

Appeal Decision Notice

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Decision by W M H Patterson, a Reporter appointed by the Scottish Ministers

- Enforcement notice appeal reference: ENA-130-2006
- Site address: Camsail Woodland, Rosneath Road, Rosneath G84
- Appeal by Donald Bruce against the enforcement notice dated 19 July 2012 served by Argyll and Bute Council
- The alleged breach of planning control: unauthorised engineering operations
- Date of site visit by Reporter: 2nd October 2012

Date of appeal decision: 8 October 2012

Decision

I uphold the enforcement notice dated 19 July 2012 but allow the appeal to the extent that I vary the terms of the notice by substituting as the period for compliance “**by 30 April 2013**”; and by the modification of the required steps as set out in the Annex to this decision notice. Subject to any application to the Court of Session, the enforcement notice takes effect on the date of this decision, which constitutes the determination of the appeal for the purpose of Section 131(3) of the Act.

Reasoning

1. The appeal site of some 2.2 hectares, south of Rosneath village, is a shallow former quarry, and immediately contiguous ground, with an entrance off the inland side of the main spine road that runs along the east coast of the Rosneath peninsula. There is a length of recently exposed rock face along part of the northern edge of the flat worked-out area. There is evidence of informal public access through the trees along a moderately worn path above that low cliff. There are no large or deep areas of standing water in the former quarry, despite a very wet spell of weather before and during the site inspection, though shallow patches of water may have concealed accumulations of soft silt in a few spots. In the north-eastern part of the worked-out area are a grassed-over heap of soil or subsoil and a loose assemblage of very large quarried rocks. Towards the south-western edge of the appeal site are a digger and a lorry of kinds typically seen at quarries, and the presence of recently formed track and a face of loose stones is consistent with a sudden suspension of engineering operations in that area.



2. Along the southern edge of the former quarry, where there is no vertical or steep face and the appeal site is not physically demarcated from woodland to the south, numerous small trees lie as they have been left after being knocked over by heavy machinery. There are also patches of soil bare apart from remnants of roots or branches. The overall appearance of the site bears out the appellant's claim that work ceased in October 2010 when the council notified its concerns about the work being carried out. Submissions also refer to a Stop Notice.

3. The notice under appeal alleges "unauthorised engineering, and other, operations in, on, over and/or under the Land Affected". The reasons given for serving it are: "1. The engineering, and other, operations in, on, over, and/or under the Land Affected have been carried out without the benefit of planning permission and are unauthorised. 2. The works are contrary to the Argyll and Bute Local Plan Policies LP ENV1, LP ENV7 and LP ENV8 which require that any works that are carried out should safeguard any woodland, trees and local nature conservation sites and that development will be resisted if there is an adverse impact on the landscape."

4. The notice allowed a period of six months from 1st October 2012 for the following works to be carried out:-

With reference to Appendix A: Plan 1 of Camsail, Appendix B: Plant List, & Appendix 3 (Figures 1-7)

A. You are required to pull back two thirds of the soil from the existing spoil heap to the centre of the Land Affected. You are thereafter required to store the said soil at this location until it is required for use in terms of paragraph B, paragraph C, and/or paragraph D hereof. You are required to spread the remainder of the soil comprising the existing spoil heap to a depth of 150mm and plant the same with Birch - *Betula pubescens*, Alder- *Alnus glutinosa*, and Willow- *Salix lanata* in accordance with the requirements of Appendix B Area Code B. The soil which has been placed against the rock face is to remain in its current location, sloping away from the rock face as shown in Appendix 3 Figures 1 and 2.

B. The rock face, as shown in Appendix 3, Figure 3 and Figure 3b, is fissured and requires profiling in order to make it safe following on from the unauthorised engineering, or other, works. Prior to commencing works you are required to instruct a qualified geotechnical engineer or geologist or other technically qualified person to inspect the rock face for loose rocks and thereafter safely remove any that are found. You are further required to make safe the rock face by placing supporting rocks along the entire length of the rock face to a height of one third of the rock face. Once the rock face has been made safe, you are required to move soil from the said two third spoil heap onto the terrace and slope, spread the same to a depth of 150mm, and thereafter plant with Birch- *Betula pubescens*, Rowan- *Sorbus aucuparia*, and Scots Pine- *Pinus sylvestris*, in accordance with the requirements of Appendix B Area Code C. If there is insufficient soil to achieve a 150mm depth additional soil should be used.

You are required to erect a fence 4 metres back from the cliff edge adjoining the top of the rock face which said fence shall extend across the entire width of the cliff edge and shall be rounded off at the sides so as to prevent access to those locations upon which rock is stored near to the entrance, and to the south west side, of the Land Affected. You are required to re-instate that part of the flat area shown in Appendix 3 Figure A that is located away from the rock face workings as a wet grassland. You shall utilise the existing reeds located upon the flat area for this purpose.

You are required to plant trees including Birch - *Betula pubescens*, Alder- *Alnus glutinosa* and Willow-*Salix lanata* adjacent to the access road to the recently worked rock face in accordance with Appendix B area code B. The said trees require to be planted in a 3m strip of soil in 7 groups of 5 trees and 5 groups of 7 trees leaving random gaps. The soil from the said two third spoil heap should be used to support the establishment of the said trees. If required additional soil should be used.

C. You are required to form a slope to a 45 degree angle at the pit face located in the area marked 'E' on Appendix 1 and shown in Appendix 3 Figure 5. You are thereafter required to spread additional soil over the same to a depth of 100mm and sow the same with a grass seed mix containing fescue, bent and perennial rye grass in accordance with the provisions of Appendix B, Area Code E (Pit face south) and ensure that the same is in all ways made safe.

D. You are required to plant six additional Alder- *Alnus glutinosa* and six additional Willow - *Salix lanata* upon that area of ground located in the area marked 'E' on Appendix 1 where trees are currently established upon a slope in accordance with the provisions of Appendix B Area Code E, south-west corner.

5. Appendix A to the notice is a sketch plan showing different areas of the site; appendix B a detailed planting list for grass in one area and in other areas minimum numbers of bare root whips of alder, willow, birch, rowan and Scots pine. Appendix 3 (sic) is eight photographs (including 3b) with captions, illustrating various parts of the site where particular works are required.

6. The appeal against the enforcement notice was made on the following grounds as provided by section 130(1) of the Town and Country Planning (Scotland) Act 1997: (b) the matters stated in the notice to involve a breach of planning control have not occurred; (c) the matters stated in the notice (if they occurred) do not constitute a breach of planning control; (f) the steps required by the notice to be taken (or the activities required by the notice to cease) exceed what is necessary to remedy any breach of planning control stated in the notice, or to remedy any injury to amenity caused by that breach; and (g) the period specified in the notice (to comply with the steps to be taken) falls short of what should reasonably be required). With regard to a submission for the appeal from an agent commissioned on 26 September 2012, it may be noted that in the appeal form dated 24 August 2012 no appeal was made under ground (e), relating to the manner in which a notice has been served.

7. There is no provision in current legislation to consider the merits of proposed use of the site as if the enforcement notice appeal concerned a planning application. Accordingly

large parts of the submissions in support of the appeal cannot be relevant to consideration of its merits; conversely development plan policies are of only limited relevance. In regard to the appeal under ground (b) it is plain from the site inspection that engineering operations in the form of movement of rock and soil and formation of vehicular track have taken place in the recent past, within the 'Land Affected' as defined in the plan that is part of the notice. This ground of appeal therefore cannot succeed.

8. In regard to ground (c) it is sufficiently clear that the last planning permission authorising quarrying at the site expired in April 2000. The council has confirmed that it is not concerned about minor works to install new drainage, as this was permitted development; it also appears to have been largely if not wholly out with the appeal site. However, the use of heavy equipment to scour the former quarry face and to move rock and soil within the site plainly involves engineering operations, and thus is development requiring planning permission, under section 26(1) of the 1997 Act. The work is not within any of the descriptions of works not amounting to development, in section 26(2). There is no suggestion that it comes within any class of 'permitted development', though section 26(5) of the Act, which defines as development removal of material from a mineral-working deposit, does not appear to be relevant since it is not alleged that deposited material has been removed from the site. Since there have been unauthorised engineering operations, the appeal under ground (c) cannot succeed.

9. As to ground (f), it is plain from the current appearance of the site that the visually acceptable semi-natural regeneration of the former quarry, with self-seeded trees, has been interrupted by the engineering operations that have left it in an unsightly state. Although the site is not prominently visible from the adjacent road or any other public place, its relative seclusion would not justify indifference to its appearance. Hence it is reasonable in principle for the council to require works that would hasten the restoration of the site to the character of a former quarry being colonised semi-naturally by trees arising from seed borne by wind or birds from adjacent woodland, or by reeds in a wetter area. That destroyed trees which had been colonising the site were young and not covered by a Tree Preservation Order does not affect the appropriateness of requiring new trees to hasten the recovery of the site from the harm that has occurred to its amenity.

10. As acknowledged in the appeal submissions there is also a proper concern for public safety, particularly from loose or unstable rock on exposed steep surfaces. The requirement, once any loose stones have been removed, to 'terrace' and soil and vegetate the exposed rock face in the north-west of the site, both buttressing it and reducing its height in the event of a fall from above, is therefore a reasonable measure. However, the requirement to bring in soil, if necessary so as to achieve a minimum depth of 150mm over the whole terrace and slope thus formed, and in area D next to the access track, appears unduly onerous. In view of the closeness of a stretch of barbed wire boundary fence and the presence of mature trees, the practicability of the requirement to provide a safety fence 4 metres back from the edge is very doubtful. Moreover, it is not self-evident that such a fence would in the longer term help the safety of users of the informal path, rather than drawing attention to the recreational potential of exposed rock below and being vulnerable to vandalism. Besides, any danger from the closeness of the modest drop is of a kind routine for those used to walking in Scottish countryside and coasts; and the only slightly

tricky point of the path close to the edge could readily be diverted to the safer side of a tree, with a small amount of manual work.

11. These matters can be rectified with small emendations to the required steps. The numbers and density of tree whips to be planted do not in general seem disproportionate to the respective areas to which they would apply, in order to give some sense of vegetation regenerating reasonably quickly. The species are appropriate for that aim, and compatible with the adjacent woodland. There is an apparent discrepancy or at least ambiguity in the numbers required for areas D and F, and there is an apparent clerical error in the last paragraph of part B of the requirements, where “Appendix B area code B” seems to be a mistake for “Appendix B area code D&F”. The list of species in area code D&F appears to be a repeat of that for area C, instead of containing the species listed for area code D&F in the requirements. These errors can be corrected without prejudice to either the appellant or the planning authority, and the ambiguity about the number of whips to be planted can properly be resolved by confirming the numbers that are less onerous to the recipient of the notice. Ground (f) therefore succeeds only insofar as the requirements will be modified in the appellant’s favour.

12. The appeal submissions are, besides concerns about dangers at the site, largely based on an intention to use material from the quarry for infilling works at a nearby boatyard in the same ownership. A planning application for those works at the boatyard was submitted some time ago but as at the close of the written submissions has not been determined. There has also been prolonged discussion between the parties about a planning application for works at the former quarry, but this has not – at least by the close of the written submissions – materialised. In any event, as already noted, it would not be within the scope of a decision on the enforcement notice appeal to assume or prejudge any particular outcome of a separate planning application or one which may in the future be made for the appeal site, even if the details of that were known. These matters therefore cannot be critical in determining the appeal under ground (g) any more than any other of the grounds. Moreover, were a planning permission for suitable works granted, its implementation would not be compulsory and its mere existence, in the absence of separate binding obligations, would thus not guarantee restorative measures.

13. However, as a matter of practicality the timing of the appeal and of this decision is bound to affect the timetable for implementing the requirements of the notice. It is already slightly further into autumn and expected constantly wet ground conditions lasting till early spring, than at the date originally envisaged for the start of the six months allowed. As seen at the site inspection ground conditions were already very unfavourable because of recent heavy rain. Suitable conditions for grass seeding may not occur before well into spring 2013. It therefore seems appropriate to lengthen the period for compliance to the end of April 2013, and to that extent the appeal under ground (g) succeeds. This extension would, as a by-product, allow even more time for a planning application to be made and possibly to lead to planning permission for alternative works at the appeal site, acceptable to the planning authority and expected to be carried out promptly; or, if no such application for acceptable works is urgently made, approved and subject to effective obligations for the carrying out of restorative work, for the planning authority to be reinforced in its view that the serving of the notice was appropriate and necessary.

14. There is no other matter, in the written submissions, that could be crucial to the decision on this appeal.

W M H PATTERSON
Reporter

ANNEX: CHANGES TO THE REQUIREMENTS OF THE ENFORCEMENT NOTICE

For part B of the required steps there shall be substituted:-

B. The rock face, as shown in Appendix 3, Figure 3 and Figure 3b, is fissured and requires profiling in order to make it safe following on from the unauthorised engineering, or other, works. Prior to commencing works you are required to instruct a qualified geotechnical engineer or geologist or other technically qualified person to inspect the rock face for loose rocks and thereafter safely remove any that are found. You are further required to make safe the rock face by placing supporting rocks along the entire length of the rock face to a height of one third of the rock face. Once the rock face has been made safe, you are required to move soil from the said two third spoil heap onto the terrace and slope, spread the same to a depth of 150mm, and thereafter plant with Birch- *Betula pubescens*, Rowan- *Sorbus aucuparia*, and Scots Pine- *Pinus sylvestris*, in accordance with the requirements of Appendix B Area Code C. If there is insufficient soil to achieve a 150mm depth throughout this area priority for achieving this depth shall be given to the positions where whips are to be planted.

You are required to re-instate that part of the flat area shown in Appendix 3 Figure A that is located away from the rock face workings as a wet grassland. You shall utilise the existing reeds located upon the flat area for this purpose.

You are required to plant trees including Birch - *Betula pubescens*, Alder- *Alnus glutinosa* and Willow-*Salix lanata* adjacent to the access road to the recently worked rock face in accordance with Appendix B area code D&F. The said trees require to be planted in a 3m strip of soil in 4 groups of 5 trees and 5 groups of 7 trees leaving random gaps. Soil from the said two third spoil heap should be used to support the establishment of the said trees. If there is insufficient soil to achieve a 150mm depth throughout this area priority for achieving this depth shall be given to the positions where whips are to be planted.

In **Appendix B: Plant List** of the notice **Area Code D & F** shall be amended by substituting the following:-

D (including flat area for wetland creation – reeds to be saved and planted) & F (adjacent to the existing road and placed to reduce road to path width of 2 metres)

*Birch – *Betula pubescens*

30 (in tubes)

*Alder – *Alnus glutinosa*

20 (in tubes)

*Willow – *Salix lanata*

5

* In area F only

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Sent signed for delivery 19.7.12

**IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY
OR PROPERTY THAT YOU HAVE AN INTEREST IN**

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

ENFORCEMENT NOTICE

REFERENCE NUMBER: 10/00323/ENOTH2

To:

**Donald Robert McIndewar Bruce,
Carfin House,
Clynder,
Helensburgh,
G84 0QD**

ISSUED BY: ARGYLL AND BUTE COUNCIL, KILMORY, LOCHGILPHEAD

1. **THIS IS A FORMAL NOTICE** which is issued by Argyll and Bute Council, having their head office at Kilmory, Lochgilphead, Argyll, PA31 8RT a local authority constituted under the Local Government etc (Scotland) Act 1994, and as such the Planning Authority for the area of Argyll and Bute in terms of the Town and Country Planning (Scotland) Act 1997 ("the Act") because it appears to them that there has been a breach of planning control, under Section 127 of the Act at the Land Affected as hereinafter defined. Argyll and Bute Council consider that it is expedient to issue this notice, having regard to the provisions of the development plan and to other material considerations.

2. THE LAND AFFECTED

That plot or area of ground at Camsail Woodland, Rosneath Road, Roseneath Helensburgh being the subjects located on the west side of Rosneath Road, Rosneath, Helensburgh, registered in the Land Register of Scotland under Title Number DMB66514, as shown edged red on the plan attached hereto labelled "Land Affected" (which said plot or area of ground is hereinafter referred to as "the Land Affected").

3. THE BREACH OF PLANNING CONTROL ALLEGED

In terms of Section 123(1)(a) of the above Act, the carrying out of development without the required planning permission, relative to:

- **Unauthorised engineering, and other, operations in, on, over, and/or under the Land Affected.**

4. REASONS FOR ISSUING THIS NOTICE

1. The engineering, and other, operations in, over, and/or under the Land Affected have been carried out without the benefit of planning permission and as such are unauthorised.

2. The works are contrary to the Argyll and Bute Local Plan Policies LP ENV1, LP ENV7 and LP ENV 8 which require that any works that are carried out should safeguard any woodland, trees and local nature conservation sites and that development will be resisted if there is an adverse impact on the landscape.

5. WHAT YOU ARE REQUIRED TO DO

With reference to Appendix A: Plan 1 of Camsail, Appendix B: Plant List, & Appendix 3 (Figures 1-7)

- A. You are required to pull back two thirds of the soil from the existing spoil heap to the centre of the Land Affected. You are thereafter required to store the said soil at this location until it is required for use in terms of paragraph B, paragraph C, and/or paragraph D hereof. You are required to spread the remainder of the soil comprising the existing spoil heap to a depth of 150mm and plant the same with Birch – *Betula pubescens*, Alder- *Alnus glutinosa*, and Willow-*Salix lanata* in accordance with the requirements of Appendix B Area Code B. The soil which has been placed against the rock face is to remain in its current location, sloping away from the rock face as shown in Appendix 3 Figures 1 and 2.
- B. The rock face, as shown in Appendix 3, Figure 3 and Figure 3b, is fissured and requires profiling in order to make it safe following on from the unauthorised engineering, or other, works. Prior to commencing works you are required to instruct a qualified geotechnical engineer or geologist or other technically qualified person to inspect the rock face for loose rocks and thereafter safely remove any that are found. You are further required to make safe the rock face by placing supporting rocks along the entire length of the rock face to a height of one third of the rock face. Once the rock face has been made safe, you are required to move soil from the said two third spoil heap onto the terrace and slope, spread the same to a depth of 150mm, and thereafter plant with Birch- *Betula pubescens*, Rowan- *Sorbus aucuparia*, and Scots Pine- *Pinus sylvestris*, in accordance with the requirements of Appendix B Area Code C. If there is insufficient soil to achieve a 150mm depth additional soil should be used.

You are required to erect a fence 4 metres back from the cliff edge adjoining the top of the rock face which said fence shall extend across the entire width of the cliff edge and shall be rounded off at the sides so as to prevent access to those locations upon which rock is stored near to the entrance, and to the south west side, of the Land Affected. You are required to re-instate that part of the flat area shown in Appendix 3 Figure 4 that is located away from the rock face workings as a wet grassland. You shall utilise the existing reeds located upon the flat area for this purpose.

You are required to plant trees including Birch – *Betula pubescens*, Alder- *Alnus glutinosa* and Willow-*Salix lanata* adjacent to the access road to the recently worked rock face in accordance with Appendix B area code B. The said trees require to be planted in a 3m strip of soil in 7 groups of 5 trees and 5 groups of 7 trees leaving random gaps. The soil from the said two third spoil heap should be used to support the establishment of the said trees. If required additional soil should be used.

- C. You are required to form a slope to a 45 degree angle at the pit face located in the area marked 'E' on Appendix 1 and shown in Appendix 3 Figure 5. You are thereafter required to spread additional soil over the same to a depth of 100mm and sow the same with a grass seed mix containing fescue, bent and perennial rye grass in accordance with the provisions of Appendix B, Area Code E. (Pit face south) and ensure that the same is in all ways made safe.

- D. You are required to plant six additional Alder- *Alnus glutinosa* and six additional Willow – *Salix lanata* upon that area of ground located in the area marked 'E' on Appendix 1 where trees are currently established upon a slope in accordance with the provisions of Appendix B Area Code E, southwest corner

6. THE TIME PERIOD FOR COMPLAINT

All works required under this notice must be completed **within 6 months from 1st October 2012** to coincide with the first planting season.

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 1st September 2012, subject to section 131(3) of the Act which provides that where an appeal is made to the Scottish Government before the date this notice takes effect that this notice shall be of no effect pending the final determination or the withdrawal of the appeal.

8. YOUR RIGHT OF APPEAL

You can appeal against this notice, but your appeal must be received or posted in time to be received by the Scottish Government before 1st September 2012. Schedule 1 to this notice gives information on your rights of appeal. **READ IT CAREFULLY.**

9. WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this notice, it will take effect on 1st September 2012 and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period(s) specified in the notice. Failure to comply with an enforcement notice which has taken effect can result in prosecution and/or remedial action by the Council.

Dated: 19th July 2012



Howard Young
Area Team Leader
Helensburgh and Lomond
(On behalf of Argyll and Bute Council)

<p style="text-align: center;">SCHEDULE 1 EXPLANATORY NOTE FOR THOSE IN RECEIPT OF AN ENFORCEMENT NOTICE</p>

RELEVANT LEGISLATION

In respect of Sections 127, 130, 131 and 134 of the Act, copies of which are attached hereto, you will wish to note in particular the points referred below.

RIGHT OF APPEAL

If you wish to appeal against this notice, you should give written notice of the appeal to the Scottish Government at The Directorate for Planning and Environmental Appeals, 4 The Courtyard, Callendar Business Park, Callendar Road, Falkirk, FK1 1XR, which written notice of appeal must be received, or posted in time to be received, by the Scottish Government before **1st September 2012**, or sent to them using electronic communications at such a time that, in the ordinary course of transmission, it would be delivered to them before that date. The Scottish Government has no power to consider an appeal lodged out of time.

At the same time as giving notice of appeal to the Scottish Government you must also submit a "statement of appeal" on a form to be obtained from the Scottish Government. The statement of appeal must be in writing and must specify the grounds as set out in Section 130 of the Act on which you are appealing against the enforcement notice and must also give the information specified in Part 4, Regulation 13 paragraph (2) of the Town and Country Planning (Appeals) (Scotland) Regulations 2008/434, a copy of which is attached hereto. At the same time as giving the notice of appeal to the Scottish Government you must send to the Council a copy of the notice of appeal, the statement of appeal, and all documents, materials and evidence which you intend to rely on in the appeal and which accompanied the notice of appeal in accordance with regulation 13 (3).

If you lodge an appeal, the enforcement notice is suspended and will not take effect unless the appeal is withdrawn or dismissed.

PENALTIES FOR NON-COMPLIANCE WITH AN ENFORCEMENT NOTICE

Where an enforcement notice requires the discontinuance of a use of land or compliance, in respect of a use of land or the carrying out of operations, with any conditions or limitations, then any person who, without the grant of planning permission uses the land or causes or permits it to be used, or carries out those operations or causes or permits them to be carried out, is guilty of an offence and liable on summary conviction to a fine not **exceeding Twenty Thousand Pounds or on conviction on indication to an unlimited fine**. Further more, if the use is continued after conviction the person may be convicted of a second or subsequent offence.

DIRECT ACTION FOR NON-COMPLIANCE WITH AN ENFORCEMENT NOTICE

If the steps required by an enforcement notice are not taken within the specified period(s) the Council may enter on the land, take those steps and recover the cost from the owner or lessee of the land.

FURTHER OFFENCES

Compliance with the terms of an enforcement notice does not discharge the notice. It will continue in effect and any repetition of the breach of control may incur further penalties or may result in direct action by the Council.

ORDNANCE SURVEY
NATIONAL GRID REFERENCE

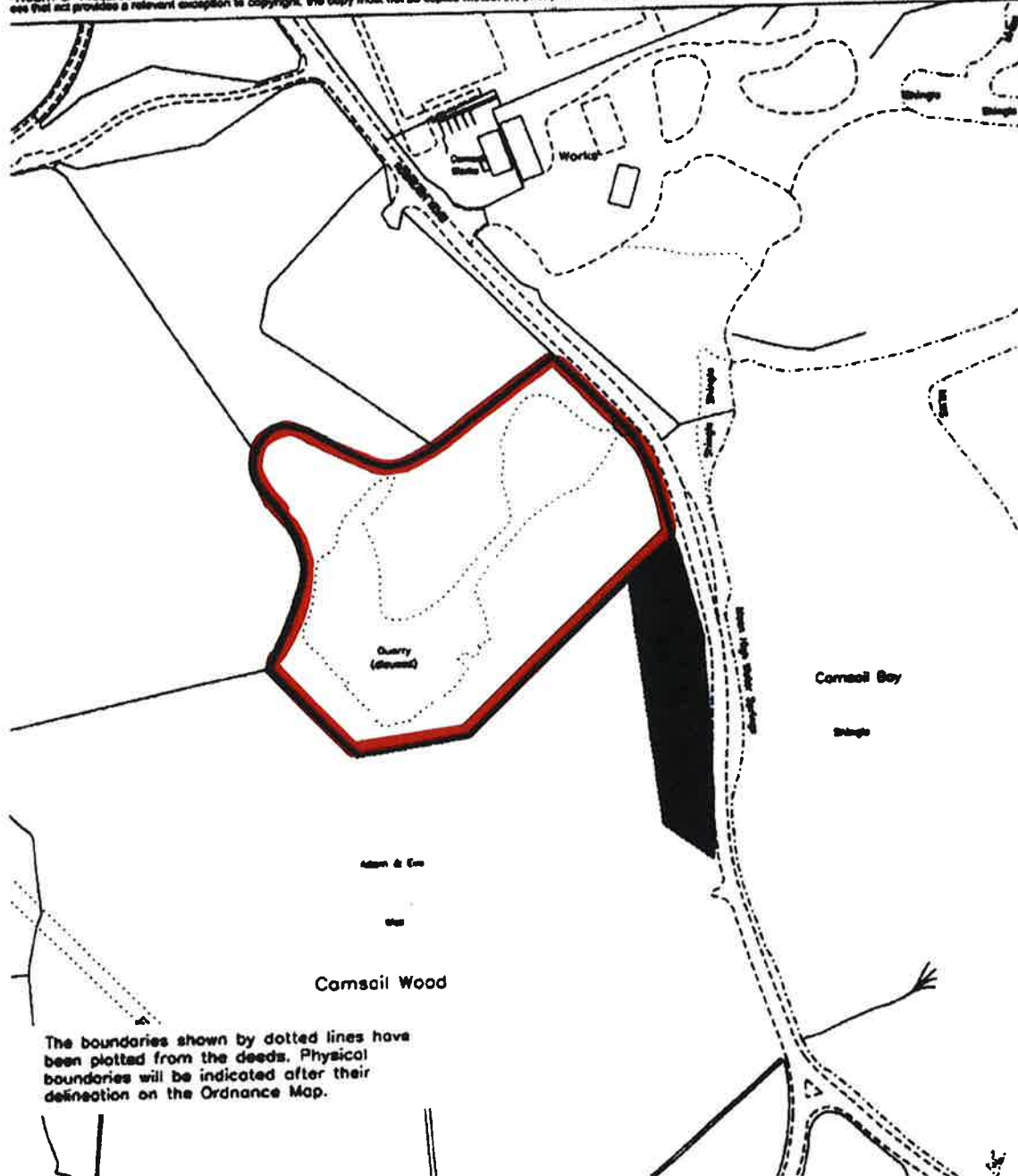
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Survey Scale

NS2582 NS2682

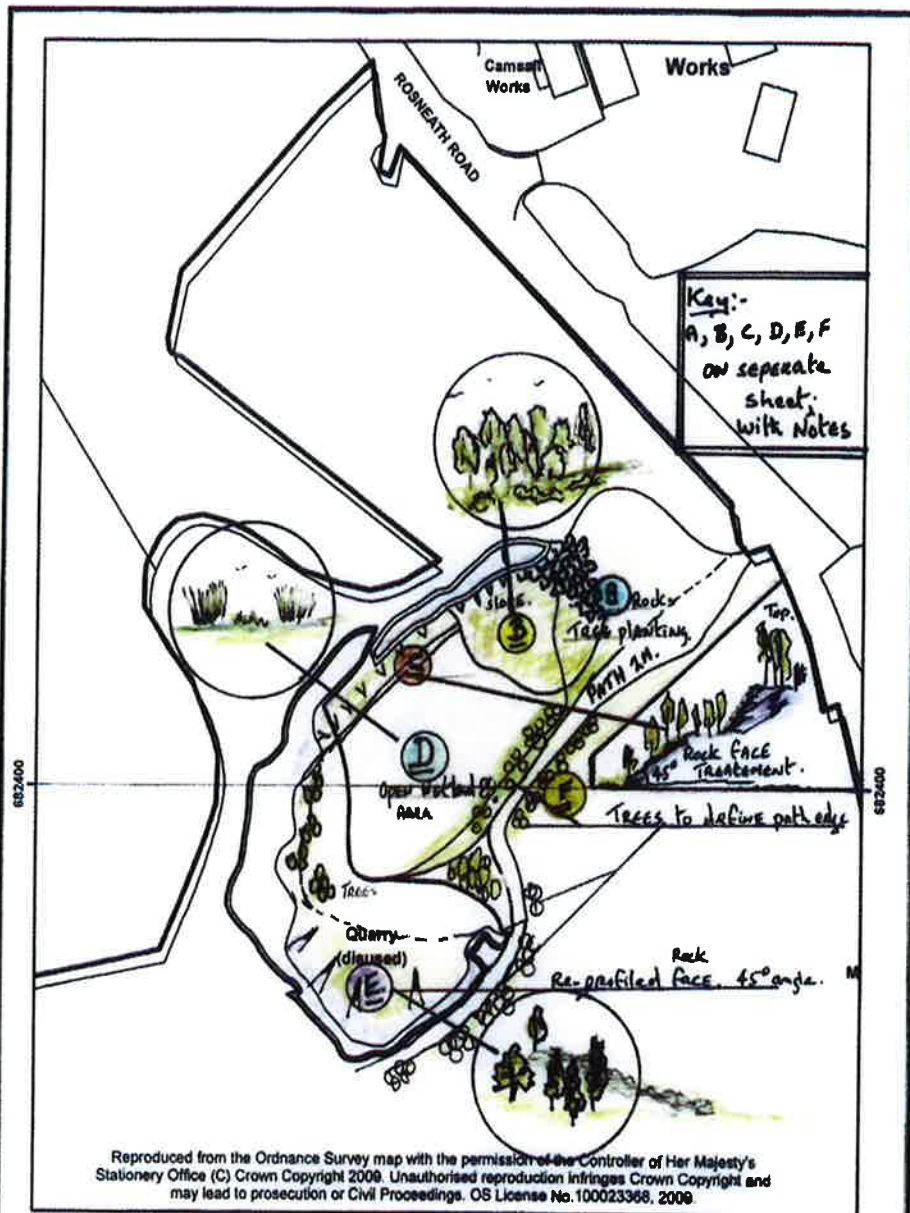
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Land Affected

Appendix A: Plan 1 of Camsail



Argyll
Bute
COUNCIL

TPO 13/10
Camsail Wood - Quarry Area

Date 05.10.2010

Scale: 1:1,250



Appendix B: Plant List

Area Code	Plant Name	Minimum Number of bare root whips of particular species of tree that require to be planted
B	Birch- <i>Betula pubescens</i>	20 protected by 1.2m tubes and stakes
	Willow – <i>Salix lanata</i>	10 protected by 1.2m tubes and stakes
	Alder- <i>Alnus glutinosa</i>	10protected by 1.2m tubes and staked
C	Birch- <i>Betula pubescens</i> ,	15 protected by 1.2m tubes and stakes
	Rowan- <i>Sorbus aucuparia</i> ,	10 protected by 1.2m tubes and stakes
	Scots Pine- <i>Pinus sylvestris</i>	5- evenly spaced no tubes required for this species
D. & F.* Adjacent to the existing road and placed to reduce road to path width of 2m Flat area for wetland creation- reeds to be saved and planted.	* <i>Betula pubescens</i> , *Rowan- <i>Sorbus aucuparia</i> , Scots Pine- <i>Pinus sylvestris</i> Area F* only	15 x 15 + 30 tubes 10 x 10 + 20 tubes 5- evenly spaced with no tubes required for this species.
E. Pit face south	Perennial Rye Grass, Fescue and Bent grass	Grass seed mix @ 40 grams per sq.m.
E. south west corner	Alder- <i>Alnus glutinosa</i>	6 protected by 1.2m tubes and stakes
	Willow – <i>Salix lanata</i>	6 protected by 1.2m tunes and stakes
E. ramp to be reduced to 2m width	Birch- <i>Betula pubescens</i>	17 protected by 1.2m tubes and stakes
	Rowan- <i>Sorbus aucuparia</i>	18 protected by 1.2m tubes and stakes

Appendix 3

(Figures 1-7)



Figure 1. Existing rocks and some spoil/soil



Figure 2. view to the North west- rock and some spoil/soil and part of the wetland area.



Figure 3. unstable rock face- for terracing, spoil to be moved and replaced on rocky slope once rock face is made safe. Reeds to the front to be removed and replaced once rock face treatment has been completed.



Figure 3b. View of spoil heap (right), rock pile at rock face, 30% to be moved to the front of more exposed area for terracing- see **Figure 3**. Reform slope and spread soil from spoil heap. Additional rock can be taken from the existing extracted rock near the entrance or from where the excavator has been working see



Figure 4. South west corner, Inspect rock face for loose rocks- remove and grade on slope to be made safe. Planting in corner as per Key E.



Figure 5. Complete rock slope to 45 ° angle and in accordance with Key E.



Figure 6. Ramp to be narrowed to 2m, maintain slope, level, place soil and plant.



Figure 7. as per Key D. Narrow road to 2m, level and plant.