



**PLANNING AND ACCESS COMMITTEE**

**MEETING: Monday 30<sup>th</sup> October 2017**

<b>SUBMITTED BY:</b>	<b>Director of Rural Development and Planning</b>
<b>APPLICATION NUMBER:</b>	<b>2017/0213/DET</b>
<b>APPLICANT:</b>	<b>Cemex UK Operations Ltd</b>
<b>LOCATION:</b>	<b>Cambusmore Quarry, Doune, Callander</b>
<b>PROPOSAL:</b>	<b>Review of Old Mineral Permission S/96/0267/MIN in accordance with Section 74 of the Town and Country Planning (Scotland) Act 1997</b>

<b>NATIONAL PARK WARD:</b>	3 (Callander)
<b>COMMUNITY COUNCIL AREA:</b>	Callander Community Council
<b>CASE OFFICER:</b>	Name: Catherine Stewart Tel: 01389 722731 E-mail: <a href="mailto:catherine.stewart@lochlomond-trossachs.org">catherine.stewart@lochlomond-trossachs.org</a>

**1 SUMMARY AND REASON FOR PRESENTATION**

- 1.1 The application is for a statutory periodic review of an old mineral permission (ROMP) as required by Section 74 and Schedules 9 & 10 of the Town and Country Planning (Scotland) Act 1997 (as amended) for Cambusmore sand and gravel quarry, Callander.
- 1.2 In accordance with section 5.8 of the National Park Authority's Scheme of Delegation, this application must be determined by the Planning and Access Committee as the application site crosses the boundary into Stirling Council Planning Authority area and therefore requires to be handled jointly with a neighbouring planning authority. This paper presents the National Park officer's assessment of the planning application and their recommendation.

**2 RECOMMENDATION**

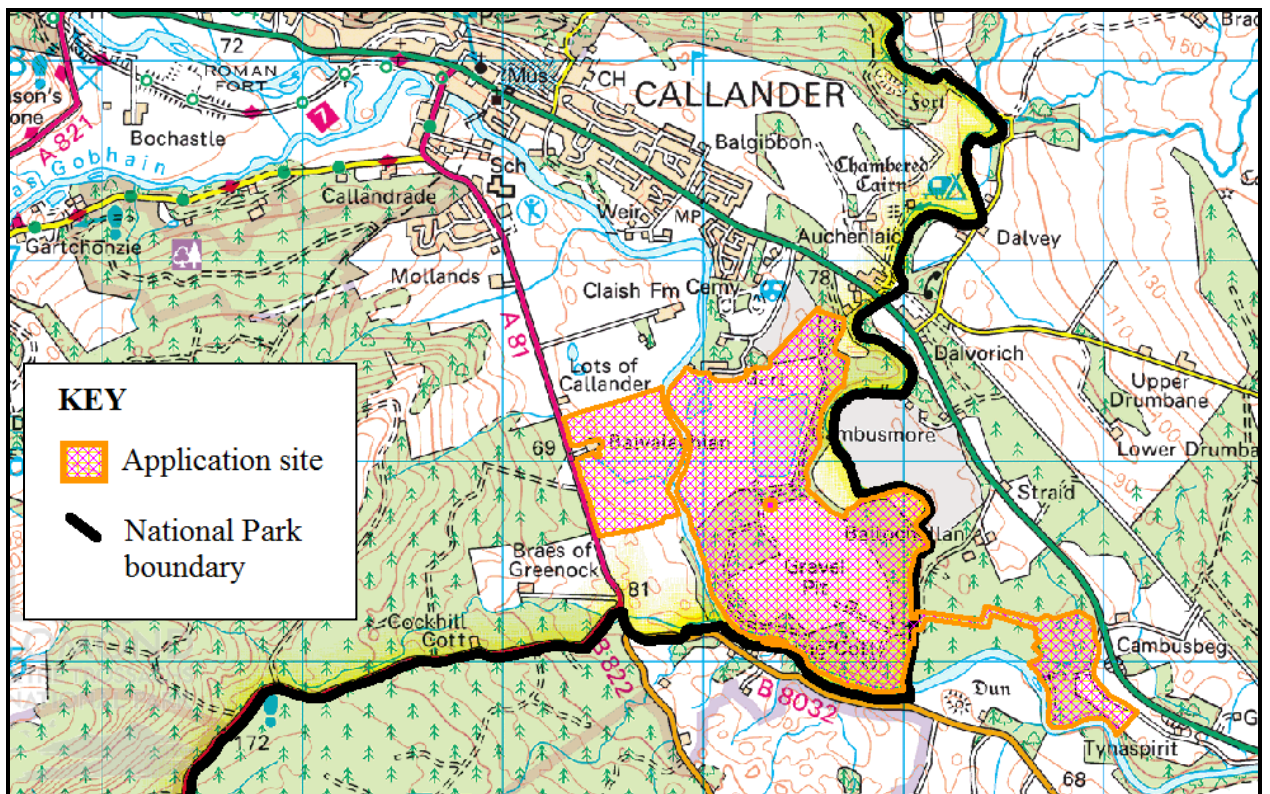
**That Members: Approve the application subject to the imposition of conditions as set out in Appendix 1 of the report.**

### 3 BACKGROUND

- 3.1 Cambusmore Quarry has been operational since the mid-1960's and produces a range of aggregates which feed into the local construction sector. The quarry is operated by CEMEX UK Operations Ltd under the provisions of planning permission S/96/0267/MIN (see decision notice in Appendix 2). In 1997, at the time of granting planning permission S/96/0267/MIN, the entire site was located within Stirling Council's administrative area. The quarry site is now split between the planning authority areas of both the National Park Authority (NPA) and Stirling Council, although the majority of the site is now located within the NPA.
- 3.2 The Town and Country Planning (Scotland) Act 1997 (as amended) requires conditions attached to all mineral permissions to undergo a review (an Initial Review, followed by Periodic Reviews) every 15 years to ensure the planning conditions meet current environmental standards. Following discussions with the applicant (Cemex) and the planning authorities (Loch Lomond & The Trossachs National Park and Stirling Council) it was agreed that a ROMP application would be submitted by 30<sup>th</sup> June 2017.

#### **Site Description:**

- 3.5 The application site is located approximately 400m to the south east of Callander, accessed off a private access road from the A84(T). See location plan in Figure 1 below.



**Figure 1.** Location Plan.

- 3.6 The quarry is split into three distinct areas (see Figure 2 and 3):
- 1) Phases 1 to 17 form the central area known as “The Gart” (144.1 hectares) which has contained all the quarrying activities to date (including extraction, processing, stockpiling, water treatment, offices and welfare facilities);
  - 2) Phase 18 also known as “Tynaspirit” (16 hectares), within Stirling Council planning



value, consisting primarily of improved grassland and conifer plantation. The Ecological Survey Report now identifies a diverse range of habitats and species, particularly within the current and former quarry workings in the Gart. The EIA report notes that the implementation of the restoration plan and Biodiversity Action Plan will lead to the site having a high biodiversity value of the long term. This would therefore lead to a significant beneficial impact. Mitigation measures are proposed.

- Noise

Mineral extraction operations involve the use of large plant and machinery which has the potential, if not properly controlled, to lead to noise impacts on residential and other noise sensitive receptors. The EIA report concludes that subject to the implementation of mitigation measures (such as excluding extraction operations within 100m of Balvalachlan farm buildings) the continued operation of Cambusmore Quarry is unlikely to result in significant noise impact.

- Air Quality & dust

Extraction and processing of sand and gravel, and its onward transportation, has the potential to lead to dust generation. The EIA report states that the mitigation measures currently employed on site are effective and sufficient to manage dust levels at the site.

- Cultural Heritage

The cultural heritage assessment finds that the Teith Valley is an area of substantial archaeological potential in terms of pre-historic and later remains. Although quarrying on the western side of the River Teith has the potential to result in the removal of sub-surface archaeological material, the implementation of a watching brief will provide confidence that any features present would be identified, recorded and excavated prior to being removed by quarrying.

- Traffic & Transportation

It is estimated that the quarry contributes up to 2.3% of all vehicles, and 20% of HGV's travelling along the A84. This contribution to the traffic on the A84(T) is assessed as having no discernible effect. Historically access to and from the quarry has operated safely and without incident. The EIA report finds that the continued use of the A84 and its junction to the quarry access road by quarry traffic is unlikely to lead to significant effects on the local road network.

- The Water Environment

The site lies within the catchments of the River Teith and Keltie Water. The EIA report states that much of the site is at moderate risk of groundwater flooding, however the ongoing operation and consented expansion of the site will not cause any decrease in floodplain storage. Runoff volumes for the greenfield, operational and restored site have been calculated and this will be attenuated in excavation areas and waterbodies. These are of sufficient size to attenuate the calculated runoff volumes. Discharges into the River Teith will have appropriate control structures to prevent discharges exceeding greenfield runoff rates. The EIA report concludes that any potential impact of the quarry operations on water quality can be minimised through the various mitigation and monitoring measures proposed. It is concluded that the continued quarrying operation will not therefore lead to a significant impact on the water environment.

- Vulnerability to Accident and Disaster

The EIA report concludes that Cambusmore Quarry has a low vulnerability to accidents or disasters due to the nature, scale and location of the development and is unlikely to cause significant environmental impacts in the event of major accident or disaster.

The EIA report concludes with a table of mitigation measures to be secured via conditions.

### 3.10 Habitats Regulations Assessment (HRA)

The site is immediately adjacent to the River Teith SAC. The following individual elements of the project have the potential to give rise to impacts upon the Natura 2000 site:

- Water quality could be affected either by chemical spillage or mobilisation of suspended solids;
- Contaminated run-off or baseflow could enter the River Teith via the gravity discharge locations or groundwater flow;
- Discharges into the River Teith could contain high suspended sediment loads

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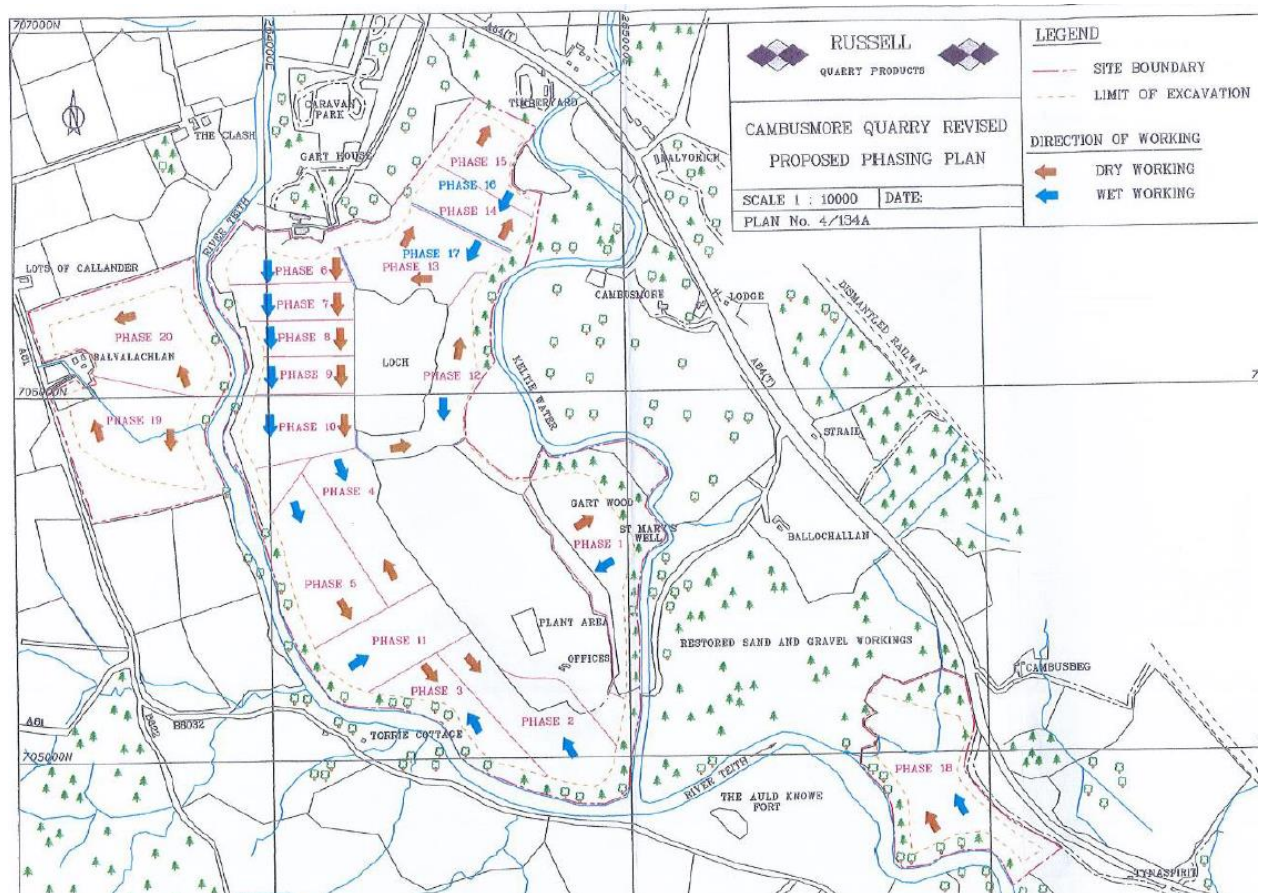
These could impact upon the SAC in the following ways:

- Could affect habitat for species and population of fish;
- Could impact salmon egg survival as the local river temperature, dissolved oxygen levels and suspended solids in the recipient watercourse could be affected.

SNH have advised is unlikely that the proposal will have a significant effect on any qualifying interests either directly or indirectly. An appropriate assessment is therefore **not** required. This is based on the assumption that the measures in the Ecological Survey Report (Direct Ecology, 2017) and the Biodiversity Plan (Cemex, 2017) (and as summarised in the mitigation table in the EIA Report Technical Appendix 16-1) will be strictly adhered to. Potential water quality impacts will be addressed by standard planning conditions (see section 7.20).

### **Description of Proposal:**

- 3.11 Planning Permission ref: S/96/0267/MIN was for “Extraction of sand and gravel followed by restoration on 188 hectares of land”. This application is for an updated schedule of planning conditions for the extant consent under the review of old minerals permissions. In order to consider these conditions it is necessary to get an overview of the development approved under application ref: S/96/0267/MIN and the proposed restoration scheme.
- 3.12 Sand and gravel extraction operations were split into 20 phases within the red line boundary of the site (see Figure 3 below) to be worked sequentially.



**Figure 3** Proposed Phasing Plan

- 3.13 Section 3.6 above, together with Figure 2 “Quarry Plan Area”, refer to the three distinct areas of the site. The majority of mineral extraction operations within the Gart have been completed. Large areas of the Gart have already been restored to a variety of habitats, including wetlands, water bodies, woodland and agricultural grassland. However the processing and stockpiling area, water treatment lagoons and the weighbridge and offices will remain until mineral extraction in the remaining phases (18, 19 and 20) are complete.

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- 3.14 Phase 18, Tynaspirit, is outwith the National Park area and will be considered under the ROMP application with Stirling Council. It is the next phase due to be worked and the EIA report states that tree felling was currently ongoing at the time of its preparation. Extraction operations at Tynaspirit are expected to last 18 to 24 months with a further 12 months for restoration.
- 3.15 Within the National Park phases 19 and 20, Braes of Greenock, are located to the west of the River Teith. Soil stripping would be undertaken in advance of mineral extraction operations. Soils would be bunded along the perimeter of the extraction area in order to provide visual and acoustic screening. A conveyor belt will be used to transport sand and gravel from the extraction area to the processing area across the river (see section 3.21).
- 3.16 Change to working method and restoration in Phases 19 and 20  
The former quarry operator, Russell Quarry Products, estimated that ground water levels on this part of the site were 57mAOD. Cemex's reappraisal has indicated that the groundwater levels are slightly higher – 60mAOD in the east of the site to 65mAOD in the south west. Also a renewed geological assessment indicates that mineral reserves are deeper and more concentrated towards the northern end of the site. Consequently the extraction area within Braes of Greenock will be reduced. It is proposed to dry work in a continuous phase from south to north down to approximately 1 metre above ground water level and subsequently wet work from north to south using a long reach excavator. Therefore the restoration of the site will include a new water body in addition to pastoral and woodland uses (see Appendix 4).
- 3.17 Restoration  
The EIA report includes a new and updated 'Landscape Restoration & Management Plan' (26 June 2017, Ian White Associates Landscape Architects). This explains the intention is to create a restoration landscape that sensitively integrates the large water bodies resulting from quarrying, into the Teith valley landscape. Restoration will create a mix of habitats across the three restored quarry areas in keeping with the Biodiversity Action Plan (BAP) primary objective to increase the ecological value of the quarry.
- 3.18 Once quarry and restoration works are completed the site will revert to management by the landowner. The future management objectives are for landscape amenity, marketable forestry, the Teith fishery and agricultural grazing. The landowner intends to allow access to the restored quarry site via a network of tracks and paths.

### ***Planning History:***

- 3.19 Cambusmore Quarry has had a number of planning permissions in the past. Quarrying operations are currently undertaken in accordance with planning permission S/96/0267/MIN, which is the subject of this ROMP application.
- 3.20 A scoping request was received in 2015 for "EIA Scoping of Proposed extension of mineral working & ROMP" (ref: PSC/2015/0003). The scoping opinion prepared by the NPA (dated 06 May 2015) set out what would be required within the Environmental Statement (EIA report). The additional extension to the quarry proposed at that time is not currently being pursued by the applicant.
- 3.21 Consent to amend the route of the conveyor and bridge connecting the plant site within Phases 19 and 20 was granted in 2016 (ref: 2016/0051/DET) under delegation.

## 4 CONSULTATIONS AND REPRESENTATIONS

### ***Responses to Consultations:***

#### 4.1 **Stirling Council Roads**

No objections.

#### 4.2 **West of Scotland Archaeological Service (WOSAS)**

No objections subject to an amendment to proposed condition 11 to include a programme of archaeological mitigation fieldwork to be carried out in advance of the expansion of quarry operations in the Phase 19 area as well as Phase 20.

#### 4.3 **Transport Scotland**

No objections.

#### 4.4 **Scottish Natural Heritage (SNH)**

No objections.

SNH advise that it is unlikely that the proposal will have a significant effect on any qualifying interests either directly or indirectly, based on the assumption that measures in the Ecological Survey Report and Biodiversity Plan will be strictly adhered to.

SNH also note the findings of the Ecological Survey Report in respect of protected species and advise that the recommendations in Chapter 4 and the actions in the Biodiversity Plan should be strictly followed in order to avoid committing an offence.

#### 4.5 **Environmental Health**

No objections, subject to conditions on noise and dust.

Concur with the new proposed conditions outlined in the application planning statement with an amendment to introduce a night time noise level to apply to works prior to 07:00 and after 19:00.

#### 4.6 **Scottish Environmental Protection Agency (SEPA)**

No objections, subject to an amendment to proposed condition 29 regarding minimisation of pollution risk to groundwater and surface waters, and the inclusion of an additional condition (32) requiring the submission of a Surface Water Management Plan (SWMP) for assessment and approval by SEPA, prior to the works commencing at the next phases of the site.

In their initial response SEPA also requested the applicant submit further information on flood risk. The applicant amended the Flood Risk Assessment (FRA) and in their final response SEPA noted that they are satisfied there will be no loss of functional floodplain at the site. They also noted that the proposal to locate stockpiled material a minimum of 40 metres from the predicted flood extent is sufficient to ensure there is no loss of storage or conveyance on the floodplain.

#### 4.7 **Stirling Council Flooding**

No objections subject to the addition of a condition requiring an evacuation plan in the event of a flood for Phases 18-20. The Flood Officer also noted shortcomings with the Flood Risk Assessment (FRA) and asked that it be updated in order to better inform the evacuation plan and identify the medium and high risk flood areas.

*Planning case officer response – the FRA was updated and resubmitted.*

### ***Summary of Representations Received:***

#### 4.8 One letter of representation has been received, from Royal Society for the Protection of Birds (RSPB). This has been summarised as follows:

RSPB Scotland welcomes the proposed restoration and Biodiversity Management Plan. They

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note the findings of the Ecological Survey Report and advise that the recommendations in Chapter 4 of this report and the actions identified within the Biodiversity Action Plan are strictly followed. They recommend an amendment to planning condition 22 (regarding the protection of nesting birds) in order to include vegetation clearance as well as the cutting of rough grass and to define the bird breeding season as March to August inclusive.

*Planning case officer response – Condition 22 has been amended accordingly.*

### 5 POLICY CONTEXT

#### **National Park Aims:**

- 5.1 The four statutory aims of the National Park are a material planning consideration. These are set out in Section 1 of the National Parks (Scotland) Act 2000 and are:
- (a) to conserve and enhance the natural and cultural heritage of the area;
  - (b) to promote sustainable use of the natural resources of the area;
  - (c) to promote understanding and enjoyment (including enjoyment in the form of recreation) of the special qualities of the area by the public; and
  - (d) to promote sustainable economic and social development of the area's communities.
- 5.2 Section 9 of the Act then states that these aims should be achieved collectively. However, if in relation to any matter it appears to the National Park Authority that there is a conflict between the first aim, and the other National Park aims, greater weight must be given to the conservation and enhancement of the natural and cultural heritage of the area.

#### **Development Plan:**

5.3 National Park Local Development Plan (2017 - 2021):

**Relevant Policies:** The following Development Plan Policies are determined material to the assessment and determination of this application.

OP1 - Overarching Policy 1: Strategic Principles

OP2 - Overarching Policy 2: Development Requirements

TP2 - Transport Policy 2: Promoting Sustainable Travel and Improved Active Travel Options

NEP1 - Natural Environment Policy 1: National Park Landscapes, seascape and visual impact

NEP2 - Natural Environment Policy 2: European sites - Special Areas of Conservation and Special Protection Areas

NEP4 - Natural Environment Policy 4: Legally Protected Species

NEP5 - Natural Environment Policy 5: Species and Habitats

NEP6 - Natural Environment Policy 6: Enhancing Biodiversity

NEP8 - Natural Environment Policy 8: Development Impacts on Trees and Woodlands

NEP 9 - Natural Environment Policy 9: Woodlands on or adjacent to development sites

NEP11 - Natural Environment Policy 11: Protecting the Water Environment

NEP12 - Natural Environment Policy 12: Surface Water and Waste Water Management

NEP13 - Natural Environment Policy 13: Flood Risk

HEP7 – Historic Environment Policy 7: Other Archaeological Resources

HEP8 - Historic Environment Policy 8: Sites with Unknown Archaeological Potential

MEP1 - Mineral Extraction Policy 1

The central part of Cambusmore Quarry (“The Gart”) is included as a development site “Callander LT1 Cambusmore – Long Term Visitor Experience”.



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5.4 Full details of the policies can be viewed at:

<http://www.lochlomond-trossachs.org/planning/planning-guidance/local-development-plan/>

### ***Other Material Considerations:***

5.5 National Park Partnership Plan (2012-2017)

All planning decisions within the National Park require to be guided by the policies of the Partnership Plan, where they are considered to be material, in order to ensure that they are consistent with the Park's statutory aims. In this respect the following policies are relevant:

Con Policy 2: Natural Heritage

Con Policy 3: Landscapes

Con Policy 4: Water

RD Policy 2: Spatial Development Strategy

VE Policy 3: Recreation and Access

5.6 Scottish Government Planning Advice

National Planning Policy Framework 3

Scottish Planning Policy

Planning Circular 4/1998 Use of Conditions in Planning Permissions

PAN 50 – Controlling the environmental effects of surface mineral workings

PAN 64 – Reclamation of Surface Mineral Workings

## **6 SUMMARY OF SUPPORTING INFORMATION**

6.1 As well as the Environmental Impact Assessment, the agent submitted the following documents in support of the planning application:

- Biodiversity Action Plan
- Correspondence regarding Waste Management Plan and extractive waste management waiver.
- MPA Industry Guarantee Scheme Leaflet
- Planning Statement including proposed conditions
- Aerial photomontage of restored site
- Email correspondence confirming EIA was submitted under 2011 regulations
- Flood Risk Assessment (revision 2 submitted 26 September 2017)

## **7 PLANNING ASSESSMENT**

### ROMP applications

7.1 This application is for a statutory periodic review of an old mineral permission (ROMP) at Cambusmore Quarry, Callander. It differs from other planning applications in that the principle of development is already established and consented, and therefore is not considered.

7.2 A ROMP application allows for the regular review (every 15 years, or longer period as agreed with the planning authority) and update of conditions attached to minerals permissions. Mineral extraction is unusual in that it is a temporary use of land which can last for many years, resulting in significant changes over the lifetime of a site. Therefore a statutory review of minerals permissions on a periodic basis has been introduced (Town and Country Planning (Scotland) Act 1997) to ensure that modern environmental and operation practices are maintained through the full operational life and restoration phases of a site.

7.3 The role of the planning authority in determining a ROMP application is to either approve the

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conditions proposed by the applicant or approve an alternative suite of conditions. ROMP applications cannot be refused. If the application is not determined within the statutory period (or agreed extension) then the conditions proposed by the applicant will be imposed on the consent. Following the submission of further information requested by the case officer the 3 month determination period for the ROMP application will now end on the 1st November 2017. Also applicants can claim compensation where the planning authority determines new conditions which would prejudice adversely to an unreasonable degree either the economic viability of the operation or the asset value of the site.

- 7.4 The applicant has submitted a schedule of conditions to which they propose the mineral permission should be subject. These conditions, together with the supporting information including an Environmental Impact Assessment (EIA) have been reviewed by statutory consultees, the case officer and expert advice has been sought from an independent mining/technical consultant. Legal advice has also been sought regarding a financial guarantee for the site. The list of amended conditions can be found in Appendix 1.

### Key planning considerations

- 7.5 The Local Development Plan policy on mineral extraction states:

*“Support will be given to proposals provided that:*

- a) There will be no adverse effect on the National Park’s special qualities, communities, traffic generation or flooding by virtue of the quarry or support infrastructure; and*
- b) The site will be subsequently restored and enhanced to provide benefits for the local community, biodiversity and the landscape; and*
- c) There is provision to facilitate the recycling and re-use of waste resulting from mineral extraction and processing. ...*

*...A bond will be required in most instances for the restoration, enhancement and aftercare of ground conditions.”*

Although this policy is aimed at new or extended minerals proposals it identifies the main planning issues to consider in this ROMP application, together with topics covered in the EIA Report:

- Landscape and Visual
- Ecology & Biodiversity
- Noise
- Air Quality & dust
- Vibration
- Cultural Heritage (including archaeology)
- Access, Traffic & Transport
- The Water Environment
- Restoration & Aftercare (including restoration bond)

Each of these will be considered in turn below.

### Landscape and Visual

#### ***Landscape Restoration and Management Plan (see conditions 13 and 14)***

- 7.6 An ‘Indicative Restoration Plan’ was approved with the original application (ref S/96/0267/MIN – see Appendix 3). This did not provide much detail and a condition on the permission at that time required submission of proposals relating the afteruse and management of the site area 3 years before the cessation of operations or 31<sup>st</sup> December 2020. The updated Quarry Restoration Plan submitted with the ROMP application provides an increase in the level of detail and consideration of landscape management. Only one aspect of this plan differs significantly enough to have the potential to give rise to landscape and visual impacts not previously assessed in the 1996 Landscape and Visual Impact Assessment (LVIA). This is the creation of a new water body at Balvalachlan farm (phases 19 and 20) (see section 3.16 above and Appendix 4).

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- 7.7 The LVIA (2017) within the EIA report notes that the Braes of Greenock (phases 19 and 20) are of “ordinary landscape quality” – pastureland with prominent farmsteads and degraded field pattern. Their value derives more from the contrast that they provide with the adjacent abrupt transition to the upland landscapes of the National Park. The LVIA notes that the proposed change to wet-working followed by a restoration to a lochan offers the potential for a much richer network of habitats and the extension of a wetland complex either side of the River Teith, whilst retaining the open character and contrast with the upland landscape. The conclusion of the LVIA - that the proposed wet restoration will produce a different restoration landscape to the one previously consented, however this new restoration proposal will not lead to significant adverse impact on landscape character or on visual receptors – is accepted.

### ***Landscape Clerk of Works (see conditions 35 and 36)***

- 7.8 In line with established best practice an additional condition has been proposed by the planning case officer concerning the appointment of a Landscape Clerk of Works to oversee the planting and habitat creation detailed in the restoration and aftercare proposals (see condition 35).

### **Ecology & Biodiversity (see conditions 17 to 26)**

- 7.9 Prior to commencement of quarrying under permission ref S/96/0267/MIN the application site was noted to be of low biodiversity value, consisting primarily of improved grassland and conifer plantation. The Ecological Survey Report (2017) now identifies a diverse range of habitats and species, particularly within the Gart area, including two of the Loch Lomond & The Trossachs National Park Biodiversity Action Plan priority habitats and a number of the key species (including bats, otter and red squirrel). The EIA report recommends a number of mitigation measures in order to protect and enhance the neighbouring SAC, protected and non-protected species and the habitats on site. These measures link with the Biodiversity Action Plan submitted with the application.
- 7.10 The existing consent has no conditions attached to the planning permission which seek to control the development in order to protect the ecology and biodiversity interests of the site. The applicant has therefore proposed conditions 17 to 26 which have been reviewed by the planning case officer and minor amendments were made.

### ***Biodiversity Action Plan and Ecological Clerk of Works (see conditions 1, 34 and 36)***

- 7.11 Additionally, a further condition is proposed by the planning case officer requiring the detailed proposals within the Biodiversity Action Plan (BAP) (approved under condition 1) to be incorporated into the operator’s Environmental Management System, and that an Ecological Clerk of Works (ECoW) should be appointed to ensure appropriate supervision of the BAP proposals. The ECoW would also contribute to the Quarry Progress Report (condition 36).

### **Noise (see conditions 3 to 8)**

- 7.12 The EIA report acknowledges that mineral extraction operations involve the use of large plant and machinery which has the potential, if not properly controlled, to lead to noise impacts on residential and other noise sensitive receptors. It assesses the potential impact of noise and concludes that quarrying operations at Cambusmore are unlikely to lead to significant noise impacts, subject to the implementation of mitigation measures to minimise noise disturbance. These measures are to be secured through conditions 3 to 8. The existing consent had a noise mitigation condition which was considered imprecise and unreasonable. The new conditions proposed by the applicant were all agreed by Stirling Council Environmental Health, with an amendment to condition 7 to introduce a night time noise level to apply to works prior to 7:00 and after 19:00.

### **Air Quality & dust (see conditions 9 to 11)**

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- 7.13 As noted in the EIA report, the extraction and processing of sand and gravel and the onward transportation of mineral from the site has the potential to lead to dust emissions. The existing consent has a single dust control condition, however this is considered to be imprecise. Three new conditions are proposed and these have been agreed by Stirling Council Environmental Health. The EIA report concludes that it is unlikely that the future mineral extraction operations at Braes of Greenock will lead to any significant dust emissions or a decrease in local air quality.

### **Vibration**

- 7.14 The Planning Statement explains that the extraction of sand and gravel does not necessitate any blasting operations and there are no operations associated with the quarry which are likely to cause high levels of vibration. No conditions are therefore proposed to control blasting or levels of vibration.

### **Cultural Heritage (including archaeology) (see condition 12)**

- 7.15 The Teith Valley is an area of substantial archaeological potential in terms of pre-historic and later remains. There are two aspects to be considered – the potential impact of the quarrying in Phases 19 and 20 and its restoration on the setting of Scheduled Monuments located to the north, but outwith the site; and the potential direct impact on as yet unidentified buried archaeological remains within the site.
- 7.16 The existing consent had 3 conditions regarding built heritage and archaeology. One of these was for the planting of trees along the northern boundary of Phase 20 in order to screen view of the quarrying operations from Scheduled Monuments to the north, as well as around Balvalachlan Farm and along the A81. This was carried out in 2007 and Historic Environment Scotland have confirmed that the restoration would not lead to significant effects on Scheduled Monuments.
- 7.17 The other aspect to be considered is the impact on buried remains. The existing consent required a Written Scheme of Investigation for phase 20 only. This measure would reduce the potential impact on buried archaeology and the EIA report concludes this would lead to beneficial effects from the additional knowledge and interpretation gained through the recording of archaeological features. However WOSAS recommend that archaeological work should be carried out in relation to both 19 and 20, rather than just phase 20, as both would appear to have a reasonably high potential to produce significant sub-surface archaeological deposits. The condition (no.12) proposed by the applicant has therefore been amended to include phase 19 as well as 20.

### **Access, Traffic & Transport (condition 16)**

- 7.18 Access to Cambusmore Quarry is via a kerbed bellmouth junction from the A84(T) onto a 900m long access road. HGV's travelling to and from the quarry do so primarily from the east (Stirling) direction in order to access the principle market area served by the quarry. There are approximately 57 to 75 loads per day (114 to 150 trips per day). The EIA report notes that the quarry does not lead to significant levels of traffic on the local road network. This is because existing quarry traffic contributes to existing background traffic at a level below the relevant IEMA thresholds of significant traffic levels: both in terms of total traffic and HGV traffic. Works required to the junction under two conditions in the existing consent have been implemented and are no longer required. As a result no further conditions relating to roads and transportation are proposed. The existing 'wheel cleaning' condition shall be retained, as although there have been no issues historically, to ensure that facilities are available should conditions require.
- 7.19 Expansion of the quarry across the River Teith to Phases 19 and 20 is not envisaged to result in any significant increase in traffic on the A81 as the quarried material will be transported across to the main Gart site for processing via a conveyor belt and bridge (approved under ref: 2016/0051/DET).

**The Water Environment (conditions 27 to 33)**

- 7.20 The EIA Report considers the potential impact of the quarry on the water environment. A Hydrogeological Impact Assessment (HIA) and a Flood Risk Assessment (FRA) were submitted with the EIA. The FRA was updated following the first consultation response from SEPA. A variety of mitigation and monitoring measures are proposed in the EIA report, and reflected in additional planning conditions. These include the use of silt traps, settlement lagoons, bunding of fuel tanks, the use of chemical spill kits and the appropriate design and location of overflow points. Flood risk mitigation measures are also proposed. The EIA report concludes that potentially 'major' impacts identified with regards to the impact on water quality can be controlled through the implementation of mitigation measures. The discharge of water from the site will be regulated by SEPA through Control Activities Regulations (CAR). The development is therefore unlikely to lead to a significant impact on the water environment.

**Restoration & Aftercare (including restoration bond) (conditions 13 to 15)**

- 7.21 As stated in section 7.6 of this report an 'Indicative Restoration Plan' was approved with the original application (ref S/96/0267/MIN). This did not provide much detail and a condition (see Appendix 2 condition 19) required submission of proposals relating the afteruse and management of the site area 3 years before the cessation of operations or 31<sup>st</sup> December 2020. Detailed final restoration and aftercare proposals have been submitted in support of the ROMP application – Landscape Restoration & Management Plan and associated drawings 1811/11 to 1811/14. As set out in the planning statement, the intention of the restoration scheme is to create a restoration landscape that sensitively integrates the water bodies resulting from quarrying into the Teith valley landscape. It explains that restoration will create a diverse mix of habitats across the three restored quarry areas that make up the site in keeping with the Biodiversity Action Plan's primary objective 'to increase ecological value of the quarry'.

**Restoration Guarantee Bond (condition 15)**

- 7.22 At present there is no condition on the existing consent or any legal agreement for a financial guarantee which the NPA would be able to call upon in the event of a future default by the applicant in relation to restoration of the site and aftercare costs. In this ROMP application the applicant proposed a condition for a restoration guarantee bond in the form of an industry funded guarantee scheme – the Minerals Products Association (MPA) Restoration Guarantee Fund. Legal advice was sought on this and there are many scenarios which could prevent the NPA successfully making a claim under the MPA arrangements were Cemex ever to default. Instead, it was recommended that a bond be put in place via proposed condition 15. This requires the applicant to arrange for a bond, guarantee, deposit account or similar security instrument to cover the full site restoration and aftercare costs to be granted in favour of the NPA within 3 months of the date of the determination of this ROMP application.

**Monitoring (condition 36)**

- 7.23 At present there are no conditions for a monitoring report to be submitted to the planning authority. It can therefore be difficult to ascertain how works are progressing at the quarry. The case officer has proposed an additional condition for an annual progress report to be submitted each year during extraction, and every other year during restoration and aftercare of the quarry. This will update the planning authority on the extent of works taken place within the last year and allow monitoring of progress with restoration. It will also include input from the appointed Landscape Clerk of Works and Ecological Clerk of Works.

**Duration of consent (condition 2)**

- 7.24 The time limit for this temporary permission has not changed from the original permission (see Appendix 2 condition 3) and the ROMP application does not seek to amend the end date of 31<sup>st</sup> December 2023.

## 8 CONCLUSION

- 8.1 The submitted EIA Report has demonstrated that the impacts on landscape and visual amenity, ecology & biodiversity, residential amenity (in terms of noise, air quality and dust), cultural heritage, traffic & access and the water environment would all be within acceptable limits or can be sufficiently minimised or mitigated by way of the proposed planning conditions so as not to have an unacceptable impact on the environment or amenity of the area.
- 8.2 The applicant proposed a schedule of conditions within the ROMP which has been reviewed by statutory consultees, the case officer and expert advice has been sought from an independent mining/technical consultant. The conditions set out in Appendix 1 reflect the changes which have been made as a result of this assessment. The conditions are considered to comply with the tests outlined in Circular 4/1998 "Use of Conditions in Planning Permissions". The conditions proposed are not considered to impact upon the commercial viability of the site. The proposed schedule of conditions meets the current standards of environmental protection for a sand and gravel quarry and ensure compliance with the requirements of policies in the Local Development Plan.

**Background** <http://www.lochlomond-trossachs.org/planning/>

**Documents:** *Click on view applications, accept the terms and conditions then enter the search criteria as '2017/0213/DET'*

**List of** *Appendix 1 - Conditions*

**Appendices:** *Appendix 2 – Decision notice for application ref: S/96/0267/MIN*

*Appendix 3 – Indicative Restoration Scheme: S/96/0267/MIN*

*Appendix 4 – Proposed Quarry Restoration Plan*

### Appendix 1: Planning Conditions and Informatives

#### Conditions

- 1 The development hereby permitted shall be carried out, except where modified by the conditions to this permission or by written approval of the Planning Authority, in accordance with the following:
- a. The submitted Application Forms
  - b. The Planning Statement dated June 2017
  - c. The Environmental Impact Assessment Report, dated June 2017, including:
    - EIA Report - Volume 1 - EIA Report Text
    - EIA Report - Volume 2 - Figures & Technical Appendices
    - EIA Report - Volume 3 - Non-Technical Summary
  - d. The Plans submitted and titled as follows:
    - Drawing P4/1838/1 - Location Plan
    - Drawing 4/134A - Proposed Phasing Plan
    - Drawing 1811/02 - Proposed Restoration Sections - Phases 19 & 20
    - Drawing 1811/06 – Balvalachan Lots (phases 19 +20) Proposed Revised Restoration Scheme
    - Drawing 1811/07 - Operational Layout Phases 19 & 20
    - Drawing 1811/11 - Quarry Restoration Plan

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- Drawing 1811/12 - Quarry Restoration Section A, B, E
  - Drawing 1811/13 - Quarry Restoration Sections C, D
- e. The Biodiversity Action Plan, dated May 2017 (or subsequent updated version as agreed in writing with the Planning Authority)

For avoidance of doubt, mineral extraction operations within phases 19 & 20 are permitted both above and below the water table in accordance with Drawing 1811/07.

**REASON:** In order to define the terms of the planning permission.

- 2 Mineral extraction operations shall cease and all restoration and mitigation works shall be completed by the 31st December 2023.

**REASON:** In order to ensure the site is satisfactorily restored within a timely manner.

### Noise

- 3 With the exception of emergency works and soil stripping (see Condition 4) all operations including mineral extraction, processing and delivery/despatch shall only be undertaken within the hours of 0600 to 2000 hours Mondays to Fridays, 0600 to 1200 hours on Saturdays and 0700 to 1600 hours on Sundays.

**REASON:** In order to retain effective planning control and minimise adverse impact on local amenity.

- 4 With the exception of soil stripping operations required for construction of the bund to the north and east of Balvalachlan Farmhouse soil stripping operations on phases 19 and 20 shall be restricted to within hours of 0800 to 2000 hours from Mondays to Fridays with no soil stripping on Saturdays and Sundays. All operations required for construction and removal of the bund to the north and east of Balvalachlan Farmhouse within phases 19 & 20 shall only be carried out between the hours of 0900 and 1700 hours Monday to Friday with no bund construction on Saturdays and Sundays.

**REASON:** In order to minimise noise disturbance.

- 5 The noise mitigation measures, as detailed within Technical Appendix 16-1 of the EIA Report dated June 2017, shall be implemented.

**REASON:** In order to minimise noise disturbance.

- 6 A noise attenuation bund shall be constructed to the north and east of Balvalachlan Farmhouse, in accordance with drawing 1811/07, during the initial soil stripping operations within Phases 19 & 20, and shall remain in situ for the duration of mineral extraction operations. With the exception of bund construction and removal, no mineral extraction operations shall take place within 100 metres of Balvalachlan Farmhouse.

**REASON:** In order to minimise noise disturbance.

- 7 Noise levels attributable to site operations shall not exceed 55dB LAeq (07:00 – 19:00 hours) and night time level 42dB LAeq (19:00 – 07:00 hours) measured free-field over any one hour period in accordance with PAN 50 at any noise sensitive property within vicinity of the quarry.

**REASON:** In order to minimise noise disturbance

- 8 Notwithstanding the terms of Condition 7 above, noise levels attributable to site operations during soil stripping and bund construction between the hours of 07:00 and

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19:00, shall not exceed 70dB LAeq, measured free-field over any one hour period in accordance with PAN 50 at any noise sensitive property within vicinity of the quarry. Soil stripping and bund construction operations shall not last for more than 8 weeks per annum.

For the avoidance of doubt, soil stripping and bund construction operations carried out prior to 07:00 hours and after 19:00 hours shall be subject to noise limits as specified within Condition 7 above.

**REASON:** In order to allow for higher noise levels for a limited period during construction and removal of the noise attenuation bund.

### Dust

- 9 The dust mitigation measures, as detailed within Technical Appendix 16-1 of the EIA Report dated June 2017, shall be implemented.

**REASON:** In order to minimise the generation of dust.

- 10 The operator shall minimise dust emissions from the site by every practicable means, and shall at all times operate in full accordance with current best practice. In the event of dust nuisance problems being created by operations on site, the operator shall take all reasonable remedial measures to minimise the transmission of dust.

**REASON:** In order to minimise the generation of dust.

- 11 At all times during the operation water bowsers and sprayers, whether fixed or mobile, shall be available and shall be used as necessary, to minimise the emission of dust from the site.

**REASON:** In order to minimise the generation of dust.

### Archaeology

- 12 No development, including planting and bunding, shall take place within Phase 19 and Phase 20 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 by the applicant, agreed by the West of Scotland Archaeology Service, and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service.

**REASON:** In order to ensure any archaeological features or artefacts of interest are recorded.

### Restoration

- 13 All restoration works shall be undertaken in accordance with the approved restoration scheme, consisting of the Landscape Restoration & Management Plan and the associated drawings 1811/11 to 1811/14 (Technical Appendix 3-3 of the EIA Report dated June 2017) (or subsequent updated version as agreed in writing with the Planning Authority).

**REASON:** In order to ensure the site is suitably restored, in accordance with the approved restoration plan.



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- 14 Following the completion of restoration operations at the site, the site shall enter into a 5 year aftercare period. Aftercare works shall be undertaken in accordance with the steps set out within the Landscape Restoration & Management Plan (Technical Appendix 3-3 of the EIA Report dated June 2017) (or subsequent updated version as agreed in writing with the Planning Authority).

**REASON:** In order to ensure the site is suitably restored, in accordance with the approved restoration plan.

- 15.1 **Restoration Guarantee Bond:** That within 3 months of the date of this notification of determination of conditions a bond, guarantee, deposit account or similar security instrument to cover the full site restoration and aftercare costs, as per the schemes agreed under Conditions 13 and 14, and including the mitigation and restoration features detailed in the EIA Report, shall be granted in favour of the National Park Authority (NPA) as Planning Authority.

Such instrument must (either itself or as part of a series of instruments granted from time to time):

- (a) Be granted in favour of the NPA;
  - (b) Be in terms acceptable to the NPA (acting reasonably);
  - (c) Be granted by a bank or other institution which is of sound financial standing and capable of fulfilling the obligations under the relevant instrument as determined by the NPA (acting reasonably);
  - (d) Be for a specified amount which covers the value of all site restoration and aftercare liabilities as at the date of this notification of determination of conditions as determined by the NPA (acting reasonably); and,
  - (e) Come into immediate effect, and expire no earlier than 12 months after the end of the aftercare period (unless an early release or assignment has been agreed in writing with the NPA, or the instrument is replaced with such other bond, guarantee, deposit account or similar security instrument as meets the requirements of this condition and which has been approved in writing by the NPA in advance).
- 15.2 Thereafter there shall be a regular independent review (and if required increase) of the sums secured to ensure that the specified amount of the relevant instrument always meets or exceeds the most recent estimation of the cost of the site restoration and aftercare liabilities. Reviews shall take place (1) at intervals of not more than five years with the first review to be undertaken before the expiry of five years from the date of issue of this notification of determination of conditions; and (2) prior to commencement of operations in respect of any approved amendment to the scheme of working and / or restoration and aftercare scheme as required by Condition 14 above. Where the amount of the security instrument in place at the time of each review is less than the updated anticipated costs of the site restoration and aftercare as established by the review, the amount of the security instrument shall be increased to the review figure within 1 month of the completion of the review. All reviews shall be undertaken by an independent party at the applicant's sole expense.
- 15.3 In the event that any relevant instrument becomes invalid for any reason, a replacement instrument completed in accordance with the terms of this condition shall be granted in favour of the NPA within 3 months of the need for such replacement being notified to the applicant.
- 15.4 In the event that any of the instruments required under 15.1, 15.2 or 15.3 are not put in place as required by those provisions, all quarrying operations shall cease (but care

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and maintenance operations will be maintained) until such instruments have been put in place.

**REASON:** To ensure adequate financial provision is made to ensure the restoration of the site.

- 16 Wheel cleaning facilities shall be made available at all times, maintained and used as necessary, for the duration of quarrying activities to serve vehicles leaving the quarry.

**REASON:** In the interests of road safety and to minimise the generation of dust.

### **Biodiversity and Ecology**

- 17 With the exception of maintenance at licensed water discharge points, no operations shall take place within 50 metres of the banks of the River Teith without prior written approval of the planning authority.

**REASON:** To preserve and protect the River Teith SAC.

- 18 No mobile plant or vehicles shall be washed within the quarry, with the exception of within a designated vehicle washing area located within the site office and processing area. Any water arising from the designated vehicle washing area shall be directed to a settlement pond prior to discharge from the site.

Management of the waste washing water shall be in accordance with the Site Water Management Plan (FRA Section 2.5.1).

**REASON:** To minimise the potential for adverse impact on the water environment.

- 19 Prior to quarrying activities taking place within 30 metres of any trees on or overhanging the site which are not to be removed as a part of the ongoing quarrying operations, a physical barrier shall be installed to protect the trees and the tree protection shall remain in place until all operations within 30 metres of said trees is completed.

**REASON:** In order to protect biodiversity interests.

- 20 Prior to the felling of any mature trees, the trees to be felled shall be surveyed by a suitably qualified ecologist for signs of use by bats, red squirrel and pine marten. Should these animals or evidence of these animals using the trees be identified the felling plans shall be altered or appropriate licences shall be sought from SNH in advance of tree felling works proceeding.

**REASON:** In the interests of bats, red squirrel and pine marten.

- 21 All fixed or mobile external lighting shall be low-lux, low-level, downward facing and directed away from the site boundaries.

**REASON:** In order to minimise potential impact on local amenity and wildlife.

- 22 The cutting of rough grass and vegetation that could provide habitat for nesting birds shall take place outwith with bird breeding season (March to September inclusive), unless a survey, undertaken by a suitably qualified ecologist, to establish the presence or otherwise of nesting birds has been undertaken and, where required, appropriate mitigation measures have been carried out.

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**REASON:** To ensure no disturbance occurs to breeding birds in the interest of protecting the biodiversity value of the site.

- 23 Updated otter surveys shall be carried out by a suitably qualified ecologist prior to carrying out works within 50 metres of any watercourses. Should these animals be identified the appropriate licences shall be sought from SNH in advance of works proceeding within 50 metres of any watercourse.

**REASON:** In the interests of otter.

- 24 Any steep-sided excavations that need to be left overnight should be covered or fitted with mammal ramps to ensure that any animals that enter can safely escape.

**REASON:** To minimise risks to mammals.

- 25 Site vehicles should not exceed 15 miles per hour.

**REASON:** In order to minimise dust generation and minimise risk to animals.

- 26 No site operations are to take place within 20 metres of any invasive species until a method statement has been submitted to and approved by the Planning Authority.

**REASON:** In order to minimise the spread of invasive weed species.

### Water Environment

- 27 For the duration of extraction and restoration operations, a chemical spill kit will be retained on site, used as necessary and disposed of off-site to an appropriately licenced waste management facility.

**REASON:** To minimise the risk to the water environment.

- 28 All containers being used to store liquids within the application site shall be labelled clearly to show their contents, and located in a bund which shall be at least 110% of the capacity of the largest container stored within it. Bunds shall conform to the following standards:

- The walls and base of the bund shall be impermeable;
- The base shall drain to a sump;
- All valves, taps, pipes and every part of each container shall be located within the area served by the bund when not in use;
- Vent pipes shall be directed down into the bund;
- No part of the bund shall be within 50 metres of a watercourse; and
- Any accumulation of any matter within the bund shall be removed as necessary to maintain its effectiveness.

**REASON:** To minimise the risk to the water environment.

- 29 Best practice arrangements shall be put in place to minimise the pollution risk to groundwater and surface waters and that all contaminated surface and ground water arising either directly or indirectly from the development hereby approved shall be treated to the satisfaction of the Planning Authority, in consultation with SEPA, prior to discharge to any watercourse. No foul or contaminated surface water shall be discharged from the site into either the ground water or surface water drainage systems. The operator shall be responsible for the immediate treatment of any contamination of water which does arise as a result of any such occurrences.

**REASON:** To minimise the risk to the water environment.

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- 30 Prior to the completion of extraction operations, the banks of the River Teith adjacent to the quarry shall be surveyed by a suitably qualified hydrologist for areas which may be particularly susceptible to erosion. Any sections of the river bank which are identified as being particularly susceptible to erosion will be planted with trees in accordance with recommendations from a suitably qualified arboriculturist, in order to increase bank stability. Prior to planting, any new planting proposals shall be submitted for assessment and approval by the Planning Authority in consultation with SEPA.

**REASON:** To minimise the risk to the water environment.

- 31 Ground water and surface water monitoring shall be undertaken in accordance with section 13.5 of the EIA Report dated June 2017 and section 4.5 of the Hydrological Impact Assessment (Technical Appendix 13-1 of the EIA Report dated June 2017).

The results of this monitoring shall be made available to the Planning Authority upon written request.

**REASON:** To ensure that management measures to minimise the risk to the water environment are effective.

- 32 Prior to works commencing in Phases 19 and 20, a Surface Water Management Plan (SWMP) shall be submitted for assessment and approval by the Planning Authority in consultation with SEPA.

**REASON:** To minimise the risk to the water environment.

- 33 Prior to commencement of operations in Phases 18 to 20, an evacuation plan for the event of a flood for Phases 18 to 20 shall be submitted to the Planning Authority for approval, and thereafter shall be implemented as approved.

**REASON:** To ensure safe egress from the site in the event of flood.

### ECoW and LCoW

- 34 The detailed proposals for implementation contained within the Biodiversity Action Plan dated May 2017 (BAP) shall be incorporated into the operator's Environmental Management System and implemented in full. An Ecological Clerk of Works shall be appointed to ensure appropriate supervision of the BAP proposals.

**REASON:** To ensure that ecological measures proposed in the BAP are fully and correctly implemented.

35. **Landscape Clerk of Works (LCoW):** A suitably qualified Landscape Clerk of Works shall be appointed to oversee the proposed planting and habitat creation detailed in the restoration and aftercare proposals referred to in Conditions 1, 13 and 14.

**REASON:** To ensure restoration proposals are fully and correctly implemented and in the interests of the visual amenities of the area having regard to the provisions of National Park local development plan policy Natural Environment Policy 1: National Park Landscapes, seascape and visual impact.

### Monitoring

36. **Quarry Progress Report:** Within 12 months of the date of this review (and annually thereafter for the duration of the extraction and restoration operations and every two years during the aftercare period) a Quarry Progress Report shall be submitted to the planning authorities (Loch Lomond & The Trossachs National Park and Stirling

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Council). The Quarry Progress Report shall cover all of the operations that have taken place on the site since the previous report, and provide a detailed programme for the following year (two years during the aftercare period).

The Quarry Progress Report shall include plans of the site which shall identify:

- The extent of extraction operations undertaken within the previous 12 months;
- The extent of restoration operations carried out within the previous 12 months;
- The total extent of any stockpiling on site at the time of the review;
- The extent of areas where aftercare has been completed; and
- Areas of the site that have been subject to soil stripping in the previous 12 months.

The Quarry Progress Report shall also detail:

- The total tonnage dispatched within the previous year;
- The anticipated work programme and production figures for the following 12 months;
- Estimation of the remaining reserves and remaining period of extraction;
- Any amendment to the restoration and aftercare scheme approved by the planning authorities;
- Photographs of the site;
- An update from the ECoW (condition 34) and LCoW (condition 35); and,
- Site complaint logs and actions taken.

**REASON:** In order to define the terms of the planning permission and in order to allow Loch Lomond & The Trossachs National Park and Stirling Council as planning authorities to monitor the progress of the development and ensure that the restoration proposals are fully implemented within the approved timescales.

### Informatives

1 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.

### List of Plans

Title	Reference	Date Received
Sections to the Proposed Revised Restoration Scheme - Phase 19 & 20	1811/02 REV D	30/06/17
Phases 19 & 20 Existing Landscape Layout	1811/05	30/06/17
Phase 19 & 20 Proposed Revised Restoration Scheme	1811/06 REV H	30/06/17
Operational Layout Plan	1811/07 REV C	26/09/17
Quarry Restoration Plan	1811/11 REV B	30/06/17
Quarry Restoration Sections A, B & E	1811/12 REV A	30/06/17
Quarry Restoration Sections C & D	1811/13 REV A	30/06/17
Existing Landscape Sections - Phases 19 and 20	1811/S01	30/06/17
Phasing Plan	4/134A	30/06/17
Quarry Survey (June 2017)	CAM_MOD0617_PW_2500_A0.PDF	30/06/17
Location Context Plan	P4/1838/1	30/06/17

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Location Plan	P4/1838/2	30/06/17
EIA Report (2017)		30/06/17
Biodiversity Action Plan - May 2017		30/06/17