



## Planning and Access Committee

Meeting: 28 February 2022

### Agenda item: 4

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**SUBMITTED BY:** Director of Place

<b>APPLICATION NUMBER:</b>	2021/0133/DET
<b>APPLICANT:</b>	Cambusmore Estate Trust and Breedon GB Materials Ltd
<b>LOCATION:</b>	Cambusmore Quarry, Callander
<b>PROPOSAL:</b>	Retention and operation of existing quarry processing plant and ancillary quarry development and construction of temporary conveyor bridge
<b>NATIONAL PARK WARD:</b>	Ward 3 - Callander
<b>COMMUNITY COUNCIL AREA</b>	Callander
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## 1. Summary and reason for presentation

- 1.1. This is a planning application for the retention and operation of the existing quarry processing plant and ancillary quarry development and the construction of a temporary conveyor bridge at Cambusmore Quarry, Callander. 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. A separate planning application has been submitted to Stirling Council for the extension of mineral extraction operations and construction of conveyor bridge, including site restoration (Stirling Council reference 21/00146/FUL). It was approved, subject to conditions, at the Planning and Regulation Panel on 19 January 2022.

## 2. Recommendation

- 2.1. That Members:

**APPROVE** the application subject to the imposition of the conditions 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 was operated by CEMEX UK Operations Ltd, most recently under the provisions of planning permission S/96/0267/MIN. 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 and Stirling Council.
- 3.2. 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) was approved in October 2017 (reference 2017/0213/DET). This review provided an updated schedule of planning conditions for the extant consent to ensure that the conditions met current environmental standards. Stirling Council also completed a ROMP process.
- 3.3. The current planning permission for the quarry is permission S/96/0267/MIN (as amended by (i) 2017/0213/DET and (ii) a non-material variation approved in February 2021 for an amendment to the extraction boundary in phase 19 at Balvalachan). The existing permission requires mineral extraction operations to cease and all restoration and mitigation works to be completed by the 31st December 2023.

- 3.4. In 2020 CEMEX was sold to Breedon and they are now the quarry operators at Cambusmore.
- 3.5. Extraction of the remaining permitted reserve of mineral at Cambusmore Quarry was expected to last until 2021 however extraction levels in later phases (19 and 20) have not been as per the operator's expectations. In order to maintain operations at Cambusmore Quarry new reserves of sand and gravel are required. The proposed additional areas of extraction are within the Stirling Council area of the quarry. These are the areas subject to the planning application recently approved by Stirling Council.

## Site Description

- 3.6. The application site is located to the south east of Callander, at the boundary of the National Park and Stirling Council. The quarry site is accessed via an existing access road from the A84, outwith the National Park.

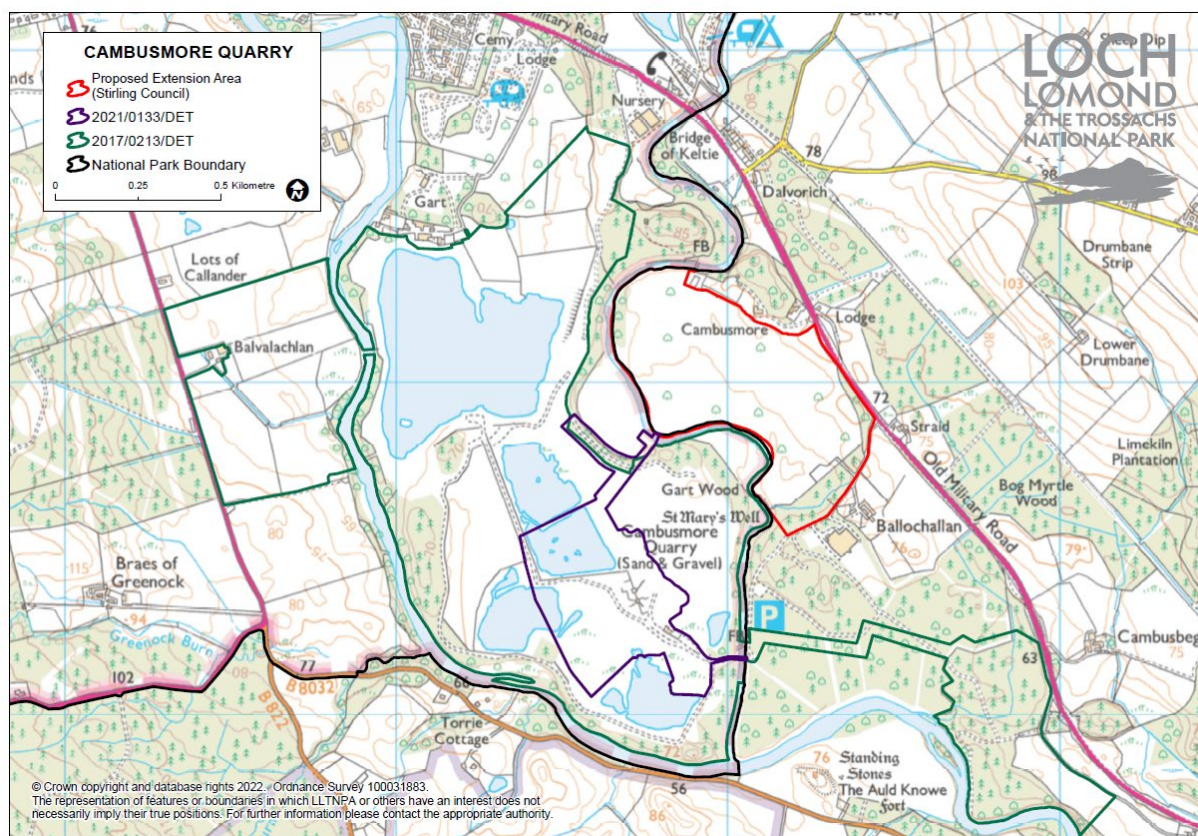


Figure 1: Location Plan

- 3.7. The site is split by the Keltie Water, with the land to the east of the Keltie Water within Stirling Council area and the land to the west within the National Park. Two watercourses, the Keltie Water and the River Teith divide the site, both of which form part of the River Teith Special Area of Conservation (SAC) which is designated for Atlantic salmon, Brook lamprey, River lamprey and Sea lamprey.

- 3.8. Mineral reserves at the existing quarry have been largely exhausted. Earlier extraction phases have been restored to a mixture of open water and planted areas. Restoration of the remaining site will continue as the current planning permission for the quarry requires mineral extraction operations to cease and all restoration and mitigation works to be completed by the 31 December 2023.
- 3.9. Extraction will now move to the areas within Stirling Council area of the quarry, subject to planning permission being granted.

### **Description of Proposal**

- 3.10. The operator proposes to extend the extraction within the Stirling Council area of the quarry. A planning application was made to Stirling Council for this proposal and was approved, subject to conditions, on 19 January 2022. The extension of the extraction within the Stirling Council area of the quarry means that the processing plant and associated development located within the National Park will require to be retained. A further 5 years of extraction are expected, followed by 2 further years for restoration with all works completed by 31 December 2030. The processing plant includes a processing and stockpiling area, water treatment lagoons, weighbridge and offices.
- 3.11. This planning application proposes to extend the timescales for the retention and operation of the processing plant and associated quarry development. In order to transfer the mineral extracted from the Stirling Council area to the processing plant, it is proposed to construct a temporary conveyor bridge crossing over the Keltie Water, which is the boundary between the National Park and Stirling Council. The conveyor bridge would have a 30 metre span and would be a single span structure with supports on either side of the Keltie Water. The conveyor on the ground would be 1 metre wide and 1 metre high positioned on railway sleepers (see figures 3 and 4 on page 15).

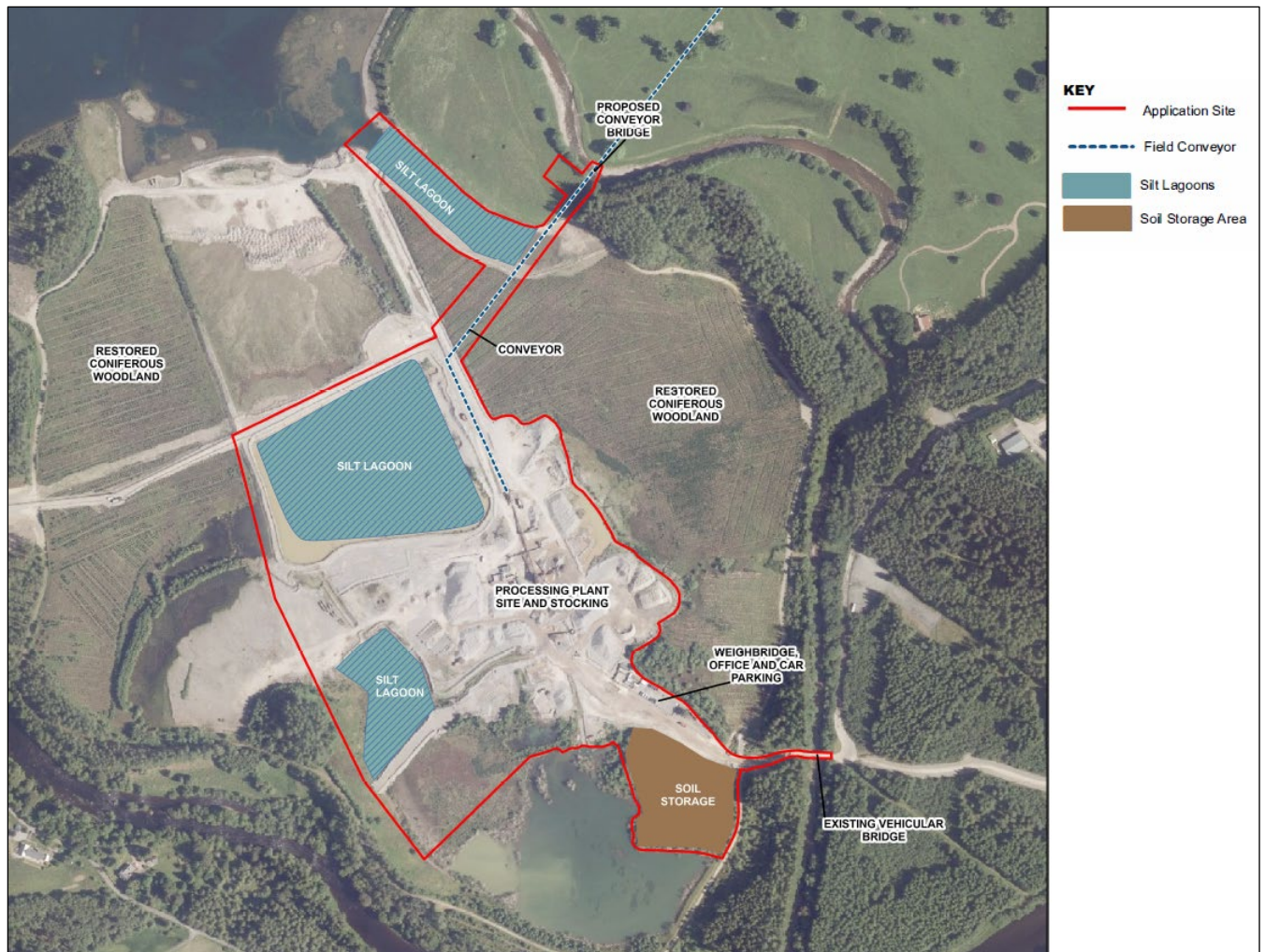


Figure 2: Proposed Site Plan

- 3.12. As above a separate planning application has been submitted to, and was approved by, Stirling Council Planning Authority for the extension of mineral extraction operations and construction of conveyor bridge, including site restoration (reference 21/000146/FUL).

## Planning History

- 3.13. Cambusmore Quarry has had a number of planning permissions in the past:
- Planning permission S/96/0267/MIN as amended by 2017/0213/DET (which was a Renewal of Minerals Permission (ROMP) application);
  - EIA Scoping request (reference PSC/2018/0002) for the extension of mineral extraction operations and extension of the duration of operations of the plant site. (The additional extension to the quarry within the National Park proposed at that time is not currently being pursued by the applicant);
  - Planning permission 2016/0051/DET for consent to amend the route of the conveyor bridge connecting the plant site within phases 19 and 20. This bridge and conveyor were erected in 2018 and are due to be removed in 2022 as the consent was approved for a temporary period of 4 years only;
  - In 2021 a non-material variation for an amendment to the extraction boundary in phase 19 at Balvalachan was approved.

## **Environmental Impact Assessment (EIA)**

- 3.14. The National Park is identified as a 'Sensitive Area' within the Environmental Impact Assessment (Scotland) Regulations 2017. As a 'Competent Body' the National Park Authority has a statutory duty to consider whether proposals for development should be subject to the EIA process.
- 3.15. The proposal has been submitted with an EIA Report. No formal screening opinion was requested by the applicant or carried out, however a scoping opinion was requested and subsequently provided by the NPA in October 2018. When a planning application is submitted with an EIA Report it is automatically treated as an EIA application.
- 3.16. The EIA report includes the following chapters:
- Chapter 1 introduces the background to the project, the current proposals, the applicants, the structure of the EIA Report and the authors.
  - Chapter 2 describes the proposal including location, proposed development, geology and hydrology, planning background, restoration, employment, access and vehicular movements, plant and equipment, hours of operation, the mineral reserve and phasing.
  - Chapter 3 summarises the EIA process and the structure, content and scope of the EIA Report.
  - Chapter 4 describes the design evolution of the proposals and the alternatives considered.
  - Chapter 5 summarises the key national and local planning policies applicable to the development.
  - Chapters 6 to 16 deal with the key impacts point by point, informed by the specialist reports contained in EIA Report Appendices:
    - Chapter 6 Landscape and Visual Impact Assessment
    - Chapter 7 Ecology
    - Chapter 8 Water Environment
    - Chapter 9 Noise
    - Chapter 10 Dust and Air Quality
    - Chapter 11 Archaeology and Cultural Heritage
    - Chapter 12 Traffic and Transport Assessment
    - Chapter 13 Socio-Economic Impact Assessment
    - Chapter 14 Population and Human Health
    - Chapter 15 Vulnerability to Accident and Disaster
    - Chapter 16 Cumulative and In-Combination Impact
  - Chapter 17 concludes the EIA Report by summarising the likely key environmental effects. Key mitigation measures are included in an appendix to chapter 17.

The full EIA Report can be viewed online in the planning application file, using the application reference number at the following link: <https://eplanning.lochlomond-trossachs.org/OnlinePlanning/?agree=0>

## **Habitat Regulations Assessment (HRA)**

- 3.17. The Habitats Regulations require that where an authority concludes that a development proposal is likely to have a significant effect on a European site (SPA

or SAC) it must undertake an Appropriate Assessment (AA) of its implications for the European site in view of the site's conservation objectives.

3.18. In this instance, as the conveyor bridge proposed would cross the Keltie Water which is part of the River Teith Special Area of Conservation (SAC), a Habitats Regulations Appraisal (HRA) has been carried out to assess the impact of the proposed development. The HRA carried out concludes that mitigation measures must be secured via planning conditions to avoid an adverse effect on the integrity of the SAC.

3.19. The full Appropriate Assessment can be found in Appendix 2.

#### **4. Consultations and representations**

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

###### Scottish Water

4.1. No objection.

###### Stirling Council Roads

4.2. No objection, but advised that Transport Scotland should be consulted.

###### Transport Scotland

4.3. No objection.

###### WOSAS

4.4. No objections and no conditions. The only element that would appear to affect ground that has not already been substantially affected by previous quarry operations would be the proposed field conveyor. Although sections of this conveyor would run through ground that has not been subject to previous quarrying, its construction would affect a fairly narrow corridor and it would be supported on a series of foundation blocks. The amount of ground disturbance required for its construction would be reasonably limited, and as a result, WOSAS would not consider archaeological work to be required in relation to the elements of the proposed development that fall within the boundaries of the National Park.

###### Health and Safety Executive (HSE)

4.5. No objection.

###### Stirling Council Environmental Health

4.6. No objections subject to conditions relating to working hours, noise, dust and lighting.

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

4.7. No objections subject to conditions. The crossing will require authorisation from SEPA under the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) (CAR). In relation to flood risk, SEPA understand that Stirling Council's Flood Team have previously offered pre application input and did not offer any objections at that stage. As such, and given the bridge is a temporary, single span structure in line with good practice and any flooding would appear to affect the applicants own site, SEPA do not intend to offer detailed advice on this issue.

4.8. SEPA provided regulatory advice for the applicant including guidance on bridge design, the CMS for the bridge conveyor construction, mitigation measures and the

existing processing area. In response to the initial SEPA comments, a response was received from the applicant including an updated Construction Method Statement taking account of SEPA comments.

#### Nature Scot

- 4.9. No objections subject to conditions. NatureScot advised that there are natural heritage interests of international importance on the site, however these will not be adversely affected by the proposal.
- 4.10. The proposal is immediately adjacent to the Keltie Water, part of the River Teith Special Area of Conservation (SAC) designated for its Atlantic salmon and brook, river and sea lamprey. The site's status means that the requirements of the Conservation (Natural Habitats, &c.) Regulations 1994 as amended (the "Habitats Regulations") apply or, for reserved matters, The Conservation of Habitats and Species Regulations 2017. Consequently, Loch Lomond and the Trossachs National Park Authority is required to consider the effect of the proposal on the SAC before it can be consented (commonly known as Habitats Regulations Appraisal).
- 4.11. This proposal is likely to have a significant effect on the qualifying interests of the River Teith SAC. Consequently, LLTNPA, as competent authority, is required to carry out an appropriate assessment in view of the site's conservation objectives for its qualifying interests. NatureScot advised that based on the information provided within the application documents, the proposal will not adversely affect the integrity of the site.
- 4.12. NatureScot considered the impact of the proposals as follows:
- Operation of the quarry – The boundary of the proposed extension area is directly adjacent to the Keltie Water, which is part of the River Teith SAC. A minimum 50m buffer will be retained all along the river, and all Pollution Prevention Guidelines (and Guidance for Pollution Prevention) will be strictly adhered to (EIA Further Mitigation para 8.208).
  - Construction and operation of a conveyor bridge over the Keltie Water – The final design as detailed within EIA paragraph 2.52-3, fig 2.16 and 2.17, and Conveyor Bridge Construction Method Statement has the bridge supports set back from the river's edge and raised to a level 0.5 metres above expected highest flood levels. There will be no in-channel works, and the conveyor bridge section will have solid floor, walls, and will be covered to prevent any material falling into the river.
  - Appendix 17.1 – 'Summary of Mitigation Measures' details the above and further mitigation measures to be observed. NatureScot advised that these measures are suitable to ensure that there will be no adverse impact on the integrity of the River Teith SAC.
- 4.13. In terms of protected species, including European Protected Species, NatureScot advised that the applicant should undertake protected species surveys prior to work commencing on site and advised that the developers should consider the need for species licences as part of any development.

#### Historic Environment Scotland (HES)

- 4.14. No objection.

#### Stirling Council Flooding

- 4.15. No objections subject to conditions. The soffit level of the proposed bridge structure is suitably above the water level during the 1 in 200 year event, so as not

to cause flooding. A build-up of debris at the structure piers might reduce the flow of the channel, therefore a suitable maintenance regime would have to be agreed.

## **Representations Received**

4.16. No representations have been received.

## **The Development Plan**

4.17. Section 25 of the Town and Country Planning (Scotland) Act 1997 states that planning applications are to be determined in accordance with the Development Plan unless other material considerations indicate otherwise. The Development Plan comprises the Loch Lomond & The Trossachs National Park Local Development Plan (LDP) (adopted 2017) and Supplementary Guidance (SG).

### Local Development Plan (2017-2022)

4.18. The Local Development Plan (LDP) sets out the vision for how the National Park should change over the next 20 years. The LDP covers the period from 2017 to 2026 is updated every 5 years.

4.19. The following LDP Policies are relevant to the determination of this application:

- Overarching Policy 1: Strategic Principles
- Overarching Policy 2: Development Requirements
- Economic Development Policy 2: Economic Development in the Countryside and Small Rural Communities
- Transport Policy 3: Impact Assessment and Design Standards of New Development
- Natural Environment Policy 1: National Park Landscapes, Seascape and Visual Impact
- Natural Environment Policy 2: European Sites- Special Areas of Conservation and Special Protection Areas
- Natural Environment Policy 4: Legally Protected Species
- Natural Environment Policy 5: Species and Habitats
- Natural Environment Policy 6: Enhancing Biodiversity
- Natural Environment Policy 8: Development Impacts on Trees and Woodlands
- Natural Environment Policy 11: Protecting the Water Environment
- Natural Environment Policy 13: Flood Risk
- Mineral Extraction Policy 1

4.20. Full details of the policies can be viewed at: <http://www.lochlomond-trossachs.org/planning/planning-guidance/local-development-plan/>

## **Other Material Considerations**

### National Park Aims

4.21. 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:

- to conserve and enhance the natural and cultural heritage of the area;

- to promote sustainable use of the natural resources of the area;
- to promote understanding and enjoyment (including enjoyment in the form of recreation) of the special qualities of the area by the public; and
- to promote sustainable economic and social development of the area's communities.

4.22. Section 9 of the Act 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.

#### National Park Partnership Plan (2018-2023)

4.23. All planning decisions within the National Park require to be guided by the Partnership Plan, where they are considered to be material, in order to ensure that they are consistent with the Park's statutory aims. The following outcomes and priorities of the Partnership Plan are relevant.

- Outcome 1: Natural Capital
- Priority 1.1: Habitats
- Priority 1.2: Species
- Outcome 2: Landscape Qualities
- Priority 2.1: Landscape and Heritage
- Outcome 5: Recreation Opportunities
- Outcome 10: Placemaking

#### Scottish Planning Policy

4.24. The SPP is a statement of Scottish Government policy on how nationally important land use planning matters should be addressed across the country. It is non-statutory but directly relates to the determination of planning applications and appeals. As a statement of Ministers' priorities the content of the SPP is a material consideration that carries significant weight, though it is for the decision-maker to determine the appropriate weight in each case.

4.25. SPP highlights that minerals make an important contribution to the economy, providing materials for construction, energy supply and other uses, and supporting employment. SPP states that planning should safeguard mineral resources and facilitate their responsible use, ensure that an adequate and steady supply is available to meet the needs of construction, energy and other sectors and secure the sustainable restoration of sites to beneficial after use after working has ceased.

#### National Planning Framework (NPF)

4.26. The National Planning Framework is the Scottish Government's statutory strategy for long term spatial development. The current version of this document is National Planning Framework 3 which was published in 2014. National Planning Framework 4 has recently been published in draft format, for consultation; and therefore at the time of writing, has minimal weight in decision making.

4.27. NPF3 highlights the need for construction materials and the need to restore past extraction sites. The draft NPF4 supports the sustainable management of resources

and seeks to minimise the impact of extraction of minerals (including aggregates) on communities and the environment.

## **5. Summary of supporting information**

- 5.1. The applicant has submitted the following documentation in support of the planning application:
- EIA Report
  - Extractive Waste Management Plan
  - Planning Statement
  - Pre-Application Consultation (PAC) Report
  - Construction Method Statement

### **Pre-Application Consultation (PAC) Report**

- 5.2. The planning application submitted to Stirling Council is a “major” development, due to the size of the site. The development proposed within the National Park is not a “major” development, however as the planning applications have a cross-boundary element, pre-application consultation was undertaken in relation to the proposals within the Stirling Council boundary and the pre-application consultation report was submitted to the National Park for information only. The report sets out the consultation that was undertaken on the proposals in accordance with the statutory requirements for major development proposals. This included a public event, newspaper advertisements and articles; with limited attendance at the event (4 attendees) and limited feedback received.

## **6. Planning assessment**

- 6.1. The key issues for consideration in the determination of this application are principle of development, landscape, ecology, trees, traffic and transportation, design, noise, dust and air quality, archaeology, flood risk, employment and socio-economic impact and restoration.

### **Principle of Development**

- 6.2. Mineral Extraction Policy 1 of the Local Development Plan provides support for 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. The policy gives more flexibility to extensions to existing facilities if there are significant economic development benefits providing the proposals meet the criteria of (a), (b) and (c) above.
- 6.3. The principle of development for the quarry has been established by the existing historical consent S/96/0267/MIN and the Review of Mineral Permission (ROMP) granted (2017/0213/DET). The current proposal would retain the existing quarry processing plant for a longer time period and would involve the construction of a temporary conveyor bridge and conveyor. The current proposals would not adversely impact on the National Park’s special qualities (see assessment below) and there would be no additional impacts on communities, traffic generation or flooding. The site would be restored and enhanced to provide benefits for the local community, biodiversity and landscape (see assessment on landscape, restoration

and biodiversity below) and the waste resulting from extraction and processing (in this case silt) will be washed and allowed to settle in on-site lagoon systems, forming part of the restoration of the site. The soils removed to extract the mineral beneath would be stored and used later in restoration. In accordance with Mineral Extraction Policy there would be a clear economic benefit to the retention of the quarry for a further 7 years, in terms of employment and other economic benefits, which are discussed further in paragraphs 6.40 and 6.41 below.

## **Landscape**

- 6.4. The application site is within a low lying farmed and wooded landscape. The existing quarry is well-screened from most views due to the landform and the screening effect of the surrounding woodland. A Landscape and Visual Impact Assessment (LVIA) was submitted as part of the EIA Report. The LVIA covers the wider proposals, including the larger proposals for extraction within the Stirling Council area of the quarry, however an assessment has been made of the landscape and visual impacts of the proposed conveyor bridge.
- 6.5. The LVIA notes the proposed conveyor bridge crossing as one of the primary components likely to give rise to potential landscape and visual effects as well as the retention of the mineral processing operations within the existing plant site and the progressive restoration. Landscape impacts would however be limited given that the proposed bridge and conveyor system would be located within the context of the existing quarry and would also be temporary for a period of seven years, until 2030.
- 6.6. The LVIA concludes that there would be no significant effects on the key characteristics of the National Park or the surrounding landscape. Views from and towards the National Park would be unaltered and no material operational or post restoration effects on the Special Qualities are predicted. The conclusions of the LVIA are accepted and the proposed development would therefore comply with the Overarching policies and Natural Environment Policy 1 of the Local Development Plan in that the development would minimise visual impact and would protect the special landscape qualities of the National Park.
- 6.7. The existing planning permission for the quarry includes a requirement for the appointment of a Landscape Clerk of Works to oversee the planting and habitat creation detailed in the restoration and aftercare proposals in line with established best practice. Given that the proposed development would include additional areas requiring restoration and would extend the time period for the quarrying operations and restoration to be completed, it is recommended that this requirement is retained, should planning permission be granted. Similarly the requirement for an annual quarry progress report is recommended to be retained, to ensure that progress with restoration is adequately monitored.

## **Trees and Woodland**

- 6.8. There are mature trees at the site of the proposed conveyor bridge with some minor limb removal required of branches which overhang the construction area. One Alder tree is proposed to be removed on the site of the proposed conveyor bridge.
- 6.9. An Arboricultural Impact Assessment was submitted with the planning application which mainly relates to proposals within the Stirling Council part of the site. Tree protection measures are proposed within a Tree Protection Plan, including root

protection areas around the Gart Wood immediately adjacent to the conveyor route and a group of trees to the west of the conveyor.

- 6.10. The Arboricultural Impact Assessment states that soils will be stripped from along the route of the conveyor and stored for restoration, except in root protection areas where suitable mitigation will be adopted. The National Park Trees and Woodland Adviser has recommended that replacement planting is undertaken, as well as leaving the larger diameter felled timber on site for increased biodiversity.
- 6.11. Conditions have been recommended in relation to replacement planting and tree protection measures. With the conditions recommended, the proposed development would accord with Natural Environment Policy 8 and Natural Environment Policy 6.

## **Ecology**

### **Keltie Water (River Teith SAC)**

- 6.12. The Keltie Water, across which the proposed conveyor bridge would be constructed is part of the River Teith Special Area of Conservation (SAC) which is designated for Atlantic salmon, Brook lamprey, River lamprey and Sea lamprey.
- 6.13. Although the span of the proposed temporary conveyor bridge is sufficient to ensure that there will be no in channel works, temporary bridge abutments will need to be constructed either side of the bridge. This will require works to be carried out in close proximity to the boundary of the SAC. Given the proximity of the proposal to the SAC, there is potential for pollution (e.g. silt, and fuel oil) from the development site to enter the River Teith SAC and impact on the salmon and lamprey qualifying interests of the SAC during the construction, operation and removal of the temporary conveyor bridge over the Keltie Water. An appropriate assessment has been undertaken in accordance with Natural Environment Policy 2 and this identified that mitigation measures must be secured via planning conditions to avoid an adverse effect on the integrity of the SAC. With these conditions in place, the development would therefore avoid any adverse effects on the integrity of the SAC and accord with Natural Environment Policy 2.

### **Protected Species**

- 6.14. In terms of protected species, a Preliminary Ecological Appraisal of the proposed extension area within Stirling Council was undertaken in August 2018 and this included a 100 metre buffer around the extension area. An update survey was also carried out in April 2021. A suite of protected species surveys were also undertaken of the proposed extension area in September 2019 and this included a 100 metre buffer for badger, pine marten, red squirrel and water vole and a 250 metre buffer for otter and beaver. Although this survey work focussed on the proposed extension area within Stirling Council, the location of the proposed temporary conveyor bridge lies within 250 metre buffer for the otter and beaver surveys.
- 6.15. As the protected species surveys are now over 18 months old, an update survey is required prior to the commencement of works on the temporary conveyor. This will ensure that any changes in the use of the area by protected species are identified and appropriate mitigation measures implemented to minimise any impacts on protected species and prevent offences being committed. A condition has been recommended in this regard.

#### Otter

- 6.16. A potential otter holt was identified close to the location of the proposed temporary conveyor bridge over the Keltie Water during the September 2019 otter survey and signs of otter activity and a confirmed otter couch were identified within the wider survey area. Given the confirmed presence of otters in the wider site and the potential for otters to occupy the potential otter holt feature identified close to the location of the proposed temporary conveyor bridge, mitigation measures are required to minimise impacts on otters and to ensure that no offences are committed under protected species legislation.

#### Bats

- 6.17. A Preliminary Roost Assessment of the trees within the proposed extension and temporary conveyor link areas was carried out in November 2018 and July 2019 respectively. This survey work was followed up with aerial inspections and/or activity surveys to confirm the presence or absence of bat roosts. A mature alder tree with high suitability for roosting bats was identified close to the location of the proposed temporary conveyor bridge over the Keltie Water. This tree is identified for removal in the Arboricultural Impact Assessment report to accommodate the proposed conveyor bridge. As a result, mitigation measures are required to ensure that no offences are committed in relation to bats.

#### Breeding Birds

- 6.18. The application site has the potential to support breeding birds and mitigation measures are required to ensure that no offences are committed with regards to breeding birds.

#### Pine marten and red squirrel

- 6.19. Evidence of pine marten and red squirrel was recorded within the wider survey area but no dens or dreys were identified. An updated survey for protected species will ensure that any impacts on these protected species are adequately addressed.
- 6.20. With appropriate conditions in place the development would accord with Overarching policy 2 and Natural Environment policy 4 in terms of protected species.

#### Biodiversity Action Plan

- 6.21. A Biodiversity Action Plan (BAP) was submitted in 2017 with the ROMP application and approved as part of the planning consent for the quarry. The BAP sets out how biodiversity will be conserved and enhanced on the site during the operational period and during the five year aftercare period following restoration. A condition of the existing consent requires the appointment of an Ecological Clerk of Works (ECoW) to ensure supervision of the BAP proposals. Updates from the ECoW on the implementation of the BAP are included in the Annual Quarry Progress Report.
- 6.22. It is recommended that the Biodiversity Action Plan approved under the existing consent 2017/0213/DET is updated (to reflect progress) and continues to be implemented throughout the extended operational period of the quarry and the restoration and aftercare period. A condition has been recommended in this regard.

#### **Traffic and Transport**

- 6.23. Access to the quarry is taken from the A84, within Stirling Council area and no change to the access to and from the quarry is proposed. Traffic and Transportation

impacts are considered in chapter 12 of the EIA Report, which confirms that whilst the lifetime of the quarry operation would be extended by the proposals, the rate of extraction (within Stirling Council area) would not increase and therefore with regard to traffic and transportation there would be no change to the existing levels of traffic. Both Stirling Council Roads Authority and Transport Scotland were consulted and both had no objection to the proposals.

- 6.24. The proposed bridge crossing within the quarry site has no implications for traffic and transportation, other than delivery of equipment during construction which would be managed through the approval of a Construction Method Statement. The continued operation of the quarry for a further 7 years would not increase the traffic impacts, but would extend the existing levels of traffic associated with the quarry for a longer time period. The assessment undertaken concludes that the proposal would not lead to significant transport impacts and that no mitigation measures are required. The requirements of Transport Policy 3 have therefore been met.

## **Flood Risk**

- 6.25. The proposed conveyor bridge would be constructed across the Keltie Water. The bridge has been designed to be located outwith the 1 in 200 year flood zone of the Keltie Water. The bridge design provides a 2.4 metre clearance above the water level of the Keltie Water and a 1 metre clearance above the predicted 1 in 200 plus 5% flood event. The conveyor structure has also been designed to be above the highest predicted flood level.
- 6.26. A Flood Risk Assessment was submitted in support of the application and the EIA Report assessment concludes that there would be no increased flood risk as a result of the proposed development.
- 6.27. Stirling Council Flooding team had no objection to the proposal and advised that the soffit level of the proposed bridge structure is suitably above the water level during the 1 in 200 year event, so as not to cause flooding. Stirling Council Flooding commented that a build-up of debris at the structure piers might reduce the pass forward flow of the channel, therefore a suitable maintenance regime would have to be agreed. A condition has been recommended in this regard. The proposed development therefore does not raise concerns with regard to flooding and would accord with Natural Environment Policy 13.

## **Design**

- 6.28. The proposed temporary conveyor bridge would be a 30 metre single span structure with supports on either side of the Keltie Water. Whilst the proposed bridge provides a route for the conveyor over the Keltie Water, it would also allow pedestrian access for quarry workers with a set of steps on either side of the bridge for pedestrian access. Figure 3 below shows the proposed design of the conveyor bridge.
- 6.29. The conveyor structure would be 1 metre wide and 1 metre high positioned on railway sleepers and would link the proposed extension area (within Stirling Council jurisdiction) with the processing plant. Figure 4 below shows the design of the conveyor.
- 6.30. A condition has been recommended requiring that further details of the materials and colours proposed for the bridge and conveyor are submitted for approval prior to

commencement, to ensure that the bridge and conveyor are of an appropriate design and appearance to minimise any landscape and visual impacts.

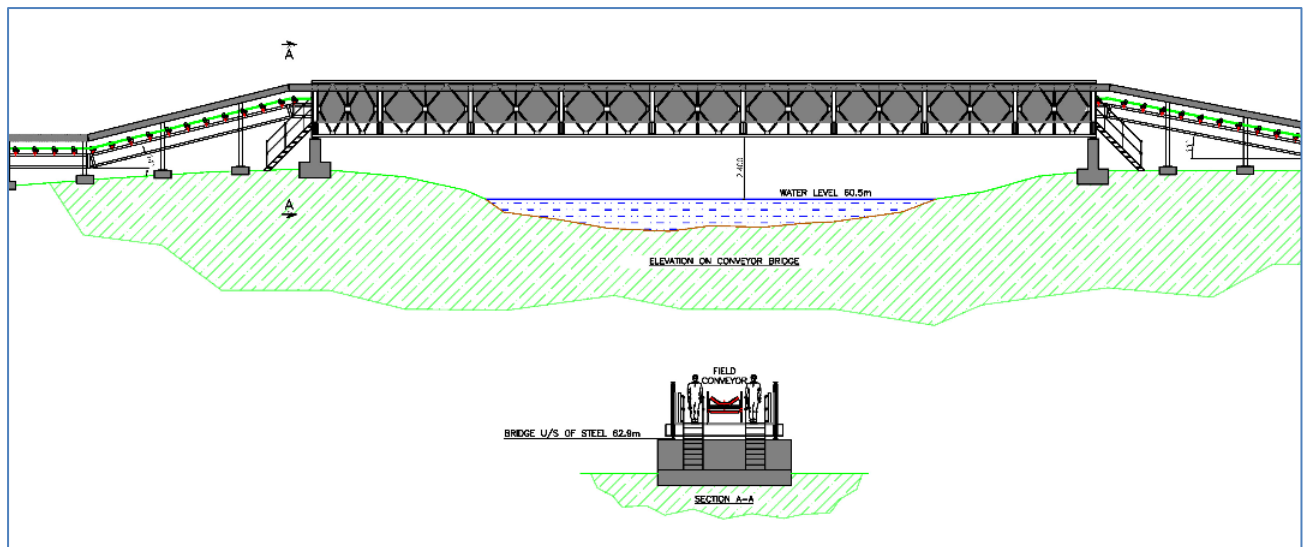


Figure 3: Proposed Conveyor Bridge Design



Figure 4: The design of the proposed field conveyor.

- 6.31. During construction an area of land immediately adjacent to the area within which the bridge and conveyor would be constructed would be used as a “construction pad” where pumps and cranes will be located. Temporary roads access will also be required to enable machinery and construction traffic to reach the site. A draft Construction Method Statement was submitted with the planning application. This will require to be updated and further detail added prior to commencement of construction works. A condition has been recommended in this regard.

## Noise

- 6.32. The noise impact assessment submitted as part of the EIA report highlights that the nearest noise sensitive receptors are distant from the existing processing plant. The continued use of the processing plant, with the same plant equipment, until 2030, means that the existing noise impacts will continue. It is however recognised that the use of a conveyor system to transport the extracted material has a lower noise impact than the use of dumper trucks for material transfer. As part of their assessment Stirling Council Environmental Health requested that the applicant provided an assessment of the noise impact of the construction of the conveyor bridge. This information was provided, detailing that the works would be temporary, expected to last around a month and the noisiest piece of equipment used would be a crane; the noise impacts of which would be within acceptable limits. Stirling Council Environmental Health confirmed that this was acceptable.
- 6.33. The noise impact assessment concluded that the noise levels predicted at the closest noise sensitive receptors, when all routine operations are in progress meets the normally justifiable limit at surface mineral workings of 55 dB LAeq, 1h as per the current consented limits, set by the conditions of the current planning consent (S/96/0267/MIN as amended by 2017/0213/DET). The proposed development can therefore be carried out within the recommended noise limits and there would not be significant noise impacts in accordance with Overarching Policy 2 of the Local Development Plan.
- 6.34. Stirling Council Environmental Health have recommended a number of conditions relating to noise limits.

### **Dust and Air Quality**

- 6.35. An assessment of potential dust emissions has been undertaken as part of the EIA Report. This includes dust emissions from mineral extraction activities, processing and on-site mobile plant, including the proposed conveyor. The assessment focuses on potential impacts on human health and the environment. The nearest receptors are residential properties which are considered highly sensitive in terms of dust emissions. However due to the distances of these properties from the site and the likely pathways for dust the likely dust emissions are considered to be not significant, subject to mitigation measures to reduce dust emissions as set out in the assessment report.
- 6.36. Stirling Council Environmental Health have recommended a number of conditions relating to dust including the requirement for a Dust Management and Monitoring Plan and measures to ensure dust suppression.

### **Archaeology**

- 6.37. The Historic Environment policies of the Local Development Plan seek to ensure that historic environment assets are protected, retained or enhanced where applicable. Impacts on the historic environment are assessed in chapter 11 of the EIA report. No impacts from the proposed conveyor bridge and retention of the processing plant were identified.
- 6.38. The area where the proposed bridge would cross the Keltie Water, and the rest of the application site within the National Park, includes areas of previously disturbed ground. West of Scotland Archaeology Service (WOSAS) have advised that the only element that would appear to affect ground that has not already been substantially

affected by previous quarry operations would be the proposed field conveyor. Although sections of this conveyor would run through ground that has not been subject to previous quarrying, WOSAS advise that its construction would affect a fairly narrow corridor where it would be supported on a series of foundation blocks. There is no requirement for archaeological work required in relation to the proposed development within the National Park, given the limited amount of ground disturbance.

- 6.39. The proposed development would therefore accord with the Historic Environment Policies of the Local Development Plan.

## **Employment and Socio-Economic Impact**

- 6.40. The proposed extension to the extraction area (within Stirling Council area) and the associated construction of the conveyor bridge and retention of the processing plant would mean that 11 full time jobs would be retained at the quarry (for a further 5 years) as well as indirect employment of contractors and hauliers, benefits to the construction sector and a reduced carbon footprint compared to getting aggregates from elsewhere. The EIA report assesses the socio-economic impacts of the wider proposal and describes that as well as direct and indirect employment the development would have further economic benefits including supporting construction (including housebuilding), payment of business rates and an aggregate levy.
- 6.41. Economic Development Policy 2: Economic Development in the Countryside and Small Rural Communities provides support for expanded business uses which support economic activity as long as there is justification for why the business cannot be located within Economic Development Sites in towns and villages. In this case there is a clear justification why the development requires to be located at the application site.

## **Restoration**

- 6.42. Previous extraction phases will continue to be progressively restored as operations continue. On completion of all extraction operations the conveyor bridge, field conveyor, processing plant and all associated equipment would be dismantled and removed from the site. In the processing plant area soils would be spread across the disturbed areas and the land would be used for agricultural grazing. The area where the conveyor bridge would be constructed would be restored to species rich meadow grassland. The route of the conveyor would be restored to coniferous woodland and species rich grassland with access routes for recreation.
- 6.43. A Landscape and Restoration Management Plan was approved under the 2017 ROMP consent which outlines the design and management of the restoration landscape along with the plans which detail the restoration proposals. The restoration proposals have recently been updated, and are under consideration under the conditions of the existing consent, to reflect changes in mineral extraction areas and other changes as a result of operational requirements. The approved Landscape and Restoration Management Plan will require to be updated to reflect the proposed development and a suitable condition has been recommended. This will ensure that the successful restoration of the site and that the restoration is overseen by a Landscape Clerk of Works.
- 6.44. Mineral Extraction Policy 1 provides support for minerals proposals provided that sites will be subsequently restored and enhanced to provide benefits for the local community, biodiversity and the landscape and highlights that a bond will be

required for restoration, enhancement and aftercare of ground conditions. The bond provision for the application site is covered below.

## **Bond Review**

- 6.45. The current planning permission for Cambusmore Quarry under which the site is operating (S/96/0267/MIN as amended by 2017/0213/DET) includes the requirement for a restoration guarantee bond to cover the costs of restoration of the site and aftercare, should the applicant default on restoration or aftercare. The restoration guarantee bond was put in place with the original applicant CEMEX and was replaced when the site was taken over by the current operator Breedon, prior to submission of this planning application in May 2021. The current bond will expire in April 2023.
- 6.46. The completion of operations and restoration works in the area of the quarry covered by the existing consent (S/96/0267/MIN as amended by 2017/0213/DET) will continue throughout 2022-2023. The current planning application proposal includes areas of land outwith the existing consent and would extend the time period of the operation of the quarry and use of the processing plant within the National Park until December 2030. Should this planning application be approved a restoration guarantee bond covering all of the quarry site within the National Park would therefore be required.
- 6.47. A condition has been recommended requiring that a restoration bond is in place prior to commencement of works. That bond will cover all of the restoration and aftercare requirements for both this permission and permission S/96/0267/MIN as amended by 2017/0213/DET.

## **Management of Extractive Waste**

- 6.48. The Management of Extractive Waste (Scotland) Regulations 2010 regulate the natural materials which need to be disturbed and separated at mines and quarries in order to access minerals for sale. This is termed extractive waste (subject to certain exempt materials) and is distinguished from other waste streams and regulation. The Regulations require that every minerals site and planning applications submitted for them must include a site Waste Management Plan. The requirements of the Regulations are however dependent on the characteristics of the waste materials and also the manner and length of time for which they will be stored.
- 6.49. The extraction at the quarry is of sand and gravel, however the mineral reserve is overlain by soils. On removal of the soil to expose the mineral reserve, the soils are retained on site and stored to be used later in restoration. When the sand and gravel is processed, silt is removed and is allowed to settle in on-site silt lagoons.
- 6.50. The Regulations provide for relaxation of regulation for soil provided general environmental requirements are met. In recognition of the relative harmlessness of soil, when properly managed, planning authorities have powers to waive any further requirements of the Regulations. Operators must confirm that the material will be managed without endangering human health and without using processes or methods which could harm the environment.
- 6.51. In terms of the silt which is allowed to settle in on-site silt lagoons (located wholly within the National Park), the silt would be inert and stored within the quarry void. The Regulations require that the area of the void encompassed by current/future

ponds (including embankments) should be categorised as an extractive waste area for the rehabilitation of the void and included in a Waste Management Plan.

- 6.52. The applicant has requested that the requirements of the Regulations are waived in respect of the stripping and placement of unpolluted soils (as part of the progressive restoration) and approval of the Extractive Waste Management Plan for the silt ponds, which are identified as current and future extractive waste areas within the National Park.
- 6.53. The applicant has submitted an Extractive Waste Management Plan in support of the planning application in accordance with the Management of Extractive Waste (Scotland) (Regulations) 2010. This updates the previous Waste Management Plan which was approved by the National Park in April 2012. Planning Authorities are required by Regulation to evaluate if the required objectives of a Waste Management Plan will be met. The Waste Management Plan submitted with the application satisfactorily meets the requirements and objectives of the Regulations.
- 6.54. Relevant conditions as required by the Regulations have been recommended with regard to the Waste Management Plan.

## **7. Conclusion**

- 7.1. In conclusion the proposed conveyor bridge, field conveyor and retention and operation of the existing quarry processing plant until December 2030 would not adversely impact on the National Park's special qualities and there would be no additional impacts on communities, traffic generation or flooding. The site would be restored and enhanced to provide benefits for the local community, biodiversity and landscape and the soils and waste resulting from extraction and processing will be used in the restoration of the site. In accordance with Mineral Extraction Policy there would be a clear economic benefit to the retention of the quarry for a further 7 years.
- 7.2. Conditions have been recommended to mitigate and ensure that there would be no adverse impacts on trees, noise, dust and air quality, flood risk, landscape, protected species and to ensure the site is appropriately restored. In terms of ecology the HRA carried out concludes that mitigation measures must be secured via planning conditions to avoid an adverse effect on the integrity of the River Teith SAC. A condition has been recommended to secure a financial guarantee bond to cover restoration and aftercare costs in accordance with Mineral Extraction Policy 1.
- 7.3. The proposed development would collectively meet the National Park Aims to conserve and enhance the natural and cultural heritage of the area, promote the sustainable use of natural resources, promote understanding and enjoyment of the special qualities of the area by the public and would promote sustainable economic and social development.
- 7.4. The EIA Report has demonstrated that the impacts on landscape, ecology, the water environment, amenity (in terms of noise, dust and air quality), archaeology and traffic and transport will be within acceptable limits or can be mitigated by way of the proposed planning conditions, so as not to have an unacceptable impact on the environment or amenity of the area.

7.5. It is therefore recommended that planning permission is granted, subject to the conditions in Appendix 1.

## 8. Appendix 1 Conditions

1. **Time Period:** Mineral extraction operations shall cease and all restoration and mitigation works shall be completed by the 31st December 2030.

Reason: In order to ensure that the site is satisfactorily restored, in a timely manner in accordance with Minerals Extraction Policy 1.

2. **Bridge Design:** Prior to the commencement of development a detailed design specification for the conveyor bridge and conveyor, including materials and colour shall be submitted for the written approval of the Planning Authority.

Reason: To ensure a satisfactory design and appearance in accordance with Overarching Policy 2.

3. **Conveyor Bridge Construction Method Statement:** Prior to the commencement of the construction of the temporary conveyor bridge over the Keltie Water, a detailed Construction Method Statement (CMS), which sets out how the construction and removal to the temporary conveyor bridge will be managed, shall be submitted to, and approved in writing by, the Planning Authority. This CMS shall be based on the Conveyor Bridge Construction Method Statement included in Appendix 2-2 of the EIA Report (Breedon, August 2021). In particular, the CMS shall include the following:

- Full details of the pollution prevention safeguards that will be implemented to protect the water quality of the Keltie Water and River Teith SAC during the construction and removal of the temporary conveyor bridge. These details shall accord with the Scottish Environment Protection Agency, Guidance for Pollution Prevention 5: *Works and maintenance in or near water* (February 2018) and other relevant guidance and
- A detailed method statement for the removal of the temporary conveyor bridge over the Keltie Water including mitigation measures to prevent the pollution entering the River Teith SAC during these works.

Unless otherwise agreed in writing by the Local Planning Authority, all works shall be carried out in accordance with the approved CMS.

Reason: To ensure that the construction works are appropriately managed to minimise ecological impacts and avoid an adverse effect on the integrity of the River Teith SAC.

4. **Bridge Maintenance Regime:** Prior to the use of the conveyor bridge, a document outlining a maintenance regime to prevent debris build up at the conveyor bridge piers, shall be submitted to the Planning Authority and approved in writing. The approved maintenance regime shall be implemented in full.

Reason: To prevent build-up of debris which may result in flooding, in accordance with Natural Environment Policy 13: Flood Risk.

5. **Waste Management Plan (WMP):** The extractive waste at this site shall be managed in accordance with the Waste Management Plan (WMP) received 12 April 2021 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.

6. **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 area or to the waste deposited;

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 Regulation 16 of The Management of Extractive Waste (Scotland) Regulations 2010.

7. **Extractive Waste Operator:** The identity of the operator of the waste areas as are shown in the Waste Management Plan shall be Breedon GB Materials Ltd. 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 it may at its 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 areas 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.

8. **Landscape Restoration Management Plan:** Prior to the commencement of development an updated version of the approved Landscape Restoration and Management Plan (Technical Appendix 3-3 of the EIA Report dated June 2017) shall be submitted for the written approval of the Planning Authority. For the avoidance of doubt the updated version of the Landscape Restoration Management Plan shall reflect the approved development and the extended timescales for quarry operation and restoration and aftercare proposals.

Reason: In order to ensure the site is restored and enhanced in accordance with Mineral Extraction Policy 1.

9. **Restoration Scheme:** Prior to the commencement of development plans detailing an updated restoration scheme shall be submitted for the written approval of the Planning Authority.

Reason: In order to ensure the site is suitably restored in accordance with Mineral Extraction Policy 1.

10. **Landscape and Restoration Implementation:** All restoration works shall be undertaken in accordance with the approved restoration scheme, consisting of the Landscape Restoration & Management Plan approved under condition 8 and the associated drawings approved under condition 9.

Reason: In order to ensure the site is suitably restored, in accordance with the approved restoration plans in accordance with Mineral Extraction Policy 1.

11. **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 and provide updates on progress as part of monitoring reports required by in condition 25 below.

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.

12. **Aftercare Period:** 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 approved under condition 8 (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.

13. **Restoration Guarantee Bond:**

13.1 Prior to the commencement of development under this planning permission, a bond, guarantee, deposit account or similar security instrument to cover the cost of the full site restoration and aftercare under both this permission and permission S/96/0267/MIN (as amended by 2017/0213/DET) and the other requirements of this condition shall be granted in favour of the National Park Authority (NPA) as Planning Authority.

Such restoration guarantee instrument must (either itself or as part of a series of instruments, each covering a period of not less than three years, 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) If it is for a period less than the full term required under paragraph (g) below, contain a mechanism which will allow a claim to be made on it by the NPA if by the date falling three months prior to its scheduled expiry it is not replaced by a further instrument meeting the terms of this condition.
- (e) Be for a specified amount which covers the following as determined by the NPA (acting reasonably): (1) the peak value of all site restoration and aftercare liabilities, (2) either (a) includes an additional amount which represents a reasonable estimate by the NPA of likely cost inflation of all site restoration and aftercare liabilities over the term of the proposed instrument or (b) includes an indexation mechanism which will automatically adjust the amount determined under (1) such that the amount keeps pace with cost inflation, and (3) includes VAT on the foregoing amounts ;
- (f) contain a mechanism which will allow a claim to be made on it by the NPA if in terms of condition 13.2 there is a requirement for an increase following review

and such increase has not been put in place within one month of the completion of the review; and,

- (g) Come into immediate effect, and expire no earlier than 12 months after the end of the aftercare period (unless and early release or assignation 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).

No work shall commence under this planning permission until a validly executed restoration guarantee instrument meeting the requirements of 13.1 has been put in place.

13.2 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 restoration guarantee instrument always meets or exceeds the most recent estimation of the cost of the site restoration and aftercare liabilities and the terms of this condition. Reviews shall take place (1) at intervals of not more than three years with the first review to be undertaken before the expiry of three years from the date when the first instrument is put in place; and (2) prior to commencement of operations in respect of any approved amendment to the scheme of working and/or restoration and aftercare scheme. In addition to such reviews, in the event that the NPA, acting reasonably and having regard to actual and estimated cost inflation for the remaining period of the instrument, determines that the additional amount or indexation provision in terms of 13.1(e)(2) is no longer sufficient to ensure that the amount will keep pace with cost inflation for the remaining term of the instrument, there will be a review of the paragraph 13.1(e)(2) component of the instrument so as to ensure that the amount keeps pace with estimated cost inflation for the remaining term of the instrument. Where the amount of the restoration guarantee instrument in place at the time of each scheduled or inflation related review is less than the updated amount as established by the review, the amount of 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.

13.3 In the event that any relevant restoration guarantee 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.

13.4 If a relevant restoration guarantee instrument is for a period less than the full term required under paragraph 13.1(g) above, such instrument will be replaced no later than three months prior to its scheduled expiry with another instrument meeting the terms of this condition.

13.4 In the event that any of the restoration guarantee instruments required under 13.1, 13.2, 13.3 or 13.4 are not put in place as required by those provisions, all quarrying operations under both this permission and permission S/96/0267/MIN (as amended by 2017/0213/DET) shall cease (but care and maintenance operations will be maintained) until such instruments have been put in place.

13.5 Once the restoration guarantee instrument required under this condition is put in place, (1) the restoration guarantee instrument which was put in place under permission S/96/0267/MIN (as amended by 2017/0213/DET) shall be discharged and (2) the restoration guarantee instrument put in place under this condition shall be

deemed to satisfy the requirement for a restoration guarantee instrument under condition 15.1 of permission S/96/0267/MIN (as amended by 2017/0213/DET).

Reason: To ensure adequate financial provision is made to ensure the restoration of the site, in accordance with Mineral Extraction Policy 1.

14. **Replacement tree:** Prior to the removal of the tree hereby approved, the size, siting and species of a replacement tree shall be submitted to, and agreed in writing by, the Planning Authority. The replacement tree/trees shall then be planted on site in accordance with the approved details, in the timescale agreed with the Planning Authority. Any tree that within a period of five years after planting, dies or, in the opinion of the Planning Authority, becomes seriously damaged or defective shall be replaced with another of the same species and size as originally approved in a timetable to be agreed in writing with the Planning Authority.

Reason: In the interests of visual amenity and to accord with Natural Environment Policy 8: Development Impacts on Trees and Woodlands.

15. **Protection of Existing Trees:** The tree protection measures including root protection areas shall be implemented in accordance with the Tree Protection Plan (drawing number 1909/L1/CBUSMOR/3, CEMEX, dated September 2019 within the Arboricultural Impact Assessment, CEMEX, September 2019, EIA Report V3 Appendix 2-1).

Reason: To protect established trees against accidental damage during the course of the development.

16. **Hours of Operation:** With the exception of emergency works, all mineral extraction operations and associated processing shall be undertaken within the hours of 0700 to 2000 hours Mondays to Fridays and 0700 to 1200 hours on Saturdays. In addition, loading of delivery vehicles is permitted between 0600 to 0700 hours Mondays to Saturdays and maintenance operations are permitted to take place between the hours of 0700 to 1600 hours on Sundays. Maintenance of plant and machinery shall take place at locations remote and/or screened from noise-sensitive receptors and no machinery/plant associated with the quarry operation shall operate overnight.

Reason: In order to minimise adverse impact on local amenity in accordance with Overarching Policies 1 and 2.

17. **Noise levels:** The noise levels attributable to site operations shall not exceed the day time level 55dB LAeq (07:00 - 19:00 hours) and night time level of 42 dB 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.

Notwithstanding the terms above, noise levels attributable to site operations during soil stripping and bund construction, 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 shall not last for more than 8 weeks per annum.

Where requested by the Planning Authority, the operators shall carry out noise monitoring at agreed noise sensitive receptors in the vicinity of the quarry (details to be agreed in advance with the Planning Authority) to demonstrate that the above standards are being met.

Reason: In order to minimise adverse impact on local amenity in accordance with Overarching Policies 1 and 2.

18. **Noise Mitigation Measures:** The Best Practical Means (BPM) noise mitigation measures in Appendix 1 of the Vibrock letter dated 29 June 2021 (Ref: R21.11113/1/RK/Let2) shall be implemented at the site at all times and to the satisfaction of the Planning Authority.

Reason: In order to minimise adverse impact on local amenity in accordance with Overarching Policies 1 and 2.

19. **Dust Management and Monitoring Plan:** Prior to the commencement of site preparation works or quarrying of the site, the developer shall submit a Dust Management and Monitoring Plan, for the written approval of the Planning Authority, in consultation with Environmental Health. The proposed Dust Management and Monitoring Plan shall consider and propose measures/steps to minimise emissions of dust outwith the site in full accordance with best practice, and proposals for dust/particulate monitoring to assess the air quality impact of the quarry. The Dust Management and Monitoring Plan shall be reviewed by the end of June in each calendar year (and following any dust complaint deemed justifiable by the Planning Authority) and submitted for written approval of the Planning Authority.

Reason: To ensure appropriate management of dust on site in accordance with Overarching Policy 2.

20. **Dust Mitigation:** At all times during quarry 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 in accordance with Overarching Policy 2.

21. **Lighting:** External lighting for the approved shall be angled in a downward direction such that it will not cause glare outwith the application site; prior to the installation of lighting, details of the siting and design of the lighting, shall be submitted to the Planning Authority and approved in writing.

Reason: In order to avoid light pollution in the interests of the visual and residential amenity of the area and to protect the quality of the dark skies from inadvertent intrusive light levels in accordance with Overarching Policy 2.

22. **Implementation of EIA Report Mitigation:** All works shall be undertaken strictly in accordance with the mitigation measures summarised in Appendix 17-1 of the EIA Report (Breedon, April 2021). In particular, the mitigation measures for the Keltie Water Crossing Point, River Teith SAC and Water Environment.

Reason: To ensure that the construction works are appropriately managed to minimise ecological impacts and avoid an adverse effect on the integrity of the River Teith SAC in accordance with Natural Environment Policy 2.

23. **Protected Species:** Prior to the commencement of works on the temporary conveyor, an updated survey for protected species shall be undertaken to identify

any impacts on protected species from the development. This shall include re-surveying the potential otter holt feature identified adjacent to the temporary conveyor bridge location (TN3) for signs of current use. The results of this survey, together with a scheme of mitigation (if required), shall be submitted to, and approved in writing by, the Planning Authority.

Reason: To ensure that impacts on protected species are addressed and no offences are committed under protected species legislation.

24. **Bats:** No works shall be carried out on the mature alder tree identified with high suitability for roosting bats (Tree Tag: 310/ Tree Ref: G9) unless a pre-works survey has been carried out to establish the presence or absence of roosts immediately prior to works commencing. If any roosts are identified, a licence must be obtained from NatureScot before any works can be undertaken that will affect the roost.

All survey work shall be carried out in accordance with the minimum survey standards outlined in *Hundt, L (2012) Bat Surveys: Good Practice Guidelines, 3rd Edition, Bat Conservation Trust* - <https://www.bats.org.uk/resources/guidance-for-professionals/bat-surveys-for-professional-ecologists-good-practice-guidelines-3rd-edition>

Reason: To ensure that no offences are committed with regards to bats in accordance with Natural Environment Policy 4.

25. **Breeding Birds:** No vegetation clearance works shall take place between March and August (inclusive) unless a pre-works check for active nests has been carried out immediately prior to the works commencing. Should any active nests be recorded, a suitable buffer must be put in place until the nest is no longer in use.

Reason: To ensure that no offences are committed under protected species legislation with regards to breeding birds.

26. **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 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 and LCoW; 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.

27. **Biodiversity Action Plan:** Prior to commencement of development the Biodiversity Action Plan for the site shall be updated to reflect progress to date and submitted for the approval of the Planning Authority. Thereafter the approved proposals for implementation contained within the Biodiversity Action Plan (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.

## Informatives

1. **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.
2. **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.
3. **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.
  - 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) Extractive Waste Areas for Rehabilitation of the Void (inert) in the areas outlined in turquoise on approved plan Figure 12-8.

4. **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 Extractive Waste Management Plan (dated April 2021), including the drawing reference Figure 2-18, all of which are included in the table of plans and documents below.

## **9. Appendix 2: Appropriate Assessment**

### **Appropriate Assessment**

River Teith SAC Special Area of Conservation (SAC)

**2021/0133/DET**

Retention and operation of existing quarry processing plant and ancillary quarry development and construction of temporary conveyor bridge  
Cambusmore Quarry

## Requirements of the Habitats Regulations

European Sites are **Special Areas of Conservation (SACs)** designated under the EC Habitats Directive to protect particular habitats and non-bird species and **Special Protection Areas (SPAs)** designated under the EC Birds Directive to protect wild birds.

The EC Directive is applied in Scotland through the *Conservation (Natural Habitats &c) Regulations 1994*, which is known as the “Habitats Regulations”.

The requirements of the Habitats Regulations are summarised in Planning Circular 6/1995 as amended June 2000.

The Habitats Regulations require that:

**Where an authority concludes that a development proposal is likely to have a significant effect on a European site (SPA or SAC), it must undertake an appropriate assessment of its implications for the European site in view of the site’s conservation objectives.**

The need for appropriate assessment extends to projects outwith the boundary of the SAC or SPA, in order to determine their implications for the interest protected within the site.

### Significance Test

Regulation 48(1) of the Habitats Regulations requires the competent authority to first carry out a ‘significance test’. The test for significant effects acts simply as a filter to exclude any projects which have no possible connection to the interests of the SAC or SPA.

Under Regulation 48 of the Habitats Regulations, the LLTNPA, as a competent authority, has a duty to:

- determine whether or not the proposal is directly connected with or necessary to SAC/SPA management for conservation; and, if not,
- determine whether the proposal is likely to have a **significant effect** on the SAC/SPA either individually or in combination with any other plans or projects; and, if so, then
- make an **appropriate assessment** of the implications (of the proposal) for the SAC/SPA in view of that site's conservation objectives.

The first bullet should only be accepted where it is part of a fully assessed, and agreed, management programme.

### Appropriate Assessment

Habitats Regulation 48 (5) requires that “*in the light of the conclusions of the assessment, the authority shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site*”, in relation to its conservation objectives.

## Agency Role

In undertaking the Appropriate Assessment, the Habitats Regulations require LLTNPA to have regard to the advice we receive from statutory consultees including SNH, SEPA and HSE (Health and Safety Executive). However, the responsibility for undertaking the Appropriate Assessment rests with LLTNPA.

## Background Information on the River Teith SAC

Name of European site: River Teith	
Site Type: Special Area of Conservation (SAC)	
Qualifying Interests:	
SCIENTIFIC NAME	COMMON NAME
<i>Salmo salar</i>	Atlantic salmon
<i>Lampetra planeri</i>	Brook lamprey
<i>Lampetra fluviatilis</i>	River lamprey
<i>Petromyzon marinus</i>	Sea lamprey
Conservation Objectives:	
<p>To avoid deterioration of the habitats of the qualifying species (listed above) or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained and the site makes an appropriate contribution to achieving favourable conservation status for each of the qualifying features; and</p> <p>To ensure for the qualifying species that the following are maintained in the long term:</p> <ul style="list-style-type: none"><li>• Population of the species, including range of genetic types for salmon, as a viable component of the site</li><li>• Distribution of the species within site</li><li>• Distribution and extent of habitats supporting the species</li><li>• Structure, function and supporting processes of habitats supporting the species</li><li>• No significant disturbance of the species</li></ul>	

## Project Information

A planning application (2021/0133/DET) has been submitted to Loch Lomond & The Trossachs National Park Authority for the retention and continued operation of the existing quarry processing plant and ancillary quarry development at Cambusmore quarry near Callander. The proposal also includes the construction of a new temporary conveyor bridge over the Keltie Water. A separate planning application has been submitted to Stirling Council for the extension of the mineral extraction operations within the Stirling Council area and the purpose of the proposed temporary conveyor bridge is to transport material from the extension area to the processing plant within the existing quarry.

## Significance Test for Planning Application 2021/0133/DET

### Qualifying Features of the SAC

As listed above, the Qualifying Interests of the River Teith Special Area of Conservation are:

- River lamprey (*Lampetra fluviatilis*)
- Brook lamprey (*Lampetra planeri*)
- Sea lamprey (*Petromyzon marinus*)
- Atlantic salmon (*Salmo salar*)

The Conservation Objectives for the River Teith SAC are detailed in the background information above.

### Significance Test

#### Construction and operation of temporary conveyor bridge over the Keltie Water

The proposal includes a new temporary conveyor bridge over the Keltie Water which forms part of the River Teith SAC. Although the span of the proposed temporary conveyor bridge is sufficient to ensure that there will be no in channel works, temporary bridge abutments will need to be constructed either side of the bridge. This will require works to be carried out in close proximity to the boundary of the SAC.

Salmon and lamprey both require high water quality therefore any reduction in water quality as a result of the proposal could be significant. If sediment is released into the SAC during construction or removal of the temporary conveyor bridge over the Keltie Water, this could result in the gills of salmon or lamprey being smothered, or their upstream passage impeded. It can also smother the gravels used for spawning salmon and lamprey or the areas used by juvenile fish, making them unsuitable. There is also a possible risk of contamination of the watercourse from fuel and chemicals used on site, or from material falling into the river from the conveyor bridge whilst it is operational.

Given the proximity of the proposal to the SAC, there is potential for pollution (e.g. silt, and fuel oil) from the development site to enter the River Teith SAC and impact on the salmon and lamprey qualifying interests of the SAC during the construction, operation and removal of the temporary conveyor bridge over the Keltie Water. **As a consequence, the proposal is likely to have a significant effect on the salmon and lamprey qualifying interests of the SAC and an appropriate assessment is required.**

#### Retention and continued operation of the existing quarry processing plant

Whilst there is also a risk of pollution entering the River Teith SAC as a consequence of the continued operation of the existing quarry processing plant, these risks are adequately managed through the conditions that apply to the existing consent (2017/0213/DET). As a result, the risks associated with the continued operation of the existing quarry processing plant are not considered any further in this appropriate assessment.

## Appropriate Assessment

<p>Elements of project likely to give rise to significant effects on the site.</p>	<p>As highlighted above, given the proximity of the works to the SAC, there is potential for pollution from the development site to enter the River Teith SAC and impact on the qualifying interests of the SAC.</p> <p>Although the span of the proposed temporary conveyor bridge is sufficient to ensure that there will be no in channel works, temporary bridge abutments will need to be constructed either side of the bridge. This will require works to be carried out in close proximity to the boundary of the SAC including the construction of the two reinforced concrete bases for the abutments and the creation of a construction platform to enable the siting of the concrete pumping machine and cranes. Following the completion of the mineral extraction operations within the Stirling Council area, the removal of the temporary bridge will require further works to be carried out in close proximity to the boundary of the SAC.</p> <p>There is also a possible risk of contamination of the watercourse from fuel and chemicals used on site, or from material falling into the river from the conveyor bridge whilst it is operating.</p>
<p>Describe how the integrity of the site (determined by structure and function and conservation objectives) is likely to be affected by the project (e.g. loss of habitat, disturbance, disruption, chemical changes, hydrological changes and geological changes etc.).</p>	<p>In the absence of mitigation, the salmon and lamprey qualifying interests of the SAC could be impacted by the pollution of the water environment. This could compromise the following conservation objectives:</p> <ul style="list-style-type: none"> <li>• Population of the species;</li> <li>• Distribution of the species within site;</li> <li>• Distribution and extent of habitats supporting the species.</li> </ul>
<p>Describe what mitigation measures are to be introduced to avoid any adverse effects on the integrity of the site.</p>	<p>There will be no adverse effect on the integrity of the SAC if the following mitigation measures are implemented:</p> <p><b>Implementation of EIA Report Mitigation</b> - All works shall be undertaken strictly in accordance with the mitigation measures summarised in Appendix 17-1 of the EIA Report (Breedon, April 2021). In particular, the mitigation measures for the Keltie Water Crossing Point, River Teith SAC and Water Environment.</p> <p><b>Conveyor Bridge Construction Method Statement</b> - Prior to the commencement of the construction of the temporary conveyor bridge over the Keltie Water, a detailed Construction Method Statement (CMS), which sets out how the construction and removal to the temporary conveyor bridge will be managed, shall be</p>

	<p>submitted to, and approved in writing by, the Planning Authority. This CMS shall be based on the Conveyor Bridge Construction Method Statement included in Appendix 2-2 of the EIA Report (Breedon, August 2021). In particular, the CMS shall include the following:</p> <ul style="list-style-type: none"> <li>• Full details of the pollution prevention safeguards that will be implemented to protect the water quality of the Keltie Water and River Teith SAC during the construction and removal of the temporary conveyor bridge. These details shall accord with the Scottish Environment Protection Agency, Guidance for Pollution Prevention 5: <i>Works and maintenance in or near water</i> (February 2018) and other relevant guidance.</li> <li>• A detailed method statement for the removal of the temporary conveyor bridge over the Keltie Water including mitigation measures to prevent the pollution entering the River Teith SAC during these works.</li> </ul> <p>Unless otherwise agreed in writing by the Local Planning Authority, all works shall be carried out in accordance with the approved CMS.</p> <p>The implementation of these mitigation measures will ensure that adequate pollution control measures are implemented during the construction, operation and removal of the temporary conveyor bridge to protect the water quality of the River Teith SAC. As a result, the conservation objectives of the SAC will not be compromised and an adverse effect on the integrity of the SAC avoided.</p>
Conclusion	<p>Provided the above mitigation measures are secured via appropriately worded planning conditions, the proposal will not have an adverse effect on the integrity of the River Teith SAC. This conclusion has been supported by NatureScot.</p>