

## Appendix 1 Conditions, draft reasons for decision for application 2014/0285/DET, plans and informatives

Note: Conditions changed from the original permission 2011/0166/MIN have been highlighted with a box.

### ***Planning Conditions***

- 1 Time Limit for Construction, Operation and Decommissioning:** All mining operations and decommissioning shall cease not more than 10 years from the date of commencement of the development (as indicated on the 'Notification of Initiation of Development', or date of commencement of development as determined by the Planning Authority). The 10 years includes construction, mining operations, restoration, decommissioning and all ancillary development and does not include aftercare of the mine site.

REASON: To reflect the nature of development contained in the planning application, and considered in the Environmental Statement, and to limit the length of time proposed for mine operations and decommissioning in order to minimise the adverse landscape and visual impact in this sensitive landscape within the National Park.

- 2 Notification of cessation of operations, mine abandonment & restoration:** If at any time after the commencement of mining extraction, mining operations cease for more than 4 weeks the developer must notify the Planning Authority in writing within one week, and thereafter notify the Planning Authority in writing of the date of re-commencement of mining operations, within one week of the date of re-commencement. If at any time after the commencement of mining extraction the site is not used for mining operations for a period of 12 continuous months then the mine shall become an abandoned mine. The applicant will be required to submit details of a revised Decommissioning and Restoration Scheme (in accordance with Condition 27) for the written approval of the Planning Authority, within 6 months of the mine being declared abandoned by the Planning Authority. The applicant shall decommission and restore the site in accordance with the approved revised Decommissioning and Restoration Scheme no later than 2 years from the date the Planning Authority approved such a scheme.

REASON: To minimise the adverse landscape and visual impact and ensure that the site is restored to a satisfactory standard in this sensitive area of the National Park.

- 3 Construction Period & Pre-deposition Decommissioning and Restoration:** All works associated with the construction of the surface workings as shown on Pre-Deposition Drawing (Figure 3.2, dated 09.06.11) shall be completed within 18 months of the date of commencement of development (as indicated on the 'Notification of Initiation of Development', or date of commencement of development as determined by the Planning Authority) and mining operations shall thereafter commence within the following three months, in each case unless otherwise agreed in writing by the Planning Authority.

If mining operations do not occur by the end of such period (21 months from the date on the 'Notice of Initiation of Development' or date of commencement of development as determined by the Planning Authority or the aforementioned revised date agreed in writing by the Planning Authority) the applicant will be required to submit details of a revised Decommissioning and Restoration Scheme (in accordance with Condition 27 and including: the complete removal of the pre-deposition TMF; removal of the processing building and associated infrastructure; removal and regrading of the former mine platform; removal of all materials within the TMF and recirculation pond

(which were not won from within the TMF) which shall be returned to the underground mine in the first instance until it reaches capacity, and the remainder used to re-grade the mine platform/processing building area; and the landscaping and re-vegetation of the track from the farm to mine platform) for the written approval of the Planning Authority within 6 months after the end of the period (27 months from the date on the 'Notice of Initiation of Development' or date of commencement of development as determined by the Planning Authority or 6 months from the aforementioned revised date agreed in writing by the Planning Authority). The applicant shall decommission and complete restoration of the site in accordance with the approved revised restoration scheme no later than 2 years from the date the Planning Authority approved such a scheme.

REASON: To minimise the adverse landscape and visual impact and ensure that the site is restored to a satisfactory standard in this sensitive area of the National Park.

- 4 **Extraction Limits:** The total volume of mineral to be extracted from the mine shall not exceed 576,000 tonnes of ore. The Planning Authority shall be provided in writing with details of annual extraction volumes at no more than 12 monthly intervals from the date of commencement of extraction.

REASON: To ensure that the mine operations do not exceed the volumes of extraction assessed within the Environmental Statement.

- 5 **Tailings Management Facility (TMF) Limits and Time Restriction:** The TMF shall not exceed a maximum elevation of 339m AOD and the storage capacity shall not exceed 400,000 tonnes of extractive waste. Deposition of tailings within the TMF shall cease no later than 8 years from the date of commencement of the development (as indicated on the 'Notification of Initiation of Development', or date of commencement of development as determined by the Planning Authority).

REASON: To accurately define the extent and timing of development that was assessed within the Environmental Statement. To ensure that adequate time is given for the TMF surface to dry out in order that restoration will be successful and carried out within the time limits set under Condition 1 of this consent. To minimise the visual impact of the development in this sensitive landscape within the National Park.

- 6 **Underground Tailings Waste Storage Facility Limits:** The amount of tailings deposited underground within the underground waste management facility (as shown in the approved Waste Management Plan) shall not exceed 150,000 tonnes of extractive waste.

REASON: To accurately define the extent of development that was assessed within the Environmental Statement and to minimise the visual impact of the development in this sensitive landscape within the National Park.

- 7 **Extent of Underground Mining:** The underground mining operations shall not advance beyond the area shown on Drawing Plan 1, dated 13.01.12.

REASON: For the avoidance of doubt and to accurately define the extent of development that was assessed within the Environmental Statement.

- 8 **Entrance to Mine:** Unless otherwise agreed in writing with the Planning Authority, mine entries or accesses to the underground operations shall be limited to those shown on Drawing Figure 3.2, dated 09.06.11, and there shall be no new or additional entries or accesses.

REASON: To minimise the visual impact of the development in this sensitive landscape within the National Park.

- 9 **Widening of the Adit:** Prior to the commencement of development on site, a plan showing elevations of the proposed widening of the adit (at a minimum scale of 1:100) shall be submitted to, and approved in writing by, the Planning Authority. Thereafter all works shall be carried out in accordance with the approved plan.

REASON: To minimise the visual impact of the development in this sensitive landscape within the National Park.

- 10 **Surface Workings:** The surface extent of the application site including the TMF, the road access, buildings, plant and machinery shall only be used for works in connection with the extraction of minerals within the area shown on Drawing Plan 1, dated 13.01.12 and no extractive waste or waste materials of any other nature shall be brought onto the application site.

REASON: To ensure that the waste facility and associated plant and machinery is not used by other mine extraction work, which would result in traffic movements and other environmental impacts that have not been assessed.

- 11 **Monitoring Surveys:** The Planning Authority shall be provided with an up-to-date topographic survey referenced to the Ordnance Survey Datum at no more than 12 monthly intervals, during the operation of the mine, showing the extent of development at each survey date. The survey shall accurately record:
- (a) the up-to-date extent (laterally and vertically) of underground mining operations;
  - (b) the up-to-date extent (laterally and vertically) of the TMF;
  - (c) volume of tailings material stored in the TMF;
  - (d) an accurate record of the total extent of land that has been disturbed through the permitted operations; and
  - (e) volume of tailings material stored in the underground mine.

REASON: To ensure the development is being undertaken in accordance with the approved plans given the development is complex and large scale.

- 12 **Permitted Development:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended), no fixed plant or machinery, buildings, structures or erections, or private ways shall be erected, extended, installed, replaced, repaired or altered within the site unless approved in writing by the Planning Authority.

REASON: To ensure that no further buildings or machinery are erected that have the potential to cause additional adverse landscape and visual impact in this sensitive landscape within the National Park.

- 13 **Limitation of Working Hours:** The working hours for each element of the development hereby approved shall be limited as follows:
- (a) surface working operations relating to construction, decommissioning and post-production restoration: between 0600hrs and 2100hrs Monday to Saturday and not on Sundays or recognised Scottish Public Holidays;
  - (b) underground working: 24 hours;
  - (c) processing building to operate, including vehicle movements within the site: 24 hours Monday to Saturday and not on Sundays or recognised Scottish Public Holidays;
  - (d) surface working operations (including vehicle movements) on the TMF relating to progressive construction of subsequent lifts and restoration: between 0600hrs and

2100hrs Monday to Saturday and not on Sundays or recognised Scottish Public Holidays;

(e) haulage of minerals from the site or acceptance of deliveries to the site along the Cononish Access road from Dalrigh and Station Road Lower: between 0800hrs and 1800hrs Monday to Saturday and not on Sundays or recognised Scottish Public Holidays;

No works or vehicle movements shall be undertaken outwith the time periods listed above, excluding emergencies, unless otherwise agreed in writing, in advance, with the Planning Authority. There shall also be:

- No construction activities within 350m of Cononish Farm during the period 0600-0700hrs; and
- No surface drilling operations between 0600-0700hrs and 1800-2100hrs.

REASON: To ensure that there is no activity on site on Sundays and recognised Scottish Public Holidays to conserve the tranquillity of the glen for recreational users; to minimise noise disturbance to nearby residents at Cononish Farm, particularly during night-time hours; to ensure there is no disturbance from lorries during the night in this sensitive glen and to residential properties at Station Road and Dalrigh.

### *Construction*

- 14 **Construction Environmental Management Process (CEMP):** At least two months prior to the commencement of the development hereby permitted, a Construction Environmental Management Process (CEMP) Manual containing Construction Method Statements (CMSs) for the Tailings Management Facility, Allt Eas Anie, and all other surface workings (including track construction, car park extension, the processing building and bund, pipelines, culverts, borrow pit(s) and turves donor sites) shall be submitted for the consideration of the Planning Authority. The written approval of the Planning Authority for the CEMP manual must be received prior to the commencement of development on site. Thereafter all works shall be carried out in accordance with the approved CEMP and CMSs and any revisions shall first be approved in writing by the Planning Authority. The CEMP should include the following:
- (a) For each element a construction method, programme and timetable;
  - (b) Reference to the roles and responsibilities of the Ecological Clerk of Works and the Landscape Clerk of Works (see Conditions 32 to 35);
  - (c) A plan showing access points, identified working corridors and exclusion zones (including donor sites) with the aim of minimising damage from either vehicle tracking or materials storage and limiting the area that is required to be restored;
  - (d) Details of stock pile and peat management and a plan of their locations. All stockpiles shall be bunded. Peat turves, soil horizons, till and rock should be stored separately in marked locations. Appropriate pollution prevention mitigation techniques should be identified, for example the use of bunding, geotextiles, silt fences, etc. to prevent potential erosion, peat slide and silty runoff;
  - (e) Details of turf management including storage and location details (in accordance with Conditions 24, 25 and 26);
  - (f) Details of other habitat restoration techniques to be used such as collection of heather brush, use of plant plugs, geojute, and seeds;
  - (g) Details of mitigation and timing of works to avoid i) impacts on breeding birds, including Schedule 1 species (before 31st March and after 31st July); ii) salmon spawning or migration periods (instream works should not be undertaken when redds are occupied or alevins present during the period of October to June).
  - (h) Species Protection Plans for peregrine and European Protected Species (otters and bats). These plans shall detail proposed mitigation, which must include additional bat mitigation measures (as set out in the email from DAL dated 13.09.2011) (and in accordance with Conditions 30 and 31) and to ensure no disturbance occurs to breeding peregrines.

(i) A Site Dust Management Plan in accordance with the dust management strategy as outlined in section 11.8.2 of the Environmental Statement (DAL, July 2011).

REASON: The details within the CEMP and CMSs are considered of importance in securing an environmentally sensitive standard of development consistent with National Guidance and the first statutory aim of the National Park.

- 15 **Construction Phasing Plans:** At least two months prior to the commencement of development, construction phasing plans (scaled at 1: 2500 at A3) shall be submitted for the consideration of the Planning Authority. This shall be accompanied by a comprehensive timeline for the different operations detailed in the CEMP (see Condition 14). These plans shall detail the working areas, accesses and exclusion zones. The written approval of the Planning Authority for the Construction Phasing Plans must be received prior to the commencement of development on site. Thereafter the plans must be complied with, and the exclusion zones must be fenced off prior to the commencement of development on site, with chestnut paling or similar, unless otherwise approved in writing by the Planning Authority.

REASON: To ensure that the disturbed areas are kept to a minimum and exclusion zones are protected from disturbance within this sensitive upland glen in the National Park.

- 16 **Details of Structures:** Prior to the commencement of development hereby permitted, the details including colours, siting and materials of the processing plant building, portable security cabin, water tanks, substation and any other ancillary structures which are not wholly contained in the processing plant, shall be submitted to, and approved in writing by, the Planning Authority. Thereafter, the respective structures shall only be constructed or installed in accordance with the approved details.

REASON: For avoidance of doubt and to ensure that all structures are finished in a suitable colour and sited in an appropriate location to reduce their landscape and visual impact during the operation of the mine.

- 17 **Tailings Management Facility (TMF) Lift Construction Period:** The Planning Authority shall be notified in writing of the construction dates for the initial TMF embankment to 331m and the three subsequent lifts to 339m a minimum of 7 days in advance and all such works associated with the construction of the TMF lifts shall be completed within 8 weeks of the date on which the Planning Authority are notified of the TMF lift in question, or an alternative timescale to be agreed in writing in advance with the Planning Authority.

REASON: To ensure that the construction of the TMF lifts are undertaken as quickly as possible, in order to reduce the amount of time that turves are stored and minimise the time taken to restore the habitats, and to minimise adverse visual and landscape impact in this sensitive area of the National Park and to accord with the first statutory aim of the National Park to conserve and enhance the natural heritage of the area.

- 18 **Worker's Facilities:** Notwithstanding Class 15 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended), there shall be no worker's accommodation in the form of static or touring caravans provided within the development site.

REASON: To ensure that no static or touring caravans are provided that have the potential to cause additional adverse landscape and visual impact in this sensitive landscape within the National Park.

- 19 **Traffic Management Strategy:** At least two months prior to commencement of the development hereby approved, a Traffic Management Strategy, for the routing of traffic associated with the construction, operation and decommissioning of the mining works (which shall include the timings and use of the junction in Tyndrum and access roads within Cononish Glen, and details of wheel washing facilities) shall be submitted for the consideration of the Planning Authority in consultation with the Trunk Roads Authority. The written approval of the Planning Authority for the Traffic Management Strategy must be received prior to the commencement of development on site. Thereafter the approved strategy shall be complied with at all times, unless otherwise agreed in writing with the Planning Authority.

REASON: To ensure that traffic associated with the establishment, operation and decommissioning of the mining operation does not adversely impact on the safety and free flow of traffic on the A82 Trunk Road.

- 20 **Numbers of Vehicles and Parking Arrangements:** The total number of vehicle movements during operation of the development hereby approved shall accord with the numbers and types of vehicles listed in Section 13.4 of the Environmental Statement (Dalgleish Associates, July 2011) unless otherwise agreed in writing by the Planning Authority. The arrangements for commuting all employees, contractors and operatives to the mine from the car park at Dalrigh and the construction and use of the car park at Dalrigh must be in accordance with the details on drawing Figure 3.15, dated 21.06.11 and section 3.3.1.2 of the Environmental Statement (Dalgleish Associates, July 2011). The parking area inside the processing plant bund shall be restricted to two car vehicles, two minibuses, one dumper truck and one 10 tonne truck and one delivery bay unless otherwise agreed in writing by the Planning Authority.

REASON: To ensure the traffic movements are kept to the numbers assessed within the Environmental Statement, and to ensure that the workers are commuted to the site as outlined in the proposal to reduce the impact of traffic on the Cononish Glen access track.

- 21 **Road Survey:** At least two months prior to commencement of the development hereby permitted, a road survey of the adopted road at Dalrigh shall be carried out. The extent of the survey, and any existing defects on the roads following the survey, shall be agreed between the applicant and the owner of the road including the Roads Authority. Further inspections shall be undertaken one year, five years and ten years after the commencement of development on site, or at alternative intervals agreed in writing with the Planning Authority in consultation with the Roads Authority, to identify any deterioration in the road caused by site traffic during the works. Any defects identified outwith the initial survey shall be repaired and reinstated at the cost of the applicant.

REASON: To ensure that the road surface does not fall into disrepair as a result of the development and result in health and safety concerns for other users.

- 22 **A82 Trunk Road Junction:** Prior to the commencement of the development hereby permitted, the existing access joining the A82 shall be upgraded by the applicant to a standard as described in the Department of Transport Advice Note TD 41/95 (Vehicular Access to All-Purpose Trunk Roads) (as amended in Scotland) complying with Layout 6 using a 7.3 metre throat width. The junction shall be upgraded in accordance with details that shall first be submitted to, and approved in writing by, the Planning Authority, after consultation with the Trunk Roads Authority.

REASON: To ensure that the standard of access layout complies with the current standards and that the safety of the traffic on the A82 trunk road is not diminished.

- 23 **Visibility Splays:** Prior to the commencement of development hereby permitted, visibility splays shall be provided and maintained on each side of the upgraded access (see Condition 22) to the satisfaction of the Planning Authority. These splays are the triangles of ground bounded on 2 sides by the first 4.5 metres of the centreline of the access driveway (the set back dimension) and the nearside trunk road carriageway measured 215 metres (the y dimension) in both directions from the intersection of the access with the trunk road. In a vertical plane, nothing shall obscure visibility measured from a driver's eye height of between 1.05 metres and 2.00 metres positioned at the set back dimension to an object height of between 0.26 metres and 1.05 metres anywhere along the y dimension.

REASON: To minimise interference with the safety and free flow of the traffic on the A82 trunk road.

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### *Ecology and Landscape*

- 24 **Turf Management:** The method of dealing with turves at all stages of this development shall be in accordance with the specified detailed methodology set out in the 'Turf Management Best Practice Note' in Appendix 22 of the National Park Board report ref: NPAPC/10/2011/01.

REASON: In order to minimise the time taken to restore the habitats and to minimise adverse visual and landscape impact in this sensitive area of the National Park and to accord with the first statutory aim of the National Park to conserve and enhance the natural heritage of the area.

- 25 **Storage of Turves:** Prior to the commencement of the development hereby permitted a plan showing on-site and off-site storage areas for turves for use during construction and restoration must be submitted to, and approved in writing by, the Planning Authority.

REASON: In order to ensure there are adequate acceptable flat storage areas for turves so that they are preserved in accordance with best practice in order to minimise the time taken to restore the habitats and to minimise adverse visual and landscape impact in this sensitive area of the National Park and to accord with the first statutory aim of the National Park to conserve and enhance the natural heritage of the area.

- 26 **Recovery of Turves:** Prior to the commencement of the development hereby permitted a plan showing areas of the site from which turves will be recovered, and stating a percentage recovery rate of turves suitable for translocation, and a percentage of turves to be used as mulch, shall be submitted to, and approved in writing by, the Planning Authority. All works shall be undertaken in accordance with the approved Recovery of Turves Plan, unless otherwise approved in writing by the Planning Authority.

REASON: In order to ensure that areas from which turves are to be translocated are clearly identified, so as ensure maximum recovery of turves and thereby minimise the time take to restore the habitats and to minimise adverse visual and landscape impact in this sensitive area of the National Park and to accord with the first statutory aim of the National Park to conserve and enhance the natural heritage of the area.

27 **Decommissioning and Restoration Plan:** Prior to commencement of the development hereby approved, a detailed and standalone Decommissioning and Restoration Plan document shall be submitted to, and agreed in writing by, the Planning Authority, in consultation with SNH. The Decommissioning and Restoration Plan shall include the following details:

(a) Objectives for Restoration:

- o Clearly set out target habitats for restoration for each part of the site (taking account of topography) including details of the proportions of each habitat with the objective of achieving a composition which reflects the surrounding landscape.
- o End targets for restoration of all habitats (including upland heath, acid grassland and mire/blanket bog vegetation types) should be established. Easily measurable parameters which allow for on-going assessment of the species composition of these habitats must be identified. These should assess the percentage cover of desirable and undesirable species present at 5, 10 and 15 years from restoration. It is expected that the end target habitat for the upland heath can be established within 15 years. An end target for upland heath should have a desirable species composition which includes 35% cover of dwarf shrub species.
- o Targets for tree size, woodland cover and species mix.

(b) Progressive Restoration:

- o Detailed timeline for restoration, in accordance with Condition 15
- o Detailed methods and techniques for restoration, in accordance with Conditions 24, 25 and 26 on turf management. This detail should include a plan showing areas which are most suited to receive translocated turves, and areas most suited to receiving mulch.
- o Details of other habitat restoration techniques to be used such as collection of heather brash, use of plant plugs, geojute, seeds, etc.
- o Re-vegetation monitoring and thresholds for further intervention should techniques be only partially successful
- o Active intervention strategies including the management of graminoids (*Juncus* spp.)
- o Trial areas where the restoration techniques, monitoring and intervention strategies are piloted and used to inform later restoration works (see Condition 28)
- o Defined working corridors and exclusion zones during mine operations to minimise the disturbed area requiring restoration and protect habitats which are seed sources

(c) Monitoring:

- o An annual programme or programmes that monitor all newly established restoration habitats

(d) Planting Within the Site:

- o A detailed tree planting programme within the site

(e) Treatment of Weeds:

- o Active management of weed species by herbicide to ensure that they do not dominate the site



(f) Decommissioning:

- o Details of all the site elements, including ancillary features, to be removed and restored in accordance with mitigation/restoration, to include:
- o Mine adit closure details
- o Closure of ventilation shafts and other openings
- o Removal of processing building and associated infrastructure
- o Removal and regrading of processing building platform and bund
- o Landscaping of former mine platform
- o Landscaping and revegetation of the track from the farm to mine platform
- o Car parking and laydown areas
- o Channel diversions (north and south)
- o Decant tower and penstocks system
- o Safety fencing
- o Interception channel, spillways and weir
- o Tailings delivery line and associated piping
- o Spigot system
- o Recirculation pond slipway and discharge pipes
- o Observation wells
- o Gauging station

(g) Detailed Materials Balance:

- o Demonstrating for each key stage of development the volume of material and estimated area of turves available for restoration

(h) Aftercare Scheme:

- o An aftercare period of active management for 20 years post mine closure
- o Re-vegetation monitoring and thresholds for further intervention should techniques be only partially successful, and active intervention strategies including the management of graminoids (*Juncus* spp.), in order that restoration targets for upland heath are met for each restored habitat within identified time periods
- o Details of how on-going monitoring for health and safety/engineering purposes will be undertaken to prevent vehicle tracking over restored areas.
- o The grazing regime post restoration (including type of stock, intensity or season of grazing);
- o Removal of fences once tree and vegetation establishment targets have been met

(i) Appendices:

- o Construction Environmental Management Process (CEMP) Manual in accordance with Condition 14
- o Construction phasing plans in accordance with Condition 15
- o Role of the ECoW and LCoW in accordance with Conditions 32 to 35

o Reporting protocol to the Planning Authority.

Unless otherwise agreed in writing by the Planning Authority, the Decommissioning and Restoration Plan shall be implemented as approved.

REASON: To ensure that a stand-alone document covering all decommissioning and restoration works is produced for the avoidance of doubt and ease of future reference. To ensure that the site is successfully restored and to ensure that the site can be integrated as best as possible into the surrounding landscape and ecology in this sensitive area of the National Park to accord with the first statutory aim of the National Park to conserve and enhance the natural heritage of the area.

- 28 **Allt Eas Anie Restoration:** No further soil or vegetation stripping on the whole development site shall take place until the vegetation restoration methods, or a suitable revised method or technique, used on the first 50 metres of the Allt Eas Anie Diversion Channel and embankment (as shown on a plan to be submitted to the Planning Authority) have been applied, inspected on site, and approved in writing by the Planning Authority. Thereafter the approved method or technique shall be implemented as the vegetation restoration approach for the site as a whole.

REASON: To ensure that the restoration of the Allt Eas Anie Diversion Channel is being undertaken using techniques and methods that ensure the channel is integrated into the landscape to accord with the first statutory aim of the National Park to conserve and enhance the natural heritage of the area, and that this technique is applied as the vegetation restoration approach across the whole site.

- 29 **Greater Cononish Glen Management Plan:** Within six months of the date of commencement of the development hereby permitted, a detailed Greater Cononish Glen Management Plan (GCGMP), based on the draft GCGMP and drawings (in Appendix 3 of the National Park Board report ref: NPAPC/10/2011/01) shall be submitted to, and approved in writing by, the Planning Authority, in consultation with SNH. The approved Greater Cononish Glen Management Plan shall be implemented in accordance with the timescale set out within the plan. The GCGMP shall also incorporate the following principles as set out in the Ben Lui SAC Habitats Regulations Assessment requirements (in Appendix 23 of the National Park Board report ref: NPAPC/10/2011/01):

- 1) there will be no planting of trees on the wet heath SAC qualifying habitat and all planting locations shall be agreed by the Planning Authority in liaison with SNH and informed by a detailed botanical survey of these areas to be undertaken by the Applicant;
- 2) there will be no natural regeneration onto the wet heath SAC qualifying habitat within the deer fenced area;
- 3) no areas of wet heath SAC qualifying habitat will be fenced off in a way that excludes all grazing or other management and results in a loss of condition.

REASON: To ensure the timely submission of the Greater Cononish Glen Management Plan document which will detail the range of offsite mitigation measures in the Greater Cononish Glen in order to minimise the visual impacts of the development and to provide other positive landscape improvements which aim to compensate for the negative impact created within the development site. To also ensure no adverse impacts on the qualifying habitat within the Ben Lui SAC by reflecting the mitigation principles set out in the HRA.

- 30 **Otter Survey:** Within 12 months prior to the commencement of development, a pre-construction survey to reassess the presence and distribution of otters shall be carried out. The findings of this survey, and any detailed mitigation measures, must

be incorporated into the Construction Environmental Management Process (CEMP) Manual (Condition 14).

REASON: To ensure the proposed works do not disturb the European Protected Species on site to accord with the first statutory aim of the National Park to conserve and enhance the natural heritage of the area.

- 31 **Additional Bat Survey:** Prior to the commencement of the development hereby permitted a further detailed survey for bats within the mine shall be undertaken and the results, together with a scheme of protection and mitigation measures, shall be submitted to, and approved in writing by, the Planning Authority. All works shall be undertaken in accordance with the agreed mitigation measures, unless otherwise approved in writing by the Planning Authority.

REASON: To safeguard European Protected Species and nature conservation interests and to accord with the first statutory aim of the National Park to conserve and enhance the natural heritage of the area.

- 32 **Ecological Clerk of Works (ECoW):** No works shall commence on the development hereby approved until a suitably qualified, independent, Ecological Clerk of Works (ECoW) with upland ecology survey and restoration expertise, has been appointed by the developer, in consultation with the Planning Authority, to oversee the ecological aspects of the implementation of the planning conditions, the Construction Environmental Management Process (CEMP), Construction Method Statements, the Decommissioning and Restoration Plan and the Greater Cononish Glen Management Plan (GCGMP) during the construction, production, ongoing restoration, decommissioning, final restoration and aftercare phases of the development.

REASON: To ensure adequate ecological mitigation, as set out in the Environmental Statement (DAL, July 2011) and by condition, is carried out in all phases of the development; that the ecological objectives of the GCGMP are achieved; to avoid an adverse effect on the integrity of the Ben Lui, NNR, SSSI and SAC and the River Tay SAC; to ensure the site is successfully restored as best as possible by reflecting the mosaic of habitats in the area; and to accord with the first statutory aim of the National Park to conserve and enhance the natural heritage of the area.

- 33 **Scope of Works to be Carried Out by the Ecological Clerk of Works (ECoW):** prior to appointing the ECoW in accordance with Condition 32 above, a 'Scope of Works' for that role shall be submitted to, and approved in writing by, the Planning Authority. The ECoW shall:
- (a) Act as the first point of contact on all ecological issues relating to the development proposal for contractors and operators working on the site;
  - (b) Confer and instruct on matters of compliance and best practise with the site manager;
  - (c) Confer with contractors as to the interpretation of plans and specifications, both for the development site and the GCGMP;
  - (d) Monitor compliance with ecological mitigation works as detailed in the approved Construction Environmental Management Process (CEMP) Manual, CMSs, the Environmental Statement (DAL, July 2011) and by condition on this planning consent;
  - (e) Provide advice on the management of turves in accordance with the Best Practice Methodology (see Condition 24, and Appendix 22 of the National Park Board Report ref: NPAPC/10/2011/01);
  - (f) Ensure compliance with all wildlife legislation and give ecological 'toolbox talks' on emergency procedures if protected species are identified within or close to the development site or within the GCGMP area;

- (g) Monitor the on-going restoration of the site, including the Allt Eas Anie and Tailings Management Facility (TMF), and ensure that habitat restoration targets are achieved and that exclusion zones are identified and adequately managed;
- (h) Routinely monitor, and ensure maintenance of pollution control systems installed on the site as identified in the CEMP. Ensure that regular water quality monitoring is occurring as per conditions 36 and 37 to minimise impacts on ground water quality and prevent run off of contaminated surface water.
- (i) Have authority, on and off-site, to halt specific operations or to alter specific working methods if they observe, monitor or otherwise identify that these particular operations are having adverse impacts on the natural heritage;
- (j) Monitor compliance with the ecological targets of the GCGMP;
- (k) Advise on the final habitat mosaic on the surface of the TMP post deposition;
- (l) Submit compliance monitoring reports to the Planning Authority, at intervals agreed with the Planning Authority;
- (m) Agree and implement an exceptions reporting protocol with the Planning Authority;
- (n) Liaise with the Landscape Clerk of Works.

The Scope of Works shall specify the stages of the process that the ECoW will be present on site for, including the construction phase, subsequent TMF lifts, decommissioning and final restoration phases, and how regularly they will otherwise be present on site.

Thereafter the ECoW shall carry out all works in accordance with the agreed Scope of Works.

REASON: To define the role of the ECoW and to ensure adequate ecological mitigation, as set out in the Environmental Statement (DAL, July 2011) and by condition, is carried out in all phases of the development; that the ecological objectives of the GCGMP are achieved; to avoid an adverse effect on the integrity of the Ben Lui, NNR, SSSI and SAC and the River Tay SAC; to ensure the site is successfully restored as best as possible by reflecting the mosaic of habitats in the area; and to accord with the first statutory aim of the National Park to conserve and enhance the natural heritage of the area.

- 34 **Landscape Clerk of Works (LCoW):** No works shall commence on the development hereby approved, until a suitably qualified, independent, Landscape Clerk of Works (LCoW) has been appointed by the developer, in consultation with the Planning Authority, to advise upon the landscape and visual impacts of the application site through its integration into the wider setting by the implementation of the planning conditions, the Construction Environmental Management Process (CEMP), Construction Method Statements, the Decommissioning and Restoration Plan and the Greater Cononish Glen Management Plan (GCGMP) during the construction, production, ongoing restoration, decommissioning, final restoration and aftercare phases of the development.

REASON: To ensure adequate landscape mitigation, as set out in the Environmental Statement (DAL, July 2011) and as required by condition, is carried out in all phases of the development; that the landscape objectives of the GCGMP are achieved; and to minimise the landscape and visual impact of the development within this sensitive area of the National Park and to accord with the first statutory aim of the National Park to conserve and enhance the natural heritage of the area.

- 35 **Scope of Works to be Carried Out by the Landscape Clerk of Works (LCoW):** prior to appointing the LCoW in accordance with Condition 34 above, a 'Scope of Works' for that role shall be submitted to, and approved in writing by, the Planning Authority. The LCoW shall:

- (a) Act as the first point of contact on all landscape issues relating to the development proposal for contractors and operators working on the site;
- (b) Confer and instruct on matters of compliance and best practise with the site manager;
- (c) Confer with contractors as to the interpretation of plans and specifications, both for the development site and the GCGMP;
- (d) Monitor compliance with landscape mitigation works as detailed in the approved Construction Environmental Management Process (CEMP) Manual, CMSs, the Environmental Statement (DAL, July 2011) and by condition on this planning consent;
- (e) Advise on tree planting design and inform the micro design of the fence lines, AEA channel diversion, etc across the site to maximise landscape benefit;
- (f) Monitor the on-going restoration of the site, including the Allt Eas Anie and Tailings Management Facility (TMF), and ensure the optimum integration with the surrounding landscape;
- (g) Monitor compliance with the landscape targets of the GCGMP;
- (h) Advise on the final surface modelling of the TMF, to ensure optimum integration with the surrounding landform;
- (i) Submit compliance monitoring reports to the Planning Authority, at intervals agreed with the Planning Authority;
- (j) Agree and implement an exceptions reporting protocol with the Planning Authority;
- (k) Liaise with the Ecological Clerk of Works.

The Scope of Works shall specify the stages of the process that the LCoW will be present on site for, including the construction phase, subsequent TMF lifts, decommissioning and final restoration phases, and how regularly they will otherwise be present on site.

Thereafter the LCoW shall carry out all works in accordance with the agreed Scope of Works.

REASON: To define the role of the LCoW and to ensure adequate landscape mitigation, as set out in the Environmental Statement (DAL, July 2011) and by condition, is carried out in all phases of the development; that the landscape objectives of the GCGMP are achieved; and to minimise the landscape and visual impact of the development within this sensitive area of the National Park and to accord with the first statutory aim of the National Park to conserve and enhance the natural heritage of the area.

36 **Groundwater Monitoring Plan:** Prior to the commencement of development hereby permitted a detailed groundwater monitoring plan shall be submitted to, and approved in writing by, the Planning Authority in consultation with SEPA. The scope of the monitoring plan should include:

- (a) the collection and interpretation of data;
  - (b) the locations of proposed boreholes including up-gradient and downstream of the TMF and Recirculation Pond;
  - (c) the reporting mechanism of this interpreted data; and
  - (d) a mechanism to secure mitigation of impacts should this prove necessary.
- Implementation of the monitoring plan should commence prior to the commencement of development on site and should continue throughout the operational, decommissioning and aftercare periods of the site. The positions of the monitoring boreholes should remain accessible throughout the life of the development.

REASON: To ensure the groundwater is protected from any potential contamination.

- 37 **River Flow Monitoring:** No development shall commence until a scheme for the collection of flow data on the River Cononish has been submitted to, and agreed in writing by, the Planning Authority after consultation with SEPA. Monitoring shall be carried out in accordance with this scheme to the satisfaction of the Planning Authority, after consultation with SEPA.

REASON: In order to understand the flow regime, particularly at low flows, in order to adequately control the mine's discharges to the water environment.

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*Recreational Access*

- 38 **Blast Warning System:** Prior to the commencement of development, details of the type of warning system to be employed, and location(s) and design of signage proposed to inform members of the public using the area of blasting events associated with the development shall be submitted to, and approved in writing by, the Planning Authority. The blast warning system shall thereafter be implemented to the satisfaction of the Planning Authority.

REASON: To ensure an adequate system is in place to warn members of the public who may be in sufficient proximity of the mine to be affected by audible and ground source vibration arising from blasting. This in order to ensure the safety of the public and to ensure the third aim of the National Park, which is to promote understanding and enjoyment (including enjoyment in the form of recreation) of the special qualities of the area by the public, is upheld and not diminished.

- 39 **Blasting Limitation During Ice Climbing Periods:** During periods when the Eas Anie ice waterfall is in condition (frozen) no blasting must take place, unless otherwise agreed in writing with the Planning Authority:
- (a) in the east section of the mine (within 300 m of the waterfall) unless the climb is clear,
  - (b) in the east section of the mine (within 300 m of the waterfall) after 1900 hours on a Friday, until after 1900 hours on a Monday evening when the climb is clear, and
  - (c) during the remaining weekday evenings (Tuesday, Wednesday and Thursday) in the east section of the mine (within 300 m of the waterfall) after 2200 hours.

REASON: To regulate the environmental effects of blasting on recreational users at the Allt Eas Anie ice climb.

- 40 **Signage Details:** Prior to the commencement of development hereby approved, details of the signage to be used during the construction, operation, decommissioning and restoration periods, to be used to instruct members of the public exercising their open access rights, shall be submitted to, and approved in writing by, the Planning Authority. Details shall include wording, size, colour, location and duration of time to be displayed. Thereafter, the signs shall be maintained and sited as approved.

REASON: To ensure adequate and appropriate signage is used to inform the public during all phases (construction, operation, decommissioning and restoration) and to ensure the third aim of the National Park, which is to promote understanding and enjoyment (including enjoyment in the form of recreation) of the special qualities of the area by the public, is upheld.

- 41 **Access Management Plan:** Prior to the commencement of the development hereby approved, an Access Management Plan shall be submitted to, and approved in writing by, the Planning Authority. It shall include the following:
- (a) measures to be employed in order to ensure existing access conditions are, where reasonably possible, maintained;

- (b) details of how public access around the site will be conducted, including provision and maintenance of a pedestrian access route connecting the Cononish track and the area east of Coire na Saobhaidhe until such time as there are no longer restrictions to public access across the development site;
- (c) details as to how access along the CS319 and West Highland Way will be maintained;
- (d) details of stock and security fencing to ensure that access is not unduly impeded;
- (e) details of site security requirements where they may affect the public and continuity of access to areas currently accessible ;
- (f) a driver Code of Practice detailing the means of prioritising walkers (as set out in section 15.10.1.2 of the Environmental Statement (DAL, July 2011)).

REASON: To ensure access is, where reasonably possible, maintained and that public access rights are also upheld in order to secure the third aim of the National Park which is to promote understanding and enjoyment (including enjoyment in the form of recreation) of the special qualities of the area by the public.

- 42 **Crom Allt Bridge Details:** Prior to the commencement of the development hereby approved, notwithstanding the details shown on the Crom Allt bridge upgrade drawing (ref. number 481502-DG-0002-P1), a revised drawing of the bridge showing the details of a stepping-off area at either side of the two (east and west) abutments of the bridge shall be submitted to, and approved in writing by, the Planning Authority. Thereafter the bridge shall be built in accordance with the approved drawings.

REASON: To ensure the safety of all pedestrian users of the bridge including West Highland Way walkers and other recreational users due to the presence of larger vehicles.

- 43 **Temporary crossing of the Crom Allt:** Prior to the commencement of the development hereby permitted, a plan shall be submitted to, and approved in writing by, the Planning Authority, detailing provision of a temporary bridge crossing of the Crom Allt during construction of the new bridge at the main track. Prior to the commencement of works on the Crom Allt Bridge the temporary bridge crossing shall be implemented as approved by the Planning Authority.

REASON: In order to ensure a safe alternative crossing and continued access rights for users of the Crom Allt bridge, including West Highland Way walkers and other recreational users and in order to comply with the Land Reform Act in terms of access rights.

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### *Archaeology*

- 44 **Archaeology:** No development shall take place within the development site, as outlined in red on the approved plan, until the developer has secured the implementation of a programme of archaeological works in accordance with a Written Scheme of Investigation which has been submitted to, and approved in writing by, the Planning Authority in consultation with the West of Scotland Archaeology Service. Thereafter the developer shall ensure that the approved programme of archaeological works is fully implemented and that all recording and recovery of archaeological works within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service.

The scheme shall include the following details:

- (a) Procedures for the implementation of a watching brief during the removal of topsoil and for appropriate recording of any features of archaeological interest that may be uncovered.

(b) Proposals for the production of a report and archive deposition and wider publication.

REASON: To ensure that appropriate steps are taken to carry out archaeological recording in advance of the development.

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*Environmental Health*

45 **Noise Limit:** During the construction and operation phase of the mine, the noise shall not exceed 65dB during working hours (as specified in Condition 13 a) c) d) and e)) and 55dB outside working hours at the locations shown on Drawing Figure 10.1 known as Point 1, Cononish Farm and Point 2, the footpath to Ben Lui. In addition the mitigation proposed in section 10.10 of the Environmental Statement (DAL, July 2011) and section 7.0 of Appendix 2 Noise Report in the Planning and Environmental Statement (DAL, October 2014) shall be implemented on site to the satisfaction of the Planning Authority.

REASON: To minimise potential noise disruption to members of the public.

46 **Noise Monitoring Scheme:** The noise levels from the site shall be monitored in accordance with a scheme that has received the prior written approval of the Planning Authority prior to the commencement of development. The scheme which shall be implemented as approved by the Planning Authority, shall include the following details:

- (a) Noise monitoring locations.
- (b) Details of monitoring equipment to be used.
- (c) Monitoring periods.
- (d) Frequency of monitoring.
- (e) The recording of the monitoring results, including provision for the results to be made available to the Planning Authority and to the Environmental Health Service of Stirling Council on request.

REASON: To minimise potential noise disruption.

47 **Dust Monitoring and Mitigation:** The dust generated from the site shall be mitigated and monitored in accordance with a scheme as set out in the Dust Management Strategy as described in Section 11.8.2 of the Environmental Statement (DAL, July 2011) unless otherwise agreed in writing by the Planning Authority.

REASON: To minimise potential dust.

48 **Blast/Vibration Monitoring Programme:** Prior to commencement of any blasting operations, a scheme for the monitoring of blasting, including the location of monitoring points (Cononish Farmhouse, Allt Eas Anie waterfall, and, in the event of a query or complaint, at any alternative agreed location(s)) and equipment to be used shall be submitted to, and approved in writing by, the Planning Authority, in order to assess compliance with the proposed criteria as set out in section 12.5.1 of the Environmental Statement (DAL, July 2011) (6mms-1 ppv for 95% of events). Records of blast monitoring shall be made available to the Planning Authority and to the Environmental Health Service of Stirling Council upon request.

REASON: To demonstrate compliance with the proposed criteria, as set out in section 12.5.1 of the Environmental Statement (DAL, July 2011) and to mitigate the effects of blasting on adjacent properties or members of the public within the area.



- 49 **External Lighting:** Prior to its installation, full details of any external lighting to be used within the site, or along its access, shall be submitted to, and approved in writing by, the Planning Authority. Such details shall include the location, type, angle of direction and wattage [degree of illumination as expressed by Ev and Eh] of each light which shall be so positioned to prevent any glare or light spillage outwith the site boundary. All lighting shall be in accordance with the approved details.

REASON: In order to minimise the effect of light pollution and minimise visual impact in this sensitive landscape within the National Park.

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### **Management of Extractive Waste Conditions**

- 50 **Waste Management Plan (WMP):** extractive waste at this site shall be managed in accordance with the WMP approved with this consent, or an amended WMP as may be approved pursuant to The Management of Extractive Waste (Scotland) Regulations 2010.

REASON: To meet the requirements of Regulation 14(a) of The Management of Extractive Waste (Scotland) Regulations 2010.

- 51 **Review of Waste Management Plan (WMP):** The WMP hereby approved shall be reviewed by the operator and updated:
- (a) at least every 5 years from the date of consent, or no later than every fifth year following the date of the last review;
  - (b) in the event of substantial changes to the waste facility, the Category A waste facility or to the waste deposited;
  - (c) if requested to do so by the Planning Authority following an inspection carried out under Regulation 24(1) of the Management of Extractive Waste (Scotland) Regulations 2010;
  - (d) the operator has identified any events likely to affect the stability of the waste facility or any significant adverse environmental effects revealed by the control and monitoring procedures required by paragraph 1(e) of Regulation 22 of the Management of Extractive Waste (Scotland) Regulations 2010;
  - (e) is requested to do so by the Planning Authority as a result of any information provided by the Scottish Ministers of developments in best available techniques.

Any amendments made to the waste management plan, whether as a result of a review or otherwise, shall be notified in writing to the Planning Authority.

REASON: To meet the requirements of Regulations 16, 22 and 24 of The Management of Extractive Waste (Scotland) Regulations 2010.

- 52 **Review and Update of Planning Permission:** The operator shall notify the Planning Authority of any substantial change in the operation of the waste facility, the Category A waste facility as are shown in the WMP, or the waste deposited along, with such details as are required to allow the Planning Authority to review the requirements imposed in pursuance of The Management of Extractive Waste (Scotland) Regulations 2010 in respect of this planning permission.

REASON: To meet the requirements of Regulation 17 of The Management of Extractive Waste (Scotland) Regulations 2010.

- 53 **Extractive Waste Operator:** The identity of the operator of the Category A Waste Facility and the waste facility as are shown in the WMP shall be **SCOTGOLD RESOURCES LIMITED** a company incorporated in Scotland under the Companies Acts (Company No. SC309525). No other operator shall be permitted without prior written authorisation of the Planning Authority. The Planning Authority may grant

consent (with or without conditions) or refuse such authorisation as they may in their own discretion see fit. The consent shall not be capable of being assigned, alienated or transferred otherwise than in accordance with the foregoing procedure.

REASON: To identify the operator of the waste facilities in accordance with Regulation 13(4) of The Management of Extractive Waste (Scotland) Regulations 2010 and to safeguard the obligations of the consent if transferred to another company.

- 54 **Construction and Management:** The waste facility and Category A waste facility as are shown in the Waste Management Plan shall not be used for deposition of waste until the documented scheme has been provided to the satisfaction of the Planning Authority confirming how any events likely to affect the stability of the waste facility or any significant adverse environmental effects shall be identified.

REASON: To meet the requirements of Regulation 22(4) of The Management of Extractive Waste (Scotland) Regulations 2010.

- 55 **The Water Environment (Controlled Activities) (Scotland) Regulations 2005 (as amended) CAR:** The waste facility and Category A waste facility as are shown in the Waste Management Plan shall not be used for deposition of waste until documentation has been provided to the satisfaction of the Planning Authority confirming that all authorisation(s) required by SEPA in accordance with the requirements of the Water Environment (Controlled Activities) (Scotland) Regulations 2005 (as amended) have been granted.

REASON: To meet the requirements of Regulations 14(b) and 23 of The Management of Extractive Waste (Scotland) Regulations 2010 and to ensure all the authorisations relating to the water environment have been approved.

- 56 **Monitoring and Inspection:** There shall be suitable plans and arrangements provided for the regular monitoring and inspection of the waste facility, inclusive of the water treatment facilities, by the competent persons, including details for taking action in the event of results indicating instability or water or soil contamination. The records must be kept up-to-date and made available for inspection by the Planning Authority on request.

REASON: To meet the requirements of Regulation 22 of The Management of Extractive Waste (Scotland) Regulations 2010.

- 57 **Annual Monitoring Report:** The operator shall report to the Planning Authority once a year, on the basis of aggregated data, the results of all monitoring arising as a result of condition 56.

REASON: To meet the requirements of Regulation 22(2)(b) of The Management of Extractive Waste (Scotland) Regulations 2010.

#### **Conditions Applicable only to the Waste Facility (inert)**

- 58 **Inspection of Waste Facility (inert):** There shall be no deposition of waste within the Waste Facility (inert) until the Planning Authority has inspected the facility.

REASON: To meet the requirements of Regulation 24 of The Management of Extractive Waste (Scotland) Regulations 2010.

## **Conditions Applicable only to the Category A Waste Facility**

- 59 **Waste Management Plan (WMP) Financial Guarantee:** Prior to the commencement of any operations involving the accumulation of extractive waste in a waste facility a financial guarantee must be provided which is adequate to ensure that:

(a) all obligations required under the planning permission in respect of the waste facility, including after-closure provisions, will be discharged; and  
(b) there will be funds readily available at any given time for the rehabilitation of the land affected by the waste facility, as described in the waste management plan.

REASON: To meet the requirements of Regulation 15 of The Management of Extractive Waste (Scotland) Regulations 2010.

- 60 **Calculation of Waste Management Plan (WMP) Financial Guarantee:** The financial guarantee required by condition 59 will be calculated to the satisfaction of the planning authority on the basis of:

(a) the likely environmental impact of the waste facility, taking into account in particular the category of the waste facility, the characteristics of the waste and the future use of the rehabilitated land; and  
(b) the assumption that independent and suitably qualified third parties will assess and perform any rehabilitation work needed.

REASON: To meet the requirements of Regulation 15 of The Management of Extractive Waste (Scotland) Regulations 2010.

- 61 **Inspection of Category A Waste Facility:** There shall be no deposition of waste within the Category A Waste Facility until the Planning Authority has inspected the facility.

REASON: To meet the requirements of Regulation 24 of The Management of Extractive Waste (Scotland) Regulations 2010.

- 62 **Major-accident prevention policy, safety management system and internal emergency plan:** Prior to the start of operation of the Category A Waste Facility the operator shall draw up a major-accident prevention policy, put into effect a safety management system to implement that policy, and must also put into effect an internal emergency plan specifying the measures to be taken on site in the event of an emergency. That policy and system must be in accordance with Schedule 3 of the Extractive Waste (Scotland) Regulations 2010.

The major-accident prevention policy must:

(a) be drafted with reference to the objectives in Schedule 3 of the Extractive Waste (Scotland) Regulations 2010; and  
(b) provide the name and contact details of a safety manager responsible for the implementation and periodic supervision of the policy.

The internal emergency plan shall have the following objectives:

(a) to contain and control major accidents and other incidents so as to minimise their effects, and in particular to limit damage to human health and the environment;  
(b) to implement the measures necessary to protect human health and the environment from the effects of major accidents and other incidents;  
(c) to communicate the necessary information to the public and to the relevant services or authorities in the area; and  
(d) to provide for the rehabilitation, restoration and clean-up of the environment following a major accident.

Copies of the major-accident prevention policy, the safety management system and the internal emergency plan must be provided to Stirling Council as the authority responsible for emergency planning in the area within which the Category A facility is located.

REASON: To meet the requirements of Regulation 18 of The Management of Extractive Waste (Scotland) Regulations 2010.

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### **Planning Obligations**

A Section 75 Legal Agreement is associated with this permission. It has been prepared between the National Park Authority (as Planning Authority), the landowners, the applicant and The Crown Estate Commissioners and includes the following matters:

- **Financial Guarantees**

The section 75 has a provision for financial guarantees ('bonds') sufficient to allow the National Park Authority (NPA) to enter and restore the site to a satisfactory standard at any stage of the development when the operator has failed to meet defined obligations (including Mining Waste obligations) or has abandoned the site.

The agreement covers 3 bonds:

- The Decommissioning and Restoration Bond
- The Minerals Waste Regulations Bond
- The Greater Cononish Glen Management Plan (GCGMP) Bond

There can be no commencement of development on site until the financial guarantees are in place. The bonds will be held until the NPA signs off the completion of the works which the bonds secure.

Review of the Bond Amounts – the section 75 sets out the different circumstances under which the bond amounts can be reviewed. It also sets out the procedure for dealing with the reviews and if there is disagreement on the amount required, allows for the matter to be referred to expert determination.

- **Decommissioning and Restoration Plan**

The legal agreement sets out the requirement for this plan including a 20 year aftercare period.

- Habitat and Land Management Advisory Group – the agreement stipulates that this group will be set up to provide recommendations to the NPA and operators about the Decommissioning and Restoration Plan and its implementation.

- **Preparation and Implementation of Greater Cononish Glen Management Plan**

The agreement requires the preparation and implementation of a Greater Cononish Glen Management Plan to cover a 30 year period and to incorporate the measures set out in Appendix 3 of the Planning Board report (ref NPAPC/10/2011/01).

- Glen Advisory Group – the agreement stipulates that this group, will be set up to provide recommendations to the NPA and the operator on the implementation of the GCGMP.

- **Traffic**

The operators are bound by the agreement to be reasonable and prudent and to ensure road haulage and vehicle movements comply with the Consent and Code of Practice; to obtain NPA approval of the Traffic Management Strategy; not to use the

Level crossing at Tyndrum without a current permission from Network rail; and to survey and make good defects to part of the adopted road network.

- **Developer Contributions**

The agreement sets out the payment of Developer contributions towards projects which enhance conservation and visitor experience in the National Park. This is to total £325K over the life of the mine or be a minimum aggregate payment of £200k on cessation of production. The operators are also pay for the Ecological Clerk of Works and Landscape Clerk of Works to be appointed in terms of this consent.

- **Monitoring Costs Contributions**

The agreement sets out the payment of Developer contributions towards the National Park Authority's costs incurred in monitoring the development.

### Modification application

An application (ref 2014/0317/DET) to modify the definition of "Consent" in the section 75 agreement requires to be approved prior to the release of this decision in order to ensure that the planning obligations apply to both the original permission (ref 2011/0166/MIN) and the new permission (ref 2014/0285/DET).

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### Proposed Reason for Decision

#### List of Plans

Title	Reference	Date Received
Plan Planning Application Area with Underground Mine	PLAN 1	01/02/12
Plan Site Location Plan - Inset	1.2	19/07/11
Plan Existing Site Context Plan	3.1I	04/08/11
Plan Development Site Layout Plan with Predeposition TMF Embankment	3.2	19/07/11
Plan Development Site Layout Plan with 331m AOD TMF	3.3	19/07/11
Plan Development Site Layout Plan with 339m AOD FINAL TMF	3.4	19/07/11
Plan Cross Sections A, B, C, F Process plant area and site long section	3.5	19/07/11
Plan Cross Sections D, E TMF Cross sections	3.6	19/07/11
Plan Cross Sections G, H and I TMF Cross Sections	3.7	19/07/11
Plan Allt Eas Anie Diversion and Water Management and decant structure details	3.8	19/07/11
Plan Isometric Views of Plant Building	3.9	19/07/11
Plan	3.10A	19/07/11

Indicative Restoration Plan		
Plan Indicative Restoration Plan - plates	3.10B	19/07/11
Plan Existing Plant Building Area	3.11	19/07/11
Plan Proposed Plant Building Plan	3.12	19/07/11
Plan Floor Arrangement Plan [Processing Facility Shed]	481501-DG-0001-P3	19/07/11
Plan Typical Cross Sections [Processing Facility Shed]	481501-DG-0002-P3	19/07/11
Plan Elevations [Processing Facility Shed]	481501-DG-0003-P3	19/07/11
Plan Footing / Ground Floor/ Drainage Plan [Processing Facility Shed]	481501-DG-0004-P3	19/07/11
Plan Crom Allt Bridge Site Plan	3.14A	19/07/11
Plan Plan and Sections [Bridge Over Crom Allt]	481502-DG-0001-P1	19/07/11
Plan Bridge Details [Bridge Over Crom Allt]	481502-DG-0002-P1	19/07/11
Plan Car Park Site Plan	3.15	19/07/11
Plan Landscape Restoration Plan	6.VII	19/07/11
Plan Landscape Masterplan	6.VIII	19/07/11
Plan Existing Site Hydrology	7.2	19/07/11
Plan Proposed Site Hydrology	7.3	19/07/11
Plan Eas Anie Diversion Channel Trial Pit Locations, Cross Section Locations	7.4	19/07/11
Plan Allt Eas Anie Diversion Cross Sections	7.5A	19/07/11
Plan Allt Eas Anie Diversion Cross Sections	7.5B	19/07/11
Plan Allt Eas Anie Diversion Cross Sections	7.5C	19/07/11
Plan Allt Eas Anie Diversion Long Section	7.5D	19/07/11
Plan Noise Monitoring Locations Plan	10.1	19/07/11
<b>Waste Management Plan</b> consisting of:		
Plan Mine Waste Storage Plan	WMP1	13/01/12
Plan Underground Mine Waste Storage Long Section	WMP2	10/01/12
General WMP ES 17 WMP UG		10/01/12
General		10/01/12

WMP MWD Annex B UG		
General WMP MWD Annex C UG		10/01/12
<b>Section 75 Greater Cononish Glen Management Plan:</b>		
Plan S75 Site Fencing and Planting	S75-1	05/10/11
Plan S75/GCGMP - Location Plan	S75-2	05/10/11
Plan GCGMP - Planting Plan	S75-3	05/10/11
General draft Greater Cononish Glen Management Plan (GCGMP)		05/10/11

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**Reason for decision:**

The impact of the additional hours would result in some extended lighting and additional activity on site, however this would not impact upon nearby residential properties due to mitigation measures already proposed (such as shuttering windows in the processing building during the hours of darkness) and would impact upon relatively few recreational users passing at the specific times of the extended hours of operation.

The changes proposed are reasonable within the scale of the development already approved and will not result in any further significant impacts on the landscape, residents and recreational users than that which have already been assessed. The proposed changes to condition 13 shall be permitted, together with the additional measures proposed in the Noise Report. Also condition 45 'Noise Limit' shall be amended to include reference to the additional noise mitigation measures proposed and condition 30 shall be amended to be a pre-commencement condition.

**Note:** The decision notice for application 2014/0285/DET shall not be released until it is confirmed that the associated section 75 legal agreement has been modified to include reference to this application.

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**Informatives**

- 1 **Extractive Waste Regulations:** In accordance with Regulation 13(4) (b) of The Management of Extractive Waste (Scotland) Regulations 2010 the Planning Authority confirm:
  - A: In accordance with Regulation 8(2) of The Management of Extractive Waste (Scotland) Regulations 2010 the Planning Authority waive any further requirements of the Regulations in respect of the management of unpolluted soil and peat.
  - B: This planning permission includes the extractive waste areas shown in the Waste Management Plan (WMP) contained in the above application and noted below:
    - (i) Tailings Management Facility (Category A Waste Facility) outlined orange on Drawing WMP1; and

(ii) Waste Facility for the deposition of extractive waste underground in the area outlined hatched blue and outlined with a blue dashed line on Drawing WMP1.

- C: Use of Non Waste By-Product: In respect that the planning application and the WMP identifies excavated materials arising from the application site to be used in the construction of the TMF, in accordance with the drawings and specifications set out in the planning application, the Planning Authority confirms that those identified materials do not comprise extractive waste. The applicant and operator require to ensure that the materials to be used are suitable for their intended use and that they will be stored and used in a manner so as to ensure the stability of the TMF and so as to ensure prevention of pollution.
- 2 **Duration of permission** - In accordance with section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), this permission lapses on the expiration of 3 years beginning from the date of this permission, unless the development to which this permission relates is begun before that expiration.
  - 3 **Notification of Initiation of Development** - Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. We recommend this is submitted 2 weeks prior to the start of work. A failure to submit the notice, included in the decision pack, would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
  - 4 **Notification of Completion of Development** - As soon as practicable after the development is complete, the person who completes the development is required by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give written notice to the planning authority of the completion of the building works. As before, there is notice for you to complete for this purpose included in the decision pack. In larger, phased developments, a notice of completion is to be submitted as soon as practicable after each phase is finished by the person carrying out the development.
  - 5 **Display of Notice while development is carried out** - The developer must, for the duration of the development, display a sign or signs containing certain information. A notice has been included in the decision pack. The notice must be displayed in a prominent place at or in the vicinity of the site of the development; readily visible to the public; and printed on durable material. It would constitute a breach of planning control not to display such a notice for this type of proposal.
  - 6 **Protected species in vicinity** - Bats are known to be in the vicinity of the proposed development. Please be aware that they are fully protected, and it is an offence to deliberately, capture, injure or kill them or to damage, destroy or obstruct their breeding or resting places. It is also an offence to disturb them in their breeding or resting places. Please contact Scottish Natural Heritage for further information: (Licensing Section, Great Glen House, Leachkin Road, Inverness IV3 8NW tel no. 01463 725000; [licensing@snh.gov.uk](mailto:licensing@snh.gov.uk)). Also peregrine falcon are known to nest in the area and as an Annex 1 species under the Wildlife and Countryside Act, updated by the Nature Conservation (Scotland) Act 2003, it is an offence to: kill, injure or take any wild bird; take, damage, destroy or otherwise interfere with the nest of any wild bird while that nest is in use or being built; or obstruct or prevent any wild bird from using its nest.



- 7 **CAR Licence:** Contact should be made with SEPA's local regulatory team regarding any proposals to undertake alterations to any watercourse or discharges to watercourses as this may constitute an activity which requires to be authorised under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) (CAR). Details of regulatory requirements and good practice advice can be found on SEPA's website at [www.sepa.org.uk/planning.aspx](http://www.sepa.org.uk/planning.aspx). If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulatory team in your local SEPA office at: Stirling Office, Bremner House, The Castle Business Park, Stirling, FK9 4TF (tel no. 01786 452595).
- 8 **Turf management best practice:** CIRIA Habitat Translocation best practice guidelines should be referred to in connection with management of turves and mulch: <http://www.ciria.org/service/bookshop/Core/Orders/product.aspx?catid=2&prodid=96> SNH Information and Advisory Note 44 "Heather Re-Establishment on Mechanically - Disturbed Areas" should also be referred to: <http://www.snh.org.uk/publications/on-line/advisorynotes/44/44.htm>
- 9 **GCGMP:** Preparing a management plan: In accordance with condition 29 a detailed Greater Cononish Glen Management Plan should be produced. For each key element of works, namely: tree planting both on the SAC /NNR and on and around the development site; selective felling and re-planting around the hill parks; track improvements including culverts and batters; interpretation and access provision and painting of the farm buildings; the following needs to be provided:
- Long term aims and objectives
  - A clear plan and timescale for how this will be achieved
  - Where appropriate, details on initial survey work and how results from this will be used to refine future work
  - Details on consultation, as applicable with SNH, LLTNPA and the role of a qualified landscape architect in refining designs.
  - Method statements, detailing working methods, plant and equipment, exact specifications (including products and preparation where applicable), exclusion areas, storage areas, working corridors, access points, any 'hold triggers' such as wet weather and the lifetime maintenance as applicable
  - Maps detailing key features such as access points, working corridors, exclusion areas etc
  - Details of ongoing monitoring and intervention 'triggers' and maintenance to be applied, where applicable.
  - Details for who is responsible for ongoing maintenance/management and how this will be taken forward.
  - Details for how and when temporary features such as tree guards and deer fences will be removed and who will be responsible for this.

For the stock proof fence, to aid upland management of the SAC/NNR, a map should be produced to detail the line and to achieve best landscape fit for this fence. Method statements as detailed above should also be included.

An example of typical management plan template can be found on the internet at: [http://www.moorlandassociation.org/management\\_plan.asp](http://www.moorlandassociation.org/management_plan.asp)

- 10 **Waste Management Plan:** The Waste Management Plan (WMP) approved with this planning decision, unless otherwise reviewed or updated in accordance with The Management of Extractive Waste (Scotland) Regulations 2010, comprises the amended Chapter 17 of the Environmental Statement with the appendices referred to in that Chapter 17, together with the drawing references WMP1 and WMP2, all of which are included in the table of plans and documents.