

Agenda Item	7.6
Report No	PLS/011/20

HIGHLAND COUNCIL

Committee: South Planning Applications Committee
Date: 28 January 2020
Report Title: 19/03995/S42: Breedon Northern Limited
Daviot Quarry, Daviot, Inverness, IV2 5XL
Report By: Area Planning Manager – South

Purpose/Executive Summary

Description: Application under Section 42 of the Act for non compliance with Condition 1 of Planning Permission IN/1997/613 to extend the period of time of extraction

Ward: 19 – Inverness South

Development category: Major

Reason referred to Committee: Major Application

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 This application has been submitted under Section 42 of the Planning Etc (Scotland) Act 2006 and relates to Condition 1 of planning permission IN/1997/613 granted on 1 October 1999 for the extraction of hard rock at Daviot Quarry. The applicant seeks to extend the timescale for working of the quarry for a further 27 years with a further year to complete restoration works. A copy of the previous planning permission is provided at Appendix 1.
- 1.2 Mineral reserves remain at the site and planning permission is sought to extract all remaining reserves within the quarry. The quarry, if amended in line with the proposed application, would yield a further 300,000 tonnes of hard rock per annum, equating to a reserve of 8 million tonnes. The operations on site involve extraction, processing (including asphalt production), distribution of the material and restoration of the previously worked areas.
- 1.3 The vast majority of restoration would take place following the end of mineral extraction with progressive phased restoration taking place across the upper quarry working areas once the final limit of extraction has been reached. The concept restoration proposals include the removal of all onsite plant equipment and provision of a central footpath network within the base of the quarry with site being restored via hydroseeding with the formation of pockets of wetland and wet woodland.
- 1.4 All mineral extraction which has taken place to date is contained within the previously approved extraction limits with the quarry now approaching its full lateral extent. The remaining phases involve:
- the removal of 2.6ha of vegetation and predominantly plantation woodland to the west;
 - formation of the perimeter operational access road; and
 - establish the previously approved upper quarry face position at 275m AOD.
- Thereafter, mineral extraction would continue to take place at a lower gradient contained within the quarry via the formation of five sequential benched 10-15m high rock faces until the base of mineral extraction has been achieved at a maximum depth of 210m AOD.
- 1.5 Further, the applicant is seeking to make two notable amendments to the previously consented scheme including soil and overburden placement within the site. Whereas the previously approved working scheme envisaged soil and overburden placement along the southern boundary of the site to form a screening bund, this did not materialise due to slope stability geo-technical constraints. From around 2005 onwards this material has instead been placed beyond the northern quarry face and has formed of an overburden store. This store remains within the application site boundary on land previously used for forestry.
- 1.6 The overburden store was initially formed by the former quarry operator and is proposed to be regularised through this application. The current quarry operator proposes to gradually increase its size by 1ha to the north east with the store being regraded to have a maximum height of 10m above the original ground levels with

the store remaining below 280m AOD. This landform would also be progressively restored with the more visually prominent southern area of this store being hydroseeded and woodland planted early on within the next phase of development.

- 1.7 The area previously envisaged for the formation of the southern screening bund now comprises coniferous woodland with these trees assisting in screening the working areas within the quarry, including the northern quarry faces when viewed from the A9 travelling north. It is now proposed to retain and manage these trees to help contain the landscape and visual effects of the quarry which has been in operation since 1947.
- 1.8 This application has been supported by the following information:
- Environmental Impact Assessment Report (EIAR) assessing matters including:
 - Landscape and visual amenity;
 - Ecology and biodiversity;
 - Noise, blasting and dust; and
 - Cultural heritage.
- 1.9 Variations: None.

2. SITE DESCRIPTION

- 2.1 The application site is located to the south of Inverness, situated south west of the village of Daviot. Access to serve the quarry is from the A9 trunk road via the local road network (C1068) which bypasses the village. The quarry is back dropped by plantation woodland with the surrounding land rising steeply from the Nairn River to the south (170mAOD), westwards to the Drumossie Muir upland area which includes Daviot Wood and plateaus at a level of around 275m AOD. The A9 is situated around 60 metres from the eastern boundary of the site, located in a deep cut where it crosses the Nairn River.
- 2.2 The 38.5ha site comprises a long established quarry with mineral extraction haven been previously consented to taking place within a 20ha area. The remaining area is used for ancillary infrastructure, water treatment, internal haulage and storage of soils and overburden. The application site also contains areas of ground which are not subject to operational development and are to be retained in its existing form. This includes around 11ha of woodland and the retention of Dun Davie Scheduled Monument located beyond the upper north eastern quarry face.

3. PLANNING HISTORY

- | | | | |
|-----|----------------|---|-----------------------------|
| 3.1 | 1 October 1999 | IN/1997/613 – Extension to quarry and consolidation of all existing planning consents | Planning Permission Granted |
| 3.2 | 21 July 2015 | 15/02571/PNO - Erection of replacement asphalt plant | Prior Approval Not Required |

4. PUBLIC PARTICIPATION

- 4.1 Advertised: EIA development, Schedule 3 and unknown neighbour
- Date advertised: 20.09.2019
- Representation deadline: 20.10.2019
- Timeous representations: 0
- Late representations: 0

5. CONSULTATIONS

- 5.1 **Strathnairn Community Council** did not respond.
- 5.2 **THC Transport Planning Team** does not object to the application. It notes that there are no proposals to alter the existing access arrangements, routing, or operating hours for the quarry with no increase in traffic movements over and above the current operations which are in order of 60 loads per day. The proposal will however protract the period that the local public road (C1068) will need to endure those loads, which is likely to lead to accelerated deterioration of its condition over time. A planning condition is sought to secure an inspection and repair arrangement to be established for the section of the public road between the site and the A9. It welcomes the commitments made in the EIAR Dust Management Plan in relation to HGV wheel washing and the use of a road sweeper being used to clear the access road as required.
- 5.3 **THC Access Officer** does not object to the application. The presence of core paths and a public right of way located close to the application site boundary are identified, as well as the inability for the public to access the site as it remains an operational quarry. It is recognised that this has been the case for some time. A condition to secure provision of more detailed proposals for site restoration which include paths to a trig point is sought, as well as a clearer internal path network and details of its specification.
- 5.4 **THC Environmental Health** do not object to the application. It requests to retain and update conditions in relation to noise limits, operational hours, vibration limits and dust suppression.
- 5.5 **THC Forestry Officer** does not object to the application. It is noted that the previous owner of the quarry failed to form the screening bund along the southern boundary of the site. The area where this would have been formed now contains developing coniferous woodland. It is not considered appropriate to remove this woodland to form a bund and therefore a condition is sought on the management and maintenance of this area of screening through the provision of a woodland management plan. Areas of woodland between the A9 and the site, are managed by Forestry and Land Scotland and provide additional screening but the applicant has no control of the area therefore it is noted that the positive management of woodland within the control of the applicant is important. The concept restoration

plan has been reviewed where the use of hydroseeding has been identified and that Scots pine will be the principle, pioneer tree species. Silver birch and nitrogen fixers such as common alder and broom are also advised to be used by the Forestry Officer and should be considered for the mix. Concerns have been raised over the lack of availability of topsoil at the site and the applicant will need to include a contingency proposal should the hydroseeding be unsuccessful.

- 5.6 **THC Contaminated Land** do not object to the application and have no further comments.
- 5.7 **THC Flood Risk Management** do not object to the application and have no further comments.
- 5.8 **THC Historic Environment Team (Archaeology)** do not object to the application. Satisfied that the proposal would not result in any significant impacts either directly or to the setting of the designated Dun Davie Fort Scheduled Monument (SM). No direct impacts to other undesignated sites.
- 5.9 **Historic Environment Scotland** do not object to the application. Key interest is the potential direct and setting impacts on the Dun Davie Fort SM. Having reviewed the EIAR it is content that the proposal will not have a direct effect on the SM as the extraction area for future working is to the west of this monument. It welcomes the exclusion of the monument from the area of working and although best practice is to remove the SM from the application site's red line boundary. It seeks a condition to ensure that no quarry activity is proposed in close proximity to the SM. It advises that any future review of old minerals permission (ROMP) application considers the potential to remove the SM from the red line boundary which would avoid the need for this condition and ensure the SM's future protection. It is content that any indirect impacts from blasting have been assessed and it agrees with the assessment's findings that significant effects on the SM are unlikely. Similarly, as the proposal does not increase the extent of quarrying operations it does not consider that it will lead to increased or significant impacts on the setting of the asset or designated historic assets in the surrounding area within our remit.
- 5.10 **Transport Scotland** does not propose to advise against the grant of permission.
- 5.11 **Scottish Natural Heritage** do not object to the application. The proposal lies out with any designated sites of natural heritage interest.
- 5.12 **Scottish Environment Protection Agency** do not object to the application subject to a condition to secure updated restoration proposals. It is content that the proposals should not result in impacts on the water environment. It advises that extractive wastes, which are not managed by SEPA, are managed in line with the Guidance on the Management of Extractive Waste (Scotland) Regulations 2010. It is pleased that the restoration proposals have been updated and note the opportunity for wetland and wet woodlands and restoration proposals should be covered by condition.

5.13 **Health and Safety Executive** did not respond.

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
- 31 - Developer Contributions
- 51 - Trees and Development
- 53 - Minerals
- 54 - Mineral Wastes
- 55 - Peat and Soils
- 57 - Natural, Built & Cultural Heritage
- 58 - Protected Species
- 59 - Other important Species
- 60 - Other Importance Habitats
- 61 - Landscape
- 63 - Water Environment
- 65 - Waste Water Treatment
- 66 - Surface Water Drainage
- 72 - Pollution
- 73 - Air Quality
- 77 - Public Access

6.2 Inner Moray Firth Local Development Plan 2015

No specific policies or allocations apply.

6.3 Supplementary Guidance

- Developer Contributions (November 2018)
- Flood Risk & Drainage Impact Assessment (Jan 2013)
- Green Networks (Jan 2013)
- Highland Historic Environment Strategy (Jan 2013)
- Highland's Statutorily Protected Species (March 2013)
- Physical Constraints (March 2013)
- Sustainable Design Guide (Jan 2013)
- Trees, Woodlands and Development (Jan 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)
- Guidance on the Management of Extractive Waste (Scotland) Regulations 2010

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 principle of the development has been established through the previous permission. This is an application to modify Condition 1 and facilitate the regularisation of the management of soil and overburden operations within the site. In order to address the determining issues therefore, Committee must consider the extent to which the proposal continues to comply with development plan policy and take into consideration any other material considerations.

Development Plan

8.4 Development Plan policy has changed since the time of the determination of the original application. The Development Plan documents which were extant at the time of the former 1999 consent have been superseded by the Highland-wide Local Development Plan (HWLDP) (2012) and the Inner Moray Firth Local Development Plan (2015).

8.5 The key issue therefore is whether the amendment of the condition applied for would result in the development being incompatible with the Development Plan. The remainder of this report will consider the other amendments proposed and assess its compatibility with the Development Plan.

Amendment to Condition 1 and Overburden Storage

8.6 The applicant has sought to modify the wording of the condition to allow for the working of the quarry for a further 28 years. In principle, the extension of time for working of the quarry is supported by HwLDP Policy 53. However, this modification

to the permission can only be supported if appropriate conditions exist to ensure appropriate environmental mitigation is in place, that the working scheme for the quarry is complied with and the site is satisfactorily restored.

8.7 The positive re-use of mineral waste for restoration purposes is supported by HwLDP Policy 54. The applicant's approach to the use of unsalable hard rock waste products arising from the quarry through the use of an overburden store area can be supported, providing that a proportion of this material is also used in the progressive restoration of the wider site. As this is an application for non-compliance with conditions, it is not possible to approve the proposed approach to overburden within the site through this application. Instead a condition can be used to secure a detailed scheme for overburden management. As per the proposed new condition (Condition 5) this will be required to detail the extent and height of the overburden area and progressive restoration arrangements for the wider site. A Waste Management Plan to regularise overburden storage is also required by the Management of Extractive Waste (Scotland) Regulations 2010. This plan shall record the placement of mineral waste on site and its preparation will help to inform the value of the updated financial restoration guarantee for the site.

8.8 The extension of time and the proposed approach to overburden management have been subject the EIAR, the findings of which have satisfied all consultees, none of which have objected to the grant of planning permission subject to the inclusion of updated planning conditions. The EIAR has assessed all of the main environmental implications of the proposed development and notable findings from the Council's review of the EIAR include:

- **Landscape and Visual:** The continuing extractive operations would not result in any new significant landscape and visual effects, however, operations would continue to have a moderate and localised adverse effect for limited parts of the core path network close to the site (refer to Viewpoint 3 (VP3): Core Path along southern site boundary and VP4: Core Path adjacent to reservoir). The LVIA also explains that the overburden storage area formed beyond the northern upper quarry face is screened by existing woodland from the majority of public receptors. This store is however partially visible from mid range views of the quarry from land to the south and south west (represented by VP8: B9154 near Craggie Farm and VP10: Layby on A9 south of junction with B851). This raised landform is however only a very minor component of the overall view, with the already completed upper rock faces at the eastern end of the quarry are the dominant feature. The retention of the southern perimeter woodland, which effectively replaces the previously envisaged southern screening bund, can also be seen by receptors at VP7: B9154: Bridgend near war memorial which is representative of nearby views of the quarry from local roads, agricultural farm steads and rural dwellings located to the south west. The long term retention of this belt of woodland, via condition requiring a woodland management plan, would also assist to reduce visibility of the proposed overburden store and limit views into the quarry.
- **Ecology and biodiversity:** The operations would result in the loss of around 3.6ha of predominantly plantation woodland which forms part of the extensive 555ha Daviot Wood. This is within an area of Ancient Woodland of long established plantation origin. The woodland located within the application site

to the west of the current quarry operational area is also scheduled for felling post 2053 by Forestry and Land Scotland. The early loss of this habitat is proposed to be compensated for through the restoration strategy for the site with the soils stripped from this area to be used to support hydroseeding and pocket woodland planting. Importantly, the seed bank present within the soils is to be retained and utilised elsewhere on site with the concept restoration plan have been updated to provide a better outcome for biodiversity. Ecological surveys have also been undertaken to ensure that the protected species which may be present, including bats, birds, pine marten and red squirrel, are considered throughout the development and appropriate mitigation is put in place to ensure the favourable conservation status of the species are maintained and managed in the long term via planning conditions.

- **Noise:** The future working of the site can continue within appropriate noise limits that can be secured via planning condition.
- **Blasting:** All intermittent future blasting activity at the quarry can be designed in order to comply with vibration criteria contained in relevant guidance and standards with appropriate limits being secured via planning condition.
- **Dust:** A dust management plan has been prepared to aid the control and management of dust emissions from extractive and restoration activities at the site, as well as, to guide the processing of mineral and operation of the onsite asphalt plant. This plan makes a commitment to review the dust mitigation measures on a regular basis.
- **Cultural Heritage:** All cultural heritage assets in the vicinity will be protected with no significant indirect effects being anticipated for Dun Davie Fort SM or any other nearby designated cultural heritage assets. Historic Environment Scotland seek a condition to ensure that this area is protected through future quarry activities. This is considered appropriate.

Other material considerations

- 8.9 It is worth highlighting that an application submitted under Section 42 of the Planning Act provides the Planning Authority with an opportunity, as part of the process in considering the proposed variation, to amend any, or each of the original conditions previously applied which it considers necessary to regulate the development proposed. Following consideration of the conditions attached to the former planning permission, it is considered appropriate to revisit the conditions attached to the original permission to ensure the wording is in line with current good practice and to ensure the conditions are suitable to regulate the proposed development. This is also reflected in the responses of consultees. In doing so, this has provided an opportunity to strengthen the terms of the conditions and provide greater clarity as to the requirements of these, including the information required to satisfy the conditions. Additionally, this process provides the opportunity to regularise and condition the operational overburden storage within the site.

Matters to be secured by Legal Agreement

- 8.10 Restoration of the quarry is secured by conditions of the former planning permission which was also the subject of two Section 75 legal agreements requiring the operator to provide financial guarantee to secure the restoration of the

site in a form acceptable to the Council. These works include fencing, quarry floor regrading, plant removal, soil placement to a depth of 0.5m, seeding, tree planting and a 5 year aftercare period. However, in order to ensure that the restoration is completed to the satisfaction of the Planning Authority and in a timeous manner, an updated financial guarantee will be required. This will be secured via a new legal agreement and 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 EIAR Figure 3/5 - Concept Restoration, Dwg No. M17.160.D.012, July 2019, which is referenced in the proposed planning conditions.
- 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.

8.11 A wear and tear agreement covering use of the local road network from the quarry to the A9 junction will also be required to be secured by an agreement under Section 96 of the Roads (Scotland) Act 1984. This agreement shall establish an inspection and repair arrangement for this section of road. In the interest of road safety this will ensure this section of road is brought up to, and remains, in a safe and serviceable condition throughout the lifetime of the development.

8.12 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 extension of time for working the quarry and altering the overburden storage arrangements for the site is acceptable and will provide a resource for the delivery of construction schemes across Highland. The applicant's EIAR does not identify any new significant environmental effects arising as a result of the development, with moderate (significant) landscape and visual impacts enduring in close proximity to the site. Based on the Council's assessment of the information presented within the EIAR, subject to the application of appropriate conditions, the Council are in agreement that continued working of this quarry is unlikely to give rise to any new or other significant adverse impact on the environment.

9.2 The Council is satisfied that all environmental effects of this development can be addressed by way of mitigation. The Council has incorporated the requirement for a schedule of mitigation within the conditions of this permission. Monitoring of operational compliance has been secured through Conditions 4, 7, 20 and 22 of this permission.

9.3 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

Legal: Not applicable

Community (Equality, Poverty and Rural): Not applicable

Climate Change/Carbon Clever: Not applicable

Risk: Not applicable

Gaelic: Not applicable

11. RECOMMENDATION

Action required before decision issued Y

Conclusion of Section 75 Obligation Y

Conclusion of Wear and Tear Agreement Y

Submission of Waste Management Plan Y

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 1 October 2047 by which time all workings shall have ceased, all plant and equipment removed and the site restored in accordance with the approved concept restoration plan with hydroseeding, woodland and shrub planting, principally for the benefit of biodiversity value and public access to the satisfaction of the Council.

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

2. In the event that mineral extraction 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 in accordance with scheme submitted for approval under Condition 5 of this permission within 36 months from the cessation of working, or in any case before the expiry of this permission whichever is earlier.

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

3. The extraction of hard rock and restoration of the site shall be undertaken in accordance with the submitted application, implementing the mitigation measures set out within the supporting Environmental Impact Assessment Report, and as per the approved plans as amended by the specific conditions attached to this planning permission.

Reason: To clarify the terms of the permission, to ensure that the extent of mineral extraction and production levels of this quarry does not exceed levels considered in the Environmental Impact Assessment Report and to ensure the site is fully restored to an appropriate use.

4. Within 6 months of the grant of this planning permission, an Environmental Management Plan shall be submitted to and agreed in writing by the Planning Authority. The document shall include provision of a:
 - a. Schedule of Mitigation - derived from the mitigation measures set out within all sections of the Environmental Impact Assessment Report.
 - b. Woodland Management Plan - covering the southern perimeter area of woodland identified by black hatching on the Woodland Management Plan – Daviot Quarry, appended to the decision notice. The plan shall detail the management proposals to ensure the long term retention of this woodland.
 - c. Sensitive Lighting Strategy – detailing all site lighting, provision and maintenance of dark foraging areas and flight corridors for bats.
 - d. Pollution Prevention Plan - detailing a site map showing:
 - i. the location of pollution prevention measures such as spill kits, oil interceptors, vehicle washing areas;
 - ii. use of a road sweeper of the site access road as required;
 - iii. surface water drainage arrangements via routing of surface water through quarry sedimentation ponds before discharging from site.
 - iv. drainage associated with welfare facilities;
 - v. recycling and bin storage; and
 - vi. felled forestry disposal arrangements.
 - e. 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.

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

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

5. Within 6 months of the grant of this planning permission, a detailed progressive restoration, decommissioning, maintenance and aftercare scheme for the site shall be submitted to and agreed in writing by the Planning Authority. The scheme shall be prepared in line with the Concept Restoration, Dwg No. M17.160.D.012, July 2019, and ensure:
 - a. Restoration of disturbed ground and worked out areas takes as soon as practically possible on a phased basis with the provision of timescales.
 - b. The provision of a restoration schedule by phase quantifying soil and overburden movements; areas to be seeded, tree and shrub planted; proprietary regrading works, paths / parking provision, drainage, fencing, aftercare, and final plant equipment and hardstanding removal.
 - c. The extent and height of the permanent overburden store located to the north of the extraction area being kept to a minimum at up to 10m in height above original ground levels, remaining below 280mAOD.
 - d. The provision of a site plan with sections 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. The retention and best practice handling of Long-established Woodland of Plantation Origin (LEPO) soils to be used in progressive restoration of the site.
 - f. The provision seed mix, woodland and shrub planting specifications, and details of the surface proprietary works to establish suitable vegetative cover.
 - g. The provision of a clear internal path network to a possible trig point and path design specification.
 - h. The aftercare and maintenance provisions for each phase of restoration which shall endure for a minimum of 5 years following completion of restoration on a phased basis.

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

6. No vegetation clearance and blasting activity shall take place within the bird breeding season (March to September inclusive), unless otherwise agreed with the site Environmental Clerk of Works (ECoW) following the completion of advanced walkover surveys inline with Condition 7 and the ECoW's remit.

Reason: In the interest of breeding birds and other protected species.

7. No vegetation clearance or blasting activity shall take place until an Environmental Clerk of Works (ECoW) has been appointed by the quarry operator. Their appointment and remit shall first be approved in writing by the Planning Authority. The ECoW shall be appointed for the duration of quarrying operations and their remit shall, in addition to any functions approved in writing by the Planning Authority, include:
- a. Prior to any blasting during the bird breeding season, undertaking walkover surveys for breeding birds and protected species to ensure these species are removed from any disturbance related effects of noise and vibration.
 - b. Prior to any pre-vegetation clearance or tree felling, undertaking walkover surveys for breeding birds and protected species and advising and overseeing the implementation of any further mitigation measures to be put in place.
 - c. Identify any nesting site which has supported breeding peregrine to ensure that these areas be retained in-situ and not be subject to any hydroseeding or woodland planting.
 - d. Advise the site manager regarding adherence with the Woodland Management Plan for the southern perimeter woodland within the site.
 - e. Advise and liaise with the site manager to implement the Sensitive Lighting Strategy for bats.
 - f. Prior to the removal of fixed plant equipment and buildings on site all structures shall be subject to bat survey which requires to be undertaken within 18 months or removal / demolition with any bat roosting opportunities being compensated for through the provision of bat boxes elsewhere on site.
 - g. Advise the site manager and all onsite staff on adequate protection for environmental and nature conservation interests within, and adjacent to, the application site.
 - h. Direct the operations on site and the avoidance of sensitive features with the ECoW having the power to call a halt to quarry operations on site where environmental considerations warrant such action.
 - i. Report on monitoring and findings to the Planning Authority as part of the site's annual report.

Reason: To ensure that an ECoW, with sufficient remit, is appointed for the duration of development in order to monitor, advise and direct the quarry operator; in the interests of nature conservation.

8. Extractive activity or any other operations shall not take place within a 100m buffer zone of Dun Davie Fort Scheduled Monument, located beyond the north eastern upper quarry face within the site as identified on: EIA Fig 3/1 - Phase 1 Development, Dwg No. M17.160.D.009; Fig 3/2 - Phase 2 Development, Dwg No. M17.160.D.010; and Fig 3/3 - Phase 3 Development, Dwg No. M17.160.D.011, July 2019. This Scheduled Monument shall remain out with the consented limit of mineral extraction and must be retained in-situ with any works proposed within the buffer zone requiring the prior written approval of the Planning Authority in consultation with Historic Environment Scotland.

Reason: To protect the cultural heritage asset located within the site.

9. The quarrying activities, inclusive of: extraction; storage; restoration; processing; and distribution of mineral and related products, shall only operate between the hours of 7.00am to 6.00pm Monday to Friday, 7.00am to 4.00pm on Saturday and not at all on Sundays other than essential repair and maintenance.

Proposal to operate out with these hours for the purpose of maintenance or to supply product shall only be considered in exceptional circumstances and shall require the prior written approval of the Planning Authority.

Reason: In order to safeguard the amenity of neighbouring properties and occupants.

10. Noise emitted from the quarry operations shall not exceed LAeq(1hr) 55dB free field* during the permitted operating times when measured at the noise sensitive properties surveyed and identified in "Assessment of Environmental Impact of Noise from Future Workings of Daviot Quarry (Appendix 8)," dated 9 August 2019 consisting of:

- Daviot School Buildings
- Crofthill
- Craggie Lodge
- Craggie Villa

* "Free field" shall be interpreted to mean at least 3.5 metres from significant sound reflecting surfaces, other than the ground plane.

Reason: In order to safeguard the amenity of neighbouring properties and occupants.

11. The noise emitted from the quarry operations shall not exceed LAeq(1hr) 49dB free field* during the permitted operating times at the property known as "Larchfield" as identified in the Assessment of Environmental Impact of Noise from Future Workings of Daviot Quarry," dated 9 August 2019.

* "Free field" shall be interpreted to mean at least 3.5 metres from significant sound reflecting surfaces, other than the ground plane.

Reason: In order to safeguard the amenity of neighbouring properties and occupants.

12. Noise levels during the permitted operational hours Monday to Saturday may exceed the limits in Conditions 10 and 11 above during soil stripping, mound construction and landscaping operations. Noise levels during such operations shall not exceed LAeq(1hr) 70 dB free field*. Such operations are only permitted in normal quarry working hours as stated in Condition 9 and shall not take place in more than eight weeks of any calendar year. No such operations shall commence without the prior written approval of the Planning Authority.

* "Free field" shall be interpreted to mean at least 3.5 metres from significant sound reflecting surfaces, other than the ground plane.

Reason: In order to safeguard the amenity of neighbouring properties and occupants.

13. No blasting shall take place until details of a blasting notification procedure have been submitted to and approved in writing by the Planning Authority. This shall include measures of how the public in the locality will be given adequate advanced warning of any blasting activity. Blasting operations shall not take place out with the hours of 9.00am to 5.00pm Monday to Friday and not at all on Saturdays, Sundays or Public holidays in Scotland.

Reason: In order to safeguard the amenity of neighbouring properties, occupants and users of the local road / path network.

14. Blasting shall be carried out using the best practicable means available to ensure that the resultant air overpressure is minimised in accordance with the current British Standards and Mineral Guidelines.

Reason: In order to safeguard the amenity of neighbouring properties and occupants.

15. Ground vibrations as a result of the blasting operations shall not exceed a peak particle velocity of 6mms⁻¹ in 95% of all blasts and no individual blast shall exceed a peak particle velocity of 12mms⁻¹ as measured at vibration sensitive properties including:

- Daviot School Buildings
- Crofthill
- Craggie Lodge
- Craggie Villa
- Larchfield

For the purposes of this condition the measurement shall be the maximum of three mutually perpendicular directions taken at ground surface at any vibration sensitive building.

Reason: In order to safeguard the amenity of neighbouring properties and occupants.

16. Ground vibration as a result of blasting operations shall not exceed 25mms-1 when measured at the public water tank located to the north west of the site at GR NH 7155039065. For the purposes of this condition the measurement shall be the maximum of three mutually perpendicular directions taken at ground surface at the water tank.

Reason: In order to safeguard neighbouring infrastructure.

17. For blasting operations undertaken at distances closer than 170 metres to the water tank and water main located at GR NH 7155039065, the operator shall implement measures to reduce the maximum explosive charge weight from 150kg to 90kg in order to ensure compliance with the vibration limits stated in Condition 16 and no blasting shall take place within 132m of this infrastructure.

Reason: In order to safeguard neighbouring infrastructure.

18. The operator shall ensure that all mitigation measures, control and monitoring procedures identified within the "Assessment of Environmental Impact of Blasting from Future Workings of Daviot Quarry (Appendix 9)" are implemented in full and thereafter retained.

Reason: In order to safeguard the amenity of neighbouring properties and occupants, as well as the integrity of neighbouring infrastructure.

19. The dust mitigation measures outlined in the Assessment of Environmental Impact of Dust Management Plan from Future Workings of Daviot Quarry (Appendix 4) shall be implemented and thereafter maintained for the duration of this permission.

Reason: In the interest of dust related pollution prevention.

20. The quarry operator shall submit an annual statement and 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, as well as areas anticipated to be worked and restored in the forthcoming year, illustrating:
 - a. The areas and mineral extraction rates, including production tonnage, against the projected operations and quantification of remaining consented mineral reserves;
 - b. Areas of restoration and areas subject to maintenance / aftercare;
 - c. Areas and quantification of soil and overburden storage;
 - d. The results of ECoW on site monitoring; and
 - e. Demonstration of compliance with the conditions attached to this planning permission.

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

21. No soils shall be exported from the site and with the exception of specialist hard rock required for asphalt production, no other hard rock material shall be imported to the site without the prior written approval of the Planning Authority.

Reason: In order to ensure the retention of site restoration material and to ensure that no imports are undertaken in order to maintain production of plant or sustain the dispatch of materials.

22. Extractive waste must be managed in accordance with the approved Waste Management Plan (WMP). The WMP must be reviewed by the operator and updated as appropriate at least every 5 years from the date of consent, and no later than every fifth year following the date of the last review. Any amendments made to the WMP should be notified to the planning authority. A review of the WMP must be undertaken in the event of substantial changes to the area of deposition or waste and a copy of the revised plan sent to the Planning Authority.

Reason: To ensure that waste arising from the development is dealt with in accordance with the waste management plan.

23. For any inert waste facility deposit, operations shall not commence until the Planning Authority has inspected the facility.

Reason: To ensure that the operation of any inert waste facility are undertaken safely and in accordance with the objective of the waste management plan.

24. From the date of this planning permission until completion final restoration of the site, 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.

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.

Reasoned Conclusion

The Council is in agreement with the findings of the Environmental Impact Assessment Report that continued working of this quarry is unlikely to give rise to any new or other significant adverse impact on the environment. The Council is satisfied that all environmental effects of this development can be addressed by way of mitigation. The Council has incorporated the requirement for a schedule of mitigation within the conditions of this permission. Monitoring of operational compliance has been secured through Conditions 4, 7, 20 and 22 of this permission.

Designation: Area Planning Manager – South

Author: Peter Wheelan

Background Papers: Documents referred to in report and in case file.

Relevant Plans: Plan 1 - Fig 1/1 - Location Plan, Dwg No. M17.160.D.001, April 2019

Plan 2 - Fig 2/1 - Current Situation, Dwg No. M17.160.D.002, Rev A. April 2019

Plan 3 - Fig 3/1 - Phase 1 Development, Dwg No. M17.160.D.009, July 2019

Plan 4 - Fig 3/2 - Phase 2 Development, Dwg No. M17.160.D.010, July 2019

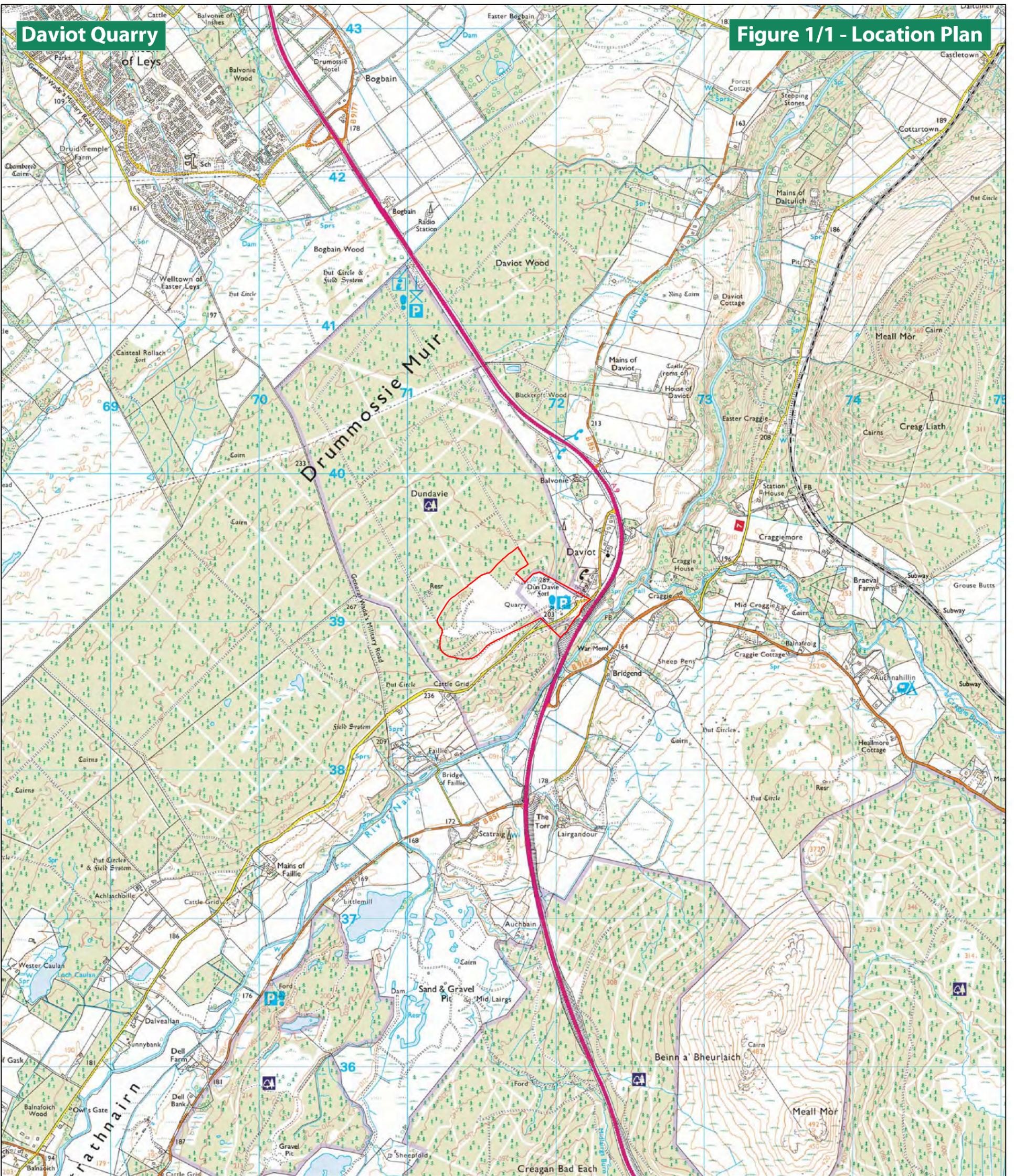
Plan 5 - Fig 3/3 - Phase 3 Development, Dwg No. M17.160.D.011, July 2019

Plan 6 - Fig 3/4 - Sections, Dwg No. M17.160.D.015, July 2019

Plan 7 - Fig 3/5 - Concept Restoration, Dwg No. M17.160.D.012, July 2019

Daviot Quarry

Figure 1/1 - Location Plan



Legend

 Application Site



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DRAWING STATUS
PLANNING

PROJECT
 Daviot Quarry

CLIENT
 Bredon Northern Ltd.

TITLE
 Location Plan

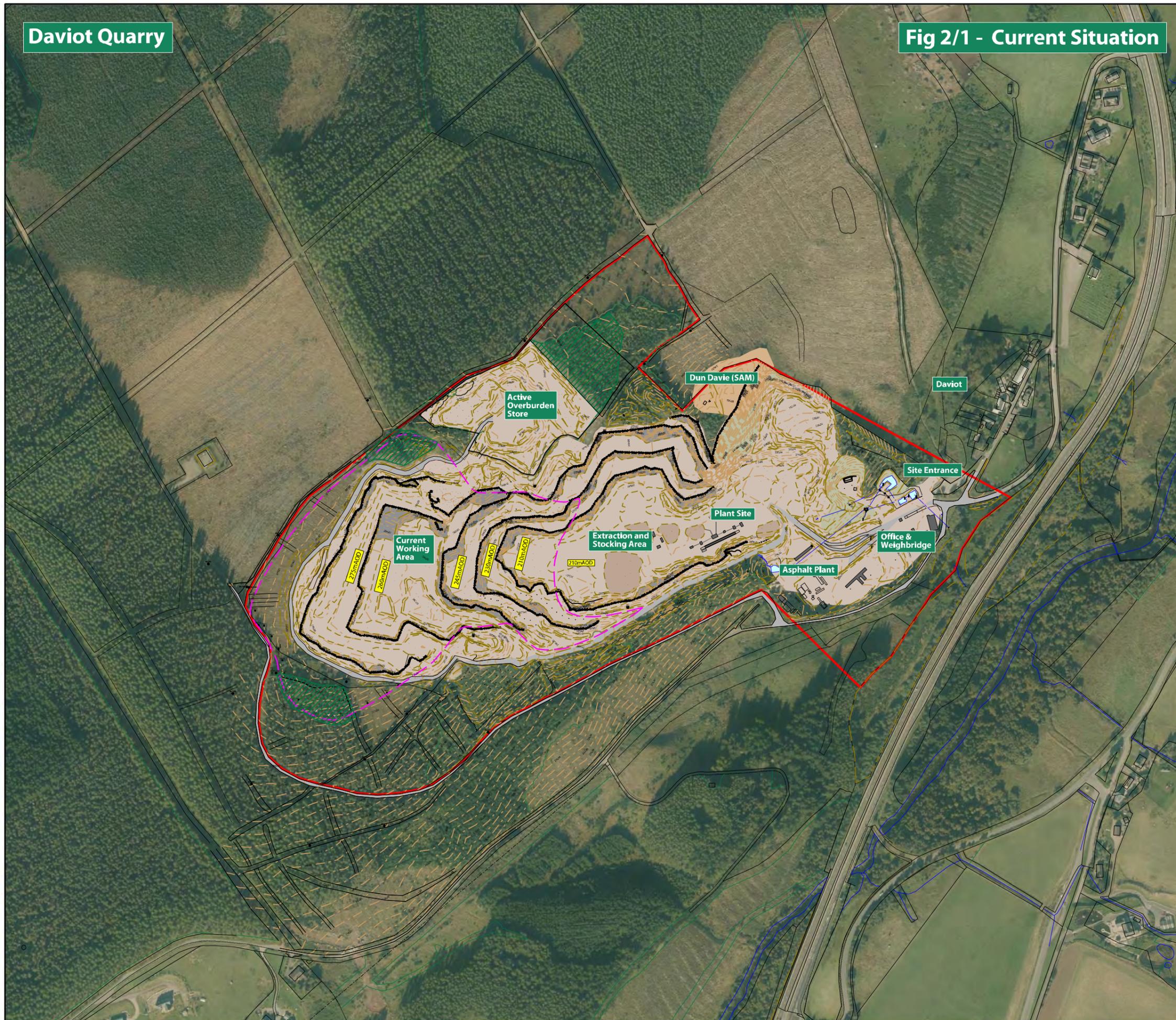
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DRAW NO. M17.160.D.001	REVISION
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Daviot Quarry

Fig 2/1 - Current Situation



Legend

-  Application Site
-  Extraction Boundary
-  Quarry Operational Area
-  Quarry Faces
-  Remaining vegetation/felling to be undertaken



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REV	AM'D	NOTES	DATE
A	LSB	Revision to provide distinction between the types of habitat removal within extension area	July 2019

DRAWING STATUS PLANNING	
PROJECT Daviot Quarry	
CLIENT Breedon Northern Ltd.	
TITLE Current Situation	
DATE April 2019	SCALE 1:5,000 @A3
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Daviot Quarry

Figure 3/1 - Phase 1 Development

Phase 1:

1. Felling of 2.59 Ha of vegetation (identified on the current situation Figure 2-1A) to allow soil stripping to commence.
2. Soil stripping undertaken over 2.59 Ha with soils stored within the Active Overburden Store for use as a restoration medium. Soil stripping undertaken in line with guidelines within Good Practice Guide for Handling Soils (MAFF April 2000).
3. Approximately 30,000m³ of stripped soils to be placed on the 'Active Restoration' quarry store area identified on this drawing. ~9,000m³ of these soils is to be utilised to allow early restoration of this visually prominent area
4. Felling 0.16 Ha of woodland and removing 0.12 ha of Scrub, and then the subsequent soil stripping (0.28 Ha) to the North East of the current tip to allow the extension of the active overburden store.
5. Construction of access and maintenance road to the outer extent of the extraction area.
6. Extraction to continue with the 275m aOD face pushed back to its lateral extent with the 260m aOD face also being worked.
7. Ongoing haul to the plant site and processing of the mineral to meet market need.

Legend

-  Application Site
-  Extraction Boundary
-  Quarry Operational Area
-  Quarry Faces
-  Overburden
-  Active Quarry Store
-  Previous Areas of Restoration
-  Quarry Faces in Final Position for Restoration
-  Active Restoration

REV	AM'D	NOTES	DATE

DRAWING STATUS
PLANNING

PROJECT
Daviot Quarry

CLIENT
Bredon Northern Ltd

TITLE
Phase 1 Development

DATE
July 2019

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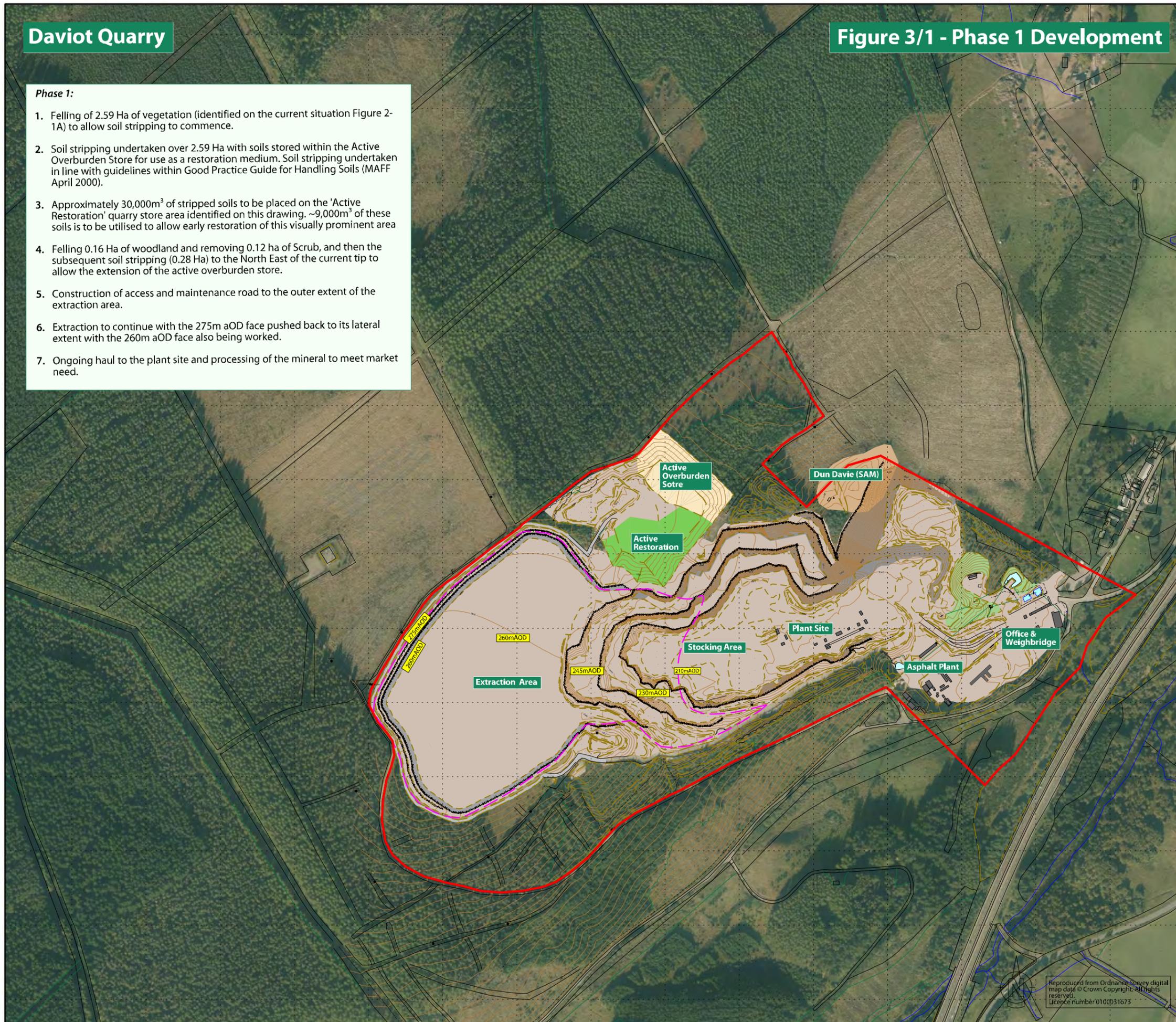
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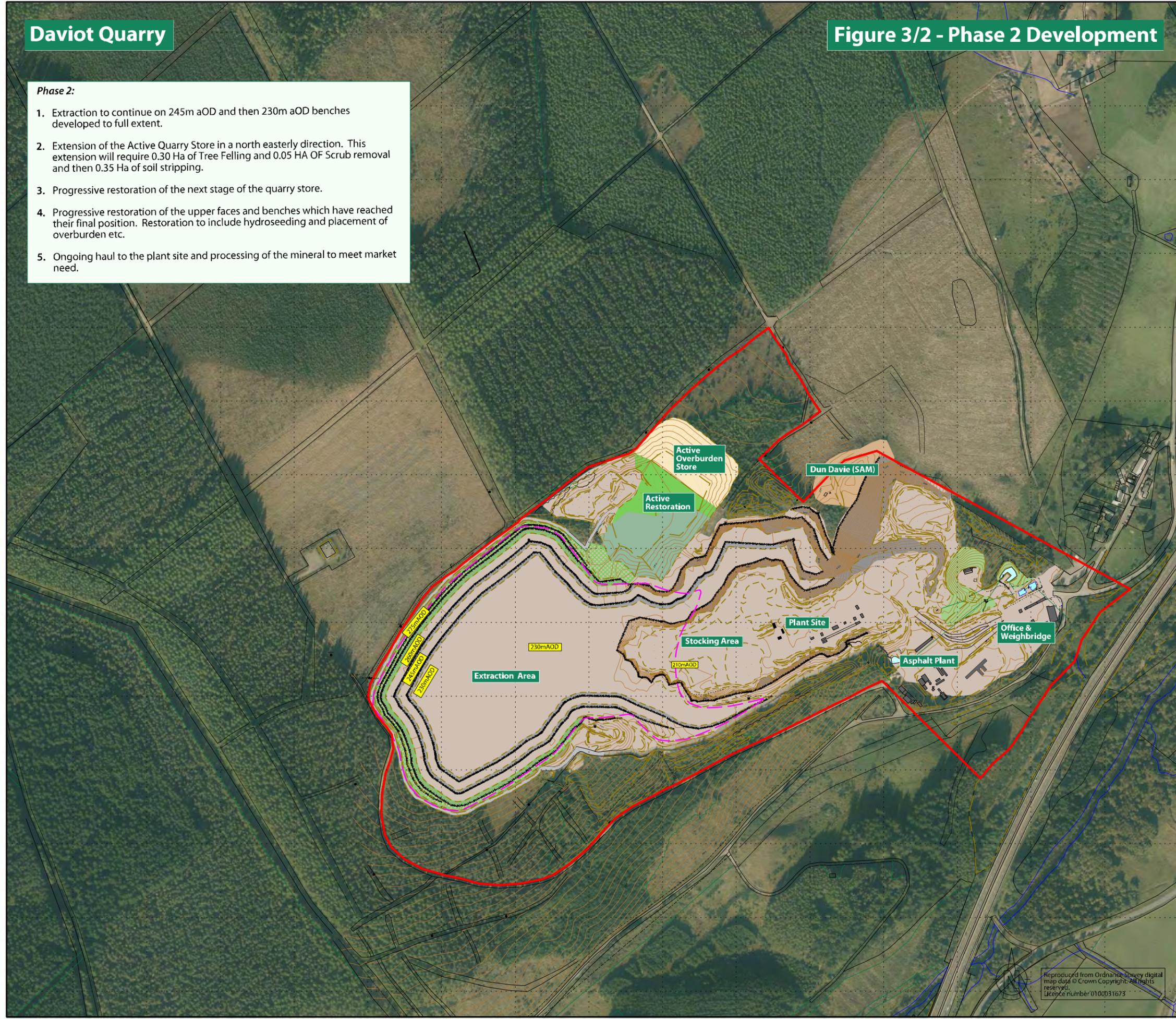
Daviot Quarry

Figure 3/2 - Phase 2 Development

- Phase 2:**
1. Extraction to continue on 245m aOD and then 230m aOD benches developed to full extent.
 2. Extension of the Active Quarry Store in a north easterly direction. This extension will require 0.30 Ha of Tree Felling and 0.05 HA OF Scrub removal and then 0.35 Ha of soil stripping.
 3. Progressive restoration of the next stage of the quarry store.
 4. Progressive restoration of the upper faces and benches which have reached their final position. Restoration to include hydroseeding and placement of overburden etc.
 5. Ongoing haul to the plant site and processing of the mineral to meet market need.

Legend

- Application Site
- Extraction Boundary
- Quarry Operational Area
- Quarry Faces
- Overburden
- Active Overburden Store
- Previous Areas of Restoration
- Quarry Faces in Final Position for Restoration
- Active Restoration



REV	AM'D	NOTES	DATE

DRAWING STATUS	
PLANNING	
PROJECT Daviot Quarry	
CLIENT Bredon Northern Ltd	
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Daviot Quarry

Figure 3/3 - Phase 3 Development

- Phase 3:**
1. 220m aOD bench and then 210m aOD developed to full extent.
 2. Extension of the Active Quarry Store in a north easterly direction. This extension will require 0.30 Ha of Tree Felling and 0.10 Ha of Scrub removal, then 0.40 Ha of soil stripping.
 3. Progressive restoration of the completed quarry store.
 4. Progressive restoration of the upper faces and benches which have reached their final position. Restoration to include hydroseeding and placement of quarry waste.
 5. Ongoing haul to the plant site and processing of the mineral to meet market need.

Legend

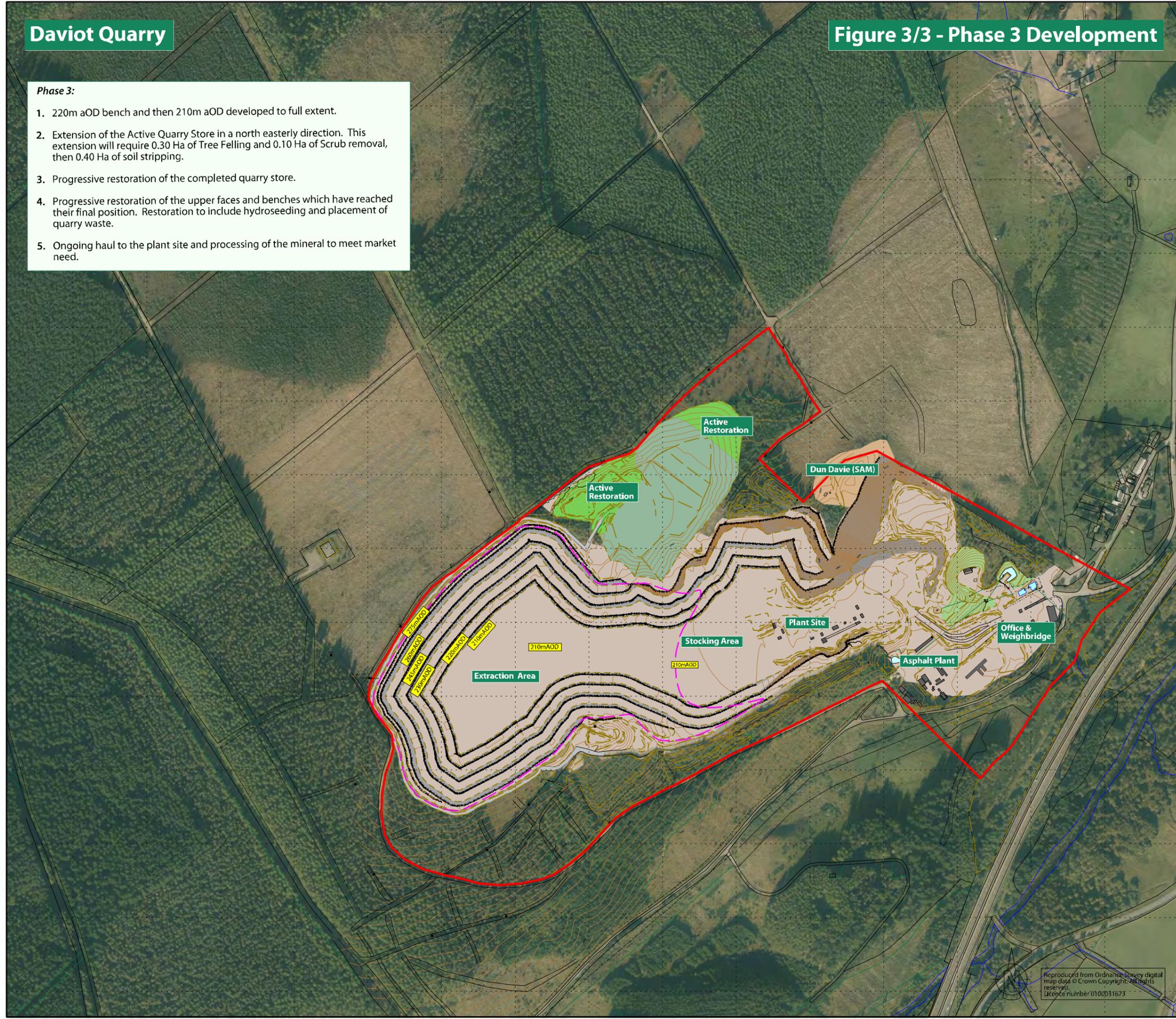
- Application Site
- Extraction Boundary
- Quarry Operational Area
- Quarry Faces
- Overburden
- Active Quarry Store
- Previous Areas of Restoration
- Quarry Faces in Final Position for Restoration
- Active Restoration

REV	AM'D	NOTES	DATE

DRAWING STATUS PLANNING	
PROJECT Daviot Quarry	
CLIENT Bredon Northern Ltd	
TITLE Phase 3 Development	
DATE July 2019	SCALE 1:5,000 @A3
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DRAW NO. M17.160.D.011	REVISION

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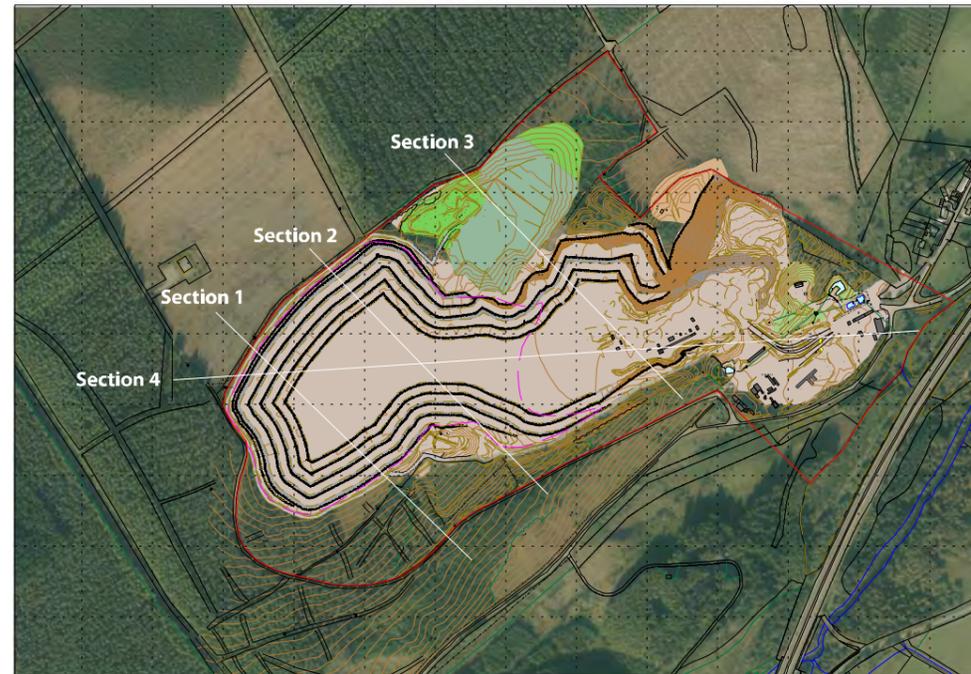
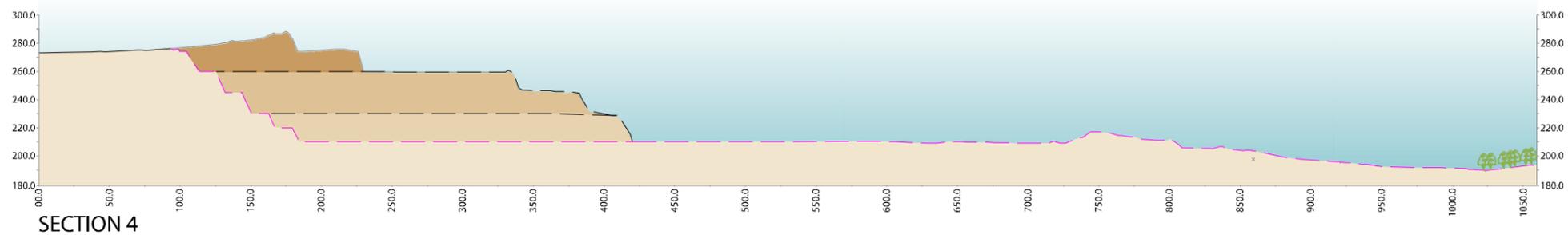
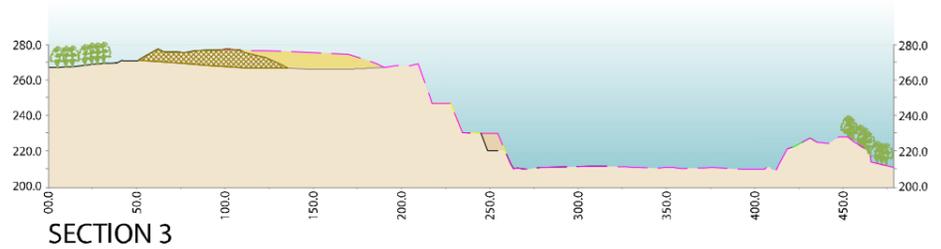
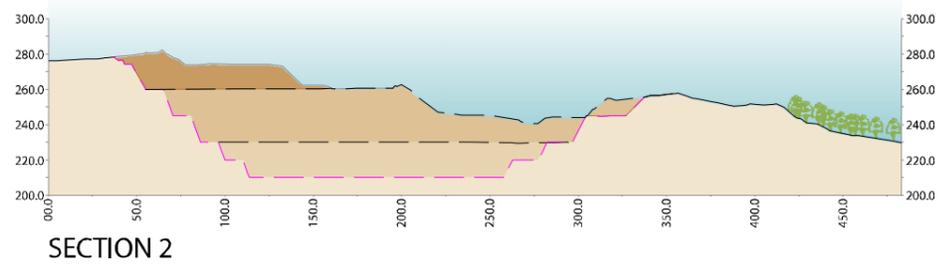
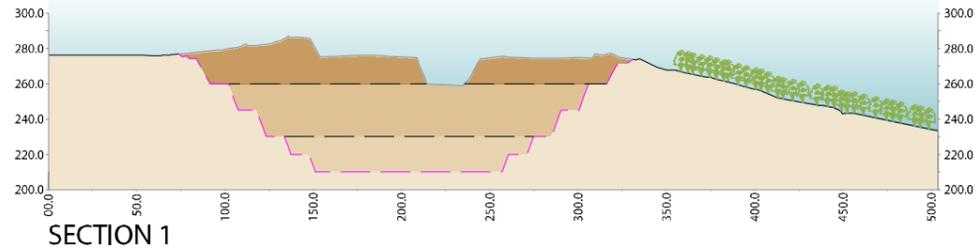
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Daviot Quarry

Figure 3/4 - Sections



Legend

- Current Situation
- Phase 1 & 2 Development
- Full Quarry Development
- Change between Phase 1 & Current Situation
- Change between Phase 1 & Phase 2
- Change between Phase 2 & 3 (Full Quarry Development)
- Existing Active Overburden Store
- Future Overburden Store
- Surrounding Plantation Woodland

REV	AM'D	NOTES	DATE

DRAWING STATUS PLANNING	
PROJECT Daviot Quarry	
CLIENT Bredon Northern Ltd	
TITLE Development Sections	
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Daviot Quarry

Figure 3/5 - Concept Restoration

CONCEPT RESTORATION:

The concept restoration at Daviot Quarry is in line with the principles of the permitted restoration. Where the proposed restoration techniques and species choices promote the early and successful establishment of habitats and landforms which appear naturalistic and support the regeneration of the site as a haven for native flora and fauna. Informal paths allow access (where safe and manageable) to encourage wider appreciation of the site.

OVERBURDEN STORE:

Localised regrading will be undertaken on the quarry store (where required) with the area then subjected to hydroseeding and pocket woodland planting where the growing medium allows and suggests that successful woodland establishment would be possible. Restoration of the quarry store will be progressive as areas are completed through the staged quarry development.

OVERBURDEN STORE

Surface regrading with hydroseeding and woodland planting (where possible) to create a naturalistic woodland block.

FACES AND BENCHES

Material placement where possible with some hydroseeding and woodland pocket planting.

QUARRY FLOOR

Material placement and hydroseeding with woodland planting.

PLANT SITE AREA

Regrading and creation of a restored landform, hydroseeding and woodland planting.

QUARRY FLOOR AND PLANT SITE AREA:

Following final active quarrying, any plant and ancillary machinery will be removed from site. Access roads, where not required for maintenance or access, will be broken up and the resulting material either transported off site or used as an infill material to create smoother restoration profiles in areas of more engineered and severe level changes. The quarry floor will then be regraded, using a dozer and excavator, to create more sinuous and natural contours. Overburden from the temporary stores on the quarry floor will then be transported and placed, focusing material against the bottom quarry face. Using a dozer, local undulations will be created to enhance the variety of the landform and, although generally free draining, provide the means for long term establishment of more variety in water availability and retention. Where available, the limited soil resources will be concentrated in small pockets away from the lowest levels of the quarry floor where ephemeral water bodies may develop and limit the long-term benefits of these soils. When available, scree and larger boulders will also be retained to promote diversity.

HYDROSEEDING:

Hydroseeding will be carried out to allow restoration habitats to develop more quickly, attempt to limit the potential for invasive species to establish and help to bind the surface material and prevent erosion. The seeding mix will include appropriate pioneer tree species, predominantly Scot's Pine (*Pinus sylvestris*). Pit planting of native, locally characterful species in the pockets of the soil resource will create a more established look to the restoration at the earliest opportunity. It is envisaged that after the initial 5 years of aftercare that the site will be allowed to naturally regenerate to create a robust variety of habitats developing within the confines of the in-built diversity of nutrient and water availability, topographic level, exposure and orientation.

QUARRY BENCHES:

A series of progressive restoration works will be undertaken once benches reach their final formation levels. Material placement will only take place where the benches are wide enough to allow safe access in line with Health and Safety requirements. However due to the poor quality of the available soil and overburden, focused hydroseeding will also take place to promote the early establishment of restoration habitats and the 'greening up' of sections of the exposed faces and benches.

Legend

- Application Site
- Extraction Boundary
- Restored Benches (to be selectively hydroseeded where safe to do so)
- Quarry Faces
- Woodland Planting
- Hydroseeding and Woodland Planting
- Hydroseeding (Grassland Creation)
- Informal Paths

REV	AM'D	NOTES	DATE

DRAWING STATUS

PLANNING

PROJECT

Daviot Quarry

CLIENT

Bredon Northern Ltd

TITLE

Concept Restoration

DATE

July 2019

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