

THE HIGHLAND COUNCIL

NORTH PLANNING APPLICATIONS COMMITTEE
11 November 2014

Agenda Item	7.1
Report No	PLN078/14

02/00941/FULRC: Tarmac Lafarge Ltd
Tor Leathan Quarry, Ardross, Ainess

Report by Head of Planning and Building Standards

SUMMARY

Description: Application under Section 74 of the Act for the determination of updated planning conditions under application RC/1975/102 for the winning and working of minerals.

Recommendation: **APPROVE** new operating conditions.

Ward: 07 – Cromarty Firth

Development category: Major

Pre-determination hearing: None

Reason referred to Committee: Manager's Discretion

1.0 PROPOSAL/BACKGROUND

- 1.1 Planning permission for the winning and working of minerals at Tor Leathan Quarry was granted on 06 November 1975 subject to conditions (RC/1975/102). This permission was not time-limited in any way but any significant extraction ceased, it is believed, in the mid 1990's with approximately 1 hectare having been worked.
- 1.2 Following the statutory review of mineral permissions under the Environment Act 1995 (subsequently embodied within Section 74 of the Town and Country Planning (Scotland) Act 1997) Tor Leathan Quarry was listed as an 'active site.' A consequence of this was that the site operator was required to submit an application for the determination of a new schedule of conditions by 30 June 2002.
- 1.3 Detailed guidance is given in Scottish Office Development Department Circulars 34/1996 and 25/1998. Circular 34/1996 makes it clear that *"It is for land or mineral owners to demonstrate a commitment to raising standards by operating as good environmental neighbours in an environmentally sustainable manner and submitting sensitive schemes of conditions. Equally planning authorities should note the Government's expectation that, in relation to active sites, generally conditions should not be imposed which would prejudice adversely to an*

unreasonable degree either the economic viability of operating the site or the asset value of the site.” and continues with “... where the planning authority determine conditions different from those submitted by the applicant; and the effect of those conditions, other than restoration or aftercare conditions, is to restrict working rights further than before the review – then, if the effect of the further restriction is to prejudice to an unreasonable degree either the economic viability of the operation or the asset value of the site, a liability for compensation will arise.”

- 1.4 This application relates to such a proposal; the determination of updated planning conditions under application RC/1975/102 for the winning and working of minerals at a 113 hectare (ha) site, with rock reserves of some 60 - 75 million tonnes, at Tor Leathan Quarry, Ardross.
- 1.5 While submitted in November 2002, it was not until 2005 that an Environmental Statement (ES), as required under the Environmental Impact Assessment Regulations, was submitted.
- 1.6 In response to concerns raised as a result of the consultation on the ES and a belief that this scale of quarry in this location would not be commercially attractive, the application was voluntarily amended by the applicant in June 2013 reducing the area of working from **65ha** to **6.5ha**. The revised proposal would still allow an extraction rate of 100,000 tonnes per annum, with total extraction some 2.5 million tonnes in total; a significant reduction from the 60+ million tonnes allowed for within the 1975 permission. In terms of activity, this revised level of extraction would equate to an average of 5 vehicle movements on the local road network per hour.
- 1.7 To demonstrate this in terms of physical scale, the original proposal would result in a large excavation with a total height of 170m split into 11 faces and benches whereas the revised proposal would extend only 75m further in each direction from the existing worked faces of the quarry and have an overall height of 30m (two faces of 15m each).
- 1.8 The original planning permission included provision for an alternative access road to the south side of the Strathroy River, accessed from the B9176 Struie Road 1km south from the existing site access. This was never implemented. The applicant proposes to forfeit its right to construct this access through allowing the Council to impose a restrictive planning condition. It is clear that the voluntary amendment and agreement will not open up claims for compensation.
- 1.9 The applicant's proposed conditions, as required to be submitted under Section 74, are set out within Appendix B.

2.0 SITE DESCRIPTION

- 2.1 The site is located directly east of the Corbett known as *Torr Leathann* (Tor Leathan) (637m AOD) and west of the Strathroy River some 9km north-west of Alness. Access to the quarry site is via a 3.9km length of track that leads up from the B9176 Struie Road at its crossing with the Strathroy, through a dormant sand and gravel quarry, alongside the river. The site lies directly south of the Beinn Tharsuinn wind farm.

- 2.2 The existing quarry is a small rock excavation created by quarrying into the base of *Torr Leathann*. The quarry floor covers an area of 1 hectare, sitting at an altitude of 340m AOD. The level at the top of the existing face in the hillside varies from 360m to 365m AOD.
- 2.3 The exposed rock at the quarry is coarse grained reddish granite dominated by quartz and feldspar. The granite in the immediate vicinity of the quarry is overlain by thin deposits of peaty soils and weathered bedrock.
- 2.4 The quarry lies within the catchment of the Strathroy River which runs approximately 300 metres to the east of the existing quarry. It flows south-east to the Cromarty Firth at Nigg Bay. There are also upland streams which are tributaries of the Strathroy River a few hundred metres to the north and south of the quarry.
- 2.5 The principal habitats surrounding the quarry site comprises blanket bog and wet dwarf shrub heath. A block of plantation forestry lies to the east of the Strathroy River. The habitat on the site is suitable for black grouse and peregrine, with potential for nesting of merlin, short-eared owl and hen harrier. Surrounding habitat, such as the riparian areas of the River, are likely to support otter and water vole. The forested areas to the east and south are likely to support Capercaillie, Pine Marten and Squirrel.
- 2.6 The site is not covered by any statutory designations. The nearest designated area is the Morangie Forest Special Protection Area (SPA), the qualifying feature of which is its breeding population of Capercaillie. The nearest part of this SPA is approximately 3km to the south-east of the site and 500m west of the site entrance. The nearest landscape designation is the Dornoch Firth NSA that lies approximately 8km to the north. There are no local or regional landscape designation areas located close to the site area.

3.0 PLANNING HISTORY

- 3.1 06.11.1975 – planning permission granted for the winning and working of minerals (RC/1975/102).

4.0 PUBLIC PARTICIPATION

- 4.1 Advertised: Ross-shire Journal 03.06.2005

Representation deadline:

Timeous representations: 5

Late representations: 0

- 4.2 Material considerations raised against the proposal can be summarised as:

- Concerns over road safety - particularly conflict with cyclists

- Adverse impact on Ardross and surrounding community arising from the increase in noise, nuisance and smell from delivery lorries
- Inappropriate scale of development

4.3 Non-material considerations raised against the proposal can be summarised as follows:

- Adverse impact on agricultural tenancy

4.4 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed at www.highland.gov.uk/wam.

5.0 CONSULTATIONS

5.1 Ardross Community Council: In its original 2005 response while not objecting, the Community Council outlined concerns with regard to the need to protect water quality, hours of operation and control/limit the frequency and times of traffic movements. Ardross Community Council has considered the reduced scheme and considers that the protection of private water supplies has still not been adequately addressed, that weekday hours of operation should be 8am to 6pm and (if required at all) 8am to 12pm Saturday only, and that extraction rates should be limited to 50,000 tonnes a year to reduce impact on the local road network. The Community Council consider that there should be a condition restricting the ability of the operator to use the C4 'Golf Course Road.'

5.2 Transport Planning has no objections subject to the need to upgrade the existing junction with the Struie road.

5.3 Environmental Health is satisfied with the conditions outlined within the ES.

5.4 Historic Environment Team raised concerns regarding the adequacy of the ES in respect of archaeology - particularly with regard to the assessment of the alternative access track on the south side of the Strathroy River.

5.5 Transport Scotland indicate that the proposal would result in an intensification of use with an increase in associated traffic movement but consider that it would have minimal environmental impact on the trunk road. However, Transport Scotland advise that it has some concern regarding the A9(T)/B9176 junction and request that the applicant liaise with Transport Scotland to ensure minimal disruption.

5.6 Historic Scotland advise that the area covered by this mineral review contains no archaeological sites that are protected at a national level.

5.7 Scottish Water: Scottish Water assets are not affected.

5.8 SEPA: In its original response to the application in 2005, SEPA indicated that there were a number of modifications required to the proposed conditions or, in some cases, further information required to comment fully, in addition to recommending that additional conditions were required. With regard to the latter these relate to

protection of the water environment, foul and surface water drainage from site buildings and work method statements. SEPA recommended that a restoration bond be secured.

- 5.9 In respect of the reduced scheme, SEPA highlights that it would be clearer if the submitted red line boundary was revised to the area that the reduced scheme will apply to, in particular the inclusion of the alternate site access to the south of the existing access. SEPA highlights that this access has the potential to increase environmental impacts from that which they originally had permission as the access goes through an area of previously undisturbed ground which could contain Groundwater Dependent Terrestrial Ecosystems (GWDTEs) and deep peat; neither of which were assessed as part of the ES. SEPA highlights that the existing access should be upgraded in preference to any new access route; the presence of which would lead SEPA to object to the proposal.
- 5.10 SEPA makes comment on a number of conditions and advises that it should be consulted on the submissions to discharge these conditions at the appropriate time.
- 5.11 SNH: In its original response to the application in 2005, SNH identified a series of inadequacies in the ES, particularly with regard to landscape and visual impact, the impact on Annex 1 bird species and European Protected Species. It made comment on the proposed conditions nonetheless, recommending a number of new conditions.
- 5.12 SNH's advice on the reduced scheme remains that in advance of the quarry being reworked, breeding bird surveys will be required to inform any mitigation required in terms of the timing of quarry works and the avoidance of damage or disturbance to birds both within and around the quarry. In addition, the alternative access road would give rise to the need for both otter and water vole surveys in advance of the works to establish appropriate mitigation as well as breeding bird surveys.

6.0 DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application:

Highland-wide Local Development Plan (April 2012)

- | | | |
|-----|-----------|--------------------------------------|
| 6.1 | Policy 28 | Sustainable Design |
| | Policy 29 | Design Quality and Place-Making |
| | Policy 53 | Minerals |
| | Policy 57 | Natural, Built and Cultural Heritage |
| | Policy 58 | Protected Species |
| | Policy 59 | Other Important Species |
| | Policy 61 | Landscape |
| | Policy 63 | Water Environment |
| | Policy 72 | Pollution |
| | Policy 73 | Air Quality |

Ross and Cromarty East Local Plan (February 2007) (as continued in force)

6.2 There are no relevant policies relating to this proposal.

Supplementary Planning Policy Guidance

6.3 There is no relevant Supplementary Planning Guidance relating to this proposal.

7.0 OTHER MATERIAL POLICY CONSIDERATIONS

Scottish Government Planning Policy and Guidance

7.1 SPP (June 2014)

Circular 34/1996
Circular 25/1998

PAN 50 - Controlling the Environmental Effects of Surface Mineral Workings

Inner Moray Firth Proposed Local Development Plan (November 2013)

7.2 There are no relevant policies relating to this proposal.

8.0 PLANNING APPRAISAL

8.1 Section 74 of the Town and Country Planning (Scotland) Act 1997) places a duty on Planning Authorities to review the terms of old mineral permissions granted between 1948 and 1982. Landowners and/or mineral operators are required to submit new schemes of conditions for the approval of the Planning Authority. The objective is to bring old mineral planning permissions up to modern standards of control.

8.2 **The principle of development is not open to debate; only the conditions that can be applied.** The conditions should however be determined within the context of the statutory development plan and national policy. Care must be taken in developing new conditions to ensure that the Council does not unnecessarily restrict working rights as this may result in a claim for compensation. Circular 25/1998 provides guidance on when this may occur.

8.3 The Circular also provides a list of general principles to be applied in the consideration of conditions in respect of certain matters - specifically:

- Time limits
- Access arrangements
- Working programme
 - working scheme
 - soil removal and storage
 - hours of operation

- Environmental protection
 - dust
 - noise
 - blasting and vibration
 - groundwater and surface water drainage protection
- Landscaping
- Restoration, aftercare and after-use

Guidance is given in relation to the types of condition that may/may not be imposed.

Scheme of Conditions

- 8.4 The starting point for any scheme of conditions is the existing conditions on the site. For Tor Leathan quarry these are as set out within the original 1975 planning permission (Appendix B). The applicant's proposed conditions as initially set out under this application are contained within Appendix C.
- 8.5 The applicant submitted an Environmental Statement (ES) to support its quarry development plan and in justification for the conditions originally proposed by way of mitigating any adverse impacts predicted to arise from the quarrying operation.
- 8.6 The application was advertised and consulted upon. A number of representations were made against the proposal and comments received from some consultees indicated some weaknesses in the assessments made within the ES. The applicant recognised this and having reviewed the potential for continued extraction at the site considered that a potential way to address this was to accept a reduced scheme. While it was not considered necessary to undertake further environmental assessment, in July 2013 the applicant submitted revised plans and amended conditions for this reduced scheme. These are contained within Appendix D.
- 8.7 The main issues raised in consideration of conditions are set out below, with reference to Circular 34/1996 as appropriate.

Revised Site Boundaries

- 8.8 As indicated above (1.6), the area covered by the planning permission is extensive. The applicant has submitted a revised plan defining the boundary of the planning permission that it wants this application for new operating conditions to extend to. This reduction from 65ha to 6.5ha of working area is a major concession by the operator in effectively surrendering its rights to win and work minerals over the larger area. The amended scheme brings the permission down to a scale not much larger than that initially envisaged as a First Phase (5ha). For the Planning Authority to have sought to impose such a restriction would have undoubtedly had an adverse effect on the operators' working rights and a claim for compensation.
- 8.9 The site boundary includes an as yet to be constructed access track that runs along the south side of the Strathory River. This access track appears to have been included as part of the planning permission granted in 1975.

- 8.10 It is the construction of this access track that would likely lead to the most significant environmental effects given that there is no development at present. Both SEPA and SNH expressed significant reservations over the impact that this would have on species and habitat. It would also introduce a further visual intrusion into the landscape. While offering a condition that clearly restricts the construction of this road, the applicant has not removed this access from the proposal.

Time Limits

- 8.11 The applicant has sought to continue working until 21 February 2042 which is the maximum period allowed for by the legislation. Circular 34/1996 makes it clear that new time limits should only be imposed with the agreement of the applicant otherwise the condition could constitute a restriction on working rights that may give rise to compensation.
- 8.12 In any case, the legislation provides for periodic reviews to be carried out in respect of mineral sites every 15 years.

Level of Production

- 8.13 The applicant estimates that there would be in the region of 60 - 75 million tonnes of rock reserves within the original working area of the site. With a further twenty eight years of production likely this would equate to an incredible annual output of between 2.15 and 2.68 million tonnes per year.
- 8.14 Given its location, relatively remote from the coast to export by sea, the applicant believes that there is no current need or foreseeable prospect for a hard rock quarry of this scale. Accordingly, as discussed above, the applicant has voluntarily reduced the extent of the quarry working to a 6.5ha area that is capable of producing in the region of 2.5 million tonnes. This equates to 89,286 tonnes per annum. However, the applicant seeks a condition to limit annual production to 100,000 tonnes. This is consistent with many mineral sites and not unreasonable.
- 8.15 The applicant has provided further detail on the phasing of extraction and confirmation that it is content for the quarry floor level to be restricted at its existing contour height of 340m AOD. The quarry face would have a total height of 30m split (benched) into two 15m faces. This is consistent with current modern working practice. Operation of the quarry will be controlled in accordance with the phasing plans submitted with this application for the reduced scheme.
- 8.16 The level of production is considerably reduced. This has significant positive environmental benefit. As the applicant has voluntarily agreed to this reduction, this cannot give rise to any claim for compensation. Restricting the output to 50,000 tonnes per annum as requested by Ardrross Community Council however would not enable the applicant to realise the anticipated total extraction quantities. To do so would likely give rise to a claim for compensation. A condition that permits 100,000 tonnes per annum is recommended.

Transportation and Quarry Access Road

- 8.17 Representations have been made with regard to the scale of the proposal and the consequential effect to users of the Struie road. This route is well used by locals and tourists alike, including many cyclists as has been highlighted. It is understandable therefore that there are concerns over road safety.
- 8.18 The reduced scheme again however will bring about significant environmental benefit in that it will reduce vehicle trips (HGV loads) to an average of 5 movements per hour when based upon an annual extraction of 100,000 tonnes. While Ardross Community Council consider that this should be reduced further, to do so, as explained above, would likely give rise to a claim for compensation. The impact on the local road network has been assessed by the Trunk Roads Authority and The Council's Transport Planning Team. Transport Scotland did not raise an objection to the impact that the larger scheme would have on the junction with the A9(T). It is therefore not considered that the reduced scheme would lead to a significant impact.
- 8.19 Transport Planning has indicated that the existing access from the Struie road to the north of the bridge over the River Strathroy is not of an acceptable standard. A condition requiring the upgrading of this junction to an acceptable standard has been requested.
- 8.20 The existing access track is of poor condition and would require to be improved prior to the re-commencement of operations but it is likely that this can be done without any significant effect on the environment. The new, as yet built, access however has been contentious. In the absence of detailed proposals for this and surveys for habitat and species, it is not considered appropriate for this to capable of being implemented.
- 8.21 A condition stating that this route should not be used is considered necessary. While this has not specifically been agreed by the applicant, it is accepted within the revised conditions that this route should not be used until further assessment is carried out. As the route approved does not extend to the reduced quarry boundary, the route will have no operational benefit. It would therefore be sensible not to permit this route to be used at all. It is not considered that this would result in 'unreasonable prejudice' that would give rise to a claim for compensation.

Hours of Operation

- 8.22 The 1975 permission contains no conditions relating to its working hours; only days. However, conditions exclude weekend working. Circular 34/1996 sets out that it is not the hours of working that cause disturbance but the environmental effects associated with the operation. Restricting operating hours may not achieve environmental improvements if production is simply intensified during the shortened working period. The Circular indicates that significant restrictions on the hours currently worked might restrict the rate at which the mineral can be extracted and therefore be subject to the test of 'unreasonable prejudice' that could give rise

to a claim for compensation. The Circular also suggests that longer working hours, including 24hr working, may be acceptable where the location of the site and/or other conditions can ensure that sensitive properties do not suffer adverse effects.

- 8.23 Under this application, the applicant initially offered to limit working to 6am to 8pm Monday to Friday and 6am to 4pm Saturday. This was subsequently revised to 7am to 7pm Monday to Friday and 7am to 1pm Saturday. The revised weekday hours is a further significant concession that would be beneficial to the amenity of the area.
- 8.24 Ardross Community Council consider that weekday hours of operation should however be limited to 8am to 6pm with no weekend working but if at all this should be limited to 8am to 12pm Saturday. While the applicant seeks Saturday working not provided for in the 1975 permission, the concession proposed by the operator is however considered reasonable when considered in the context of the advice set out in the Circular. The applicants revised working hours are considered acceptable without the likelihood of a claim for compensation.

Noise

- 8.25 The nearest noise sensitive property is located 2.4km south of the site at Buldoon. The noise assessment undertaken by the applicant within the ES that accompanied the application as initially set out indicated that noise levels during operation would be well below the $55\text{dB}_{\text{LAeq, 1hr}}$ criterion derived from PAN 50. As the scheme has been considerably reduced the impact is likely to be further reduced. The suggestion of a $55\text{dB}_{\text{LAeq, 1hr}}$ limit at the nearest existing noise sensitive premises is considered appropriate.

Blasting

- 8.26 Blasting in hard rock quarries is needed to break up material which cannot feasibly be removed by mechanical equipment. The most important factors that determine whether blasting is necessary are the hardness of the rock and the type of machinery available for extraction. PAN 50 Annex D deals with the control of blasting. It outlines that blasting operations at surface mineral workings are controlled by The Quarries Regulations 1999.
- 8.27 PAN 50 recommends that conditions should provide for:
- the unacceptable days and times of blasting operations
 - the allowable level of ground vibration
 - a scheme by which air overpressure is controlled
 - a scheme of vibration monitoring so that compliance with the set limits can be demonstrated.
- 8.28 The applicant proposes a condition that considers appropriate times and ground vibration but does not go as far to consider air overpressure and/or vibration monitoring. Given the relative distances involved to the nearest sensitive house this is understandable.

Dust

- 8.29 The potential for the generation of dust at surface mineral sites is largely related to the hardness of the minerals being handled, the extent and degree of handling necessary, and the size of the mineral products being produced. Soft friable materials break easily producing a greater number of dust particles for a given degree of handling. In contrast hard materials require more energy to break into smaller pieces and are less likely to form dust. However, intensive processing of hard minerals will be required to break them down and this has the potential to produce significant quantities of dust.
- 8.30 A significant cause of dust emission at mineral workings is wind blow. Wind has the potential to lift dust from surfaces, depending on the speed of the wind, the condition of the surface and the size of the dust particles. In addition to dust caused directly by the extraction process, dust emissions from surface mineral workings can also be caused by:
- haulage, where the weight of vehicles, their speed of passage and number of wheels in contact with the ground can produce dust
 - mechanical handling of operations, including crushing and grading processes where in general the more powerful the machinery and the greater the volumes of material handled the greater the potential for dust emission
 - blasting
 - surface stripping and the handling and storage of overburden
- 8.31 While it is unlikely that residential receptors would be affected by this proposal, particularly in its reduced scope, best practice to minimise the impact of dust should be implemented in any event. The applicant proposes that a scheme be brought forward prior to the recommencement of operations. This is normal practice.

On-site Waste Water

- 8.32 No indication of the need for on-site waste water facilities has been given within the application. SEPA has highlighted this omission and requested that such details be secured by condition.

Surface Water Management/Water Environment

- 8.33 In its initial response to the application SEPA indicated that there was a lack of information within the submission to assess the impact on adjacent watercourses. With the reduction in working area, the distance to two of the three adjacent watercourses is significantly reduced. The applicant suggests a condition to provide further detail on this aspect prior to recommencement of work on site.
- 8.34 A key concern highlighted by SEPA is the effect of the as yet to be built alternative access track on ground water dependent ecosystems. On the basis that it is proposed to restrict by condition quarry activity to the existing access track, SEPA's

concerns in this regard can be adequately addressed. Implementation of best practice to prevent pollution to the ground and water environments is expected and can be established by condition.

Private Water Supplies

- 8.35 The applicant contends that there are no private water supplies within the vicinity of the site and therefore private water supplies are unlikely to be affected by the development. However, the Community Council considers that this is not the case. It believes that there are existing private water supplies. Although no representations from individuals have been made on this basis it would appear prudent to ensure that a further detailed survey be undertaken prior to resumption of operations and that any necessary mitigation, if required, be put in place. This would not restrict working rights and therefore would have no consequence in respect of a claim for compensation.

Habitat and Species

- 8.36 The reduction in the working area will have a positive benefit on habitat and species. Given the reduced scale of the quarry operation there is less likelihood of significant impact to protected peat habitat, particularly if the alternative quarry access road is restricted by condition.
- 8.37 In its initial response to the application SNH requested that prior to further expansion of the quarry that pre-commencement surveys be undertaken to determine the presence of and potential mitigation for otter, wild cat and peregrine. While it is not anticipated that the revised proposal will impact on otter, with restriction on implementation of the alternative access track, or wild cat, the existing face may provide suitable habitat for peregrine.
- 8.38 The ES identified that there was a Black Grouse lek adjacent to the existing access track. In its initial response to the application, SNH indicated that the hours of operation should be restricted to 8am during the lekking season of April to early May. However, it is recognised that this information may be out of date. In its most recent response, SNH recommends that a breeding bird survey be undertaken before resumption of operation. This survey would consider black grouse and peregrine, known to be present within the area of the quarry and access road as well as hen harrier, merlin and short-eared owl; species that may use the site. This can be sought by condition.

Visual Impact

- 8.39 As with habitats and species, the reduction in working area now proposed will have significant positive benefit on visual amenity and the effect on landscape. The quarry operations, which will be phased over a period of time, have been re-designed to ensure that the visual impact of the final quarry profile mirrors that of the existing worked area, albeit enlarged. The influence of the impact will not be significantly beyond the existing situation. No conditions relating to landscaping are considered necessary.

Restoration

- 8.40 The applicant has provided a plan of how the site might be restored. While not particularly detailed it does indicate that the rock face is likely to remain exposed in its benched form with overburden soils placed onto the quarry floor. This is relatively simple restoration but is common with rock quarries since it is both difficult and costly to re-profile sites to a near natural landform.
- 8.41 Given that restoration is likely to be governed by the progress and final form of the quarry at some point in the future, it is recommended that a final restoration scheme be brought forward at the most suitable point. This can be controlled by condition.

Financial Bond

- 8.42 In normal circumstances the Council would insist on a financial bond or guarantee in respect of the restoration and aftercare of a site. However, the provisions of Section 74 of the Act do not require restoration bonds. Equally, Circular 34/1996 makes no specific reference to restoration bonds, on the basis that conditions imposed should be sufficient to achieve restoration objectives. Having said that, the application form does contain a section on voluntary agreements.
- 8.43 Discussion has taken place with the applicant on this issue. The applicant has however declined to enter into an agreement. It is inappropriate to impose a condition requiring an applicant to enter into a Section 75 Obligation or to make financial provision. In the circumstances, it appears that there is little option but to accept that a financial bond cannot be secured in this instance.

Withdrawal of Permitted Development Rights

- 8.44 Circular 34/1996 advises that permitted development rights should not be withdrawn or otherwise restricted unless there are exceptional and sound planning reasons for doing so. In this case, the applicant has proposed a condition to restrict permitted development rights in respect of the location and design of fixed plant within the quarry and the location of mobile crushing and screening equipment. This is effectively to ensure that they are contained within the quarry floor. Such a condition would be appropriate.

Any non-material considerations

- 8.45 A representation has been received from an agricultural tenant of the land claiming that the development will impact on their business. The quarry permission has however been granted. This application relates to the review of conditions and the matters raised are not relevant to the current consideration.

Matters to be secured by Section 75 Agreement

- 8.46 None.

9.0 CONCLUSION

- 9.1 Planning permission for the winning and working of minerals at Tor Leathan dates back to 1975. The planning permission is subject to conditions. However, the operator of the quarry has submitted a scheme of conditions as required under the Planning Acts.
- 9.2 Government advice in this matter is that planning authorities should not need to impose conditions that would restrict working rights such that the economic viability of operating the site or the asset value of the site would be prejudiced adversely to an unreasonable degree except in exceptional circumstances. References are made in Circular 34/1996 to the need for 'a constructive approach', to the avoidance of unreasonable prejudice, and to the resolution of issues 'by constructive negotiation'. It is inevitable that there will be a degree of compromise involved in determining a scheme of conditions for a quarry operation that already holds the benefit of planning permission.
- 9.3 In this case, while it has taken several years, negotiation has resulted in the applicant agreeing voluntarily to restrict the working area to 6.5ha. This compromise will have a significant environmental benefit.
- 9.4 It is considered that the scheme of conditions submitted for the reduced scheme by the applicant is broadly appropriate to safeguard the environmental impact. However, the scheme has been subject to amendments to wording and also to accommodate issues raised during consultation and within representations. This is particularly with regard to the need for further ornithological survey work and the restriction on the use of the alternative access. It is not considered that the conditions proposed would result in 'unreasonable prejudice' and a claim for compensation.

10.0 RECOMMENDATION

Action required before decision issued N

Conclusion of Section 75 Agreement N

Subject to the above, it is recommended the new operating conditions be **APPROVED** as follows:

1. For the avoidance of doubt, and notwithstanding the area identified within the planning site boundary drawing T2/2 dated March 2005 submitted with the application, the working area of the site is limited to the area outlined in purple within the approved drawings T43/08 & 14 dated November 2012.

Reason: In order to clarify the extent of the site.

2. Consent for the extraction of aggregate shall expire on 21 February 2042 or on completion of extraction of the consented mineral reserve, whichever is the sooner, by which time, unless with the express approval of the Council, all working shall have ceased and the quarry fully restored in accordance with the scheme to be submitted to, and approved in writing by, the Planning Authority under Condition 5.

Written confirmation of the date in which quarry operations re-commence shall be submitted in writing to the Planning Authority within one month of re-commencement.

Reason: To comply with the statutory timescale and ensure appropriate monitoring and site restoration.

3. The maximum output from this quarry shall be limited to 100,000 tonnes in any calendar year.

Reason: In order to allow the Planning Authority to retain effective control over the development and monitor output from the site.

4. Unless otherwise agreed in writing by the Planning Authority, the development of the site shall be carried out in accordance with the approved phasing plans (drawings T43/09 - 11) and the base of extraction plan (drawing T43/13). For the avoidance of doubt, the maximum depth of the working shall be no lower than 340 metres AOD.

Reason: In order to allow the Planning Authority to retain effective control over the development.

5. Within twelve months of the re-commencement of extraction a detailed restoration scheme for the site shall be submitted to, and approved in writing by, the Planning Authority. The restoration scheme shall include details of all final levels and earthworks on site and adjacent to the site. Details provided in connection with each phase of the restoration programme shall include contoured site plans; details of the quantities and origins of soil and soil making materials to be incorporated into each phase; and details of the timescales and methodology of seeding and planting of species as may be appropriate. The approved restoration scheme shall be implemented.

Reason: In order to allow the Planning Authority retain effective control over the restoration of the site.

6. Notwithstanding the inclusion of an alternative access within the planning site boundary identified within the planning site boundary drawing T2/2 dated March 2005, only the existing access/haul road to the site identified in drawing T2/2 dated March 2005 shall be used for quarry operations.

Reason: In order to avoid additional environmental impact on habitat and species, recognising that the likely effects have not been assessed.

7. Prior to the re-commencement of extraction on the site, a scheme for the upgrading of the existing access/haul road to a standard suitable to support quarry operations, including details of any water crossings, shall be submitted to, and approved in writing by, the Planning Authority. The scheme shall specifically include proposals for upgrading the junction of the access/haul road with the B9176 to a standard capable of adoption. The approved upgraded access/haul road shall be available for use prior to re-commencement of extraction and maintained in good condition for the duration of the extraction works.

Reason: In the interest of road safety and amenity.

8. Prior to the re-commencement of extraction, pre-commencement surveys shall be undertaken to identify whether any protected bird species, in particular black grouse and peregrine, known to be present within the area of the quarry and access road, as well as hen harrier, merlin and short-eared owl, exist within the site and adjacent environs, including the existing access/haul road, following which a report of survey shall be submitted to, and approved in writing by, the Planning Authority. The report of survey shall include mitigation measures where any impact, or potential impact, on species or their habitat has been identified. Operations shall progress in accordance with any mitigation measures contained within the approved report of survey and the timescales contained therein.

Reason: In order to protect sensitive species and their habitat.

9. Prior to the re-commencement of extraction a survey shall be undertaken to identify all private water supplies within 1.5km of the site, including the existing access/haul road, following which a report of survey shall be submitted to, and approved in writing by, the Planning Authority. The report of survey shall include mitigation measures where any impact, or potential impact, on private water supplies has been identified. The operator shall ensure that any mitigation measures contained within the approved report of survey are implemented within the timescales contained therein.

Reason: In order to confirm the presence or otherwise of private water supplies likely to be affected by the development and establish any required mitigation as may be appropriate.

10. Notwithstanding the provisions of Article 3 and Schedule 1 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended, revoked or re-enacted; with or without modification), no fixed crushing and/or screening equipment or buildings shall be permitted within the curtilage of site without planning permission being granted on application to the Planning Authority. Any mobile crushing and screening plant shall be located at base level within the quarry at a height no greater than 6m.

Reason: In order to enable the Planning Authority to retain effective control over future development within the application site so that it is carefully managed without adverse impact on the amenity of the area.

11. Unless otherwise agreed in writing by the Council, the quarry shall operate only between the hours of 07.00 – 19.00 Monday to Friday and 07.00 – 13:00 on Saturdays.

Reason: In the interest of amenity.

12. Prior to the re-commencement of extraction, a plan showing proposed areas of soil and/or overburden stripping, storage areas and the methodology for such shall be submitted to the Planning Authority. For the avoidance of doubt soil shall be stored separately from overburden and no soils shall at any time be removed from the site.

Reason: In order to ensure appropriate management of soils within the site.

13. Prior to the re-commencement of extraction, full details of all foul drainage infrastructure (including treatment plant and soakaway locations) required for staff/visitor facilities shall be submitted to, and approved in writing by, the Planning Authority. Thereafter, development shall progress in accordance with the approved details.

Reason: In order to ensure that private foul drainage infrastructure is suitably catered for, in the interests of public health and environmental protection.

14. During permitted hours of operation, the free-field equivalent continuous noise level (LAeq,1hr) shall not exceed 55 dB(A) at the nearest existing noise sensitive properties at Baldoon, Crannich and Aultnamain Inn shall not exceed 55 dB(A). In the event of complaint, noise monitoring shall be carried out in accordance with BS4142:1997 and BS5228:1997 by independent specialist consultants acting jointly with the Planning Authority. Results of all noise monitoring shall be supplied to the Planning Authority.

Reason: In order to minimise noise nuisance in the interest of amenity.

15. No blasting shall be carried out on the site except between 10:00 and 16:00 hours on Mondays to Friday inclusive with no blasting or drilling operations at weekends or on Bank Holidays or National Holidays.

Reason: To minimise potential nuisance from the activities and protect the amenity of the nearest existing properties.

16. The operator shall at all times employ best practice to minimise the effects of ground vibration and air blast overpressure, having regard to blast design, methods of initiation and weather conditions prevailing at the time. Ground vibration at the nearest existing vibration sensitive property at Baldoon as a result of blasting operations shall not exceed a peak particle velocity of 6 mm^{-1} in 95% of all blasts measured over any period of 12 months and no individual blast shall exceed a peak particle velocity of 10 mm^{-1} as measured at vibration sensitive buildings.

Reason: To minimise potential nuisance from the activities and to protect the amenity and condition of the nearest existing properties.

17. Prior to the re-commencement of any blasting operations a scheme for the monitoring of blasting including the location of monitoring points and equipment to be used shall be submitted to, and approved in writing by, the Planning Authority. Such scheme shall also detail a process to ensure that the community is informed

of when blasting is to be undertaken and the procedures for publicising this. All blasting operations shall thereafter be undertaken in accordance with the approved scheme.

Reason: To enable the effects of the development to be adequately monitored during the course of operations and to ensure good community liaison in advance of all blasting activities.

18. Within six months of the date of this permission, the operator shall submit a dust management strategy for the approval of the Council. This shall assess potential dust arisings and appropriate mitigation measures. The agreed strategy shall thereafter be implemented.

Reason: In the interest of amenity and in order to minimise dust nuisance.

19. All vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturer's specification at all times, and shall be fitted with and use effective silencers.

Reason: In the interest of amenity and in order to minimise noise nuisance.

20. Prior to the re-commencement of extraction, a detailed surface water management scheme shall be submitted to, and approved in writing by, the Planning Authority in consultation with Scottish Environment Protection Agency. Details of this scheme shall include measures to avoid pollution, monitoring proposals and contingency plans in case of an emergency. This shall also detail the provision of any Sustainable Urban Drainage System required to accommodate any structures proposed. The approved scheme shall be implemented.

Reason: In order to protect and safeguard the local water environment.

21. No infill material, other than topsoils and subsoils as exempted under the provisions of the Waste Management Licensing Regulations 1994 (as amended), shall be brought onto the site without benefit of the requisite planning permission and Waste Management Licence and only in accordance with a scheme of restoration and in locations approved in writing by the Planning Authority.

Reason: In order to control the deposition of waste.

22. From the date of this decision until completion of the final restoration, a copy of this planning permission and all approved documentation and any approved amendments shall be made available for inspection at the site offices during approved working hours.

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

23. The operator shall submit an annual statement and, where appropriate, illustrative drawings to the Planning Authority by 28 February each year following the re-commencement of extraction. The annual statement shall present an audit of the workings undertaken in the preceding calendar year, illustrating: -

- a. the rates of extraction against the projected operations,
- b. the levels, if any, of restoration delivered on site, and
- c. the results of any monitoring required in compliance with the Conditions on this planning permission. For the avoidance of doubt, this shall include results from the implementation of a dust management strategy.

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

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.

Signature: Malcolm MacLeod

Designation: Head of Planning and Building Standards

Case Officer: David Mudie, Team Leader - Development Management

Background Papers:

Relevant Plans:

Appendix B - 1975 Conditions

CONDITIONAL CONSENT

Grid Reference	N	H	6	2	3
			7	9	0
Reference No.	RC	1975	102		

HIGHLAND REGIONAL COUNCIL

TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS 1947/72

To: Messrs Caledonian Aggregates Ltd.,
per Messrs International Quarrying Consultants Ltd.,
99A Park Lane,
London, W1Y 3TA.

With reference to your application dated 21st May 1975
for planning permission under the above-mentioned Acts for the following
development, viz:-

Extraction and processing of granite at
Torr Leathann, Crannich

the Regional Council of the Highland Region in exercise of their powers
under the above-mentioned Acts hereby grant planning permission for the
said development in accordance with the plan(s) docketted as relative
hereto and the particulars given in the application, subject to the
standard condition specified in Note (1) overleaf and also to the following
condition(s) viz:-

see attached schedule

It should be understood that this permission does not carry with it any
necessary consent from the Buildings Authority, River Purification Board,
or approval to the proposed development under other statutory enactments.

Dated thisSixth..... day of ...November..... 1975

.....
~~Regional Planning Officer~~

Messrs Caledonian Aggregates Ltd.,
per Messrs International Quarrying Consultants Ltd.,
99a Park Lane,
London, W1Y 3TA.

Extraction and processing of granite at Torr Leatham, Crannich.

RC/1975/102

1. That the area within which workings are hereby authorised shall be restricted as a first phase of development to 5 acres, or some other area as agreed with the Director of Planning, and that full details of the proposed workings with longitudinal and cross sections shall be submitted for the approval of the Director of Planning before any development commences.
2. That a programme of progressive rehabilitation of the workings shall take place and detailed plans of this shall be submitted for the approval of the Director of Planning before any development commences.
3. That the full details of the layout of the quarry plant shall be submitted for the approval of the Director of Planning before installation of such plant.
4. That the operation of the quarry and working within the quarry shall be restricted to weekdays only and not on Sundays.
5. That blasting shall only take place during the times previously agreed with this Authority and shall not take place on Sundays.
6. That the scenic banks indicated on the approved plan shall be provided at the commencement of operations and shall be surfaced with a layer of soil sufficient to support vegetation.
7. That the colour of cladding of the buildings and plant at the quarry shall be such as to blend with the landscape in an unobtrusive manner to the satisfaction of the Director of Planning.
8. That the access road to route A836 shall be formed and improved to the satisfaction and requirements of the Director of Roads & Transport and completed for use prior to the removal of any materials from the quarry.
9. That at the expiry of the operations hereby authorised all reasonable steps shall be taken for the restoration and rehabilitation of the land affected by the workings to the satisfaction of the Regional Planning Authority and unless workings are granted on the submission of an application all buildings, plant, machinery and equipment shall be removed from the site and the site left in a neat and tidy condition.

10. That in the event of operations being abandoned for any reason before the works has approved have been fully carried out the applicants shall submit details of their proposed rehabilitation and restoration works to be carried out at the quarry for the consideration and approval of the Regional Planning Authority.

Dated this Sixth day of November, 1975.

Clerk to the Regional
Planning Committee.

Appendix C - Conditions initially proposed

Scheme of Conditions

Condition 1 - Time Limit on Extraction

Extraction of minerals at Tor Leathan Quarry shall cease no later than 21 February 2042. Restoration of the extraction area, stocking area and all redundant parts of the site shall be undertaken within 1 year following the exhaustion of reserves or earlier permanent cessation of the quarry workings. Permanent cessation of the quarry workings shall be notified to the Planning Authority in writing.

Reason: To comply with Schedule 8, paragraph 14 of the Town and Country Planning Act (Scotland) 1997.

Condition 2 - Extraction area

The extraction of minerals from Tor Leathan Quarry shall be limited to the excavation shown on the plans hereby approved with the exception of any works subsequently agreed with the Planning Authority for environmental or restoration purposes.

Condition 3 - Extraction Depth

The permitted depth of extraction shall be limited to 340m AOD as indicated on the approved plans.

Reason Conditions 2 & 3: In order that the planning authority adequate control on the limit of the development.

Condition 4 - Hours of Operations

Except in emergencies or with the prior written agreement of the local Planning Authority, site operations (other than water management, servicing maintenance and testing of plant) shall be undertaken only during the following times:

6:00 am to 8:00 pm Monday to Friday

6:00 am to 4:00 pm Saturday

Reason: To protect residential amenity.

Condition 5 - Access and Vehicles

Unless otherwise agreed with the Planning Authority prior to being utilised for the further transportation of saleable material from the site onto the public highway the current access route and site entrance to the public road shown brown on plan T043/02 shall be repaired and upgraded to a standard capable of accepting Heavy Goods Vehicles.

Condition 6 - Access & Vehicles

Prior to the alternative access route shown on Plan T043/02 coming into use for the transport of minerals, the applicant shall construct the new stretch of access road and the site entrance to the public road to a specification to be agreed with the Planning Authority in consultation with the Director of Roads and Transportation.

Condition 7 - Access and Vehicles

When operational the site entrance to the public road being utilised shall be maintained in a good state of repair and free of mud and other deleterious material during the life of the site to the effect that no materials are carried onto the public highway.

Reason Conditions 5,6 & 7: In the interests of road safety and public amenity.

Condition 8 - Soil Management

(a) Stripping, transport and deposition of topsoil and subsoil shall be undertaken only when ground and weather conditions are suitable, all soil management shall be designed in accordance with best practice to cause least damage to the soil structure.

(b) The position and design of any new soil storage mounds within the quarry shall be agreed in advance with the Planning Authority.

(c) No soil shall be removed from the site without the prior agreement of the Planning Authority.

Reason: In the interests of sound soil management.

Condition 9 - Overburden Storage

The location and design of any overburden storage mounds shall be agreed in advance with the Planning Authority.

Reason: In the interests of sound site management.

Condition 10 - Blasting Times

Unless agreed otherwise in writing with the Planning Authority, no blasting shall be carried out except between Monday to Friday 10 00 hours to 16 00 hours.

Reason: To protect local amenity by limiting any blasting activity to the middle of the day as recommended by Circular 34/1996 Annex L.

Condition 11 - Ground Vibration

Ground vibration as a result of blasting operations shall not exceed a peak particle velocity of 1 0mm/Second in 95% of blast occasions and no blast shall exceed 12mm/Second both as measured at the nearest existing occupied dwelling.

Reason: To protect residential amenity. The limit set fully accords with good practice detailed in Planning Advice Note 50—Annex D.

Condition 12 - Minimisation of Air Overpressure.

The operator shall employ best blasting design and practice at all times so as to minimise so far as reasonably practicable the effects of ground vibration and air blast overpressure, having regard inter alia, to prevailing weather conditions.

Reason: To protect local amenity.

Condition 13 - Noise Limit

Noise levels from the site shall not exceed 55dB Leq (1 hour) as measured at any existing inhabited dwelling house during the hours of operation defined by Condition 4.

Reason: To protect the amenity of local residents.

Condition 14 - Dust

The operator shall employ best practicable means to minimise the arising and propagation of airborne dust. Without prejudice to this generality:

- (a) Drilling rigs and Processing Plant shall not be operated without efficient dust control enclosures or other appropriate controls; and
- (b) When the site is operating water spraying shall be appropriately implemented as necessary during dry spells to minimize dust emissions from haul roads and stockpiles.

Reason: To minimise the emission of dust from the development in the interests of the amenity of the area.

Condition 15 - Water management

Prior to any further mineral extraction at Tor Leathan a scheme for the management of surface water within the site shall be submitted to and agreed with SEPA.

Reason: In the interests of water management and to prevent the pollution of watercourses.

Condition 16 - Oil and fuel management

Any oil, fuel, lubricant and other potential pollutants shall be handled on the site in such a manner as to prevent spillage and pollution of any watercourse. In respect of oil and fuel this shall include storage in suitable tanks and containers, which shall be housed in a double skinned tank or a suitable bund able to contain 110% of the total contents of the largest container.

Reason: To minimise the risk of pollution of any watercourse or soil resource.

Condition 17 - Restoration and Aftercare of the Quarry

Prior to any further extraction on the site a concept restoration scheme shall be submitted to the Planning Authority for approval. This scheme shall include details of the proposed treatment of the worked out quarry and shall form the basis of the final restoration scheme required by Condition 19 below.

Reason: To ensure the site is reclaimed to a condition capable of an appropriate after use.

Condition 18 - Restoration and Aftercare of the Quarry

No later than 1 year before the expiry of this permission or within 12 months following the permanent cessation of quarrying operations, whichever is the earlier, the operator shall submit for the approval of the Planning Authority a detailed final restoration and aftercare scheme for the quarry. This will include the removal of all redundant buildings and plant within 1 year of cessation and the proposals for the restoration of all remaining unrestored areas, including timescales for the restoration of remaining unrestored areas. The agreed final restoration programme shall commence implemented in accordance with the approved scheme.

Reason: To ensure the site is reclaimed to a condition capable of an appropriate after use.

Condition 19 - Importation of Materials

The operator shall not be entitled to bring any materials onto the site without the prior approval of the Planning Authority other than:

Products required for the manufacture of coated road stone or concrete products within the site.

Material suitable for restoration work in connection with the schemes agreed in writing with the Planning Authority.

Reason: To control the deposition of waste while allowing the importation of material for the site.

Appendix D - Conditions relating to the reduced scheme

D. Mudie
The Highland Council
Planning Department
Glenurquhart road
Inverness
IV3 5NX

24 June 2013

Dear Mr. Mudie

**Review of Old Mineral Permission Torleathan Quarry, Ainess
Ref: 02/00941/FULRC**

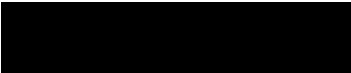
As you know Torleathan quarry benefitted from a 1975 planning permission which became due for review through the ROMPs procedure. As leasehold occupiers Tarmac Ltd submitted conditions and a scheme for the full permitted scheme. An ES was also prepared and submitted under the EIA Regulations.

As outlined in previous correspondence a new scheme was drawn up restricting operations to a small fraction of the current consent. I obtained the agreement of site owner and Landlord Mr Richard Harrington to such a change. Outline plans and details were submitted to you and an EIA screening opinion was adopted (that this does not constitute EIA development).

I now enclose a revised list of conditions and detailed plans which, if approved, would formally restrict the scheme without any question of restriction of working rights or compensation. I have included a statement of operations which does not deviate from the scheme submitted for the screening opinion. I did write some time back to Ardross Community Council explaining the reduction and as you know both SNH and SEPA are also aware. I'm not sure what if any, other procedures are involved beyond those originally undergone. No doubt if you require anything else from me you'll be in touch.

You will see from the letter heading that Tarmac Ltd is now part of Lafarge Tarmac Ltd. I should confirm that, although the current ROMPs procedure must be concluded to satisfy Planning regulations, Lafarge Tarmac have no intention of commencing quarrying operations at Torleathan.

Yours sincerely



Stephen Cowan
Estates Manager Scotland
Lafarge Tarmac Ltd

Introduction

Planning permission for quarrying at Torleathan was granted in 1975 and covered a total area of 113 hectares with an extraction area of 65 hectares. The permitted scheme would entail a very large excavation into the hillside to a total depth 170 metres with a likely excavation would be split into 11 faces and benches. Estimated recoverable rock reserves within the current consented area are in the region of 75 million tonnes.

Old planning permissions were subject to a review of Planning Conditions (referred to as ROMPs). Under the terms of this review the operators of Torleathan Quarry - Tarmac Ltd were required to submit a scheme of new condition to maintain the Planning Consent. A submission was made in 2002. Subsequently this type of application was held to attract Environmental Impact Assessment (EIA) Tarmac prepared and submitted an Environmental Statement (ES). The application and ES generated interest in many issues including environmental matters.

The ROMP review submission now proposes to voluntarily restrict the scheme to a very limited advance from the existing quarry. This means reducing the extraction area from 65 hectares to 6.5 hectares and permitted rock reserves from 75 million tonnes to 2.5 million tonnes. Plan T43/15 confirms these boundaries.

Site description

Torleathan quarry is located 9km north west of Alness off the Struie road between Alness and Ardgay. NGR 620 787. It sits in a remote upland area approximately 9 kilometres from the nearest settlement at Alness although there are a number of isolated properties forming the community of Ardross approximately 5km due south of the quarry

The existing quarry consist a small rock excavation created by quarrying into the base of Torleathan a steep sided tor of granite rising form 330 metres AOD to 637m AOD. The quarry floor covers a small area of 1 hectare at an altitude of 340m AOD. The level at the top of the existing face in the hillside varies from 360 to 365m AOD. Access is by a 3km track heading east to meet the B9167 at Strathroy Bridge. The planning consent includes provision for an alternative access road

The rock exposed and worked at the quarry is coarse grained reddish granite dominated by quartz and feldspar. This granite was intruded into surrounding Moine schist in late Ordovician to early Silurian. The granite in the immediate vicinity of the quarry is overlain by thin deposits of peaty moorland soil and weathered bedrock.

The quarry lies in the catchment of the Strathroy River which runs approximately 300 metres to the east of the existing quarry. It flows south east to the Cromarty Firth at Nigg Bay. There are also upland streams which are tributaries of the Strathroy River a few hundred metres to the north and south of the quarry. Due to low permeability and steep surface gradients there is relatively little groundwater recharge and the majority of annual rainfall (800mm to 1200mm) forms surface water. There is no evidence of groundwater seepage in the existing quarry excavation and SEPA do not hold any records of groundwater abstractions within a 5km radius of the site.

The habitat of the site surrounding the quarry and therefore likely to be affected by the revised scheme comprises blanket bog. A black grouse was observed near the site boundary and peregrines are known to use the site (like very many hard rock quarries). No other species of note were observed although a wider study area and potential usage was considered in the ES description of ecology. Prior to any lateral development of the quarry any necessary checks or measures in respect of protected species or habitats would require to be undertaken in accordance with existing legislation

The existing landscape was classified as part of the “rounded hills” character type. A Zone of Visual Influence (ZVI) showed that the surface of the original 113 ha area was theoretically (i.e. ignoring tree cover another surface features) visible to varying degrees from large areas to the north east, east and south east of the site but that there are relatively few receptors within this large zone. In reality views of the existing quarry from public points are limited to a section of the Struie Road over 3km away near Strathroy Bridge and possibly at Aulnam further north. It would, however, be possible to find vantage points out on the open hills around the site.

There no statutory designations at any level affecting the site including those for ecological, landscape or cultural heritage. The nearest landscape designation is the Dornoch Firth NSA approximately 8km to the north. There are no local or regional landscape designation areas located close to the site area. There are no SSSIs SINCs or protected habitats within the site. The nearest designated area is the Kinrive-Strathroy SSSI approximately 1.60 km to the east of the site.

The Struie Road is a B class road with two carriageways running between Alness and Ardgay climbing over a hill between the two. There is an alternative low level route by the A836.

Description of development

The development will now voluntarily restricted to the scheme shown on the plans below and also and the attached conditions.

List of Plans	
T43/01	Location
T43/08	Current situation
T43/09	Phase 1
T43/10	Phase 2
T43/11	Phase 3
T43/12	Phase 4
T43/13	Final Design
T43/14	Extraction Limit
T43/15	Planning Boundaries

Method of working

The quarrying elements are relatively straightforward. The thin layer of soil would be removed by excavator and stored in a small landscaped bund (or mound) for future use in restoration. Boreholes would be sunk in a pattern of rows within the bared area using a small mobile drilling rig. At the maximum scale of output suggested this would typically entail 4 drilling and blasting exercises per annum each involving 5 days drilling and a single controlled blast.

Rock would be lifted from the blast pile by a wheeled shovel loader to be fed to a crushing and screening plant. At the proposed scale of production it is inevitable that processing plant would be limited to a mobile crushing train like that shown on the attached photograph. It is now very common practice not to have any such plant permanently stationed at one quarry where it may lie idle for much of the time. Instead it would be brought to the site as necessary after each blast to produce a stockpile of crushed stone for sale. A typical mobile crusher can produce up to 150 tonnes per hour. At the proposed maximum output this would typically involve a crushing period of approximately 5 weeks 4 times per annum.

Mobile plant on site would typically consist of a single shovel loader and from time to time an excavator and pecker as required. A weighbridge may be needed but at the likely scale of output this may not be justified. Buildings would be limited to a single port cabin.

Phasing of Extraction

Future quarrying at Torleathan would be limited to short lateral extensions on three sides of the existing quarry. This extent of movement barely requires the extraction programme to be broken down further into phases. The existing excavation at Tor Leathan has not however been worked for many years and current face heights 25 metres are approximately 10m higher than that generally now accepted as modern best practice. Sound development of the quarry would look to reduce these face heights over the length of the excavation and this now detailed in a series of 4 phases.

Extraction Phase 1

The current situation drawing shows the proposed extraction limit in rock (with overburden stripped beyond this line). Overburden to the NW of the existing extraction area is stripped and placed to the highlighted area in the quarry floor, acting as both soil storage and screening for the site. The current excavation NW faces are pushed back and split to create a 340, 350 and 365 m AOD bench that will be continued throughout the development of the quarry.

These faces are developed to allow the generation of a ramp system to allow full extraction of the deposit. By the end of this phase the ramp between the bottom two benches is established and extraction on the upper bench is continuing. The upper bench would be accessed via ramps at rock head (significantly steeper than 1v:10h, but safe for access for drill rig, pump truck or excavator) and worked via casting initially, until a ramp at suitable gradient can be established to allow mineral to be hauled safely to the quarry floor.

Extraction Phase 2

Further overburden is stripped to the west and south west of Phase 1, and placed to the screening bund. The upper benches can then be widened to the SW (350 and 365m AOD) allowing for the remainder of the ramp system to be implemented. At this point the upper section of the middle ramp (350-365 m AOD) would be blasted and dug out, despite the 365 m AOD bench not yet pushed back to final position. The upper ramp between the 365 and 380m AOD benches can be fully established as we blast the faces back to their SW extent on these levels.

Extraction Phase 3

All remaining overburden is stripped in this phase to the South East of the Phase 2 extraction area. Soils can either be placed to the screening bund or directly to storage elsewhere in the bottom sinking (ready to be used for progressive restoration of the quarry floor as mineral is exhausted in the lower sinking). Extraction in this phase primarily develops the 350 m AOD bench, removing the remnants of the historic high faces and creating a uniform bench level. With this bench back to its' final position all the ramps within the quarry are now in their final position and blasted into rock.

Extraction Phase 4

Earlier development works mean that the final stage of the extraction process requires just the 340 m AOD bench to be pushed back to its' final face position to the SW and the SE. As this process occurs, site machinery can be used to progressively restore the quarry floor with stored soils.

Final

The final drawing shows the quarry at its' maximum extent with all mineral exhausted. All plant will be removed once restoration of the quarry floor has been completed. The thickness placed to the quarry floor of soils will be calculated by dividing the volume stored across the area of the sinking. All designs shown use the parameters outlined in section 2 of this document.

Access

Crushed rock would be loaded onto road vehicles for despatch. At the scale of output envisaged it is considered that the exiting access track will suffice with no need to create a new road as envisaged in the original planning scheme. A condition has therefore been volunteered which rules out development of the new permitted road before any further review of planning conditions and attendant environmental review.

The table below indicates numbers of vehicles at outputs of 50,000tpa and 100,000tpa

Annual output	Average Loads pa	Average Loads per day	Average Loads per hour	Average Vehicle movements per hour
	20t load	250 day working year	8 hr working day	In and out
100,000t	5000	20	2.5	5
50,000t	2500	10	1.25	2.5

Proposed Conditions

1. Scheme approved including extraction area and depth

Permitted extraction at this site to be limited to the development, outer face positions and depths shown on the approved plans Ref T43 08-14

Note: This confirms the restriction to the 2.5mt scheme, boundaries and depth

2. Output limit

The maximum output from this quarry will be 100,000 tonnes in any calendar year. The operator will if requested by the planning authority submit annual returns of output by 31 January in each year following approval of these conditions

Note: This confirms the maximum output founded on in the screening opinion

3. Time Limit

Extraction at Torleathan quarry shall cease no later than 21 February 2042. Restoration of all affected areas shall be undertaken within one year following exhaustion or reserves or permanent cessation of quarrying whichever is the earlier.

Note: This follows the previous planning end date

4. Hours of operation

Site operations including winning workings and despatch of minerals shall be undertaken only within the following times

Mon- Fri 7am to 7pm
Sat 7am – 1pm
Sunday No working

Note: These hours follow national advice and are stricter than originally submitted

5. Plant

Notwithstanding the provisions of the General Permitted Development Order no fixed crushing or screening plant to be erected on site without the prior approval of the planning authority. Mobile crushing and screening plant to be situated at base level within the quarry with no part greater than 6 metres in height

Note: This limits the nature and scale of plant at this site to that appropriate to the scale of the quarry and landscape unless expressly agreed

6. Access and vehicles

Access to the site shall be by means of the existing quarry track only unless approval is obtained in advance and in writing from the planning Authority that the alternative access road shown on the original Planning permission may be developed and used. Prior to seeking such agreement the operator will agree and submit any necessary environmental impact assessments relating to the use of this route.

Note: This condition acknowledges that the existing access road shall be used for the time being. It rules out the possibility of the alternative access route shown on the existing permission being developed and used without suitable environmental assessment and agreement.

7. Soil and overburden management

Prior to any further stripping of soil or overburden (within the confines of the approved schemes) a plan showing each area to be stripped, the storage area and methodology is to be submitted to Highland Council. The plan to incorporate best practice regarding all environmental aspects regarding the removal of materials and the residual soil limit/ interface. The operator will also submit for approval any schemes or information required under the The Management of Extractive Waste (Scotland) Regulations 2012

Note: This condition caters inclusively for the removal of soil/overburden and its storage.

8. Blasting times, vibration and air overpressure

Blasting to be carried out only on Monday to Friday between 10.00am and 4pm

Ground vibration to be limited to 6mm/sec in 95 % of blasts and never more than 10mm/sec as measured at the nearest existing dwelling or other agreed measuring point. Best design and practice shall be employed to minimise air overpressure

Note: Given the remote location and scale of blasting possible this would not be an issue of any significance. The standard limit quoted is in line with previous government advice and less than previously submitted.

9. Noise

Noise levels from the site shall not exceed 55dB Leq at the nearest existing dwelling house or other agreed measurement point.

Note: Given location noise at dwelling houses would be an issue.

10. Dust

Prior to commencement of operations the operator shall submit for approval a scheme describing best practice methods to be employed for the minimisation of dust.

Note: This is standard practice and is best drawn up by the actual operator at the time of recommencement.

11. Water Environment

Prior to any soil stripping, or mineral extraction on site a scheme for management of surface water to be submitted for approval for planning authority in conjunction with SEPA. The scheme to include the provision for storage and management of fuels and oils.

Note: This aspect is controlled by SEPA through CAR but it would be good practice to draw up a detailed scheme immediately prior to any future extraction for implementation by

12. Restoration and aftercare

Within 12 months of recommencement of extraction at Torleathan a restoration scheme to be submitted to the planning authority for approval. The scheme to include the nature and if appropriate treatment of final faces, the use of soils or other available site materials, any seeding or planting and surface water.

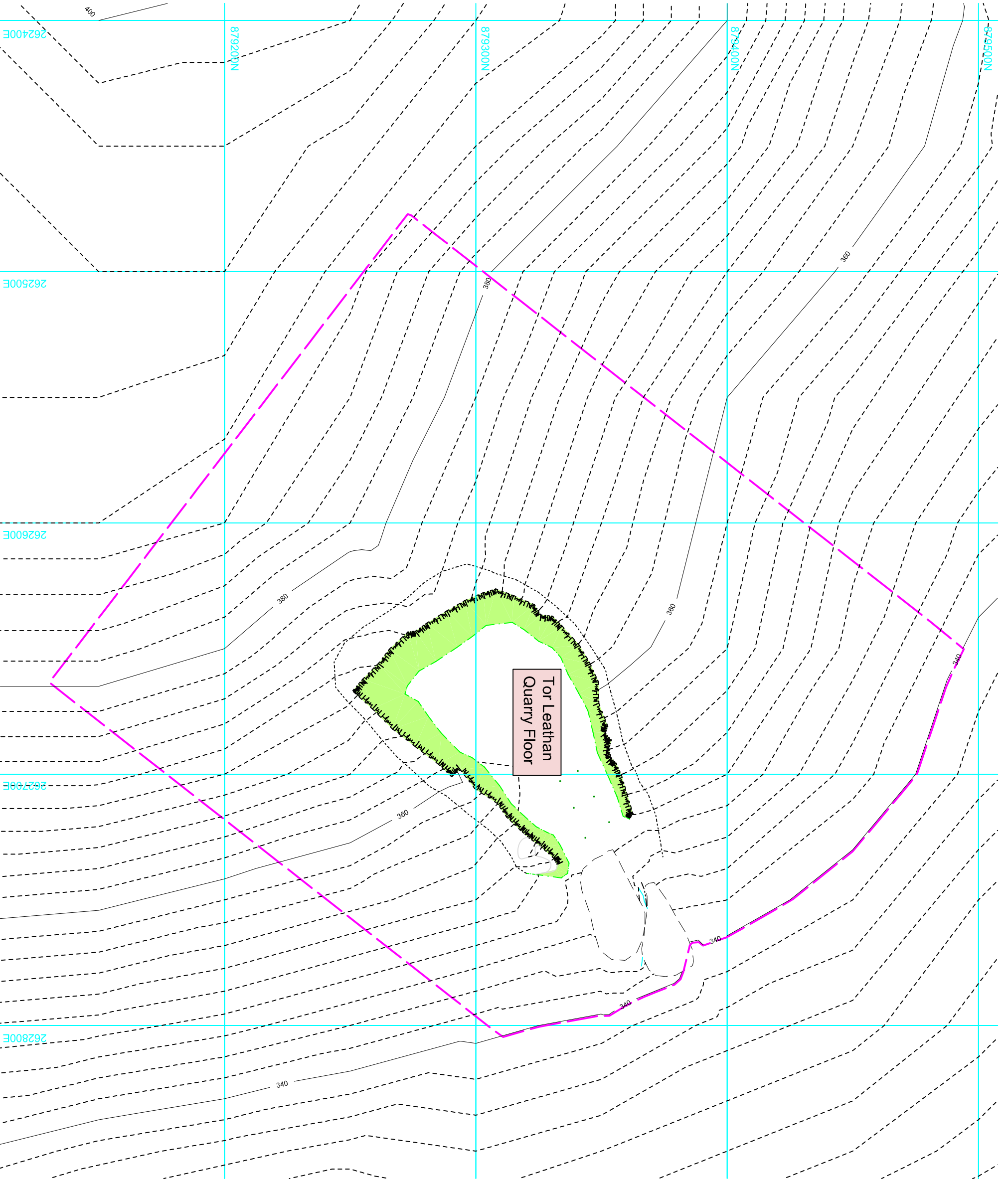
Note: Restoration of this quarry is likely to be limited in nature and care will be required not to introduce anything alien. The extent will be determined firstly by the final position of the faces i.e. the amount of rock extracted and in turn the materials which are available from stripping

13. Imports

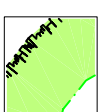
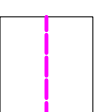
No minerals or waste materials to be imported onto the site

Note: The previously submitted conditions allowed for the possibility of importing materials for production of asphalt, ready mixed concrete or for restoration. In the first sense it is inconceivable that any such production would be economically feasible here. As regards restoration it is likely that desired scheme would involve minimal intervention in this way and exclusion of imports further defines the limited nature of the total scheme.

End of conditions



Legend

-  Current face
-  Proposed future extraction limit

Based upon Ordnance Survey
 The Controller of Her Majesty's
 Stationery Office
 Crown Copyright Tarmac Group.
 Licence No. AL 100017513

THIS DRAWING MAY NOT BE
 REPRODUCED WITHOUT
 CONSENT OF DRAWING OFFICE
 SERVICES, TARMAC LIMITED,
 WOLVERHAMPTON

Drawing Office Services
 Tarmac Limited, Midlands Road,
 Edingshall,
 Wolverhampton,
 WV6 9JL
 Tel: +44(0)1902 382225
 Fax: +44(0)1902 204511
 www.tarmac.co.uk

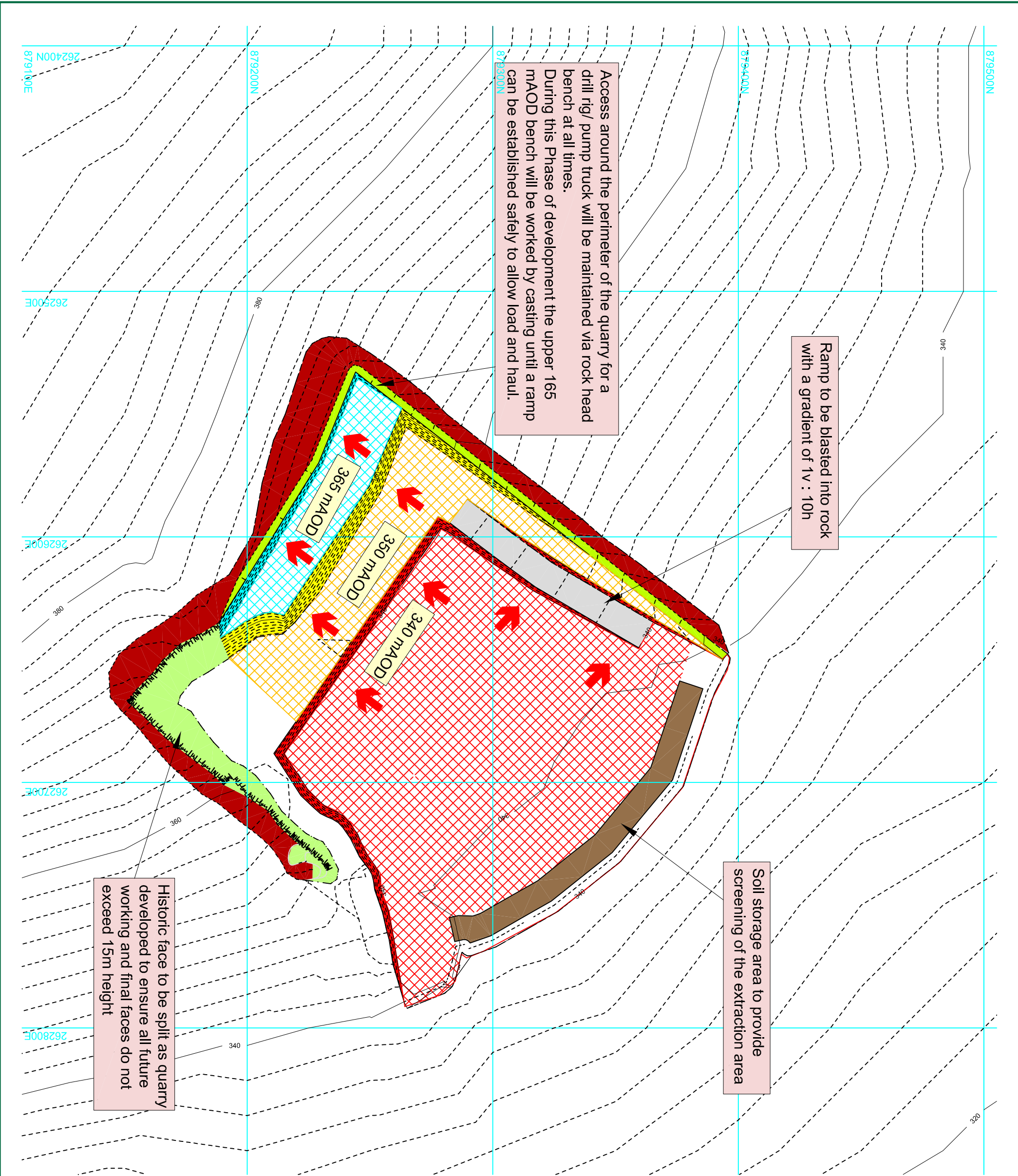


Tor Leathan

Current Situation

Drawn By:	M.D / ACJ	Scale:	1:1500 @A3
Date:	November 2012	Drawing No:	T43 / 08





Legend	
	Development on 340mAOD level
	Development on 350mAOD level
	Development on 365mAOD level
	Ramp
	Rockhead bench
	Excavation in overburden
	Soil storage area

Based upon Ordnance Survey of The Great Britain and Northern Ireland. Crown Copyright Tarmac Group. Licence No. AL 100017513

THIS DRAWING MAY NOT BE REPRODUCED WITHOUT CONSENT OF DRAWING OFFICE SERVICES, TARMAC LIMITED, WOLVERHAMPTON

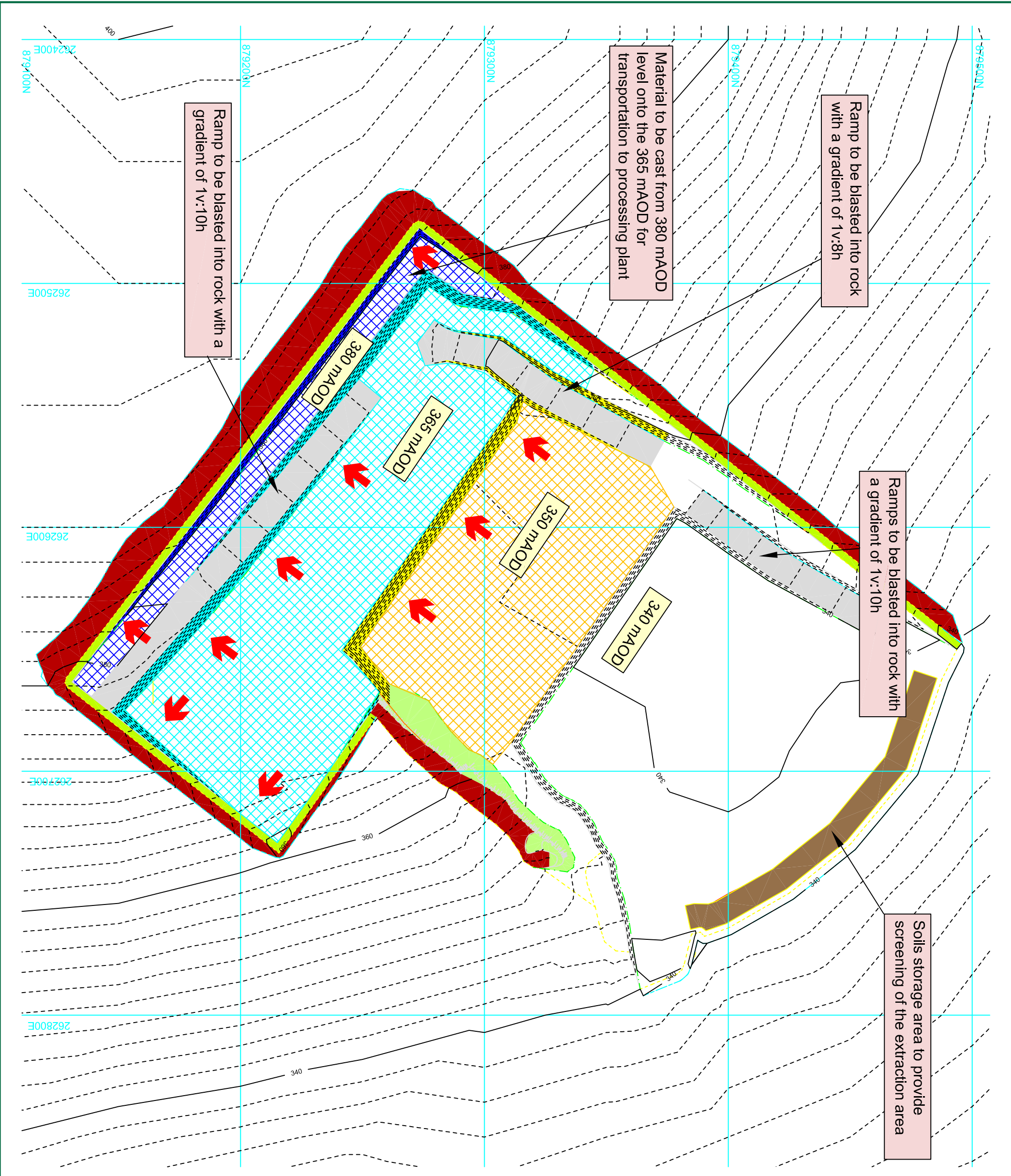
Drawing Office Services
Tarmac Limited, Midlands Road,
Edlingsea,
Wolverhampton,
WV6 4AA
Tel: +44(0)1902 382295
Fax: +44(0)1902 206511
www.tarmac.co.uk

Tarmac Limited
A member of the Anglo American plc group


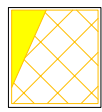
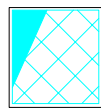


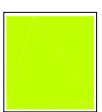
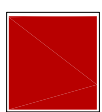
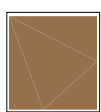
Tor Leathan

Phase 1

Drawn By:	M.D / ACJ	Scale:	1:1500 @A3
Date:	November 2012	Drawing No:	T43 / 09



Legend

-  Development on 340mAOD level
-  Development on 350mAOD level
-  Development on 365mAOD level
-  Development on 380mAOD level
-  Ramp
-  Rockhead bench
-  Excavation in overburden
-  Soil storage area

Based upon Ordnance Survey of The Cotswolds Area, 1:50,000 Scale, 1988 Edition. Copyright Tarmac Group, Licence No. AL 100017513

THIS DRAWING MAY NOT BE REPRODUCED WITHOUT CONSENT OF DRAWING OFFICE SERVICES, TARMAC LIMITED, WOLVERHAMPTON

Drawing Office Services
Tarmac Limited, Midlands Road,
Edlingstone,
Middx. STAMFORD,
Middx. MK44 0JL
Tel: +44(0)1902 382225
Fax: +44(0)1902 206511
www.tarmac.co.uk

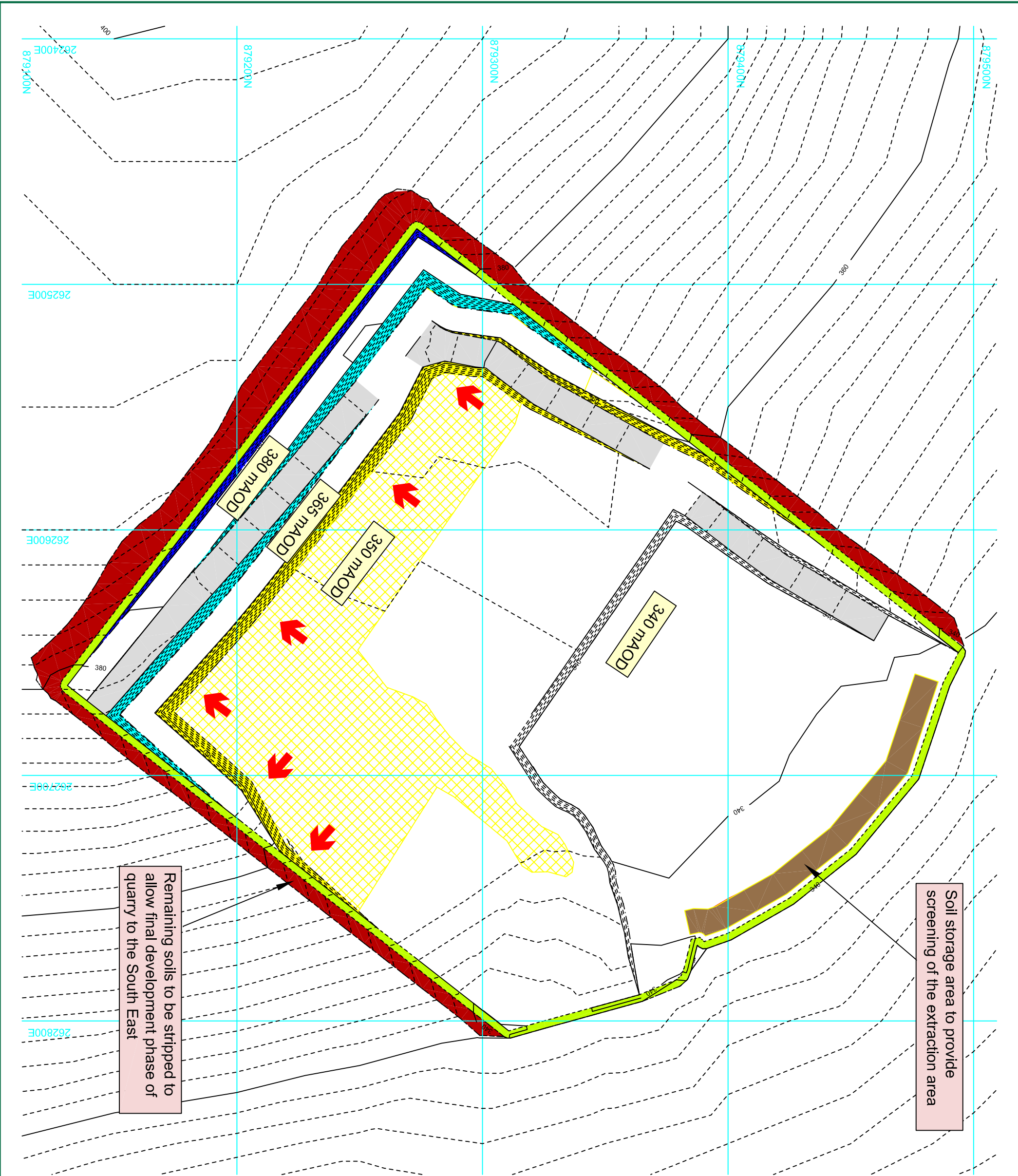


Tor Leathan

Phase 2

Drawn By:	M.D / ACJ	Scale:	1:1500 @A3
Date:	November 2012	Drawing No:	T43 / 10













Soil storage area to provide screening of the extraction area

Remaining soils to be stripped to allow final development phase of quarry to the South East

Legend

-  Development on 340mAOD level
-  Development on 350mAOD level
-  Development on 365mAOD level
-  Development on 380mAOD level
-  Soil storage area
-  Excavation in overburden
-  Rockhead bench
-  Ramp

Based upon Ordnance Survey of The Cotswold Forest Authority, Stationery Office, Crown Copyright Tarmac Group, Licence No. AL 100017513

THIS DRAWING MAY NOT BE REPRODUCED WITHOUT CONSENT OF DRAWING OFFICE SERVICES, TARMAC LIMITED, WOLVERHAMPTON

Drawing Office Services
Tarmac Limited, Midlands Road,
Edlingss Hill,
Moxley Farm, Walsley,
Wolverhampton,
WV6 4AA
Tel: +44(0)1902 382295
Fax: +44(0)1902 204511
www.tarmac.co.uk



Tor Leathan

Phase 3

Drawn By:	M.D / ACJ	Scale:	1:1500 @A3
Date:	November 2012	Drawing No:	T43 / 11



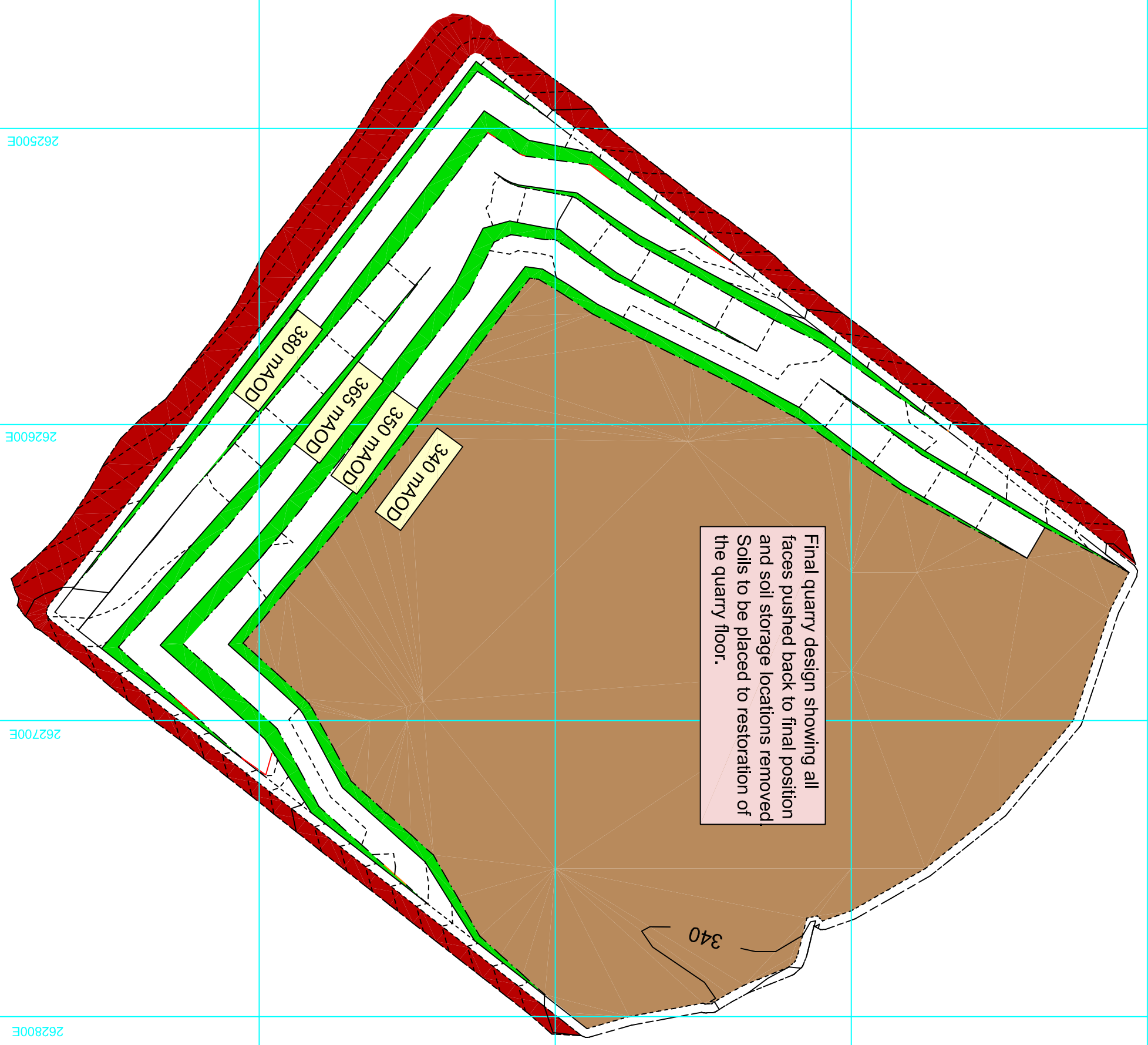
879500N

879400N

879300N

879200N

262400E 879100N



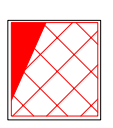
262500E

262600E

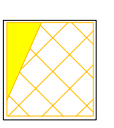
262700E

262800E

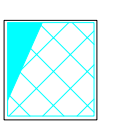
Legend



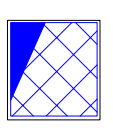
Development on 340mAOD level



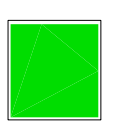
Development on 350mAOD level



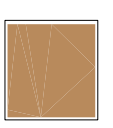
Development on 365mAOD level



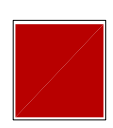
Development on 380mAOD level



Faces at final position



Soils placed to restoration



Excavation in overburden

Based upon Ordnance Survey
The Controller of Her Majesty's
Stationery Office,
Crown Copyright Tarmac Group,
Wolverhampton, AL 100017513

THIS DRAWING MAY NOT BE
REPRODUCED WITHOUT
CONSENT OF DRAWING OFFICE
SERVICES, TARMAC LIMITED,
WOLVERHAMPTON

Drawing Office Services
Tarmac Limited, Midlands Road,
Edlingham,
Wolverhampton,
WV6 1EP
Tel: +44(0)1902 38225
Fax: +44(0)1902 204511
www.tarmac.co.uk

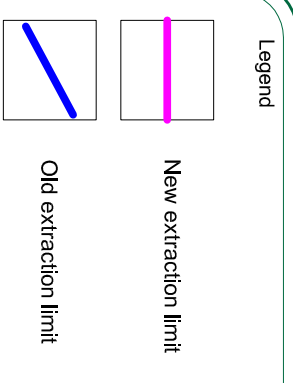
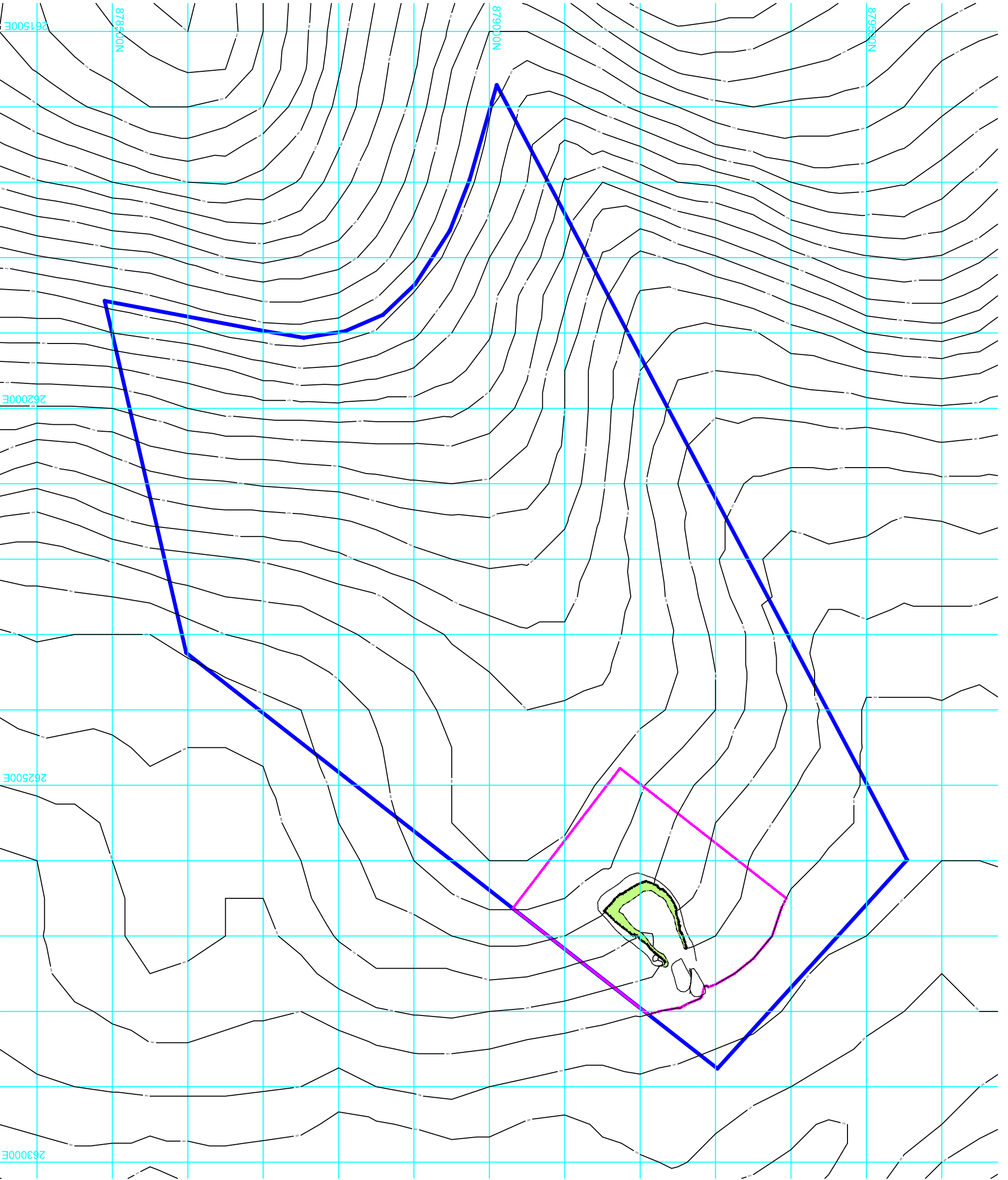


Tor Leathan

Final Quarry Design

Drawn By:	M.D / ACJ	Scale:	1:1500 @A3
Date:	November 2012	Drawing No:	T43 / 13





Based upon Ordnance Survey
 The Controller's Licence No. 100017513
 Stationery Code:
 Crown Copyright Tarmac Group,
 Licence No. AL 100017513

THIS DRAWING MAY NOT BE
 REPRODUCED WITHOUT
 CONSENT OF DRAWING OFFICE
 SERVICES, TARMAC LIMITED,
 WOLVERHAMPTON

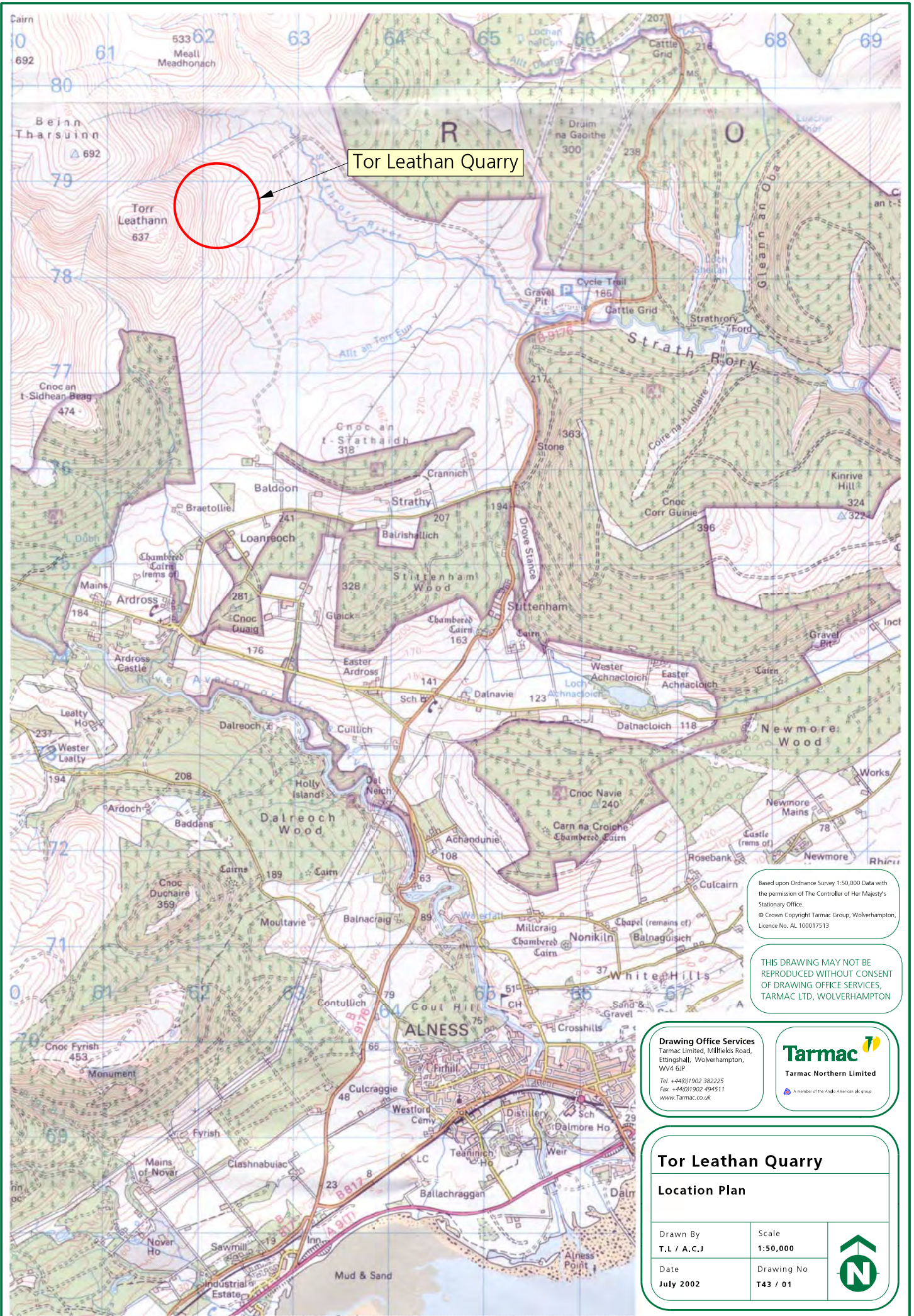
Drawing Office Services
 Tarmac Limited, Midlands Road,
 Edlingham,
 Northampton,
 NN4 6JF
 Tel: +44(0)1902 38225
 Fax: +44(0)1902 206511
 www.tarmac.co.uk



Tor Leathan
Amended Extraction Limit

Drawn By:	M.D / A.C.J	Scale:	1:5000 @A3
Date:	November 2012	Drawing No:	T43 / 14





Tor Leathan Quarry



Based upon Ordnance Survey 1:50,000 Data with the permission of The Controller of Her Majesty's Stationary Office.
 © Crown Copyright Tarmac Group, Wolverhampton, Licence No. AL 100017513

THIS DRAWING MAY NOT BE REPRODUCED WITHOUT CONSENT OF DRAWING OFFICE SERVICES, TARMAC LTD, WOLVERHAMPTON

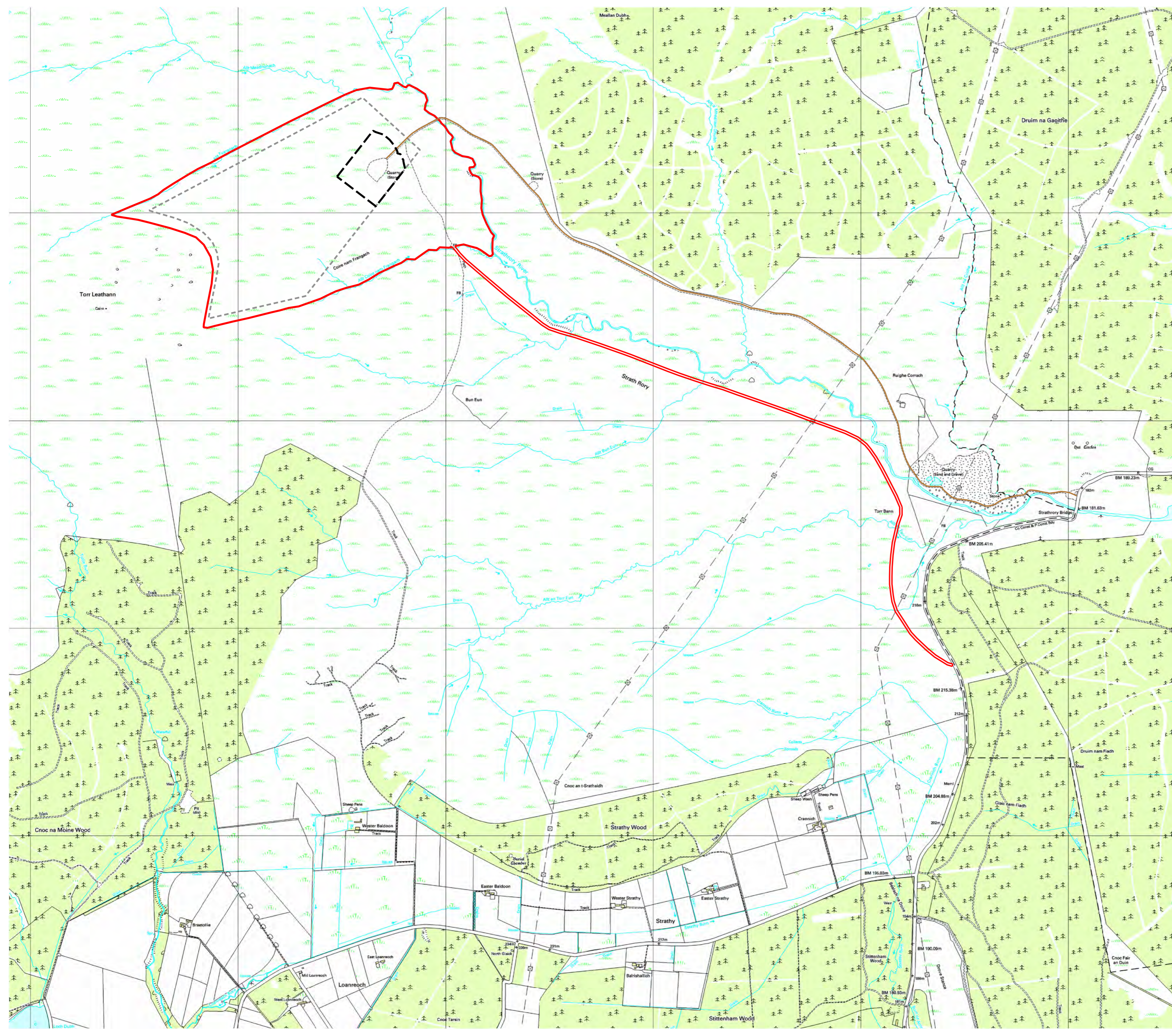
Drawing Office Services
 Tarmac Limited, Millfields Road,
 Ettingshall, Wolverhampton,
 WV4 6JP
 Tel: +44(0)1902 382225
 Fax: +44(0)1902 494511
 www.Tarmac.co.uk



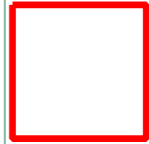
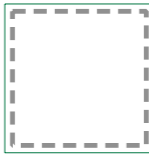
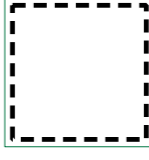

Tor Leathan Quarry

Location Plan

Drawn By T.L / A.C.J	Scale 1:50,000	
Date July 2002	Drawing No T43 / 01	



Legend

-  Planning Permission Boundary
-  Previous Extraction Area
-  New Permitted Extraction Area
-  Current site access (lawful use)

Based upon Ordnance Survey Digital Data with the permission of The Controller of Her Majesty's Stationary Office.
© Crown Copyright Farmac Group Millfields Road, Ettingshall, Wolverhampton
Licence No. AL 100017513

THIS DRAWING MAY NOT BE REPRODUCED WITHOUT CONSENT OF DRAWING OFFICE LAFARGE TARMAC LTD

Drawing Office Services
Lafarge Tarmac
Millfields Road, Ettingshall,
Wolverhampton, WV4 6JP
Tel. +44(0)1902 382225
www.lafargetarmac.com



Tor Leathan

Planning Boundaries

Drawn By S.C / ACJ	Scale 1:2500 @ a2
Date June 2013	Drawing No T43 / 15

