

**MINUTES of MEETING of PLANNING, PROTECTIVE SERVICES AND LICENSING COMMITTEE  
held BY SKYPE on MONDAY, 28 JUNE 2021**

**Present:** Councillor David Kinniburgh (Chair)

|                            |                                 |
|----------------------------|---------------------------------|
| Councillor Gordon Blair    | Councillor Donald MacMillan BEM |
| Councillor Rory Colville   | Councillor Roderick McCuish     |
| Councillor Mary-Jean Devon | Councillor Jean Moffat          |
| Councillor Audrey Forrest  | Councillor Alastair Redman      |
| Councillor George Freeman  | Councillor Sandy Taylor         |
| Councillor Kieron Green    | Councillor Richard Trail        |

**Attending:** David Logan, Head of Legal and Regulatory Support  
Iain Jackson, Governance, Risk and Safety Manager  
David Love, Area Team Leader – Mid Argyll, Kintyre and the Islands  
David Moore, Senior Planning Officer  
Jane MacLeod, Applicant  
Tom Lewis, JPB - Agent  
Richard Kennedy, Vibrock – on behalf of the Applicant  
Mairi MacLeod, Applicant  
Greig MacLeod, Applicant  
David Smart, Dunadd Community Council – Consultee  
Iain MacKinnon, Environmental Health Manager (West) – Consultee  
Nicole Hamilton, Environmental Health Officer – Consultee  
Rebecca Woodsford, Objector  
Stef Burgon, Objector  
Gordon Gray-Stephens, Objector  
Councillor Dougie Philand, Local Member

**1. APOLOGIES FOR ABSENCE**

An apology for absence was received from Councillor Graham Archibald Hardie.

**2. DECLARATIONS OF INTEREST**

Councillor Alastair Redman declared a non-financial interest in planning application reference 20/01794/MIN as he had a close friendship with one of the authors of the report of handling. He left the meeting at this point and took no part in the determination of this application.

**3. MACLEOD CONSTRUCTION LIMITED: NORTH EASTERN EXTENSION TO EXISTING SAND AND GRAVEL QUARRY: KILMARTIN QUARRY, KILMARTIN (REF: 20/01794/MIN)**

The Chair welcomed everyone to the meeting which was held on a virtual basis in light of government guidelines and Coronavirus legislation on public gatherings in response to the Covid-19 pandemic. For the purposes of the sederunt, Iain Jackson, Clerk to the Committee today, read out the names of the Members of the Committee and asked them to confirm their attendance.

In advance of the meeting today interested parties confirmed that they would make presentations to the Committee. Mr Jackson read out the names of those representatives and asked them to confirm their attendance.

The Chair, having explained the hearing procedure that would be followed, invited the Planning Officer to present the case.

## **PLANNING**

David Love, Area Team Leader, presented the application as follows on behalf of the Head of Development and Economic Growth.

At the April meeting of the PPSL committee it was agreed to hold a discretionary hearing to determine this application given the level of public interest and degree of complexity of the issues raised by third parties. The proposal is for an extension to the working area of Kilmartin Quarry.

The application seeks to extend the extraction area of Upper Largie quarry by ~4.8ha to the north east with volume of ~700,000 tonnes for a period of 20 years with an annual extraction of about 35,000 tonnes. All other respects of the existing permission remain the same, i.e. transportation, processing plant location, welfare facilities, operating hours etc. as previously approved under permissions 15/02114/MIN and latterly the review of old mineral permission, or ROMP, submission reference 18/02399/MIN.

### Slide 4 – Location Plan

The site is located to the east of Kilmartin village. Indicated here. The existing processing area is here and these are the settlement ponds. This area indicates the original pit with a further approved extraction to the North West and the subject of this application is to the north east.

To provide an indication of distances the processing plant, which is where the noise emanates, is some 450m – 500m away from these houses along the main road, 410m from the property at the junction and Kilmartin Castle bed and breakfast is here and is some 530 metres away. All distances are as the crow flies.

### Slide 5 – 3D aerial photo

I have lifted this image from Google Earth and it shows an aerial image in 3D. Members can clearly see the flat valley floor within which the site is located and how the topography rises to the east. The marker point is an arbitrary point indicating Kilmartin village and generated by Google.

### Slide 6

The site is allocated as a minerals allocation in the adopted Local Development Plan (LDP) 2015 under reference MIN AL 12-2. Minerals allocations follow on from that permitted in the development management process so it's the opposite way of say housing allocations. It forms part of the required minerals land bank as per the demands of Scottish Planning Policy (SPP). The operation extracts sands and gravels and provides for the wider area given the nearest such resources are located at Benderloch and Langa.

### Slide 7 – location plan supplied by the Applicant

## Slide 8

This is the existing site plan. Permission has been granted for an extension to the west. Access is taken via the A846 main road off a single track to a point just north of the centre of Kilmartin village. You can see the original void, settlement ponds, location of plant, and the current area of extraction and the proposed area.

## Slide 9

Shows the extent of the Applicant's ownership.

## Slide 10 – Extractive Waste Area

The European Union Directive 2006/21/EC on the management of waste from the extractive industries sets out requirements for the management of material such as overburden, rock, and process wastes, arising from the prospecting, extraction, treatment and storage of mineral resources and the working of mines and quarries. The Scottish Government has transposed this Directive through the Planning System in The Management of Extractive Waste [Scotland] Regulations 2010 "The MWD Regulations".

The requirements imposed by the MWD Regulations are dependent on the characteristics of the waste material at individual sites and also the manner and length of time for which it is to be stored. The development has been carefully planned to ensure the best use is made of soils, overburden, and by-products from extraction and processing in accordance with the aims of the MWD Regulations. This also limits the materials and activities subject to the regulations. In this instance all soil materials are to be used in the final restoration of the site.

## Slide 11

This shows the proposed restoration scheme. This is consistent with the previous areas. The applicant intends to use the overburden and other soil material to grade the site and turn it back into an improved pasture. An area of tree planting is proposed here as shown by the dark green. This is an existing hedgerow to be maintained. The face along the north west boundary will be maintained and enhanced for Sand Martins. It is interesting to note that this is already a common practice at Kilmartin Quarry providing nesting opportunities where previously none existed.

## Slide 12

Another site plan demonstrating site levels. It's a bit blurry to make out the exact figures but essentially the site has a flat bottom with land rising at the sides.

## Slide 13 – Restoration cross sections

Existing levels shown by the black line and proposed restored by the green line.

## Slide 14 – Site plan showing water courses

Members can see there are two watercourses one here and here. This demonstrates the proximity.

#### Slide 15 – Phase 1 extraction

The slide shows the first phase of extraction with subsequent phases working north east.

#### Slide 16

This is the access. I have taken this image from Google Street View. You can see the proximity of the access to this property. The reference to safe access and egress relates to this. I understand vehicles are known to occasionally cross the corner of this property. However, there are a number of businesses served with this access including a fish farm, land managed by FLS and five private properties. The access also serves walkers and cyclists. Roads and Amenity Services have assessed the access and are satisfied that it is safe and appropriate to continue serving the quarry operation.

#### Slide 17 – Access track

This is the track that serves the quarry and other businesses including FLS, fish farm and various residences. You can see the existing bund here on the right.

#### Slide 18 – Plant and stock pile

#### Slide 19 – Stockpiles within the site.

#### Slide 20 – You can see the plant and the noise screen adjacent.

#### Slide 21 – Noise mitigation screen

The main issue with this submission has been noise. Officers from Planning and Environmental Health identified an issue that the existing noise limit at any residential property of 45dB was not being adhered to. This may have been as a result in a change of plant at the quarry. However, given the technical nature of noise assessments officers from Env Health took the lead and liaised with the applicant to seek a resolution. To this end a large noise mitigating screen has been erected within the site. Furthermore, the applicant employed a company called Vibroc to undertake an independent noise assessment at their cost. The methodology was agreed with Env Health prior to undertaking. This confirms that the current operations are consistent with the requirements of the existing planning condition which sets a limit of 45dB at any noise sensitive property.

Further to this there is a separate investigation from Env Health under the Environmental Protection Act for statutory noise nuisance. This is outwith the remit of the planning authority. It would not be appropriate for an officer to withhold a recommendation to the PPSL on the basis of concerns being investigated under separate legislation. Env Health are satisfied that the planning condition attached to the existing permission is being met therefore the breach of planning control has been resolved. Equally, officers are advised that there is no statutory nuisance resulting from the operations.

#### Slide 22

This is the wider quarry area. The plant would be out of shot to the right. These are the settlement ponds. The site is to the left.

## Slide 23

I'm standing on the path looking left to the current extraction area. The site is at the top of the screen to the right.

## Slide 24

This is the site. The current extraction is to the left and the current working ponds and original void is to the right. The site is used for grazing.

## Slide 25

Another shot looking back across the site. You can see the village in the background.

## Slide 26 – Noise concerns.

There have been some 54 objections with the majority raising issues of noise. The current noise limits were set through planning permission reference 19/00879/PP which was approved by Members at the August 2019 meeting of the PPSL committee. When considering noise and planning applications for minerals extraction officers must have regard for the Scottish Government's Planning Advice Note 50 titled 'Controlling the Environmental Effects of Surface Minerals Workings'. This recommends methodology Furthermore, the planning condition is designed to avoid statutory nuisance therefore compliance with this condition means there is no nuisance. This has been extensively investigated by officers from Environmental Health and we have Mr Iain MacKinnon from that department to answer any questions regarding noise.

The principle of minerals processing has been established at the site for a significant period. The current operations have been approved by the planning authority and the application is for an extension to the working area.

There are no objection from consultees but we do have a significant number of objections. Noise has been identified as the key issue and this has been addressed through the use of PAN 50 and investigation by Environmental Health Officers.

It is recommended that the application is approved subject to the conditions and reasons within the report of handling.

## **APPLICANT**

Jane MacLeod confirmed that she represented the Applicant, MacLeod Construction Limited and its Parent Company M & K MacLeod Ltd in their application for an extension to an existing sand and gravel quarry at Kilmartin. She also introduced Tom Lewis of Johnson, Poole and Bloomer, whose company acted in the lodging of the application, and Richard Kennedy of Vibrock, who carried out sound testing on behalf of the Applicant. She advised that MacLeod Construction and M & K MacLeod have operated in Argyll since the late 1970s. In 1982 M & K MacLeod entered into a lease at the Quarry at Upper Largie to begin the extraction of sand and gravel in Kilmartin. In 2016 the company purchased Upper Largie Farm, including the Quarry and its access road. Sand and gravel extraction began in early 1983 and for the last 38 years this company has been helping the local authority meet government guidelines for a local supply of sand and gravel. The original planning consent for the Quarry has been extended on at least 3 previous occasions. She reminded the Committee that the current application was simply to move

the extraction area in a north easterly direction, which, she said, would move the extractions and its sounds a further distance from the majority of the objectors who lived in Kilmartin. She advised that nothing else would change. She pointed out that sand and gravel for the 300 affordable houses being built at Dunbeg for Link Housing Association was not sourced from Kilmartin but purchased from Breedon's Quarry in Benderloch in order to avoid any environmental damage caused by the transportation of sand and gravel such a distance. She said that the Quarry was for sand and gravel extraction and that it was not for the crushing of rock, which, she advised, could, in certain circumstances, create noise issues.

She advised that the application was continued to today's date to allow sound testing to take place. Vibrock Limited were employed to carry out the testing and the Council's Environmental Health Officers also carried out testing. Both reports confirmed that the Quarry noise level was within the noise level permitted by both the current and proposed planning conditions regarding noise. She had noted that none of the statutory consultees other than Environmental Health were present today apart from a representative from Dunadd Community Council. The remaining statutory consultees who were not present were satisfied with the application and the draft conditions to be attached to any consent. In order to ensure the neighbourhood is protected against any noise impact from the Quarry the company were continually carrying out mitigation works. She referred to the photos of the baffle screen shown by Mr Love during his presentation. She advised that the material chute had also been relined and a plate separator had been dampened, all ensuring the Quarry operated within permitted noise levels. She pointed out that the Committee had been informed that the noise issue fell into two parts. The first was the planning issue and the second was the statutory nuisance. The reports confirmed that the planning condition had not been breached and that recorded noise levels were not a statutory nuisance. She said that planning conditions were designed to avoid noise nuisance. The proposed extension was simply that, an extension of the Quarry area. There would be no increase in extraction and no increase in road traffic movements in and out of the Quarry. She said it was important to point out that the road to the Quarry was a farm road, which was also used by a fish farm operation at Old Poltalloch, and by Forestry and Land Scotland, who owned adjoining forestry land. In addition to commercial use of the road, she advised that there were several private homeowners who had rights to the road. She said that it was a rural grade road and has been ever since it was formed. It was also part of the registered Core Path and Cycle Routes and was used regularly by walkers and cyclists with no danger or safety issues involved. She said that the ambiance of Kilmartin Glen was such that the road should remain a private farm road rather than being surfaced by tarmac. She said the Company were not aware of any of their lorries clipping the barriers at the house shown in Mr Love's photograph. She suggested that if there were issues they perhaps emanated from the use of forestry lorries on that road. She reiterated the length of time that the Quarry had operated in Kilmartin. She said that the majority, if not all the objectors who lived in Kilmartin, moved there after the Quarry opened. She advised that in 1987 this company purchased ground behind the Kilmartin Hotel which had planning permission for a caravan site. That purchase included Kilmartin Castle. Since 1987 the Castle has been sold off, and 27 houses, a bunk house and a church were all built on what may otherwise have been a caravan site. When the Castle was first sold a condition was imposed that it be used as a private residence only. When it was proposed to the Company that the Castle should be turned into a bed and breakfast business as recently as 2015, the Company did not hesitate to withdraw that condition at no cost to the Castle owner as they considered the proprietor's business proposals to be of benefit to the local community of Kilmartin.

She advised that sound testing has been carried out within Kilmartin Castle by Vibrock Limited, who have confirmed that there was no excess noise heard within the Castle.

The Quarry has 2 full time, permanent employees and the Quarry products supported 4 lorry drivers, 4 mechanics, 4 or 5 machine operators, Head Office Admin and Management staff and a construction workforce of approximately 200, external consultants, and many hundreds of sub-contractors. All artefacts found on the site have been donated to Treasure Trove who in turn have passed some to Kilmartin Museum. Prior to Covid-19 and its restrictions, she advised that the Company promoted archaeological and school visits to the Quarry under very strict safety conditions. She referred to hearing from Mr Love that nesting Sand Martins have been encouraged for the last 38 years.

Tom Lewis advised that the Quarry was a local resource used in all construction projects locally from garden landscaping right through to the main constituent of concrete used in all building foundations in the area. Minerals could only be worked where they were found and there were no other sand and gravel quarries within the Mid Argyll area, the closest being Benderloch, north of Oban. He said that a major element in the cost of sand and gravel products was transport and that importing from the closest site at Benderloch would add substantially to transport costs and vastly increase construction costs locally. He said the site, therefore, provided affordable products to local users and was an important economic driver as well as proving local employment both directly and indirectly long term and all year round. He advised that locally sourced sand and gravel offered a reduced carbon footprint over imported goods.

He said that this was a continuation of the existing development. All matters would stay the same, including output. Extensive studies have been conducted and assisted in refining the proposals, including a landscape and visual impact assessment, an ecological assessment and an archaeological assessment. The site provided for a progressive restoration to a beneficial after use incorporating biodiversity from species, rich grassland and woodland habitat creation. There have been no objections from the statutory consultees and the proposal was considered by Planning to be fully in accordance with the Local Development Plan.

Referring to noise and the noise complaint in relation to the existing development with noise levels above the permitted levels, he confirmed that as stated from the previous presentations provided, additional measures have been undertaken by MacLeod Construction, including the lining of the transfer chutes and the erection of a fixed barrier between the plant and the village. Subsequently to these works, he advised that noise levels had significantly reduced and compliance with the stringent noise level limits in government guidance have been confirmed by Argyll and Bute Council's Environmental Health Officers and Vibrock.

## **CONSULTEES**

### Dunadd Community Council

David Smart advised that he had gone back and looked at issues that had been raised at Community Council meetings. He said there were 3 areas – noise, road conditions and use of the farm track which feeds the Quarry.

Firstly, with regard to noise, he said that he understood the previous noise limit was 37dB and that this had increased to 46dB. He referred to attempts at noise mitigation and

pointed out that due to the topography of the area, sound travelled differently and was experienced differently by different members of the community at different times. He said that this impacted on their experience and quality of life. He said that given this was a long term development, the community council were looking for a resolution between the community and the Operators such that individuals could enjoy a high quality of life and the site could continue to operate. He said that the legal position was recognised but they would like to increase the noise attenuation so that there was little or no impact on the residents who lived on the high bank round about Kilmartin.

Secondly, with regard to road conditions, he advised that over time the village has had a junction that has become more congested than it was. He said there had been ongoing concern by the north end of the village regarding this junction and the exit from the village and the potential for an accident. Conversations have been held with the Council's Roads Team and the big worry was when leaving the north of this village the road went downhill past the Kilmartin Museum then onto a straight going past the junction to the farm road. He said it was at this point vehicle speeds tended to increase out of the village. He advised that this junction was right at the beginning of that straight and that there was serious concern that one day a major crash would happen at that junction. He said it was accepted that this was a multi user junction but there was worry about the amount of congestion and the amount of traffic that was going use that junction. He referred to the proposed development of Kilmartin Museum with a new car park close to that junction.

Thirdly, with regard to multi use of the site. He advised that the site sat on a national cycle network as part of a Core Path. He said he did not believe, to date, that there have been any incidents but there was concern about the heavy vehicle traffic with pedestrians and cyclists all using the track. Again, concern was over the safety of the traffic itself and vehicle movements.

He advised that it was the Community Council's point of view that these were the main issues of concern raised at Community Council meetings. The Community Council have engaged with Officers at Argyll and Bute Council and they think these issues were pertinent in discussions about development of the Quarry. He said that the Community Council were not objecting to the development and it was understood that in the village people were supportive of it. However, he advised they had concerns about the infrastructure around about it. They had concerns about the increased complexity of the road junction and how it will change in the future. It was recognised that there were residents in the village being impacted with noise issues even though these were within statutory limits. He said the Community Council would like to see further noise attenuation to prevent any further disturbance to individuals.

## **OBJECTORS**

### Rebecca Woodsford

Rebecca Woodsford advised that she was one of the owners of the South Largie Wood which abutted the proposed development and the second phase of the Quarry already in operation. She said she really wanted to follow up on the noise issues. She said she was not aware that there had been an investigation of noise complaints since the last meeting and advised that she would like to know more of what was done by Environmental Health in this respect.

The Chair advised that this was Ms Woodsford's opportunity to address the Committee and that she was not in a position to ask any questions of any parties. He advised that

Members of the Committee will have taken on board her comments and if they wished to pursue it further they could pursue it further with Environmental Health at the appropriate time.

Ms Woodford also voiced her concerns about the Sand Martin Nests, advising that these would be destroyed by the extension of the Quarry. She said it was good to hear that they would be provided for. She said she would also like to hear more detail about the bund that would separate the access road from the workings. She sought clarification on how much space would be left between the access road and the workings.

### Stef Burgon

Stef Burgon advised that she did not wish to see the Quarry closed or the extension denied. She said she was a customer of the Quarry and that it was understood that this was a valuable resource for the area. She said that she wanted to see her business bounce back after Covid and thrive as the Quarry expanded and also thrived over the next 20 years. She said if there was a continued noise issue from the Quarry this would affect her business negatively. She said she and her husband bought Kilmartin Castle in 2014 and spent a considerable amount of money renovating it and its grounds, and opened up as a luxury bed and breakfast in October 2019. Rooms were £220 and £360 per night. She said that in 2014 Kilmartin Quarry was operating at a noise level limit of between 34 and 37dB and had been for 38 years and that only increased to 45dB after their business was opened. She said they did not object to the proposal to increase the dB at that time. She said that it had only been following the increase of permitted sounds that there had been a problem with Kilmartin Quarry. She said this was not something they envisaged or imagined even possible in this area. She referred to the £6m renovation of Kilmartin Museum which hoped to attract 40,000 new visitors to the area in its first year of operation in 2023. Referring to the oldest animal carvings in Scotland recently discovered in Kilmartin Glen, she had advised this had led to an increase in bookings from guests wishing to visit. She said this was a historically important place with still lots to learn from it. She referred to comments made in the public document pack for this meeting – at P10 a concern was made about quarrying operations not being compatible with the tourism ambitions of Kilmartin Glen. The comment to this was that the Quarry had been operating since the early 1980s and had done so whilst the area had been promoting tourism. There was no objective evidence to suggest the proposal had an adverse impact on tourism. She stated that what was not taken into account in that comment was that for the last 38 years 37dB was the maximum level in the Quarry and inaudible in the village and that a jump from 37dB to 45dB effectivity doubled the volume. She pointed out that due to Covid restrictions there had not been many visitors to Kilmartin Glen over the last year so the effect of damage to tourism was not known yet. Having worked in the media as a travel journalist before opening Kilmartin Castle, she said it was her professional opinion that once there was evidence that sound from the Kilmartin Quarry was effecting tourism in Kilmartin Glen it would be difficult for tourism to recover from that. She then referred to a comment in support of the Quarry on page 12 of the document pack which said the Quarry supported more long term jobs than tourism which was often seasonal. This would do more for sustaining the population than temporary tourist positions. She said that Kilmartin Quarry has been operating for 38 years and since then the population has declined year on year so there was evidence to suggest Kilmartin Quarry was not the answer to increasing the population and keeping people in the area. She said that tourism was year round for her. Throughout the year they supported 3 cleaners, 2 chefs, a laundry, 2 gardeners and florist. In addition to that they sent over £30,000 worth of business through the doors of the local pub each year. The same guests also spent money in local restaurants, took boat trips and supported trade in Lochgilphead. She

said they bought all their produce locally. She hoped to have events in the garden to bring new footfall into the area and create more opportunities for local people in tourism and the arts. The opportunity to be an all-round tourist destination was there for the taking in Kilmartin Glen. She appealed to those working in Economic Development to see tourism as less of a side project and more of a viable way to increase the population, to keep talented young people in the area as well as attracting other young creatives to move here, as they did in their 30s. She said that Kilmartin Glen was a very special place with so much potential. She said she knew that MacLeod's were strong believers in creating jobs locally and said she was sure they would want to support new emerging jobs in this plant also.

She thanked MacLeods for the measures they had already put in place to address the sound from the Quarry and its effect on the village, such as railway sleepers, lining chute and scaffolding with sound baffling attached to it. She said it was imperative that these measures were maintained to remain effective. She advised that she had done some research on other quarries worldwide and how they operated as good neighbours when located close to villages. She said there were additional measures that she would like the Committee to consider which could offer a win win situation for all involved. She highlighted 7 points: (1) tree planting around the perimeter of the Quarry which could act as a buffer zone and minimise noise levels. It would also create a vision barrier from machinery. (2) Modifying reversing beepers on mobile equipment so that they were only heard in the machine operating area where they needed to be heard for the safety of staff. At the moment she said they could be heard across the Glen. Standard reversing alarms were between 82 and 107dB. White noise alarms have recently been adopted by quarries. (3) Consider having main noise points furthest away from residents. (4) Quarry plant height was also a factor. If below the surrounding earth mound that would reduce noise. (5) Dedicated Quarry hole trucks could have rubberised cargo bins to minimise loading noise. (6) Whole road in and out is tarmacked. This would minimise pot holes and the noise they created when trucks drove over them. (7) Plant could be enclosed in sound proof structures.

She advised that if there was not an issue with the sound from the Quarry she would not be complaining about it. She said she had welcomed Vibrock to record sound within her property as she sought an amicable solution to this problem. She said she did not believe MacLeods were peaking above the 45dB limit but that 45dB was too high despite being permitted by Argyll and Bute Council and that was why 54 residents had an issue with it.

### Gordon Gray-Stephens

Gordon advised that he was a Trustee of Kilmartin Museum and an owner and occupier of one of the private residences served by the farm track talked about. He said that the Museum fully recognised the important of the Quarry to the local economy and that the Council had responsibility and powers in the matter of deciding this application. He asked the Councillors to consider the balance between construction and tourism and the revenues that these 2 sectors of the economy brought to Argyll. He asked the Councillors to note the recent positive media attention derived from the discovery of carvings at Dunchraigaig. With that in mind, he asked the Council to make the most of the opportunities for archaeological excavation, exploration, and the sharing of that experience should the Councillors be minded to approve this application. He said he noted that condition 12 to be applied talked about the need for a Method Statement around the archaeology. He said he had also noted Jane MacLeod's comment about archaeology and education visits to the Quarry were encouraged. He said he was not sure if this was correct as he was not sure that any education visits to the Quarry to look

at the archaeology had taken place in this millennium. He said the Museum would really appreciate it if the Council, if they do approve this application, saw fit to tighten up or put additional qualifications and requirements upon MacLeod Construction to work with the Museum to develop appropriate public access and public awareness around the archaeology which would, he said, be undoubtedly discovered from this extension. He said they knew there was almost certainly a significant Neolithic bronze age monument underneath these fields. He said the cultural heritage underneath the soil of that field was far more significant than the biodiversity that was found around it. He asked the Council to make provision and put a condition on MacLeod Construction to work with the Museum to make the most of what was hiding underneath that soil.

## **LOCAL MEMBER**

Councillor Philand advised that he did not object nor support this application and said that there were 2 sides to this which had been very eloquently put. He said there was no doubt that the Quarry served Mid Argyll well and has done for many years providing employment and training. He said it was clear, and it had been demonstrated, that there has been difficulties at the Quarry and it was clear that these difficulties have been eloquently said by David, Stef and Gordon. He advised that what came to his attention was noise, the road and the farm track. He referred to an application where the noise levels were raised in May 2019. He advised that he represented his concerns about the current noise levels at that time and this was based on representations from local residents. At that time he suggested that residents were unhappy with the current noise levels and if they went up that may cause greater distress and he said that has been shown today. He said that he welcomed MacLeod's work to dampen down and reduce the sound. He said the big thing was that the locals were seeking reassurance that the noise levels could be further mitigated and further reduced. He pointed out that Stef Burgon had made some suggestions about what these methods could possibly be. All living together as good neighbours, he said it would be good if further reassurances could be sought that the sound mitigations could be further enhanced as clearly what has been done has already had some effect. He said he had been present at many of the Dunadd Community Council meetings when roads issues had been raised. He advised that Jim Smith was going to be carrying out readings on speeds etc. He said he was disappointed that the Access Officer gave no response on this application. He pointed out that the big thing was the request that proactive work was done to mitigate noise in particular, and consideration of traffic management as well. He noted David, Stef and Gordon did not object to the Quarry itself but it was the issues they had brought up in front of the Committee today. He hoped that something could be done about the noise.

## **MEMBERS' QUESTIONS**

Councillor Taylor picked up on the point asked by one of the Objectors regarding how the Environmental Health Service had dealt with the noise nuisance complaints. He asked Iain MacKinnon to comment. Mr MacKinnon advised that the question of noise nuisance had become mixed up with the planning consent and that there was separate legislation, the Environmental Protection Act for the complaints of noise nuisance. He confirmed that Environmental Health Officers investigated both issues. They looked at the quarry operations in respect of meeting the planning condition and also in terms of noise nuisance. During that time they had been in touch with both the Applicant and Agent to discuss the various issues. Noise readings for nuisance were taken at Kilmartin Castle and in the garden of the property. They also visited the site to observe informally what was happening and took some time listening to the Quarry operations and watching the comings and goings. They arranged for the Quarry to cease operations and then run

normally in order to get comparisons. He advised that for both the planning condition and noise levels they were below 45dB. At the castle 43dB was recorded and in the garden 42dB. They were very similar results but certainly under 45dB. For statutory nuisance, he said that they looked for an increase of 10dB above the background level. The background level at Kilmartin has got to as low as 36/38dB. He explained that the background level was where you stood and listened to noise from traffic/cars on the road, bird noise, wind in the trees. He advised that Environmental Health did not get an increase of the background level of 10dB, it was only around 5dB and still within the 45dB. He advised that statutory nuisance was not the route to go down in this particular case. He confirmed that their readings and findings indicated that there was no statutory nuisance and there was compliance with the consented planning condition of 45dB.

Councillor Trail referring to the Applicant advising that there was no rock crushing being done at the site. He asked what caused the noise, particularly the nuisance noise. He asked if it was a continuous noise of the type you would hear standing close to a motorway with busy traffic, or if it was intermittent of the type you would get from a railway. Tom Lewis advised that the main noise source was from screening plant. The sand and gravel was extracted from the face using a machine and then this was run through the existing processing plant which washed and screened the material. The noise would come from dropping the material into the machine and its screening through the plant. He said there would be peaks and troughs to the noise. He advised that the plant ran continuously on electricity and it was not a very noise processor.

Councillor Trail referred to one of the Objectors mentioning the reversing beep from some of the plant. He asked Tom Lewis how bad he thought this might feel across Kilmartin. Mr Lewis referred to white noise reversing beepers being very effective in terms of minimising the direction of noise.

Councillor Trail asked Iain MacKinnon if he agreed with what was being identified as the worst sources of noise coming across to Kilmartin. Mr MacKinnon said that the beepers could be obtrusive if you were outside. He advised that there were sites all over Argyll that have changed to white noise devices which did not emit high pitched noise which could be a source of annoyance.

Councillor Forrest referred to Councillor Philand asking for reassurance about noise mitigation. She commented that there appeared to be lots of goodwill on both sides of these arguments. She asked Jane MacLeod and Environmental Health if it would be possible to mitigate further the levels of noise. Councillor Forrest said she recognised that there were legal limits for the noise levels but people were saying they were still impacting on their lives. Mrs MacLeod advised that the Company were continuing to look at this and that they would be happy to look at tree planting and white noise. She pointed out that they had to operate within Health and Safety limits and they had to ensure their workforce were aware of reversing vehicles. She said they would be happy to look at a reduction of that type of noise if it was possible within Health and Safety requirements. She advised that the proposal did include a significant amount of tree planting but if they could do more tree planting they would be happy to look at that. Bunding was also there and they would be happy to work with anyone within the limits of Planning, Health and Safety and any other statutory requirement that was on them. She advised that as the Company now owned the farm, they would be willing to speak about the routes for cycle tracks as cyclists have complained about the steepness of the road.

Mr MacKinnon said that tree planting and bunds were good at reducing noise. Other bits and pieces, he would class as management fixes and, if it was possible to put in a more

permanent arrangement, that would be great, and he would be happy to work with the Applicant and others if the Committee agreed or asked that further measures were brought in.

Councillor Taylor referred to attenuation measures, in particular the rubber linings applied to the newer plant used. In terms of the noise barrier he asked if Richard Kennedy could give an insight on how that was constructed. He said that from the photographs shown, it looked temporary and he asked if it had a limited life. He asked if it would be a permanent feature with some durability. Mr Kennedy said the structure was mainly insulation panels at the moment and that these have proven to be very effective. He said it would need to be checked and maintained to ensure the attenuation it was providing continued.

Councillor Taylor commented that the greater the mass, the greater the attenuation. If it proved to be the right thing, and in the right place, he asked if something could be built with a greater mass. Mr Kennedy said that was correct and advised that noise barriers should have a mass of 10 kg/metre squared. He was not sure if it was meeting that specification at the moment. He said that if the company could improve the structure of it, then it would likely improve its lifespan too.

Councillor Taylor referred to issues raised by the Objectors, particularly the issues brought up by Stef Burgon regarding tree planting and reversing beepers etc. He asked if these things could be embraced in planning conditions. Mr Love said that at the moment they did not have a condition regarding white noise sensors. He advised that these were included in conditions for other sites and in his experience they did work well. He explained that a white noise sensor directs the noise directly behind. He advised that because the proposal is consistent with the government's Scottish Planning Policy Advice Note 50 in terms of noise levels, he could not reasonably attach conditions which would go above and beyond that. Such a condition would be ultra vires and could be subject to challenge and Mr Love advised that he would not be confident that such a challenge would not be upheld by the Reporter. However, he advised that if the Applicant was agreeable to a condition for white noise sensors then Planning Officers would be comfortable that there would not be a challenge to such a condition. He said that tree planting would not require planning permission. As the noise was consistent with the details in PAN 50 it would not be reasonable for the planning authority, without the express agreement from the Applicant to attach these conditions. Mr Love also referred to the Museum talking about working with the Applicant to preserve, enhance and promote the issues of archaeology in the historic environment. He said that this was not something that he could condition as it was not directly related to what was proposed. He suggested it would be more of a unilateral undertaking by the Applicant directly with Kilmartin Museum. He said that was something that could be encouraged but not something to impose with a planning condition as it would not be reasonable and would not directly relate to the development. He advised that he understood that any archaeological finds had to be recorded and sent to the National Museum in Edinburgh. He said he would be personally keen to see some unilateral undertaking between the Applicant and the Museum to retain these artefacts in Kilmartin.

Councillor Moffat asked Iain MacKinnon if they monitored any reversing vehicles when they did their sound monitoring on the site. Mr MacKinnon advised that at the time when they did their initial visit in advance of monitoring and during the monitoring there was no noise from beepers. He said he could not say he heard the reversing beepers.

Councillor Moffat asked Jane MacLeod if she would be willing to put in some of the ideas that were put forward by Stef Burgon, for example, white noise reversing and lined

buckets on site. Mrs MacLeod confirmed that they would be more than happy to do tree planting. She said that they would need to consult with the Health and Safety Executive regarding white noise sensors as reversing machinery had to be heard by their employees. She advised that anything they could do legally along these lines they would be happy to do. She said that she did not think this was something that could be made via a planning condition.

Councillor Kinniburgh referred to hearing about the possibility of additional planning conditions, and hearing that the Applicant and Environmental Health would be happy to work together to put in other measures that may reduce the noise. He asked if it would not be more appropriate for the parties to do that in order to meet the condition already there. Mr Love advised that the condition currently proposed was for noise levels to not exceed 45dB. As Environmental Health have already confirmed that the Applicant was meeting that condition, then there was no requirement under the terms of the current permission and the proposal to do more than that. He said that if the Applicant was minded to agree, then Planning could add a condition that was worded in such a way that required the installation or use of white noise sensors as opposed to beep sensors across the site but allow for flexibility of that by adding "unless otherwise agreed in the interests of Health and Safety".

Councillor Kinniburgh commented that he understood that Environmental Health were of the opinion that the Applicant met the condition already there at the moment so trying to add other conditions to reduce the noise, he said he would find difficult to accept. He advised of having heard the agreement between the Applicant and Environmental Health that they would be prepared to work with each other to put in other measures. He asked if this would not be a better way of going about it rather than trying to condition something that might be inappropriate. Mr Love agreed that in terms of pure planning, it was not necessary for further noise controls. He pointed out that it would not be possible in planning terms to secure the informal agreement. He questioned whether or not there was any Environmental Health legislation that could be looked at that would bind the Applicant to any sort of agreement outwith the planning process. Mr MacKinnon referred to the best practice obligation on businesses and others. He confirmed that the noise levels were within the condition as required. He said that things like tree planting would come under best practice as would a review of reversing noise. He said he could not think of anything that could be imposed on the Applicant in that regard.

Councillor Kinniburgh commented that the Committee had heard from the Applicant and would need to take them at their word that they would be prepared to work with Environmental Health. He said that at the end of the day this might be irrelevant if it did not meet Health and Safety requirements and asked what would be the point in having the condition.

Councillor Taylor said the purpose in raising it, was that it was important that the public understood what and why decisions were made and why they were not made. He asked Jane MacLeod if the Quarry operator could improve the sound attenuation barrier to make it more permanent with greater mass. He referred to the community's desire for the best attenuation. He referred to what happened with another quarry in the area which established a community liaison group which came together with the local community twice per year and suggested a similar thing could be done here. Mrs MacLeod confirmed that they would be happy to work with the community. She said they worked closely with all the communities within which they worked. She advised they were members of Considerate Contractor for which they had received very high marks just recently. She said they were always open to speaking with the community and would be happy to do

this twice per year. She referred to their attendance at bi-monthly Kilmartin Landowner meetings. She referred to her presentation about archaeological finds. She said that any finds were treasure troves, so they had to go through West of Scotland Archaeology. It would not be possible to give these finds direct to Kilmartin Museum. With regard to the buffer zone, she advised that there would need to be planning permission to increase the size or density. She advised that they continued to monitor that and advised that they would be happy to look at suggestions for improvement. She said they were always looking at safety and noise nuisance. She advised that they needed conditions that could be enforced and at the moment they were working within the sound limits. She said they would be willing to look at the density of the buffer and tree planting. She commented that the buffer should not be visible. She said it was not visible at the moment so would need to be kept hidden.

Councillor Taylor said he was just suggesting changing the construction of the screen. He advised that if increasing the mass and building it into concrete could further improve it and make it less demanding in terms of future maintenance, he was not looking for anything beyond that.

Councillor Freeman asked if Officers could confirm that works at this location have continued since around 1990, over 30 years. He asked if during that time there had been any significant change to conditions attached to operations relating to sound. He asked if there was anything in today's proposals that were significantly different from the original application approved 30 years ago. Mr Love confirmed that works at Kilmartin Quarry had been ongoing since about 1982. In terms of processing sand gravel, vehicle movements etc it was his understanding that not a great deal had changed. He advised that every 15 years there was a Review of Mineral Permissions under the Town and Country Planning Act. A review of this Quarry was undertaken to update all of the conditions in 2018. A use of planning condition was agreed which at that time was to not exceed background noise levels of over 3bD. That updated the planning conditions attached at that time and brought it up to modern standards and that was all consistent with updated legislation. At that time the Applicant pointed out when the decision was issued that the noise condition was not consistent with Planning Advice Note 50 – Annexed A published in 1996. A change to legislation was made to how noise was assessed, how minerals were assessed, how workings were assessed etc in the last near 40 years. He advised that the noise condition was amended to be consistent with PAN 50 so a further condition was approved to vary that condition. So yes there had been a change to legislation but he was not aware of any significant change to how the sand and gravel was processed.

Councillor Freeman commented that the hearing appeared to be going round in circles this morning, looking at minor changes that may be considered to conditions and may not be enforceable. A suggestion that the community and developers discuss or set up a forum to discuss issues had also been made. He said it was his understanding that at the end of the day if the developer and the community fell out and this application had been approved today, there would be no enforcement action the Council could take. He asked if that was a correct. Mr Love confirmed that this would be the case. He said that if Members were minded to approve the application with the conditions proposed, then Officers would be comfortable defending those. He said that in terms of any conditions added about things people were agreeing to do today, defending these would be difficult if they were challenged. He advised that he would be concerned that some of these potential conditions discussed would not meet the six tests of the Planning Circular. He confirmed that if the noise level limit was consistent with PAN 50 then anything more stringent than that would be difficult to defend.

Councillor Moffat asked if it was correct to say that the basic change from when the Quarry started to where it was now was the change to the permitted dB rating which was at 37dB and was now at 45dB. Mr Love said he was not aware of where the 37dB figure came from. He said that it had been heard today that the 37dB was the background level. He said he could not imagine there would have been a requirement for an operation such as this to be undertaken with no noise which was what 37dB would be. He advised that all he could recommend to Members was the planning condition regarding noise set out just now. He said he was heartened to hear what the Applicant has said about potentially, voluntarily setting up a working group with the community. He said it was his understanding there had not been a change to the workings of the Quarry.

Councillor McCuish sought confirmation from the Objectors that they were comfortable with what they had heard from the Applicant regarding looking at more mitigation for noise, about setting up a liaison group, and had comfort that roads were going to be looking at the junction. He asked if this went some way to satisfy some of their concerns and objections.

Stef Burgon said she would feel comfortable in having a community liaison. She referred to what Councillor Taylor had said about the current baffling which was there. She said this was insulation on scaffolding. She commented on the weather in the West Coast of Scotland and what happened when insulation got wet. She suggested it would not last long at all. She said she would welcome having something in concrete as what was there at the moment was very temporary and would not work for much longer. She referred to the white noise beepers and advised that these were used at other quarries all around the world and in this country. She said she would like to hear from the Applicant that if there was no issue regarding Health and Safety, that they would be happy to do this.

Gordon Gray-Stephens said he would be happy with the idea of a community liaison group as long as it included within its remit maximising the benefit derived from any archaeological finds. He said this would be a positive step.

Councillor Colville referred to condition 9 covering noise and the final point in the Note to Applicant which stated "The installed noise mitigation measures will need to be maintained in perpetuity to ensure compliance with the relevant noise limit conditions." He asked if the wording of that Note could be incorporated within condition 9 in order to give the community some comfort that this would be done and the baffle would not get soggy and disappear. Councillor Colville also commented that if planning permission was granted today there may be an opportunity to move the plant to a site where noise could be better controlled. Mr Love advised that condition 9 said that noise levels could not exceed 45bD. He said the Note was to give the Applicant some flexibility so that if something were to come out in research or the Applicant decided to do something other than the baffle, then the current condition would allow them to explore other means of noise attenuation without using the existing installed methods. He said that the planning condition could be beefed up. Mr Logan advised that the wording in the Note was none specific and including these words in the condition would make things less than clear. The condition would no longer meet the 6 tests and there would be a need to reword the condition in its entirety. Mr Love agreed with Mr Logan's comments.

Councillor Moffat asked if it would not be simpler to beef up the condition but by saying to strengthen the baffle that was there unless or until something better came along. Mr Logan said it would be difficult. He pointed out that the Planning Guidance set out the decibel level. He advised that the Planning Authority did not advise or guarantee that if you did something it would meet a condition. He said it was up to the Applicant to meet

the condition. He commented that it had been heard today that the Applicant would liaise and discuss mitigating measures outwith this meeting with Environmental Health and the community. He said the Note was there as an advisory and to be helpful but was non-specific. Councillor Moffat commented that it would give more comfort if the villagers had some form of committee and liaison with MacLeods.

Councillor McCuish said there was a danger in picking these conditions apart. He commented that it had been heard from the Objectors that they were confident with the way forward, so rather than revisiting this, he suggested that the Committee move forward to the summing up. The Chair confirmed that he agreed with this suggestion. He also said he agreed that condition 9 was the correct condition and that there was no need to correct it.

Councillor Blair said he was pleased with the consensus reached between the Applicant and the local community.

## **SUMMING UP**

### **Planning**

David Moore said it was his role to provide a brief overview of the main planning issues associated with this proposal and the discussions today. He advised that Section 25 of the Town and Country Planning (Scotland) Act 1997 required that planning applications were determined in accordance with the Local Development Plan, having regard to all material planning considerations. Any application found by Members to be in accordance with the Plan should be approved. Scottish Planning Policy required that adequate supplies of minerals were provided for future construction needs in an area. This application sought to ensure that adequate materials remained available for construction in the local area and avoided the need for materials coming from further afield in accordance with this National Policy Advice. Following the decision by Members to hold the hearing, the noise complaints associated with the existing Quarry operations were investigated by Environmental Health Officers and appropriate mitigation measures proposed, to ensure the concerns of Objectors were properly investigated and addressed. He advised that Environmental Health Officers have confirmed that the proposals are acceptable in respect of noise both in terms of compliance with the 45dB limit in planning conditions and also under Environmental Protection legislation where no statutory noise nuisance has been found. The suggested planning condition 9 on noise was in accordance with current planning guidance. He advised that there was clearly an element of goodwill from the community and the Operator to seek further limits to noise levels if this was possible and the potential for a community liaison group to be established. He said this could not be conditioned due to the difficulty in meeting the 6 tests required under law. However opportunities did exist outwith the planning system to allow further discussions to take place. Concerns have been expressed by the Community Council about the road and the safety of the road junction, in particular. He advised that the Area Roads Engineer had raised no objection to the proposal on road safety matters. In respect of archaeology and the potential for finds associated with the proposed extraction area, he advised there was an archaeological condition to address this matter and it was in accordance with the views of the West of Scotland Archaeology Service, who did not object to the application. He said the Planning Officer had provided a comprehensive report and presentation outlining why this application should be approved. Those matters of concern raised by Objectors had been satisfactorily addressed in the report and discussions today. He recommended to Members that planning permission be granted in this instance in accordance with the recommendation contained in Officer's report.

## **Applicant**

Jane MacLeod advised that the first lease for the Quarry was signed in 1982 and the first royalties for mineral extraction were paid to the farmer in 1983. Operations have not changed since then. She confirmed that the Applicant was not proposing any change other than a move to the next field. There were no plans to increase the level of sand and gravel extracted and there would be no increase in traffic. They were continually working with their consultants and would be happy to look at tree planting and happy to look at white noise and happy to meet with the community. She suggested that Councillor Taylor could liaise with Dunadd Community Council to organise twice yearly meetings. She confirmed that they worked very closely with West of Scotland Archaeology Service and that findings were always reported to them and they dealt with the Treasure Trove aspect of any finds. She advised that as the developer now owned the farm there was the option to look over the whole farm area for suitable user friendly cycle tracks. She said it was important to emphasise that nothing was going to change other than the field in which extraction would take place. She asked for the application to be approved as submitted.

## **Consultees**

### Dunadd Community Council

It was noted that David Smart had left the meeting.

### Environmental Health

Iain MacKinnon advised that he had nothing further to add.

## **Objectors**

### Rebecca Woodsford

Rebecca Woodsford advised that she had nothing further to add.

### Stef Burgon

Stef Burgon reiterated the point that it was not for her business's sole benefit that the noise be as low as possible despite the 45dB limit agreed by the Council. She said it was for the benefit of the whole of Argyll and Bute. It would be for the benefit of everyone living in the area not just for the residents in Kilmartin village.

### Gordon Gray-Stephens

Gordon Gray-Stephens said it would have been good to hear from the Applicant that they would work with the museum on the bit of the archaeology before it went to West of Scotland Archaeology Service. He said there was an opportunity to make more out of the archaeology discovery process and he hoped that this would be included in the community liaison meetings that have been suggested that Dunadd Community Council would arrange. He advised that the Museum would look forward to participating in these meetings.

## **Local Member**

Councillor Philand thanked everyone for their clear willingness to work together. He referred to the problems identified and the potential solutions looked at. He said he was glad to hear that there would be 2 meetings per year as it was really important to have these discussions. He thanked everyone for their willingness to move forward.

The Chair received confirmation from all parties that they had received a fair hearing.

## **DEBATE**

Councillor Freeman said that this was a fairly straightforward application given the history of the site. He confirmed that he would have no hesitation in supporting the Officer's recommendation on this application.

Councillor Trail said that he hoped this hearing had helped both the Objectors and the Applicant to understand their positions better and perhaps the Objectors may appreciate better what the limitations were on the PPSL Committee and the decisions they could take. He said he was happy to support this application.

Councillor Devon advised that she had listened to all that had been said and would have no hesitation in approving this application as it stood. She commented that there had been no objections from 8 out of the 10 consultees. She advised that Iain MacKinnon had provided a very detailed report and that this was reassuring to her. The Quarry had been accused of stifling tourism. She commented that it had been ongoing for 38 years and she thought that tourism in that area had also grown. She said that all the issues had been addressed and that she was happy to approve the application.

Councillor McCuish said he could not emphasise enough how beneficial this hearing had been in bringing the Applicant and community to work together. He advised that given 2 of the Objectors were happy with the direction of travel moving forward, with the Applicant saying they would look to meet with the community and discuss ways to mitigate the noise, he was happy to approve the application.

Councillor Forrest advised that it had been helpful to her to have this hearing and to hear both sides of the argument. She hoped that they would continue to work together and that she had no hesitation in approving the application.

Councillor Taylor thanked the Members for agreeing to hold this hearing today. He said it was important that a community had a voice and it had this today. He said it was important that the community's concerns about noise had been established and that the company had addressed these with plant being changed and attenuation screens put up. He said he was happy to support the application.

Councillor Green said he was heartened by the positive discussions and information given today. He said he looked forward to some kind of liaison group being established and he hoped this would work well for the Operator and the community. He said he supported the application.

Councillor Blair said he was delighted there was some consensus and that things could move forward.

Councillor Colville agreed with all that had been said and advised he supported the application.

Councillor Kinniburgh advised that like the rest of his colleagues he felt the hearing had been beneficial. He said he felt it would bring the Applicant and community closer together to work on methods to reduce noise levels. He acknowledged that the noise levels were being met at the moment. Going forward there was a condition there to ensure that. He moved that the application be approved as per the recommendation in the report and subject to the conditions. This was seconded by Councillor Freeman and no one was otherwise minded.

## DECISION

The Committee unanimously agreed to grant planning permission subject to the following reasons and conditions:

### PP - Approved Details & Standard Notes

1. The development shall be implemented in accordance with the details specified on the application form dated 2<sup>nd</sup> October 2020 the Planning Application Statement and associated appendices dated September 2020, and, the approved drawings listed in the table below unless the prior written approval of the planning authority is obtained for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997 (as amended).

The developer and subsequent operator(s) shall at all times construct and operate the development hereby permitted in accordance with the provisions of the supporting documentation accompanying the application with mitigation measures adhered to in full, and shall omit no part of the operations provided for by the permission except with the prior written approval of the Planning Authority.

| Plan Title.                             | Plan Ref. No.   | Version | Date Received                 |
|---|-----------------|---------|-------------------------------|
| Location Plan                           | QG199/PA02/F/01 | -       | 5 <sup>th</sup> October 2020  |
| Land Ownership Plan                     | QG199/PA02/F/07 | -       | 5 <sup>th</sup> October 2020  |
| Cross Sections                          | QG199/PA02/F/06 | -       | 5 <sup>th</sup> October 2020  |
| Site as Existing                        | QG199/PA02/F/02 |         | 29 <sup>th</sup> October 2020 |
| Phase 1                                 | QG199/PA02/F/03 | -       | 29 <sup>th</sup> October 2020 |
| Phase 2                                 | QG199/PA02/F/04 | -       | 29 <sup>th</sup> October 2020 |
| Phase 3                                 | QG199/PA02/F/05 | -       | 29 <sup>th</sup> October 2020 |
| Surface Water Features and PWS Location | QG199/WMP/01    | -       | 29 <sup>th</sup> October 2020 |
| Surface Water Plan                      | QG199/WMP/02    | -       | 29 <sup>th</sup> October 2020 |
| Site Location                           | QG199/PA02/F/08 | -       | 29 <sup>th</sup> October      |

|                                  |                  |   |                              |
|----------------------------------|------------------|---|------------------------------|
| Plan                             |                  |   | 2020                         |
| Extractive Waste Management Plan | QG199/WMP02/F/01 | - | 5 <sup>th</sup> October 2020 |
| Landscape Restoration            | MDA Fig 1.4      | - | 5 <sup>th</sup> October 2020 |

Reason: For the purpose of clarity, to ensure that the development is constructed and operated in the manner advanced in the Environmental Statement, upon which the environmental effects of the development have been assessed and determined to be acceptable.

### **Life Span/Length of Consent**

2. Reinstatement works shall be completed within 9 months after the completed extraction of material or should the quarry remain unworked for a continuous period of 18 months whichever is sooner.

Reason: To ensure the site is worked as per the approved and to ensure that the restoration works are carried out as per the approved details.

### **Extraction Programme**

3. The extraction of minerals from the application site shall be limited to the excavation shown on the plans hereby approved. The site operator shall maintain a record of outgoings from the site for inspection on request by the planning authority.

Reason: For the avoidance of doubt and to ensure an appropriate monitoring mechanism for volume of extraction.

### **Hours of Operation**

4. With the exception of the servicing, maintenance and testing of plant, water management and other environmental controls, no extraction or processing of minerals or other operations shall take place within the site other than between the hours of 8am to 6pm Monday to Saturday with no works unless for operational and / or maintenance reasons occurring on Sundays and Public Holidays unless the Planning Authority has agreed in writing in advance to a temporary variation of any of these normally permitted hours of operation, pursuant to the requirements of these conditions.

Reason: In order to safeguard the amenity of the locale.

5. In instances where there is a requirement to work outside the hours of operation specified in this permission, other than in emergency situations necessary to safeguard health and safety, the operator shall confirm in advance in writing to the Planning Authority the type of operation proposed to take place, the hours proposed to be worked, and the duration of the proposed deviation from the permitted hours of operation. Requests for deviation from normally permitted hours shall be assessed by the Planning Authority in terms of the likely consequences for the surrounding environment, and shall not be unreasonably withheld. In the event that the operator has not received a response from the Mineral Planning Authority within ten working

days of notification of their request having been received, it shall be taken that the request has deemed approval from that date.

Reason: In order to provide for flexibility in the event of unforeseen circumstances.

### **Vehicle Sheeting**

6. No loaded lorries shall leave the site un-sheeted except those only carrying stone in excess of 20mm diameter.

Reason: In the interests of road safety and amenity.

### **Control of Dust from Extraction/Processing**

7. The operator shall employ best practicable means to minimise the arising and propagation of air-borne dust from extraction, crushing and screening equipment. Drilling rigs and processing plant shall not be operated without efficient dust control enclosures or other appropriate controls being in place.

Reason: To minimise dust emission in the interests of amenity.

8. The operator shall employ best practicable means to minimise the arising and propagation of air-borne dust and during periods of dry weather a water bowser be maintained on the site with spraying taking place as necessary to minimise dust emissions from haul roads and stockpiles.

Reason: To minimise dust emissions in the interest of amenity.

### **Noise**

9. The Noise Rating Level attributable to the operation of the approved development shall not exceed 45dB(A) at any residential property measured and assessed in accordance with BS4142:2014+A1:2019.

Reason: In order to protect the amenities of the area from noise nuisance

### **Pollution Control**

10. Any oil, fuel or other potential pollutant shall be handled on site in such a manner as to prevent spillage or pollution. In the case of oil and fuel, this shall include storage in either double skinned tanks, or properly constructed containment consisting of an impervious base and impervious bund walls. The size of the bund compound shall be equivalent to 110% of the capacity of the stored liquids with all fill and draw pipes contained by the bunded area.

Reason: In order to avoid contamination of water or soils.

### **Soil Management**

11. Any stripping, transport and deposition of topsoil and subsoil shall be undertaken only when ground and weather conditions enable the operator to secure best practice to cause least damage to the soil structure. The position and design of any soil storage mounds shall be agreed in writing in advance with the Planning Authority and no soil

shall be removed from the site or shall be stored on the site other than in the duly approved locations.

Reason: In the interests of soil management and site restoration.

### **Archaeology**

12. No ground breaking works shall commence within each phase of extraction until a method statement for an archaeological watching brief has been submitted to and approved in writing by the Planning Authority in consultation with West of Scotland Archaeology Service (WoSAS). The method statement shall be prepared by a suitably qualified person and shall provide for the recording, recovery and reporting of items of interest or finds within the application site. Thereafter the development shall be implemented in accordance with the duly approved details with the suitably qualified person being afforded access at all reasonable times during ground disturbance works.

Reason: In the interests of archaeological recording and compliance with SPP.

13. On the completion of the archaeological work for each phase of the quarry development, the applicant shall seek clarification in writing from the Planning Authority before each phase shall be released for quarrying operations.

Reason: In the interests of archaeological recording, to ensure suitable control over the development to protect archaeological finds and ensure suitable recording has been carried out.

### **Importation of Material**

14. The operator shall not be entitled to import materials onto the site other than those required in connection with the operation of the roadstone coating plant. No waste materials or any other material for use in the restoration of the quarry void or any other restoration works shall be imported into the permitted site without the prior written approval of the Planning Authority.

Reason: For the avoidance of doubt.

### **Invasive Non-Native Species Control**

15. Within 1 month of the date of this permission the site operator shall submit a detailed eradication plan for the control, treatment and removal of Japanese Knotweed from the site. This plan should also update the restoration method statement. This shall be submitted to the planning authority for its approval in consultation with their Biodiversity Officer.

Reason: In the interests of biodiversity enhancement and protection and to prevent the spread of Japanese Knotweed.

### **Access**

16. The existing footpaths which crosses the site, path references C297 and C314(a), shall be retained on its present alignment and retained free from obstruction unless alternative provision has been implemented with the prior written approval of the Planning Authority in consultation with the Council's Access Officer.

Reason: To ensure the continued access arrangements put in place by the core paths networks.

### **Final Removal of Buildings and Plant**

17. All plant and buildings shall be removed from the permitted site within 1 month of the permanent cessation of quarrying activities.

Reason: To ensure that redundant structures are removed in the interests of amenity.

### **Restoration Bond**

18. Within 1 month from the date of this consent the developer shall provide the Planning Authority with details of the bond or other financial provision which it proposes to put in place to cover all decommissioning and site restoration costs on the expiry of this permission. No further work shall commence on the site until the developer has provided documentary evidence that the proposed bond or other financial provision is in place and written confirmation has been given by the Planning Authority that the proposed bond or other financial provision is satisfactory. The developer shall ensure that the approved bond or other financial provision is maintained throughout the duration of this permission.

Reason: To guarantee the restoration of the site following cessation of the development.

### **Restoration and Aftercare**

19. The entire site shall be reinstated in full should the quarry remain unworked for a continuous period of 18 months or upon completion of the extraction as per the approved plans.

Reason: To ensure timeous implementation of the restoration scheme as per drawing reference 'Restorations Proposals – Figure 1, Oct 2018'.

20. The level of the quarry floor on reinstatement shall not be lower than 32.75m AOD and the remainder of the detailed reinstatement as shown on the plans hereby approved.

Reason: For the avoidance of doubt and to ensure protection of the ground water environment.

21. Topsoil for reinstatement purposes shall be stored in mounds no higher than 2.0m and shall be kept weed free throughout storage period. Topsoil is to be stored within the confines of the quarry floor.

Reason: In the interests of restoration.

22. No plant or machinery shall be relocated without prior written approved of the planning authority.

Reason: In the interests of restoration of the site.

23. All stonedike walls in the vicinity of the quarry shall be retained intact and maintained.

Reason: To ensure a suitable level of restoration and in the interests of visual amenity of the area.

24. No signage associated with the quarry (with the single exception of safety signage) to be erected without the prior written approval of the planning authority.

Reason: In the interests of visual amenity of the wider area.

25. Any planting undertaken in accordance with the requirements of these conditions shall be maintained in accordance with good horticultural practice in order to ensure successful establishment, including control of weeds, exotics and bracken, and grazing by animals. Any plants which within the first 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species unless otherwise agreed in writing in advance by the Planning Authority.

Reason: To ensure that the permitted site is adequately restored in accordance with the permitted scheme.

26. No machinery / plant associated with the quarry shall protrude above the height of the embankment or be visible from the A816.

Reason: In the interests of visual amenity of the wider area.

27. No topsoil / spoil material shall be stockpiled above the height of the plateau or outwith the site boundary.

Reason: In the interests of visual amenity of the wider area.

(Reference: Report Head of Development and Economic Growth dated 1 April 2021 and supplementary report number 1 dated 19 April 2021, submitted)