP); National Planning Policy Guidelines (NPPG); and Planning Advice Notes (PAN).

- Scottish Planning Policy (SPP)
- SPP 4 Planning for Minerals
- PAN 50 Controlling the Environmental Effects of Surface Mineral Workings

6. PLANNING APPRAISAL

6.1 **Determining issues** – 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.

- 6.2 The proposal requires to be assessed against the appropriate policies of the Development Plan, supplementary guidance and National Planning Policy and Guidelines as referred to in the Policy section. In particular, the proposal requires detailed assessment of the following fundamental issues:
- whether the principle of development is appropriate in terms of policy
 - whether the layout of development is appropriate
 - the impact on the amenity of the area and residents
 - other material issues raised by the objectors
- 6.3 Members will note that the proposal is to extend the existing quarry operation into a further phase to the west of the existing quarrying and secondary processing area. The details of the previous applications are set out at section 2 above. This extension would extend the operational life of the quarry for around another 10 years based on the current levels of extraction from the site. The new working area would provide increased job security for the existing workforce and also retain an important source of local aggregate for the construction industry. The applicant has advised that the only change from the current operating regime is that the opening times of the quarry are proposed to lengthen, with the quarry starting at 7.30am, rather than 8am.
- 6.4 The esker varies in height along its length. The worked area has been reinstated and the esker here varies in height, reflecting the original profile. The area of esker proposed to be worked as part of the current application is considerably higher than this already worked section. Measured from the flat quarry operating floor, the ridge retained to the south east is generally 6.6m high rising to 9m at its north end and 11m at its south. The proposed extraction area rises to a general height of approximately 12m above the quarry floor, with one central peak at approximately 18m. The developer intends to work this area from behind reducing it in height but retaining its front face with a similar profile to existing having a central peak at approximately 11m from the quarry floor. This will allow the processing to be screened and will maintain the shape and profile of the reduced ridge for the future. It is considered that whilst the proposal will result in a considerable reduction in height of the existing esker ridge, this is acceptable.
- 6.5 The developer has indicated that the provision of a financial bond to cover reinstatement and restoration of the site is acceptable.
- 6.6 The proposal is considered to accord with the Development Plan policies for the area.
- 6.7 No technical difficulties have been highlighted by consultees.
- 6.8 Representations relate to the following:
- Alternative sources of materials which would not prejudice the esker – Members will note that whilst there are alternative quarries in the area, including alluvial sources such as at the Dornoch Bridge Quarry to the southwest, the application must be considered on its individual merits. The site is not protected under any legislation or designations. The need for a

quarry operation here is driven by market forces over which the Planning Authority has no control.

- Esker is visited by geologists and geographers – it would be pity if the esker is quarried away – There is still a considerable esker ridge to the northwest of the quarry site towards and beyond Camore which is available for future examination.
- Noise from quarry – machinery in quarry is noisy – The quarry machinery is modern and fitted with appropriate noise baffling measures. The quarry is relatively discreetly sited, with the nearest houses being around 600m to the northeast, 400m to both the north and east north east, 180m to the south and 330m to the west. The temporary use of a mobile stone crusher at various points of the year will increase noise levels. However, Members will note that this is a temporary operation which, relatively, affects few properties.
- Dust – vehicles on the quarry road create dust clouds – During periods of dry weather the quarry access road does get dusty. The applicant has confirmed that he does have a dust suppression capability with the use of a water bowser. Members will note that this can be controlled by condition.
- Visual impact – scarring of landscape – The applicant has undertaken a series of progressive reinstatement works during the course of developing previous stages of the quarry. There is a temporary and visible scar caused by the quarrying operations, and this is particularly visible from the northeast of the quarry on the B9168 at The Pillars. However, I would advise Members that conditions can be used to provide a progressive reinstatement of the site. Re-seeding and the planting of trees has been undertaken on earlier stages of the quarry and appears to have been successful.
- Suspension of operations during funerals at graveyard – The applicant has confirmed that if they are made aware of any funeral then operations will be stopped.
- Traffic – level of traffic accessing the quarry – number and intensity of aggregate lorries, concrete lorries, vans with trailers – TEC Services have advised that they have no objections to the proposal. The level of traffic generated by the quarry does vary according to the time of year and the level of demand for aggregate. The associated mobile concrete batching lorries (see section 1.6) also generate traffic, but this will be subject to further assessment as part of a separate planning application.
- Times of operation – vehicles breaching the planning conditions relating to the opening hours of the quarry – The applicant has asked that the hours of opening are extended from 8am to 7.30am Monday to Saturday inclusive. This is considered to be a reasonable extension, which will help to bring the operational hours of the quarry into line with many of its construction sector customers. Members will note that the quarry is closed on a Sunday.

6.9 It is considered that the proposal is acceptable and that it accords with Structure Plan policies G2 and M2. The issues raised by third parties in representation are matters which can be controlled by planning conditions.

7. CONCLUSION

- 7.1 The proposal is for the extension of the existing quarry into a previously undeveloped part of the esker ridge. The proposal is considered to accord with the Development Plan policies for the area. Whilst representations have been received, I am satisfied that these can be addressed by the use of conditions. Members will note that it is current Council practice to limit the duration of minerals permissions to allow an opportunity for periodic review and updating of permission which must be balanced against comfort and security to the developer sufficient to justify his investment. In this context, I am prepared to recommend permission for 10 years at which time it would be subject to a renewal, and subject to the prior conclusion of an appropriate legal agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 or an appropriate alternative to secure a Restoration Bond for the provision of restoration and after-care of the site, and to the following conditions.

RECOMMENDATION

Grant planning permission for a temporary period of 10 years subject to conditions and the prior conclusion of a s75 agreement for restoration and after-care of the site:

1. The planning permission hereby granted is for a temporary period of 10 years from the date of this consent. At the expiration of this permission, and unless an application is made and granted for renewal, or within a period of six months from the earlier cessation of operations at the site, all operations shall have ceased and the ground shall have been reinstated to a condition acceptable to the Planning Authority and in accordance with the terms of all other conditions attaching to this permission.
2. Prior to the commencement of development at this site, gravel extraction at the existing workings granted planning permission under Ref No 01/00167/FULSU and 05/00022/FULSU shall be approaching completion such that gravel shall not be extracted concurrently from both the existing and the proposed workings. For the avoidance of doubt, it is accepted that there shall be no disruption to the availability of supplies arising from the transfer of operations from one site to the other.
3. Operations at the site shall be carried out only between the hours of 7.30am and 6pm Monday to Saturday inclusive and not at all on a Sunday.
4. Topsoil stripped from the site shall be carefully set aside and stored to re-use in progressive reinstatement behind the gravel extraction. The topsoil shall be re-spread to a suitable depth prior to re-seeding with an appropriate grass mix.
5. No oils or waste material shall be stored at the site without the express permission of the Planning Authority, in consultation with SEPA. For the avoidance of doubt, any oils to be stored shall be within an impermeable bund.

6. Permission is hereby granted for the extraction of sand and gravel arising from primary processing only.
7. No materials shall be introduced to the site for purposes of disposal.
8. Prior to the commencement of development, the developer shall submit a Surface Water Management Plan for the prior approval in writing of the Planning Authority in consultation with SEPA. For the avoidance of doubt, the Plan shall include dewatering flows, and in an integrated way cover:
 - Management of general site surface water run off, flow balancing by sumps and pumping
 - Control of particulates by settlement in sumps and lagoons
 - Control of water chemistry
 - Oil and scum removal
 - Use of water in processing plant and treatment of effluent including vehicle washing water
 - Containment of spillage from storage and processing areas
 - Use of water in dust control
 - Use of appropriate water to counteract groundwater lowering e.g. in nearby pools
 - Regular cleaning and maintenance of water system
9. Prior to any development taking place at the site, a scheme for suppression of any dust arising at the site and from the use of the haul road to serve the site shall be submitted for the approval of the Planning Authority in writing. In periods of exceptionally dry weather measures shall allow for the spraying of the working area and haul road with water to dampen down dust arisings.
10. At no time shall any noise emanating from the site at any nearby noise sensitive premises exceed 5 dBA above existing background noise levels. Prior to any development commencing at the site the developer shall have submitted to, and have approved in writing by the Planning Authority, in consultation with the Environmental Health Authority, a noise assessment showing agreed existing background noise levels at existing noise sensitive properties.
11. Prior to any development taking place at the site, the developer shall have submitted to, and have approved in writing by the Planning Authority, a scheme of planting covering the areas adjacent to the esker ridge and under the control of the applicant with a view to minimising visual impact, particularly along the edge of the Burn. For the avoidance of doubt, any planting shall be undertaken by the developer during the first available planting season following first extraction of materials at the site and shall be maintained and replaced as necessary thereafter to the satisfaction of the Planning Authority.
12. At all times during operations to establish the quarry, during its operating life and during restoration, regard shall be had to the advice and guidance contained in PAN50 Controlling the Environmental Effects of Surface Mineral Workings, together with the Annex, and the advice and guidance shall be followed at all times insofar as it is reasonably practicable to do so.

13. Access over the Dornoch Burn shall be by means of the existing bridge only. For the avoidance of doubt, there shall be no vehicle access at any time to or from the site via the ford across the Burn.
14. All drainage arrangements including the disposal of surface water arising at the site shall be provided to the satisfaction of the Planning Authority, in consultation with SEPA, Scottish Water and the Environmental Health Authority as appropriate.
15. The water main passing through the site shall be suitably protected at all times and/or diverted to the satisfaction of the Planning Authority, in consultation with Scottish Water.
16. Prior to the commencement of development at the site, the developer shall have submitted to and have agreed in writing by the Planning Authority a detailed scheme for after use and after care of each worked out phase of the quarry site. For the avoidance of doubt, any stored overburden shall not be placed in the vicinity of any watercourse and a suitable buffer and protective measures shall be included in the Surface Water Management Plan (condition No.8).
17. For the avoidance of doubt, no materials shall be extracted or any other operations take place outwith the area shown outlined in red on plan 1 docquetted hereto.
18. No materials shall be won from below the existing water table.
19. Gravel shall be extracted from the north side of the ridge only, with bund of a minimum height of 6.5m being retained as a screen to the south and west faces. The height of the screen shall be varied in order to reflect the existing variable natural contour along the existing ridge.
20. The developer shall maintain accurate records detailing the quantity of materials extracted from the quarry. The records shall show the daily, weekly, monthly and annual production figures, and shall be provided for inspection on an annual basis by the developer and / or operator for the approval in writing of the Planning Authority. For the avoidance of doubt, the annual production of aggregates shall not exceed 20000 tonnes, or as may otherwise be agreed in writing with the Planning Authority.

Reason

- 1-20 To allow the Planning Authority to retain effective control over mineral operations at the site which lies in relative proximity to nearby existing property and to safeguard heritage, amenity and public health insofar as it is reasonably practicable to do so, and in accordance with the provisions of the approved and adopted Development Plan.

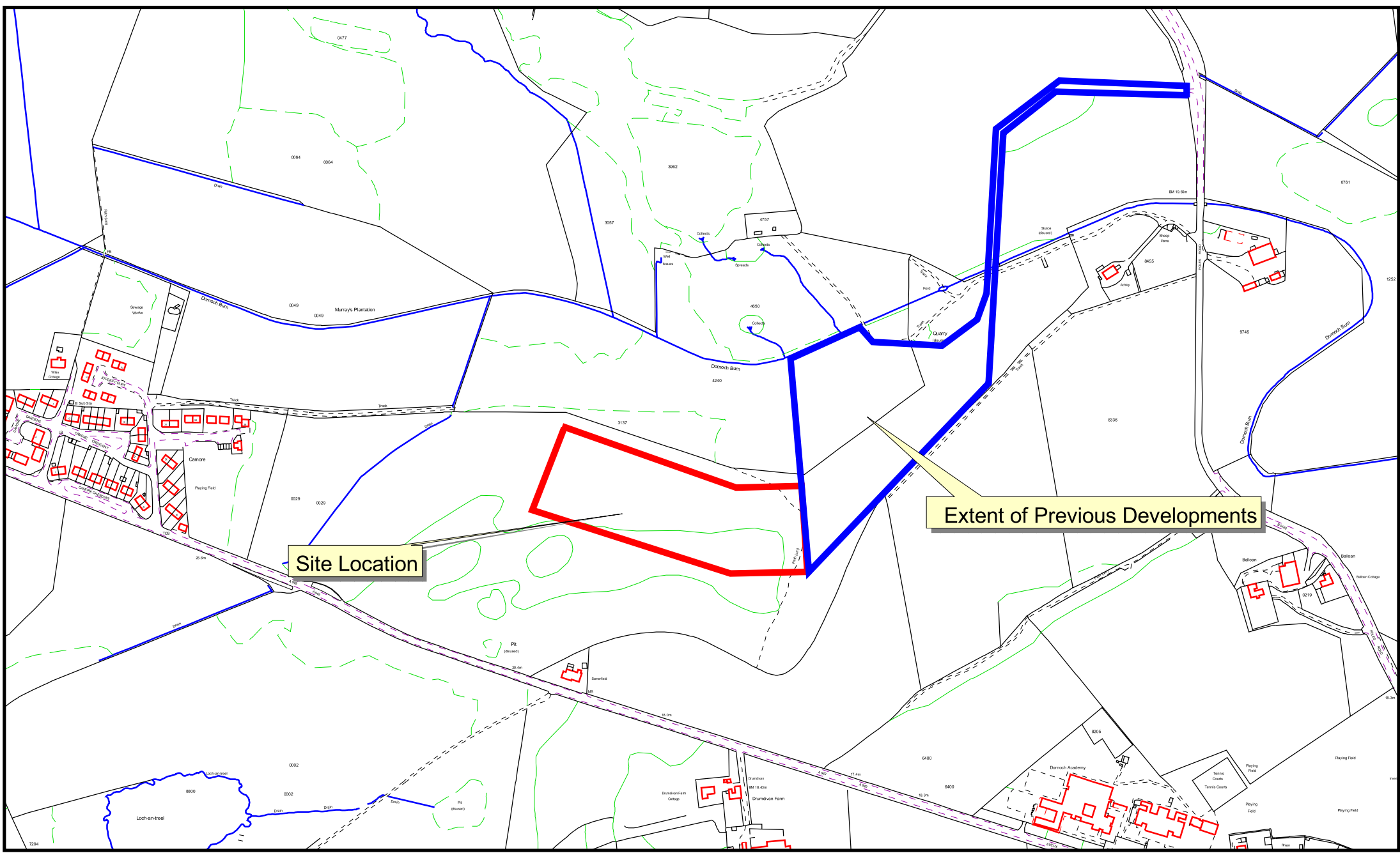
Signature: Allan J Todd

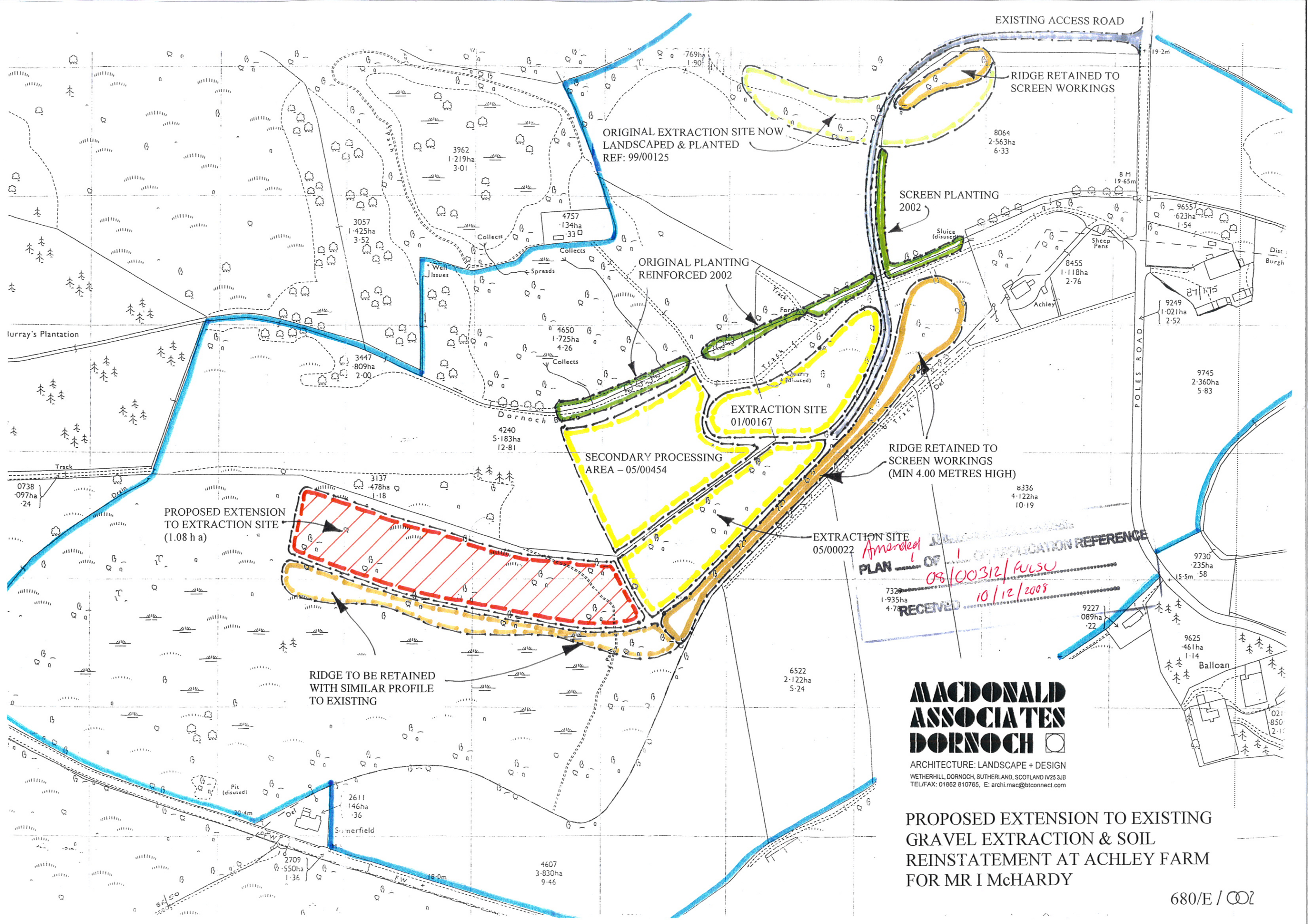
Designation: Area Planning & Building Standards Manager

Author: Bob Robertson 01408 635371

Background Papers: As referred to in the report above and case file reference number 08/00312/FULSU

Date: 12 January 2009





ORIGINAL EXTRACTION SITE NOW
LANDSCAPED & PLANTED
REF: 99/00125

SCREEN PLANTING
2002

ORIGINAL PLANTING
REINFORCED 2002

EXTRACTION SITE
01/00167

SECONDARY PROCESSING
AREA - 05/00454

RIDGE RETAINED TO
SCREEN WORKINGS
(MIN 4.00 METRES HIGH)

PROPOSED EXTENSION
TO EXTRACTION SITE
(1.08 ha)

EXTRACTION SITE
05/00022

RIDGE TO BE RETAINED
WITH SIMILAR PROFILE
TO EXISTING

PLAN OF APPLICATION REFERENCE
Amended
08/00312/PLSU
10/12/2008
RECEIVED

**MACDONALD
ASSOCIATES
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PROPOSED EXTENSION TO EXISTING
GRAVEL EXTRACTION & SOIL
REINSTATEMENT AT ACHLEY FARM
FOR MR I McHARDY