

Agenda Item	<b>6.8</b>
Report No	<b>PLN/033/21</b>

## HIGHLAND COUNCIL

**Committee:** North Planning Applications Committee

**Date:** 20 April 2021

**Report Title:** 20/01684/S42: Breedon Northern  
Ardchronie Quarry, Ardgay, IV24 3DJ

**Report By:** Acting Head of Development Management – Highland

### 1. Purpose/Executive Summary

- 1.1 **Description:** Application under Section 42 of the Act for non-compliance with Condition 1 of Planning Permission 09/00008/FULSU to extend the period of time for extraction
- 1.2 **Ward:** 01 – North, West and Central Sutherland

**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.

### 2. Recommendations

- 2.1 Members are asked to agree the recommendation to **Grant** planning permission as set out in section 13 of the report.

### **3. PROPOSED DEVELOPMENT**

- 3.1 This application has been submitted under Section 42 of the Planning Etc (Scotland) Act 2006 and relates to Condition 1 of planning permission 09/00008/FULSU granted on 25 February 2009 for the extraction of hard rock at Ardchronie Quarry. The applicant seeks to extend the timescale for working of the quarry for a further 15 years. Appendix 1 provides a copy of the previous planning permission.
- 3.2 This extension of time sought by the applicant would allow for the extraction of all remaining reserves within the quarry. The quarry, if amended in line with the proposed application, would yield up to 100,000 tonnes of hard rock per annum, equating to a total reserve of 1 million tonnes which could be used to supply local construction projects. The operations on site involve extraction, processing, distribution of the material and restoration of the previously worked areas.
- 3.3 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 also include the retention of existing areas of woodland, removal of all onsite plant equipment and the benches and base of the quarry being hydroseeded.
- 3.4 All mineral extraction which has taken place to date is contained within the previously approved extraction limits. The remaining phases involve:
- Phase 1 - The continuation of mineral extraction working in a southerly direction taking the rock faces back to their previously approved full lateral extent, yielding 370,000 tonnes of rock. Encountered overburden would be moved to the quarry floor and placed against the exhausted previously worked western benches;
  - Phase 2 – Involves the continuation of mineral extraction working the south western rock faces, yielding 200,000 tonnes of rock. Encountered overburden would be used to restore Phase 1 benches as well as lower western benches within the quarry floor; and
  - Phase 3 – Involves the completion of mineral extraction working the remaining reserves within the south western rock faces, yielding a further 430,000 tonnes of rock. Overburden would be used to restore Phases 2 and 3 benches, as well as the quarry floor.

The upper rock face position remains within the previously consented limits at a 65m AOD, with overburden above this elevation being cut back and gently sloped to a height of 75m AOD to expose the rock beneath. Thereafter, mineral extraction would continue to take place at a lower gradient contained within the quarry via the formation of three sequential benched 15m high rock faces until the base of mineral extraction has been achieved at a maximum depth of 16m AOD.

- 3.5 This application has been supported by the following information:
- Environmental Impact Assessment Report (EIAR), and EIA Addendum, the content of which has been agreed through EIA Scoping. The EIAR assesses matters including:

- Landscape and Visual Impact Assessment;
- Ecology, Ornithology and Biodiversity;
- Air Quality; and
- Noise.

3.6 There have been no variations to the proposed development since the application was lodged however further supplementary environmental information has been provided in the form of an EIA Addendum. This provides further details of the restoration strategy.

#### **4. SITE DESCRIPTION**

4.1 The quarry extends to 12 hectares and lies around 2.6km to the south east of Ardgay, Sutherland. The site is situated to the south of the Dornoch Firth, with the quarry forming part of the Dornoch Firth National Scenic Area (NSA). It is also located adjacent to, but outwith, the Dornoch Firth and Morrich More Special Area of Conservation (SAC). The site is accessed from the A836 to the north with the quarry being screened from the roadside and adjacent Inverness to Wick rail line by a bunded tree belt. The southern boundary of the site is defined by an existing high voltage electricity overhead line. The surrounding topography rises steadily from the Dornoch Firth with the quarry being predominantly surrounded by forestry, with the exception of an area of grazing land to the north west which surrounds the nearest residential property (Ardchronie Farmhouse) located around 120m from the application site boundary. Most of the site has already been disturbed by quarry operations, with land towards the southern boundary containing areas of scrub vegetation.

#### **5. PLANNING HISTORY**

5.1	SU/1975/140: Quarrying of rock for construction and coating plant with ancillary stores workshops and messing facilities	Planning Permission Granted	13.12.1975
5.2	SU/1991/362: Renewal of permission for existing quarry operations and proposed quarry extension	Planning Permission Granted	31.03.1999
5.3	09/00008/FULSU: Application under Section 42 for an extension of time until 14th May 2020. Variation of condition No1 of planning consent	Planning Permission Granted	25.02.2009
5.4	15/04488/PNO: Erection of mobile concrete batching plant	Prior Approval Not Required	22.12.2015
5.5	19/03419/SCRE: Continuation of quarrying works	EIA Required	26.08.2019
5.6	19/04156/SCOP: Extension of time period for minerals extraction (to vary Condition 1 of planning permission 09/00008/FULSU)	EIA Scoping Decision Issued	04.11.2019

## 6. PUBLIC PARTICIPATION

- 6.1 Advertised: Schedule 3 Development / Unknown Neighbour and EIA Development  
Date Advertised: 15.05.2020 and 22.01.2021  
Representation deadline: 21.02.2021  
Timeous representations: 0  
Late representations: 0

## 7. CONSULTATIONS

- 7.1 **Ardgay and District Community Council** did not respond to the consultation.
- 7.2 **Transport Planning Team** do not object to the application. It requires 'Give Way' markings to be provided at the junction of the quarry access, maintenance of junction visibility splays to comply with the requirements of the earlier planning permission, and appropriate measures to keep the junction free from debris.
- 7.3 **Access Officer** does not object to the application and has no further comments.
- 7.4 **Environmental Health** do not object to the application. It has no record of any previous complaints regarding this site. Conditions are advised in terms of operational noise, vibration, dust and hours of operation. It also advise that the applicant has undertaken a survey of private water supplies and confirmed that no supplies are hydrologically connected to the site.
- 7.5 **Historic Environment Team (Archaeology)** do not object to the application and have no further comments.
- 7.6 **Flood Risk Management Team** do not object to the application and have no further comments.
- 7.7 **Scottish Environmental Protection Agency (SEPA)** do not object to the application. It is content that the development should not have an unacceptable impact on groundwater, wetlands or surface water. This is on basis that the surface water drainage proposals outlined in the application are implemented and the Pollution Prevention Plan becomes an approved plan. It presumes a condition shall be applied to secure restoration of the site.
- 7.8 **NatureScot** do not object to the application. It considers that this proposal is likely to have a significant effect on the qualifying interests of the adjacent Dornoch Firth and Morrich More SAC. As such, it highlights that the Council are required to carry out an appropriate assessment in view of the site's conservation objectives for its qualifying interests. In their view, the proposal will not adversely affect the integrity of the site. This is on the basis that water discharges from the quarry are regulated by SEPA. It also notes that an otter survey has been undertaken and that whilst the presence of this protected species has been identified in the surrounding area, no adverse effects on the site integrity can be concluded for this species. It has concluded no likely significant effect for any other SAC interests, given that these are not present close to the site, or having connectively with it. It considers the

proposal will also not have an adverse effect on the integrity of the Dornoch Firth NSA and welcomes the restoration proposals for the site which, when fully implemented, will reduce the visual impact of the quarry.

7.9 **Historic Environment Scotland** do not object to the application. It confirms there are no designated heritage assets within their remit within the vicinity and therefore have no further comments.

7.10 **Network Rail** do not object to the application. It requires conditions to be attached to control blasting activities, undertake vibration monitoring and ongoing liaison.

## **8. DEVELOPMENT PLAN POLICY**

The following policies are relevant to the assessment of the application

### **8.1 Highland Wide Local Development Plan 2012**

28 - Sustainable Design  
29 - Design Quality and Place-making  
30 - Physical Constraints  
31 - Developer Contributions  
51 - Trees and Development  
53 - Minerals  
54 - Mineral Wastes  
55 - Peat and Soils  
57 - Natural, Built and 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

### **8.2 Caithness and Sutherland Local Development Plan 2018**

There are no site specific policies covering the site and the site is distant from all defined Settlement Development Areas.

### **8.3 Highland Council Supplementary Planning Policy Guidance**

- Flood Risk and Drainage Impact Assessment (Jan 2013)
- Green Networks (Jan 2013)
- Highland's Statutorily Protected Species (March 2013)
- Physical Constraints (March 2013)
- Sustainable Design Guide (Jan 2013)
- Trees, Woodlands and Development (Jan 2013)

## **9. OTHER MATERIAL POLICY CONSIDERATIONS**

### **9.1 Scottish Government Planning Policy and Guidance**

- National Planning Framework 3 (2014)
- Scottish Planning Policy (2014, updated 2020)
- 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)
- Guidance on the Management of Extractive Waste (Scotland) Regulations 2010

## **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 principle of the development has been established through the previous permission. This is an application to modify Condition 1 of the previous permission to allow for more time to work out the previously consented mineral reserves. In order to address the determining issues therefore, Committee must consider the extent to which the proposal continues to comply with the up to date provisions of the Development Plan and take into consideration any other material considerations.

10.4 The key considerations in this case are:

- a) compliance with the Development Plan and other planning policy
- b) landscape and visual, including restoration
- c) access and traffic
- d) ecology, biodiversity and water management
- e) noise, vibration and dust
- f) any other material considerations

## **Development Plan / Other Planning Policy**

- 10.5 Development Plan policy has changed since the time of the determination of the last planning permission. The Development Plan documents which were extant at the time of the 2009 consent have been superseded by the Highland-wide Local Development Plan (HwLDP) (2012) and the Caithness and Sutherland Local Development Plan (2018).
- 10.6 The key issue therefore is whether the amendment of the condition applied for would result in the development being incompatible with the Development Plan.
- 10.7 The applicant has sought to modify the wording of the condition to allow for the working of the quarry for a further 15 years with no modifications being sought to the envelope of the previously consented scheme with the overall quantity of rock to be extracted remaining unchanged. In principle, the extension of time for working of the quarry is supported by HwLDP Policy 53. However, this amendment 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.
- 10.8 The extension of time has been subject to an Environmental Impact Assessment (EIA), 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 EIA Report has assessed all of the main environmental implications of the proposed development and notable findings from the Council's review of this document are set out within the sections below.

## **Landscape and Visual Impact, Including Restoration**

- 10.9 Visibility of the quarry is largely contained at close range due to the presence of a landscaping bund fronting the A836. The working of the upper quarry faces is however more identifiable in southern views obtained from the surface of the Dornoch Firth, its northern shoreline, in fleeting breaks of vegetation along the A949 (Viewpoints - VP1 and VP5), and from the south facing forestry above this road. Visibility of the quarry is also obtained from parts of Bonar Bridge (VP3) which is from a distance of around 3km where agricultural grazing land to the west of the quarry enables visibility into the upper south eastern quarry faces. From other locations, the existing forestry surrounding much of the quarry is effective at screening wider views into the site. This can be appreciated from the EIAR's Landscape and Visual Impact Assessment (LVIA) bare earth and forestry 'screened' Zone of Theoretical Visibility (ZTV) analysis. That said, land uses can change over time and in assessing the proposal, it is important not to place overreliance on such screening effects that remain out with the applicant's control.
- 10.10 The continuing extractive operations would not result in any new significant landscape and visual effects. The working of the quarry to its full lateral extent would continue to have a minor and localised adverse landscape effect on the Dornoch Firth NSA and the surrounding landscape character types.
- 10.11 Visual effects would also continue to be endured with moderate - minor (non-significant) effects being confined to a distance of 2km which includes receptors at three dwellings and Little Criech cemetery located off the A949 (VP5). Elsewhere

minor effects would continue to be experienced for residents of more distant properties within 5km, including dwellings at Ardgay, Ardgayhill, Lower Gledfield Farm (VP2) and on the fringes of Bonar Bridge (VP4). Beyond this distance visual impacts would be negligible. The continuation of quarrying at the site would also not give rise to any additional adverse visual effects for users of all roads, core paths and the rail line in the vicinity, with these being assessed as negligible within the EIAR's LVIA which is not disputed.

- 10.12 The extraction would continue to progress in phases from south east to south west. This enables the 10m wide benches below each of the exposed south eastern quarry faces to be progressively restored through the direct placement of overburden soils which would be seeded to promote the growth of birch and pine woodland. This would result in the earlier restoration of the south eastern faces over the next five to ten years, which would mitigate the visual impact of quarry in views from Bonar Bridge. As extraction progresses to the south west within later phases, commercial forestry planning in the foreground will also have established, providing more screening of the quarry from the north east around Little Criech (VP5). The retention of existing woodland within the western area of the quarry, with the introduction of more woodland planting within the western overburden mound within the quarry void, will in time, also help to mitigate views of the lower quarry faces within this view.
- 10.13 The positive re-use of mineral waste (overburden) 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 placement of overburden within the quarry void is acceptable with this forming part of the restoration proposals for the site. As this overburden material is classified as a non-waste by product and would not result in any land rising, the Management of Extractive Waste (Scotland) Regulations 2010 can be waived given that the requirements of these regulations are proposed to be met.
- 10.14 The restoration works are secured by condition, including the requirement for the submission of a detailed restoration and aftercare plan which should set out a clear timescale for delivery. A financial restoration guarantee will also be required to ensure restoration can be carried out by the Council in the event that the quarry operator cannot fulfil this requirement by, for example, going out of business. The restoration cost to the sum of £172,575 have been quantified by the applicant and have been verified by the Council's Project Design Unit, with this sum being subject to indexation using the BCIS All-In TPI and regular review periods. This guarantee will be secured via a Section 75 Legal Agreement or other appropriate mechanism.

### **Access, Traffic and Operating Hours**

- 10.15 The site is accessed from the A836 to the north. No amendments to the quarry access are proposed, however, as advised by Environmental Health, the quarry's standard operational hours are proposed to be more restrictive to better respect neighbouring residential amenity and help control traffic through local settlements. These amendments would mean the quarry closing an hour earlier in the evenings, with no working out with 8am to 1pm on Saturdays, and no working or on Sundays or public holidays in Scotland. Whilst Environmental Health had also suggested that the quarry be opened at 8am, rather than at 7am, the operator has explained that early morning deliveries are critical to the supply of constructions sites for an 8am



start on site. Given the remote location of the quarry and lack of any record of complaints, a 7am start is acceptable for weekdays only. The maximum mineral output from site will also remain unchanged at up 100,000 tonnes per annum, with this to be conditioned. Transport Planning have raised no issues with the continued use of the site access, providing Give Way road markings are introduced, appropriate visibility splays are maintained, with the junction and public road being kept free of debris. Conditions are proposed to secure these measures.

### **Ecology, Biodiversity and Water Management**

- 10.16 The application is accompanied by a Preliminary Ecological Appraisal and a Hydrology and Hydrogeology Report which form appendices of the EIAR. The site has been in operation since the 1940s and has limited residual areas of undisturbed ground. The continuation of extraction would see the removal of marginal areas of scrub, in the form of gorse and common broom, and semi-improved acid grassland, neither of which is of notable conservation importance. The early loss of this habitat is proposed to be compensated for through the restoration strategy for the site with the soils stripped to be used to support hydroseeding.
- 10.17 Ecological surveys have also been undertaken to ensure that the protected species which may be present, including bats, birds, pine marten and otter (a designated feature of the Dornoch Firth and Morrich More SAC) 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.
- 10.18 The Dornoch Firth and Morrich More SAC is located immediately north of the A836. The SAC is designated for harbour seals, otters, glasswort and other animals colonising muds and sands, and a number of estuarine, coastal and marine habitats. The site has connectivity to the SAC by way of a discharge of surface water collected within the quarry. There is therefore a risk of contaminated runoff as a result of accidental spillage of fuel and other liquids and through suspended solids within the surface water runoff. Pollution prevention measures are however in place, including bunding of fuel stores, spill kits and a water management scheme to treat surface water within settlement ponds. No groundwater is also anticipated to be encountered with the groundwater level being below the quarry floor with no lowering of the quarry floor being proposed. The site is also not subject to flood risk and whilst a Controlled Activities Regulations (CAR) licence is in place for water abstraction, this was in relation to a concrete plant which is not currently operational.
- 10.19 The status of the adjacent designated site means that the requirements of the Conservation (Natural Habitats, andc.) Regulations 1994 as amended (the "Habitats Regulations") apply. Consequently, the Council is required to consider the effect of the proposal on the SAC before it can be consented (commonly known as Habitats Regulations Appraisal). This is contained in Appendix 2 of this report and concludes that the proposal would not adversely affect the integrity of the SAC, which is consistent with the advice received from NatureScot.

### **Noise, Vibration and Dust**

- 10.20 An updated noise survey has been undertaken. Given the quarry's remote location, there are very few residential receptors in the vicinity and future working of the site can continue within appropriate noise limits that can be secured via planning

condition. All intermittent 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. A vibration monitoring scheme has been produced and is proposed to be updated to incorporate Network Rail's requirements to safeguard the integrity of the nearby rail line. An air quality assessment has also been undertaken which does not identify any significant dust impacts would arise. This is partly due to the prevailing wind direction is from the south west, away from the four closest residential properties. A finalised schedule of mitigation is also conditioned to help ensure that all environmental mitigation measures, such as the dust mitigation measures outlined in Table 9.10 of the EIAR, are implemented.

### **Other Material Considerations**

- 10.21 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.

### **Matters to be Secured by Legal Agreement**

- 10.22 Restoration of the quarry is secured by conditions a Section 75 legal agreement associated with the former planning permission which requires the operator to provide financial guarantee to secure the restoration of the site in a form acceptable to the Council. These works include fencing, regrading of stockpiles, the re-grading and rounding of the back faces of the quarry, plant removal, soil spreading and grass seeding and tree planting. 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 an updated or replacement legal agreement, or an alternative appropriate mechanism, 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 1: Restoration Proposals, Dwg No. 60100/LS/012d, October 2020, 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 date of this permission being granted and every five years thereafter until such time as the quarry is decommissioned and the site is fully restored.

- 10.23 In the event that the Section 75 or an appropriate legal mechanism is not concluded within four months or extended by prior written agreement the application will be refused for the following reason:

*The proposed application has failed to conclude a legal agreement required to secure a restoration bond. As such the Council has no certainty that the restoration of the quarry could be completed in the event the operator fails to undertake these works. As such the application is contrary to the provisions of Policy 54 of the Highland-wide Local Development Plan.*

## **11. CONCLUSION**

- 11.1 The extension of time for working the quarry which has policy support under the adopted Development Plan, including national planning policy. The additional period of time sought is acceptable with the continuation of mineral extraction at the site providing a resource to serve construction projects in the local area. The applicant's EIAR does not identify any new significant environmental effects arising as a result of the continued working of the quarry, with moderate-minor (non-significant) 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.
- 11.2 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, 5, 6, 15, 16 and 17 of this permission.
- 11.3 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.

## **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 Y issued**

Notification to Scottish Ministers	N
Conclusion of Section 75 Obligation or an appropriate legal mechanism	Y
Revocation of previous permission	N

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

**Conditions and Reasons**

1. The permission hereby granted shall endure until 20 August 2036 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 comprising a mix of birch, pine and wildflower 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, with restoration being completed 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 (EIAR), the EIAR Addendum, 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.

4. Within 6 months of the grant of this planning permission, an Environmental Management Plan shall be submitted for the written approval of 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. Details of dust mitigation measures to be adhered to, as outlined in Table 9.10 of the Environmental Impact Assessment Report;

- c. Details of any site lighting which must avoid illuminating the adjacent woodland to maintain 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. water abstractions with details of the volumes and timings of any abstractions;
  - v. drainage associated with welfare facilities; and
  - vi. recycling and bin storage.
- 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, including the qualifying interests of the Dornoch Firth and Morrich More Special Area of 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 for the written approval of the Planning Authority. The scheme shall be prepared in line with the concept Restoration Proposals, Dwg No. 60100/LS/012d, October 2020, 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 restoration timescales.
  - b. No mineral extraction shall take place within Phase 3 until the completion of restoration of Phase 1.
  - c. The provision of a restoration schedule by phase quantifying soil and overburden movements; areas to be seeded; re-grading works, drainage, fencing, aftercare, and final plant equipment and hardstanding removal, including the narrowing of the existing quarry access road and junction to a standard suitable for land management purposes.

- d. The provision seed mix specifications, and details of the surface proprietary works to establish suitable vegetative cover.
- e. 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 restoration of the site.

6. 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 vegetation clearance, 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.
  - b. 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.
  - c. Identify any nesting site which has supported breeding birds to ensure that these areas be retained in-situ and not be subject to any hydroseeding.
  - d. Advise and liaise with the site manager to implement the site Environmental Management Plan.
  - e. Advise the site manager and all onsite staff on adequate protection for environmental and nature conservation interests within, and adjacent to, the application site.
  - f. 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.
  - g. 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 and minimising impacts on the qualifying interests of the Dornoch Frith and Morrich More Special Area of Conservation.

7. The site access junction with the public road shall maintain visibility splays of 4.5m x 215m in each direction formed from the centre line of the junction for the lifetime of the development. The access junction shall be white lined with visible Give Way road markings within 6 months of the date of this planning permission.

**Reason:** In the interest of road safety.

8. Mineral extraction and output from site shall not exceed 100,000 tonnes per annum, inclusive of mineral used in any onsite concrete production.

**Reason:** In the interest of maintaining road safety and traffic management.

9. The quarrying activities, inclusive of: vehicle movements; extraction but not blasting; storage; restoration; processing; and distribution of mineral and related products, shall only operate between the hours of 0700 to 1900 Monday to Friday, 0800 to 1300 on Saturdays and not at all on Sundays or public holidays in Scotland, other than essential repair and maintenance.

Proposal to operate out with these hours 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 arising from quarry operations shall not exceed the following free field\* limits when measured at the noise sensitive properties surveyed and identified in "Assessment of Environmental Impact of Noise, Continued Working at Ardchronie Quarry, Highland" (Environmental Impact Assessment Report Appendix G), dated 25 March 2020:

- 47dB LAeq 1 hour at Ardchronie Farmhouse (261592,888771)
- 49dB LAeq 1 hour at Birchwood (261494, 888830)
- 45dB LAeq 1 hour at Bonnie View (260929, 888521)
- 45dB LAeq 1 hour at Kincardine (Croit Mullach) (261224, 888701)

\* "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. Noise levels during the permitted operational hours Monday to Saturday may exceed the limits in Conditions 10 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.

\* "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. Blasting operations shall not take place out with the hours of 0900 to 1700 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.

13. 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.

14. Ground vibrations as a result of the blasting operations shall not exceed a peak particle velocity of 10mms<sup>-1</sup> in 95% of all blasts and no individual blast shall exceed a peak particle velocity of 12mms<sup>-1</sup> as measured at vibration sensitive properties and infrastructure including:

- Ardchronie Farmhouse (261592,888771)
- Birchwood (261494, 888830)
- Bonnie View (260929, 888521)
- Kincardine (Croit Mullach) (261224, 888701)
- The railway boundary

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, as well as, to maintain the safety of railway operations and the integrity of railway infrastructure.

15. Prior to any blasting at the site, agreement must be reached between Network Rail and the applicant on the design and operation of a “Safe System of Work” to ensure the protection of rail traffic whilst blasting is being undertaken and address the risk from fly-rock. The applicant must contact the Route Asset Protection Team ([AssetProtectionScotland@networkrail.co.uk](mailto:AssetProtectionScotland@networkrail.co.uk)) to obtain an asset protection agreement. Thereafter:

- a. Vibration monitoring shall be carried out by the developer, or their contractors, to determine the effect of blasting on the railway;
- b. Network Rail shall be supplied with a copy of the results of the monitoring;
- c. Where possible, the free face of workings shall be orientated away from the railway to reduce the risk of material being projected onto railway property as a result of blasting operations; and
- d. Network Rail shall be notified of any significant alteration to the characteristics of the work or site, for example changes in the depth of working or limits of extraction.



**Reason:** To maintain the safety of railway operations, the integrity of railway infrastructure and to ensure Network Rail are aware of all development adjacent to its property.

16. Prior to any blasting at the site, a finalised version of the “Blast Vibration Monitoring Scheme” (Environmental Impact Assessment Report Appendix D), which incorporates the requirements of Conditions 12, 13, 14 and 15 shall be submitted for the prior written approval of the Planning Authority and thereafter, all monitoring and measures set out within this scheme shall be implemented.

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

17. 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.

18. No soils shall be exported from the site and, with the exception of material required for onsite concrete production, no other materials 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.

19. 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, 5, 6, 15, 16 and 17 of this permission.

## **TIME LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION**

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

## **FOOTNOTE TO APPLICANT**

### **Initiation and Completion Notices**

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

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

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

### **Flood Risk**

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

### **Scottish Water**

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

## **Septic Tanks and Soakaways**

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

## **Local Roads Authority Consent**

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

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

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

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

[http://www.highland.gov.uk/info/20005/roads\\_and\\_pavements/101/permits\\_for\\_working\\_on\\_public\\_roads/2](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.

## **Protected Species – Halting of Work**

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

Designation: Acting Head of Development Management – Highland

Author: Peter Wheelan

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

- Relevant Plans:
- Plan 1 - Location Plan – A01/EIA2020/001
  - Plan 2 - Site Layout Plan – Phase 1 - A01/EIA2020/004
  - Plan 3 - Site Layout Plan – Phase 2 - A01/EIA2020/005
  - Plan 4 - Site Layout Plan – Phase 3 - A01/EIA2020/006
  - Plan 5 - Fig 1. Restoration Proposals – 60100/LS/012d
  - Plan 6 - Fig. 2 Extraction Phases and Profile Sections - 60100/SL/004b
  - Plan 7 - Proposed Sections – Section 1 - 60100\_CS\_C007b
  - Plan 8 - Proposed Sections – Section 2 - 60100\_CS\_C007b
  - Plan 9 - Proposed Sections – Section 3 - 60100\_CS\_C007b

**PLANNING PERMISSION  
GRANTED FOR A LIMITED PERIOD  
SUBJECT TO CONDITIONS**

Grid Reference	<b>Easting: 261811 Northing: 888632</b>
Reference No	<b>09/00008/FULSU</b>

26 FEB 2009

**THE HIGHLAND COUNCIL  
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

To: **Aggregate Industries  
Balblair Quarry  
Beauly  
IV4 7BG**

Per: **Johnson Poole & Bloomer  
50 Speirs Wharf  
Glasgow  
G4 9TB**

With reference to your application received on **12 January 2009** for planning permission under the above-mentioned Act for the following development, viz:-

**Application under Section 42 for an extension of time until 14th May 2020. Variation of condition No1 of planning consent 91/00362/FULSU  
Ardchronie Quarry Ardgay IV24 3DJ**

The Highland Council in exercise of its powers under the above-mentioned Act and Order hereby **grant** planning permission for the said development in accordance with the plan(s) docquetted as relative hereto and the particulars given in the application, subject to the following standard condition:-

In terms of Sections 58 & 59 of the Town and Country Planning (Scotland) Act 1997, this approval is granted subject to the condition that the development to which it relates must be begun not later than the expiration of five years beginning with the date of this permission

and also to the following condition(s), viz:-

- (1.) This permission shall endure until 14 May 2020. At the end of this period, or as may otherwise be agreed in writing by the Planning Authority, all operations shall cease, the quarry perimeter shall be fenced, the entrance closed, all plant and machinery removed and the quarry restored in accordance with Restoration Drawing HG174/ARD/PA/05 docquetted hereto.

Reason: Sufficient reserves of rock exist within the site to allow extraction to continue to 2020.

- (2.) This permission shall be read in conjunction with planning permission SU/1991/362.

Reason: In order to clarify the terms of this permission.

- (3.) The restoration scheme shall be implemented by the developer in a progressive manner as outlined in section 3.2 of the Environmental Statement docquetted hereto.

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

- (4.) Vegetation clearance by the developer (including conifer tree felling) in preparation for extended quarrying activity shall take place within the non-bird breeding season of September – December inclusive.

Reason: In order to protect the nature conservation interests of the site.

Dated 25th February 2009

  
Area Planning & Building Standards Manager

**PLANNING PERMISSION  
SUBJECT TO CONDITIONS**

Grid Reference	N	H	6	1	6
			8	8	4
Reference No.	SU		1991		362

**THE HIGHLAND COUNCIL  
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

To: **John Fyfe Limited  
C/o Alistair W. Bremner  
Aggregate industries ltd  
Kemnay Quarry, Aquithie Road,  
Kemnay,  
Aberdeenshire.**

With reference to your application dated **18/9/91** for planning permission under the above-mentioned Act for the following development, viz: -

**Renewal of permission for existing quarry operations and proposed quarry extension at Ardchronie Quarry, Ardgay.**

The Highland Council in exercise of its powers under the above-mentioned Act hereby grant planning permission for the said development in accordance with the plan(s) docquetted as relative hereto and the particulars given in the application, subject to the following standard condition:-

In terms of Section 58 (1) of the Town and Country Planning (Scotland) Act 1997, this permission is granted subject to the condition that the development to which it relates must be begun not later than the expiration of five years beginning with the date of this permission

and also to the following condition(s), viz:-

- 1. This permission shall endure for a period of 10 years only from the date of consent. At the end of that period, or as otherwise agreed in writing by the Planning Authority, all operations shall cease, the quarry perimeter shall be fenced, the entrance closed, all plant and machinery removed and the quarry floor left in a free, self-draining condition.**

To be continued/

Dated this ..... 31 day of ..... **March** ..... **1999**



.....  
Head of Development and Building Control  
Planning & Development Service

2. Within a period of 18 months or as otherwise agreed by the Planning Authority of the date of this permission the existing weighbridge and office sited on the north side of the A9 road shall be relocated to a position agreed in writing by the Planning Authority within the quarry floor. Within the first planting season thereafter the site of the weighbridge/office and hardstanding (the area marked D on plant number AQ3 duly docquetted and attaching to this permission) shall be fenced off, soiled and seeded with a mixture of grass seed to be agreed by the Planning Authority. A mixture of birch and alder trees shall be planted at a density equivalent to not less than 1500 trees to the hectare.
3. Within a period of 18 months of the date of this permission the small store in the area marked C on drawing number AQ3, duly docquetted and attaching to this permission, shall be demolished. A mound of some 65 metres in length, 5 metres wide at its base and 1.5 metres in height shall be formed. Within the first planting season thereafter the mound shall be soiled and seeded with a mixture of gorse and grass seeds. Existing tree growth in this area shall be preserved.
4. There shall be provided and maintained a visibility splay of 4.5 x 215 metres in both directions from the quarry access to the A9.
5. There shall be provided a deceleration land of 4.5 metres wide at the quarry entrance and extending and tapering towards the east as described on drawing AQ3 docquetted and attaching to this permission.
6. Access to the quarry shall be properly defined to the written satisfaction of the Director of Roads and Transport.
7. All roadworks described in Conditions 5 and 6 to this permission will require Road Construction Consent and shall be carried out to a timescale agreed in writing with the Director of Roads and Transport, but in any case not later than 12 months of the date of this permission unless otherwise agreed by the Director of Planning and Development.
8. Within a period of two years of the date of this permission there shall be submitted and require the approval of the Planning Authority details of proposed tree felling and replanting on the edges of the proposed extension to the quarry. All planting so approved shall be carried out within the first planting season of approval unless otherwise agreed in writing by the Planning Authority.
9. Development shall be undertaken entirely in accordance with the approved plans and supporting information, except where modified by other conditions of this permission. In particular, the rate of extraction shall not exceed 100,000 tonnes per year.

To be continued/

Dated this ..... 31 day of ..... March ..... 1999

.....  
 Head of Development and Building Control  
 Planning & Development Service

3 of 4

10. There shall be no operation of the quarry outwith the hours of 7.00am and 8.00pm Monday to Saturday inclusive and not all on Sundays, except with the prior written agreement of the Planning Authority.
11. The quarry shall, at all times, be operated to fully meet the requirements of all legislation in respect of emissions to the atmosphere current at the time, including dust suppression measures to the satisfaction of the relevant controlling Authorities.
12. The quarry operator shall, at all times, comply fully with the terms of BS 5228: Part 1 1984 - Noise Control on Construction and Open Sites.
13. Operation of any washing, silting and recirculation of water or any other discharge of liquids from the site shall at all times meet the standards of the Scottish Environment Protection Agency.
14. All quarry blasting shall, at all times, be carried out strictly in accordance with the statutory regulations and in any event there shall be no secondary blasting (plastering) at the site.
15. The quarry area shall, at all times, be enclosed with stockproof fencing.
16. Prior to any extraction of material or stripping of topsoil/overburden within the vicinity of the derelict buildings marked in red on the approved plan AQ1 there shall be provided written notification to the Planning Authority of an intention to begin operations in this area. A period of two months shall be allowed from the date of notification to permit archaeological survey of the said buildings.
17. All blasting at the quarry shall take place in accordance with the requirements of the letter dated 17 October 1991 from British Rail, duly docquetted and attaching to this permission.

#### Reasons

- 1, 9. To allow the Planning Authority to retain effective control over quarry operations.
- 2, 3, 8. In the interests of amenity.
- 4, 5, 6, 7. In the interests of road traffic safety.
- 10, 11, 12. In the interests of amenity and to avoid nuisance arising.
13. To avoid pollution to ground water or watercourses.
- 14, 17. To ensure safe blasting practice.

To be continued/

Dated this ..... 31 day of ..... March ..... 1999

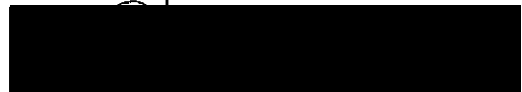
.....  
 Head of Development and Building Control  
 Planning & Development Service



4 of 4

- 15. To ensure that the quarry area is suitably enclosed.
- 16. In the interests of investigating and safeguarding any archaeological interest.
- 17. to ensure effective control over blasting to safeguard railway operations.

Dated this ..... 31 day of ..... March ..... 1999



Head of Development and Building Control  
Planning & Development Service

## Appendix 2 – Appropriate Assessment

While the responsibility to carry out the Appropriate Assessment rests with the Council, advice contained within Circular 6/1995 is that the assessment can be based on the information submitted from other agencies. In this case, the Appropriate Assessment is informed by information supplied by NatureScot, the applicant and various published information.

### Dornoch Firth and Morrich More SAC

In its response to the Council of 3 June 2020, NatureScot advised that the proposal is likely to have a significant effect on the qualifying interests of the SAC. Their advice is set out below:

*In our view, this proposal is likely to have a significant effect on the following qualifying interests of the above site:*

- *estuaries,*
- *mudflats and sandflats not covered by seawater at low tide,*
- *reefs,*
- *Salicornia and other annuals colonising mud and sand, and*
- *Otter, Lutra lutra.*

*Consequently, The Highland Council, as competent authority, is required to carry out an appropriate assessment in view of the site's conservation objectives for its qualifying interests<sup>1</sup>.*

*1 Further information on the site's qualifying interests and their conservation objectives can be found via Sitelink at: <https://sitelink.nature.scot/site/8242>.*

*To help you do this we advise that, in our view, based on the information provided, the proposal will not adversely affect the integrity of the site. The appraisal we carried out considered the connectivity between the quarry and the habitat features listed above, through a watercourse in the north east of the quarry boundary which comes from a settlement pond. Our understanding is that discharges from the quarry are regulated by SEPA through a Controlled Activities Regulations authorisation. We also understand that Pollution Prevention Plan will be produced. Therefore, we can be assured that sufficient safeguards are in place to avoid negative impacts from discharges and defer to SEPA in this regard.*

*An otter survey was carried out including over the recommended buffer zone around the quarry. While the desk study revealed multiple records along the coast, including resting sites, the field survey found no signs of otter within the quarry boundary, or within the 250m survey boundary inland from the road/railway. While the small water courses to the east and west of the quarry offer potentially suitable habitat it is thought that the combination of the main road and the railway hinder regular or successful access. Therefore, no adverse effects on site integrity can be concluded for this species.*

*We have also concluded no Likely Significant Effect for the other SAC interests not mentioned above due to them not being present close to the application area, or having connectivity with it, and advise that no further consideration of those features is required.*

## Highland Council Appraisal of the Proposal

- The proposal is not directly connected with or necessary to site management for conservation;
- The proposal is likely to have a significant effect on the site either individually or in combination with other plans or projects; and therefore;
- An Appropriate Assessment of the implications (of the proposal) for the site in view of that site's conservation objectives is provided below.

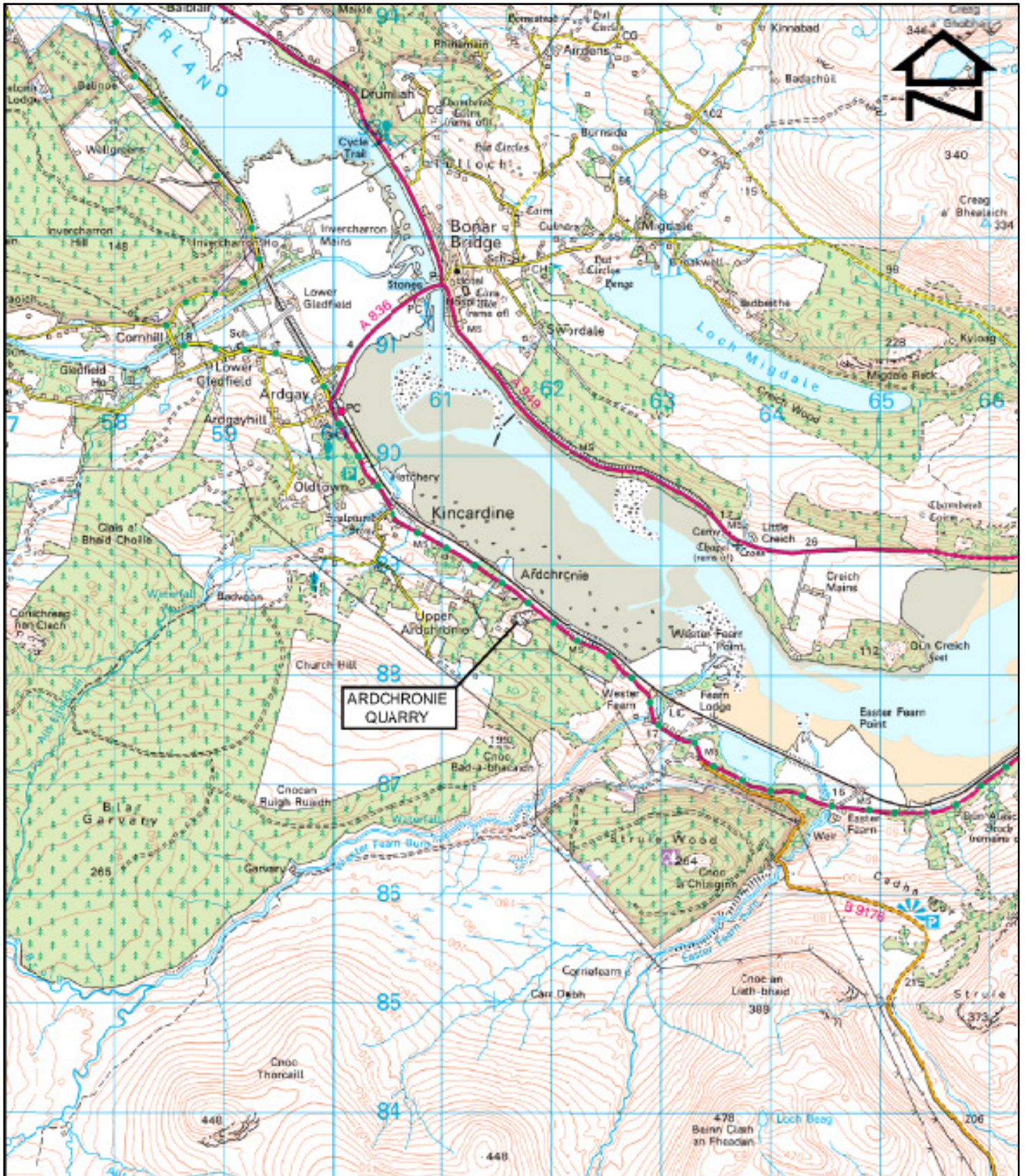
The impacts on the Dornoch Firth and Morrich More SAC are considered for the proposed 15 year duration of extractive operations and progressive site restoration. The applicant has undertaken an Environmental Impact Assessment Report (EIAR) which considers connectivity with the adjacent SAC in terms of surface water discharges from site, airborne dust, protected species and their associated habitat.

Mitigation measures to manage the discharge of surface water from the quarry are well established, with a series of settlement ponds limiting the discharge of suspended solids from site. Pollution prevention measures are also in place, including bunding of fuel stores and provision of spill kits. No groundwater is also anticipated to be encountered with the groundwater level being below the quarry floor with no lowering of the quarry floor being proposed. Dust management measures will also continue to be deployed as per the mitigation measures set out within the EIAR. An updated Pollution Prevention Plan is to be conditioned and SEPA have not identified any concerns with the water management regime at the site.

An otter survey has also been undertaken, however, the main road and the railway hinder regular or successful access to and from the site. Therefore, no adverse effects on site integrity can be concluded for this species. The appointment of an ECoW is also to be conditioned to undertake protected species surveys and advise on the implementation of the Environmental Management Plan, and the associated Pollution Prevention Plan.

The mitigation measures set out within the EIAR, and the conditions, should be sufficient to address any significant risk and avoid an impact on the integrity of the designated site and its qualifying features.

Overall, it can be therefore concluded that while likely significant effects have been identified, there will not be an adverse effect on site integrity of the Dornoch Firth and Morrich More SAC providing the mitigation set out within the appropriate assessment are applied.



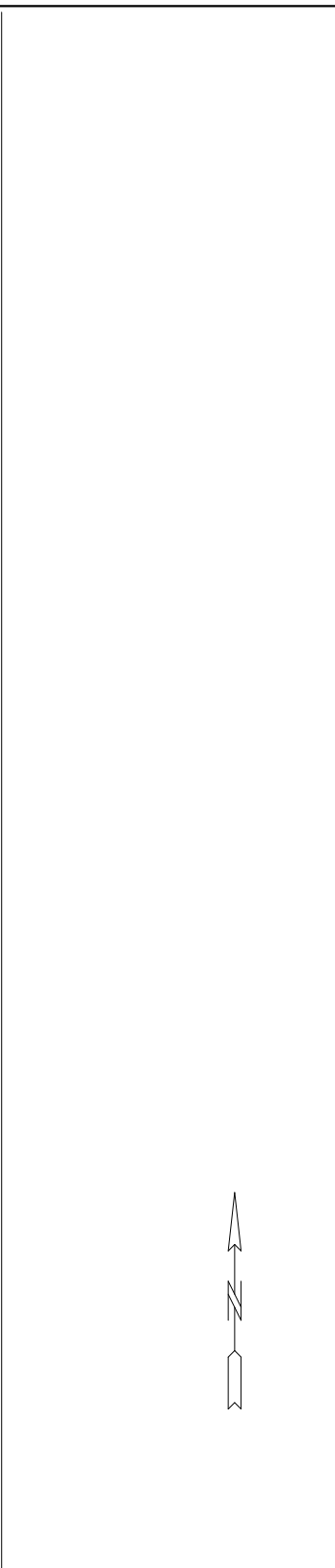
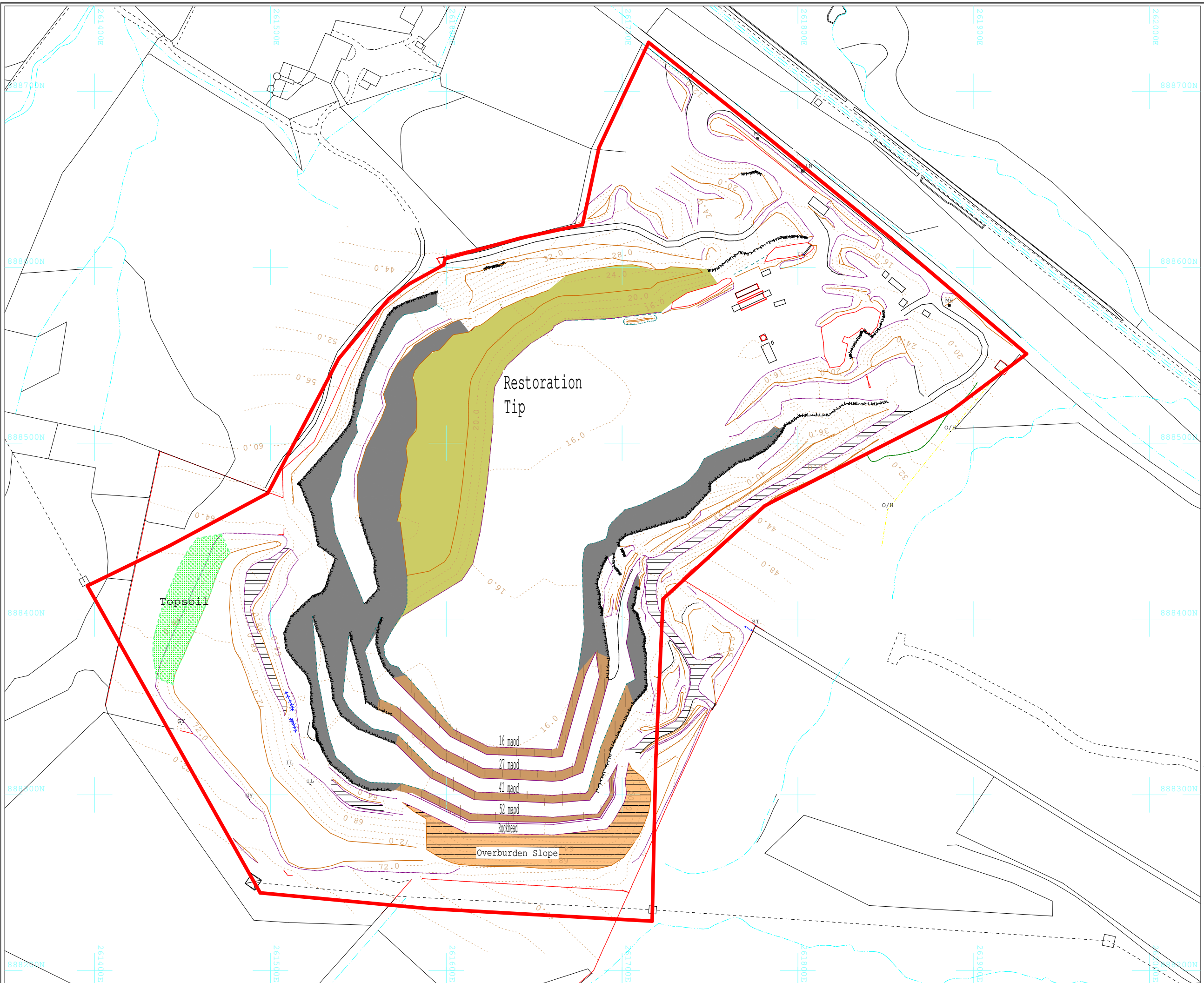
**Site Name: ARDCHRONIE QUARRY**

Drawing Title: Site Location Plan

Drawing No: A01/EIA2020/001

Drawn by: KAB





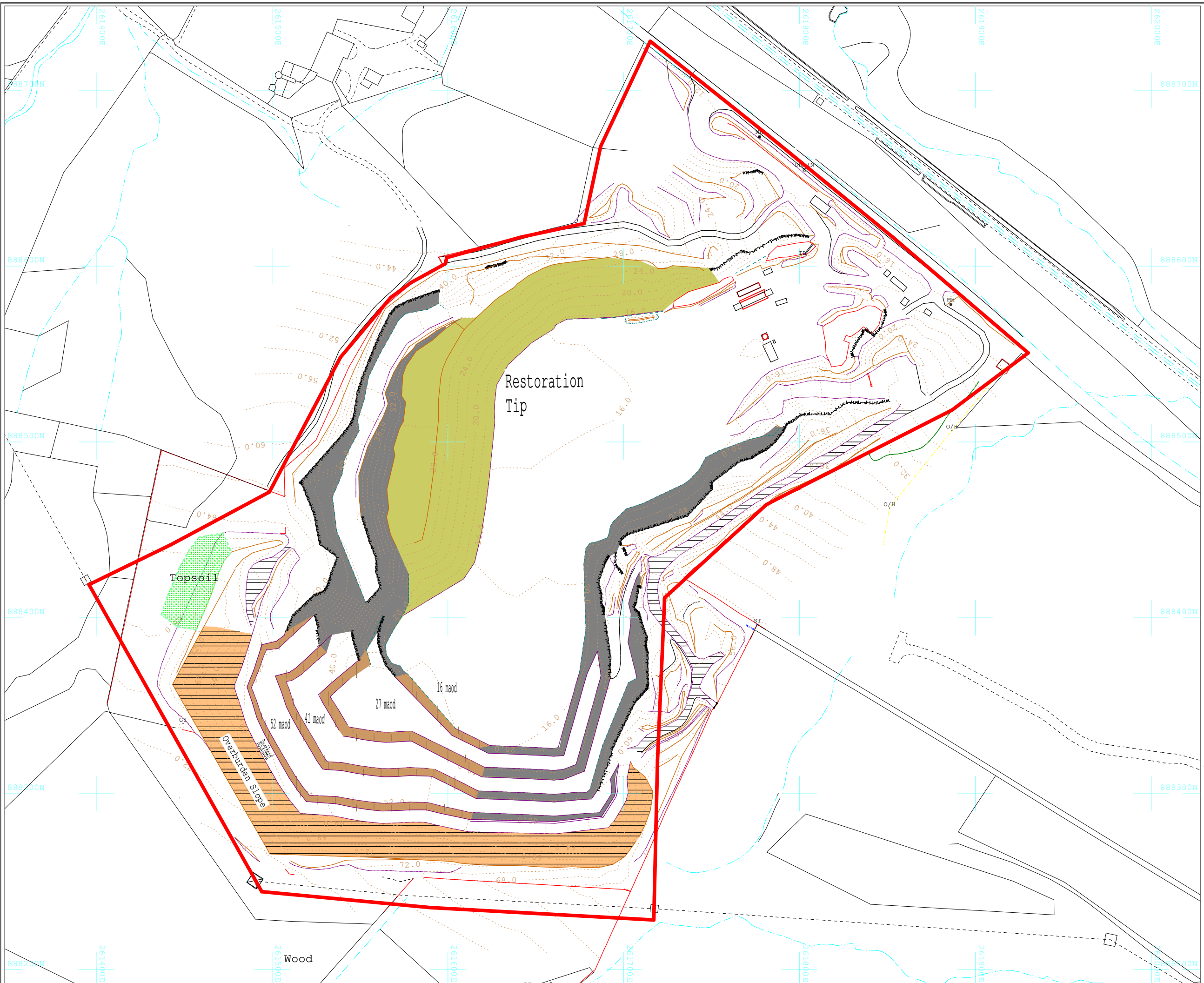
Breedon Northern Limited  
 Head Office  
 Ethiebeaton Quarry  
 Monifieth, Angus  
 Scotland, DD5 3RB  
 Tel : (01382) 537600  
[www.breedongroup.com](http://www.breedongroup.com)

**A01 Ardchronie Quarry**

Phase 1

Drawn By KAB	Date 17-DEC-2020
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Scale 1 : 2000	Drawing No. A01/EIA2020/1
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A01 Ardchronie Quarry

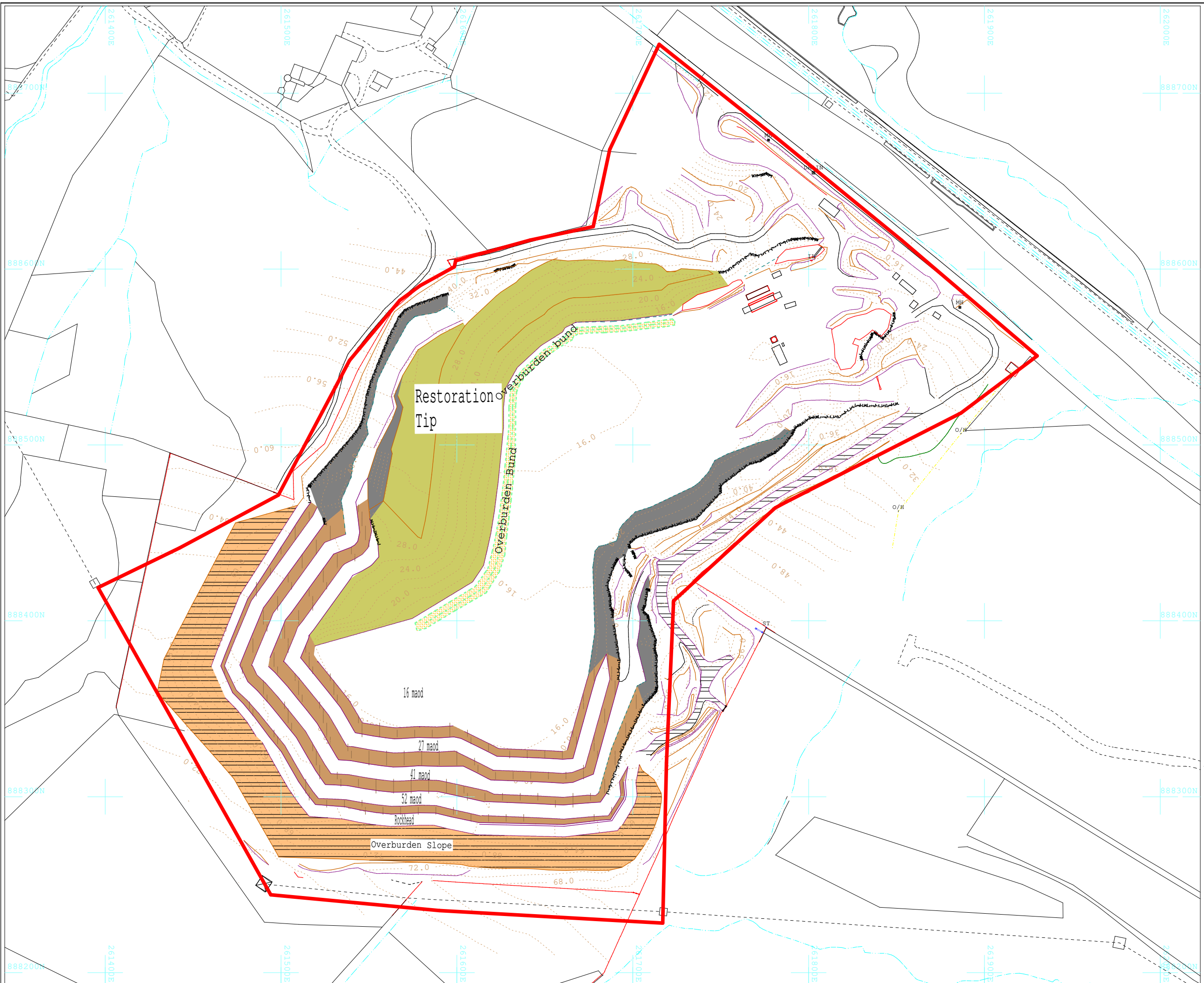
Phase 2

Drawn By  
 KAB

Date  
 17-DEC-2020

Scale  
 1 : 2000

Drawing No.  
 A01/EIA2020/



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**A01 Ardchronie Quarry**

Phase 3

Drawn By KAB	Date 18-DEC-2020
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Scale 1 : 2000	Drawing No. A01/EIA2020/1
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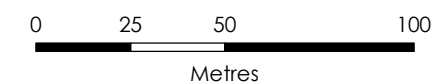
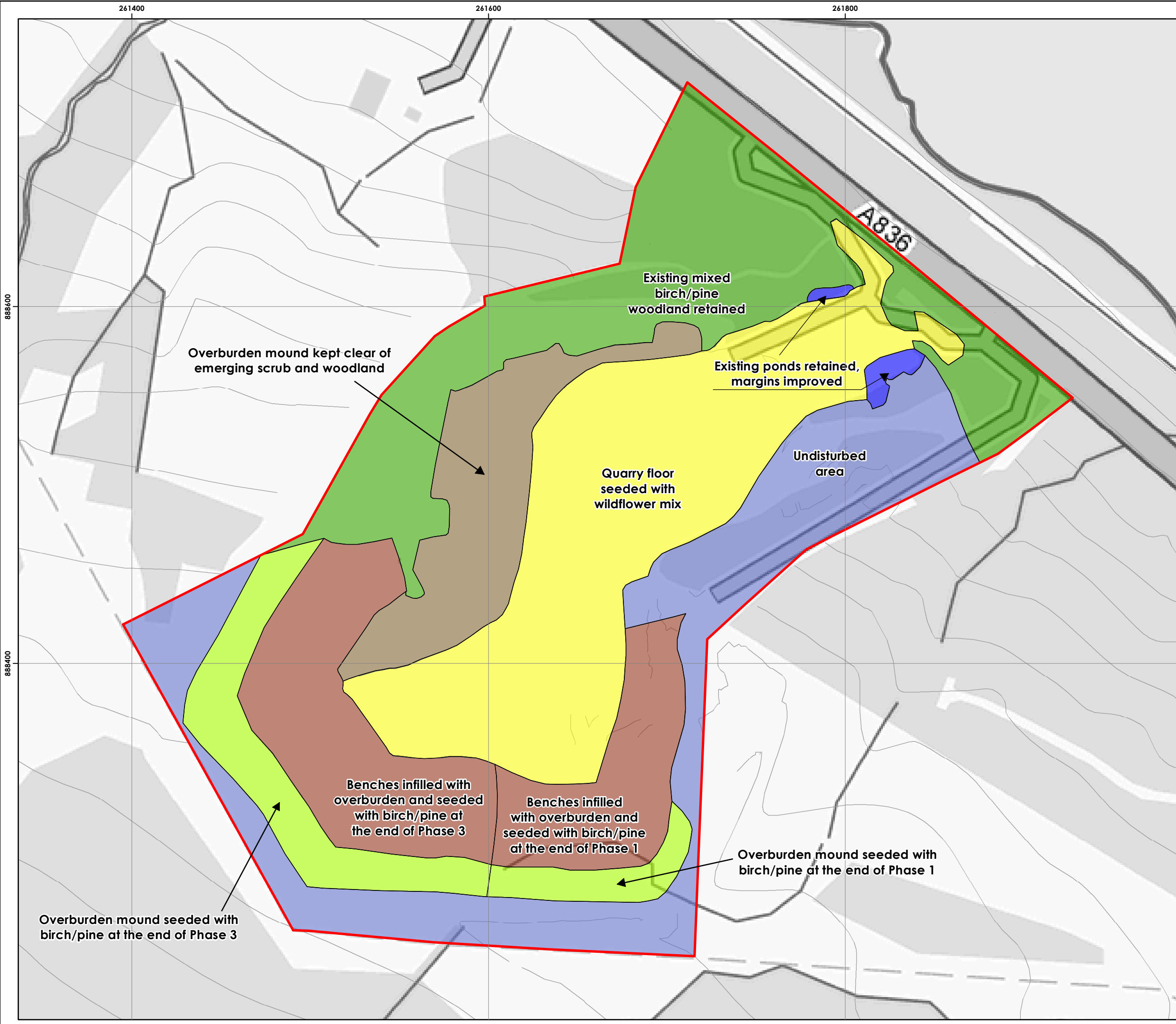
# Ardchronie Quarry



Figure 1  
Restoration Proposals

**Key**

- Site boundary
- Restoration plan**
- Benches infilled with overburden and seeded with birch/pine
- Existing mixed birch/pine woodland retained
- Existing ponds retained, margins improved
- Overburden mound kept clear of emerging scrub and woodland
- Overburden mound seeded with birch/pine
- Quarry floor seeded with wildflower mix
- Undisturbed area



Scale @ A3:  
1:2,000



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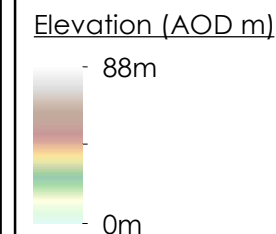
# Ardchronie Quarry



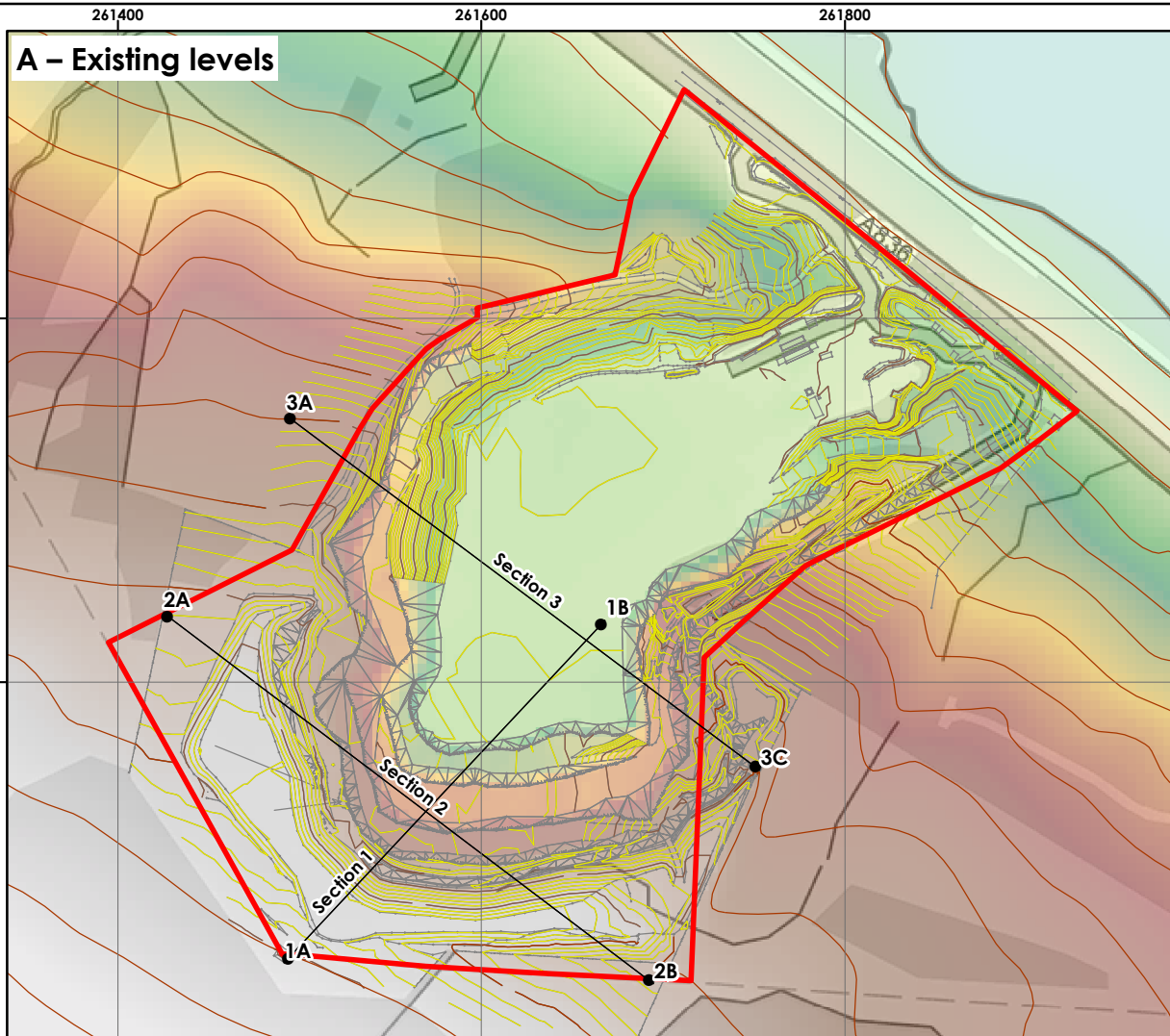
Figure 2  
Extraction Phases  
and Profile Sections

**Key**

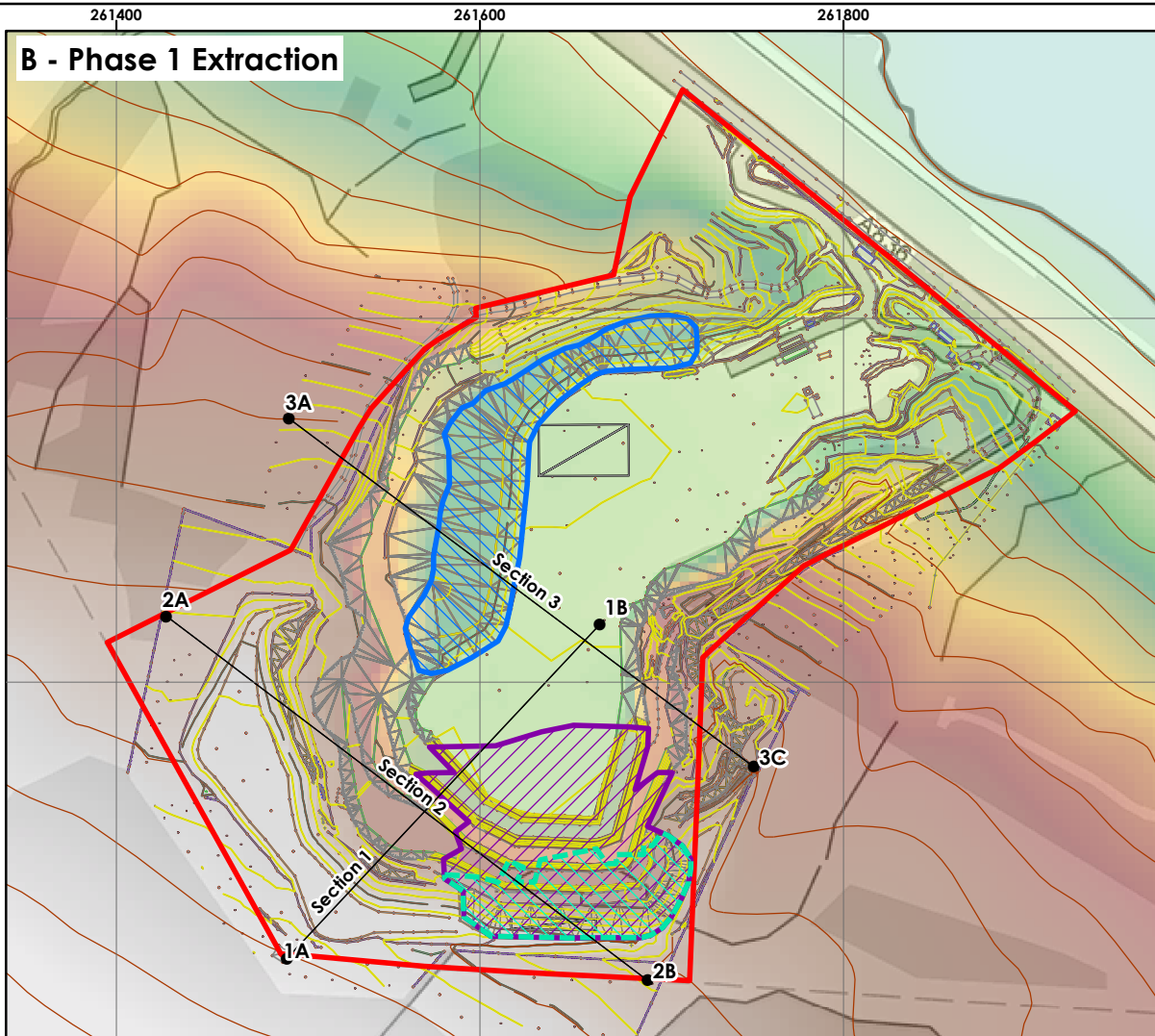
- ▭ Site boundary
- ▨ Extraction area
- ▨ Reinstatement area
- ▨ Overburden removal
- Profile section



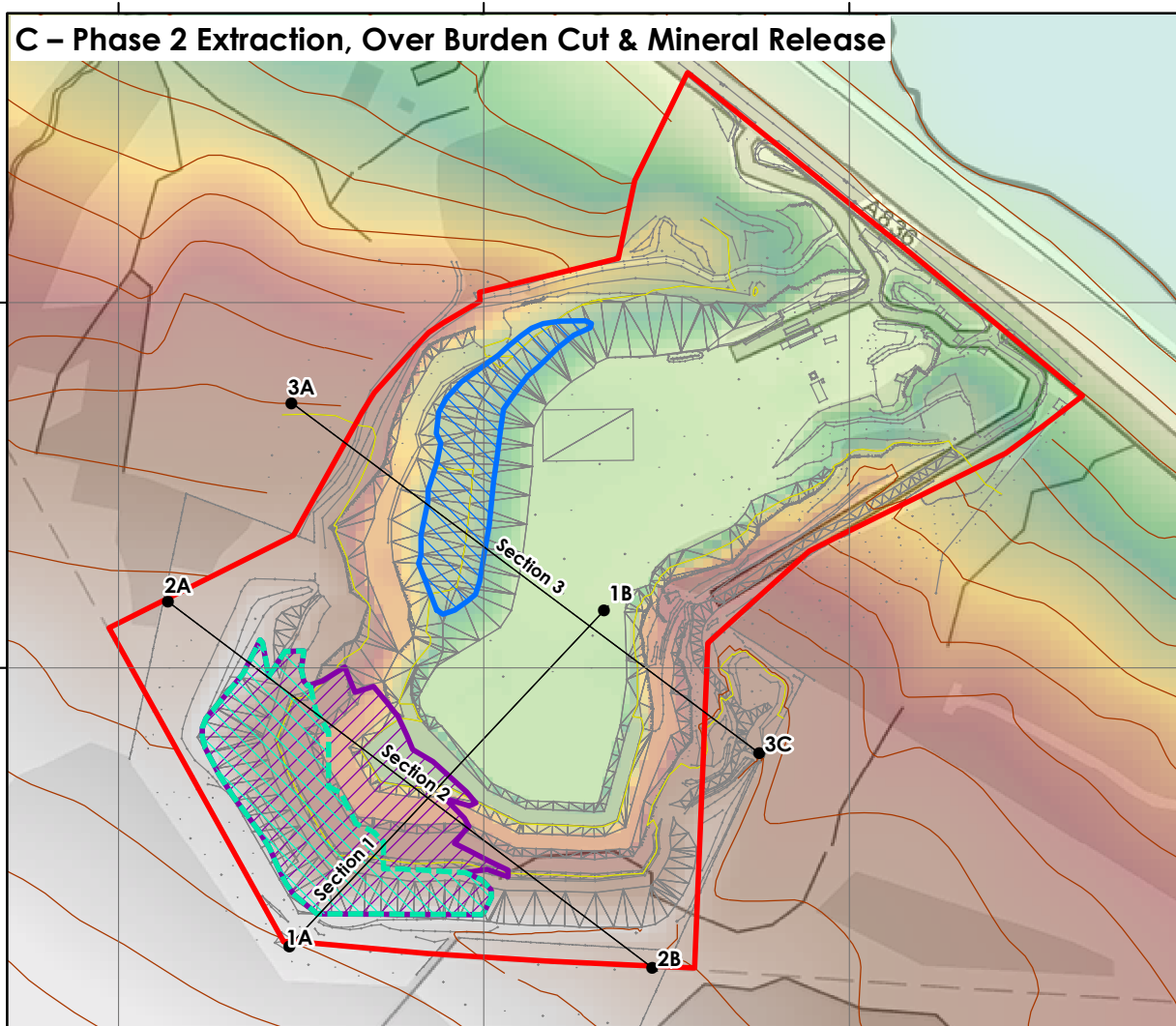
**A – Existing levels**



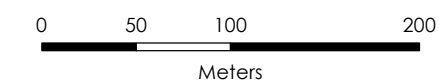
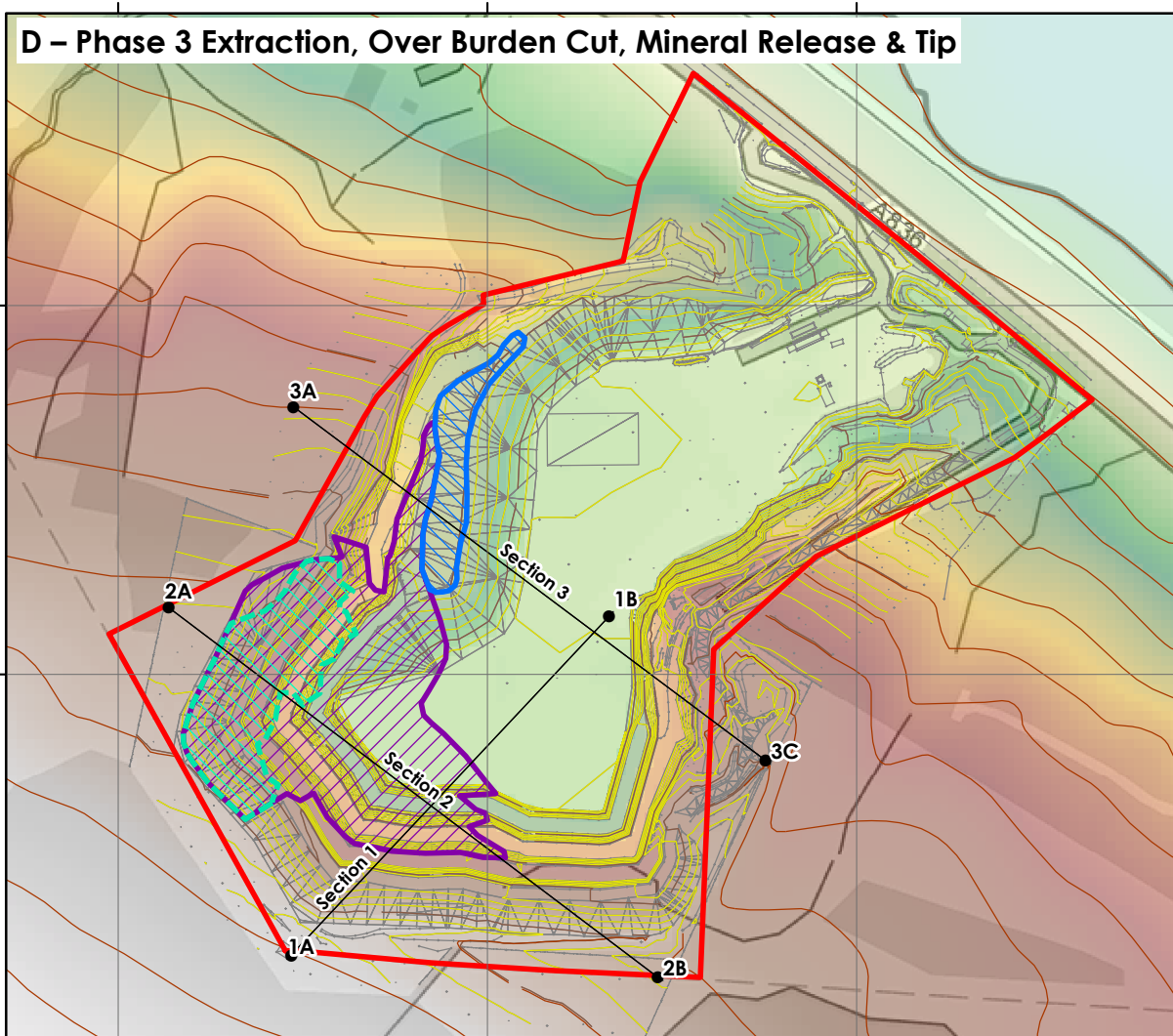
**B - Phase 1 Extraction**



**C – Phase 2 Extraction, Over Burden Cut & Mineral Release**



**D – Phase 3 Extraction, Over Burden Cut, Mineral Release & Tip**



Scale @ A3:  
1:4,000

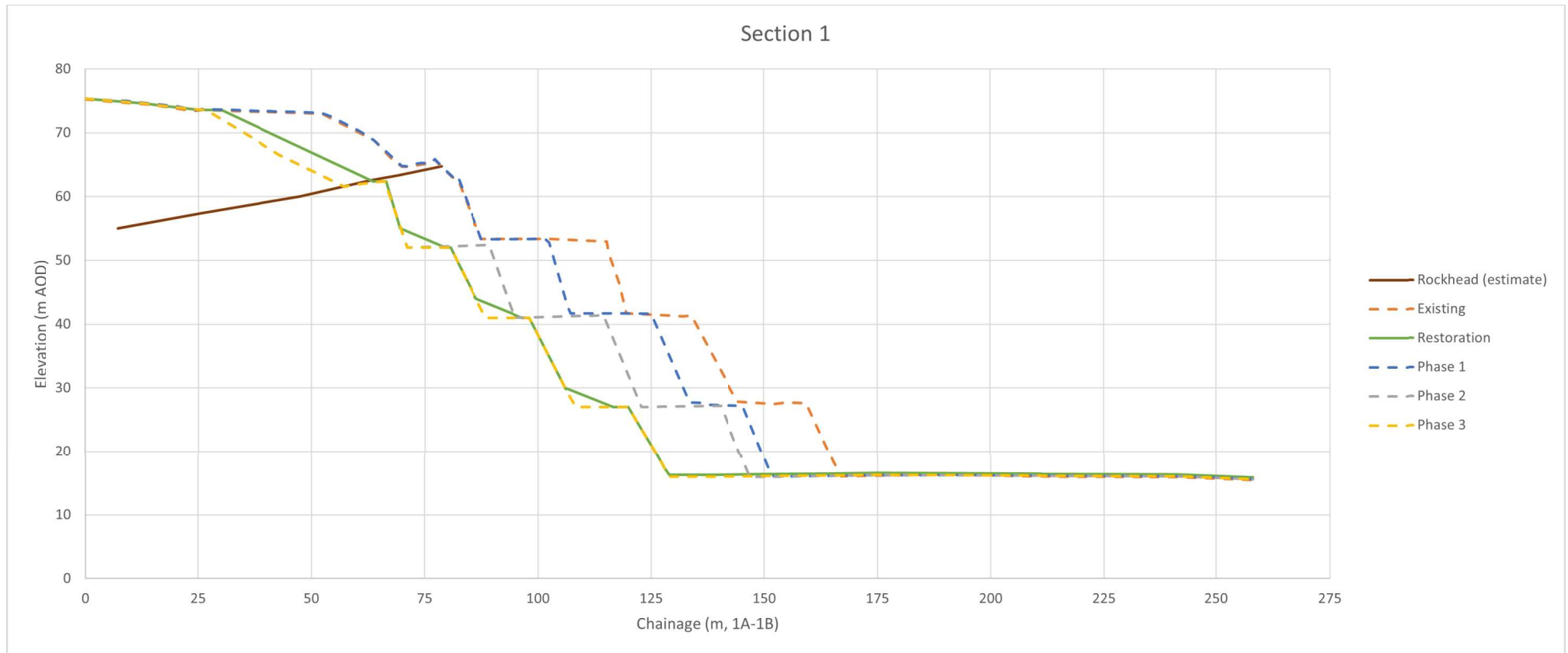


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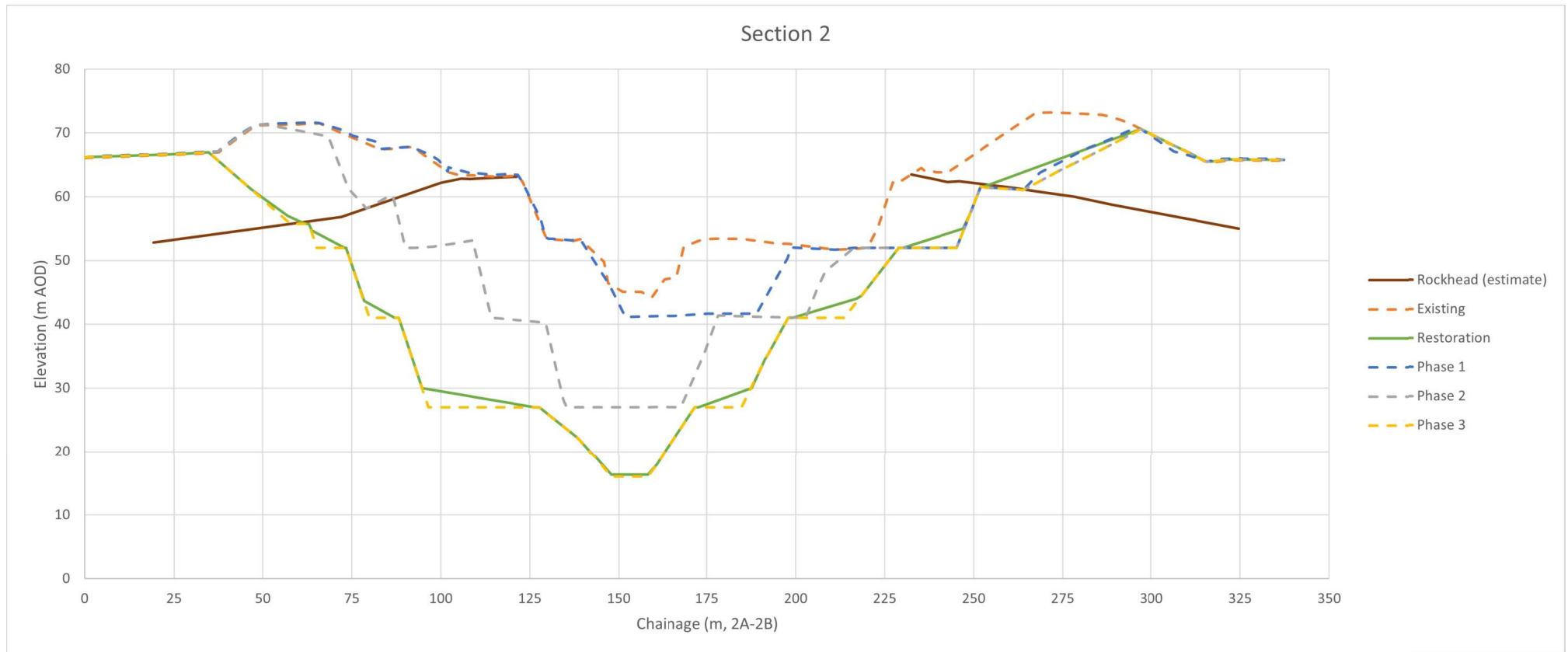
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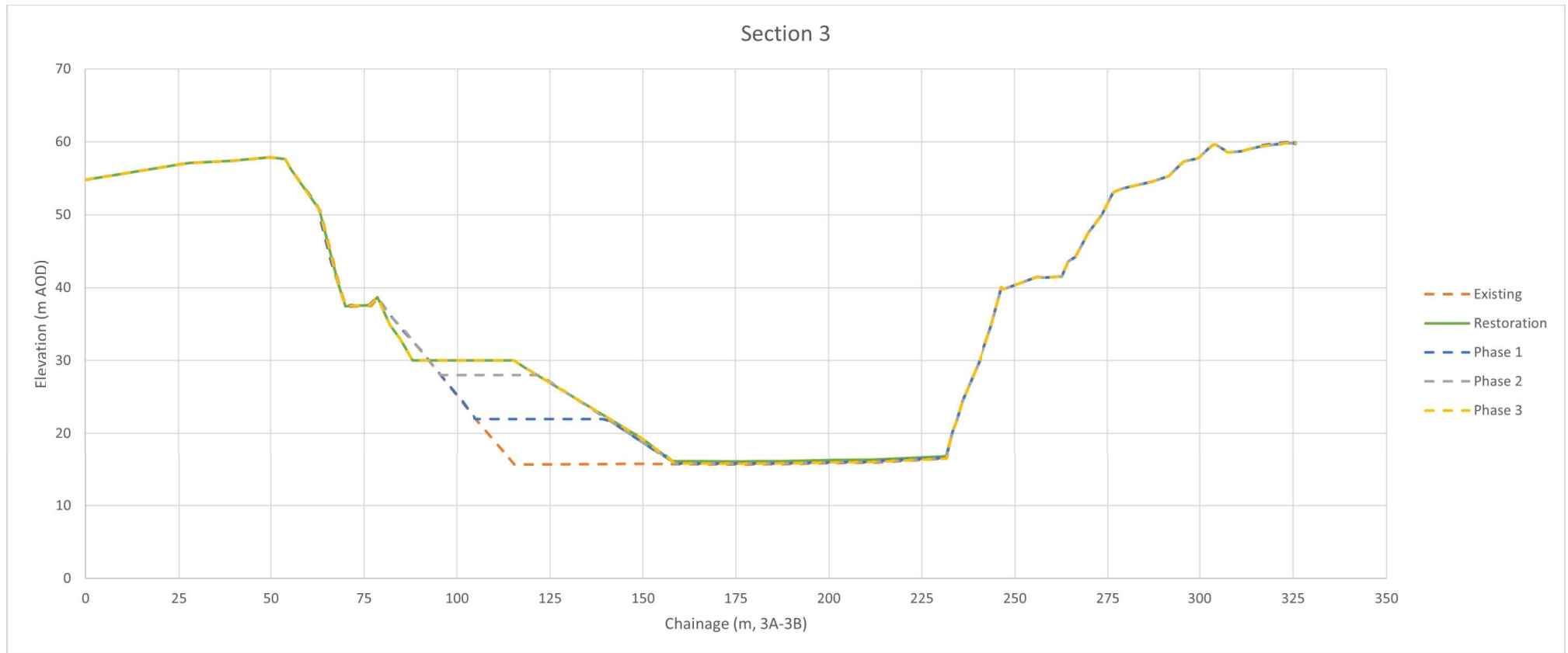
Drawn by: TH Checked by: KM Approved by: TH



See Figure 2 for location of profile extents



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