

Agenda Item	6.3
Report No	PLN 069/17

THE HIGHLAND COUNCIL

Committee: North Planning Applications Committee

Date: 28 November 2017

17/04351/FUL and 17/04352/S42: Pat Munro (Alness) Ltd

Report Title: Dornoch Bridge Quarry, Cyderhall, Dornoch

Report By: Area Planning Manager – North

1. **Purpose/Executive Summary**

Applicant: Pat Munro (Alness) Ltd

Development: Extension of quarry.

Ward: 04 - East Sutherland and Edderton

Category: Major Development

Reason Referred to Committee: Referred to Committee as it is classified as a Major Development

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

2. **Recommendation**

Members are asked to agree the recommendations to grant as set out in section 13 of the report.

3. PROPOSED DEVELOPMENT

3.1 Two Planning Applications have been submitted for minerals working:

1. **17/04351/FUL** - extension of the Dornoch Bridge (Cyderhall) sand and gravel quarry on a site of 20ha. Approximately 10.5ha of the overall site comprises the current working area as approved under Planning Permission 08/00086/FULSU [Continuation of and extension to mineral extraction (Environmental Impact Assessment)].
2. **17/04352/s42** - Continuation of mineral extraction at the Dornoch Bridge (Cyderhall) sand and gravel quarry – following on from 08/00086/FULSU. This application is to extend the life of the quarry pending the submission, determination and discharge of the application (1) for extension.

The applications seek to take advantage of the significant **alluvial deposits** in the Dornoch area which **include sand and gravels** and to use these for the local aggregates and construction market within East Sutherland and Easter Ross.

The applications relate to the continued working and extension of the Dornoch Bridge (Cyderhall) Quarry by Pat Munro (Alness) Ltd. The development would cover a period of 32 years with total extraction of approximately 2720000 tonnes of sand and gravel minerals, with an extraction rate of 85000 tonnes per year. This is, in Highland quarrying terms, considered to be a medium sized quarry; locally within East Sutherland it is the largest quarrying operation.

3.2 The application has been subject to:

- Pre-Application discussion with the Applicant and Agent regarding the submission of an Environmental Impact Assessment Report
- 17/01998/PAN Renewal of existing planning permission and extension of working area on a site of 23 hectares. Submitted 24.04.2017
- Scoping report / Scoping Opinion (16/02344/SCOP Extension of existing quarry area. Issued 09.06.2016)
- Screening report / Scoping Opinion (16/02035/SCRE Extension of existing quarry area. Issued 16.05.2016)
- Processing Agreement – agreed with Agent 27.10.2017

3.3 **Access to the site** is from the established quarry access onto the A9(T) around 210m to the northeast of Woodside Cottage. The alluvial composition of the site materials result in a free draining site. There are existing material and vehicle washing facilities on site, as well as site welfare facilities.

3.4 The applications have been accompanied by a comprehensive **Environmental Impact Assessment Report** with various supporting information and appendices.

3.5 **Variations:** No variations have been made to either application since their submission.

4. SITE DESCRIPTION

4.1 The site is located approximately 770m to the south east of the junction of the A9(T) / A949 at Clashmore; 1400m to the south south west of the A9(T) / A949 junction at Evelix; and 1800m south west of Camore; all to the west of Dornoch.

It is on the south bank of the River Evelix, with much of the existing and proposed operational area being screened by coniferous plantations and farmland.

The closest houses to the site area at Cyderhall Farm (landowner) 330m to the

south, various properties (Woodside Cottage, Rosebank Cottage and others) at Clashmore 700m to the northwest; and Evelix Farmhouse 1000m to the northeast.

Access to the site is from the established quarry access onto the A9(T) around 210m to the northeast of Woodside Cottage.

The site is located on the eastern side and within the Dornoch Firth National Scenic Area. The eastern boundary of the application site is formed by an area of Long-Established Woodland. To the west is the River Evelix Special Area of Conservation (SAC), and to the north of this is managed coniferous woodland. Open farmland is to the south of the site.

5. PLANNING HISTORY

- 5.1
- 17/01998/PAN - Renewal of existing planning permission and extension of working area on a site of 23 hectares.
 - 17/00560/FUL Install concrete batching plant. Approved 10.04.2017. Site lies adjacent to offices and welfare facilities for quarrying operations.
 - 17/00097/FUL Continuation of and extension to mineral extraction (Environmental Impact Assessment). Pending (to be withdrawn). Application superseded by current applications (17/04351/FUL and 17/04352/s42)
 - 16/02344/SCOP Extension of existing quarry area. Issued 09.06.2016
 - 16/02035/SCRE Extension of existing quarry area. Issued 16.05.2016
 - 16/01504/PNO Erection of farm building. Issued 12.05.2016. Site located to far western edge of quarrying area. Approved 17.03.2000.
 - 08/00086/FULSU Continuation of and extension to mineral extraction (Environmental Impact Assessment). Approved 10.12.2008
 - 08/00086/FULSU Continuation of and extension to mineral extraction (Environmental Impact Assessment). Approved 10.12.2008
 - 00/00327/FULSU - Change of use to form temporary (5 years) tertiary road yard/depot (In retrospect) (As amended). Approved 05.08.2002
 - 99/002083/FULSU Extension of existing quarry and increased storage area. Approved 17.03.2000. This is the original quarrying permission for the whole site.

6. PUBLIC PARTICIPATION

6.1 Advertised : EIA application, Unknown Neighbours

Advert expiry 03.11.2017

Representation deadline : 03.11.2017

Timeous representations : 0

Late representations : 0

6.2 Material considerations raised are summarised as follows:

- None

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

7. CONSULTATIONS

7.1 **Transport Scotland** : No objections

7.2 **Environmental Health** : Have reviewed the noise impact assessment are satisfied that noise will be controlled so long as the existing noise condition is retained.

7.3 **SEPA** : Understand that application 17/04352/S42 is solely for a time extension for the consented quarry and application 17/04351/FUL is to extend the area of the quarry. The applications have been submitted separately but in many instances are supported by the same information so we have provided a single response.

We ask that the planning conditions in Sections 1, 2 and 3 be attached to the consents. If granted permission we would welcome an approach being taken, as far as practicable, whereby the whole site is covered by the same planning conditions. If this is not possible we would welcome the opportunity to provide comment on draft conditions to ensure they cover our requirements.

1. Pollution prevention and environmental management

1.1 We welcome the inclusion of a draft Site Environmental Management Plan. We request that its finalisation prior to commencement of work on the extension area (and subsequent adherence to) is covered by condition. Details of what should be included in the plan are covered in section 5 below. Note that the Plan would include requirements in relation to surface water management.

2. Impacts on hydrology and hydrogeology

2.1 Section 3.5.2 of the Environmental Statement states "The base level of the working will be 10 metres AOD and will be dry. There will be no working below the water table" and section 3.9.4 states that "a minimum working level of 9 m AOD is achievable at the south east end of the site. It is proposed that the floor of the quarry will rise to 16 m ADD in the northwest maintaining a minimum of 2 m material above groundwater." The Site Sections drawing (7976-PAC-010) shows minimum working levels ranging from approximately 11 and 5 m AOD.

2.2 We are content with the proposal that there be no working below the water table. However a comparison of the Site Section drawings and the groundwater level data information submitted so far indicates that the minimum working level in some areas of the quarry is below the summer water table. In addition, no winter groundwater monitoring has been carried out, so other working areas may also be wet when the water table is at its highest.

2.3 We do not object to this aspect if a condition or conditions is applied (1) requiring there to be no wet working on site (Le. working below the water table), and prior to commencement of works on the extension area (2) full winter groundwater level monitoring for all installed boreholes is provided and (3) finalised site section extraction plans demonstrating that there will be no wet working are agreed with the planning authority in consultation with SEPA.

Plans to show highest winter water table in area and minimum working level. Excavations should not exceed maximum groundwater level observed in the nearest borehole from a complete summer and winter level monitoring round.

2.4 If the applicant does wish to work below the water table then information on working proposals and impacts on ground and surface waters should be provided.

2.5 We understand from the submission that there are no new discharges from the site to local surface waters, including the River Evelix. We ask that this be ensured by condition.

3. Site access

3.1 In relation to access to the ford we understand that bunds on both sides of the river have already been formed. We are content that these structures will ensure the ford cannot be used and if further stabilisation and restoration works are correctly executed, will help reduce the potential for run-off from the site to the River Evelix.

3.2 In line with the response we provided to application 17/00097/FUL we ask that a suitable suspensive condition is put in place to ensure that a scheme for river and river bank restoration in the area of the current ford is agreed with the planning authority, in consultation with SEPA and SNH and thereafter implemented prior to work commencing on the extension area. From our perspective the works should (1) improve fish passage through the stretch of water adjacent to the site at the ford and (2) include proposals to stabilise and vegetate the bunds and surrounding area to reduce potential for run-off from the site into the River Evelix and improve riparian habitat. The submission should show in detail on a plan the current problems, the works that have been carried out so far to try and improve the situation and the proposals to be carried out to meet the above requirements.

3.3 We presume that suitable planning conditions will be applied to cover phased restoration. In relation to decommissioning we note that Section 5.6 of Annex B indicates that at the end of the site life the access bridge will be decommissioned and farmers ford crossing reinstated. We can confirm that it is unlikely that we would support this action and this should be taken into consideration when wording related conditions.

4. Waste management

4.1 We refer you to our Standing Advice for Planning Authorities on Extractive Waste Management Plan consultations submitted under the Management of Extractive Waste (Scotland) Regulations 2010.

5. Finalised Site Environmental Management Plan

5.1 The finalised site management plan need not be long and should mainly consist of clear plans showing the following:

- a) A map showing all proposed excavations, stocks of rock, overburden, soils and temporary and permanent infrastructure including tracks, buildings, oil storage, pipes and drainage, overlain with all lochs and watercourses to a distance of 250 metres from working areas;
- b) A detailed layout of all proposed mitigation including all cut off drains, location, number and size of settlement ponds;
- c) Information on the drainage proposals for the re-fuelling area;

d) A site map showing the location of pollution prevention measures such as spill kits, oil interceptors, drainage associated with welfare facilities, recycling and bin storage and vehicle washing areas;

e) A site log sheet detailing how often the pollution prevention and drainage measures will be checked and maintained which will be kept on site ready for inspection at any time.

f) A site map showing where soils and overburden will be stored including details of the heights and dimensions of each store, how long the material will be stored for and how soils will be kept fit for restoration purposes.

5.2 We highlight that the proposed quarry extension encroaches onto land where sheep dip disposal to land is licensed. The applicant should confirm in the Plan if, where and when the sheep dip was discharged and risk assess the potential contaminants arising from sheep dip activity toward the quarry workings. Any excavation in the area should take into account the potential risk from exposure to polluting substances originating from sheep dip disposal and the potential for the excavated materials to be locally contaminated by sheep dip chemicals may also influence their suitability for use elsewhere. How this will be dealt with should also be detailed in the Site Management Plan.

7.4 **SNH** : Provide the following advice to the Planning Authority:

1) Summary

There are natural heritage interests of international importance on the site, but these will not be affected by the proposal.

2) Appraisal of the impacts of the proposal and advice

a) European Protected Areas

The site's status means that the requirements of the Conservation (Natural Habitats, &c.) Regulations 1994 as amended, (the "Habitats Regulations") or, for reserved matters the Conservation of Habitats and Species Regulations 2010 as amended, apply. Consequently, Highland Council is required to consider the effect of the proposal on the Special Area of Conservation and Special Protection Area before it can be consented, (commonly known as Habitats Regulations Appraisal). Our website has a summary of the legislative requirements www.snh.scot/professional-advice/planning-and-development/environmental-assessment/habitats-regulations-appraisal/habitats-regulations-appraisal-hra-appropriate

i) River Evelix Special Area of Conservation (SAC)

This proposal is adjacent to the River Evelix SAC designated for its fresh water pearl mussel.

In our view, it is unlikely that the proposal will have a significant effect on any qualifying interests either directly or indirectly. An appropriate assessment is therefore not required.

We reached this conclusion having taken into account the following factors:

- Silt, gravel and sand present a significant threat to freshwater pearl mussel populations. The installation and maintenance of the bunds on the ford into the River Evelix will prevent silt, gravel and sand from entering the protected area.
- The gravel washings facility has been relocated to an area away from the

- river. Materials from the washings will not discharge into the river;
- The access haul road from the quarry will be re-graded to divert water away from the river and bunds and down into the quarry where it will be allowed to percolate through to the groundwater, and;
 - The quarry will operate as a 'dry workings' and no new drainage will be created;

We note that at the end of the quarry's life, the access bridge will be decommissioned and the farmer's ford will be reinstated. We advise that a plan for decommissioning the bridge and reinstating the ford should be produced a minimum of two years in advance of the bridge being decommissioned. Due to the sensitivities of the River Evelix SAC, we may not be able to support the reinstatement of this ford.

ii) Dornoch Firth and Loch Fleet Special Protection Area (SPA)

This proposal lies close to the Dornoch Firth and Loch Fleet SPA designated for its various wader and waterfowl, as well as osprey.

In our view, this proposal is likely to have a significant effect on osprey of Dornoch Firth and Loch Fleet SPA. Consequently, Highland Council, as competent authority, is required to carry out an appropriate assessment in view of the site's conservation objectives for its qualifying interests.

To help you do this we advise that, in our view, based on the appraisal carried out to date, the proposal will not adversely affect the integrity of the site. The appraisal, we carried out considered the impact of the proposals on the following factors:

- Ospreys are distributed throughout this SPA;
- The proposal will not involve the removal of any supporting nesting habitat and will not affect any foraging habitat, and;
- Tree planting will be used to provide additional screening to minimise visual and noise disturbance to breeding ospreys;

b) Dornoch Firth National Scenic Area (NSA)

We advise that the proposal will not have an adverse effect on the integrity of the Dornoch Firth NSA or the objectives of the designation. We reached this conclusion based on the following information:

- Limited visibility of the quarry extension from key viewpoints within the NSA
- and;
- The proposed mitigation of rolling restoration and tree planting will further reduce the visibility of the quarry operation;

3) European Protected Species

a) Otter

We note from the protected species survey that otter activity was recorded close to the quarry. Due to the length of time between each phase, the distribution as well as the level and type of otter activity could change within and adjacent to the quarry.

We support the recommendation identified in the survey report to resurvey for otter prior to each phase commencing, however we note that this recommendation has not be included within the Environmental Statement (ES). We therefore advise that, in line with the survey report recommendation, a survey for otter is undertaken prior to the commencement of each phase. In line with our otter survey guidance available from <https://www.snh.scotlsites/defaultfiles/2017-07/A1959316> all suitable otter habitat within 200m of the proposed works should be surveyed.

b) Bats

We note that no buildings or structures were identified within the quarry as being suitable for bat roosts. The single oak tree identified for felling in Phase 6 (2025) was recorded as being of low priority for bats. We support the commitment identified in the ES to re-survey this tree for bats prior to felling. We advise that this mitigation should be extended to cover any other trees, which may have to be felled to facilitate the quarry extension and which could support bats.

For both otter and bats, depending on the survey results, our advice is that it may be necessary for Species Protection Plans to be produced prior to any works commencing. Licences may also be required to allow works to proceed without committing an offence.

4) Birds in the wider countryside

A wide range of bird species were recorded breeding and or using the quarry, however we do not consider that the predicted level of impacts will adversely affect their populations. We support the mitigation identified for breeding bird species and welcome the commitment to clear vegetation outside the breeding season.

Nonetheless, birds are mobile species, so their use of the quarry site may alter between the time that the original survey was undertaken and the time operations commence for each phase. We therefore advise that pre-surveys for legally protected bird species should be carried out prior to each phase progressing.

As above for otter and bats, depending on the survey results, our advice is that it may be necessary for Species Protection Plans to be produced prior to any works commencing. Licences may also be required to allow works to proceed without committing an offence.

8. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

8.1 Highland Wide Local Development Plan 2012

28	Sustainable Design
29	Design Quality and Place Making
30	Physical Constraints
53	Minerals
54	Mineral Wastes

57	Natural, Built and Cultural Heritage
58	Protected Species
59	Other Important Species
60	Other Important Habitats
61	Landscape
66	Surface Water Drainage

9. OTHER MATERIAL CONSIDERATIONS

9.1 Caithness and Sutherland Local Plan (Modified Proposed Plan 2016)

9.2 Highland Council Supplementary Planning Policy Guidance

Not applicable

9.3 Scottish Government Planning Policy and Guidance

SPP (The Scottish Government 2014)

10. PLANNING APPRAISAL

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

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

10.3 Development Plan Policy Assessment

The Highland Wide Local Development Plan **policy 53 Minerals** supports minerals extraction where the development extends an existing operation/site, as is the case with this proposal. The existing working area (08/00086/FULSU) is being worked out and that area has less than a ten year supply or reserves. The proposal has been accompanied by information on pollution prevention, restoration and mitigation proposals, all as required by policy 53, and is also considered to avoid and satisfactorily mitigate impacts on residential amenity, the natural, built and cultural heritage, and infrastructure.

As required by policy 53, a **financial guarantee (a restoration and reinstatement bond) is to be provided by the developer**, and will be subject to a **separate legal agreement**; and that this will be secured prior to the issuing of the permissions.

With regards to the Highland Wide Local Development Plan **policy 28**, the proposal is considered to accord with road servicing provision, as it will continue the existing road access arrangements to the A9(T). Furthermore, the proposal is not considered to have any significant impact on individual or community residential amenity; this is as a result of its relatively discreet and isolated setting with regards to existing housing and the separation and screening afforded by trees and farmland.

The site is contained within the wider landscape within this part of the Dornoch Firth National Scenic Area and therefore it is considered that its visual impact is limited.

SNH and SEPA have both indicated that the proposal is acceptable, subject to mitigation measures, with regards to its impact on habitats, freshwater systems, species, landscape, air quality and the scenic qualities of the area, specifically referencing the Dornoch Firth National Scenic Area, and River Evelix SAC/Dornoch Firth and Loch Fleet SPA; and therefore the proposal is considered be acceptable with regards to its impact on these natural heritage interests as set out by the Highland Wide Local Development Plan **policies 28, 57, 58, 61 and 66**.

The development would cover a period of 32 years with total extraction of approximately 2720000 tonnes of sand and gravel minerals, with an extraction rate of 85000 tonnes per year. This in Highland quarrying terms, is considered to be a medium sized quarry; locally within East Sutherland it is the largest quarrying operation.

10.4 **Material Considerations**

The proposal is submitted through **two planning applications (17/04351/FUL & 17/04352/s42) which seek to consolidate the existing quarrying operation and extend it**. The consideration of the separate applications at the same time is an acknowledgement that operationally the proposals will be run together and have been accompanied by the same Environmental Impact Assessment Report which covers the whole of the existing and proposed quarrying operation.

The quarry site has been active since around mid-2000 and currently supplies much of the local area with sand and aggregates for construction. In addition to this there is an ancillary concrete ready-mix plant at the site, also supplying the local construction industry.

The applicant has chosen to submit **two applications** to allow for:

1. The existing permission for the site (08/00086/FULSU) to be extended (through **17/04352/s42**) – this application seeks to extend the life of the existing quarry pending the submission, determination and discharge of the application (2) for extension, and;
2. A considerable eastwards expansion of the overall quarrying operations (**17/04351/FUL**) to provide a longer term quarrying development that will be covered by a modern up to date operating methodology, conditions, and restoration and reinstatement measures

The applications are being considered jointly as they are tied together in their operation and function, and relate to a continuous site. The supporting information submitted with both applications is the same and it is clear from this that the developer intends to operate both areas in one continuous overall quarrying development. This report assesses both applications conjointly.

The current planning permission (08/00086/FULSU) expires on 21.02.2018.

The extension of the existing quarried area is to the northeast of it into an area of existing agricultural land towards the Long-Established Woodland to the east.

Phasing & Extraction

The site is estimated to **contain approximately 2720000 tonnes** of sand and gravel minerals, and that it is proposed to work the deposit as a dry quarry. A life span of 32 years is anticipated (that is to 2050), subject to the rate of extraction, which is suggested as not exceeding 120000 tonnes, and averaging 85000 tonnes per year.

It is indicated that the quarrying will involve working the sand and gravel deposit as a dry quarry down to 8 to 12 metres AOD. Firstly the reserve in the existing quarry will be completed, and then the extension area will be worked in phases.

Phase	Period	Volume (tonnes)	Area (ha)
Existing reserve (phases 1 to 4)	2017-2020	250000	6.91
5	2020-2025	440000	1.83
6	2025-2034	646000	2.05
7	2034-2036	152000	0.85
8	2036-2042	660000	2018
5	2042-2049	580000	2.42
	32 years	2728000	

Reinstatement

The applicant has provided **detailed phasing plans** of the overall working at the site. There are 9 phases of development within the overall quarry area (covering both applications 17/04351/FUL and 17/04352/s42) which are identified in a clockwise manner starting from the existing working area (which includes the settlement ponds) and rotating round from west to north to east to southeast, over a period of 32 years.

This arrangement allows for areas to be worked out, with other areas being used for minerals storage, sorting and washing, with progressive restoration and reinstatement of worked areas in a phased manner; and that such restoration and reinstatement is undertaken before new areas are opened up; restoration is phased to follow the phased working area across the site. The objective of the restoration and reinstatement scheme is to re-establish grassland across the worked quarried site so that it can be used as arable land by the landowner, Cyderhall Farm. It is identified that restoration will begin in 2020 and will be completed over 29 years by 2049 in phases covering between 2ha and 7ha.

The final topography of the site is intended to be a flat area surrounded by stable slopes. The details of this proposed phasing with its associated progressive restoration and reinstatement are considered to be acceptable.

Access, Traffic, Operational Hours

Hours of working will continue to be 0700 to 1800 Monday to Friday and 0700 to 1200 Saturday. The number of **HGV movements** (empty in and loaded out) during

peak production periods will be 8 per hour between 0700 and 1400. Light traffic, cars and vans, will also access the site. This level of traffic movement is consistent with the current operations on site.

The current **access to the A9(T)** will continue to be used for the quarry traffic; the existing bellmouth and the visibility from it onto the Trunk Road meet the current technical standards. Transport Scotland have indicated that the proposal is acceptable.

The access crosses the River Evelix to the downstream side of a **ford crossing** using a bridge. This arrangement is to continue, with no quarry traffic using the ford. In order to avoid any runoff of surface water into the River Evelix in the vicinity of the quarry entrance (on the east bank of the River), a **bund will be formed** on the river bank at the ford crossing. This is considered to be necessary by both SEPA and SNH and can be addressed by condition.

The developer has suggested that at the end of the quarry's operational life, the **access bridge is to be decommissioned and the ford is to be reinstated**. SEPA have advised that they would not be supportive of this (due to potential impact on the water environment of the River Evelix). In addition, SNH have indicated that due to the sensitive fluvial interests, they may not be able to support the reinstatement of the ford. Consider condition to specifically exclude this from the permission.

Rainfall which collects in the workings will soak into the ground and there would be no surface water discharge from the site. This can be addressed by condition.

Landscape Setting & Visual Impact

The **location of the quarry is relatively discrete** and it has not caused any notable or significant amenity concerns since first operation. **No public interest** has been noted in the current proposals, either at the formal application stage, or the statutory Pre-Application Consultation process by the Applicant with the local community (17/01998/PAN); this would therefore suggest that the local community does not consider that the existing development, or the extension now proposed, has had, or will have, a significant or detrimental impact on the amenity of individuals, or the wider community in the area.

Visual impact of the proposal is examined within the supporting documentation. The Planning Authority's Landscape Officer was involved at the Pre-Application stage and assessed that the proposal was likely to have a relatively low visual impact from public viewpoints and houses in the area due to its relative discreetness and seclusion. Furthermore, SNH have advised that the proposal will not have an adverse effect on the integrity of the Dornoch Firth NSA due to the

- Limited visibility of the quarry extension from key viewpoints within the NSA; and
- The proposed mitigation of rolling restoration and tree planting will further reduce the visibility of the quarry operation

Noise

A **noise impact assessment** has been carried which concludes that the operations in the quarry extension area will not exceed the above noise levels at Cyderhall Farm and Lonemore, which are the nearest noise sensitive premises.

Members will note that **Environmental Health have not objected** to the proposal.

Dust

The supporting documentation outlines that a bowser will be used to spray water onto the roadways, stockpiles and exposed bare surfaces during dry conditions, and that tipper lorries will have their loads covered when leaving the site.

Mobile crushing and screening plant will be moved to follow the working at each phase, with the processing area containing the stockpiles and washing plant being located in the southern part of the current working area (Phase 3). The supporting documentation outlines that the washing plant cleans and separates the material into various grades of aggregate. The residual fines are pumped to a series of settlement ponds, with clean water from the final ponds being recycled to the washing plant.

The existing offices, welfare facilities, car parking and fuel storage on site are to continue.

Ecological & Nature Conservation Concerns

SNH have indicated that whilst there are **natural heritage interests** of international importance on the site, these will not be affected by the proposals. The Planning Authority, based on advice from SNH, does not consider that the proposal will have a significant effect on any of the qualifying interests of the site, either directly or indirectly, and therefore **does not consider that an Appropriate Assessment is required**. However, due to the proximity of the development to the Dornoch Firth and Loch Fleet SPA, the proposal is considered to be likely to have a significant effect on osprey within the SPA. Accordingly, an **Appropriate Assessment has been undertaken by the Planning Authority with regard to osprey**. This identified that the proposal will not adversely affect the integrity of the site as:

- Ospreys are distributed throughout the SPA
- The proposal will not involve the removal of any supporting nesting habitat and will not affect any foraging habitat; and
- Tree planting will be used to provide additional screening to minimise visual and noise disturbance to breeding ospreys

In relation to **otter**, SNH have advised that due to the length of time between each phase of working, the distribution as well as the level and type of otter activity could change within and adjacent to the quarry and accordingly **re-survey for otter prior to the commencement of each phase should be undertaken**. This can be addressed by condition.

In relation to **bats**, SNH have advised that **re-survey of the single oak tree** identified for felling in Phase 6 (2025) should be undertaken prior to felling; and that this **mitigation should also be carried out to cover any other trees** which may have to be felled to facilitate the quarry operation which could support bats. This can be addressed by condition.

Furthermore, SNH have indicated that dependent on the otter and bat survey results, it may be necessary for **Species Protection Plans** to be produced prior to the commencement of any works. This can be addressed by condition.

In relation to birds in the wider countryside, SNH have detailed that due to their mobility, their use of the quarry site may alter, and therefore **pre-surveys for legally protected bird species should be carried out prior to each Phase progressing**.

This can be addressed by condition.

Surface/Ground Water Concerns

SEPA have advised that subject to conditions in relation to various technical matters, the proposal is acceptable.

Conditions are requested in relation to the following:

Site Environmental Management Plan is agreed prior to commencement of work on the extension area (and subsequent adherence to) is covered by condition. Details of what should be included in the plan are clear plans showing the following:

- a) A map showing all proposed excavations, stocks of rock, overburden, soils and temporary and permanent infrastructure including tracks, buildings, oil storage, pipes and drainage, overlain with all lochs and watercourses to a distance of 250 metres from working areas;
- b) A detailed layout of all proposed mitigation including all cut off drains, location, number and size of settlement ponds;
- c) Information on the drainage proposals for the re-fuelling area;
- d) A site map showing the location of pollution prevention measures such as spill kits, oil interceptors, drainage associated with welfare facilities, recycling and bin storage and vehicle washing areas;
- e) A site log sheet detailing how often the pollution prevention and drainage measures will be checked and maintained which will be kept on site ready for inspection at any time.
- f) A site map showing where soils and overburden will be stored including details of the heights and dimensions of each store, how long the material will be stored for and how soils will be kept fit for restoration purposes.

For the avoidance of doubt, the Plan should include requirements in relation to surface water management. This can be addressed by condition.

SEPA have noted that in relation to **potential impacts on hydrology and hydrogeology**, Section 3.5.2 of the Environmental Statement states:

"The base level of the working will be 10 metres AOD and will be dry. There will be no working below the water table" and section 3.9.4 states that "a minimum working level of 9 m AOD is achievable at the south east end of the site. It is proposed that the floor of the quarry will rise to 16 m ADD in the northwest maintaining a minimum of 2 m material above groundwater." The Site Sections drawing (7976-PAC-010) shows minimum working levels ranging from approximately 11 and 5 m AOD.

SEPA have indicated that they are content with the proposal that there be no working below the water table. However a comparison of the Site Section drawings and the groundwater level data information submitted so far indicates that the minimum working level in some areas of the quarry is below the summer water table. In addition, no winter groundwater monitoring has been carried out, so other working areas may also be wet when the water table is at its highest.

They have advised that they do not object to this aspect if a condition or conditions is applied (1) requiring there to be no wet working on site (Le. working below the water table), and prior to commencement of works on the extension area (2) full winter groundwater level monitoring for all installed boreholes is provided and (3) finalised site section extraction plans demonstrating that there will be no wet working are agreed with the Planning Authority in consultation with SEPA.

Plans to show highest winter water table in area and minimum working level. **Excavations should not exceed maximum groundwater level observed in the nearest borehole from a complete summer and winter level monitoring round.** This can be addressed by condition.

If the applicant does wish to **work below the water** table then information on working proposals and impacts on ground and surface waters should be provided. This can be addressed by condition.

SEPA have also noted that there are to be no new **discharges from the site to local surface waters, including the River Evelix.** This can be addressed by condition.

No representations have been received from third parties on the proposals in relation to either application (17/04351/FUL and 17/04352/s42).

10.5 **Other Considerations – not material**

None

10.6 **Matters to be secured by Section 75 Agreement**

It should be noted that the Highland Wide Local Development Plan policy 53 Minerals identifies that a financial guarantee may be required with this type of proposal. It is normal practice to require that restoration and reinstatement measures are guaranteed by means of a **s75 obligation, including a financial bond; and that this is secured prior to the issuing of a Planning Permission.**

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

11. **CONCLUSION**

11.1 The proposals (17/04351/FUL – extension to quarry; and 17/04352/s42 – continuation of extraction from existing quarry) seek to consolidate and expand the existing quarrying operation on the site, providing a long term supply of graded alluvial materials for the construction industry in the area, and providing a degree of security and certainty for the developer. Economically, the proposal is therefore important to the area.

The overall site has been established for some time and has had a relatively low impact on the area, particularly considering its physical size. Notwithstanding this, the running of the existing quarrying operation, and in particular its undertaking of approved restoration and reinstatement proposals has not been on the required standard to date. However, the current proposals and the submission of this application are of a much higher quality and standard and the developer is fully aware of the necessary requirements and the penalties for not undertaking the operations at the site in accordance with the agreed details.

Both of the proposals (17/04351/FUL – extension to quarry; and 17/04352/s42 – continuation of extraction from existing quarry) clearly will meet a demand in the area and the overall site appears to be acceptable to the local community. The proposals are considered to accord with the Development Plan policies, subject to the

mitigation measures, methodologies and details contained in the submitted Environmental Impact Assessment Report and its supporting documentation.

All relevant matters have been taken into account when appraising this application. It is considered that the proposals (17/04351/FUL and 17/04352/s42) accord with the principles and policies contained within the Development Plan and are acceptable in terms of all other applicable material considerations.

12. IMPLICATIONS

- 12.1 Resource – Not applicable
- 12.2 Legal –Not applicable
- 12.3 Community (Equality, Poverty and Rural) –Not applicable
- 12.4 Climate Change/Carbon Clever –Not applicable
- 12.5 Risk – Not applicable
- 12.6 Gaelic – Not applicable

13. RECOMMENDATION

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

Subject to the above, it is recommended the applications:

1. 17/04351/FUL - extension of the Dornoch Bridge (Cyderhall) sand and gravel quarry on a site of 20ha
2. 17/04352/s42 - Continuation of mineral extraction at the Dornoch Bridge (Cyderhall) sand and gravel quarry

be Granted subject to the following conditions and reasons / notes to applicant:

17/04351/FUL

1. Planning permission is hereby granted for **a temporary period only and shall cease to have effect on 04.12.2049** (the 'cessation date') within which time all extractions and working and winning of aggregates shall have ceased, all plant, buildings and machinery shall have been removed and the site shall have been restored to the satisfaction of the Planning Authority in accordance with the approved scheme of restoration and reinstatement. In the event that working ceases for a period of more than 6 months prior to the expiry of this permission then the site shall be restored to the satisfaction of the Council within 12 months from the cessation of working, or in any case before the expiry of this permission.

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

2. **Restoration and re-instatement** works shall be undertaken by the developer in accordance with the details set out in the Environmental Impact Statement and supporting information docquetted hereto. For the avoidance of doubt, progressive restoration and re-instatement shall be undertaken during and following each successive phase of working.

Reason: To ensure the satisfactory restoration and after-use of the site.

3. Within 12 months of the cessation of working, the **reinstatement of the site** shall be completed in accordance with the approved scheme of progressive restoration that has previously been agreed in writing by the Local Planning Authority under condition No.1 above.

Reason: To ensure the satisfactory restoration and after-use of the site.

4. Should the **site cease operation** for any reason before the proposed cessation date as contained in the time limit condition for a continuous period of longer than six months, then a scheme for final restoration and aftercare, including timescales, to be implemented by the operator, shall, within six months of the date of expiry of that period, be submitted to and require the prior approval in writing of the Planning Authority. Approved restoration operations shall commence no later than three months after the date of approval by the Planning Authority and shall be implemented in accordance with the approved timescales.

Reason: To ensure the satisfactory restoration and after-use of the site.

5. Operation of the **development hereby approved shall be undertaken strictly in accordance with the approved Environmental Statement** and the supporting documents, docquetted hereto.

Reason: To clarify and reinforce the terms of the permissions granted at this quarry.

6. All **vehicular access** to the site shall be from the A9(T) (OS NGR 275868 889165) using the current quarry access via the bridge (OS NGR 275868 889165) over the River Evelix. For the avoidance of doubt, the use of the ford across the River Evelix (OS NGR 275874 889177) for any quarry traffic is hereby not approved.

Reason: In the interests of road safety and in order to protect the natural heritage interests and water quality of the River Evelix SAC.

7. The **road surfaces** of the site access and the A9(T) shall be kept clean, free of mud, gravel and other debris at all times until completion of site restoration. The access road shall be cleaned on a weekly basis. For the avoidance of

doubt the developer shall undertake dust suppression using a water bowser during periods of dry weather to the satisfaction of the Planning Authority in consultation with the Roads Authority and Environmental Health Authority.

Reason: In the interests of road safety and in order to protect the natural heritage interests and water quality of the River Evelix SAC.

8. All loaded vehicles leaving the site shall require to be **sheeted**.

Reason: In the interests of road safety

9. At the end of the quarry's operational life and following the full restoration and reinstatement of the site to the satisfaction of the Planning Authority in consultation with SEPA and SNH, (or sooner depending on the structural integrity of the bridge), the developer shall have submitted full plan and written details of a **replacement bridge** for the site, including a timetable for its construction, commissioning and completion, all for the agreement in writing of the Planning Authority in consultation with SEPA and SNH. The development shall thereafter be undertaken in accordance with the agreed details.

Reason: In order to protect the fresh water natural heritage interests and the water environment of the River Evelix SAC, and for the avoidance of doubt.

10. Prior to the commencement of development on site, in order to avoid any runoff of surface water into the River Evelix in the vicinity of the quarry entrance (on the east bank of the River), the developer shall construct a **bund** on the river bank at the ford crossing. The full details of the bund shall be submitted on plan and in writing by the developer for the agreement in writing of the Planning Authority in consultation with SEPA and SNH prior to the commencement of any further development on site.

Reason: In order to protect the natural heritage interests and water quality of the River Evelix SAC.

11. Prior to the commencement of development, the developer shall have provided written and plan details of a **scheme for river and river bank restoration in the area of the current ford**, for the agreement in writing of the Planning Authority, in consultation with SEPA and SNH, and thereafter implemented prior to work commencing on the extension area. For the avoidance of doubt, the details shall include measures to:

(1) improve fish passage through the stretch of water adjacent to the site at the ford; and

(2) stabilise and vegetate the bunds and surrounding area to reduce potential for run-off from the site into the River Evelix and improve riparian habitat.

The proposal shall detail on a plan the current problems, works that have been carried out, and the proposed works.

The development shall be undertaken in accordance with the agreed details.

Reason: In order to protect the natural heritage interests and water quality of the River Evelix SAC.

12. Other than in emergencies to maintain safe quarry working (which shall be notified to the Planning Authority as soon as practicable) or unless the Planning Authority has otherwise agreed in writing, no mineral extraction, dispatch of loaded vehicles, or processing operations other than maintenance and testing of plant shall be carried out at the site except between the following **times**:

- 0700 hours and 1800 hours Monday to Friday
- 0700 hours and 1200 hours Saturday,

with no operations on Sundays and Bank Holidays.

Reason: In the interests of amenity.

13. Unless otherwise agreed in writing with the Planning Authority, the **rate of materials extracted** from the quarry in any year shall not exceed 85,000 tonnes or such other volume as may be agreed in writing with the Planning Authority. From the commencement of operations, the site operator shall maintain summary records of the monthly product sales and shall make them available to the Planning Authority on a confidential basis at any time upon request. All records shall be kept for at least ten years. For the avoidance of doubt, there shall be no working below the water table.

Reason: In the interests of amenity, and in order to protect the stability of groundwater hydrology and geology.

14. The perimeter of the site shall be enclosed by a **stockproof fence** which shall be maintained until restoration is completed.

Reason: In the interests of safety and amenity.

15. All **storage mounds** shall be evenly graded, shaped and drained to prevent water ponding on or around them and they shall be seeded with a suitable low maintenance grass seed mixture. All stockpiles shall be maintained below the original ground level of the site and shall not be visible from the A9(T). During the development of any phase of the quarry, the developer shall strip the top soil and form a bund round part of the perimeter. The soil bund shall be sown with grass so as to blend in with the surrounding land and shall remain in place until reinstatement of the site takes place in accordance with the approved scheme of restoration.

Reason: To reduce the visual impact of the development.

16. Stockpiles of topsoil, subsoil, overburden and stored aggregate shall **not exceed 5 metres** in height and shall be graded (where necessary) in such a manner as to ensure they do not appear alien features in the landscape. For the avoidance of doubt, no turf, topsoil or subsoil shall at any time be removed

from the site.

Reason: To reduce the visual impact of the development.

17. **No infill material**, other than topsoils and subsoils exempted under the provisions of the Waste Management Licensing Regulations 1994 (as amended), shall be brought onto the site without the 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 the interests of amenity and for the avoidance of doubt.

18. **Weeds** on the site shall be treated as required with weed killer or cut to prevent spreading within the site or to adjoining agricultural land during the period of consent.

Reason: In the interests of amenity and for the avoidance of doubt.

19. Any **oil, fuel, lubricant or other potential pollutant** shall be handled on the site in such a manner as to prevent pollution of any water course or aquifer. For any liquid other than water, this shall include storage in suitable tanks, housed within a suitable bund or other means of enclosure to provide containment for 110% of the storage capacity of the tank and with no passive means of drainage. All storage of fuels and oils, the fueling of plant machinery, and storage of wastes shall be undertaken within the dedicated compound area adjacent to the quarry entrance. For the avoidance of doubt, the refuelling area shall be fitted with drip trays, and shall be maintained on site at all times to the satisfaction of the Planning Authority in consultation with SEPA.

Reason: In order to minimise any risk of pollution and in the interests of amenity.

20. There shall be **no surface water, trade effluent, sewage effluent or contaminated drainage discharges** from the site to local surface waters, including the River Evelix.

Reason: In order to protect the fresh water natural heritage interests and the water environment of the River Evelix SAC, and for the avoidance of doubt.

21. 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, or be specifically designed and/or adapted to minimise noise. For the avoidance of doubt, other than for routine daily maintenance or emergency repairs, no servicing of plant and machinery shall be undertaken on the site other than on a hardstanding, full details of which shall be submitted for the prior approval of the Planning Authority, in consultation with SEPA.

Reason: In order to minimise any risk of noise or watercourse pollution and in the interests of amenity.

22. Any **contaminated materials** shall be removed from the site and transported to a licensed landfill site to the satisfaction of the Planning Authority, in consultation with the Environmental Health Authority and SEPA. For the avoidance of doubt there shall be no burning of waste within the site.

Reason: In order to minimise any risk of noise or watercourse pollution and in the interests of amenity.

23. Full details of all **lighting** to be provided for work during the hours of darkness shall be submitted for the prior approval of the Planning Authority, in writing, and shall be designed to avoid light spill beyond the boundaries of the site. The development shall be undertaken in accordance with the agreed details.

Reason: To reduce the visual impact of the development and to accord with the information submitted with this application.

24. Prior to the commencement of development, the developer shall have submitted for the approval in writing of the Planning Authority in consultation with SEPA, a Site Environmental Management Plan. For the avoidance of doubt, the written Plan shall include clear plans showing the following:

- a) A map showing all proposed excavations, stocks of rock, overburden, soils and temporary and permanent infrastructure including tracks, buildings, oil storage, pipes and drainage, overlain with all lochs and watercourses to a distance of 250 metres from working areas;
- b) A detailed layout of all proposed mitigation including all cut off drains, location, number and size of settlement ponds;
- c) Information on the drainage proposals for the re-fuelling area;
- d) A site map showing the location of pollution prevention measures such as spill kits, oil interceptors, drainage associated with welfare facilities, recycling and bin storage and vehicle washing areas;
- e) A site log sheet detailing how often the pollution prevention and drainage measures will be checked and maintained which will be kept on site ready for inspection at any time.
- f) A site map showing where soils and overburden will be stored including details of the heights and dimensions of each store, how long the material will be stored for and how soils will be kept fit for restoration purposes.

For the avoidance of doubt, the Plan shall include requirements in relation to surface water management.

The development shall be undertaken in accordance with the agreed Site Environment Management Plan details.

For the avoidance of doubt,

- (1) there shall be no wet working on site (working below the water table); and
- (2) prior to commencement of works on the extension area (17/04351/FUL) full winter groundwater level monitoring for all installed boreholes shall be

- provided by the developer
- (3) finalised site section extraction plans demonstrating that there will be no wet working shall be provided;
 - (4) plans to show the highest winter water table in the area and the minimum working level; and

all for the agreement in writing of the Planning Authority in consultation with SEPA. **Excavations shall not exceed maximum groundwater level observed in the nearest borehole from a complete summer and winter level monitoring round.** For the avoidance of doubt, if development is proposed **below the water** table then information on working proposals and impacts on ground and surface waters shall be provided in writing and on plans for the approval in writing of the Planning Authority in consultation with SEPA.

Reason: In the interests of amenity.

25. Prior to the commencement of any works on any phase of the development, the developer shall have **re-surveyed for otter and for legally protected bird species**, and that the results, together with any mitigation measures (including species protection plans, where appropriate), shall have been provided to and for the approval in writing of the Planning Authority in consultation with SNH. The development shall thereafter be undertaken in accordance with the agreed mitigation measures for that phase of development.

Reason: In order to protect the natural heritage interests of the site.

26. Prior to the commencement of any works on any phase of the development, the developer shall have **re-surveyed the single oak tree** identified for felling in Phase 6 (2025) prior to felling; and that this mitigation shall also be carried out to **cover any other trees which may have to be felled to facilitate the quarry operation which could support bats**. The results of the re-survey, together with any mitigation measures shall have been provided to and for the approval in writing of the Planning Authority in consultation with SNH. The development shall thereafter be undertaken in accordance with the agreed mitigation measures for that phase of development.

Reason: In order to protect the natural heritage interests of the site.

27. During permitted hours of operation for general quarry operations, excluding soil and overburden handling works, and quarry establishment, the free field equivalent continuous **noise level** (LAeq, 1hr) shall not exceed 45 dB(A) at the nearest noise sensitive premises. During permitted hours of operation and for a maximum of 8 weeks in any year for soil and overburden handling works and establishment of the quarry, the free-field equivalent noise level (LAeq, 1hr) shall not exceed 70 dB(A) at the nearest noise sensitive premises. 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 the interests of residential amenity.

REASON FOR DECISION

The proposal (**17/04351/FUL** - extension of the Dornoch Bridge (Cyderhall) sand and gravel quarry on a site of 20ha) accord with the provisions of the Development Plan and there are no material considerations which would warrant refusal of the application.

TIME LIMITS

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

FOOTNOTE TO APPLICANT

Initiation and Completion Notices

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

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

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

Accordance with Approved Plans and Conditions

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

Flood Risk

It is important to note that the granting of planning permission does not imply there is an unconditional absence of flood risk relating to (or emanating from) the application

site. As per Scottish Planning Policy (p.198), planning permission does not remove the liability position of developers or owners in relation to flood risk.

Scottish Water

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

Septic Tanks and Soakaways

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

Local Roads Authority Consent

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

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

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

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

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

Mud and Debris on Road

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

Protected Species - Halting of Work

You are advised that work on site must stop immediately, and Scottish Natural Heritage must be contacted, if evidence of any protected species or nesting/breeding sites, not previously detected during the course of the application and provided for in

this permission, are found on site. For the avoidance of doubt, it is an offence to deliberately or recklessly kill, injure or disturb protected species or to damage or destroy the breeding site of a protected species. These sites are protected even if the animal is not there at the time of discovery. Further information regarding protected species and developer responsibilities is available from SNH: www.snh.gov.uk/protecting-scotlands-nature/protected-species

17/04352/s42

1. Except as otherwise provided by the terms of this permission, the developer shall construct and operate the development in accordance with the plans and supporting information including the Environmental Impact Statement submitted with the application and docketted as relative hereto with no deviation therefrom unless otherwise approved in writing by the Planning Authority.
2. Planning permission is hereby granted for a temporary period only and shall cease to have effect on 04.12.2018 (the 'cessation date') within which time all extractions and working and winning of aggregates shall have ceased, all plant, buildings and machinery shall have been removed and the site shall have been restored to the satisfaction of the Planning Authority in accordance with the approved scheme of restoration and reinstatement. In the event that working ceases for a period of more than 6 months prior to the expiry of this permission then the site shall be restored to the satisfaction of the Council within 12 months from the cessation of working, or in any case before the expiry of this permission.
3. Other than in emergencies to maintain safe quarry working (which shall be notified to the Planning Authority as soon as practicable) or unless the Planning Authority has otherwise agreed in writing, no mineral extraction, dispatch of loaded vehicles, or processing operations other than maintenance and testing of plant shall be carried out at the site except between the following times: 0700 hours and 1800 hours Monday to Friday and 0700 hours and 1200 hours Saturday, with no operations on Sundays and Bank Holidays.
4. Unless otherwise agreed in writing with the Planning Authority, the rate of materials extracted from the quarry in any year shall not exceed 40,000 tonnes or such other volume as may be agreed in writing with the Planning Authority. From the commencement of operations, the site operator shall maintain summary records of the monthly product sales and shall make them available to the Planning Authority on a confidential basis at any time upon request. All records shall be kept for at least ten years. For the avoidance of doubt, there shall be no working below the 14.5m AOD, or below the water table.

5. The perimeter of the site shall be enclosed by a stockproof fence which shall be maintained until restoration is completed.
6. Vehicular access to the site from the public road shall be provided to the satisfaction of the Planning Authority, in consultation with the Roads Authority and prior to commencement of removal of materials from the site. For the avoidance of doubt, access to the site shall be from the existing access road between the Dornoch Bridge Quarry and the A9(T).
7. The road surfaces of the site access and the A9(T) shall be kept clean, free of mud, gravel and other debris at all times until completion of site restoration. The access road shall be cleaned on a weekly basis. For the avoidance of doubt the developer shall undertake dust suppression using a water bowser during periods of dry weather to the satisfaction of the Planning Authority in consultation with the Roads Authority and Environmental Health Authority.
8. All loaded vehicles leaving the site shall require to be sheeted.
9. No development operation shall commence in any area until all soils have been stripped. Soils shall be stripped to available depth from all operational areas within the site, except areas designated for soil storage.
10. All storage mounds shall be evenly graded, shaped and drained to prevent water ponding on or around them and they shall be seeded with a suitable low maintenance grass seed mixture. All stockpiles shall be maintained below the original ground level of the site and shall not be visible from the A9(T). During the first phase of the development, the developer shall strip the top soil and form a bund round part of the perimeter. The soil bund shall be shown with grass so as to blend in with the surrounding land and shall remain in place until reinstatement of the site takes place in accordance with the approved scheme of restoration.
11. No turf, topsoil or subsoil shall at any time be removed from the site.
12. No infill material, other than topsoils and subsoils exempted under the provisions of the Waste Management Licensing Regulations 1994 (as amended), shall be brought onto the site without the 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.
13. Weeds on the site shall be treated as required with weed killer or cut to

prevent spreading within the site or to adjoining agricultural land during the period of consent.

14. Any oil, fuel, lubricant or other potential pollutant shall be handled on the site in such a manner as to prevent pollution of any water course or aquifer. For any liquid other than water, this shall include storage in suitable tanks, housed within a suitable bund or other means of enclosure to provide containment for 110% of the storage capacity of the tank and with no passive means of drainage. Prior to the commencement of any development on site, the developer shall submit a detailed site plan for the approval in writing of the Planning Authority in consultation with SEPA and SNH showing the location of the fuel and oil storage area. All refuelling activities shall take place at the dedicated fuel and oil storage area, which shall have an impermeable floor. For the avoidance of doubt, the oil store shall be fitted with drip trays, and oil spill kits shall be provided by the developer and maintained on site at all times to the satisfaction of the Planning Authority.
15. The operator shall take all reasonable steps, including the provision of any necessary works to prevent damage by erosion, silting or flooding, and to make provision for the appropriate disposal of all water entering, arising on or leaving the site during the period of permitted operations, all to the satisfaction of the Planning Authority, in consultation with SEPA.
16. 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, or be specifically designed and/or adapted to minimise noise. For the avoidance of doubt, other than for routine daily maintenance or emergency repairs, no servicing of plant and machinery shall be undertaken on the site other than on a hardstanding, full details of which shall be submitted for the prior approval of the Planning Authority, in consultation with SEPA.
17. There shall be no discharge of trade effluent, sewage effluent or contaminated drainage from the site into any ditch, watercourse or to the underground strata.
18. During permitted hours of operation for general quarry operations, excluding soil and overburden handling works, and quarry establishment, the free field equivalent continuous noise level (L_{Aeq}, 1hr) shall not exceed 45 dB(A) at the nearest noise sensitive premises. During permitted hours of operation and for a maximum of 8 weeks in any year for soil and overburden handling works and establishment of the quarry, the free-field equivalent noise level (L_{Aeq}, 1hr) shall not exceed 70 dB(A) at the nearest noise sensitive premises. 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.

19. At all times during the carrying out of operations authorised or required by this planning permission, and in addition to any requirements covered by the EPA authorisation or PPC permit, the following dust management strategy, in accordance with the guidance given in PAN 50 Annex B, shall be implemented to the satisfaction of the Planning Authority:
 - i) A portable water sprayer shall be maintained on site and shall be used to minimise dust on haul roads.
 - ii) All vehicles used for the movement of materials within the site shall be equipped with exhausts pointing away from the ground.
 - iii) All relevant heavy plant shall be fitted with radiator fan deflector plates.
 - iv) If, in extreme adverse conditions the aforementioned measures are not adequate, the following action shall be taken:
 - (a) Restriction on the speed of vehicles on site
 - (b) Temporary re-routing of vehicles on site
 - (c) Temporary cessation of activities giving rise to concern
 - v) In the event of a complaint concerning dust emission, the site manager shall immediately investigate and implement any necessary remedial measures.
20. At all times during the carrying out of operations authorised or required by this planning permission, the operator shall have regard to, and meet the requirements of, best practice and best available technology/technique as contained in PAN50 Controlling the Environmental Effects of Surface Mineral Workings, together with the Mineral extraction: Code of Practice for the Owners and Operators of Quarries and other Mineral Extraction Sites (Paper 203/12) and the Freshwater for Fish Directive (78/659/EEC) all to the satisfaction of the Planning Authority. For the avoidance of doubt, particular regard shall be had to the adoption of appropriate measures to minimise the creation of dust and noise.
21. Restoration and re-instatement works shall be undertaken by the developer in accordance with the details set out in the Environmental Impact Statement and supporting information prepared by SC Mackintosh Chartered Surveyors, and docketed hereto as plan 1 of 2. For the avoidance of doubt, restoration and re-instatement shall be undertaken following each phase of working.
22. Should the site cease operation for any reason before the proposed end date as contained in the time limit condition for a continuous period of longer than six months then a scheme for final restoration and aftercare, including timescales, to be implemented by the operator, shall, within six months of the date of expiry of that period, be submitted to and require the prior approval in writing of the Planning Authority. Approved restoration operations shall

commence no later than three months after the date of approval by the Planning Authority and shall be implemented in accordance with the approved timescales.

23. Prior to the commencement of development, the developer shall prepare and submit a Surface Water Management Plan (SWMP) for the approval in writing of the Planning Authority in consultation with SEPA. For the avoidance of doubt, the SWMP shall follow the principles in PAN50 and 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, and regular cleaning and maintenance of water system
24. Any contaminated materials shall be removed from the site and transported to a licensed landfill site to the satisfaction of the Planning Authority, in consultation with the Environmental Health Authority and SEPA. For the avoidance of doubt there shall be no burning of waste within the site.

Reasons: 1, 3-24 In order to clarify the terms of the permission hereby granted and to ensure that the development is implemented as appropriate; to allow the Planning Authority to retain effective control over and monitor on-going development at the site; to safeguard groundwater and adjacent watercourses from pollution; to safeguard the local ecology and adjacent agricultural land; in the interests of general public and road safety; to minimise potential nuisance to the local community; in the interests of the residential amenity of nearby residents; in the interests of visual amenity; and to ensure that the site is restored to a condition capable of beneficial after use.

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

REASON FOR DECISION

The proposal 17/04352/s42 - Continuation of mineral extraction at the Dornoch Bridge (Cyderhall) sand and gravel quarry) accord with the provisions of the Development Plan and there are no material considerations which would warrant refusal of the application.

TIME LIMITS

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

FOOTNOTE TO APPLICANT

Initiation and Completion Notices

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

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

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

Accordance with Approved Plans and Conditions

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

Flood Risk

It is important to note that the granting of planning permission does not imply there is an unconditional absence of flood risk relating to (or emanating from) the application site. As per Scottish Planning Policy (p.198), planning permission does not remove the liability position of developers or owners in relation to flood risk.

Scottish Water

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

Septic Tanks and Soakaways

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

Local Roads Authority Consent

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

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

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

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

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

Mud and Debris on Road

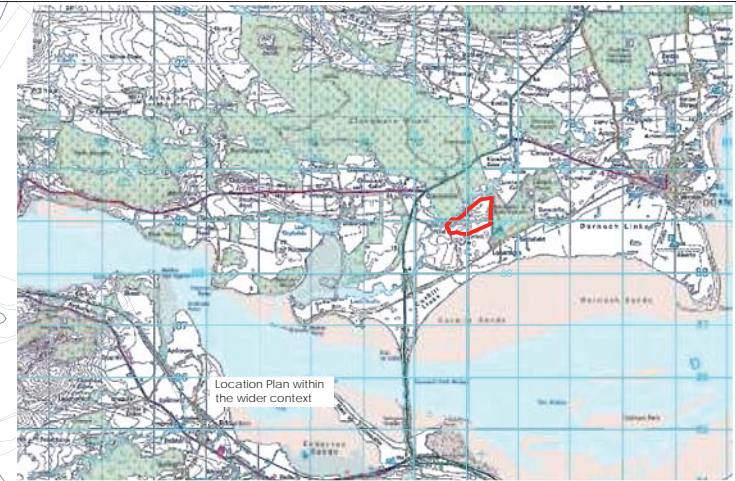
Please note that it is an offence under Section 95 of the Roads (Scotland) Act 1984 to allow mud or any other material to be deposited, and thereafter remain, on a public road from any vehicle or development site. You must, therefore, put in place a strategy for dealing with any material deposited on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

Protected Species - Halting of Work

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

Designation: Area Planning Manager - North
Author: Bob Robertson
Background Papers: Documents referred to in report and in case file.
Relevant Plans: 17/04351/FUL & 17/04352/S42

Plan 1 - 7967-Pac -001 Location Plan
Plan 2 - 7967-Pac -004 Washing Area Ponds
Plan 3 - 7967-Pac -005 Compound Area Layout
Plan 4 - 7967-Pac -007 Phasing Plan Amended
Plan 5 - 7967-Pac -008 Cross Sections Plan
Plan 6 - 7967-Pac -009 Current Quarry boundary
Plan 7 - 7967-Pac -0010 Site Sections
Plan 8 - 7967-Pac -0011 Compound Surface Water Man Plan
Plan 9 - 7967-Pac -0012 Quarry extension
Plan 10 - 7967-Pac -0013 Restoration Phase
Plan 11 - CTCH – 137 -02 Boreholes Location



Location Plan within the wider context

Rev	Description	Date

Drawing Title:
Location Plan



Caplich Quarry | Ainesh | Ross-shire | IV17 0XU

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Tel: 01349 882 377 Web: www.patmunro.co.uk
E-mail: info@patmunro.co.uk

Project:
Dornoch Quarry

Drawing No: **7976 - PAC - 001** Rev: **-**

FOR CONSTRUCTION Drawing Date: **31/05/17**

FOR PROCUREMENT Drawing Scale: **1: 5000 @ A3**

FOR CLIENT Drawn By: **RM** Checked By: **SM**

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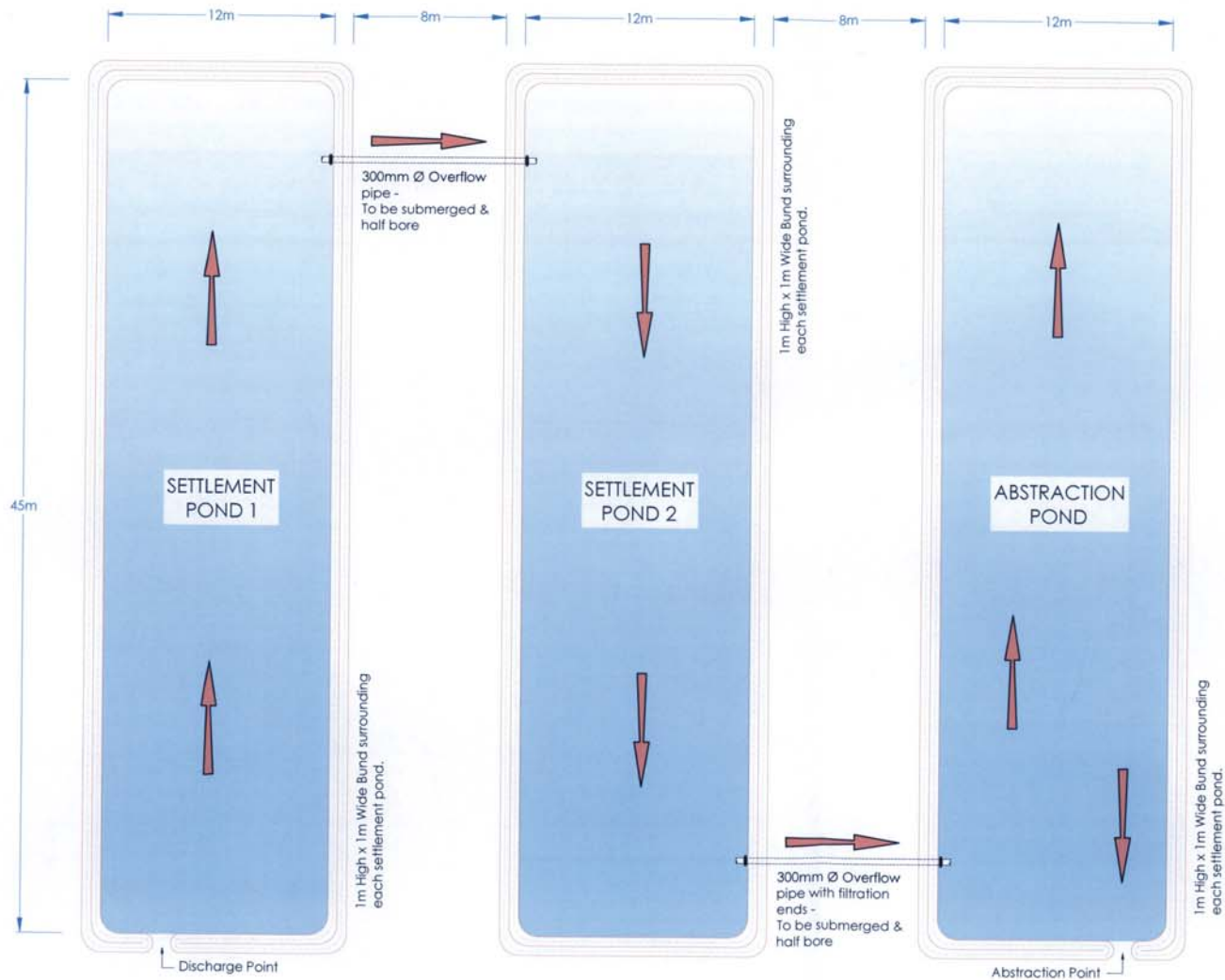
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Drawing Title		

Washing Area Ponds



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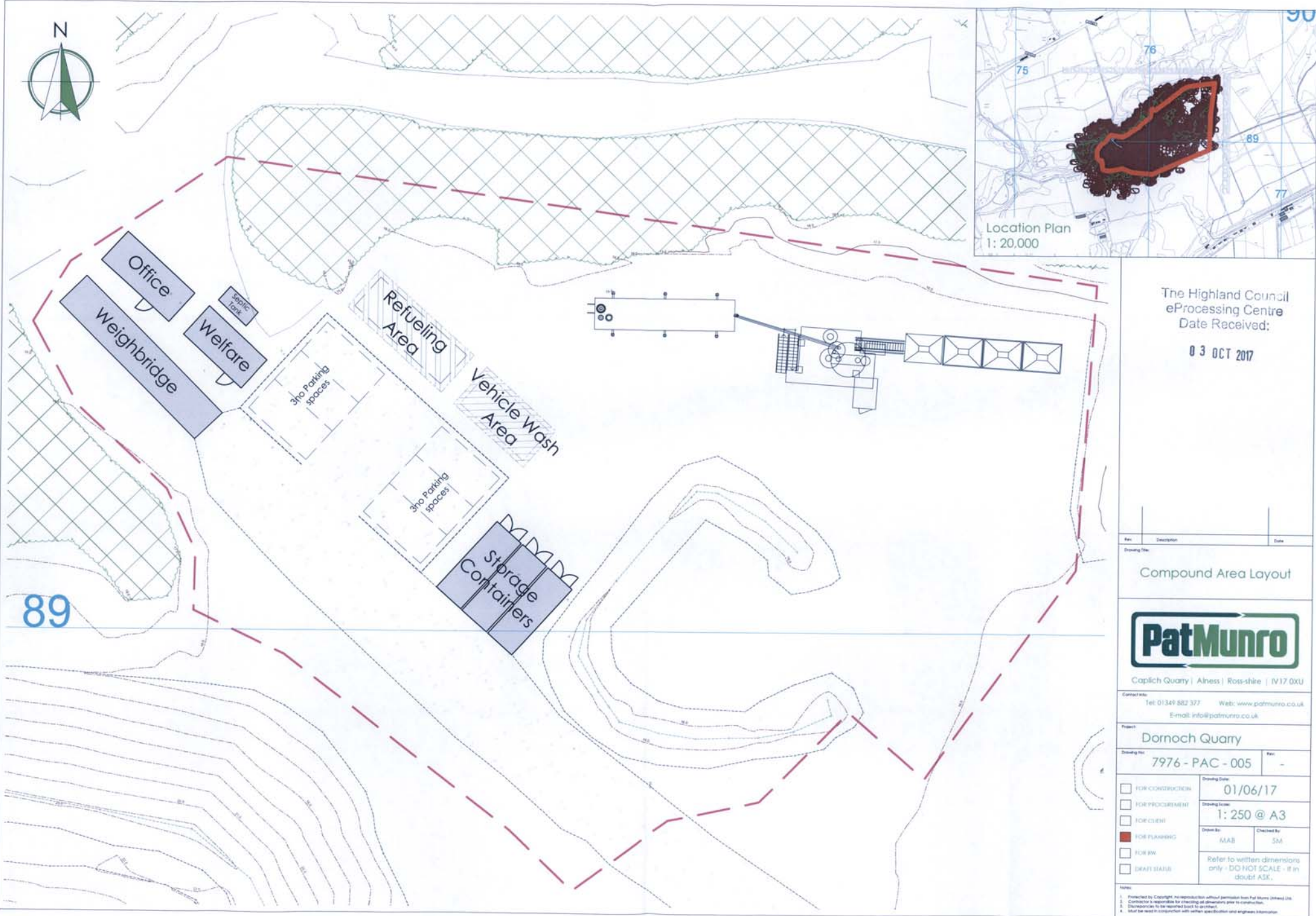
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Compound Area Layout



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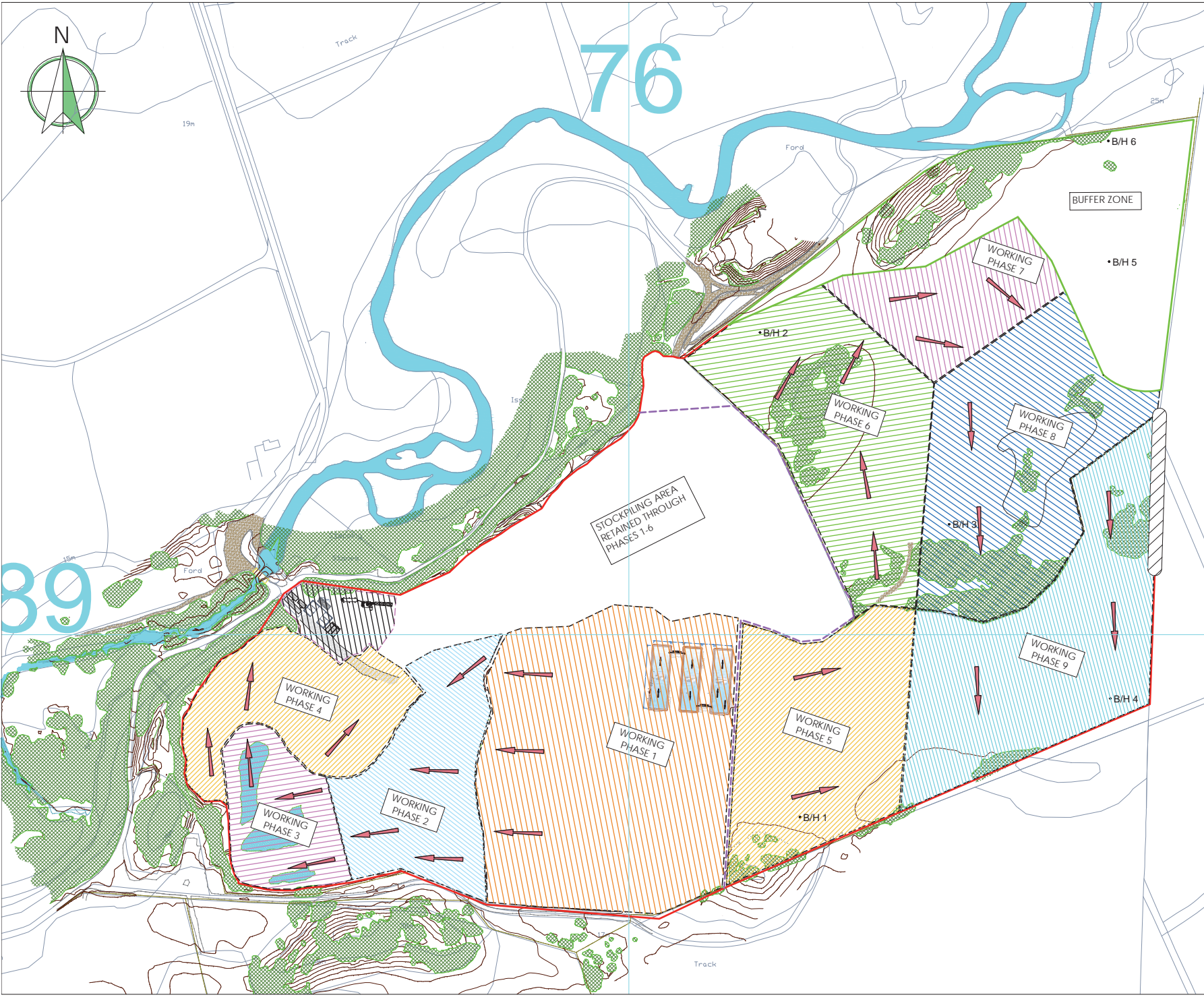
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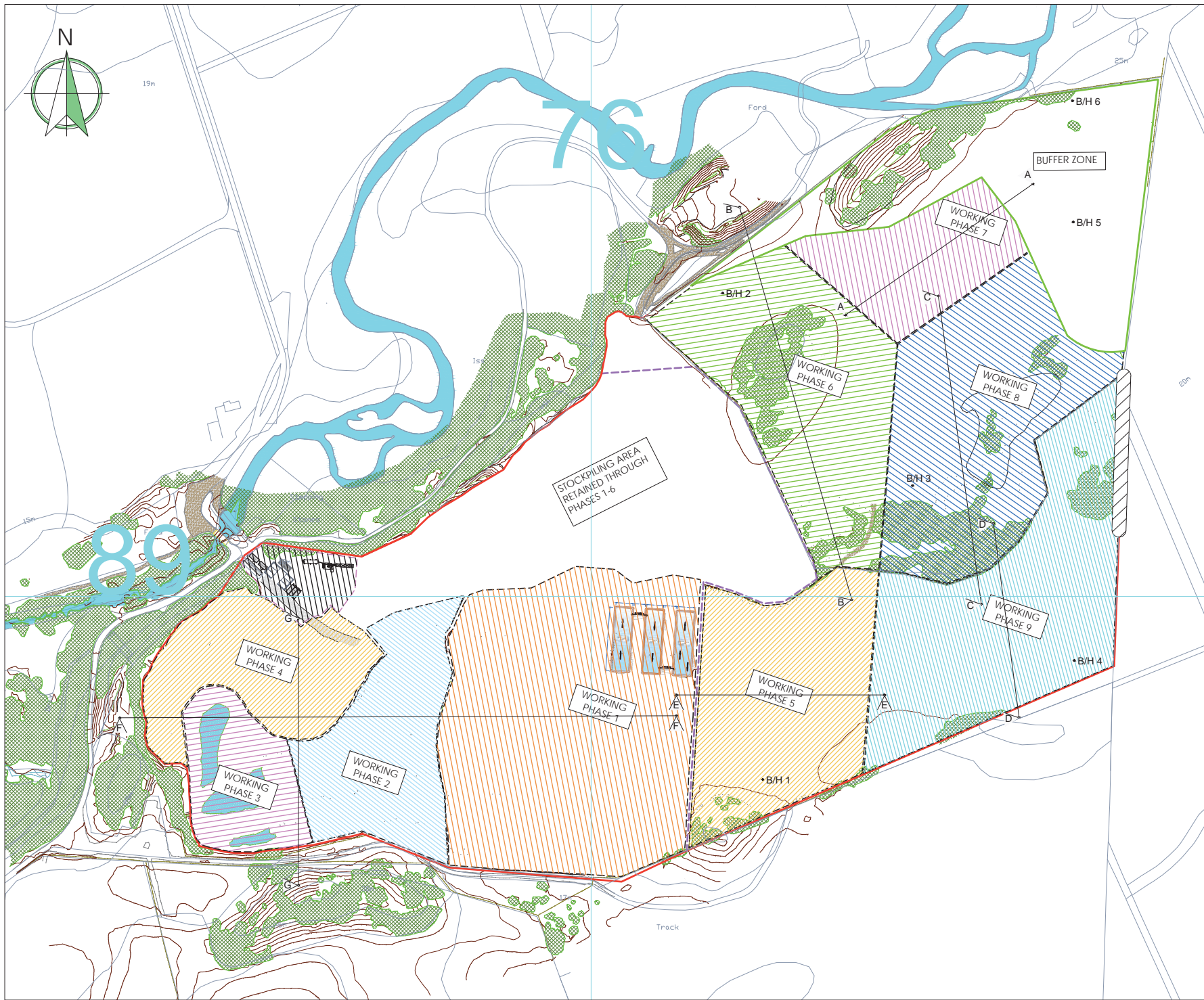
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- KEY**
- River Evelix
 - Bridge
 - Ford

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Drawing Title			
Phasing Plan Amended			
			
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Dornoch Quarry			
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- KEY**
- River Evelix
 - Bridge
 - Ford
 - - - 13m Contour
 - E Section Line

Rev	Description	Date

Drawing Title:
Phasing Plan Showing Cross Sections



Caplich Quarry | Ainess | Ross-shire | IV17 0XU

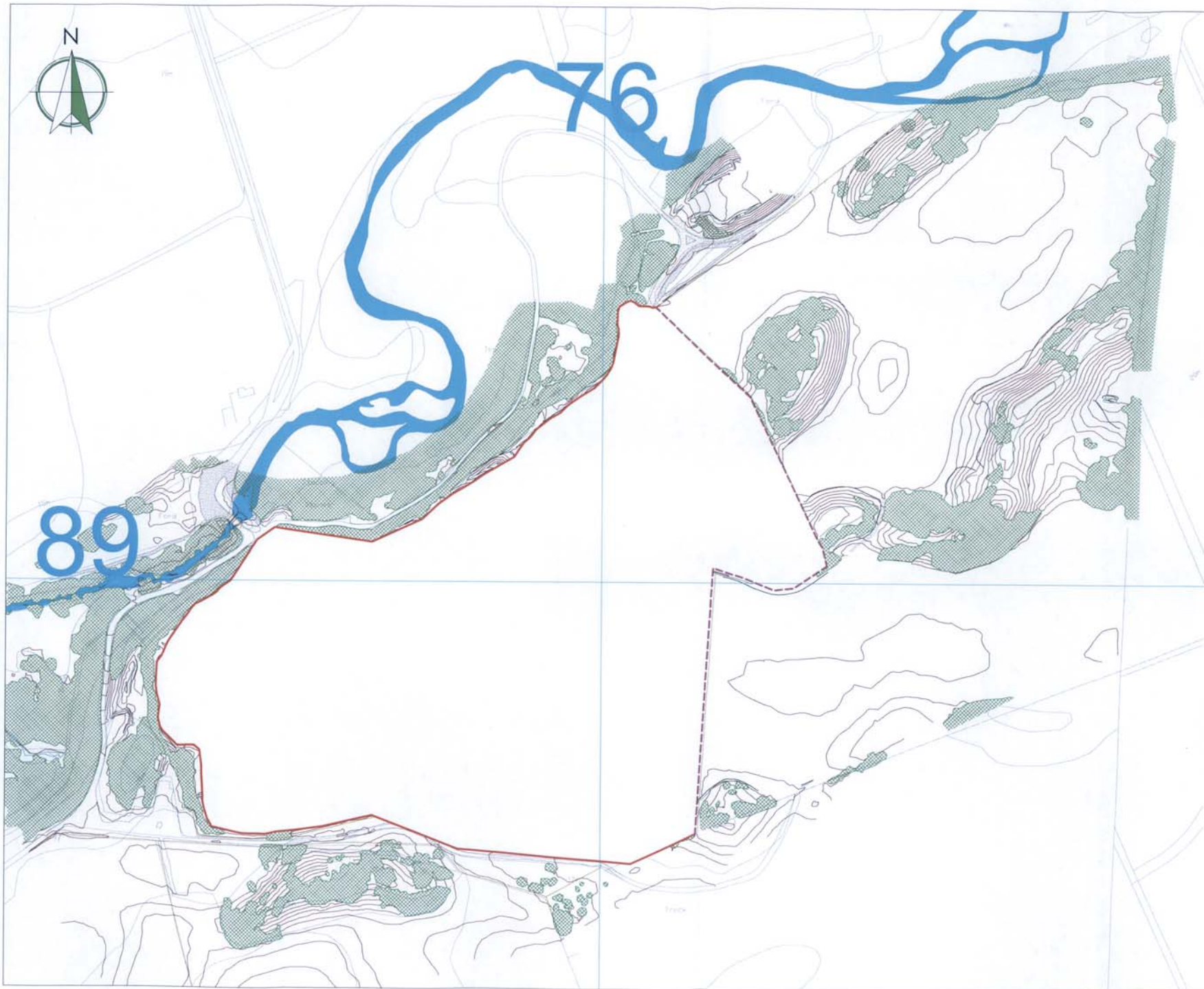
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Project:
Dornoch Quarry

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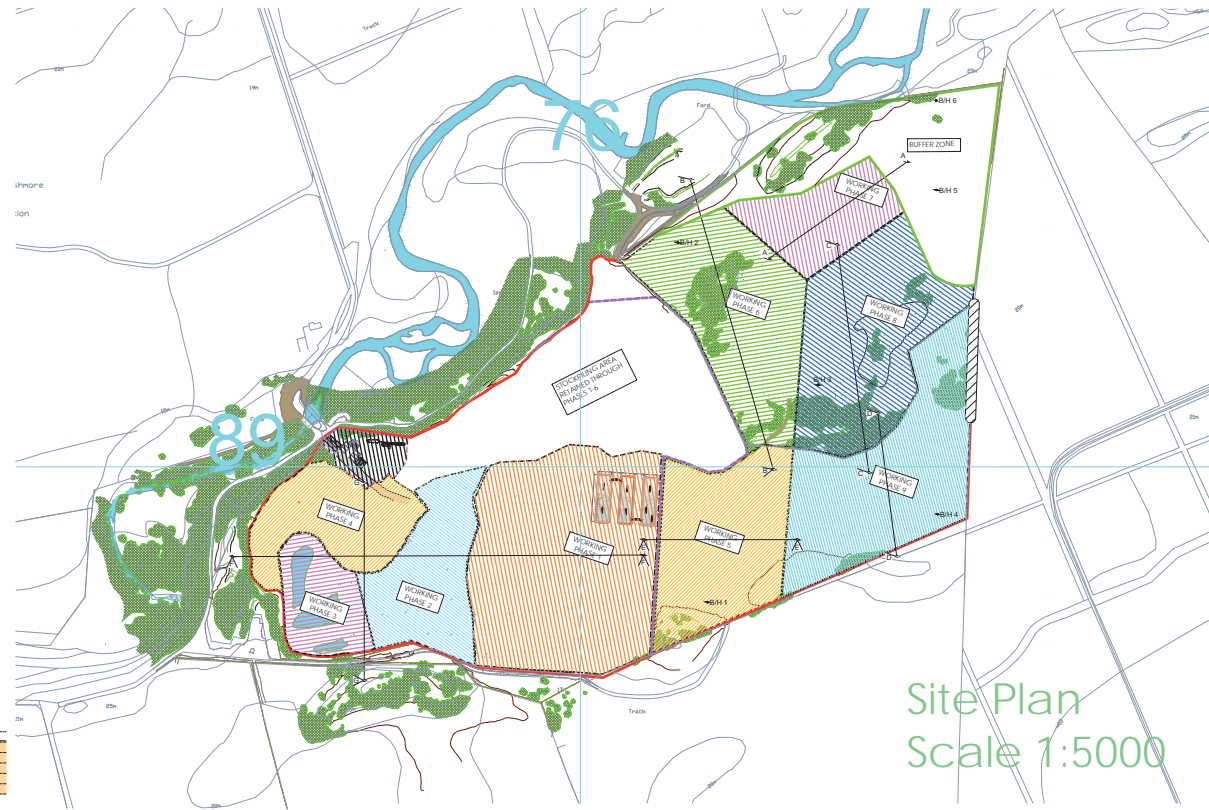
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KEY

River Evelix

Bridge

Ford

13m Contour

Section Line

Site Plan
Scale 1:5000



Site Section A - A
Scale 1:2500



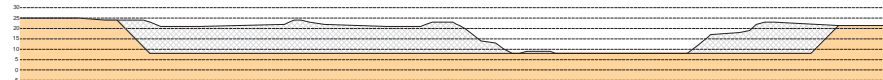
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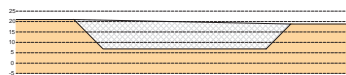
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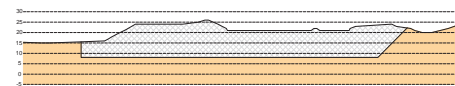
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Scale 1:2500



Site Section F - F
Scale 1:2500



Site Section D - D
Scale 1:2500



Site Section G - G
Scale 1:2500

Rev	Description	Date

Drawing Title:	
Site Sections	



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Contact info:
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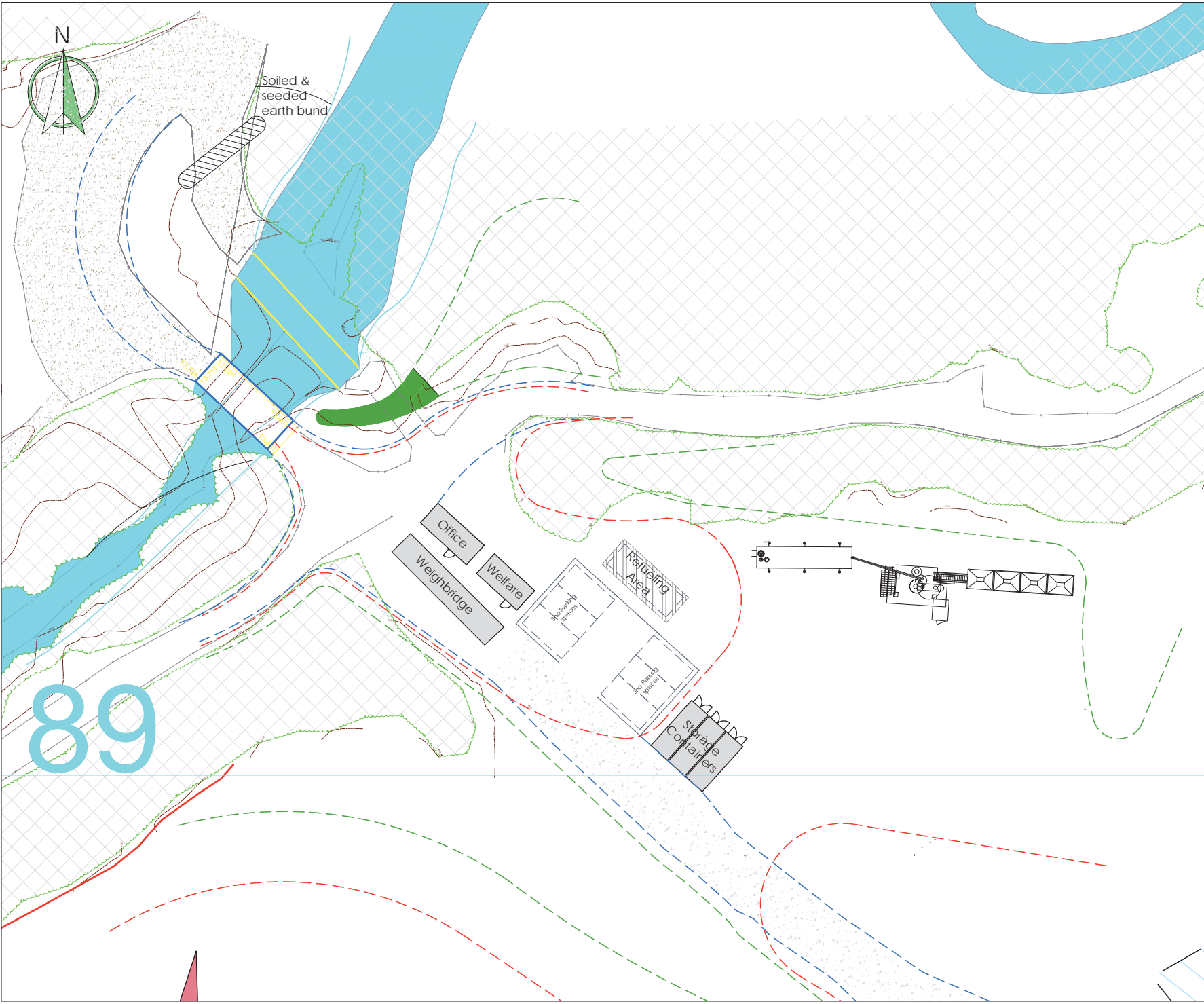
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- KEY**
-  River Evelix
 -  Bridge
 -  Ford
 -  13m Contour
 -  Bund

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Drawing Title:
Compound Area Surface Water Management Plan



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Project:
Dornoch Quarry

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Drawing Date:
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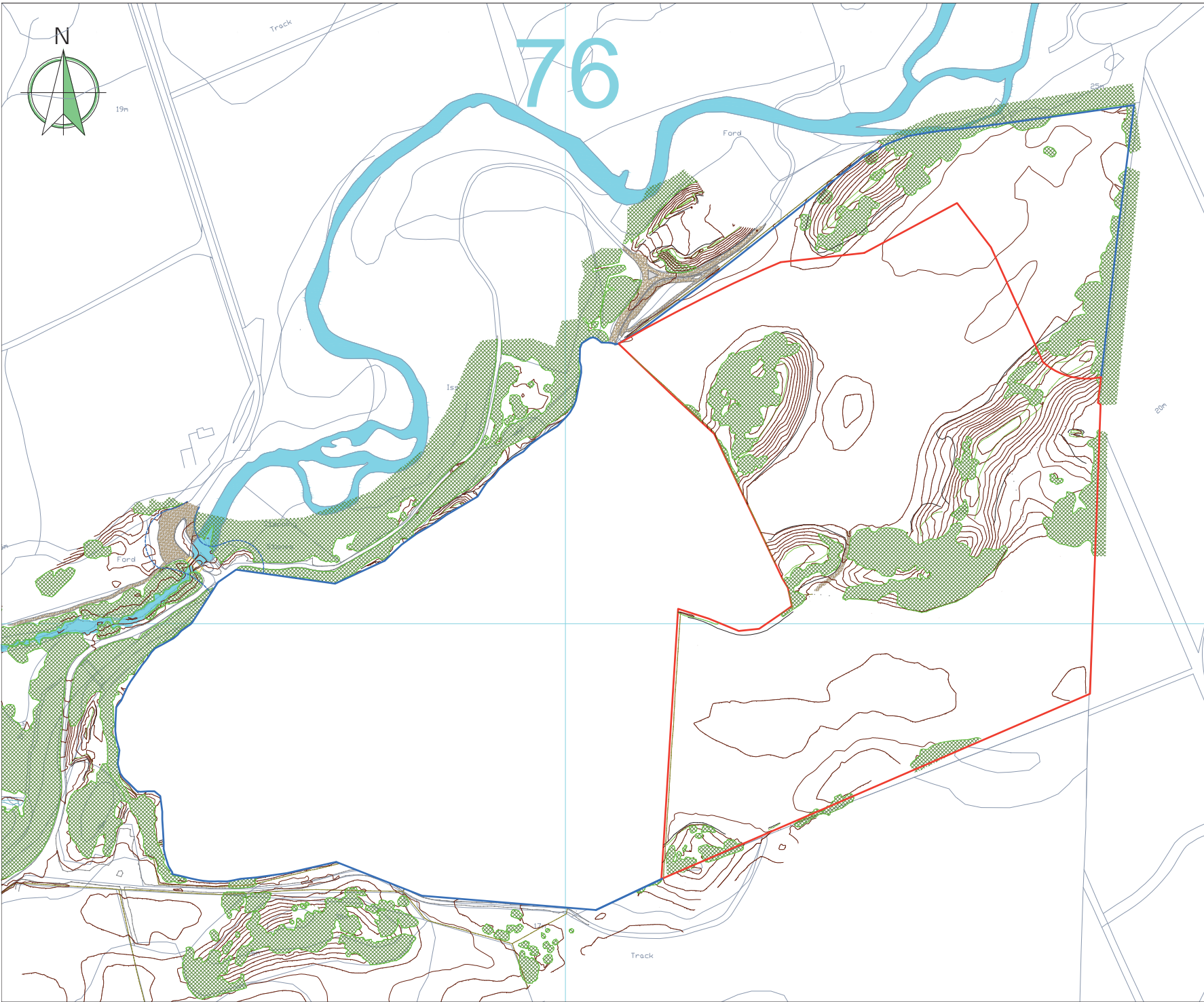
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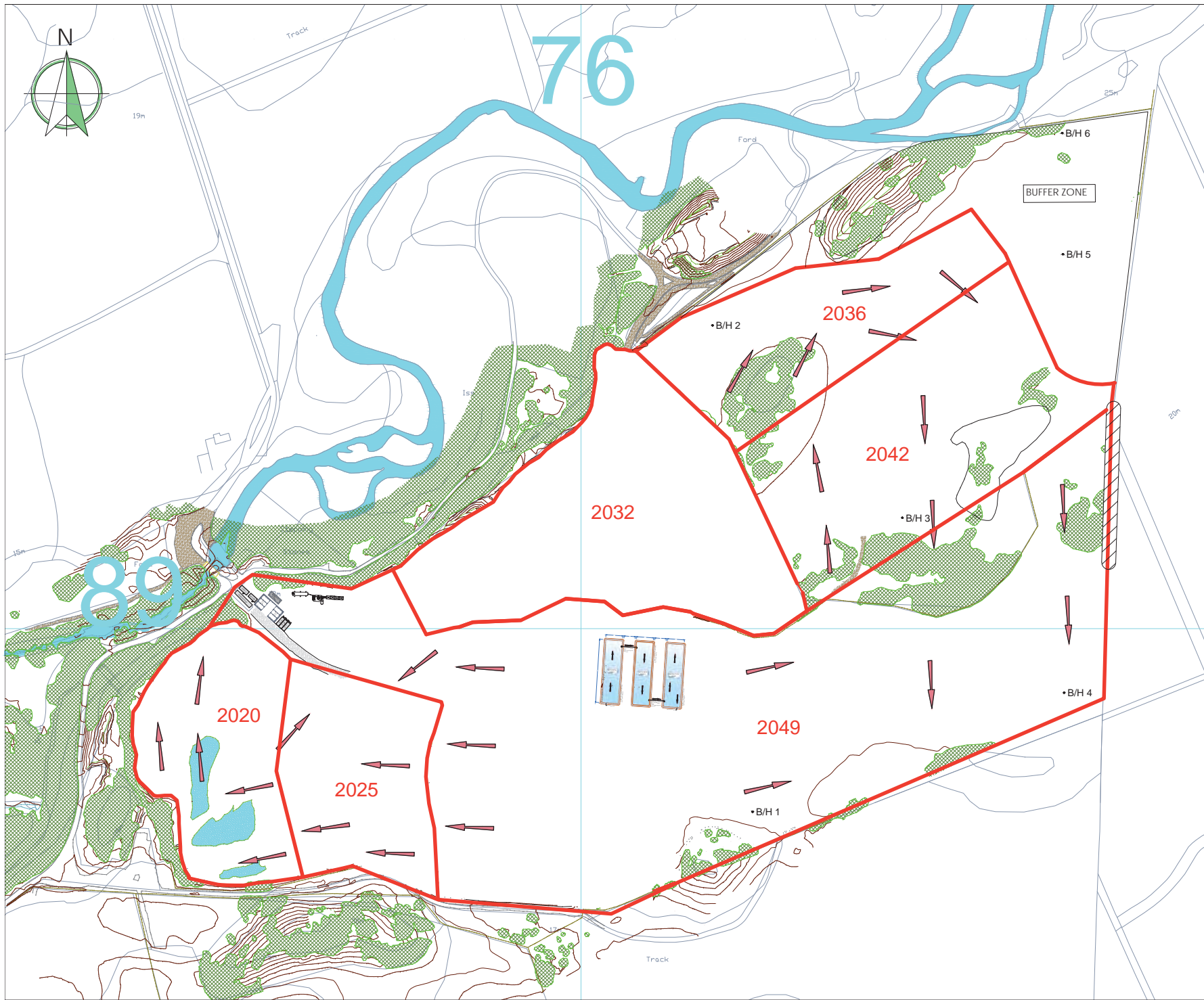
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-  Bridge
-  Ford

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Quarry Extension		
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-  Bridge
-  Ford
-  Restoration Phases
- 2020** Restoration Year

Rev	Description	Date

Drawing Title

Restoration Phases



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Drawing No: **7976 - PAC - 013** Rev: **-**

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