

Agenda Item	6.3
Report No	PLS 068/17

HIGHLAND COUNCIL

Committee: South Planning Applications Committee

Date: 12 December 2017

Report Title: 17/02898/FUL: Tarmac Caledonian Limited
Dunain Mains Quarry, Inverness

Report By: Area Planning Manager – South/Major Developments

Purpose/Executive Summary

Description: Extension to Dunain Mains Sand and Gravel Quarry including relocation of site office and weighbridge

Ward: 12 - Aird and Loch Ness

Development category: Major

Reason referred to Committee: 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.

Recommendation

Members are asked to agree the recommendation to **GRANT** planning permission as set out in section 11 of the report.

1. PROPOSED DEVELOPMENT

- 1.1 The application is for planning permission to extend the existing sand and gravel quarry at Dunain Mains and relocate the existing weighbridge and site offices. The quarry is estimated to contain around 660,000 tonnes of sand and gravel and the application proposes to extract on a phased basis over a period of 20 years. The quarry will be restored on a progressive basis, with the previous phase being restored by the soil stripped from the working phase.

The works and operations at the quarry are described in Chapter 4 of the Environmental Statement (ES) and comprise:

- relocation of the weighbridge and office;
 - advanced planting along the south western boundary;
 - erection of tree protection measures (in advance of Phase 3);
 - stripping of soil;
 - extraction of sand and gravel by shovel loader;
 - transfer of extracted material for processing;
 - processing of materials;
 - stockpiling of material;
 - dispatch of materials; and
 - phased restoration.
- 1.2 The site is currently accessed via the A82(T) and there are no proposed changes to the access arrangements.
- 1.3 The applicant has undertaken public consultation which included an exhibition at Loch Ness Country House Hotel on 06 December 2016. In addition the applicant has been through the Council's Pre-Application Advice Service for Major Development in advance of the submission to the Planning Authority.
- 1.4 The application was supported by an Environmental Statement containing chapters on the following matters:
- Site and Surrounds;
 - Need and Alternatives;
 - Proposed Development;
 - Policy Context;
 - Approach to EIA;
 - Geomorphology;
 - Water Environment;
 - Landscape and Visual Amenity;
 - Ecology and Ornithology;
 - Archaeology and Cultural Heritage;
 - Noise;
 - Air Quality.

Further to this the applicant submitted a Planning Statement and a Pre-Application Consultation Report.

1.5 Variations: None.

2. SITE DESCRIPTION

2.1 The application site is located to the south-west of Inverness and comprises grassland used for grazing and surrounded by gorse. There is woodland located to the south. A waterbody is located to the south west of the proposed extension. The River Ness and Caledonian Canal lie to the north east.

2.2 There are a small number of noise sensitive properties in vicinity of the quarry including Loch Ness Country House Hotel. The operational impacts of the quarry have been assessed on these receptors; particularly noise.

2.3 The site is within the Torvean Landforms Site of Special Scientific Interest (SSSI). The SSSI is designated for its quaternary geology and geomorphology and extends from the south western edge of Inverness to Dochgarroch over an area of 402ha. The development sits off the kame terraces and the Torvean esker. The site is not designated for any ecological features.

2.4 The site is not within any site designated for built or cultural heritage, however it is in a wider area rich in archaeological finds.

3. PLANNING HISTORY

3.1	07.05.1997	IN/1994/80 - Winning and Working of Sand and Gravel	Permission Granted
3.2	13.09.2002	01/00796/FULIN - Application for non-compliance with conditions 1 and 2 of previous granted permission at Dunain Mains Quarry.	Permission Granted
3.3	19.06.2017	17/02898/S42 Non-Compliance with Condition 1 of 01.00796/FULIN	Pending Consideration

4. PUBLIC PARTICIPATION

4.1 Advertised: Unknown Neighbour and Environmental Impact Assessment

Date Advertised: 28 July 2017

Representation deadline: 25 August 2017

Timeous representations: 0

Late representations: 0

5. CONSULTATIONS

5.1 **Inverness West Community Council** did not respond to the consultation.

5.2 **THC Access Officer** does not object to the application. No condition is requested in relation to public access.

- 5.3 **THC Contaminated Land Team** do not object to the application.
- 5.4 **THC Environmental Health Officer** does not object to the application. Concerns are raised in relation to the proposal to reduce noise limits. It is recommended that the consented noise levels are not raised.
- 5.5 **THC Forestry Officer** does not object to the application. Conditions were sought to secure tree protection measures, tree planting and tree maintenance.
- 5.6 **THC Historic Environment Team** do not object to the application. A condition is requested to secure a programme of archaeological investigation.
- 5.7 **THC Transport Planning Team** do not object to the application. The team set out that the proposed development will not have an impact on the local road network.
- 5.8 **Scottish Environment Protection Agency** do not object to the application. It requests a condition to secure a Quarry Site Management Plan.
- 5.9 **Scottish Natural Heritage** do not object to the application. It advises that the comments and suggestions made at the pre-application stage have been addressed in the Environmental Statement.
- 5.10 **Transport Scotland** do not object to the application.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 Highland Wide Local Development Plan 2012

- 28 - Sustainable Design
- 29 - Design Quality & Place-making
- 30 - Physical Constraints
- 51 - Trees and Development
- 53 - Minerals
- 54 - Mineral Wastes
- 56 - Travel
- 57 - Natural, Built & Cultural Heritage
- 58 - Protected Species
- 59 - Other important Species
- 60 - Other Importance Habitats
- 61 - Landscape
- 62 - Geodiversity
- 63 - Water Environment
- 64 - Flood Risk
- 65 - Waste Water Treatment
- 66 - Surface Water Drainage
- 72 - Pollution
- 73 - Air Quality
- 74 - Green Networks
- 77 - Public Access

6.2 **Inverness Local Plan 2006 (as continued in force)**

No specific policies apply.

6.3 **Inner Moray Firth Local Development Plan 2015**

No specific policies apply

6.4 **Supplementary Guidance**

Flood Risk & Drainage Impact Assessment (Jan 2013)

Green Networks (Jan 2013)

Highland Historic Environment Strategy (Jan 2013)

Highland's Statutorily Protected Species (March 2013)

Trees, Woodlands and Development (Jan 2013)

Standards for Archaeological Work (March 2012)

Physical Constraints (March 2013)

Managing Waste in New Developments (March 2013)

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

7. **OTHER MATERIAL CONSIDERATIONS**

7.1 **Scottish Government Planning Policy and Guidance**

National Planning Framework 3 (2014)

Scottish Planning Policy (2014)

PAN 50 - Controlling the Effects of Surface Mineral Workings (1996)

PAN 51 - Planning, Environmental Protection and Regulation (2006)

PAN 60 - Planning for Natural Heritage (2000)

PAN 63 - Waste Management Planning (2002)

PAN 64 - Reclamation of Surface Mineral Workings (2002)

PAN 79 - Water and Drainage (2006)

PAN 1/2011 - Planning and Noise (2011)

PAN 2/2011 - Planning and Archaeology (2011)

8. **PLANNING APPRAISAL**

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

Determining Issues

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

Planning Considerations

- 8.3 The key considerations in this case are:
- a) compliance with the development plan and other planning policy;
 - b) Design, phasing and restoration;
 - c) Roads and traffic impact;
 - d) Impact on the water environment;
 - e) Impact on natural heritage
 - f) Impact on historic features;
 - g) Landscape and visual impact;
 - h) Operational Impacts (noise and dust)
 - i) any other material considerations.

Development plan/other planning policy

- 8.4 The Development Plan comprises the adopted Highland-wide Local Development Plan (HwLDP) and associated statutory supplementary guidance, Inverness Local Plan (as continued in force) and emerging Proposed Inner Moray Firth Development Plan. There are no site specific policies affecting this application site within the Inverness Local Plan or within the proposed Inner Moray Firth Development Plan.
- 8.5 The principal HwLDP policy on which the application needs to be determined is Policy 53 - Minerals. The plan is up to date and consistent with Scottish Government policy and advice. The Council is supportive of mineral extraction which comprises the re-opening of a dormant quarry. Applicants are required to provide information on pollution prevention, restoration and mitigation proposals. Restoration should be carried out in parallel with excavation where possible. Otherwise it should be completed in the shortest time practical.
- 8.6 The Council will expect all minerals developments to avoid or satisfactorily mitigate any impacts on residential amenity, the natural, built and cultural heritage, and infrastructure capacities. After uses should result in environmental improvement rather than just restoring a site to its original state. After-uses should add to the cultural, recreational or environmental assets of an area. A financial guarantee will be required to secure such matters. If the Council is satisfied on these matters the application will accord with the Development Plan.

Design, Phasing and Restoration

- 8.7 The application details that this extension will be worked in phases, which also comprise the existing quarry. The working of the existing quarry will take place across Phases 1 and 2 with the extension area being worked from Phase 3 onwards. There will be a total of 6 phases with progressive restoration. The final restoration of the site will be completed following the completion of extraction in Phase 6. As a matter of good practice, the Council would require security (insurance / bond) for final site restoration works via legal agreement. In any one

phase of the development there will be a combination of an active quarry floor and active quarry faces with soil storage bunds. The storage bunds will be no more than 5m in height.

- 8.8 The site infrastructure (offices and weighbridge) and plant is of a size commensurate with the modest scale of the quarry. The relocation of the offices and weighbridge slightly closer to the A82 will not increase its visual prominence. However, to ensure there are no views of the quarry workings and the infrastructure, a bund will be created to the west of the site. This will be created and planted in advance of the relocation of the offices and weighbridge.

Roads and Traffic Impact

- 8.9 The development will utilise the existing access into the site which was upgraded significantly prior to the commencement of working on the original quarry.
- 8.10 There is a mix of light commercial vehicles and HGV movements from the site throughout the working day. It is anticipated by the applicant that the output of the extension would not exceed that of the consented quarry. On this basis it is anticipated that there would be an average of 4 vehicle movements per hour at the junction. The junction is of a sufficient design and visibility is adequate.
- 8.11 Neither Transport Scotland nor THC Transport Planning has objected to the application.

Impact on the Water Environment

- 8.12 The working of the quarry will not utilise water and the water table is much lower than the proposed working base of the quarry. The processing of the material which is won will involve washing and screening of the material. The plant which will be used for this involves the recycling of up to 90% of the water. Water for use on the site would be sourced via a borehole and then fed directly to the washing and screening plant via a series of pipes. The applicant states that the residual waste from the plant will be used in a sensitive manner, most likely to be in the progressive restoration of the site. This method of processing will reduce the risk of impacts on the water environment.
- 8.13 Both the Flood Team and SEPA have noted there is a buffer between the proposed workings and the adjacent water body. This buffer shall be maintained at all times during the workings and can be secured via condition. In addition to this, there will need to be a plan for monitoring of any leakage from the waterbody into the quarry and a scheme of mitigation put in place if there is any such leakage.
- 8.14 The pollution prevention plans for the quarry can be encompassed in a site specific quarry management plan. There is one in operation for the existing quarry however it will require updating to reflect good practice and the area of the proposed extension. This can be secured by condition as per the request from SEPA.

Impact on natural heritage

- 8.15 The applicant has considered ecology, biodiversity and ornithology in Chapter 10 of the ES. Here, the results of an Extended Phase 1 Habitat Survey; Amphibian

Survey; Breeding Bird Survey; and Badger Survey are set out and any proposed mitigation. The survey has not identified a significant impact on any species or habitat. This is not disputed. However, there will be a need for a programme of good practice mitigation carried out. This is set out in the ES and can be secured by condition. Further following the completion of the restoration, the site will likely have greater biodiversity value due to the mix of planting which will be undertaken.

- 8.16 The development is in relatively close proximity to trees planted along the lower parts of the Torvean Esker. The impact on the trees adjacent to the site has been considered in the ES, including the impact on the root protection areas of the trees. This has identified a total of 13 trees for removal. These will be replaced and further advanced tree planting will be undertaken. To protect the remaining trees adjacent to the site, tree protection fencing will be erected at an appropriate location prior to work commencing on Phase 3 of the quarry. This can be secured by condition as requested by the Forestry Officer.
- 8.17 The extension of the quarry is within the Torvean Landforms SSSI. Chapter 7 of the ES contains an assessment of the impact of the proposed extension on the geodiversity and geomorphological resource present in the area. This includes mapping of the features for which the SSSI is designated. The site sits to the south east of the Dunain Esker, which also acts as a visual screen to the development. This is the closest designated feature of the SSSI and will not be affected by the extraction of sand and gravel. SNH has not objected and the results of the survey are accepted.

Impact on historic features

- 8.18 The wider area contains many features of historic or cultural significance. However none are close enough to be adversely affected, either directly or indirectly, by the proposed development. The applicant has assessed impact on such matters in Chapter 11 of the ES. This recommends that, based on finds during excavation of the existing quarry and field work for this application, that a programme of archaeological investigation should be undertaken. This is a view shared by the Historic Environment Team and can be secured by condition.

Landscape and visual impact

- 8.19 An assessment has been undertaken of the likely landscape and visual impact of the proposal. The starting point for assessment was to establish the extent of the likely impact using the Zone of Theoretical Visibility (ZTV) and to identify viewpoints to reflect on the likely impacts on the landscape and visual receptors (residents, communities, transport networks, rights of way). This demonstrated that due to the location of the quarry there would be limited opportunities to view the quarry except when one is on higher level footpaths to the west of the development. There was concern from officers that the site may have been more visible from the A82(T) but the submitted visualisations demonstrate that this is unlikely to be the case. This has been helped by the use of a bund to the west of the site and advanced planting as well as siting to the rear of the Dunain Esker.
- 8.20 The impact of the development is over a relatively short period of time. The progressive restoration of the site will also ensure that the visual impact of the

quarry workings will be limited.

- 8.21 Following the restoration of the site, the removal of the sand and gravel resource will not be considered to have had a significant adverse impact on the local landscape.

Operational Impacts (Noise and Dust)

- 8.22 The applicant has assessed the operational impacts of the development, with particular regard to noise and dust. Key impacts are likely to arise from the working of the sand and gravel and vehicle movements, including dispatching. The existing quarry works under noise limits at adjacent noise sensitive properties and a quarry site management plan which controls matters related to nuisance from dust. These would continue to apply and can be secured by condition.
- 8.23 With that said the applicant has suggested higher noise limits for the properties closer to the extension area. Environmental Health has raised concerns with this due to the impact that such noise levels may have on the residents of the nearby properties. The view of Environmental Health is accepted and the current noise limits will remain and the applicant will be required to submit a scheme of mitigation measures to the Planning Authority to ensure that noise arising from the workings do not exceed this level. This can be secured by condition. Hours of working will also be limited.

Cumulative Impact

- 8.24 Scottish Government (PAN 50) advice requires consideration of the cumulative impact of the development with similar developments in the vicinity / general area. The nearest active workings are some distance from the site albeit the applicant has suggested that the proposed development will lead to a switch in production from its Blackcastle operation near Nairn. Given the separation from other mineral workings, it is unlikely that there will be any significant cumulative impact on local residents on account of this quarry and workings of a similar nature in the area.

Any Other Material Considerations

- 8.25 The application has been brought forward at the same time as an application for non-compliance with conditions for the original quarry. This has given the opportunity to ensure that there is a single, consistent set of planning conditions which can be utilised across both the original quarry and the extension. This opportunity has been taken to ensure that the monitoring of the development can be carried out in a more efficient and effective manner.

Matters to be secured by Legal Agreement

- 8.26 Following the completion of the works, there is a need to ensure that all disturbed ground is satisfactorily restored. This will include removal of equipment and temporary buildings. The Council needs to secure financial provision for final site restoration through legal agreement. This will provide for a financial guarantee in the event of the operator failing to restore the application site. The applicant is working with the Council on this matter, which can only be concluded following a

decision of the committee.

8.27 The legal agreement will comprise:

Full details of a bond or other financial provision to be put in place to cover all of the decommissioning and site restoration measures outlined in the Decommissioning and Restoration Plan approved under condition 3 of this permission.

Thereafter, the Quarry Operator will be required to:

- i. Ensure that the bond or other financial provision is maintained throughout the duration of this permission; and
- ii. Pay for the bond or other financial provision to be subject to a review five years after the commencement of development and every five years thereafter until such time as the quarry is decommissioned and the site is fully restored.

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

9. CONCLUSION

9.1 The Development Plan is supportive of mineral extraction which comprises the extension of an existing quarry. Support can also be given where the working of a resource can be effectively managed and where potential concerns can be controlled with appropriate mitigation and by planning conditions. There are no significant concerns regarding the impacts of the proposed development and there are no technical or statutory objections. The application is one which is seen to comply with the policies of the Development Plan.

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

10. IMPLICATIONS

10.1 Resource: Not applicable

10.2 Legal: Not applicable

10.3 Community (Equality, Poverty and Rural): Not applicable

10.4 Climate Change/Carbon Clever: Not applicable

10.5 Risk: Not applicable

10.6 Gaelic: Not applicable

11. RECOMMENDATION

Action required before decision issued Y

Conclusion of Section 75 Obligation

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

1. The permission hereby granted shall endure until 20 December 2037 by which time all workings shall have ceased, all plant and equipment removed and the site restored in accordance to the approved plan to agricultural land (pasture) with trees and scrub planting with exposed quarry faces retained for geodiversity value to the satisfaction of the Council.

In the event that working ceases for a period of more than 24 months prior to the expiry of this permission then the site shall be restored to the satisfaction of the Council within 36 months from the cessation of working, or in any case before the expiry of this permission.

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

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (As Amended), no fixed plant (including any tar making or concrete making plant), other than those specifically approved through this consent, shall be operated on the site without the express grant of planning permission.

Reason: To clarify the terms of the permission and to ensure the amenity impacts of any additional plant are properly assessed.

3. No development or works shall commence until a detailed scheme to ensure the decommissioning and phased restoration of the site for the purpose of agriculture with trees and scrub planting with exposed quarry faces and its aftercare, in line with the approved restoration plans, has been submitted to and subsequently approved in writing by the Planning Authority. The scheme be known as the Decommissioning and Restoration Plan and shall ensure:

- a. The grading of all ground to stable slope angles and the shaping and contouring of the ground such as to be sympathetic to adjacent geological features;
- b. The progressive phasing of restoration works to ensure early restoration of any excavated phase;
- c. The treatment of surfaces prior to and after top soiling and proposals to establish suitable vegetative cover (including tree and scrub planting);
- d. A programme of after care for each phase or sub-phase of restoration;

- e. A programme of aftercare and maintenance for a minimum of 36 months following the last working of the site.

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

4. The following activities shall not take place outwith the hours of 0800-1800 Monday to Friday, 0800-1230 on Saturday without prior written approval of the Planning Authority and in consultation with the Inverness West Community Council:

- Production or maintenance operations;
- Loading of lorries;
- Driving of lorries;
- Soil stripping;
- Bund formation

Works outlined above may be undertaken if they are required to saving of life or property or for the safety of the works. If works are carried out for this reason, the Planning Authority must be informed within 72 hours of such works.

Reason: In the interests of amenity due to the potential noise impacts of the above activities on noise sensitive receptors.

5. The development shall to be undertaken entirely in accordance with the submitted application, the mitigation highlighted within the supporting Environmental Statement, and the approved plans as amended by the specific conditions attached to this planning permission or by the prior written approval of the Planning Authority. For the avoidance of doubt: -

1. The maximum output of the quarry shall not exceed 100,000 tonnes in any calendar year.
2. No additional sand and gravel material is to be imported to the site in order to maintain production of plant or sustain the dispatch of materials.

Reason: In order to ensure the production capacity of this quarry does not exceed levels considered through Environmental Statement.

6. No stockpile of material on the site shall exceed 5 metres in height.

Reason: In the interests of visual amenity.

7. Within 6 months of the grant of this planning permission written confirmation that the junction improvements (including signage alterations) at the site access with the A82(T) have been completed in accordance with the details provided in 0209/54B prepared by Fraser Stewart Architect and dated December 2010 shall be provided to the Planning Authority.

Reason: To minimise interference with the safety and free flow of the traffic on the trunk road; ensure drivers of vehicles leaving the site are enabled to

see and be seen by vehicles on the trunk road carriage way and join traffic stream safely; and ensure that the standard of access layout complies with current standards and that the safety of traffic on the trunk road is not diminished.

8. Within 6 months of the grant of this planning permission, passing places on the access road shall be completed in accordance with the details, to include exact location and construction specification, that shall be submitted to, and approved in writing by, the Planning Authority in advance of the work commencing.

Reason: In the interests of free flow of the access road and road safety.

9. At no time during the operation of the development shall anything obscure visibility between a driver's eye height of 1.05m along the visibility splays of 9m x 215m (the X dimension and Y dimension respectively) in each direction formed from the centre line of the junction, positioned at the X dimension and an object height of 0.60m anywhere along the Y dimension.

Reason: In order to ensure the safety and free flow of traffic on the public road.

10. No development or works shall commence until a site Environmental Management Plan (EMP) has been submitted to, and approved in writing by, the Planning Authority. The EMP shall include, but will not necessarily be limited to:

- a. Maintenance of a 10m buffer between the extraction area and any watercourse or waterbody;
- b. 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;
- c. 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;
- d. An updated 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;
- e. Sections and plans detailing how restoration will be progressed including the phasing, profiles, depths and types of material to be used;
- f. Details of cut of drains, ensuring that these maximise diversion of water from entering quarry works;
- g. A scheme for monitoring excavations for signs of groundwater ingress and outlining the mitigation which will be undertaken if such an event occurs;
- h. Details of the location of the water recycling sump and associated and associated cut off drains;
- i. Location of any processing plant;

- j. A Silt Management Plan, identifying locations and details of silt management devices and settlement lagoons;
- k. Locations of proposed borehole(s);
- l. Dust management, monitoring and suppression plans for the site and access road (including wheel washing facilities);
- m. Noise management and control plans;
- n. Details of any and all lighting on the site;
- o. Details of the person(s) who will oversee the implementation and adherence to the Environmental Management Plan;
- p. A detailed plan identify all proposed nature conservation mitigation measures, such as: -
 - i. Continued protection for the identified badger sett;
 - ii. Measures for protected species / breeding birds that may be found using the site;
 - iii. Areas of vegetation removal – with timings of work outwith spring / summer months to avoid impact on breeding birds and other wild life interests.

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

The EMP shall be reviewed every 5 years from the date of the approval of the permission to ensure that it remains in line with good practice. The reviewed and updated documents shall be submitted and approved in writing to the Planning Authority by 01 March of any review year.

Reason: In order to enable the Planning Authority to adequately control the development below the water table and to minimise its impact on the nature conservation and amenities of the local area.

11. From the date of any commencement of this development until completion of the final restoration, a copy of this planning permission, all approved plans and associated documentation together with any approved amendments shall be made available for inspection at the site offices during approved working hours.

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

12. For the avoidance of doubt, chute linings and rubber screen decks shall be applied to any plant and equipment to be used on site.

Reason: In the interests of amenity to reduce noise impacts

13. No development or works shall commence until, an access management statement/plan has been submitted to, and approved in writing by, the Planning Authority. The access arrangements contained within shall then be implemented as approved.

Reason: In order to make clear the public access rights regarding quarrying activities, sustain existing public access connections away from quarry

activities and promote access to the area following restoration.

14. The noise levels arising from the workings on the site at the nearest noise sensitive receptors at the time of the commencement of this planning permission shall not exceed:
- 49.5 db LAeq 1hr, as measured at Dunain Park Hotel;
 - 45.0 db LAeq 1hr, as measured at Dunain Mains Farm;
 - 45.0 db LAeq 1hr, as measured at Lower Dunain;
 - 50.0 db LAeq 1hr, as measured at Dunaincroy;

For the avoidance of doubt 1hr means any one hour period during the defined working day.

Noise monitoring must be carried out at the start of each new phase of workings and a report of the monitoring thereafter to be submitted to the Planning Authority.

Monitoring to be undertaken during typical normal working hours and should avoid meal breaks and periods of plant breakdown. All noise monitoring is to be carried out by a competent person.

Monitoring to be carried out in accordance with BS4142:1997. In the event of a valid complaint in relation to noise, the operator shall at his own expense carry out an investigation into the complaint, including undertaking noise monitoring to assess compliance with the permitted noise levels detailed above, and where necessary cease the operations giving rise to the complaint until such time as appropriate mitigation measures have been implemented.

Reason: In order to ensure the operations cause no adverse impact on amenity of nearby residents.

15. The operator of Dunain Mains Quarry shall submit an annual statement and illustrative drawings to the Planning Authority by 28 February each year following the commencement of this permission. The annual statement will present an audit of the workings undertaken in the preceding calendar year, illustrating: -
1. The rates of extraction against the projected operations,
 2. Areas of final restoration delivered on site, and
 3. The results of monitoring from the mitigation actions as presented in the application, the Site Environmental Management Plan and or in compliance with the conditions attached to this planning permission.
 4. The results of ongoing groundwater monitoring.

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

16. Prior to any site excavation or groundworks, all retained trees are to be protected against construction damage using protective barriers located

beyond the Root Protection Area (in accordance with BS5837:2012 Trees in Relation to Design, Demolition & Construction). Barriers are to remain in place throughout the construction period and must not be moved or removed without the prior written approval of the Planning Authority.

Reason: To ensure the protection of retained trees throughout the operation of the quarry.

17. No development shall commence until a Tree Planting Plan and maintenance programme has been submitted to and approved by the planning authority. The Tree Planting Plan shall be implemented in full during the first planting season following commencement of development or as otherwise agreed in writing by the planning authority.

Reason: In the interests of amenity and to ensure the scheme is compatible with the Control of Woodland Removal Policy by providing compensatory planting.

REASON FOR DECISION

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.

TIME LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION

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

FOOTNOTE TO APPLICANT

Initiation and Completion Notices

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

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

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

Accordance with Approved Plans & Conditions

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

Flood Risk

It is important to note that the granting of planning permission does not imply there is an unconditional absence of flood risk relating to (or emanating from) the application site. As per Scottish Planning Policy (paragraph 259), planning permission does not remove the liability position of developers or owners in relation to flood risk.

Scottish Water

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

Septic Tanks & Soakaways

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

Local Roads Authority Consent

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

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

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

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

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

Mud & 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.

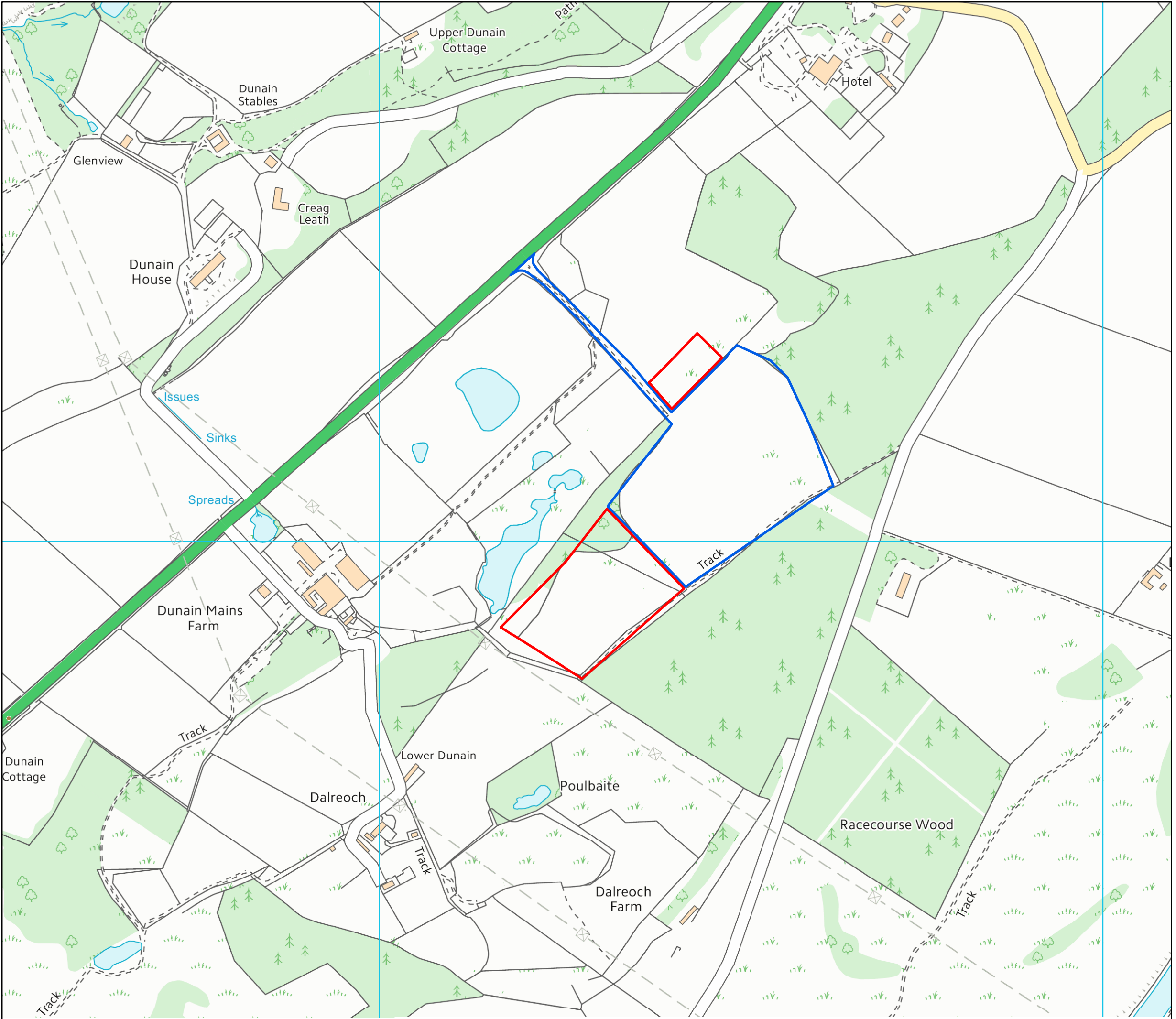
Protected Species – Halting of Work

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

Signature: Nicola Drummond
Designation: Area Planning Manager – South/Major Developments
Author: Simon Hindson
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 - Location Plan
Plan 2 - Site Layout Plan Phase 1
Plan 3 - Site Layout Plan Phase 2
Plan 4 - Site Layout Plan Phase 3
Plan 5 - Site Layout Plan Phase 4
Plan 6 - Site Layout Plan Phase 5
Plan 7 - Site Layout Plan Phase 6
Plan 8 - Restoration Plan

Appendix – Letters of Representation

None.



Legend

- Extension Application Boundary
- Land in Control of the Applicant



Site Name:
Dunain Mains

Drawing Name:
Extension Application Site Boundary

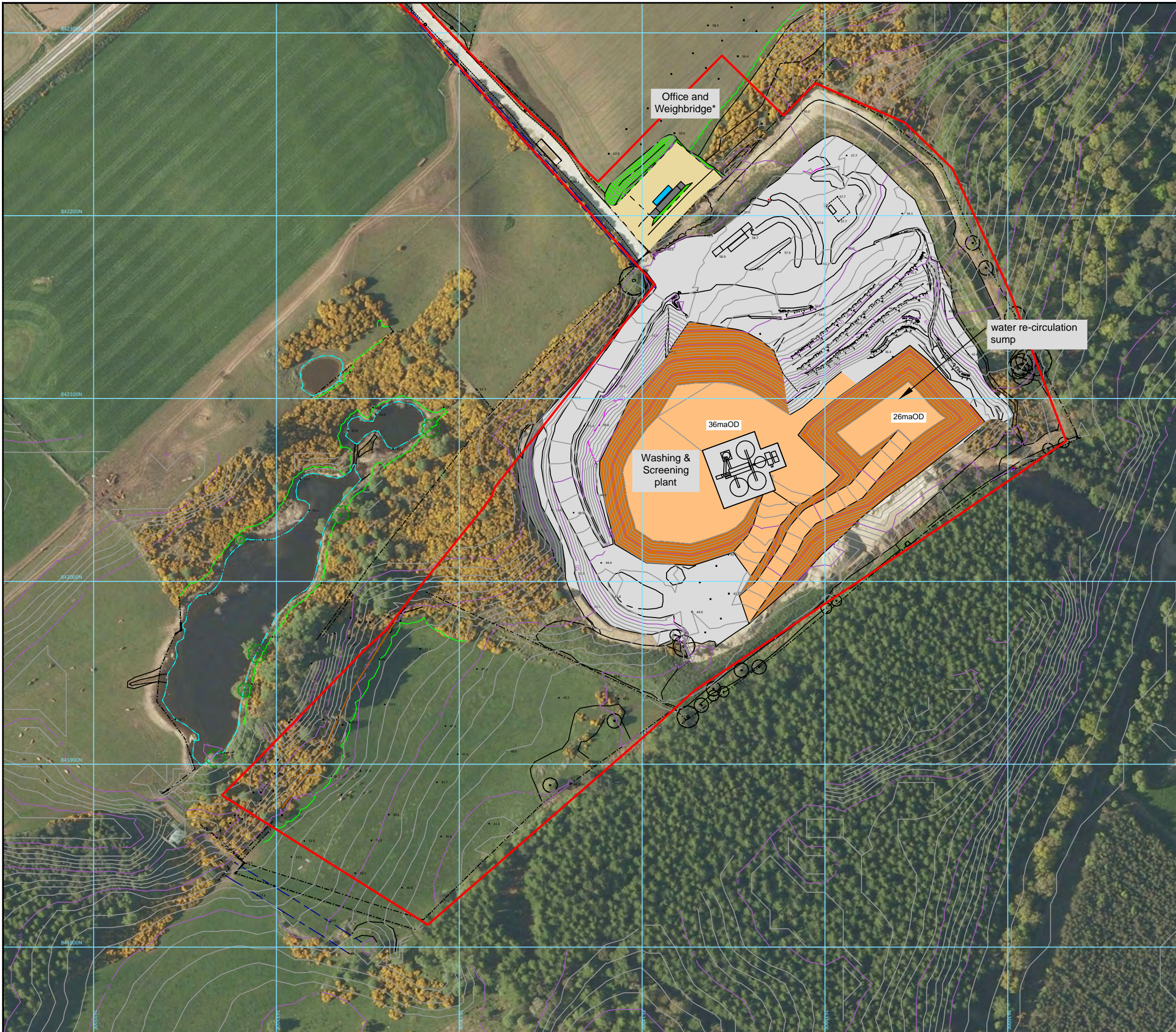
Drawn By:
AB

Scale @ A3:
1:5,000







Date:
19/06/2017

Drawing No:
D086-00027-4





Legend


-  Site Boundary
-  Quarry Floor - Active in this phase
-  Quarry Face - Active in this phase
-  Quarry Floor - Inactive in this phase
-  Quarry Face - Inactive in this phase
-  Quarry Area - Undisturbed

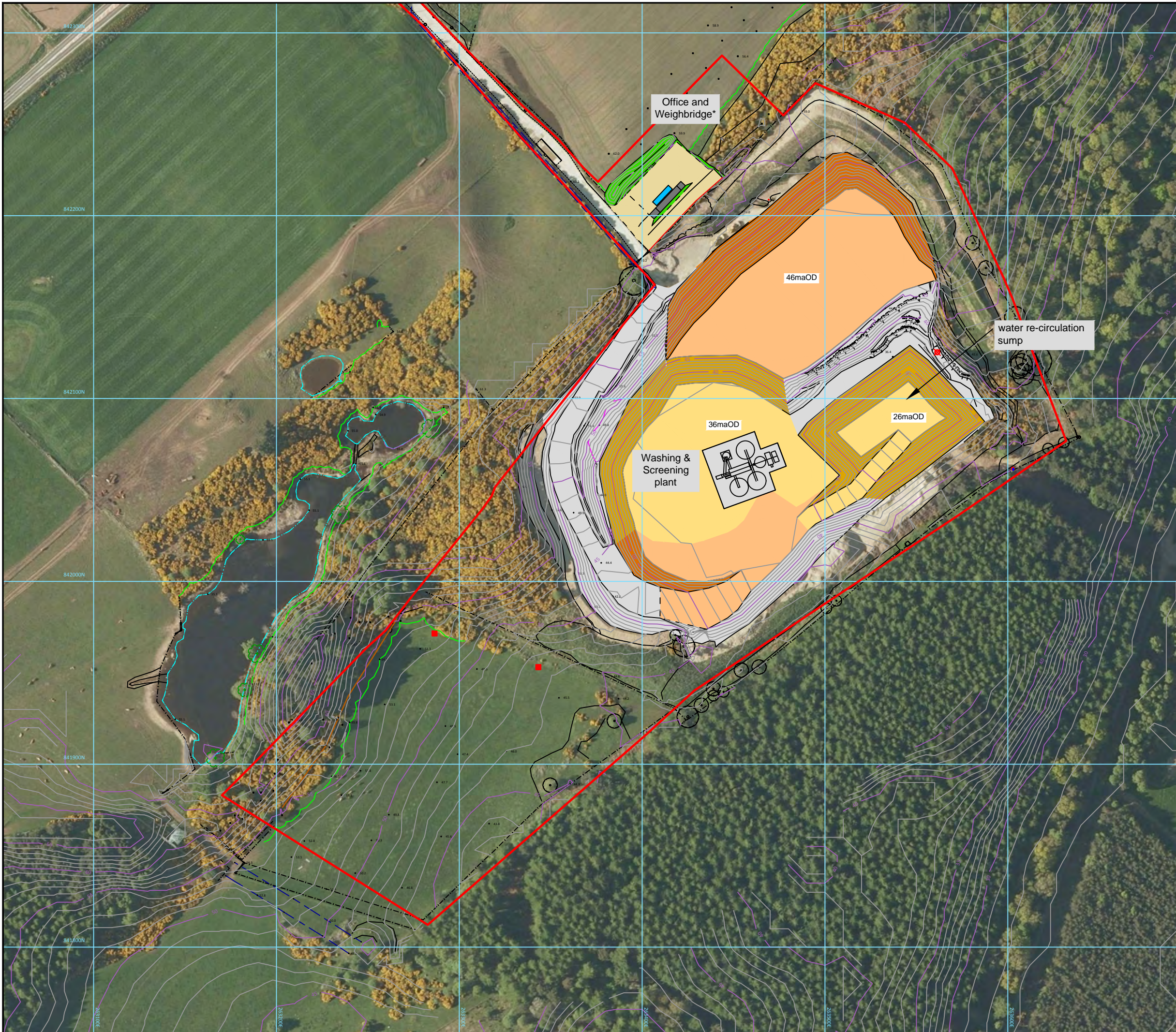
* Office and weighbridge relocated during phases 1 and 2









Site Name:
Dunain Mains Quarry

Drawing Name:
Planning Application and EIA
Extraction Working Scheme
Phase 1 / Current Situation

Drawn By: BM	Scale @ A3: 1:2,000 @A3	
Date: 11/05/2017	Drawing Number: D086-00027-11	



Legend

-  Site Boundary
-  Quarry Floor - Active in this phase
-  Quarry Face - Active in this phase
-  Quarry Floor - Inactive in this phase
-  Quarry Face - Inactive in this phase
-  Quarry Area - Undisturbed

* Office and weighbridge relocated during phases 1 and 2

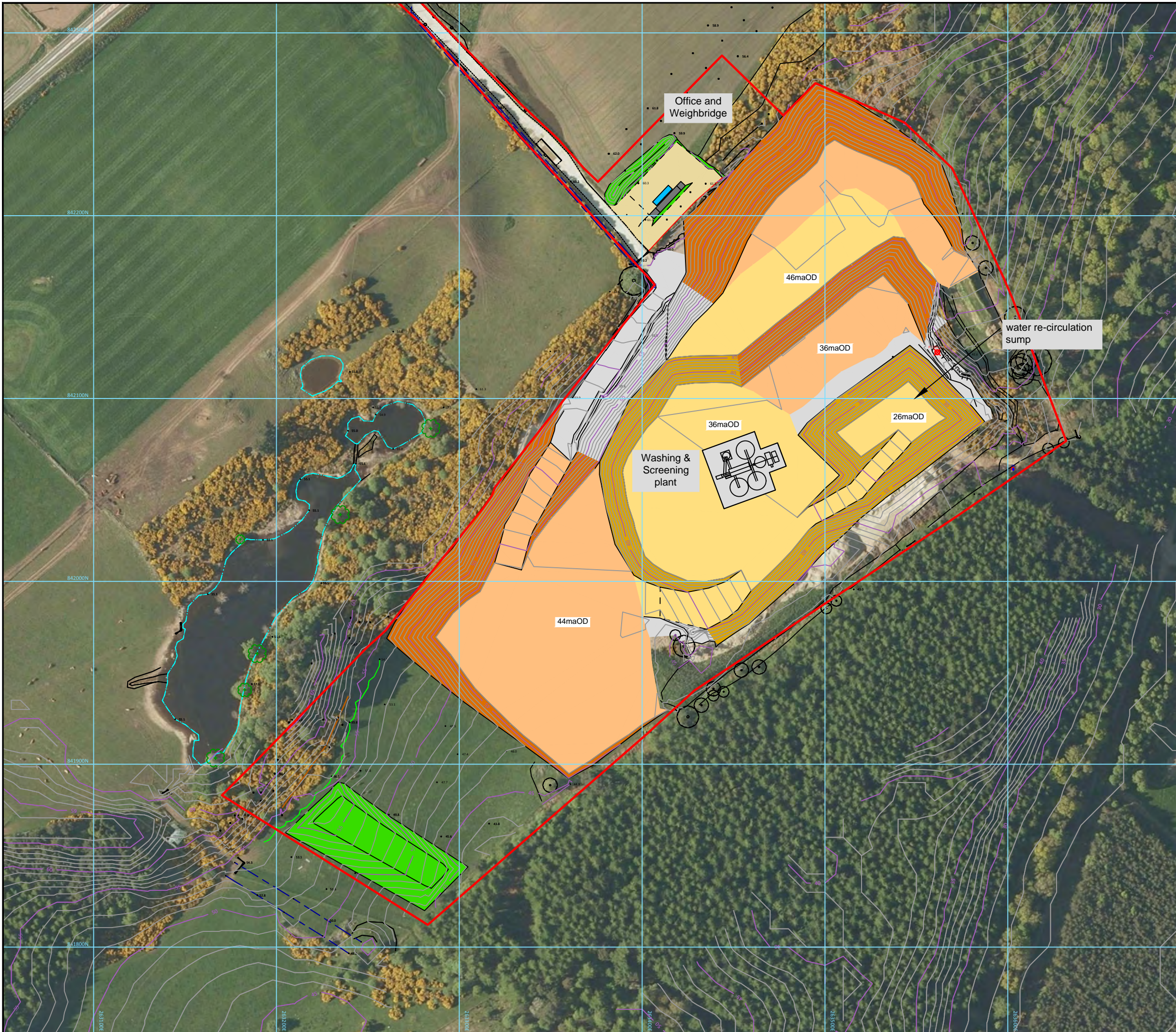


Site Name:
Dunain Mains Quarry








Drawing Name:
Planning Application and EIA
Extraction Working Scheme
Phase 2

Drawn By: BM	Scale @ A3: 1:2,000 @A3
Date: 11/05/2017	Drawing Number: D086-00027-12





Legend

-  Site Boundary
-  Quarry Floor - Active in this phase
-  Quarry Face - Active in this phase
-  Quarry Floor - Inactive in this phase
-  Quarry Face - Inactive in this phase
-  Quarry Area - Undisturbed
-  Soil Storage Bund

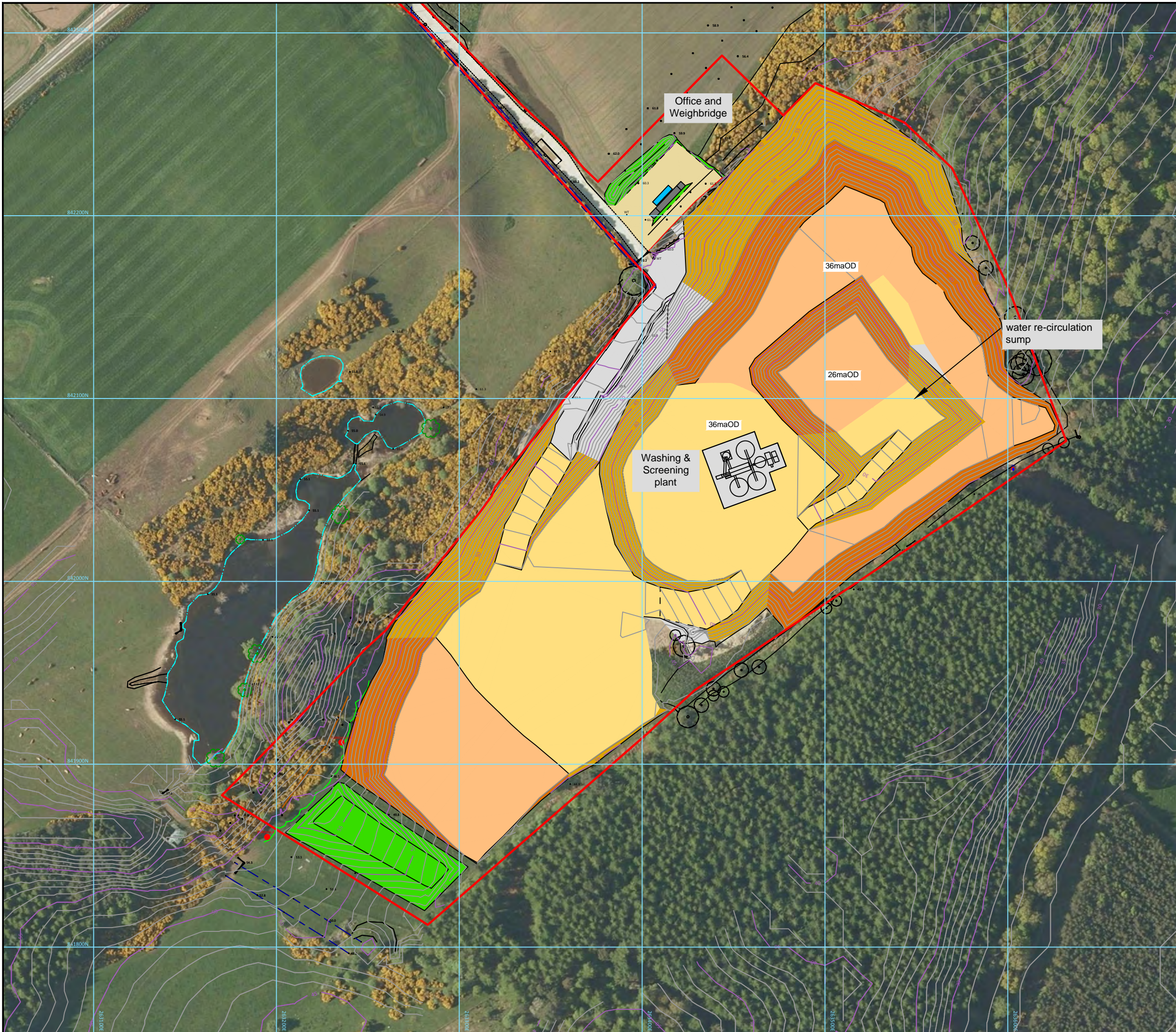


Site Name:
Dunain Mains Quarry

Drawing Name:
Planning Application and EIA
Extraction Working Scheme
Phase 3

Drawn By: BM	Scale @ A3: 1:2,000 @A3
Date: 11/05/2017	Drawing Number: D086-00027-13





Legend

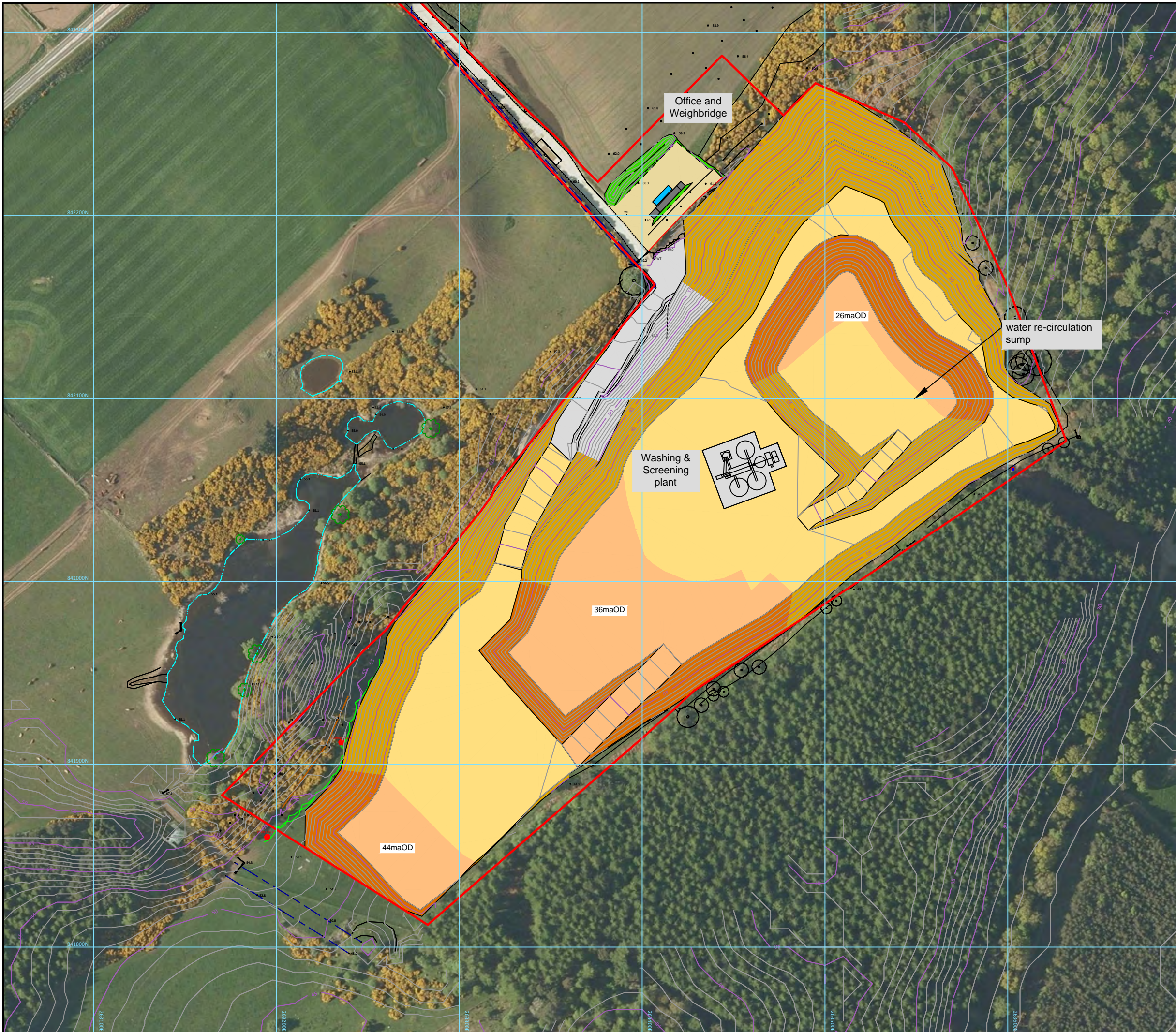
- Site Boundary
- Quarry Floor - Active in this phase
- Quarry Face - Active in this phase
- Quarry Floor - Inactive in this phase
- Quarry Face - Inactive in this phase
- Quarry Area - Undisturbed
- Soil Storage Bund









Site Name:
Dunain Mains Quarry

Drawing Name:
Planning Application and EIA
Extraction Working Scheme
Phase 4

Drawn By: BM	Scale @ A3: 1:2,000 @A3	
Date: 11/05/2017	Drawing Number: D086-00027-14	




Legend

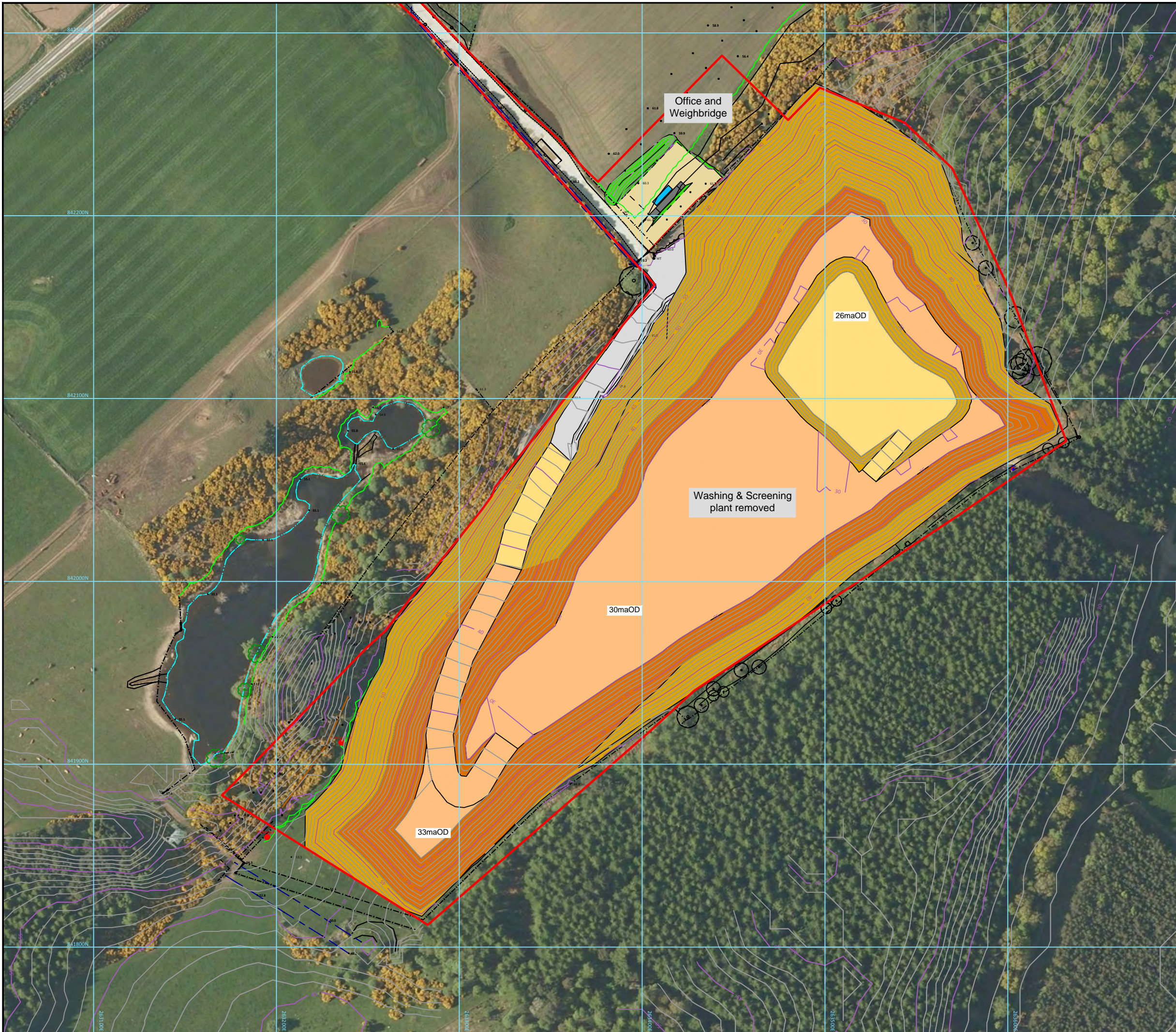
-  Site Boundary
-  Quarry Floor - Active in this phase
-  Quarry Face - Active in this phase
-  Quarry Floor - Inactive in this phase
-  Quarry Face - Inactive in this phase
-  Quarry Area - Undisturbed









Site Name:
Dunain Mains Quarry

Drawing Name:
Planning Application and EIA
Extraction Working Scheme
Phase 5

Drawn By: BM	Scale @ A3: 1:2,000 @A3	
Date: 11/05/2017	Drawing Number: D086-00027-15	




Legend

-  Site Boundary
-  Quarry Floor - Active in this phase
-  Quarry Face - Active in this phase
-  Quarry Floor - Inactive in this phase
-  Quarry Face - Inactive in this phase
-  Quarry Area - Undisturbed












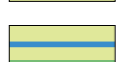


Site Name:
Dunain Mains Quarry

Drawing Name:
Planning Application and EIA
Extraction Working Scheme
Phase 6

Drawn By: BM	Scale @ A3: 1:2,000 @A3	
Date: 11/05/2017	Drawing Number: D086-00027-16	




Legend

-  **Site Boundary**
-  **Proposed Contours (2m Intervals)**
-  **Existing Tracks/Roads**
-  **Existing Agricultural Farmland**
-  **Existing Ponds / Water Bodies**
-  **Existing Woodland / Scrub Planting**
-  **Proposed Access Track**
-  **Proposed Woodland / Hedgerow and Scrub Planting**
-  **Proposed Grazing / Pasture Land**
-  **Proposed Species Rich Grassland**
-  **Drainage Ditches and Grassland Strip**
-  **Section Line**



Site Name:
Dunain Mains Quarry

Drawing Name:
**Planning Application and EIA
 Extraction Working Scheme
 Restoration Plan**

Drawn By: SM	Scale @ A3: 1:2,500	
Date: 10/05/17	Drawing Number: D086-00027-18	