

Agenda Item	6.3
Report No	PLN/060/19

HIGHLAND COUNCIL

Committee: North Planning Applications Committee

Date: 31 July 2019

Report Title: 19/00168/S42: Pat Munro (Ainess) Ltd.
Tor Leathan Quarry, Ardross, Ainess

Report By: Acting Head of Development Management – Highland

1. Purpose/Executive Summary

1.1 **Description:** Application under Section 42 to amend condition 3 of planning permission 02/00941/FULRC to increase maximum output in calendar year 2019

Ward: 06 – Cromarty Firth

Development category: Major

Reason referred to Committee: Major

1.2 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.

2. Recommendations

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

3. PROPOSED DEVELOPMENT

- 3.1 The application under Section 42 seeks to amend Condition 3 attached to planning permission 02/00941/FULRC to allow an increase in the maximum permitted output from the quarry from 100,000 tonnes to 250,000 tonnes during the year 2019.
- 3.2 There are no proposed changes to the site or to site infrastructure.
- 3.3 Pre Application Consultation: No formal pre-application consultation.
- 3.4 Supporting Information: Supporting Statement; Transport Statement
- 3.5 Variations: None

4. SITE DESCRIPTION

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

5. PLANNING HISTORY

- | | | | |
|-----|-------------|---|--------------------|
| 5.1 | 6 Nov 1975 | RC/1975/102 Winning & working of Minerals | PERMISSION GRANTED |
| 5.2 | 17 Nov 2014 | 02/00941/FULRC Application under Section 74 for the determination of updated planning conditions under application RC/1975/102 for the winning and working of minerals. | PERMISSION GRANTED |

6. PUBLIC PARTICIPATION

- 6.1 Advertised: Schedule 3 and Unknown Neighbour
Date Advertised: 01.02.2019
Representation deadline: 15.02.2019

Timeous representations: None

Late representations: None

7. CONSULTATIONS

- 7.1 **Ardross Community Council:** No Objections. Concerns expressed regarding the proposed increase in extraction. It is pointed out that there are several major civil engineering contracts taking place during the proposed extraction period, specifically the Ardross Distillery and the Glasa Hydro scheme. The extra traffic is the main issue in accumulation with these existing projects. It is therefore

recommended that any conditions attached to the permission should include measures and restrictions to ensure that traffic movements are spaced at suitable intervals to avoid convoys; and regular reporting of tonnage (monthly).

The Community Council also expresses concerns over the apparent non compliance with conditions attached to the existing planning permission. With regard to Condition 17 of 02/00941/FULRC at no time have the CC been informed of blasting; nor have any notices been posted, as is required by the condition.

There are inaccuracies in the Transport Statement which require to be addressed/corrected. The HGV traffic movements predicted amount to an HGV movement every 5minutes between 0700 and 1800 but no indication as to how this is to be monitored and how the vehicles are to be spaced. Also, there is no speed limit on the B9176 as is intonated in the Statement. The CC would like to see a 40mph limit from Stittenham to past Dalnavie cross-roads

It is also queried as to how a total of 250,000 tonnes will be extracted and comply with Condition 17 which only allows 5 blasts per annum, as well as how it is intended to comply with the Conditions surrounding dust, vibration and noise limits with the larger extraction amount.

Finally, given the situation at Newbridge, where works have been carried out this year following a landslip, the Council should consider which route should be used by quarry traffic in the event of a road closure. The alternative route through Alness has a weight limit which does not allow HGVs. This narrow road with many blind corners is not suitable for HGVs.

7.2 **Transport Planning:** No objection. An Operational Traffic Management Plan (OTMP) was requested to specify the haulage route as the B9176 Strathrory to Skiach; then the A9 to Dalmore; and the B817 to the Port of Cromarty Firth at Invergordon. In addition, the OTMP should include confirmation of measures to ensure that delivery drivers are aware of this route and do not deviate. Management measures also required to ensure that drivers adhere to a voluntary maximum speed limit of 20mph through Ardross crossroads near the primary school. Initial request for confirmation that a maximum of 6 HGVs an hour; and proposals for minimising platooning on the route and managing and recording volume of heavy traffic leaving the quarry, to be made available to the Council in writing.

Further to submission and agreement of the OTMP, Transport Planning has confirmed no objections subject to works proceeding on the basis of this plan as approved. The OTMP references lorry movements as being peaked to date at 8 loads out an hour over an 11 – 12 hour day and confirmation is given that the HGV movements will be limited to a maximum of 10 loads out per hour. The OTMP states that the route will be as specified by Transport Planning and that if the B9176 were closed then as it is not possible to identify an alternative route, the quarry would not supply material to sites in the Cromarty Firth area. A condition is requested restricting the suspension of the original condition to this year only in accordance with the application and the information in the OTMP.

7.3 **Environmental Health:** No objection. Not aware of any complaints relating to dust, noise or vibration or of any information supplied by the operator relating to Conditions 17 or 23 of Planning Permission 02/00941/FULRC.

It is also noted that Environmental Health are currently investigating complaints of noise from the development at the Port. If Condition 11 continues to limit quarry operations to 07:00 to 19:00 on weekdays and 07:00 to 13:00 on Saturdays then this should not have a significant impact upon night-time noise at the Port. The impact upon residents living beside the traffic route is difficult to assess but the Transport Statement suggests that there would be a maximum of 12 lorry movements per hour which should not impact greatly upon the amenity of residents who already experience some road traffic noise.

- 7.4 **SEPA:** No objection. It is noted that the proposal relates to an increase in production over the calendar year 2019 and there will be no change in working practices or increase in the area of extraction.

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
53 - Minerals
56 - Travel
72 - Pollution
73 - Air Quality

8.2 Inner Moray Firth Local Development Plan 2015

No relevant policies to this proposal

8.3 Highland Council Supplementary Planning Policy Guidance

Sustainable Design Guide (Jan 2013)

9. OTHER MATERIAL POLICY CONSIDERATIONS

9.1 Scottish Government Planning Policy and Guidance

Scottish Planning Policy (The Scottish Government, June 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.

Determining Issues

- 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.

Planning Considerations

- 10.3 The key considerations in this case are:
- a) compliance with the development plan and other planning policy;
 - b) transportation and routing of HGV movements;
 - c) any other material considerations.

Development plan/other planning policy

- 10.4 Planning permission for the winning and working of minerals at Tor Leathan dates back to 1975. The planning permission was granted subject to conditions. In 2002 the operator of the quarry submitted a scheme of conditions as required under Section 74 of the Planning Act. Those conditions were approved by the North PAC in November 2014. The principle of the quarry operation has therefore been established in line with development plan policy and complies specifically with HwLDP policy 53 (Minerals).
- 10.5 The delay in determination of the 2002 application resulted from the need for the operators to submit an Environmental Statement (submitted in 2005) and extensive consultation and subsequent negotiation with the operators following this submission. The extent of the originally approved working area was voluntarily reduced by the applicant in 2013 from 65ha to 6.5ha, allowing for 100,000 tonnes extraction per annum, with total extraction around 2.5million tonnes, as opposed to the 60million tonnes allowed for within the 1975 permission. This annual extraction rate of 100,000 tonnes was proposed by the operator and secured by Condition 3 in the 2014 decision.
- 10.6 The current application to amend this Condition to allow for up to 250,000 tonnes during 2019 is to allow material to be extracted for use in the Port of Cromarty Firth's Phase 4 development. This ongoing development to reclaim an additional 4.5ha of laydown space at the Service Base is taking place this year. In order to be able to supply minerals for the Service Base Phase 4 work, this Section 42 application requests that the wording of the condition be amended to allow for this increase in output to 250,000 tonnes for the 2019 calendar year only. There are no other changes proposed.

Transportation and routing of HGV movements

- 10.7 The main implication of the proposed temporary rise in output is an increase in HGV movements between the quarry and the Port of Cromarty Firth in Invergordon. The Council's Transport Planning team initially requested additional information and a Transport Statement was submitted by the applicants in February 2019. This has been corrected and amended in consultation with Transport Planning and an Operational Traffic Management Plan (OTMP) has been submitted as requested and similarly agreed with Transport Planning. This has also taken into account the comments made on the application by Ardross Community Council.
- 10.8 The OTMP notes that the timescale for the Invergordon contract is February – December 2019. The contract is currently underway with crushed rock provided already from Tor Leathan under the terms of the existing Condition 3 of planning permission 02/00941/FULRC. Confirmation is provided over all lorry routing

restricted to accessing and leaving the Service Base from the west along the B817 via the A9. The route of lorries from Tor Leathan both for deliveries and return journeys is from Strathroy to Skiach on the B9176; then A9 to Dalmore; and B817 to the harbour. No vehicles will travel north from Strathroy nor will they be routed through Alness via the C4. This will also ensure that no vehicles will be using the Tomich junction onto the A9.

- 10.9 The OTMP also states that the quarry management will limit HGV movements exiting the site to no more than 10 loads out per hour, although it is likely to be less than this as the peak lorry traffic achieved so far has been 6 loads out (12 traffic movements) per hour Mondays to Fridays between 7.00am and 6.00pm. This complies with the requirement under Condition 11 of the existing permission restricting operations to between the hours of 07.00 - 19.00 Monday to Friday and 07.00 - 13:00 on Saturdays.
- 10.10 Crushed rock is stored in stockpiles in the quarry and a wheeled loading shovel is used to transfer material to the lorries. This method has capacity to load around 6 lorries per hour. The OTMP confirms that loaded lorries will not leave the quarry in convoy and this should avoid platooning on the road to Invergordon. As required by Transport Planning, the OTMP further confirms that a daily record will be kept by quarry staff of lorry despatches including departure times and this information shall be made available to the Council if requested in writing.
- 10.11 With regard specifically to Ardross Community Council's concerns over the possible closure of the B9176, the OTMP acknowledges that this route has experienced land slip recently in the vicinity of the River Averon bridge approaches. Temporary one way traffic controls have been in place but these still allow for HGV movements. The OTMP confirms that if this route were closed for short periods then lorry movement from and to Tor Leathan would be suspended. In the event that the B9176 were to be closed for an extended period it would not be possible to identify a satisfactory route through the minor road network to the east of Ardross cross-roads and in this case the quarry would not supply material to sites in the Cromarty Firth area.
- 10.12 Accordingly, the Council's Transport Planning team is content for the application to be approved subject to strict compliance with the terms of the agreed Operational Traffic Management Plan; and on the basis that this increase in output is only permitted during for the current calendar year 2019.

Any other material considerations

- 10.13 As noted above, Ardross Community Council has made a number of observations with regard to the application, most of which have been picked up in Transport Planning's response and addressed within the corrected Transport Statement and the agreed Operational Traffic Management Plan. In addition, the Community Council has asked for a 40mph speed restriction from Stittenham to past the Ardross cross-roads. However it is noted that this is already regulated as the speed limit on this single carriageway road is 40mph for HGVs – that is why the deregulated sign is not a 60mph roundel as there are different limits depending on vehicle types. There are already advisory 40mph signs for 7.5T vehicles on the B9176 at the cross-roads, together with the standard triangular school warning signs. In addition, the OTMP states that drivers will be instructed to limit speed to 20mph when passing through the cross-roads and that temporary signs will be

placed, in agreement with Community Services Area Roads office, to reinforce this instruction and give advance warning to quarry traffic of this lower voluntary speed limit.

- 10.14 The Community Council also expresses concerns over the apparent non compliance with other conditions attached to the existing planning permission. With regard to Condition 17 of 02/00941/FULRC, the CC advises that it has never been informed of blasting; nor have any notices been posted, as is required by the condition. It is also queried as to how a total of 250,000 tonnes will be extracted and comply with Condition 17 which only allows 5 blasts per annum, as well as how it is intended to comply with the Conditions surrounding dust, vibration and noise limits with the larger extraction amount.
- 10.15 In response, the applicant advises that since the permission was granted in 2014, three blasts in total have been carried out so far, one in 2015 and two to date in 2019. The applicant apologises that for the 2019 blasts in January and February no notification as required was carried out. The blasts were all carried out at midday and monitored by vibrograph at 2km distance and the blast record shows no readings at this distance on each occasion. Assurances are given that notification for any further blasts will be carried out as required by Condition 17 two weeks before such blasting takes place. Confirmation is provided that there will be a maximum of only three further blasts during 2019. This will comply with the restriction of a total of five blasts per annum. The Council's Environmental Health Officer confirms that he is not aware of any complaints of dust, noise or vibration. Adherence to the previously approved Scheme for Blasting can be further secured by condition to this permission.
- 10.16 The Community Council has also asked whether the terms of Condition 23 have been complied with, which is the requirement to provide an annual statement to the Planning Authority with an audit of the workings taken in the preceding calendar year. Work recommenced on the quarry in the middle of 2015 and the applicant advises that such statements were submitted, with 1230 tonnes extracted in 2017 and no production in 2018. A search of the electronic case file confirms receipt of the audit statement for 2018 but no trace of any previous statements. The condition will be reapplied and the applicant reminded of his obligations in respect of adhering to the terms of such condition.

Matters secured by Legal Agreement

- 10.17 An agreement, made under S69 of the Local Government (Scotland) Act 1994, exists between the operator and Council. This requires that the operator has a membership of the Mineral Products Association Restoration Guarantee Fund Limited ("the Scheme") until the restoration of the application site has been fully completed. In the event that the said Scheme ceases to exist or the operators cease to be members of the said Scheme, the operators are required to secure and deliver to the Council a Bond or Guarantee from a bank or financial institution, all in such terms as approved by the Council. Should the current application be granted, the legal agreement will need to be updated to reflect the terms of this planning permission. The agent and applicant have been made aware of this requirement.

11. CONCLUSION

- 11.1 The principle of the quarry development has been established by the original 1975 planning permission and the subsequent permission under Section 74 for the determination of updated planning conditions granted in 2014. This is an application to modify one condition for the duration of 2019 only.
- 11.2 From the previous case file, it is clear that several pre-start conditions attached to the previous permission have been discharged and therefore those do not require to be repeated in relation to the current application. Regrettably previous Condition 5, which required submission and approval of a scheme of restoration within 12 months of recommencement of operations, has not been discharged. A reworded condition requiring submission of such details within four months of the date of this permission is therefore recommended. As can be noted from para. 10.17 above, a S69 legal agreement is in place between the Highland Council, the landowner and the applicant to secure restoration in accordance with the requirements in the permission. All other conditions are attached as previously, with the noise condition updated to reference the correct current British Standards.
- 11.3 In accordance with advice from the Council's Transport Planning team a condition is attached requiring compliance with the approved Operational Traffic Management Plan for the duration of the period of increased output during the calendar year 2019. This will ensure that the extraction is managed to reduce conflict between residents and the increased number of Heavy Goods Vehicles, particularly on the B9176 public road.
- 11.4 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.

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 Yes

Modification of S69 Agreement Yes

Subject to the above, it is recommended that planning permission be

GRANTED, subject to the following **Conditions and Reasons**:

1. For the avoidance of doubt, the working area of the site is limited to the area outlined in purple within the approved drawings T43/08 & 14 dated November 2012.

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

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

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

3. The maximum output from this quarry shall be limited to 100,000 tonnes in any calendar year, except for the calendar year 2019, where a maximum of 250,000 tonnes can be extracted.

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

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

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

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

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

6. For the avoidance of doubt, only the existing access/haul road to the site through the dormant sand and gravel quarry, with its junction onto the B9176 to the immediate north side of the Strathroy River shall be used for quarry operations.
7. Notwithstanding the provisions of Article 3 and Schedule 1 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended, revoked or re-enacted; with or without modification), no fixed crushing and/or screening equipment or buildings shall be permitted within the curtilage of the site without planning permission being granted on application to the Planning Authority. Any mobile crushing and screening plant shall be located at base level within the quarry at a height no greater than 6m.

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

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

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

9. During permitted hours of operation, the free-field equivalent continuous noise level (LAeq,1 hr) shall not exceed 55 dB(A) at the nearest existing noise sensitive properties at Baldoon, Crannich and Aultnamain Inn. In the event of complaint, noise monitoring shall be carried out in accordance with BS4142:2014 and BS5228-1:2009+A1:2014 by independent specialist consultants acting jointly with the Planning Authority. Results of all noise monitoring shall be supplied to the Planning Authority.

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

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

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

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

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

12. Monitoring of blasting shall be undertaken in accordance with the Scheme submitted and approved by the Planning Authority in July 2015 under previous permission 02/00941/FULRC, other than the location being at Crannich and not Baldoon as originally approved. For the avoidance of doubt, as is specified within the approved Scheme, blasting will take place on no more than five occasions each year. There will be no blasting at weekends. Two weeks before blasting the days and time will be publicised in the Ardross community by notices at key points and the Planning Authority and Ardross Community Council will be informed. All blasting operations shall thereafter be undertaken in accordance with the approved scheme.

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

13. For the avoidance of doubt, all operations shall be undertaken in accordance with the Dust Management Strategy as approved by the Planning Authority in July 2015, under previous permission 02/00941/FULRC.

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

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

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

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

Reason: In order to control the deposition of waste.

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

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

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

a. the rates of extraction against the projected operations,

b. the levels, if any, of restoration delivered on site, and

c. the results of any monitoring required in compliance with the Conditions on this planning permission. For the avoidance of doubt, this shall include results from the implementation of the approved dust management strategy.

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

18. For the avoidance of doubt, all operations shall be undertaken in accordance with the mitigation identified in the Bird Survey as approved by the Planning Authority in July 2015, under previous permission 02/00941/FULRC. Specifically this will ensure that there will a restriction of road maintenance works and HGV movements to the period 0800 -1700 during lekking, in order to protect the black grouse leks close to the access road.

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

19. With regard to the increase in output for the calendar year 2019, as permitted by Condition 3 above, operations during this period shall comply fully with the Operational Traffic Management Plan approved as part of this consent.

Reason: In accordance with Scottish Planning Policy 291. This condition is considered an appropriate restriction on bulk material movements from extraction to ensure that the extraction is managed to reduce conflict between residents and the increased number of Heavy Goods Vehicles from the quarry using the B9176 (which is not constructed to modern design standards) and to ensure the impact of this increase on the condition of the existing road network is managed.

REASON FOR DECISION

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

FOOTNOTE TO APPLICANT

Major Development Site Notice

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

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 (paragraph 259), planning permission does not remove the liability position of developers or owners in relation to flood risk.

Local Roads Authority Consent

In addition to planning permission, you may require one or more separate consents (such as 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 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.

Damage to the Public Road

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

Construction Hours and Noise-Generating Activities: You are advised that construction work associated with the approved development (incl. the loading/unloading of delivery vehicles, plant or other machinery), for which noise is audible at the boundary of the application site, should not normally take place outwith the hours of 08:00 and 19:00 Monday to Friday, 08:00 and 13:00 on Saturdays or at any time on a Sunday or Bank Holiday in Scotland, as prescribed in Schedule 1 of the Banking and Financial Dealings Act 1971 (as amended).

Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under Section 60 of the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to result in court action.

If you wish formal consent to work at specific times or on specific days, you may apply to the Council's Environmental Health Officer under Section 61 of the 1974 Act. Any such application should be submitted after you have obtained your Building Warrant, if required, and will be considered on its merits. Any decision taken will reflect the nature of the development, the site's location and the proximity of noise sensitive premises. Please contact env.health@highland.gov.uk for more information.

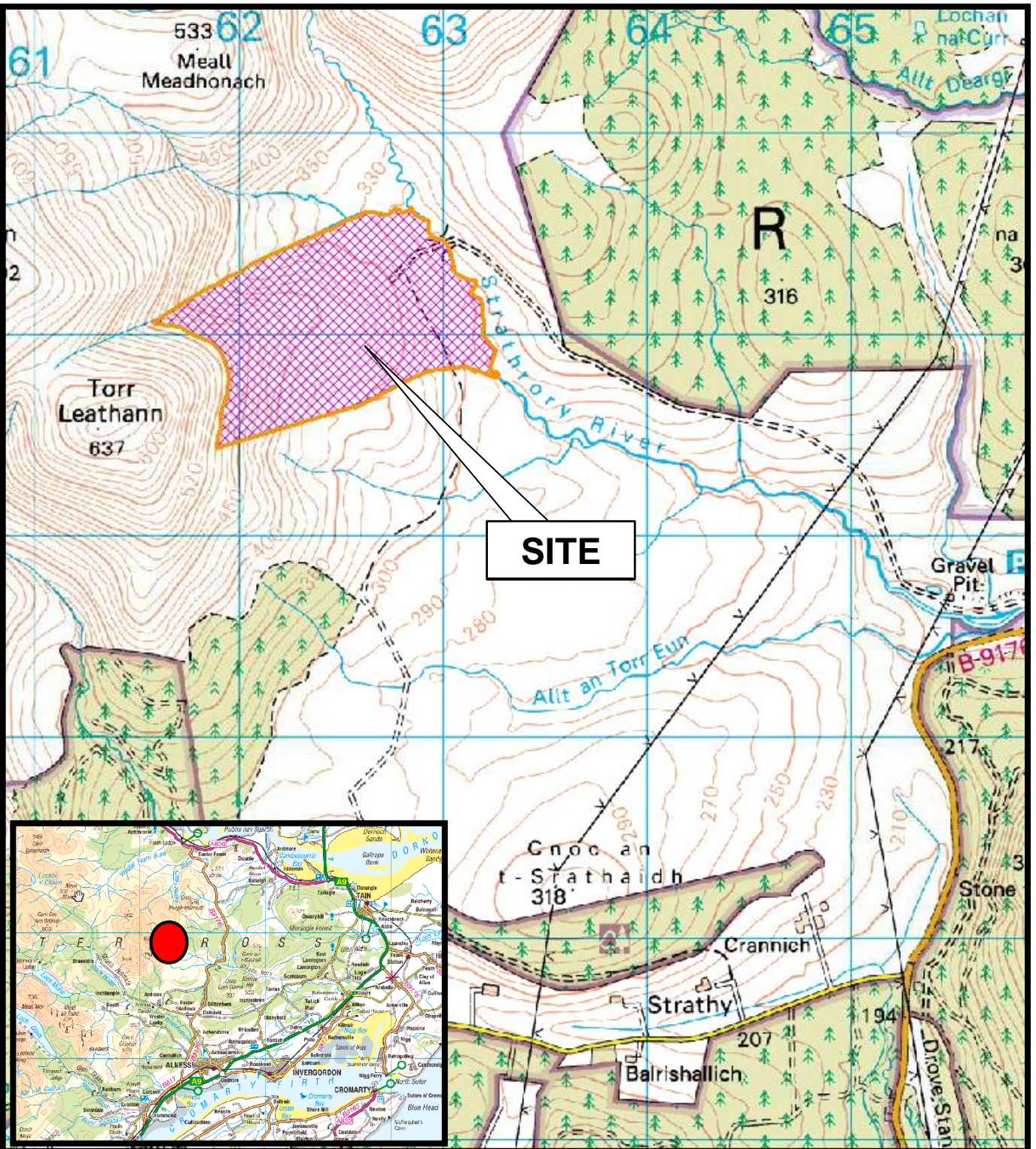
Protected Species – Halting of Work

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.

Permitted Development Rights

Please note that certain permitted development rights have been removed from the land covered by the permission, as explained in the conditions above. This means that certain development, for which an application for planning permission is not ordinarily required, will now require planning permission. You are therefore advised to contact your local planning office prior to commencing any future developments.

Designation: Acting Head of Development Management – Highland
Author: Dorothy Stott
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 - Location Plan



The Highland Council
Comhairle na Gàidhealtachd

Planning & Development Service

19/00168/S42

Application under Section 42 to amend Condition 3 of Planning Permission 02/00941/FULRC to increase maximum output in calendar year 2019 at Tor Leathan Quarry, Ardrross, Alness

