

# Planning Development Management Committee

BLACKHILLS QUARRY, COVE

PROPOSED EXTENSION TO BLACKHILLS QUARRY

For: Leiths (Scotland) Ltd

Application Type : Detailed Planning Permission

Application Ref. : P130490

Application Date: 05/04/2013

Officer: Gavin Clark

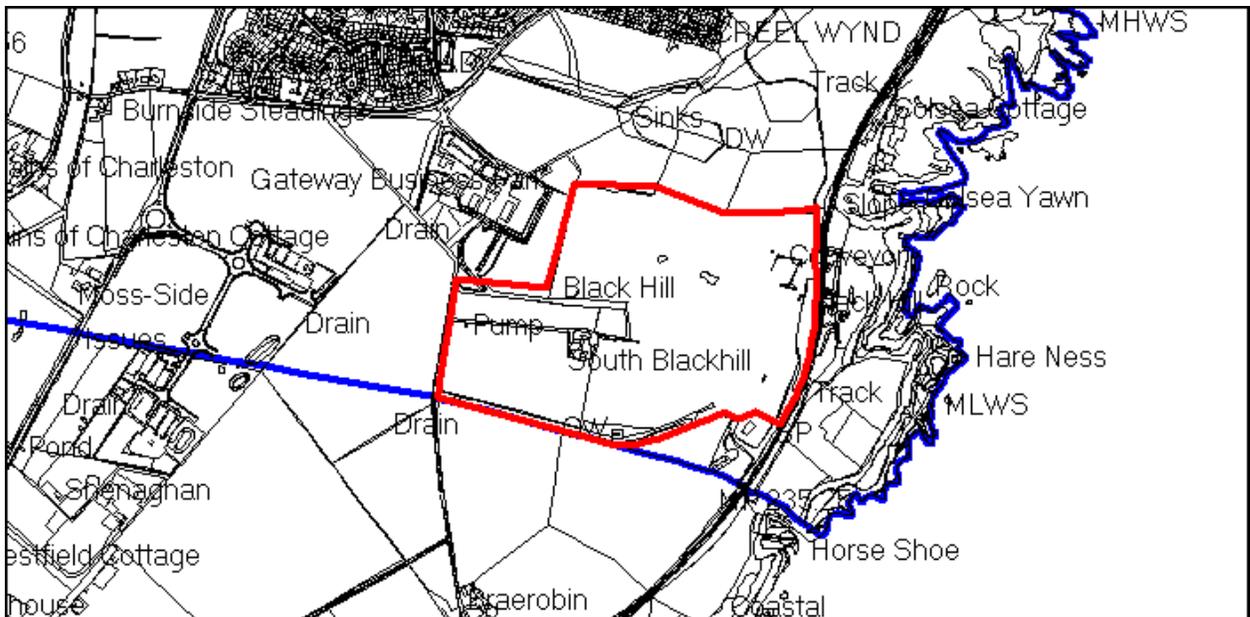
Ward : Kincorth/Nigg/Cove (N Cooney/C Mccaig/A Finlayson)

Advert : Can't notify neighbour(s)

Advertised on: 24/04/2013

Committee Date: 24 April 2014

Community Council : No response received



**RECOMMENDATION:** Willingness to approve subject to the conclusion of a legal agreement that would require: a roads condition survey be carried out in 2020, and reviewed every five years thereafter; and that this be used to attribute the percentages of costs (attributed to ACC and the applicant) associated to repairing damage caused to the road network.

## **DESCRIPTION**

Blackhills Quarry is an existing operational hard rock quarry situated in a semi-rural location to the south of Aberdeen, the southern boundary of the application site adjoins the administrative boundary with Aberdeenshire Council.

Cove Cottage, a residential property within the ownership of the applicants, is located some 100m to the south of the site; access to which is gained via the quarry access road. The closest private residential property, Colsea Cottage, is located some 250m to the north-east. Cove is located to the north and the site is approximately 300m from the closest residential properties therein.

The Gateway Business Park is located some 400m to the west of the permitted quarry development and some 300m from the proposed extension area.

The proposal is related to an existing quarry operation and currently comprises agricultural land. A vegetated strip of land along the eastern boundary forms a stand-off between the quarry and the East Coast Railway Line.

The land to the north, south and west comprise agricultural land. The East Coast Railway Line forms the eastern boundary of the application site, with land falling sharply away to the coast and the North Sea after this. The applicant's main office and workshop, at Rigifa Farm, is located to the north-west.

## **RELEVANT HISTORY**

There has been a quarry at this location for quite some time; the most recent planning permissions are as follows:

Planning Permission (Ref: 85/2431) was approved in May 1986 for the extension and formation of a new base level to the rock quarry.

Planning Permission (Ref: 96/1600) was approved in November 1996 for an extension and retention of use of the quarry and construction of a new access road.

Planning Permission (Ref: A6/2284) was approved in March 2007 for a variation to conditions associated with Planning Ref: 96/1600.

## **PROPOSAL**

The proposal seeks detailed planning consent for the continuation of hard rock quarrying and processing; the extension of an existing excavation area; the continued operation, relocation/ replacement of the asphalt and ready-mix concrete plants, the recycling of construction/ demolition waste and road planings to produce recycled aggregates and the final re-instatement of the land.

The application and plans are supported by an Environmental Statement as required by the Environmental Impact Assessment (Scotland) Regulations 2011.

Overall it is indicated that the continued quarrying operation would yield an estimated 9 million tonnes of hard rock over a period of 36 years, at a production rate of 250,000 tonnes per annum. A further 1 year shall be required to complete restoration works on cessation of operations; planning permission is therefore sought for a period of 37 years.

The applicants envisage that an average of 20,000 tonnes of construction and demolition waste and road planings might be imported annually for recycling.

The proposed site boundary (including or excluding the existing quarry, extends to approximately 28.59 hectares, with the proposed excavation area covering 19.03 hectares, mineral extraction has been split into six individual phases for which appropriate timescales are identified in the table below:

<u>Phasing</u>	<u>Years Duration</u>	<u>Years Cumulative</u>
Phase 1	4 years 3 months	4 years 3 months
Phase 2	7 years 6 months	11 years 9 months
Phase 3	9 years 2 months	20 years 11 months
Phase 4	6 years 2 months	27 years 1 month
Phase 5	6 years 3 months	33 years 4 months
Phase 6	2 years 8 months	36 years
Restoration	1 year	37 years
Total Years	37 years	37 years

The Phase 1 development would extend the existing excavation area westwards. Soils and over burden would be stripped in advance of the excavation works, and would be used to form a 3m high screening mound along the southern extension boundary. The excavation works would be created on two levels, the 61m (AOD) level developed to the south and 74m (AOD) level to the west.

As Phase 1 excavation operations near completion, advance soil and overburden stripping would be undertaken over the remainder of the extension excavation area; the materials being utilised to form a permanent landscaped mound on the western extension boundary. The resultant mound would have a maximum height of 9m.

The upgrading of the asphalt and ready-mix concrete plants are also proposed at this early stage and are to be located within the south-east operational area. The plant would have a maximum overall height of approximately 32m, and would have a site coverage of approximately 1200 sqm

The Phase 2 development would further extend excavation operations to the west with excavation again on two levels: at 61m and 78m.

During Phase 3 the Phase 2 upper 78m level would be developed west, to the excavation limit in the north of the site, the Phase 1 63m bench would be developed west to the excavation limit in the south within the excavation area. Simultaneously, the 48m quarry floor would be developed to the south and west.

During Phase 4 the 48m quarry floor would be developed west to the excavation limit, within the extension area. Simultaneously, within the main quarry the middle bench would be developed west to the northern/western excavation limits at 63m.

During Phase 5 the 48m quarry floor would be developed west to the northern/western excavation limits.

The eastern quarry faces would be developed east during Phase 6, over two levels to final excavation limits at 61m and 48m AOD. As Phase 6 progresses the asphalt and ready-mix plants shall be removed to allow extraction to be undertaken to the full permitted extent in the south-east.

For the purposes of the Environmental Impact Assessment (Scotland) Regulations 2011 the development falls within Schedule 1, as the area of the site exceeds 25 hectares. As such an Environmental Impact Assessment (EIA) was required and an Environmental Statement (ES) has been submitted in support of the application. An outline of the content of this statement is provided within the "supporting documents" section below.

As a major application, as defined by the Town and Country Planning (Hierarchy of Developments) Scotland Regulations 2009, the application has been subject to statutory pre-application discussion and a Pre-Application Consultation Report (see Appendix 1) has been submitted as part of the ES. The application has been advertised publicised in accordance with Regulation 19 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 and Schedule 3 of the same regulations. It has also been advertised under the Environmental Assessment (Scotland) Regulations.

### **Supporting Documents**

All drawings and the supporting documents listed below relating to this application can be viewed on the Council's website at - <http://planning.aberdeencity.gov.uk/PlanningDetail.asp?130490>

On accepting the disclaimers enter the application reference quoted on the first page of this report.

### **The Environmental Statement**

The ES reports on the findings of an environmental impact assessment (EIA) of the proposed development. EIA is the process of compiling, evaluating and presenting all of the significant environmental impacts of the proposed development, leading to the identification and incorporation of appropriate mitigation measures. The range of potential impacts considered in the ES fall under the following headings:

- Section 1: sets the legislative context, the objectives of the EIA process and the approach to the study.

- Section 2: gives background to the project; describes the areas of the proposal and: site history, location, topography, land use and geology; and discusses the issues of need and alternative options.
- Section 3: sets out details of the quarry development and methods of working, providing details of procedure, blasting, access, construction works and operation.
- Section 4: considers the planning and development framework within which the application requires to be considered.
- Section 5: describes how the scoping process identified key impacts for assessment.
- Sections 6 to 15 include the following environmental assessments:
  6. Landscape and Visual Impact
  7. Hydrological and Hydrogeological Assessment
  8. Ecology
  9. Restoration
  10. Noise
  11. Air Quality
  12. Blasting
  13. Access and Traffic
  14. Archaeology
  15. Recreational Access
- Section 16 sets out the Extractive Waste Management Plan for the quarry.
- Section 17 provides a summary of the Environmental Impacts and Benefits and an overview of the scheme.

The Environmental Statement also includes the following seven appendices:

Appendix 1: Pre-Application Consultation Report  
 Appendix 2: Consultation Responses  
 Appendix 3: Water Management  
 Appendix 4: Noise Assessment  
 Appendix 5: Blasting Assessment  
 Appendix 6: Archaeological Assessment  
 Appendix 7: Waste Management Plan.

## **PRE-APPLICATION CONSULTATION**

Pre-application consultation in between the applicant and the local community, as required for 'major' developments, as defined in the 'Hierarchy of Development' Regulations was undertaken. This consultation involved a public event, which

was held on the 22<sup>nd</sup> January 2013 at the Cove Bay Hotel, advance notice was advertised on the 11<sup>th</sup> January 2013 in the Press and Journal.

This event allowed the applicants' representatives to explain the proposals and record any public comments. A report on the public consultation undertaken, and the findings arising from it, has been submitted as part of the application, in accordance with the relevant planning regulations.

## **REASON FOR REFERRAL TO COMMITTEE**

The application has been referred to the Planning Development Management Committee as applications for development requiring Environmental Impact Assessment (EIA) fall out with the scope of the Council's Scheme of Delegation.

## **CONSULTATIONS**

**Roads Projects Team** – Requested that colleagues in the Roads Structures Team be consulted in regard to the application, to ascertain if there will be a requirement for the applicants to contribute towards maintenance costs associated to additional wear and tear that the surrounding road network will experience as a result of the extension. Such a contribution has since been agreed by the applicants.

It was also required that confirmation that HGV routes from the quarry to the site will be as they currently are. This position was confirmed by the applicant.

A request was also made seeking the submission of further details in relation to cycle parking within the site. This would be controlled via planning condition.

**Roads Structures Team** – Following negotiations between the Council and the applicants it has been agreed that a roads condition survey, including traffic counts, to determine the percentages of costs directly attributable with damage to the road network as a result of the proposed development be undertaken. This process would begin after 2020 following the expiry of the current permission.

Future surveys and monitoring (likely to be on a 5 yearly basis, unless either party highlights a specific need for an interim assessment) would follow on from 2020.

The surveys would comprise the following:

- Condition survey of specified existing roads (photographic and written assessment);
- Traffic counts;
- Confirmation of positions of counts; and
- Details of extraction rates from Quarry records.

**Environmental Health** – no observations.

**Developer Contributions Team** – developments of this nature do not attract developer contributions. No further comment to make.

**Enterprise, Planning & Infrastructure (Flooding)** – no observations

**Education, Culture & Sport (Archaeology)** – no objection to the application, subject to the insertion of the following condition: *“no development shall take place within the area indicated (in this case the area of the whole development) until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority. The programme of archaeological work will include all necessary post-excavation and publication work”.*

**Community Council** – no response received.

**External Consultees:**

**Aberdeen International Airport (AIA)** – the proposal does not conflict with safeguarding criteria, thus there is no objection to the proposal.

**Aberdeenshire Council** – advise that the partially developed business, industrial and leisure development at Mains of Cairnrobin is identified in the information submitted in support of the application as a location sensitive to potential noise and blast impacts. They are therefore concerned about the proposed south-westwards extension of Blackhills Quarry, which raises potential safety issues, associated to the blasting, and may act as a constraint to certain types of development at Mains of Cairnrobin. They have therefore requested that planning conditions which apply to the existing planning consent also be applied to any consent issued for the quarry extension, in particular condition 3, which dealt with noise levels and conditions 4, 5 and 7 which dealt with blasting operations.

This response will be discussed in greater detail in the evaluation (response to letters of representation) section of this report.

**Health and Safety Executive (HSE):** advised that EIAs are concerned with projects which are likely to have significant effects on the environment. HSE’s principal concerns are the health and safety of people at work and those affected by work activities. HSE has no comments on this environmental statement.

They also advised that separate consultation with HSE’s Quarries Inspectorate may be required in relation to any planning application associated with the EIA. Such additional consultation was subsequently undertaken, with no comments received. However, it should be noted that the applicant is required to obtain consent (under the Quarries Regulations 1999).

**Historic Scotland** – the proposal would have no significant impacts on any nationally important heritage assets. Therefore, they have no objection to the proposal.

**Network Rail** – have concerns that the safe operation of the railway and/ or integrity of the railway infrastructure may be jeopardised by the proposed works and consequently recommend the insertion of a number of conditions in relation: to blasting; drainage; plant and machinery; development within 10m of railway property; and lighting.

**Scottish Environment Protection Agency** – have requested that a condition be applied to any consent requiring the submission of a restoration and aftercare plan. Otherwise, they have no objections in principle to the development.

**Scottish Natural Heritage** –advised that the proposed development is out with any nationally or internationally designated nature conservation site and has no significant connectivity to such a site. It would neither raise other natural heritage issues of a significant nature. Accordingly, they have no further comment to make on the Environmental Statement and are content that the Council identifies any additional environmental impacts and addresses these without further reference to SNH.

**Scottish Water** – no objection

**Transport Scotland** – the proposed developed would result in an intensification of use of the site, however, the percentage increase of traffic on the trunk road is such that the development is likely to cause minimal environmental impact on the trunk road network. On this basis they have no comment to make.

## **REPRESENTATIONS**

Three letters of objection have been received and relate to the following matters:–

1. That an extension to the operation of the quarry could result in the blight of neighbouring land, including both existing operations and land which has been identified in the Local Plan (both Aberdeenshire and Aberdeen City) for employment purposes. Also advised that employment land and associated land releases are essential for the prosperity of the city and would provide more jobs than the existing quarry operation;
2. Concerns in relation to Health and Safety Executive (HSE) concerns, which have already resulted in the removal of council owned land from a class 4, 5 and 6 allocation because of perceived blast zone concerns;
3. Application should be refused unless reassurance can be given that (a) no detriment would occur to neighbouring employment land and (b) previously allocated council land is rezoned.
4. Questioning the need to grant permission for a period of 37 years. In terms of good planning it would seem sensible to restrict and review any consent after a shorter time period so as to have more control over any potential detrimental future impact that the quarry operations may have on its immediate neighbours.

5. Note that there is no 400m stand-off / buffer zone applicable to the quarry. This contradicts the statements made by the applicants in representations in 2011 to the draft Aberdeen Local Development Plan, when it was successfully argued that land proposed for employment purposes at Blackhills of Cairnrobin be excluded from the finalised plan on the basis of such a 400m buffer zone. Given the 400m buffer zone does not form part of any statutory guidance, it would be appropriate for the land at Blackhills of Cairnrobin to be brought forward for employment use in any review of the Local Development Plan. This land at Blackhills of Cairnrobin is important in helping link employment land at Aberdeen Gateway with the similar allocation to the south, at Mains of Cairnrobin.

## **PLANNING POLICY**

### **National Policy and Guidance**

*Scottish Planning Policy:* Paragraph 225 of SPP states that “An adequate and steady supply of minerals is essential to support sustainable economic growth. The minerals industry provides raw material for construction, manufacturing, agriculture and other sectors. Continuity of supply to meet demand depends on the availability of land with workable deposits having planning permission for extraction”.

Paragraph 226 goes on to state: “Planning Authorities should have regard to the availability, quality, accessibility, and requirement for mineral resources in their area when preparing development plans. Authorities should liaise with operators and neighbouring planning authorities and use verifiable sources of information to identify appropriate search areas. These search areas, or where appropriate, specific sites should be identified and safeguarded in development plans and the criteria to be satisfied by development proposals set out. The same safeguarding principles should apply to land allocated for development which is underlain by minerals and where prior extraction of the mineral would be beneficial.

Paragraph 227 further comments: “Planning authorities should ensure a land bank of permitted reserves for construction aggregates of a minimum 10 years extraction is available at all times in all market areas... This is particularly important in the city regions”

Finally Paragraph 231 states: “Development plans and development management decisions should aim to minimise significant negative impacts from minerals extraction on the amenity of local communities, the natural heritage and historic environment and other economic sectors important to the local economy, and should encourage sensitive working practices during extraction. Extraction should only be permitted where impacts on local communities and the environment can be adequately controlled or mitigated. Wherever possible, haulage should be by rail, or coastal or inland shipping, rather than by road. Where there are significant transport impacts on local communities, routes which avoid settlements as far as possible should be identified. Advice on mineral

*workings is provided in PAN 50: Controlling the Environmental Effects of Surface Mineral Workings, PAN 50 Annexes A-D and PAN 64: Reclamation of Surface Mineral Workings”*

PAN 50 (Controlling the Environmental Effects of Surface Mineral Workings) with Annex A (Noise), B (Dust), C (Traffic) and D (Blasting) provides advice on these issues and how they should be addressed when assessing mineral applications.

PAN 64 (Reclamation of Surface Mineral Workings?) provides planning advice on ensuring that satisfactory reclamation procedures are in place before, during and after extraction, in order to bring land back to an acceptable condition.

All relevant national policy and advice is considered in the Assessment and Conclusions section of this report.

### **Aberdeen City and Shire Strategic Development Plan**

Aberdeen City and Shire is a region of global significance. As the energy capital of Europe it has the ambition, skills and resources to lead the move towards a more secure and sustainable supply of energy and lead Scotland forward on a path of economic recovery.

The main aims of the plan are to:

- provide a strong framework for investment decisions which help to grow and diversify the regional economy, supported by promoting the need to use resources more efficiently and effectively; and
- take on the urgent challenges of sustainable development and climate change.

Paragraph 3.45 also advises that *“In some cases, developments which aim to meet more than local needs may need to be based in this area, such as mineral extraction. In these cases, developers will need to justify this against the aims, strategy, objectives and targets of this plan. Meeting regeneration needs could be one part of this justification.*

### **Aberdeen Local Development Plan**

Opportunity Site 71: Blackhills Quarry: Cove – Planning permission granted in 1996 to continue hard rock extraction and processing, extend work area, continue manufacture of asphalt and bitumous macadam, etc. Also includes area containing future mineral reserves.

Policy T2: Managing the Transport Impact of Development – states that new developments will need to demonstrate that sufficient measures have been taken to minimise the traffic generated. Transport Assessments and Travel Plans will be required for developments which exceed the thresholds set out in the Transport and Accessibility Supplementary Planning Guidance.

Policy D6: Landscape – states that development will not be acceptable unless it avoids:

1. Significantly adversely affecting landscape character and elements which contribute to, or provide, a distinct “sense of place” which point to being either in or around Aberdeen or a particular part of it;
2. Obstructing important views of the City’s townscape, landmarks and features when seen from busy and important publicly accessible vantage points such as roads, railways, recreational areas, and pathways and particularly from the main city approaches;
3. Disturbance, loss or damage to important recreation, wildlife, or woodland resources or to the physical links between them; and
4. Sprawling onto important or necessary green spaces or buffers between places or communities with individual identities, and those which can provide opportunities for countryside access.

Development should avoid significant adverse impacts upon existing landscape elements, including linear and boundary features or other components, which contribute to local amenity, and provide opportunities for conserving, restoring or enhancing them.

Policy NE2: Green Belt – states that no development will be permitted in the green belt for purposes other than those essential for agriculture, woodland and forestry, recreational uses compatible with an agricultural or natural setting, mineral extraction or restoration or landscape renewal.

Policy NE5 – Trees and Woodland – appropriate measures should be taken for the protection and long-term management of existing trees and new planting both during and after construction. Buildings and services should be sited so to minimise adverse impacts on existing and future trees and tree cover.

Policy NE8 – Natural Heritage – states that development that, taking into account any proposed mitigation measures, has an adverse effect on a protected species or an area designated because of its natural heritage value will only be permitted where it satisfies the relevant criteria in Scottish Planning Policy. In all cases of development at any location:

1. Applicants should submit supporting evidence for any development that may have an adverse effect on a protected species demonstrating both the need for the development and that a full range of possible alternative courses of action has been properly examined and none found to acceptably meet the need identified;
2. An ecological assessment will be required for a development proposal on or likely to affect a nearby designated site or where there is evidence to suggest that a habitat or species of importance exists on the site;
3. No development will be permitted unless steps are taken to mitigate negative development impacts;

4. Natural heritage beyond the confines of designated sites should be protected and enhanced;
5. Where feasible, steps to prevent further fragmentation or isolation of habitats must be sought and opportunities to restore links which have been broken will be taken;
6. Measures will be taken, in proportion to the opportunities available, to enhance biodiversity through the creation and restoration of habitats and, where possible, incorporating existing habitats; and
7. There will be a presumption against excessive engineering and culverting; natural treatment of floodplains and other water storage features will be preferred wherever possible, there will be a requirement to restore existing culverted or canalised water bodies where this is possible, and the inclusion of SUDS. Natural buffer strips will be created for the protection and enhancement of water bodies, including lochs, ponds, wetlands, rivers, tributaries, estuaries and the sea.

*Policy R1: Minerals* – states that mineral extraction proposals are acceptable in principle, provided that:

1. There is no significant impact on the character and amenity of the surrounding landscape or residential properties / local communities or the ecology of the area;
2. Sufficient information has been submitted with a planning application to enable a full assessment of the likely effects of development, together with proposals for appropriate control, mitigation and monitoring;
3. Where necessary, an appropriate buffer distance has been agreed with the Planning Authority, through consultation with local communities, taking account of specific circumstances of the proposal; and
4. Restoration will take place concurrently with excavation where possible. After excavation ceases, restoration will be completed in the shortest time practicable and the proposals accompanied either by an appropriate financial bond or supported by an industry guarantee scheme (such as the Quarry Product Association's Restoration Guarantee Scheme). The proposal after use will add to the cultural, recreational or environmental assets of the area.

## **EVALUATION**

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) require that where, in making any determination under the planning acts, regard is to be had to the provisions of the development plan and that

determination shall be made in accordance with the plan, so far as material to the application, unless material considerations indicate otherwise.

An Environmental Statement (ES) was required as the development falls within Schedule 1 of the Environmental Impact Assessment (Scotland) Regulations 2011. An ES has to identify the likely environmental effects of a project through the study and analysis of individual issues, predicting and assessing the projected impacts and proposing measures to mitigate the effects. Before determining the application the Council must take into consideration the information contained in the ES, including any further information, any comments made by the consultation bodies and any representations from members of the public about environmental issues. The ES is submitted in support of the planning application but it is not part of the application itself. However, provided it serves a planning purpose, any information from the environmental impact assessment process may be material and considered alongside the provisions of the development plan.

### Adequacy of the Environmental Statement

Before considering the merits of the proposed development it is appropriate to comment on the ES submitted in support of the application. There is no statutory provision as to the form of an ES but it must contain the information specified in Part II and such relevant information in Part I of Schedule 4 of the Environmental Impact Assessment (Scotland) Regulations 2011 as is reasonably required to assess the effects of the project and which the developer can reasonably be required to compile. Whilst every ES should provide a full factual description of the development, the emphasis of Schedule 4 is on the **'main'** or **'significant'** environmental effects to which the development is likely to give rise. An ES must comply with the requirements of the Regulations, but it is important that it is prepared on a realistic basis and without unnecessary elaboration. It is for the Council to satisfy itself on the adequacy of the ES. If it is deemed to be inadequate, then the application can be determined only by refusal. Overall the ES is considered to be satisfactory, thus meeting the requirements of the Regulations.

### The Principle of Development

In respect of the principle of development, the proposal must be assessed against Policy R1 (Minerals) and Policy NE2 (Green Belt) of the Aberdeen Local Development Plan.

Policy R1 (Minerals) of the Aberdeen Local Development Plan requires that proposals for mineral extraction are acceptable in principle, provided that there is: no significant impact on the character and amenity of the surrounding landscape / residential areas, the ecology of the area; that sufficient information has been submitted to allow a full assessment of the likely effects of the development, together with proposals for control, mitigation and monitoring; where appropriate buffer distances have been agreed; and that restoration would be undertaken concurrently with excavation or as soon as possible thereafter.

For the reasons mentioned later in this evaluation, it is considered that the proposal accords with this section of policy.

Policy NE2 (Green Belt) states that *“no development will be permitted in the green belt for purposes other than those essential for agriculture, woodland, and forestry, recreational uses compatible with an agricultural or natural setting, **mineral extraction** or restoration or landscape renewal”*. As the proposal is associated with mineral extraction it is considered to generally accord with the terms of Policy NE2, subject to more detailed consideration against other relevant policies.

In addition, it is important to note that the land associated to this application has been identified within the Aberdeen Local Development Plan as an opportunity site associated to mineral extraction, processing, manufacture of asphalt and bituminous macadam, as well as noting that the area contains future mineral reserves (OP 71 – Blackhills Quarry, Cove).

#### Scottish Planning Policy (SPP) / Planning Advice Notes (PANs)

Scottish Planning Policy provides a statement of Government policy in respect of minerals and confirms that an adequate and steady supply of minerals is essential to support sustainable economic growth. SPP confirms that in order to ensure that there is adequate continuity of supply to meet demand planning authorities should ensure a landbank of permitted reserves for construction of a minimum 10 year extraction is available at all times in all market areas.

In addition to ensuring the required need for minerals is met SPP also confirms which matters planning authorities should consider when deciding planning applications for extraction. These matters are discussed below, through the assessment of the Aberdeen Local Development Plan and associated material planning considerations. Prior to considering the effects of the development it is necessary to consider any associated need, in relation to the requirement for a minimum 10 year landbank of permitted reserves. In this respect the proposal would ensure compliance with Scottish Planning Policy (as the existing permission currently has only a further six years to run).

Two Planning Advice Notes, PAN 50 and PAN 64, are relevant to the determination of this application. PAN 50 (Controlling the Effects of Mineral Workings) provides advice on best practice, with respect to mineral working in relation to the control of: noise, dust and traffic. PAN 64 provides advice on best practice for reclamation of sites and relates specifically to: restoration conditions; after care considerations; various uses of sites; planning conditions; agreements; and after care schemes. The advice contained within both PANs has been considered, where appropriate, in the processing of this application and the formulation of conditions has taken cognisance thereof.

In summary, it is considered that the proposal accords with the relevant sections of SPP. Further, in terms of the operational aspects the proposal accords with the relevant advice within the Planning Advice Notes.

## Landscape and Visual Impact Assessment

The proposed development is considered to be generally compliant with Scottish Planning Policy, the Aberdeen City / Shire Strategic Development Plan and the Local Development Plan. Given the proposal is to extend an existing quarry, rather than a new operation; it is more readily accommodated within the landscape. However, any proposals for mineral extraction will inevitably have impacts on the landscape resource, consideration of potential impacts, together with measures to minimise and mitigate them, is key to establishing the acceptability of the proposal.

Policy D6 (Landscape) is relevant to the determination of this application. The proposed quarry extension is located within open farmland in the Loirston character area: *“this area has a flattish landform that forms a shallow basin-like depression around Loirston Loch in the north.... Land Use is divided between the urban industrial and residential developments in the north and the east, and predominantly agricultural uses that occur elsewhere. ... There are very few trees within the area except to the east of Loirston Loch and around some of the traditional farm steadings to the south of the Loch. Apart from this the vegetation generally consists of improved agricultural grassland.”*

The site is not within any statutory landscape designations i.e. Areas of Great Landscape Value.

The ES looked at the potential impacts on receptors within the landscape. Potential sources of visual impact are also identified. The site itself is enclosed by boundary fencing, which shall be maintained throughout operations. The extension area is also fenced as an agricultural unit and this fencing shall be maintained for the duration of operations. There is therefore, apart from the proposed bunding, there is no introduction of any new element in the landscape. Low key “danger deep working” signage shall be maintained on the quarry boundary.

Existing bunds have been formed to the northern boundary of the quarry, to the south-east and at certain sections on the western boundary. The northern and south-eastern bunds shall be maintained. A low bund shall be extended along the southern boundary of the site and a further landscaped mound created at the western extent of the proposed extension. There are acoustic and visual benefits from these bunds, but equally there are landscape and visual impacts associated with the bunding itself.

The largest potential visual impact is associated with the formation of the bund, which is a relatively short term operation. Once formed the bunds shall be seeded to establish grassland cover. The bunds will therefore have a relatively limited impact on the wider landscape in the short-term, with the only significant visual impact on close viewpoints or where the bunds appear on the skyline.

The visual impact can also be broken down into each of the six phases of development:

Phase 1: As this nears completion a permanent landscaped bund shall be formed on the western part of the extension, with a maximum height of 9m. Materials stockpiled to the west of the quarry void, together with soils stripped from the footprint of Phase 2 operations shall be used to create this bund.

Phase 2: The phase 1 landscape bund shall be completed, grassed and extended to tie in with the existing southern boundary bund. The developing excavation shall be screened by these bunds.

Phase 3: Upper quarry levels shall be developed to the north-western extent of the proposed excavation limit.

Phases 4, 5 and 6: The remaining phases of the development shall be maintained within the current operation area. As Phase 6 progresses the asphalt and ready-mix plants shall be removed to allow the extraction to the full permitted extent in the south-east.

Much of the mitigating bunding is already established and only adaptations to address issues associated to the extension area are required. The major addition is to the west of the site. In addition the use of bunding is important, and the ultimate treatment suggested is that should be grassed and used as grazing, which will also manage growth.

The proposal shall have direct impacts within this coastal area of Open Farmland as well as more significantly on landform. A number of these impacts would be short-term, with small number over a longer term, related to the life of the quarry. Residual impacts are to be mitigated to retain key landscape components. Landform (i.e. the excavated area proposed as part of the extension) would be permanently altered, but this effect would be limited to that area, which is not generally visible in the wider landscape.

Views would be available for visual receptors including residents, recreational users of the area immediately around the proposal, travellers on the road network and workers within the farmland and the quarry itself. Views from out with the immediate environs of the site are limited by the topography and further mitigated by the bunding discussed above.

Taking all of the above into account, the proposal does not offend the general principles of Policy D6 (Landscape) of the Aberdeen Local Development Plan.

#### *Services (including Access and Water / Drainage)*

Access to the quarry is from the A956, via the local unclassified road network (Cove Road and Findon Road). From the quarry, dispatch vehicles travel some 650m west along a surfaced internal access road to Findon Road travelling north, then some 660m north to the junction with Cove Road, thereafter around 265m west to the junction with Wellington Road, where a distance of 460m north is covered to the junction with the A956.

The proposal would result in the continuation of quarry related vehicle movements, as opposed to the introduction of a new source. It is proposed that quarry production / despatch would continue at current levels. An average despatch of 175,000 tonnes of dry aggregates, 65,000 tonnes of asphalt and 25 cu.m of ready mixed concrete is proposed annually. It is also envisaged that 20,000 tonnes of construction and demolition waste would be imported annually for recycling.

At current production rates the volume of traffic, based on a 50 week year and average vehicle loads over a 5.5 day week, equates to an average of 124 daily vehicle movements Monday to Friday (62 empty and 62 full) and 62 movements on a Saturday (31 empty and 31 full).

Policy T2 (Managing the Transport Impact of Development) is considered to be of direct relevance. The proposal has been subject to detailed discussion between the Council's Roads Structures Team and the applicants, with regards to potential impacts on the surrounding road network.

It is accepted that no net increase in vehicular movements will occur.

However, it has been agreed that a legal agreement, requiring a road condition survey, including vehicle counts as well as road surveys, be entered into. The vehicle counts would be used to determine the percentage of maintenance costs associated with damage of the road networks by the applicants operations. This process would begin after 2020, following the expiry of the current permission.

Subsequent monitoring (5 yearly, unless either party highlights a specific need for an interim assessment) would be from the point that the current permission expires - 2020.

Subject to the above legal agreement it is considered that the proposal is acceptable with regards to Policy T2 (Managing the Transport Impact of Development) of the ALDP.

Surface water run-off from the surrounding area is currently diverted by drains around the quarry area. There are no ditches or watercourses within the proposed extension area, or surroundings that would be affected by the proposals. The screening bunds, which are to be established along the boundaries of the extension area, shall also act to restrict potential for surface water run-off from the surrounding area, into the quarry. The quarry floor area has been extracted down to 48AOD, which is above the groundwater table and there is thus no ground water flow into the excavated area.

Site water management schemes shall be subject to on-going assessment and modification, as required, to ensure that water is managed appropriately and in accordance with the Water Environment and Water Services Act 2003, and the Controlled Activities Regulations 2011. SEPA have the locus for such matters.

*The Impact on the Natural Environment, Wildlife and Habitats*

The ES includes a detailed ecological assessment, which has been considered by the Environment Team. This assessment identified the baseline condition of the site, with respect to ecological value, and the potential impact of the proposal on wildlife and nature conservation interests. The objectives of the assessment process are to ensure the maintenance of viable populations of native species throughout their natural range, and where practicable the improvement of the status of rare or endangered species.

Following the submission of clarification in relation to the impacts of the development on the Balnagask and Cove Local Nature Conservation Site (LNCS) the Environment Team found the content of the ES to be acceptable.

Due to the nature of the quarrying operations it shall not be possible to return the landform to its pre-existing state, and while the margins shall be re-graded and covered, the final landform shall have relatively steep-sided slopes. The proposed restoration, discussed below, shall ensure an acceptable reintegration with the surrounding landscape.

The restoration scheme is designed to create an appropriate habitat, with a minimum management demand. In the longer term, the habitat quality shall improve naturally and be self-sustaining.

The proposed restoration will see a positive statement with respect to: landscape, conservation status and habitat.

As a result of the above, the proposal is considered to accord with the principles of Policy NE8 (Natural Heritage).

#### *Trees and Woodland*

There is to be no impact on existing trees or woodland as a result of the proposal to extend the quarry. Limited information has been submitted with the application relating to proposals for new tree planting, as part of the proposed mitigation measures. In general the Council are supportive of the creation of new woodland areas. As a result of the lack of detail it is considered appropriate to apply conditions requiring the submission of a landscaping scheme and future maintenance thereof. Subject to these conditions the proposal complies with Policy NE5 (Trees and Woodland).

#### *Hydrological and Hydrogeological Assessment*

The Environmental Statement assessed potential residual impacts to the water environment from physical changes to overland drainage. Subject to appropriate mitigation and control measures such impacts are considered minor. All other potential residual impacts have been assessed as negligible. Overall the potential impacts to surface and groundwater, from the proposed development, are not considered by the ES to be significant.

The ES was assessed internally by colleagues in the Environment Team, who accept the statement, subject to clarification on issues relating to Baseline Conditions, and the potential impacts on Hydrology and Hydrogeology, matters which were subsequently clarified satisfactorily.

### Effects on Communities (Noise, Blasting and Dust)

Noise: The issues relating to noise from the site has been addressed in the responses to letters of representation. It is considered that the proposed site operations meet the relevant best practice as detailed within PAN 50 Annex A. Noise control measures, to be implemented, along with effective day-to-day site management shall ensure that the proposed development is undertaken without significant noise impacts. It has also been adequately demonstrated that there shall be no residual impacts from the development in terms of noise levels currently experienced.

Dust: The regulation and control of potential dust nuisance, from the site, will continue to be based around the principle of best practice, with emphasis based on the day-to-day management: to identify on-going requirements for dust mitigation and to ensure prompt remedial action in the event of failure.

The possibility of cumulative dust impact, attributable to two or more mineral workings in close proximity, has also been considered. The potential for cumulative impact is assessed as low / negligible.

Following advice contained within PAN 50 Annex B, control of dust emissions and mitigation of the potential environmental impacts of dust from the operations shall be controlled a Site Dust Management Strategy. Overall the potential for dust emission from the site is low and it is unlikely that there will be any reduction in air quality. No residual impacts have been identified.

Blasting: The proposed extension area would develop the quarry to the west over agricultural land. The quarry would be developed in three benches over a series of 6 phases, the development progressing generally from east to west through Phase 1-5 and then east during Phase 6.

The recovery of rock would continue using blasting. As blast induced ground vibration is assessed as having the potential for impact, it was considered that the development of the quarry should be blast design led, to ensure acceptable impacts at residential properties. Accordingly, an assessment of blasting was undertaken by Vibrock Ltd, based on knowledge of blast designs, proposed for the extension and data from monitoring a typical production blast at the existing workings. Blasting operations have also been considered against point 1, contained within the response to letters of representation.

### Restoration and Aftercare Proposals

From the cessation of quarrying operations, a period of one year has been allowed for the completion of restoration. The restoration would address the stability and safety of the areas that have been subject to excavation or the effects of excavation.

The quarry reinstatement proposals focus on conservation enhancement, with the sculpting of the quarry floor to create ponds and ephemeral wetland and the reintroduction of naturalistic species.

The landscaped bunds / screening, along the western edge of the quarry void, would be reinstated as grassland; some regarding is to be undertaken along the eastern edge. The soil and overburden from the remaining peripheral bunds would be utilised for restoration works around the periphery of the quarry and within the void.

The slopes of the final quarry void would be lightly seeded with a native grassland mix to provide some vegetation cover and then left to natural regeneration. Dense shrub planting would be undertaken on the quarry benches to discourage access to steep faces. Some elements of bare rock and scree would also remain, to provide areas of additional ecological interest.

The restored quarry floor in the north-east corner would be left at a slightly lower level than the remainder, allowing water to gather and to form a small, shallow water body, with an adjacent area of marshy grassland.

At surface, areas of ground affected by operations would be restored to native grassland with scattered elements of shrub planting and bare ground to merge with the vegetation of the surrounding area.

Woodland planting would be undertaken to the north-west corner of the quarry. This would be a relatively small woodland block of shrub species and would increase habitat diversity, as well as being a linking feature to other woodland, enhancing Cove community woodland.

At cessation of operations, buildings and plant would be removed from the existing site infrastructure areas and the processing and stocking areas and these areas would be reinstated to grassland. The site access would be retained for the continued use of Cove Cottage and the adjacent industrial workshop. Restoration areas would be subject to a five year aftercare period. As a result, the proposal accords with PAN 64 which aims to ensure that satisfactory reclamation procedures are in place before, during and after extraction to bring land back to an acceptable condition.

#### *Issues Raised in Letters of Representation / Aberdeenshire Council*

The applicant's submitted a supporting letter (received 31<sup>st</sup> May 2013) which took into account a number of matters raised in letters of representation. Taking account of this letter the representations are responded to as follows:

1. In relation to potential impacts on the development site at Mains of Cairnrobin, the issues were raised with the applicant and a further statement was received from Vibrock Ltd, which provided noise and blast vibration predications for the identified land at the closest point of contact. This submission demonstrates that the predicted levels are consistent with

the recommendations in PAN50 Annex A (Noise) and Annex D (Blasting). As a result it is considered that it has been demonstrated that there is no physical constraint on the adjacent sites, being utilised for their stated designated uses of: business, industrial or storage and distribution.

In relation to the site at Aberdeen Gateway Business Park, ambient and background noise monitoring was undertaken, as part of the submitted noise assessment. The measurements submitted were: 53dB LAeq, 4.25h and 39dB LA90. The applicants have provided predicted noise levels for each phase of the proposed extension, for both routine operations and drilling operations, which occur every few weeks. These predictions confirm that noise levels for normal and drilling operations comfortably meet the lower criteria recommended in PAN 50, the predictions being within a range of 36-42 dB. These predicted noise levels also fall comfortably within the noise limits currently permitted by the existing planning permission. British Standard BS8233:1999 (Sound Insulation and Noise reduction for Buildings) gives examples of satisfactory noise levels inside buildings, for example meeting rooms and executive offices, a range of 35-40 dB LAeq, T, this is well above the worst case predicted levels.

For production blasting, operations have been designed to meet a vibration criterion of 6mms-1 ppv for 95% of events, with no blast exceeding 12.0mms-1 at private residential properties. This criterion corresponds with the vibration limits set by the current planning permission for the site and is the lower parameter of the criterion recommended within PAN 50 Annex D "The Control of Blasting at Surface Mineral Workings". As the residential property at Rigifa lies in closer proximity, and in the same direction as Aberdeen Gateway, this ensures that vibration levels within the Gateway development would meet the criteria set for residential properties. Vibration predictions indicate that vibration levels within the Gateway Business Park are likely to be in the region of 0.5 – 2.1mms-1 with a maximum of 4.8mms-1. It is therefore considered that all levels would be comfortably within the blasting criterion.

The proposed development would have no impact on the proposed link road between the Mains of Cairnrobin and Aberdeen Gateway sites.

From the above, it is considered that there would be no significant change and that the extended Blackhills Quarry would operate without any undue disturbance to existing or future businesses within the Mains of Cairnrobin/ Aberdeen Gateway Business Park.

The reporter for the Aberdeen Local Development Plan Inquiry concluded that the removal of the land adjacent to the quarry, which was to be designated for business use, would not have any significant effect on the adequacy of the overall supply of employment land in Aberdeen. In a wider sense development is dependent on minerals and Blackhills Quarry is a strategic source for Aberdeen City, and the surrounding area, with respect to dry aggregates, coated road stone and ready-mix concrete.

National and Development Plan policy is clear that the sterilisation of important mineral resources should be avoided. The land to the west of the quarry could be utilised for business development at a later date, and the proposal would allow for the release of important mineral resources.

2. The main control over blasting operations is: The Quarries Regulations 1999. Scottish Planning Policy paragraph 233 states that: *“Authorities should not impose standard buffer zones between sites and settlements since distances will need to take account of the specific circumstances of individual proposals including size, duration, location, method of working, topography and the characteristics of the various environmental effects likely to arise and the mitigation that can be implemented”*.

The Health and Safety Executive (HSE) do not set specific danger zones for blasting operations; these are determined by the operators for each individual blast. With respect to Blackhills Quarry, due to the close proximity of the excavation area to the northern, southern and eastern boundaries, when blasting is taking place at these boundaries, it may be necessary to delineate temporary danger zones, out with the operational area, and post sentries to keep these areas clear. To the west, due to separation distance between the excavation area and the site boundary, some 100 metres, it is anticipated that the danger zone would be confined within the applicants landholding at all times and there would be no requirement to restrict vehicular or pedestrian movements on the unclassified Cove to Findon road. Consequently, it can be reasonably ascertained that there is no significant potential for physical restraints or safety concerns within the confines of the land designated for development at the Aberdeen Gateway Business Park or the land designated for business use at Mains of Cairnrobin.

3. Following a detailed assessment of the proposal, it is considered that the proposed extension to Blackhills Quarry can be undertaken without any undue disturbance to existing or future businesses. The allocation of business land at OP79 was premature (in the eyes of the reporter), with potential that this land could be suitably re-zoned at a later date. Such potential can be fully considered as a separate exercise and at an appropriate time, out with the processing of this application.
4. The existing quarry and this proposed extension have been identified as being strategically important, and in this particular case it is considered appropriate to grant planning consent up until 2050. The existing quarry has permission in place until 2020 and this consent would ensure consent was in place for the predicted extraction life of the quarry. The applicants have advised that they plan to invest significantly in the site, which in turn would provide a long-term aggregate supply. Control over any potential detrimental impact could be addressed via appropriate planning conditions. In this instance it is considered appropriate to grant permission for a period of 37 years to allow full extraction of the identified safeguarded mineral reserve.

5. The applicants have advised that blast vibration, not distance, is the relevant factor with respect to the proximity of built development to quarry operations and this could be controlled by decking and reduced charge weights, albeit at an additional cost. In making representations in 2011, with respect of the Aberdeen Local Development Plan, the applicants were conscious of the fact that development undertaken in close proximity could necessitate decking and additional cost to the Company. These costs were considered unreasonable at that time, when the site was an existing consented quarry operation. If the quarry was to be extended closer to sensitive development, as per the proposal, it is clear that additional costs would be required to ensure the maintenance of appropriate standards and the applicants are aware of this.

## Conclusion

Any proposal for mineral extraction will have associated environmental implications and some impact on the amenity of the surrounding area. However, minerals can only be worked where they are found, a significant constraint. The key considerations are the significance of these impacts, compatibility with the development plan, and any other relevant material considerations.

The application has been reviewed both internally by the Council, and by external consultees including: SEPA, SNH, Network Rail and the Scottish Government. This processing has confirmed that the proposal does not adversely affect any designated sites of nature conservation or built heritage interest, or give rise to any other significant environmental impacts.

The proposal was subject to detailed discussions between the Council and the applicants, in relation to potential impact on the surrounding road network. Appropriate contributions are to be provided to address the applicant's share of such impacts. As such the impact on the road network is considered to be acceptable.

Some concerns were raised in terms of landscape and visual impact. The landscape and visual impact assessment has been undertaken in accordance with the appropriate guidelines and methodologies. The quarry would be partially visible from the main road, and railway, but appropriate bunding, as suggested within the ES, would help negate any major concerns.

Overall, the proposed extension to extend the operating lifespan of Blackhills Quarry to 2050 is in accordance with the policies of the Aberdeen Local Development Plan. The applicant has undertaken a thorough assessment of the necessary issues, as set out in the ES. The proposal is thus considered to be an acceptable form of development and, subject to a legal agreement in relation to a roads conditions survey / maintenance, is considered to be acceptable. The proposal is therefore recommended for approval.

## **RECOMMENDATION**

### **Willingness to approve**

## **REASONS FOR RECOMMENDATION**

The proposal is considered to be an acceptable form of development which is in accordance with Scottish Planning Policy (SPP) and Planning Advice Notes (PAN) 50 (Controlling the Effects of Surface Mineral Workings) and 64 (Reclamation of Surface Mineral Workings), in that the proposal will ensure an adequate supply of minerals within Aberdeen City, and would ensure a bank of permitted reserves of construction aggregates for a period exceeding 10 years.

The proposal also accords with the Aberdeen City and Shire Strategic Development Plan, which aims to ensure that development such as mineral extraction is justified against the aims, strategy, objectives and targets of the plan.

The site has been allocated within the Aberdeen Local Development Plan (OP71) and the proposal is considered to be consistent with the terms of Policy NE2 (Green Belt) and R1 (Minerals) of the Aberdeen Local Development Plan. The proposal has been assessed against natural heritage issues and is considered to be in accordance with Policy NE8 (Natural Heritage), in addition adequate landscaping / bunding would be provided, with conditions inserted in relation to the submission of a landscaping plan, the proposal is therefore considered to be consistent with the terms of Policy NE5 (Trees and Woodland) and Policy D6 (Landscaping).

The impact on the surrounding road network would be controlled via an appropriate legal agreement. In addition, the Councils Roads Projects Team has raised no objection to the application. The proposal is considered to accord with policy T2 (Managing the Transport Impact of Development).

There are no material planning considerations which would warrant refusal of planning permission in this instance.

## **CONDITIONS**

**it is recommended that approval is granted subject to the following conditions:-**

(1) At least one (1) year prior to mineral workings ceasing on the site, a restoration and aftercare plan shall be submitted for the written approval of the planning authority, in consultation with SEPA, and all work shall be carried out in accordance with the said scheme. The plan must include information on any proposals for phased working and progressive restoration, as well as the effect that any restoration will have on the water environment, including groundwater quality and quantity. The said plan must also include an assessment of the effect

that any backfilling below the water table will have on groundwater - to prevent pollution of the water environment and to minimize and prevent mineral waste on site.

(2) That the proposed operations hereby granted permission shall cease on or before 28 November 2050 unless the written approval of the planning authority is first obtained - in order to protect the environment and amenity of the area in general.

(3) That the hours of operations for extraction and processing and despatch of dry aggregates shall be restricted to:

- i) 07:00am - 07.00pm, Mondays to Fridays;
- ii) 07:00am - 1.00pm, Saturdays; and
- iii) At no time on a Sunday, bank holidays, or national holidays;

Unless written consent of the planning authority is obtained - in the interest of residential amenity.

(4) That the hours of operations for operation and dispatch from the asphalt plant shall be restricted to:

- i) 06:00am - 07.00pm, Mondays to Fridays;
- ii) 06.00am - 12.00pm, Saturdays; and
- iii) At no time on a Sunday, bank holidays or national holidays;

Unless the written consent of the planning authority is obtained – in the interest of residential amenity.

(5) That the equivalent noise level (Leq) shall not exceed 55dB(A) measured as a one hour free field Leq at any existing noise sensitive property external to the site boundary, the details for measuring which are to be submitted to, and approved in writing by the Planning Authority. South Blackhills may be periodically subject to higher levels but not exceeding 60dBL provided that the property remains under the control of the applicant and suitable noise attenuation measures that are submitted to and approved by the Planning Authority are introduced to the property - in the interest of residential amenity.

(6) That the ground vibration as a result of the blasting operations shall not exceed a peak particle velocity of 6mms<sup>-1</sup> ppv for 95% of events with no blast exceeding 12.0mm/sec<sup>-1</sup> at existing private residential and commercial properties, with a limit of 12mms<sup>-1</sup> being applied at railway structures and 14.8mms<sup>-1</sup> being applied at Haven Cottage - which is owned by the applicant - in the interests of residential amenity.

(7) That prior to the commencement of any blasting operations, a scheme for the monitoring of blasting including the location of monitoring points and equipment to be used, shall be submitted to, and approved in writing by the planning authority. Thereafter, all blasting operations shall take place in accordance with

the scheme as approved or with such subsequent amendments as may receive the written approval of the planning authority - in the interest of public safety.

(8) That prior to the commencement of any blasting operations, details of the methods employed to minimise air pressure from blasting operations, shall be submitted to, and approved in writing by the planning authority. Thereafter, all blasting operations shall take place only in accordance with the scheme as approved or such subsequent amendments as may receive the written approval of the planning authority - in the interests of public safety.

(9) That the depth of the quarry shall not exceed 48m above ordinance datum (AOD) without the prior written approval of the planning authority - in order to protect the character of the area.

(10) That within one year of this permission, a detailed landscaping scheme shall be submitted to and approved in writing by the planning authority, this scheme shall include indications of all existing trees and landscaped areas on the land, and details of any to be retained, together with measures for their protection in the course of development, and the proposed areas of tree/shrub planting including details of numbers, densities, locations, species, sizes and stage of maturity at planting - in the interests of the amenity of the area.

(11) That all planting, seeding and turfing comprised in the approved scheme of landscaping shall be carried out in the first planting season following the completion of the development and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a size and species similar to those originally required to be planted, or in accordance with such other scheme as may be submitted to and approved in writing for the purpose by the planning authority - in the interests of the amenity of the area.

(12) That no development shall take place within the application site until the applicant has secured the implementation of a programme of archaeological work which shall include post-excavation and publication work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority - in the interests of protecting items of historical importance as may exist within the application site.

(13) That within one year of the date of this permission, a scheme detailing cycle storage provision has been submitted to, and approved in writing by the planning authority, and thereafter implemented in full accordance with said scheme - in the interests of encouraging more sustainable modes of travel.

(14) That no blasting shall take place within the site unless the prior approval of Network Rail is obtained. For the avoidance of doubt, Network Rail should be notified seven days in advance of any blasting in order to afford them an opportunity of making comment - in the interests of public safety.

(15) The level of vibration at the railway boundary shall not exceed a maximum peak particle velocity of 25mm/sec - to maintain the integrity of the railway infrastructure.

(16) That the proposal should ensure that there is no reduction in the effectiveness of any drain or watercourse belonging to Network Rail. Furthermore, there must be no interference to any existing drainage rights that Network Rail enjoys - to maintain the integrity of the existing drainage systems and prevent flooding of railway infrastructure or land.

(17) Without the prior approval of Network Rail, the proposed works shall not generate an increase in the existing flow rates into any culvert that passes beneath the railway - to maintain the integrity of the existing drainage systems and prevent flooding of railway infrastructure or land.

(18) Storm or surface water must not be discharged onto, or towards Network Rail property. Suitable drainage or other works must be provided and maintained by the developer to prevent surface flows or run-off affecting the railway - to maintain the integrity of the existing drainage systems and prevent flooding of railway infrastructure or land.

(19) Storm or surface water must not be discharged onto, or towards Network Rail property. Suitable drainage or other works must be provided and maintained by the developer to prevent surface flows or run-off affecting the railway - to maintain the integrity of the existing drainage systems and prevent flooding of railway infrastructure or land.

(20) Cranes and jibbed machines, used in connection with the works, must be positioned that the jib or any suspended load does not swing over railway infrastructure or within 3 metres of the nearest rail if the boundary is closer than 3 metres - to maintain the safety of railway operations.

(21) All cranes, machinery and constructional plant must be positioned and used to prevent the accidental entry onto railway property of such plant or loads attached thereto, in the event of failure - to maintain the safety of railway operations.

(22) Vibration monitoring shall be carried out by the developer, or their contractors, to determine the effects of blasting on the railway, and Network Rail, in consultation with the Planning Authority, shall be supplied with a copy of the results - to maintain the safety of railway operations and the integrity of railway infrastructure.

(23) That within a year of the date on this permission, a procedure shall be set in place between Network Rail and Leith's (Scotland) Limited on the design and operation of a "Safe System of Work" to ensure the protection of rail traffic whilst blasting is being undertaken - to maintain the safety of railway operations and the integrity of railway infrastructure.

(24) The developer shall (a) meet the costs of all reasonable protective works carried out by Network Rail, which are directly attributable to the proposed use of explosives pursuant to the foregoing conditions, and (b) indemnify Network Rail against all third party claims arising by reason or in consequence of the said use of explosives except insofar as the same are caused by the negligence of Network Rail, their servants, agents or licensees - to maintain the safety of railway operations and the integrity of railway infrastructure.

(25) Where alterations to existing ground levels are proposed within 10 metres of the boundary of railway land (including the construction of storage mounds) detailed plans of the development, including cross-sections should be forwarded to Network Rail, in consultation with the Planning Authority, for assessment and comment before development commences - to maintain the safety of railway operations and the integrity of railway infrastructure.

(27) Network Rail shall be notified of any significant alterations to the characteristics of the work or site, for example changes in the depth of working, limits of extraction, blasting specification etc. – for safety, Network Rail needs to be aware of all development adjacent to its property.

## **INFORMATIVES**

Where possible, the free face of workings shall be orientated away from the railway to reduce the risk of material being projected onto railway property as a result of blasting operations.

Any dewatering during excavations should be in compliance with CAR General Binding Rule (GBR) 2 and GBR 15. Abstraction of groundwater in quantities greater than 10m<sup>3</sup>/day may require authorisation under CAR depending on the scope and duration of the works.

**Dr Margaret Bochel**

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