PROPOSED HARD ROCK QUARRY
MIDLAND BANK QUARRY

PLANNING AND ENVIRONMENTAL REVIEW
DECEMBER 2020

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

DALGLEISH ASSOCIATES LIMITED

Client Reference: x:\856\CCL\MidlandBankQuarryER2020

CORRIGAN CONTRACTORS LTD.

PLANNING AND ENVIRONMENTAL REVIEW

PROPOSED HARD ROCK QUARRY, MIDLAND BANK QUARRY

Prepared For:

CORRIGAN CONTRACTORS LTD.

Signed.....Dalgleish Associates Ltd.....

Dalgleish Associates Ltd

Date **21st December 2020**

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1 INTRODUCTION AND BACKGROUND TO THE PROPOSAL

1.1 Background to the Application

Corrigan Contractors is a family run company based in Ardgour, on the West Coast of Scotland. Established nearly 15 years ago, initially carrying out joinery works, the company has grown the business to undertake house builds from planning to completion, has been involved in a number of civil engineering projects such as hydro-electric schemes and formation of access roads, and has its own haulage division.

Whilst the nature of work can be varied, each aspect of the company fully compliments and supports each service the company provides to its customers, eliminating some of the challenges that come with being based in a remote part of the Scottish Highlands.

With reference to previous and future projects, the company has identified that proposed development projects within the West Highland Peninsulas could be better served through the provision of a local source of hard rock aggregates. This planning application seeks to address this need.

1.2 The Application

This Planning and Environmental Review accompanies the planning application by Corrigan Contractors Ltd for the extraction of hard rock from land forming part of the Laudale Estate, Lochaber to the south of Loch Sunart. The proposal relates to the extraction of some 150,000 tonnes of hard rock. It is proposed to work the deposit at an average of 5-10,000 tonnes per annum over a period of some 20 years. Following cessation of operations, 1 year will be required to complete restoration. Planning permission is therefore sought for 21 years.

1.3 Environmental Impact Assessment

Schedule 1 of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 sets a threshold in terms of operational site area of 25 hectares (ha), at which an Environmental Impact Assessment (EIA) is mandatory for a minerals operation. The application boundary for the proposed quarry operation extends to some 2.4ha and therefore falls under Schedule 2 of the Regulations and the requirement for EIA is based on consideration of whether the development is likely to

have significant effects on the environment by virtue of factors such as its nature, size, or location.

Of the 2.4ha relating to the planning application area, some 0.91ha relates to an existing borrow pit and some 0.9ha relates to the existing forestry track which would be utilised for site access. Accordingly, the additional landtake relates to an area of 0.59ha. Having consideration of the nature, size and location of the proposal, no significant impacts are anticipated, and formal EIA is not considered necessary. This Planning and Environmental Review accompanies the Planning Application and provides information addressing all potential environmental and amenity impacts relevant to the proposed development and contains a planning statement.

1.4 Pre-Application Consultation

The proposed development relates to an application area of 2.4ha, the extraction area being some 1.28ha. No Pre-Application Consultation is required for extraction areas under 2ha, as stated in The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, and detailed within Circular 5 2009 Hierarchy of Developments.

1.5 Site Location, Description, Topography, Land Use & Public Access

1.5.1 Site Location

The boundary of the planning application area is shown in red on Figure 1.1, Site Location Plan. The proposed excavation is situated in a rural location, in the Highlands, at national grid reference NM 787 589.

1.5.2 Site Description

The site is located on land forming part of the Laudale Estate, Lochaber to the south of Loch Sunart and south-east of Liddesdale. The application area is located within a wider area of coniferous plantation for which there is an extant felling consent. The north-eastern part of the application area is disturbed ground relating to an existing borrow pit (Figure 1.2, Existing Topography Plan refers), extending to some 0.91ha, which has been utilised for various projects in recent years. Within the borrow pit a working face of around 8m has been developed south-westwards into the hillside. There is a small

area of stripped ground immediately to the south-west of the borrow pit with areas of soil/peat storage immediately to the south and south-east, the remainder of the land being commercial forestry. The borrow pit is accessed from the A884 to the west, by an existing forestry track.

There are no residential or commercial properties within the general vicinity of the proposed quarry; the closest residential properties being Upper Liddesdale Cottage, some 730m to the north-west and Sunart House and Achalic Cottage some 690m to the north.

1.5.3 Topography

The proposed quarry is located on the rising hillside some 800m to the south of Loch Sunart. From the loch, the hillside is convex in profile with trees on its steeper lower slopes. The land rises to the north to the existing borrow pit which comprises an area of hardstanding created by former quarrying with a floor level at around 207-208m Above Ordnance Datum (AOD) and a quarry face up to 8m in height. It is proposed to develop the quarry from the existing borrow pit south-west into the rising hillside up to a level of around 119m AOD. The land to the west slopes downwards to the A884 and the Liddesdale burn which flows to Loch Sunart. The land to the north-east of the borrow pit slopes downwards towards the Allt Na h-Airigh burn which flows generally north to Loch Sunart. Beyond the borrow pit the land climbs steadily to the north to around 353m AOD on the summit of Taobh Dubh.

1.5.4 Land Use and Capability

The proposed development area comprises an element of bare ground related to the existing borrow pit. It is proposed to extend this area to the south-west into an area of coniferous forestry plantation.

With regards to land capability, Scotland's environment website (Scotland's soils) shows the proposed landtake as being designated as Grade 6.3.

1.5.5 Public Access

Reference to the Highland Council's Core Path Plan confirms that there are no core paths within the proposed development area or within such proximity that there might be an impact on recreational access.

1.6 Geology

The site is underlain by the North Britain Siluro-Devonian Cal-Alkaline Dyke suite which comprises a Felsitic Igneous intrusion into the surrounding Granodiorite bedrock of the Loch Sunart Facies. The igneous bedrock formed approximately 419 to 444 million years ago in the Silurian Period.

Superficial deposits are largely absent in the proposed site area with bedrock at, or near, surface.

1.7 Sustainable Development and Need

Scottish Planning Policy, June 2014, promotes responsible extraction of resources.

Sustainable development in relation to minerals should include consideration of a 'hierarchy of use'. To make efficient use of mineral products they should be used for the highest value end use. The use of recycled aggregates should be maximised and, in relation to the use of virgin aggregates, proximity to market is also a consideration

The existing borrow pit has been used historically for forestry tracks and for local projects and it has been identified that a specific benefit could be realised from the utilisation of this source to serve a predominantly local market area on the peninsula, and this is reflected in the relatively low production rate proposed for the site.

The provision of a local supply of aggregates on the peninsula would see the reduction of aggregate related HGV traffic on the A82 to the Corran ferry and a reduction of the HGVs using the Corran Ferry.

The Corran Ferry service operates the short passenger and vehicle crossing of the Corran Narrows between Nether Lochaber and Ardgour. The service provides a lifeline connection linking the communities of Ardgour, Sunart, Ardnamurchan, Moidart, Morar,

Morvern and, to a lesser degree, the Isle of Mull, to Lochaber. The ferry serves a wide variety of purposes including: providing access to employment and other key services for residents; acting as a gateway for tourists visiting the peninsula; and meeting the supply-chain needs of the above communities. It is understood to be the busiest single-vessel ferry crossing in Europe carrying over 250,000 vehicles every year.

There are several issues with the Corran Ferry itself relating to congestion and damage:

- there is structural damage to the ramps of MV Corran caused by relentless HGV traffic (especially aggregate 8 wheelers);
- there are also issues of queues backing up onto both A82 and the A861, around blind corners on both sides. In this respect, the proposal would reduce the risk of accident;
- in general, the Corran ferry is a significant problem for local communities due to congestion, annual refits and other significant breakdowns; all making the commute to work in either direction, quite an issue.

On the basis of the anticipated production of 5-10,000 tonnes per annum the proposal would reduce HGV movements on the ferry by between 500 to 1,000 vehicles annually. In addition, it is estimated that the carbon footprint attributed to road miles would be reduced by over 50% for every tonne of aggregate produced and used on the peninsula.

The proposal is considered to have a socio-economic benefit to the wider area.

The proposed quarry would provide a local supply of hard rock aggregates for infrastructure projects for both the public and private sectors of Sunart, Morvern, Ardgour and Ardnamurchan. A local supply would make these projects more affordable and would assist in maintaining local employment within a fragile rural community and could assist in creating additional local employment opportunities.

As the proposal would reduce HGV road haulage, there would be clear environmental and amenity benefits derived from the quarry and the proposal is considered sustainable, in terms of local need.

1.8 Consideration of Alternatives

1.8.1 Legislation

Scottish Planning Policy, June 2014, provides a statement of the Scottish Government's policy on nationally important landuse planning matters. The SPP advises that development within areas of international designation (Natura 2000 Sites) must not be granted permission unless the Planning Authority is satisfied that there is no satisfactory alternative. Similarly, where development would result in the loss of land allocated for green infrastructure, justification should include the consideration of alternatives. In such situations the consideration of alternative sites would be a material consideration in the determination of the planning application. As the development will have no adverse effect on international designations, European protected species, or open space, in terms of planning policy there is no requirement for justification of the proposal against alternative sites.

1.8.2 Alternative Sites

The subject of alternative sites is better suited to planning matters concerned with building or housing developments, for example, rather than minerals, in this instance a hard rock resource. The reason for this view is that minerals can only be worked where they are found, where they are economically viable, and where the appropriate agreements can be obtained from the landowner and/or mineral owner.

With respect to the extraction and processing of hard rock at the proposed Midland Bank Quarry, the proposals have been the subject of appropriate assessment which has demonstrated that any potential impacts can be mitigated and that there shall be no significant adverse impacts. As agreement has been reached with the land and mineral owner, and no significant environmental impacts have been identified, the consideration of alternative sites for development is not considered necessary.

2 DEVELOPMENT PROPOSALS

2.1 The Quarries Regulations 1999

A consolidation of the various statutes governing operations within quarries resulted in the creation of the Health & Safety at Quarries: Quarries Regulations 1999, which is a statutory instrument that sets out a guide to the conduct of operations at quarries. An Approved Code of Practice was published by the Health and Safety Executive in January 2000 (as amended 2013). A rigorous assessment of all aspects of quarrying activities requires to be undertaken by the Operator. Activities that take place within a quarry stem from the fundamental design of the quarry, which should provide the basis of a safe working environment.

The quarry design has to provide, in the first instance, safe and stable slopes which encompass the principle of "design for closure". Haul roads and access roads should be of adequate width and allow space for the provision of edge protection. Process plant must be located to be readily accessible, where applicable, for vehicles carrying materials from the face, and for vehicles involved in loading out from process stockpiles. Stockpiles, tips and lagoons require to be designed to ensure safety and stability.

This application has endeavoured to minimise the potential environmental impacts from rock extraction and processing operations by designing the quarry and its operations, in accordance with the Quarries Regulations, as amended.

2.2 Operational Procedure

2.2.1 Site Enclosure

Prior to the commencement of operations, the site shall be enclosed by boundary fencing which shall be maintained, as appropriate, throughout the duration of operations until the restoration of the site is complete.

2.2.2 Advanced Tree Felling

The additional landtake beyond the disturbed area of the existing borrow pit relates to 0.59ha of coniferous plantation. A felling licence is already in place for the wider area

and it is anticipated that felling of this area would be undertaken, under the existing licence.

2.2.3 Soil Stripping/handling

The soils over the proposes excavation area comprise a thin layer of peaty soil which varies in depth between 0.2 to 0.6m in thickness with an average depth of around 0.4m. Soil stripping shall be undertaken as required to maintain an appropriate development area ahead of the advancing quarry.

Soils are currently mounded to the south and south-east of the existing borrow pit.

Prior to the commencement of soil stripping, small bunds or shallow blind catch ditches shall be formed, as necessary, along site boundaries to ensure that surface run-off from outwith the site is diverted around the site and that any surface run-off within the stripping area is contained within the site.

It is proposed that soils will be stored for future use within the south-eastern part of the borrow pit excavation area; the storage mound being progressively extended as the quarried area extends. Storage mounds shall be seeded on completion. The sides and top surfaces of mounds shall be evenly graded and shaped to prevent water ponding on the surface.

Soil stripping shall only be carried out when soils are reasonably dry. Work routines for stripping operations shall be designed to minimise vehicle movements on unstripped land, and at all times the mechanical handling and compaction of the soil shall be minimised. No vehicle, other than those involved in the stripping operations, shall be permitted on unstripped land.

2.2.4 Development Programme

The proposal relates to the extraction of some 150,000 tonnes of hard rock. It is proposed to work the deposit at an average of 5-10,000 tonnes per annum over a period of some 20 years. A period of 1 year will be required to complete restoration. Planning permission is therefore sought for 21 years.

In outline, the major factors which have influenced the design of the site are:

- the existing borrow pit;
- the surrounding topography;
- geotechnical requirements in relation to safe working of the quarry;
- minimisation of potential impacts: landscape, visual, noise, dust, traffic and amenity.

The proposed development relates to an application area of 2.4ha, the overall extraction area being some 1.28ha; this being an extension of 0.84ha to the existing borrow pit excavation.

The proposed development has been designed within operational boundaries which ensure adequate separation distances from all residential properties and environmental designations. Figure 1.2 shows the existing borrow pit excavation. Figure 2.1, Quarry Development Plan shows the proposed extent of the excavation. There are no superficial deposits and soils lie directly over rockhead. Following the removal of soils, the quarry will be developed generally south-westwards as a single bench with a maximum face height of 11m. Restoration proposals are shown on Figure 2.2. Cross sections illustrating the existing and working landform are presented as Figure 2.3. The locations of the cross sections are shown on Figures 1.2 and 2.1.

It is proposed that rock will be broken out by drilling and blasting. The broken rock will be processed and stored on the quarry floor, and the existing hardstanding area, immediately to the north of the quarry prior to despatch from site. It is anticipated that processing shall be undertaken intermittently with crushing and screening plant being brought on site for periods of around one week, two or three times each year. The loading of materials for despatch shall be undertaken using a calibrated loading shovel which will negate the requirement for a weighbridge.

2.2.5 Restoration and Aftercare

2.2.5.1 Restoration

Restoration proposals address the stability and safety of the areas that have been subject to excavation. The final type of landscape that may be achieved is indicated on Figure 2.2. All plant or machinery shall be removed from the site.

The scheme aims to restore the area to an acceptable form that integrates with the surrounding landscape. The rock/scree faces shall be retained and will provide an element of biodiversity. The transition between the worked faces and the void floor will be softened with the placement of quarry fines. The retained soil shall be spread across the quarry floor which will then be returned to coniferous plantation.

2.2.5.2 Aftercare

Following physical restoration of the land it shall be subject to an aftercare scheme, in terms of Section 41(1) of The Town and Country Planning (Scotland) Act 1997, for a period of 5 years.

2.3 Site Access

From the proposed quarry, vehicles will travel approximately 1.3km in a westerly direction on the existing forestry track to the existing junction with the A884. The existing junction with the A884 shall be upgraded to the satisfaction of Highland Council's Transport Planning. Visibility splays shall be established and maintained for the duration of operations. Drainage shall be maintained along the access route to ensure that no surface water discharges onto the public road. The access road shall be maintained in a good condition for the duration of operations. Access gates shall be installed and open inwards only. Having regard to the relatively low level of despatch and the length of the internal access route, some 1.3km, it is considered that vehicles entering the public highway should be clean and that there should be no requirement for wheel cleaning facilities.

2.4 Traffic

From the site access, the direction vehicles travel on the A884 will be determined by the market, although it is likely that most vehicles would go north and then east to the A861.

It is anticipated that production will be in the region of 5-10,000 tonnes per annum. On the basis of the upper parameter, assuming 20 tonne loads, this equates to an average of 10 loads per week which is less than 2 loads daily.

A suitable hardstanding area for parking for up to 3 employees shall be created on the hardstanding within the existing borrow pit area.

2.5 Site Water Management

Site water management is described briefly below and addressed in detail in Section 4.2.

The proposed development area is not located with an area identified as being at risk of flooding on SEPA's indicative flood map.

The area of hardstand for the existing borrow pit has been formed at a level of around 207-208m AOD with the proposal being to extend the borrow pit south-westwards at the same elevation.

Potential water requiring management within the site will be restricted to surface water run-off and minor groundwater seepages from within the hard rock strata, should water bearing cracks or fissures be encountered. The utilisation of perimeter ditches or low bunding would ensure that any surface water run-off from the south does not enter the site and therefore does not require treatment. Water management would be mainly restricted to incident rainfall with the excavation.

There is currently no surface water run-off from the borrow pit area. There is some ditching to manage incident rainfall. Surface water run-off from the surrounding areas generally flows northwards to the River Allt na h-Airigh to the east of the site and to unnamed tributaries to Loch Sunart.

All processing, stockpiling, fuelling and plant maintenance will be undertaken within a dedicated area on the quarry floor where appropriate controls shall be put in place with respect to handling and storage.

2.6 Hours of Working

The proposed hours of working are 7.00am – 7.00pm on any day Monday to Friday and 7.00am – 12.00pm on Saturdays. No operations shall be undertaken outwith these hours with the exception of essential maintenance operations.

To meet the proposed annual production, excavation and processing operations at the site would be required for a period of approximately two hours daily required tonnage of aggregate. Alternatively, effectively 1 day of excavation and processing would provide 1 week's aggregate supply. It is envisaged that extraction and processing are likely to be undertaken in short blocks of 2 to 3 days, every 2 to 3 weeks with despatch occurring as and when required. Accordingly, the normal duration of operations on a weekly basis is likely to be significantly less than the hours specified above. However, it is acknowledged that there may be peaks and troughs in demand and, as operational hours are normally controlled by planning condition, it is necessary to specify the upper limits proposed for working hours, to ensure that any short-term period of higher demand can be accommodated within the constraints of the planning permission applied for.

2.7 Site Infrastructure

A portacabin will be installed on site to provide a site office and welfare facilities. Parking provision shall be made for up to 3 vehicles. There is no proposal to install a weighbridge at the site; a calibrated loading shovel will be used.

2.8 Lighting

Consideration has been given to light pollution with particular reference given to the Scottish Executive Guidance Note "Controlling Light Pollution and Reducing Lighting Energy Consumption" dated March 2007.

The proposed hours during which working may be undertaken are 7.00am – 7.00pm on any day Monday to Friday and 7.00am – 12.00pm Saturdays. Lighting shall be required for any operations undertaken during early morning and late afternoon in winter. During these periods lighting shall be restricted to that necessary for health and safety. The extraction rate proposed does not necessitate working all permitted hours although due to the demands of specific contracts it is not possible to predict the frequency of such early morning or late afternoon operations. Other than lighting on plant, there shall be

no artificial lighting within the development area or lighting left on overnight. All lights shall be switched off during daytime and out-with working hours.

The impact of light pollution on the amenity of residential properties and communities in the surrounding area, and also the impact on the character of the surrounding area, is anticipated to be negligible.

2.9 Proximity to Other Mineral Workings/Cumulative Impact

The possibility of a cumulative impact, attributable to two or more operations working in close proximity has been considered. The closest quarrying operations are located some 8.5km to the south at Glensanda Quarry and 37km to the north west at Banavie Quarry. Having consideration of the separation distance, the potential for a cumulative impact is assessed as negligible.

3 PLANNING AND DEVELOPMENT FRAMEWORK

3.1 Introduction

The planning system guides the future development and use of land in cities, towns and rural areas in the long-term public interest. The aim is to ensure that development and changes in land use occur in suitable locations and are sustainable. The planning system must also provide protection from inappropriate development.

In preparing this application, consideration has been given to relevant planning guidance at all levels. Policy set out below considers national guidance with regards to Planning Policy, Circulars and Planning Advice Notes, and regional and local guidance with regards to the Development Plan which comprises the Highland-wide Local development Plan April 2012 and the West Highland and Islands Local Development Plan September 2019.

3.2 Scottish Planning Policy

The Scottish Government has committed to combining all Scottish Planning Policy (SPP) and National Planning Policy Guideline (NPPG) series' publications into one condensed SPP document which will provide clearer, more focused, and consistent policy messages.

SPP February 2010 provided a single consolidated document of subject policies. This approach placed planning in the wider context of Scottish Government aims and policies and clarified the Government's expectations of the system and planning services. It was a brief statement of policy and did not attempt to provide a comprehensive summary or explanation of the planning system in Scotland or to describe the full and diverse range of objectives to which planning may contribute. The SPP does not restate policy and guidance expressed elsewhere. The policies expressed in this SPP should inform the content of development plans, should be a consideration in decisions on planning applications and should be used to inform development proposals from initial concept to implementation. The SPP superseded and revoked twenty-one SPP, NPPG, Circular and PAN documents.

An update SPP was published on 23rd June 2014. The purpose of the SPP is to set out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes

consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:

- the preparation of development plans;
- the design of development, from initial concept through to delivery; and
- the determination of planning applications and appeals.

The SPP June 2014 sections relating to minerals are identified and addressed below.

Paragraph 234: ***Minerals make an important contribution to the economy, providing materials for construction, energy supply and other uses, and supporting employment. NPF3 notes that minerals will be required as construction materials to support our ambition for diversification of the energy mix. Planning should safeguard mineral resources and facilitate their responsible use. Our spatial strategy underlines the need to address restoration of past minerals extraction sites in and around the Central Belt.***

The proposal makes provision for the extraction of aggregates by extending an existing borrow pit, thereby removing the requirement for longer distance HGV movements to serve the local market. The proposed production level is commensurate with the identified local market demand. Accordingly, the proposal represents the 'responsible use' of an identified mineral resource.

Paragraph 235: ***The planning system should:***

- ***recognise the national benefit of indigenous coal, oil and gas production in maintaining a diverse energy mix and improving energy security;***
- ***safeguard workable resources and ensure that an adequate and steady supply is available to meet the needs of the construction, energy and other sectors;***
- ***minimise the impacts of extraction on local communities, the environment and the built and natural heritage; and***
- ***secure the sustainable restoration of sites to beneficial afteruse after working has ceased.***

The proposal safeguards a workable resource and would secure a steady local supply of aggregate. This Environmental Review assesses all relevant potential impacts and

demonstrates that any impacts from the proposed quarry development on the local community and on the environment, are likely to be negligible. The proposal makes provision for appropriate restoration and aftercare.

Paragraph 237: ***Local development plans should safeguard all workable mineral resources which are of economic or conservation value and ensure that these are not sterilised by other development. Plans should set out the factors that specific proposals will need to address, including:***

- ***disturbance, disruption and noise, blasting and vibration, and potential pollution of land, air and water;***
- ***impacts on local communities, individual houses, sensitive receptors and economic sectors important to the local economy;***
- ***benefits to the local and national economy;***
- ***cumulative impact with other mineral and landfill sites in the area;***
- ***effects on natural heritage, habitats and the historic environment;***
- ***landscape and visual impacts, including cumulative effects;***
- ***transport impacts; and***
- ***restoration and aftercare (including any benefits in terms of the remediation of existing areas of dereliction or instability)***.

The Environmental Review addresses all relevant issues identified in Paragraph 237, either in detail, or as a brief overview to confirm that these aspects have been considered. All impacts have been assessed as negligible.

Paragraph 238: ***Plans should support the maintenance of a landbank of permitted reserves for construction aggregates of at least 10 years at all times in all market areas through the identification of areas of search. Such areas can be promoted by developers or landowners as part of the plan preparation process or by planning authorities where they wish to guide development to particular areas. As an alternative, a criteria-based approach may be taken, particularly where a sufficient landbank already exists or substantial unconstrained deposits are available.***

Having regard to the limited scale of the application, as opposed to seeking to maintain a suitable landbank in the wider area, this application is more specifically aimed at the provision of aggregates at a level that is commensurate with local market demand.

Paragraph 242: ***Operators should provide sufficient information to enable a full assessment to be made of the likely effects of development together with appropriate control, mitigation and monitoring measures. This should include the provision of an adequate buffer zone between sites and settlements, taking account of the specific circumstances of individual proposals, including size, duration, location, method of working, topography, the characteristics of the various environmental effects likely to arise and the mitigation that can be provided***.

The Environmental Review assesses any likely potential environmental impacts of the development proposals and, where appropriate, suggests mitigating measures. The proposal makes provision for an appropriate buffer zone; the closest third-party residential property is some 690m from the proposed quarry. Restoration proposals have been provided. The site design and the provision of an appropriate assessment of impacts accord with the requirements of Paragraph 242.

Paragraph 247: ***The Scottish Government is currently exploring a range of options relating to the effective regulation of surface coal mining. This is likely to result in further guidance on effective restoration measures in due course. In the meantime, planning authorities should, through planning conditions and legal agreements, continue to ensure that a high standard of restoration and aftercare is managed effectively and that such work is undertaken at the earliest opportunity. A range of financial guarantee options is currently available and planning authorities should consider the most effective solution on a site-by-site basis. All solutions should provide assurance and clarity over the amount and period of the guarantee and in particular, where it is a bond, the risks covered (including operator failure) and the triggers for calling in a bond, including payment terms. In the aggregates sector, an operator may be able to demonstrate adequate provision under an industry-funded guarantee scheme.***

As the proposed workings are contained within a very small area, there is no meaningful opportunity for progressive restoration. Proposals do however make provision for appropriate restoration and aftercare of the site.

Paragraph 248: ***Planning authorities should ensure that rigorous procedures are in place to monitor consents, including restoration arrangements, at appropriate intervals, and ensure that appropriate action is taken when necessary. The review of mineral permissions every 15 years should be used to apply up-to-date operating and environmental standards although requests from operators to postpone reviews should be considered favourably if existing conditions are already achieving acceptable standards. Conditions should not impose undue restrictions on consents at quarries for building or roofing stone to reflect the likely intermittent or low rate of working at such sites.***

In applying for planning permission, it is acknowledged that if The Highland Council is minded to grant planning permission, appropriate planning conditions will be applied to ensure that the site is appropriately controlled and audited.

The proposed quarry does not conflict with the aims of the SPP guidelines.

3.3 The Management of Extractive Waste (Scotland) Regulations 2010

These Regulations transpose the Mining Waste Directive in Scotland. The principal requirement of the Regulations is a site Waste Management Plan (WMP), exclusively for extractive wastes. All mineral planning applications and decisions must include a site WMP or receive confirmation from the Planning Authority that the requirements for a WMP can be waived.

At the proposed Midland Bank Quarry all extractive waste materials fall under waivers specified within the Regulations. Accordingly, there is no requirement for a WMP. An application for a waiver of the requirement for a WMP is provided at Appendix 1 to this Environmental Review.

3.4 Planning Advice Notes

3.4.1 PAN 50: Controlling the Environmental Effects of Surface Mineral Workings

In October 1996 the Scottish Office Development Department issued Planning Advice Note 50 (PAN 50) - Controlling the Environmental Effects of Surface Mineral Workings. The aim of PAN 50 is to provide advice on the more significant environmental effects arising from mineral working operations. The Government considers this advice will be relevant in considering planning applications.

Paragraph 4 states that: ***"When considering planning applications, attention should be given to defining the scope of Environmental Assessments, and the acceptability and purpose of any conditions that may require to be attached to any consents"***.

Paragraph 11 states: ***"This PAN gives advice on how to consider the main impacts that may arise from proposals for surface mineral extraction and the ways in which these impacts can be controlled or minimised, in order to ensure that sites are designed and operated to environmentally acceptable standards. Each case must be considered on its merits, and planning authorities and the industry will therefore need to consider the applicability and practicability of the advice in the circumstances of particular proposals"***.

PAN 50 deals generally with the environmental effects of surface mineral working and provides the framework for detailed advice in a series of annexes on particular aspects. The first of the series of annexes "The Control of Noise at Surface Mineral Workings" was published along with PAN 50 as Annex A and ***"provides specific guidance on noise emissions from surface mineral workings within environmentally acceptable limits without imposing unreasonable burdens on mineral operators"***.

Annex A recommends a procedure for the setting of noise limits, but recognises that each case should be treated on its merits, having regard to the particular circumstances of the potential site and its surrounding area.

PAN 50 Annex B "The Control of Dust at Surface Mineral Workings" was published in March 1998 and ***"provides advice on how the planning system can be used to keep dust***

emissions from surface mineral workings within environmentally acceptable limits without imposing unreasonable burdens on mineral operators".

The Government is concerned to ensure that, in the interests of employees in the industry and the population at large, dust levels are kept to the minimum practicable level consistent with sound working practices.

PAN 50 Annex C "The Control of Traffic at Surface Mineral Workings" was published in December 1998 and ***"provides advice on how the planning system can be used to manage traffic associated with surface mineral workings, both on-site and off-site, within environmentally acceptable limits"***.

The Scottish Executive Development Department PAN 50 Annex D "The Control of Blasting at Surface Mineral Workings" was published in February 2000 and provides ***"advice on how the planning system can be used to keep blasting from surface mineral workings within environmentally acceptable limits"***.

The applicant endorses the advice on good working practice set out in PAN 50 and has taken this into account in the proposed design and operation of the quarry. PAN 50 Annexes A to D have been considered under the relevant section headings within the Environmental Review.

3.4.2 PAN 51: Planning and Environmental Protection

PAN 51 "Planning and Environmental Protection" was published in March 1997 and ***"gives advice on the role of the planning system in controlling pollution and its relationship to a number of environmental protection regimes"***. The applicant has considered the advice set out within PAN 51; all potential sources of pollution have been addressed.

3.4.3 PAN 64: Reclamation of Surface Mineral Workings

PAN 64 "Reclamation of Surface Mineral Workings" was published in December 2002. The PAN recognises that in recent years it has been shown that reclamation operations can create or enhance a wide range of habitat types and landscape features and that

advances in reclamation techniques now enable minerals extraction sites to be reclaimed to a high standard. To achieve such standards mineral operators, in consultation with other parties, need to treat reclamation as an integral part of the mineral extraction process. Paragraph 6 states that the advice note aims to help planning authorities and operators improve the reclamation of surface mineral workings by building on existing experience and where appropriate disseminating and improving best practice.

3.4.4 PAN 75: Planning for Transport

PAN 75 "Planning for Transport" was published in August 2005. The PAN provides good practice guidance which planning authorities, developers and others should carry out in their policy development, proposal assessment and project delivery. The document aims to create greater awareness of how linkages between planning and transport can be managed. It highlights the roles of different bodies and professions in the process and points to other sources of information. Where a proposed development generates significant travel a Transport Assessment may be required. A formal transport assessment is not required; details of access proposals and vehicle movements have been provided.

3.5 Highland-wide Local Development Plan April 2012

As part of the preparation of this application the applicants have considered their proposals in the context of the current planning framework, the Development Plan for the Highland area, which is set by the Highland-wide Local Development Plan (HwLDP) which was adopted by the Highland Council on 5th April 2012.

The Plan sets out the overarching vision statement, spatial strategy and general planning policies for the whole of the Highland Council area, except the area covered by the Cairngorms National Park Local Plan.

The vision and policies set out in the HWLDP covering the next 20 years will:

- Enable sustainable Highland Communities;
- Safeguard the environment; and
- Support a competitive, sustainable and adaptable Highland Economy.

This vision for the economy will be enabled by:

- providing opportunities which encourage economic development and create new employment across the area focusing on the key sectors of life sciences, energy, tourism, food and drink, higher education, inward investment, financial and business services, creative industries, aquaculture and renewable energy whilst at the same time improving the strategic infrastructure necessary to allow the economy to grow over the long term;
- helping to deliver, in partnership with Transport Scotland and other transport bodies, transport infrastructure improvements across the area in line with the Council's Local Transport Strategy and the Scottish Government's Strategic Transport Projects Review;
- promoting a positive and innovative approach to master planning new developments that contribute towards reducing the need to travel and encourage people to walk, cycle or use public transport
- promoting the development of tourism, whether in terms of additional accommodation or new facilities;
- promoting the delivery of a twenty first century telecommunications network which allows all areas across the Highlands to better access the opportunities in the wider global economy; and
- ensuring that the planning guidance for mineral development, coastal developments, forestry, agriculture and croft land is clear and consistent and that key resources are protected where appropriate.

The policies relevant to this application are set out and addressed in the following pages.

Policy 28 – Sustainable Design

The Council will support developments which promote and enhance the social, economic and environmental wellbeing of the people of Highland.

Proposed developments will be assessed on the extent to which they:

- ***are compatible with public service provision (water and sewerage, drainage, roads, schools, electricity);***
- ***are accessible by public transport, cycling and walking as well as car;***

- ***maximise energy efficiency in terms of location, layout and design, including the utilisation of renewable sources of energy and heat;***
- ***are affected by physical constraints described in Physical Constraints on Development: Supplementary Guidance;***
- ***make use of brownfield sites, existing buildings and recycled materials;***
- ***demonstrate that they have sought to minimise the generation of waste during the construction and operational phases. (This can be submitted through a Site Waste Management Plan);***
- ***impact on individual and community residential amenity;***
- ***impact on non-renewable resources such as mineral deposits of potential commercial value, prime quality agricultural land, or approved routes for road and rail links;***
- ***impact on the following resources, including pollution and discharges, particularly within designated areas:***
  - ***habitats***
  - ***freshwater systems***
  - ***species***
  - ***marine systems***
  - ***landscape***
  - ***cultural heritage***
  - ***scenery***
  - ***air quality***
- ***demonstrate sensitive siting and high quality design in keeping with local character and historic and natural environment and in making use of appropriate materials;***
- ***promote varied, lively and well-used environments which will enhance community safety and security and reduce any fear of crime;***
- ***accommodate the needs of all sectors of the community, including people with disabilities or other special needs and disadvantaged groups;***
- ***contribute to the economic and social development of the community.***

Developments which are judged to be significantly detrimental in terms of the above criteria will not accord with this Local Development Plan. All development proposals must demonstrate compatibility with the Sustainable Design Guide: Supplementary Guidance, which requires that all developments should:

- ***conserve and enhance the character of the Highland area***
- ***use resources efficiently***
- ***minimise the environmental impact of development***
- ***enhance the viability of Highland communities***

Compatibility should be demonstrated through the submission of a Sustainable Design Statement where required to do so by the Guidance.

All developments must comply with the greenhouse gas emissions requirements of the Sustainable Design Guide.

In the relatively rare situation of assessing development proposals where the potential impacts are uncertain, but where there are scientific grounds for believing that severe damage could occur either to the environment or the wellbeing of communities, the Council will apply the precautionary principle.

Where environmental and/or socio-economic impacts of a proposed development are likely to be significant by virtue of nature, size or location, The Council will require the preparation by developers of appropriate impact assessments. Developments that will have significant adverse effects will only be supported if no reasonable alternatives exist, if there is demonstrable over-riding strategic benefit or if satisfactory overall mitigating measures are incorporated.

A Sustainable Design Statement has been provided as Appendix 2. The proposal accords with Policy 28 Sustainable Design in that:

- the proposed operations makes use of existing infrastructure; no new roads or service connections are required;
- the site maximises the existing minerals resource and procedures are in place to minimise waste during processing; requirements have been addressed with respect to the Waste Management Plan;
- the proposed operations have been demonstrated to have a negligible impact on individual or community residential amenity;
- the proposal has no impact on prime agricultural land or road links;

- the proposal has no significant impact on environmental designations;
- the proposal has no significant impact on cultural heritage; and
- the proposed restoration is in keeping with the local character and natural environment.

Policy 30 – Physical Constraints

Developers must consider whether their proposals would be located within areas of constraints as set out in Physical Constraints: Supplementary Guidance. The main principles of the guidance are:

- ***to provide developers with up to date information regarding physical constraints to development in Highland***
- ***to ensure proposed developments do not adversely affect human health and safety or pose risk to safeguarded sites***

Where a proposed development is affected by any of the constraints detailed within the guidance, developers must demonstrate compatibility with the constraint or outline appropriate mitigation measures to be provided.

Consideration has been given to the various headings in the List of Constraints identified in the Supplementary Guidance. The following only constraint within the guidance that requires to be addressed in relation to the proposal is that it is within 20m of woodland. In this respect, the existing borrow pit and the proposed quarry extension are located within an area that comprises commercial forestry. A felling licence exists for the wider area and woodland will be replaced after minerals development.

Policy 31 – Developer Contributions

For development proposals which create a need for new or improved public services, facilities or infrastructure, the Council will seek from the developer a fair and reasonable contribution in cash or kind towards these additional costs or requirements. Such contributions will be proportionate to the scale and nature of the development proposed and may be secured through a Section 75 obligation or other legal agreement as necessary. Other potential adverse impacts of any development proposal will normally be addressed by planning condition but may also require a contribution secured by agreement.

The principles that guide the preparation of the Developer Contributions: Supplementary Guidance are:

- ***Fair and proportionate developer contributions for all developments on sites allocated in either the Highland wide Local Development Plan or one of the area local development plans or in terms of windfall development;***
- ***Developer contributions will be sought where a need for new or improved services, facilities or infrastructure has been identified that relates directly to the proposed development;***
- ***Flexibility in approach to ensure that development can be brought forward in difficult economic circumstances while ensuring that the development has no net detriment;***
- ***Facilitate informed decision making by those involved in the development process, allowing potential financial implications to be factored into development appraisals prior to commercial decisions and actions being undertaken.***

The proposal will utilise the existing infrastructure that is already in place (existing forestry track). The proposal does not create a need for new or improved facilities, services or infrastructure which would require a developer contribution.

Policy 36 – Development in the Wider Countryside

Outwith Settlement Development Areas, development proposals will be assessed for the extent to which they:

- ***are acceptable in terms of siting and design;***
- ***are sympathetic to existing patterns of development in the area;***
- ***are compatible with landscape character and capacity;***
- ***avoid incremental expansion of one particular development type within a landscape whose distinct character relies on an intrinsic mix/distribution of a range of characteristics***
- ***avoid, where possible, the loss of locally important croft land; and***
- ***would address drainage constraints and can otherwise be adequately serviced, particularly in terms of foul drainage, road access and water supply, without involving undue public expenditure or infrastructure that would be out of keeping with the rural character of the area.***

Development proposals may be supported if they are judged to be not significantly detrimental under the terms of this policy. In considering proposals, regard will also be had to the extent to which they would help, if at all, to support communities in Fragile Areas (as defined by Highlands & Islands Enterprise) in maintaining their population and services by helping to re-populate communities and strengthen services.

Within Fragile Areas, proposals that will lead to the change of use or loss of a lifeline rural facility such as a village shop, whether or not that facility is outwith the settlement development area, will be required to provide information as why the facility/use is no longer feasible including evidence that it has been marketed for that purpose at a reasonable price/rent for a minimum period of 3 months.

Renewable energy development proposals will be assessed against the Renewable Energy Policies, the non statutory Highland Renewable Energy Strategy and where appropriate, Onshore Wind Energy: Supplementary Guidance.

All proposals should still accord with the other general policies of the plan.

Development proposals for housing in the wider countryside will be determined against the relevant sections of the Housing in the Countryside and Siting and Design: Supplementary Guidance.

With respect to Policy 36:

- from the loch, the hillside is convex in profile with trees on its steeper lower slopes which provide screening for the existing borrow pit. The proposed quarry extension will not result in any significant increase in visibility. The proposal is considered to be acceptable in terms of siting and design and is compatible with landscape character and capacity;
- the proposal will not result in the loss of locally important croft land;
- the proposal has no infrastructure requirements that would involve undue public expenditure or be out of keeping with the area;
- whilst the site is not located in proximity to a 'Fragile Area'; and
- the proposal accords with the other general policies of the plan.

Policy 51 Trees and Development

The Council will support development which promotes significant protection to existing hedges, trees and woodlands on and around development sites. The acceptable developable area of a site is influenced by tree impact, and adequate separation distances will be required between established trees and any new development. Where appropriate a woodland management plan will be required to secure management of an existing resource.

The Council will secure additional tree/hedge planting within a tree planting or landscape plan to compensate removal and to enhance the setting of any new development. In communal areas a factoring agreement will be necessary.

The Council's Trees, Woodland and Development Supplementary Guidance will be adopted as statutory supplementary guidance. The guidance will identify the main principles for the protection and management of trees and woodland in relation to new development. It will:

- ***identify key relevant legislation and regulation;***
- ***establish the key factors for assessment of development sites in relation to the presence of trees;***
- ***give guidance on preparation of tree protection, management, planting and landscape plans;***
- ***for developments involving a significant element of woodland, give advice on the need for a woodland management plan;***
- ***provide advice for development within existing woodland on the potential for woodland removal and need for compensatory planting;***
- ***generally support well planned developments which are designed to create and coexist with significant areas of new woodland.***

The loss of woodland relates to a small area (0.58ha) of commercial forestry. The proposal has been considered in relation to the Council's Trees, Woodlands & Development Supplementary Guidance. The land will be reinstated to a similar land use ensuring that there is no overall loss of woodland. Where trees are removed pre-felling checks shall be undertaken. With the specified mitigation, no significant impact is anticipated with respect to trees and woodland. The proposed mitigation accords with the Supplementary Guidance.

Minerals Policy

LDP Section 20.27 Minerals and Soils states: *"Minerals are important natural resources with an economic value that help support sustainable economic growth. However, their inappropriate extraction and processing can also have an environmental cost. In order to maintain a supply of mineral resources, the Council will safeguard and improve existing reserves and operations and will encourage appropriate extension of existing reserves/operations before allowing new sites to be developed. With particular reference to construction aggregates, the Council will seek to ensure that the landbank of approved reserves in each market area is sufficient at all times to meet needs that are expected to arise in the following ten-year period. The Council will conduct an audit of mineral supply. If shown to be necessary by the result of the audit, the Council will, in the area local development plans, seek to identify areas of search and areas to be safeguarded"*.

Policy 53 – Minerals

The Council will support the following areas for mineral extraction:

- ***Extension of an existing operation/site***
- ***Re-opening of a dormant quarry***
- ***A reserve underlying a proposed development where it would be desirable to extract prior to development.***

Before a new site for minerals development will be given permission, it must be shown that other existing reserves have been exhausted or are no longer viable or, for construction aggregates, amount to less than a ten-year supply of permitted reserves.

The Council will support borrow pits which are near to or on the site of the associated development if it can be demonstrated that they are the most suitable source of material, are time limited and appropriate environmental safeguards are in place for the workings and the reclamation.

Geodiversity will also be considered when assessing proposals; the Council may set out conditions covering working methods, restoration and after use to safeguard the geodiversity value. Geodiversity value may occur outwith designated sites. The Council

will encourage opportunities to enhance geodiversity in all relevant development proposals including the potential to create, extend or restore geodiversity interests e.g. during mineral working and restoration.

The Council will safeguard all existing economically significant, workable minerals reserves/operations from incompatible development which is likely to sterilise it unless:

- ***there is no alternative site for the development; and***
- ***the extraction of mineral resources will be completed before the development commences.***

As the proposal relates to the extension of an existing borrow pit it is supported by Policy 53 Minerals. The proposal relates to the provision of aggregates to a local market thereby reducing the requirement for the transportation of aggregates from further afield. This will reduce the environmental and amenity impacts associated with longer distance HGV road haulage.

The Environmental Review provides information on pollution prevention, restoration, and mitigation proposals under the relevant section headings. The Environmental Review has demonstrated that works can be undertaken without any significant impact on residential amenity or the environment.

As the proposed workings are contained within a very small area, there is no meaningful opportunity for progressive restoration. Proposals do however make provision for appropriate restoration and aftercare of the site. The after uses will provide a minor biodiversity benefit.

It is acknowledged that, assuming that planning permission is granted, appropriate planning conditions will be applied, as necessary, to ensure appropriate control over the proposed operations.

Policy 54 Mineral Wastes

The Council will encourage the minimisation and positive re-use/recycling of mineral, construction and demolition wastes.

Waste management is an issue to be addressed for new or existing extractions to the satisfaction of the Council for the prevention or minimisation, treatment, recovery and disposal of waste with a view to minimising waste generation and its harmfulness. A Waste Management Plan should be provided to show this information.

The proposed development will seek to maximise the efficient working of the mineral resource and to minimise waste during processing. Any mineral waste (fines from processing), that cannot be sold as a product, will be retained on-site and utilised to assist in regrading works at restoration. The requirement for a Waste Management Plan has been addressed and a waiver applied for (Appendix 1).

Policy 55 Peat and Soils

Development proposals should demonstrate how they have avoided unnecessary disturbance, degradation or erosion of peat and soils.

Unacceptable disturbance of peat will not be permitted unless it is shown that the adverse effects of such disturbance are clearly outweighed by social, environmental or economic benefits arising from the development proposal.

Where development on peat is clearly demonstrated to be unavoidable then The Council may ask for a peatland management plan to be submitted which clearly demonstrates how impacts have been minimised and mitigated.

New areas of commercial peat extraction will not be supported unless it can be shown that it is an area of degraded peatland which is clearly demonstrated to have been significantly damaged by human activity and has low conservation value and as a result restoration is not possible.

Proposals must also demonstrate to the Council's satisfaction that extraction would not adversely affect the integrity of nearby Natura sites containing areas of peatland.

There is a thin covering of peaty soil at the site (average thickness 0.4m). The proposal avoids the unnecessary disturbance, degradation or erosion of the soils resource. The stripping of soils within the excavation area will be restricted to those areas necessary for the development. Soil stripping shall only be carried out when soils are reasonably dry and work routines for stripping/replacement operations shall be designed to minimise vehicle movements on unstripped land, and at all times the mechanical

handling and compaction of the topsoil shall be minimised. All soils shall be stored on site and re-used for reinstatement.

Policy 56 – Travel

Development proposals that involve travel generation must include sufficient information with the application to enable the Council to consider any likely on- and off- site transport implications of the development and should:

- ***be well served by the most sustainable modes of travel available in the locality from the outset, providing opportunity for modal shift from private car to more sustainable transport modes wherever possible, having regard to key travel desire lines;***
- ***in particular, the Council will seek to ensure that opportunities for encouraging walking and cycling are maximised;***
- ***be designed for the safety and convenience of all potential users;***
- ***incorporate appropriate mitigation on site and/or off site, provided through developer contributions where necessary, which might include improvements and enhancements to the walking/cycling network and public transport services, road improvements and new roads; and***
- ***incorporate an appropriate level of parking provision, having regard to the travel modes and services which will be available and key travel desire lines and to the maximum parking standards laid out in Scottish Planning Policy or those set by the Council.***

When development proposals are under consideration, the Council's Local Development Strategy will be treated as a material consideration.

The Council will seek to ensure that locations with potential for introducing bus priority measures are protected from development.

The Council will seek the implementation and monitoring of Green Travel Plans in support of significant travel generating developments.

Development proposals that are likely to affect the operation of any level crossing will be considered in accordance with the relevant part of the supplementary guidance

associated with Policy 30: Physical Constraints. Where site masterplans are prepared, they should include consideration of the impact of proposals on the local and strategic transport network. In assessing development proposals, the Council will also have regard to any implications arising from the relevant Core Paths Plan and will apply the terms of Policy 77: Public Access.

It is proposed to utilise the existing site access from the A884. The access will be upgraded, as required, to Highland Council standards. The proposal relates to the provision of aggregates to a local market, thereby reducing the requirement for the transportation of aggregates from further afield. Traffic movements are anticipated to be low (average of 2 loads daily). At such a low level of despatch, no significant traffic impacts are anticipated.

Policy 57 – Natural, Built and Cultural Heritage

All development proposals will be assessed taking into account the level of importance and type of heritage features, the form and scale of the development, and any impact on the feature and its setting, in the context of the policy framework detailed in Appendix 2. The following criteria will also apply:

1. ***For features of local/regional importance we will allow developments if it can be satisfactorily demonstrated that they will not have an unacceptable impact on the natural environment, amenity and heritage resource.***
2. ***For features of national importance we will allow developments that can be shown not to compromise the natural environment, amenity and heritage resource. Where there may be any significant adverse effects, these must be clearly outweighed by social or economic benefits of national importance. It must also be shown that the development will support communities in fragile areas who are having difficulties in keeping their population and services.***
3. ***For features of international importance developments likely to have a significant effect on a site, either alone or in combination with other plans or projects, and which are not directly connected with or necessary to the management of the site for nature conservation will be subject to an appropriate assessment. Where we are unable to ascertain that a proposal will not adversely affect the integrity of a site, we will only allow development if there is no alternative solution and there are imperative reasons of overriding public interest, including those of a social or***

economic nature. Where a priority habitat or species (as defined in Annex 1 of the Habitats Directive) would be affected, development in such circumstances will only be allowed if the reasons for overriding public interest relate to human health, public safety, beneficial consequences of primary importance for the environment, or other reasons subject to the opinion of the European Commission (via Scottish Ministers). Where we are unable to ascertain that a proposal will not adversely affect the integrity of a site, the proposal will not be in accordance with the development plan within the meaning of Section 25(1) of the Town and Country Planning (Scotland) Act 1997.

Note: Whilst Appendix 2 groups features under the headings international, national and local/regional importance, this does not suggest that the relevant policy framework will be any less rigorously applied. This policy should also be read in conjunction with the Proposal Map.

The Council intends to adopt the Supplementary Guidance on Wild Areas in due course. The main principles of this guidance will be:

- ***to provide mapping of wild areas;***
- ***to give advice on how best to accommodate change within wild areas whilst safeguarding their qualities;***
- ***to give advice on what an unacceptable impact is; and***
- ***to give guidance on how wild areas could be adversely affected by development close to but not within the wild area itself.***

In due course the Council also intends to adopt the Supplementary Guidance on the Highland Historic Environment Strategy. The main principles of this guidance will ensure that:

- ***Future developments take account of the historic environment and that they are of a design and quality to enhance the historic environment bringing both economic and social benefits;***
- ***It sets a proactive, consistent approach to the protection of the historic environment.***

The proposal has no direct impact on existing heritage features and no significant indirect effect (setting). Having regard to the small additional area affected by development proposals (0.37ha), as any potential for unknown archaeology will have been significantly reduced due to the destructive nature of the commercial forestry, the potential for an impact on unknown archaeological resources is likely to be negligible.

The proposal does not have any significant impact on features of international, national or local/regional importance.

The site is not located within, or within influencing distance of a Wild Area.

Policy 58 – Protected Species

Where there is good reason to believe that a protected species may be present on site or may be affected by a proposed development, we will require a survey to be carried out to establish any such presence and if necessary a mitigation plan to avoid or minimise any impacts on the species, before determining the application.

Development that is likely to have an adverse effect, individually and/or cumulatively, on European Protected Species (see Glossary) will only be permitted where:

- ***There is no satisfactory alternative;***
- ***The development is required for preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment; and***
- ***The development will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.***

Development that is likely to have an adverse effect, individually and/or cumulatively, on protected bird species (see Glossary) will only be permitted where:

- ***There is no other satisfactory solution; and***
- ***The development is required in the interests of public health or public safety.***

This will include but is not limited to avoiding adverse effects, individually and/or cumulatively, on the populations of the following priority protected bird species:

- ***Species listed in Annex 1 of the EC Birds Directive;***
- ***Regularly occurring migratory species listed in Annex II of the Birds Directive;***
- ***Species listed in Schedule 1 of the Wildlife and Countryside Act 1981 as amended;***
- ***Birds of conservation concern.***

Development that is likely to have an adverse effect, individually and/or cumulatively (see glossary), on other protected animals and plants (see Glossary) will only be permitted where the development is required for preserving public health or public safety.

Development proposals should avoid adverse disturbance, including cumulatively, to badgers and badger setts, protected under the Protection of Badgers Act 1992 (as amended by the Nature Conservation (Scotland) Act 2004.

Policy 59 – Other Important Species
The Council will have regard to the presence of and any adverse effects of development proposals, either individually and/or cumulatively, on the Other Important Species which are included in the lists below, if these are not already protected by other legislation or by nature conservation site designations:

- ***Species listed in Annexes II and V of the EC Habitats Directive;***
- ***Priority species listed in the UK and Local Biodiversity Action Plans;***
- ***Species included on the Scottish Biodiversity List.***

We will use conditions and agreements to ensure detrimental affect on these species is avoided.

The proposed additional landtake relates to some 0.59ha of commercial forestry. A felling licence is in place for the site and the wider area. With the implementation of appropriate pre-felling checks, the felling of the woodland under licence will have no significant impact on protected species.

Policy 60 – Other Important Habitats and Article 10 Features
The Council will seek to safeguard the integrity of features of the landscape which are of major importance because of their linear and continuous structure or combination as habitat "stepping stones" for the movement of wild fauna and flora. (Article 10

Features). The Council will also seek to create new habitats which are supportive of this concept.

The Council will have regard to the value of the following Other Important Habitats, where not protected by nature conservation site designations (such as natural water courses), in the assessment of any development proposals which may affect them either individually and/or cumulatively:

- ***Habitats listed in Annex I of the EC Habitats Directive;***
- ***Habitats of priority and protected bird species (see Glossary);***
- ***Priority habitats listed in the UK and Local Biodiversity Action Plans;***
- ***Habitats included on the Scottish Biodiversity List.***

The Council will use conditions and agreements to ensure that significant harm to the ecological function and integrity of Article 10 Features and Other Important Habitats is avoided. Where it is judged that the reasons in favour of a development clearly outweigh the desirability of retaining those important habitats, the Council will seek to put in place satisfactory mitigation measures, including where appropriate consideration of compensatory habitat creation.

There shall be no loss of features of major linear importance. There shall be no significant impact on the Other Important Habitats identified in Policy 60.

Policy 61 Landscape

New developments should be designed to reflect the landscape characteristics and special qualities identified in the Landscape Character Assessment of the area in which they are proposed. This will include consideration of the appropriate scale, form, pattern and construction materials, as well as the potential cumulative effect of developments where this may be an issue. The Council would wish to encourage those undertaking development to include measures to enhance the landscape characteristics of the area. This will apply particularly where the condition of the landscape characteristics has deteriorated to such an extent that there has been a loss of landscape quality or distinctive sense of place. In the assessment of new developments, the Council will take account of Landscape Character Assessments,

Landscape Capacity Studies and its supplementary guidance on Siting and Design and Sustainable Design, together with any other relevant design guidance.
Note: The principles and justification underpinning the Council's approach to sustainable developments are contained in the supplementary guidance: "Sustainable Design". The key principles underlying this guidance are set out in Policy 28: Sustainable Design.

From the lochside the hillside, which is convex in profile, with trees on its steeper lower slopes, will provide screening for the existing borrow pit. The proposed extension relates to a minor additional landtake which will not result in any significant increase in visibility. The proposal is considered acceptable in terms of siting and design and is compatible with landscape character and capacity. A Sustainable Design Statement has been provided (Appendix 2). The proposal retains appropriate adjacent features; the proposed restoration integrates with the present landscape character.

Policy 63 – Water Environment
The Council will support proposals for development that do not compromise the objectives of the Water Framework Directive (2000/60/EC), aimed at the protection and improvement of Scotland's water environment. In assessing proposals, the Council will take into account the River Basin Management Plan for the Scotland River Basin District and associated Area Management Plans and supporting information on opportunities for improvements and constraints (see Figure 8).

The proposal has a negligible impact on surface and groundwater. The proposal shall not compromise the objectives of the Water Framework Directive.

Policy 64 – Flood Risk
Development proposals should avoid areas susceptible to flooding and promote sustainable flood management.

Development proposals within or bordering medium to high flood risk areas, will need to demonstrate compliance with Scottish Planning Policy [SPP] through the submission of suitable information which may take the form of a Flood Risk Assessment.

Development proposals outwith indicative medium to high flood risk areas may be acceptable. However, where:

- ***better local flood risk information is available and suggests a higher risk;***
- ***a sensitive land use [as specified in the risk framework of Scottish Planning Policy] is proposed, and/or;***
- ***the development borders the coast and therefore may be at risk from climate change;***

A Flood Risk Assessment or other suitable information which demonstrates compliance with SPP will be required.

Developments may also be possible where they are in accord with the flood prevention or management measures as specified within a local [development] plan allocation or a development brief. Any developments, particularly those on the flood plain, should not compromise the objectives of the EU Water Framework Directive.

Where flood management measures are required, natural methods such as restoration of floodplains, wetlands and water bodies should be incorporated, or adequate justification should be provided as to why they are impracticable.

The proposal is not located within an area identified as being at risk of flooding. The proposal will have no impact on nearby watercourses. The potential to increase flood risk elsewhere, owing to the proposed extension of the site, is assessed as negligible.

Policy 65 - Waste Water Treatment

Connection to the public sewer as defined in the Sewerage (Scotland) Act 1968 is required for all new development proposals:

- ***either in settlements identified in the plan with a population equivalent of more than 2000; or***
- ***wherever single developments of 25 or more dwellings (or equivalent) are proposed.***

In all other cases a connection to the public sewer will be required, unless the applicant can demonstrate that:

- ***the development is unable to connect to a public sewer for technical or economic reasons; and***

- ***that the proposal is not likely to result in or add to significant environmental or health problems.***

The Council's preference is that any private system should discharge to land rather than water. Within areas of cumulative drainage impact (as defined by SEPA), applicants will be required to submit evidence to SEPA and the Council that their proposal will not result in or add to significant environmental or health problems.

For all proposals where connection to the public sewer is not currently feasible and Scottish Water has confirmed public sewer improvements or first time public sewerage within its investment programme that would enable the development to connect, a private system would only be supported if:

- ***the system is designed and built to a standard which will allow adoption by Scottish Water;***
- ***the system is designed such that it can be easily connected to a public sewer in the future.***

Typically this will mean providing a drainage line up to a likely point of connection. The developer must provide Scottish Water with the funds which will allow Scottish Water to complete the connection once the sewerage system has been upgraded.

The proposal does not require a connection to the public sewer, no discharge is proposed from site. A chemical toilet shall be installed as part of the welfare provision. Further consideration of *Policy 65 Waste Water Treatment* is not required.

Policy 66 – Surface Water Drainage

All proposed development must be drained by Sustainable Drainage Systems (SuDS) designed in accordance with The SuDS Manual (CIRIA C697) and, where appropriate, the Sewers for Scotland Manual 2nd Edition. Planning applications should be submitted with information in accordance with Planning Advice Note 69: Planning and Building Standards Advice on Flooding paragraphs 23 and 24. Each drainage scheme design must be accompanied by particulars of proposals for ensuring long-term maintenance of the scheme.

All surface water drainage shall accord with sustainable drainage principles. All run-off from incident rainfall will be retained on site and allowed to disperse by infiltration, no discharge is proposed. The proposal is not located within an area identified as being at risk of flooding. No issues are anticipated in relation to surface or ground water.

Policy 72 – Pollution

Proposals that may result in significant pollution such as noise [including aircraft noise], air, water and light will only be approved where a detailed assessment report on the levels, character and transmission and receiving environment of the potential pollution is provided by the applicant to show how the pollution can be appropriately avoided and if necessary mitigated.

Where the Council applies conditions to any permission to deal with pollution matters these may include subsequent independent monitoring of pollution levels.

Major Developments and developments that are subject of Environmental Impact Assessment will be expected to follow a robust project environmental management process, following the approach set out in the Council's Guidance Note "Construction Environmental Management Process for Large Scale Projects" or a similar approach.

The Environmental Review has addressed the potential impacts in relation to light, water, noise and air. It has been demonstrated that, with appropriate mitigation, potential pollution can be avoided and that any environmental or amenity impacts will be negligible.

Policy 73 – Air Quality

Development proposals which, individually or cumulatively, may adversely affect the air quality in an area to a level which could cause harm to human health and wellbeing or the natural environment must be accompanied by appropriate provisions, such as an Air Quality Assessment, (deemed satisfactory to the Local Authority and SEPA as appropriate) which demonstrate how such impacts will be mitigated.

Some existing land uses may have a localised detrimental effect on air quality. Any proposals to locate development in the vicinity of such uses and therefore introduce

receptors to these areas (e.g. housing adjacent to busy roads) must consider whether this would result in conflict with the existing land use. Proposals which would result in an unacceptable conflict with the existing land use to air quality impacts will not be approved.

The Environmental Review addresses air quality. With appropriate mitigation the potential for dust emission from the site is negligible. The proposed development will not breach the standards set in the Air Quality (Scotland) Amendment Regulations 2002 or The Air Quality (Scotland) Amendment Regulations 2016.

Policy 77 – Public Access

Where a proposal affects a route included in a Core Paths Plan or an access point to water, or significantly affects wider access rights, then The Council will require it to either:

- ***retain the existing path or water access point while maintaining or enhancing its amenity value; or***
- ***ensure alternative access provision that is no less attractive, is safe and convenient for public use, and does not damage or disturb species or habitats.***

For a proposal classified as a Major Development, the Council will require the developer to submit an Access Plan. This should show the existing public, nonmotorised public access footpaths, bridleways and cycleways on the site, together with proposed public access provision, both during construction and after completion of the development (including links to existing path networks and to the surrounding area, and access point to water).

A review of core paths within the Highland Council area confirms that there are no paths within the site, or within such proximity that there would be any impact on users. Whilst there is potential for use of the surrounding land for informal recreational activities, any use is likely to be low and a restriction within the proposed quarry development area would have no significant impact on recreational access or to the enjoyment of the countryside. There would be no restriction of access on the forest track.

The proposal is considered to comply with the policies of the LDP.

3.6 West Highland and Islands Local Development Plan September 2019

The West Highland and Islands Local Development Plan September 2019 (abbreviated to WestPlan) is the third of three new area local development plans that, along with the Highland-wide Local Development Plan (HwLDP) and Supplementary Guidance, forms "the development plan" that guides future development in the Highlands. WestPlan focuses on where development should and should not occur in the West Highland and Islands area over the next 20 years.

Whilst WestPlan does not refer specifically to minerals development, the reduced HGV movements that would be achieved by the proposed quarry would accord with the desired outcome for environment and heritage which seeks to ensure that resources are better managed and that a higher proportion of journeys are shorter, safer, healthier, more reliable and made in a carbon efficient way.

3.7 Assessing the Proposal in Terms of Planning Policy/Control

Scottish Planning Policy (SPP) states: *"minerals make an important contribution to the economy, providing materials for construction, energy supply and other uses, and supporting employment. NPF3 notes that minerals will be required as construction materials to support our ambition for diversification of the energy mix. Planning should safeguard mineral resources and facilitate their responsible use"*.

The determination of the application shall be based on the relevant policies in the Highland-wide Local Development Plan. In accordance with national guidance, the Plan accepts the need for mineral extraction if undertaken in an environmentally sensitive manner.

The proposal has been the subject of appropriate environmental appraisal. This report addresses all potential impacts in terms of extent and cumulative impacts, both positive and negative, on the landscape and natural environment by virtue of the scale, type, location and length of the proposed operations and the quality and extent of mitigation and restoration proposed. With regards to interaction with other mineral workings no cumulative impacts are envisaged. The proposed quarry development will result in negligible impacts which are considered to meet current societal standards.

The proposal shall have no significant impact on neighbouring land/property/business, and no impact is envisaged with regards to incoming investment or tourism. It has been demonstrated that there is a local need for aggregates and that the proposal will reduce the requirement for HGV movements on public roads in the wider area, and specifically HGV use of the Corran Ferry, and that there will be an associated reduction in carbon footprint. Accordingly, it is considered that the proposal represents a net benefit to the Highland economy.

Minerals can only be worked where they are found. As with all mineral operations, hard rock extraction will always have the potential to cause some degree of environmental impact. The key aim is therefore to minimise the degree of any impacts arising from the development. Proper consideration of site working methods, assessment of environmental impact, consideration of environmental benefits, and suitable timescales will assist in controlling mineral development to acceptable levels.

Having consideration of the applications compliance with National and Development Plan Policy, it is considered that an overall benefit shall be derived and that there are no over-riding factors which would merit refusal.

4 ENVIRONMENTAL REVIEW

4.1 Landscape and Visual Amenity

The site is located on land forming part of the Laudale Estate, Lochaber is located on the rising hillside some 800m to the south of Loch Sunart and south-east of Liddesdale. The application area is located within a wider area of coniferous plantation. The land rises to the north to the existing borrow pit which comprises an area of hardstanding created by former quarrying with a floor level at around 207-208m Above Ordnance Datum (AOD) and a south-eastern quarry face up to 8m in height (215-216m AOD). It is proposed to develop the quarry from the existing borrow pit south-west into the rising hillside up to a level of around 219m AOD.

The proposed extension relates to a limited additional landtake relating to some 0.59ha of plantation; this includes a small, felled stand-off area around the proposed excavation with the additional landtake relating to quarry excavation, this being limited to around 0.37ha. The proposal is considered acceptable in terms of siting and design and is compatible with landscape character and capacity. Landscape effects are considered negligible, there will be a residual landform effect albeit ameliorated by appropriate restoration

From the loch, the hillside is convex in profile, with trees on its steeper lower slopes which provide screening for the existing borrow pit from the north of the loch on the A861, at distances of around 2km, and the woodland would continue to screen the proposed increased quarrying area. Potential views may be available from the higher land to the north, these views being at greater distance with only a limited number of potential receptors. The effects on visual amenity are considered negligible.

4.2 Hydrological and Hydrogeological Assessment

4.2.1 Introduction

This section of the Environmental Review describes the existing hydrological and hydrogeological conditions at the site and identifies and assesses the potential impacts that may be caused by the proposed quarry development. This includes the quarry excavation, material processing, related access tracks and final restoration. Mitigation

measures that will be employed to ameliorate any potential adverse effects are identified and set out.

4.2.2 Assessment Method

4.2.2.1 Data Sources and Consultations

A number of data sources were considered in writing this chapter; the main sources are detailed below:

- Ordnance Survey topographical mapping, current and historical;
- Scottish Environment Protection Agency mapping of aquifers and groundwater vulnerability;
- British Geological Survey published geological mapping and other resources available online;
- British Geological Survey hydrogeological mapping;
- Scotland's Soils website;
- Centre for Ecology and Hydrology Flood Estimation Web Service (2018); and
- Archive data held by Dalgleish Associates Limited (DAL).

4.2.2.2 Planning and Development Framework

In preparing this report, consideration has been given to relevant planning guidance at all levels, which include, but are not limited to, the following:

- The European Water Framework Directive (2000/60/EC) and associated daughter Directives including the Groundwater Daughter Directive (Protection of Groundwater Against Pollution, 2006/118/EC);
- The European Floods Directive (2007/60/EC);
- The European Mining Waste Directive (2006/21/EC);
- The Environmental Protection Act 1990 (as amended);
- The Environmental Authorisations (Scotland) Regulations 2018;
- The Water Environment and Water Services (Scotland) Act 2003;
- The Water Environment (Controlled Activities) (Scotland) Regulations 2011;
- The Pollution Prevention and Control (Scotland) Regulations 2012;
- The Water Environment (Oil Storage) (Scotland) Regulations 2006;

- Scottish Planning Policy (SPP) 2014;
- Planning Advice Note 50 (PAN50) – Controlling the Environmental Effects of Surface Mineral Workings;
- Planning Advice Note 51 (PAN51) – Planning, Environmental Protection and Regulation (2006);
- Planning Advice Note 61 (PAN61) – Planning and Sustainable Urban Drainage Systems (2001);
- Planning Advice Note 79 (PAN79) – Water and Drainage (2006);
- Scottish Environment Protection Agency Pollution Prevention Guidelines:
    - GPP01 – General guide to the prevention of pollution;
    - GPP02 – Above ground oil storage tanks;
    - GPP05 – Works and maintenance in or near water.
    - GPP21 – Pollution Incident response Planning

4.2.2.3 Technical Guidance

The following technical guidance has been taken account of in the design and assessment of the quarrying proposals:

- CIRIA publication – the SUDS Manual (C753), 2015;
- CIRIA publication – Site handbook for the construction of SUDS (C698);
- Health & Safety at Quarries: Quarries Regulations 1999, Approved Code of Practice (Health & Safety Executive) (as amended 2013);
- Guidance on Safe Face Management Operations in Quarries (Quarries National Joint Advisory Committee, 2009);
- Handbook on the Design of Tips and Related Structures (Geoffrey Walton Practice, HMSO, 1991);
- Hydrology in Practice (E.M. Shaw, 1994; 3rd Edition);
- Field Hydrology (R Brassington, 2007; 3rd Edition); and
- Hydrology – an Introduction (W. Brutsaert, 2005).

4.2.3 The Site

4.2.3.1 Site Location

The boundary of the planning application area is shown in red on Figure 1.1, Site Location Plan. The proposed excavation is situated in rural location, in the Highlands, at national grid reference NM 787 589.

4.2.3.2 Site Description

The site is located on land forming part of the Laudale Estate, Lochaber to the south of Loch Sunart and south-east of Liddesdale. The application area is located within a wider area of coniferous plantation for which there is an extant felling consent. Of the 2.4ha relating to the planning application area, some 0.91ha relates to the existing borrow pit and some 0.9ha relates to the existing forestry track which would be utilised for site access. Accordingly, the additional landtake relates to an area of 0.59ha. The north-eastern part of the application area is an existing borrow pit (Figure 1.2, Existing Topography Plan refers), which has been utilised for various projects in recent years. Within the borrow pit a working face of around 8m has been developed south-westwards into the hillside. There is a small area of stripped ground immediately to the south-west of the borrow pit, with areas of soil/peat storage immediately to the south and south-east, the remainder of the land being commercial forestry. The borrow pit is accessed from the A884 to the west by an existing forestry track.

There are no residential or commercial properties within the general vicinity of the proposed quarry; the closest residential properties being Upper Liddesdale Cottage, some 730m to the north-west and Sunart House and Achalic Cottage some 690m to the north.

4.2.3.3 Topography

The proposed quarry is located on the rising hillside some 800m to the south of Loch Sunart. From the loch hillside is convex in profile with trees on its steeper lower slopes. The land rises to the north to the existing borrow pit which comprises an area of hardstanding created by former quarrying with a floor level at around 207m Above Ordnance Datum (AOD). The land to the west slopes downwards to the A884 and the Liddesdale burn which flows to Loch Sunart. The land to the north-east of the borrow

pit slopes downwards towards the Allt Na h-Airigh burn which flows generally north to Loch Sunart. Beyond the borrow pit the land climbs steadily to the north to around 353m AOD on the summit of Taobh Dubh.

4.2.4 Significance Criteria

Impacts may be permanent or temporary and may have a negative (adverse) or positive (beneficial) effect on the environment. Criteria for assessing significance are listed in Table 4.1.

Table 4.1 Hydrological/Hydrogeological Impact Magnitude Criteria

MAGNITUDE	IMPACT
Negligible	No perceptible changes in the hydrological or hydrogeological regimes
Low	Slight but noticeable changes in the hydrological or hydrogeological regimes
Medium	Material but non-fundamental changes in the hydrological or hydrogeological regimes
High	Fundamental changes in the hydrological or hydrogeological regimes

Depending on the sensitivity of the receptor, the magnitude of the impact will have a varying degree of significance. Combining receptor sensitivity with impact magnitude gives rise to the following matrix, Table 4.2, where, for example, an impact of Medium magnitude on a receptor of Low sensitivity would result in an assessment of Slight significance.

Table 4.2 Hydrological & Hydrogeological Significance Criteria

	SENSITIVITY			
MAGNITUDE	**Negligible**	**Low**	**Medium**	**High**
Negligible	Negligible	Negligible	Negligible	Negligible
Low	Negligible	Slight	Slight	Moderate
Medium	Negligible	Slight	Moderate	Major
High	Negligible	Moderate	Major	Major

4.2.5 Baseline Conditions

4.2.5.1 Climate & Meteorology

Climatological information for the site is based on data from the Meteorological Office (Met Office) supplemented by information from the Flood Estimation Handbook (FEH Web Service 2020) produced by the Centre for Ecology and Hydrology.

The Met Office regional climate summaries for the Northern Scotland region of Scotland indicate that the annual rainfall in this area ranges from 700 to 1,700mm per year and the mean annual temperatures range from 7 to 9^{o}C.

Long term averages indicate that the Standard Annual Average Rainfall (SAAR6190) for the period 1961 to 1990 is 2,373mm per annum and the Standard Annual Average Rainfall (SAAR4170) for the period 1941 to 1970 was 2,552mm for the catchment area.

The Standard Percentage Runoff (SPR), a measure of the amount of rainfall within the catchment that is converted into surface water runoff, can be estimated from the local soil data. For the catchment that the site lies within, the SPRHOST is 53.7%, indicating infiltration, evapotranspiration and through-flow are important for the site. The proportion of the time that the catchment is wet (PROPWET) is estimated to be 81%; this indicates the amount of time that the soil moisture deficit is equal to or less than 6mm.

4.2.5.2 Hydrogeology

Superficial deposits are largely absent in the proposed site area with bedrock at, or near, surface.

The site is underlain by the North Britain Siluro-Devonian Cal-Alkaline Dyke suite which comprises a Felsitic Igneous intrusion into the surrounding Granodiorite bedrock of the Loch Sunart Facies. The igneous bedrock formed approximately 419 to 444 million years ago in the Silurian Period.

The igneous instruction of late Silurian to early Devonian is characterised as low productivity aquifer, with small amounts of groundwater in near surface weathered zone and secondary fractures.

Bedrock and superficial aquifer mapping (BGS/SEPA) indicates that the site area has low bedrock aquifer productivity dominated by fracture flow, with low superficial aquifer productivity.

Under the Vulnerability of Groundwater in the Uppermost Aquifer classification (BGS, Macaulay Land Use Research Institute & SEPA, 2011), the site area has been assigned vulnerability class 4b (vulnerable to those pollutants not readily adsorbed or transformed).

SEPA's Water Classification Hub indicates one groundwater body associated with the site; the Fort William groundwater body (ID 150696) covers an area of 2274.7km^2 and has an overall status of 'Good'.

4.2.5.3 Soils

Scotland's Environment Website denotes the soils overlying the site belong to the Countesswells association, derived from granite and granitic rocks. The soils are peaty gleys on landforms comprising hills and undulating lowlands with gentles and strong moderately rock slopes.

Soils at the site are described as Peaty Soil with an average thickness of 0.4m.

4.2.5.4 Hydrology

The proposed development is located within the Allt an h-Airgh catchment area, covering an area of 5.18km^2, the catchment is part of the larger Loch Sunart Catchment area. Loch Sunart is a sea loch approx. 31km in length with a maximum depth of 124m, located some 780m north of the development. The Loch is fed by multiple tributaries, the nearest named tributaries to the proposed site is the Allt na h-Airigh located some 300m east of the site and the Liddesdale burn located over 1km west from the site with a catchment area of approx. 4.99km^2 (Figure 4.1 refers).

There are two Hydro Schemes within the Laudale Estate relating to the Liddesdale Burn (Planning Ref:13/01294/FUL) the intake of which is located some 950m west of the development and the Allt na h-Airigh (Planning Ref:13/01294/FUL) with the intake located 500m south-west of the development. The Allt na h-Airigh intake to powerhouse has a pipeline which runs in a north-west direction at the edge of the forestry at its closest proximity is 240m north-east of the borrow pit.

The area of hardstand for the existing borrow pit has been formed at a level of around 207-208m AOD.

Existing Surface Drainage

There is currently no surface water run-off from the borrow pit area. There are some ditching and sump to manage incident rainfall. Surface water run-off from the surrounding areas generally flows in a northern direction to the River Allt na h-Airigh to the east of the site and to unnamed tributaries to their confluence with Loch Sunart.

The access road is an existing forestry road which has multiple ditches and culverts.

Water Resources

There are no water resource features within the application boundary. A small pond is located some 200m south-east of the excavation area.

The lower flanks of the hill upon which the site is situated show surface water drainage features and natural groundwater springs, flowing radially away from the site (Figure 4.1 refers). There are no wells indicated on published OS mapping within the vicinity of the site, the nearest properties which could be fed by Private Water Supply being Upper Liddesdale Cottage, some 730m to the north-west and Sunart House and Achalic Cottage some 690m to the north.

SEPA has been contacted with regards to water supply features, and they advised that there are 13 CAR Licences/Registrations within 1km of the site. These include: 4 Engineering Licences, 7 Licences relating to the H-Airgih Hydro Scheme at Laudale Estate, and 2 authorisations for sewage activities.

4.2.5.5 Water Quality

SEPA's Water Classification Hub 2020 has been consulted in order to assess the existing quality of the water environment in the region of the site. The groundwater body in the area is the Fort William (ID:150696) covering an area of 2274.7km^2 with a classification of Good in 2018. The Fort William groundwater is within the Drinking Water Protected Area. The Liddesdale Burn and Allt na h-Airigh are not classified on SEPA's water classification hub.

Loch Sunart is a coastal waterbody (ID 200082), covering an area of 55.1 km^2 with a classification of Good in 2018. The Loch has both Special Area of Conservation (SAC) and Site of Scientific Interest (SSSI) designations.

4.2.5.6 Flooding and Floodplain Issues

SEPA's Indicative River and Coastal Flood Map of Scotland (2020) shows that the planning application boundary does not lie within any areas indicated to be at risk of flooding from, riverine, coastal or surface water sources. The topographical situation of the site, being on the upper slopes of a hill, indicates that flooding of any sort is not likely.

4.2.6 Potential Impacts on Hydrology and Hydrogeology

4.2.6.1 Operational Procedures

The most serious risk of negative environmental impact is likely to be experienced within the initial months of operations, as soils are stripped and moved to soil the storage area. Figures 3.1 shows the overall site development and Figure 3.2 the site restoration. Section 2 describes operations in detail. The main elements of the site are:

- The operational quarry void area and associated forward removal of soil;
- Soil storage mounds;
- Site infrastructure – access and haul road;
- Aggregate processing area and stockpiles; and
- Water management area (sump).

Hydrology

The quarrying operations have the potential to impact on hydrology in the following ways:

- Physical changes to overland drainage, which may include the removal of surface drainage or installation of new drainage;
- Introduction of particulates arising from quarrying operations into watercourses;
- Contamination from fuels/oils used by quarrying plant; and
- Increase in flood risk.

Secondary effects could also occur, notably modifications to freshwater and riparian ecology owing to changes in the hydrological regime.

Hydrogeology

Potential changes to the hydrogeological regime relate to the effects of quarry excavation operations within the hard rock reserve. The potential impacts are essentially related to:

- Groundwater management, including modification to the hydraulic gradient and groundwater inflow to the excavation;
- Contamination from fuels/oils from quarrying plant; and
- Increase in flood risk.

Water contamination, potential flood risk and changes in water supply to vulnerable receptors are considered together with surface water impacts as the potential sources and management techniques apply to both situations.

4.2.6.2 Physical Changes to Overland Drainage

No rivers or waterbodies will be affected in any way by the proposed development as any watercourses/bodies lie well outwith the site boundary. There will only be minor alterations to the surface water flows as a consequence of the quarrying operations; during operations any incident rainfall will be managed within the site.

Where necessary, overland flow from areas outwith the site, to the south, will be diverted around the headwalls of the excavation areas using low peripheral bunding. This is in order to avoid flow of surface water over quarry faces and into the excavation void, and will help to maintain geotechnical stability of the strata. This is an accepted and common mitigation measure within the UK quarry industry.

Following restoration, the site will be restored to rock and scree slopes with coniferous plantation on the quarry floor. The scheme aims to restore the area to an acceptable form that integrates with the surrounding landscape. The rock/scree faces shall be retained to provide an element of biodiversity. The transition between the worked faces and the void floor will be softened with the placement of quarry fines. The retained soil shall be spread across the quarry floor which will then be returned to coniferous plantation. Incident rainfall within the quarry will be contained in the base of the quarry and, due to the gradient and vegetation cover, the result would therefore be a slight reduction in overland flows.

Having regard to the size of the proposed development area, water potentially requiring management within the site will be limited. It will be restricted to incident rainfall within the quarry void and minor seepages from within the hard rock strata. It is anticipated that the proposed workings shall remain relatively free draining with water dissipating by infiltration into the quarry floor. A small sump and shallow catch ditch will be formed at the quarry access to provide additional catchment during any heavy incident rainfall.

The site area comprises of 0.25% ($0.013km^2/5.18km^2$) of the Allt na h-Airigh Catchment area and therefore the impact of physical changes to overland drainage is assessed as negligible.

4.2.6.3 Particulates and Suspended Solids

Surface water from the surrounding catchments will be prevented from entering the site, owing to the local topography, and by appropriate use of peripheral bunding and soil mounds. It is not, therefore, necessary to consider particulate matter and suspended solids from the surrounding catchment area.

The extraction area consists of an area of around 1.28 hectares. As soil stripping areas are established, temporary blind catch ditches will be constructed on the outer margins of these areas, in order to ensure that runoff from soils operations will be contained and prevented from entering the existing drainage network and from there into nearby watercourses. Soils will be stored within the quarry void and mounds will be seeded at the earliest opportunity to ensure maximum stability and early establishment of vegetation cover.

Incident rainfall within the excavation will not be diverted for treatment but will be allowed to collect in a sump on the quarry floor, where it will infiltrate into the underlying deposits.

The groundwater table on a hillside will roughly mirror the surface topography, falling from the high points to the south of the site towards the lower ground to the north. It is noted that the current borrow pit at 208m AOD level is currently dry and no groundwater seepage is noted. It is unlikely that the groundwater table will be intercepted.

Surface water collected within the site may be used as a source of water for dust suppression on haul roads and stockpiles during drier periods during spring and summer, as necessary.

All stockpiles will be located within the quarry void and any surface runoff will be contained and allowed to dissipate by infiltration.

There are no identified potential negative impacts relating to particulates and suspended solids within the proposed development.

4.2.6.4 Water Contamination

Guidance in compliance with the European Groundwater Directive (80/68/EEC) and Groundwater Regulation 21 of the Groundwater Regulations 1998 was issued by the Scottish Executive Environment Group (The Groundwater Regulations 1998 have subsequently been revoked but this guidance stands). The Control of Pollution (Oil Storage) (Scotland) Regulations 2006, The Code of Practice for the Owners and

Operators of Quarries and other Mineral Extraction Sites, issued in March 2003, and SEPA's Guidance for Pollution Prevention 2 (GPP2): Above Ground Oil Storage Tanks, shall continue to be followed on the site with respect to fuel storage and handling as set out below:

- Risk assessments will be undertaken and List I and List II substances identified (List I, oils, fuels and hydraulic fluids only; List II, no substances identified.
- All deliveries of oils and fuels shall be supervised;
- All storage tanks shall be located within impermeable bunded containment of minimum capacity 110% of the tank, or if there is more than one tank is situated within the containment area the minimum capacity should either be 110% of the biggest tank's capacity or 25% of the total capacity whichever is greater (as recommended in SEPA Guidelines, GPP2, Above Ground Oil Storage Tanks 2017, and in accordance with the Oil Storage Regulations, 2006);
- Any valve, filter, sight gauge, vent pipe or other ancillary equipment shall be situated within the containment area;
- Management procedures and physical measures are in place to deal with spillages;
- Maintenance procedures and checks shall ensure minimisation of leakage of fuels or oils from plant;
- Refuelling and servicing shall be undertaken in a designated area or with adequate precautions in place;
- Where vehicle maintenance is necessary in the field due to breakdown adequate precautions shall be taken to contain contaminants e.g. spill trays;
- Oils, lubricants and greases shall be stored within a container shed and
- Sumps and bunded areas shall be emptied periodically, the waste being removed from site by a registered waste carrier and taken to an appropriate licensed facility.

Site Spillage & Emergency Procedures

The Site Spillage and Emergency Procedures will be prominently displayed and staff will be trained in their application. The Procedures document will incorporate guidance from the relevant SEPA Guidance Notes.

In the event of any spillage or discharge that may be harmful or polluting to the water environment, all necessary measures shall be taken to remedy the situation. These measures shall include:

- Identifying and stopping the source of the spillage;
- Preventing the spillage spreading or entering watercourses by means of suitable material and equipment;
- Absorbent material, including oil absorbent material, will be available on site to mop up spillages. This will be in the form of oil booms and pads, and for smaller spillages quantities of proprietary absorbent materials.
- Where it is considered that an oil/fuel spillage may have soaked into the ground, the contaminated ground shall be excavated and removed from site by a licensed waste carrier to a suitable landfill facility;
- The emergency contact telephone number of a specialist oil pollution control company shall be displayed on site; and
- Sub-contractors shall be made aware of guidelines for the handling of oils and fuels and of the spillage procedures at the site.

SEPA shall be informed of any discharge or spillage that may be harmful or polluting to the water environment. Written details of the incident shall be forwarded to SEPA no later than 14 days after the incident.

As part of the site environmental management procedures, the monitoring scheme for inspections of these mitigation measures, to ensure their efficient working, will take place. A regular review of Inspections, Rules and Schemes will be undertaken as part of management procedures.

With all of the above management and contingency measures in place, the impact of contamination from fuels, oils and other substances is assessed as being negligible.

4.2.6.5 Impacts on Flood Risk

During extreme storm events, if required, the operational excavation area will temporarily be allowed to flood. Following the abatement of the storm, in order to

resume quarrying operations, excess surface water from within the void may be diverted into the sump area.

There will be no discharge of water into the during quarrying operations.

The main impact that development of the site will have on the hydrological regime of the area is that storage capacity within the catchment area will be slightly increased. The extraction of aggregate from the site will effectively increase the potential surface water storage volumes upon the hill, thereby slightly reducing flood risk to land and properties downstream of the site. However given the size of the site this would be negligible.

It is concluded that the proposed development will not increase the potential for flooding as the development will not significantly increase flows within drains or watercourses. It is therefore not considered necessary to undertake any quantitative modelling of the watercourse flow channels downstream of the site or to undertake a full flood risk assessment.

4.2.6.6 Groundwater Management

Groundwater management will follow the policies and guidelines set out by the Water Framework Directive (200/60/EC), the Groundwater Directive (80/68/EEC) and the Groundwater Daughter Directive (2006/118/EC) and their translations into Scottish law under the Water Environment and Water Services (Scotland) Act 2003 and the Water Environment (Controlled Activities) Regulations 2011. All aspects of groundwater management will be in accordance with current best practice techniques.

There are no wells or groundwater extraction points within the area of the excavation, or the area surrounding the quarry. No groundwater abstraction is proposed within the site.

Groundwater flow in the area of the site will largely be in a radial pattern, flowing away from the apex of the Taobh Dubh. Therefore at the site, groundwater is expected to flow in a north and norther-easterly direction, towards Loch Sunart.

As the excavation continues on the same elevation, and within a small area, it is predicted that the natural groundwater table will not be encountered.

Permeability in solid strata is controlled principally by discontinuities within the bedrock, such as bedding planes, joints and fractures. Due to the isolated nature of the hillside within which the site is situated, the recharge potential of groundwater is minimal, except at much greater depths. The excavation may intercept occasional groundwater flows within fissures in the rock; these being purely fed by incident rainfall falling upon the hillside.

In the event of extreme rainfall conditions occurring during winter, the excavation void will be allowed to flood, with the collected water thereafter being allowed to disperse by natural infiltration. It is not, therefore, envisaged that the groundwater regime of the site or surrounding area will be affected, except on a very short-term and localised basis by the proposed development.

As the groundwater regime at the site will not have any long-term or widespread effects, there will not be any significant readjustment of the natural groundwater levels or gradients in the surrounding area. It is therefore highly unlikely that either reduction in water levels or flooding of adjacent land will result from the proposed excavation.

Hazards associated with potential pollution of groundwater at the site relate to matters of contamination by oils, fuels or chemicals used in the operational process. Measures to control and/or mitigate these hazards are as set out in Section 4.2.6.4 above, Water Contamination.

Facilities for water collection and management will in principle address incident rainfall into and around the quarry as the main source of water. Groundwater draining through joints and fissures into the excavation must also be considered.

Impacts on the groundwater regime beneath the site are negligible.

4.2.7 Cumulative Impacts

The possibility of a cumulative impact, attributable to two or more operations working in close proximity has been considered. The closest quarrying operations are located some 8.5km to the south at Glensanda Quarry and 37km to the north west at Banavie Quarry' beyond any possible sphere of influence.

Due to their distance from the site and small area of the proposed development in comparison with the associated catchment areas, there are no anticipated cumulative impact with the two local hydro-electric schemes.

Therefore, there are no cumulative impacts to hydrology or hydrogeology resulting from this proposed development.

4.2.8 Conclusions

This assessment is based on a site-specific risk assessment method following recommended environmental impact assessment techniques. Potential impacts, both positive and negative, to the hydrological and hydrogeological regime have been identified and assessed.

All potential impacts on the hydrological or hydrogeological regime at the site have been assessed as Negligible.

4.3 Ecology

The proposal relates to the extension of an existing borrow pit to create a small quarry. The existing borrow pit extends to some 0.91ha and constitutes an existing quarry area, bare ground and peripheral piles of peaty soil. The proposed additional landtake relates to some 0.59ha of commercial forestry; this includes a small, felled stand-off area around the proposed excavation with the additional landtake relating to excavation being limited to around 0.37ha. There are no watercourses within the application area.

A felling licence is in place for the site and the wider area. With the implementation of appropriate pre-felling checks, the felling of the woodland under licence will have no significant impact on protected species. To avoid impact on nesting birds, it is proposed

that any felling and ground clearance should be undertaken outwith the bird breeding season. If any clearance of habitat takes place between February and July, the area shall be checked for breeding birds.

The potential impact on species can be managed by the standard mitigation necessary for forestry operations and which the applicant is willing to commit to and can be secured by planning condition, as necessary. Restoration is proposed to forestry plantation, the same as the existing and adjacent habitat; this would remain the site habitat in the long term irrespective of the proposed quarry operation.

Consideration has been given to the potential effects on designated sites. Loch Sunart is designated a SSSI and SAC. Both designations include reef, but also oak woodland, mixed woodland, heaths and otter. The site is some 750m from the boundary of these designations and with no pathway (watercourse) directly linking the two areas, with measures in place to avoid an effect on the water environment, there are no potential effects considered likely. Ancient woodland is present around 350m to the north-east of the development site, again with no direct effects or functional link, no effects are considered likely.

With the implementation of the proposed mitigation there is no significant potential for ecological impact.

4.4 Noise

There are no residential or commercial properties within the general vicinity of the proposed quarry; the closest residential properties being Upper Liddesdale Cottage, some 730m to the north-west and Sunart House and Achalic Cottage some 690m to the north. These properties also benefit from an element of topographical screening.

The proposed development has been designed within operational boundaries which ensure adequate separation distances from all third-party residential properties. As there are no noise sensitive properties in close proximity, a full noise assessment is not required. To ensure that noise is controlled bit is proposed that a planning condition is imposed with a limit of 45 dB $L_{Aeq,1h}$ at noise sensitive properties, this being the lower criteria recommended within PAN 50 Annex A.

4.5 Dust/Air Quality

4.5.1 The Proposed Development

The site is located on land forming part of the Laudale Estate, Lochaber to the south of Loch Sunart and south-east of Liddesdale. The application area is located within a wider area of coniferous plantation. The proposal relates to the extension of an existing borrow pit to allow the quarrying of hard rock. The proposal relates to the extraction of some 5-10,000 tonnes of hard rock annually over a period of 20 years. There are no residential or commercial properties within the general vicinity of the proposed quarry; the closest residential properties being Upper Liddesdale Cottage, some 730m to the north-west and Sunart House and Achalic Cottage some 690m to the north.

4.5.2 Dust

The term *dust* (BS 6069 Part 2) is used to describe particles between 1µm and 75µm in diameter - that is between one millionth of a metre (1 micron) and 75 millionths of a metre. They originate through the action of crushing and abrasive forces on materials.

The process by which dust becomes airborne is referred to as 'dust emission'. It occurs through saltation of particles across a surface or suspension of particles and their entrainment in airflow. Wind has the potential to lift dust particles from surfaces depending upon wind speed, the condition of the surface and size of the particle.

PAN 50 Annex B advises that large dust particles (greater than 30µm) make up the greatest proportion of dust emitted from mineral workings and will largely be deposited within 100m of sources. Intermediate sized particles (10-30µm) are likely to travel up to 250-500m. Smaller particles (less than 10µm), which make up a small proportion of dust emitted from most workings, can travel up to 1km from sources.

The release of dust to the atmosphere and its resultant spread is very weather dependant and as a result the amount of dust deposition can vary greatly over a short period of time. This variation is quite normal in urban and rural environments though it is perhaps more relevant in rural environments, due to seasonal ground conditions and agricultural activities.

4.5.3 Potential Impacts

4.5.3.1 Sources of Dust

The proposed quarry operations have the potential to produce dust from a variety of sources and activities associated with:

- soil stripping and storage;
- drilling and blasting;
- excavation, crushing and screening;
- temporary rock storage;
- transportation of rock off-site; and
- restoration.

4.5.3.2 Soil Stripping and Storage

Potential Impact

Soil stripping and storage must be carried out during drier conditions to prevent damage to the soil structure, and therefore there is some potential for dust generation from disturbance of the soil.

Mitigation

The soil's inherent moisture content will help mitigate dust generation. The proposed stripping and mound formation operations shall be a short-lived activity relating to a few days annually as operations progress. To minimise the potential for dust uplift, soil mounds shall be seeded to grass at the earliest opportunity. Having consideration of the very short duration of operations and the separation distance to sensitive receptors, the potential for a dust impact from soil handling operations is assessed as negligible.

4.5.3.3 Drilling and Blasting

Potential Impact

The drilling of blast holes has a high potential for dust generation and dust emission. Dust will also arise as the rock face is blasted.

Mitigation

In practice little dust is produced from drilling as dust collection is mandatory under COSHH. This operation is strictly controlled under statutory legislation. Dust will arise as the rock face is blasted, but this is a short-term event comprising larger particulate matter.

Having consideration of the mitigation required by statutory controls and the separation distance to receptors, the potential for a dust impact from drilling and blasting operations is assessed as negligible.

4.5.3.4 Excavation, Rock Crushing and Screening

Potential Impact

The crushing and screening of rock shall be undertaken at the production face. As fragmented material is transferred from the rockpile to the processing plant, dust may become airborne at drop points. Crushing and screening has the potential to create dust with the attendant risk of uplift. Without mitigation there is a high potential for dust emissions from this source.

Mitigation

Rock crushing and screening is regulated under statutory controls (SEPA PPC permit) which ensure that appropriate mitigation measures are employed to minimise dust emission. Drop heights will be minimised and, where required, conveyors will be covered to prevent windblow. Crushers will be fitted with water sprays for dust suppression. Having regard to the limited amount of material to be processed, and the separation distance and intervening topography between operations and sensitive receptors, the potential for a dust impact from processing operations, with mitigation, is assessed as negligible.

4.5.3.5 Temporary Rock Storage

Potential Impacts

There is the potential for windblow from the dry surface layers on stockpiles which, without mitigation, can give rise to low to moderate levels of dust emission.

Mitigation

Stockpiles will be located within the quarry void and benefit from natural screening. Temporary stockpiles will be accessible for water spraying and shall be sprayed, as required, to prevent dust becoming airborne. With mitigation, the potential for a dust impact is considered negligible.

4.5.3.6 Transportation of Rock

Potential Impact

The transportation of rock can cause dust emission from dirt on roads, dirt on vehicles or dust from transported materials.

Mitigation

Generally, there is low potential for dust emissions if basic dust control measures are followed. These include regularly maintained permanent surfaced access roads, road cleaning, appropriate dampening of access roads, speed restrictions and sheeting of all loaded vehicles leaving the site. With mitigation, the potential for dust emission is considered negligible.

4.5.3.7 Restoration

Potential Impacts

Generally, site restoration involves the replacement of soils with the attendant risk of dust generation from disturbance of the soil.

Mitigation

The soil's inherent moisture content will help mitigate dust generation. Soil shall be replaced on the quarry floor. These works will be undertaken over a period of 1-2 weeks at the cessation of works. Dust generation from replacement of soils is likely to be of a low magnitude and comparable to the normal agricultural activities undertaken in the wider surrounding area.

4.5.4 Risk Assessment of Potential for Dust Impact

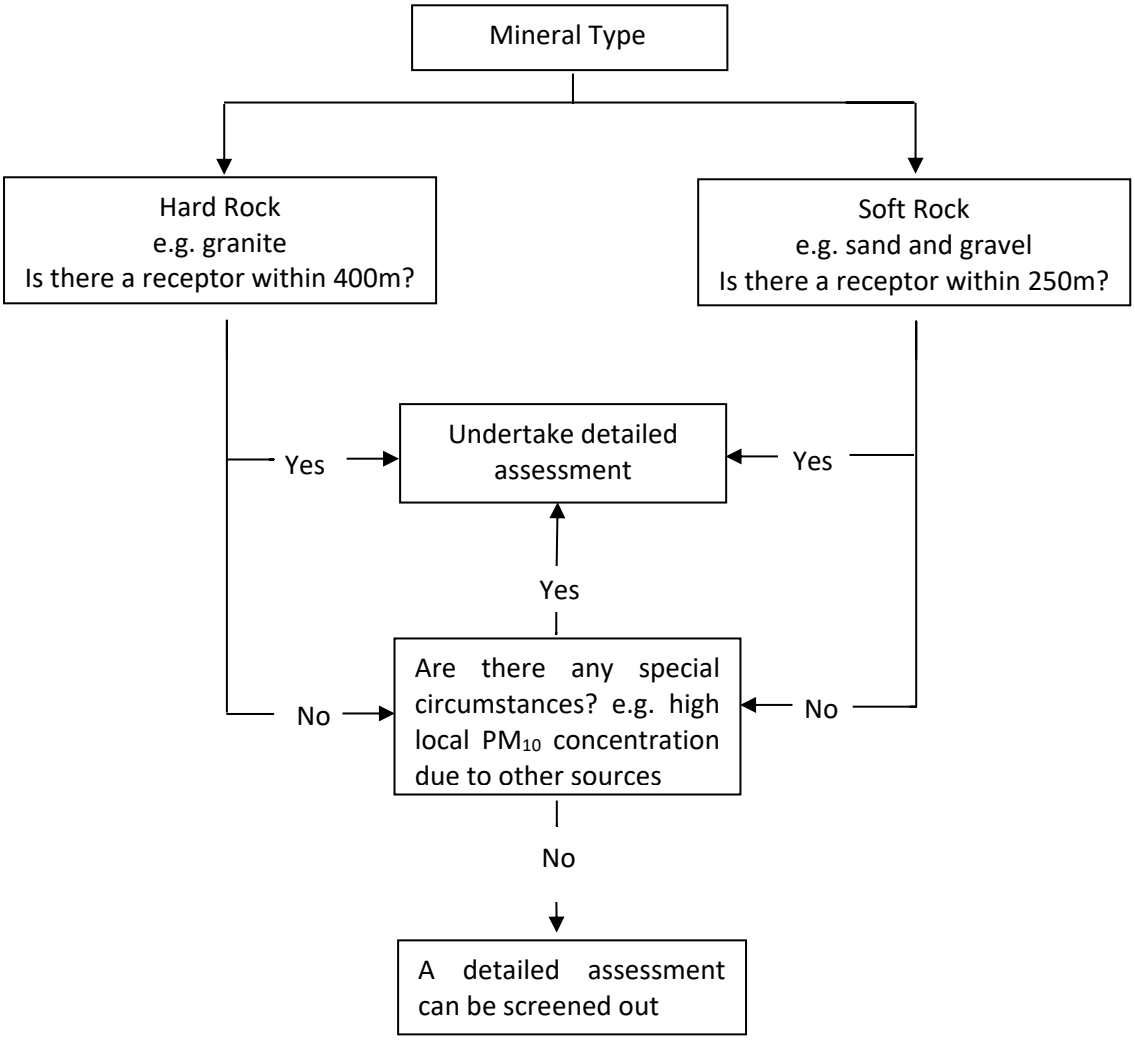
The report *"Guidance on the Assessment of Mineral Dust Impacts for Planning, May 2016"* was recently published by the Institute of Air Quality Management (IAQM).

This document provides advice on robust and consistent good-practice approaches that can be used to assess operational phase dust impacts. The predicted scale of dust effects may be classified as either 'significant', or not 'significant'. Where effects are predicted to be 'significant', further mitigation is likely to be required before the proposals are considered acceptable under planning policy. The guidance uses a simple distance-based screening process to identify those minerals sites where the dust impacts are unlikely to be significant and therefore require no further assessment.

Section 3 of the document advises that it is possible to screen out the need for a detailed assessment based on the distance from a mineral site to potentially sensitive receptors. The document states: *"The experience of the Working Group together with published studies and anecdotal evidence on the change in both airborne concentrations and the rate of deposition with distance, suggests that dust impacts will occur mainly within 400m of the operation, even at the dustiest of sites"*.

For dis-amenity dust the report recommends that the distance-based criteria set out in IAQM Figure 2 (reproduced as Flow Chart 4.1 overpage) should be used to determine the requirement for a detailed dust assessment. As the closest sensitive properties are in the region of 690m to 730m from the site, detailed assessment can reasonably be screened out.

Flow Chart 4.1 Screening Flowchart (IAQM Figure 2)



4.5.5 Nuisance, Health and Ecology

4.5.5.1 Nuisance

The effect on neighbouring properties of dust arising from the area of the quarry operation, normally during periods of dry weather, is measured principally in terms of potential to cause a significant nuisance. Annoyance and the loss of amenity can result as dust falls out, usually as a visible thin layer, causing the discoloration of buildings, interference with the enjoyment of outdoor leisure, increased washing of windows, problems with drying washing outdoors, and increased cleaning of surfaces. Most dust is deposited close to its source, as the larger, heavier particles are not carried very far by the wind.

PAN 50 Annex B advises that large dust particles, which make up the greatest proportion of dust emitted from mineral workings, will largely deposit within 100m of sources. Accordingly, it is likely that any dust generated would fall within the confines of the surrounding coniferous plantation. The implementation of dust control measures, combined with appropriate stand-offs from residential properties, shall ensure that residual negative impacts from dust shall be insignificant.

4.5.5.2 Health - PM_{10}, and $PM_{2.5}$ Particulates

The nuisance effects of dust are usually measured with reference to dust deposition or soiling, whereas the effects on health centre on the effects of inhalation and respiration of fine airborne dust particles, especially the smaller size fractions e.g. PM_{10} (small particles, 10 microns and less in diameter) and $PM_{2.5}$.

The DEFRA UK Air Information Resource website, which provides background mapping data and projections for the UK, gives a projected PM_{10} concentration for the quarry area in 2020 of 5.50$\mu g/m^3$. This projection is significantly below the air quality objective of 18$\mu g/m^3$ as an annual mean.

The Air Quality (Scotland) Amendment Regulations 2016 sets an annual $PM_{2.5}$ mean of 10$\mu g/m^3$ to be achieved by 31st December 2020. From the DEFRA background mapping data, the current site level in 2020 was 3.45$\mu g/m^3$ which is significantly below the objective.

On the basis of the existing levels within the vicinity, if standard mitigation is applied, PM_{10} and $PM_{2.5}$ particulates will continue to be comfortably within the objective values and air quality will not be compromised.

4.5.5.3 Ecology

There is potential for the wind to pick up and disperse fine particles. Dust deposition on to surfaces can potentially affect plant life, though this occurs only at high dust loadings. The consequences may include:

- Reduced photosynthesis resulting from reduced light penetration through the leaves leading to reduced growth rates and plant vigour;
- Increased incidence of plant pests and diseases; and
- Reduced effectiveness of pesticide sprays due to reduced penetration.

Most plant and tree species are relatively dust tolerant and no species have been identified that are likely to be dust intolerant at the levels of dust deposition that might occur as a result of the proposed operation.

With respect to ecology, having consideration to the limited extent of quarrying operations and the likely levels of dust emission and climatic variables, with appropriate mitigation, the potential impact of dust on flora and fauna is assessed as negligible.

4.5.6 Site Dust Management Plan

4.5.6.1 Planning and Environmental Guidance

The Scottish Office Guidance PAN 50 Annex B includes a summary of dust control measures which should be observed by operators. These measures shall be implemented as standard practice at for the quarry operations and shall be included in the Site Dust Management Plan with consideration given to:

- site layout;
- method of working and dust control measures to be adopted;
- site management systems; and
- monitoring and response procedures.

4.5.6.2 Control Measures

With the emphasis on the use of best practice to maintain acceptable site dust levels, identification of dust sources and the most appropriate mitigation must be considered within overall site management practices. A Site Dust Management Plan has therefore been developed that adopts the principles of:

- prevention, in other words, preventing dust from becoming airborne; and
- containment and/or recapture of dust once it is in the air.

The following control measures will be used in order to minimise dust nuisance:

Soil Stripping and Mound Formation

- Dampening of stripping areas, haul routes;
- Make storage mounds accessible for spraying; and
- Seed mounds at earliest opportunity.

Loading of Excavated Material

- Minimise tipping height;
- Avoid lorry overloading; and
- Dampening of material and surface and around the excavation area during dry weather.

Site Vehicle Movements

- Exhausts directed upwards;
- Limit vehicle speeds;
- Maintenance/grading of roads; and
- Minimise gradient of roads.

Crushing

- Emissions monitoring from crushing plant will be undertaken in accordance with the conditions of the site PPC permit. This will require a visual assessment a minimum of three times a day when in use; and
- Where required dust suppression systems will be used to minimise emissions from crushing.

Temporary Aggregate Storage

- Stockpiles of material shall be maintained at suitable heights and accessible for dampening during dry or windy conditions;

Transportation of Aggregate Off-site

- All aggregates shall be sheeted on despatch;
- Provision of maintained surfaced access; and
- Speed restrictions for vehicles travelling on access road.

General

- All vehicles used for the movement of materials within the site shall be equipped with exhausts pointing away from the ground;
- All relevant heavy plant shall be fitted with radiator fan deflector plates; and
- If, in extreme adverse conditions the aforementioned measures are not adequate, the following action shall be taken:
  (a) Restriction on the speed of vehicles on site;
  (b) Temporary cessation of activities giving rise to concern.

4.5.6.3 Dust Management

The following measures shall be adopted to ensure effective day to day dust management during operational periods:

- The site manager will be the responsible person for ensuring that the dust management plan is enforced. In his absence a suitable competent person will be nominated;
- During operational periods, regular visual inspections of dust conditions will be undertaken by site staff. The frequency of inspections will be determined on a daily basis in accordance with prevailing conditions;
- Regular visual assessments of dust emissions will be made daily by site supervisory staff and remedial actions initiated as necessary. The results of such monitoring will be recorded in a log book;
- Site management will give attention to advance weather forecasts and organise dust management requirements accordingly; and
- In the event of a complaint concerning dust emission, the site manager shall immediately undertake an investigation and instigate any necessary remedial action.

4.5.6.4 Complaint Procedures

Should complaints be made to the quarry management relating to dust emission, these shall be investigated immediately.

All such complaints, and any action undertaken as a result of the investigation, shall be recorded in the log book which shall be available for inspection by the Planning Authority on request.

4.5.6.5 Implementation and Review

The operator shall review the Site Dust Management Plan when new plant or procedures are introduced or in the event of a substantiated complaint.

4.5.7 Cumulative Impact

The possibility of a cumulative impact, attributable to two or more operations working in close proximity has also been considered. There are no other quarries or operations within such proximity; no cumulative impact is anticipated in relation to dust/air quality.

4.5.8 Conclusion

The proposal makes provides for the extraction of hard rock with an output of 5-10,000 tonnes annually.

The regulation and control of potential nuisance dust from the site shall be based around the principal of "best practice" and emphasis is placed on day to day site management to identify on-going requirements for dust mitigation and to ensure prompt remedial action in the event of a failure.

This assessment has given consideration to the method of working, the dust control measures to be employed, the duration of potential dust generating activities and the location and sensitivity of receptors.

There is no possibility of a cumulative dust impact, attributable to two or more mineral workings, or other developments, operating in close proximity.

This assessment has concluded that operations can be undertaken without exceeding the Air Quality Objectives for PM_{10} and $PM_{2.5}$.

If the control of dust emissions and mitigation of the potential environmental impacts of dust from the proposed operations is implemented through the Site Dust Management Plan, the overall effect on air quality is assessed as negligible.

4.6 Blast Vibration

The proposal relates to the extension of an existing borrow pit to allow the quarrying of hard rock. Following the removal of soils, the next stage in the extraction process will be the blasting of rock. The proposed quarry is anticipated to produce in the region of 5-10,000 tonnes of aggregate annually over a period of 20 years.

The closest residential properties to the proposed quarry are Upper Liddesdale Cottage, some 730m to the north-west and Sunart House and Achalic Cottage some 690m to the north. Blasting has the potential to result in levels of vibration. However, at such a separation distance, any blast vibration, whilst potentially perceptible, is likely to be very low and detailed assessment should not be required.

Notwithstanding, to allow blast vibration to be appropriately controlled, a criterion, derived from PAN 50 Annex D, of 6mms^{-1} ppv for 95% of events with no blast exceeding 10.0mms^{-1} is proposed as a satisfactory magnitude for vibration from blasting at residential properties.

4.7 Access and Transportation

From the proposed quarry, vehicles will travel approximately 1.3km in a westerly direction on the existing forestry track to the existing junction with the A884. The existing junction with the A884 shall be upgraded to the satisfaction of Highland Council's Transport Planning. Visibility splays shall be established and maintained for the duration of operations. Drainage shall be maintained along the access route to ensure that no surface water discharges onto the public road. The access road shall be maintained in a good condition for the duration of operations. Access gates shall be established and open inwards only. Having regard to the relatively low level of despatch and the length of the internal access route, some 1.3km, it is considered that vehicles entering the public highway should be clean and that there should be no requirement for wheel cleaning facilities.

From the site access, the direction vehicles travel on the A884 will be determined by the market although it is likely that most vehicle would go north and east to the A861.

It is anticipated that production will be in the region of 5-10,000 tonnes per annum. On the basis of the upper parameter, assuming 20 tonne loads, this equates to an average of 10 loads per week which is less than 2 loads daily.

A suitable hardstanding area for parking for up to 3 employees shall be created on the hardstanding within the existing borrow pit area.

Having regard to the low level of HGV movements associated with the proposal, potential for any negative transport related impact is considered negligible and detailed transport assessment is not considered to be necessary.

A specific benefit that would be realised from the provision of a local supply of aggregates on the peninsula would be the reduction of aggregate related HGV traffic on the A82 to the Corran ferry, and a reduction on the number of the HGVs using the Corran Ferry.

On the basis of the anticipated production of 5-10,000 tonnes per annum the proposal would reduce HGV movements on the ferry by between 500 to 1,000 vehicles annually. In addition, it is estimated that the carbon footprint attributed to road miles would be reduced by over 50% for every tonne of aggregate produced and used on the peninsula. Overall, the proposal is assessed as having a slight beneficial transport impact.

4.8 Archaeological Assessment

The Pastmap website does not identify any archaeological features within the proposed development area, or within 1km of the proposed quarry boundary. Having regard to the intervening topography, any potential for an impact on the setting of features in the wider area is assessed as negligible.

Any potential for unknown archaeology will have been significantly reduced due to the destructive nature of commercial forestry and having regard to the small additional area

physically affected by proposed extraction (0.37ha), the potential for an impact on unknown archaeological resources is negligible.

5 SUMMARY OF IMPACTS

5.1 Summary of Environmental Impacts and Benefits

The main findings of the Environmental Review are summarised below:

5.1.1 Landscape

Landscape effects are considered negligible, there will be a residual landform effect albeit ameliorated by appropriate restoration.

5.1.2 Visual

The convex nature of the hillside and the existing woodland will screen the development from most viewpoints. Any potential views are likely to be at long distance from the north. The visual impact is assessed as being **negligible**.

5.1.3 Hydrological and Hydrogeology

All potential impacts on the hydrological or hydrogeological regime at the site have been assessed as **negligible**.

5.1.4 Ecology

With the implementation of the proposed mitigation there is **no significant potential for ecological impact**.

5.1.5 Noise

Operations shall meet the relevant best practice as detailed within PAN 50 Annex A; any impacts shall be **negligible**.

5.1.6 Dust / Air Quality

With the implementation of appropriate mitigation, as recommended in PAN 50 Annex B, and contained within the Site Dust Management Plan contained within Section 4.5.6, there is unlikely to be any significant decrease in air quality due to the proposed quarry operations. The dust/air quality impact is assessed as **negligible.**

5.1.7 Blast Vibration

The proposed quarry can operate within accepted vibration criterion as detailed with PAN 50 Annex D and without undue annoyance to local residents. Blast vibration impact is assessed as **negligible**.

5.1.8 Traffic

The existing vehicular access onto the A884 shall be upgraded to the satisfaction of The Highland Council. The surrounding road network is able to accommodate the proposed vehicle movements. Potential impacts are assessed as **negligible**.

5.1.9 Archaeology

The proposal is anticipated to have **no significant direct or indirect impacts** on the historic environment.

5.2 Schedule of Mitigation

A summary of proposed mitigation is set out in Table 5.1 with appropriate reference to the relevant chapters within the EIAR.

Table 5.1 Summary of Mitigation Measures

	Mitigation
Landscape and Visual	• Site design with key hole access and limited face height; • Limit heights of storage mounds; and • Final restoration to a landcover that is complimentary to the surrounding area.
Hydrology and Hydrogeology	• Surface water from the surrounding catchments will be prevented from entering the site. • Formation of small peripheral bunds or shallow blind ditches to divert/catch run-off from soil stripping. • Grading and early seeding of storage mounds to establish vegetation cover and minimise potential for ponding or run-off containing suspended solids.

	• The quarry has been designed so that the groundwater table will not be intercepted. • Incident rainfall to the quarry will be contained within site and allowed to disperse by infiltration. • Stockpiles located within the void to ensure that any run-off is contained. Water Contamination • Site Spillage and Emergency Procedures will be put in place.
Ecology	• If any ground clearance takes place between February and July, the area shall be checked for ground and tree nesting birds. • Reinstatement to forestry plantation, which would be similar to the adjacent habitat.
Noise	• All vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturer's specifications at all times, and shall be fitted with and use effective silencers. • Broad spectrum white noise vehicle reversing alarms shall be fitted to all plant.
Air Quality	Site Dust Management Plan (Section 4.5.6 refers)
Light Pollution	• Other than lighting on plant, there shall be no artificial lighting within the development area. • All lights shall be switched off during daytime and out-with working hours.
Blast Vibration	• No blast shall exceed 6mms^{-1} ppv for 95% of events with no blast exceeding 10.0mms^{-1} at existing residential properties. • All blasts shall be designed to minimise air overpressure.
Transportation	• Restriction on hours of working to Monday to Friday 0700-1900 hours and 0700-1200 hours on Saturday (Section 2.6 refers). • The site access shall be upgraded to the satisfaction of The Highland Council. • The site access point shall be maintained in a good state of repair and kept free from excessive build-up of mud and other debris during the life of the operations. • All loaded vehicles departing the site shall be sheeted.

5.3 Overview

It is recognised by the applicant that the proposed development requires to be designed in compliance with current planning and environmental guidelines. Due regard has been taken of these factors and measures devised to mitigate any potential impact resulting from the proposal. The method of working has been designed on engineering principles which will enable safe working both for site personnel and members of the public.

No such development can be designed without adverse environmental impacts, although careful design and mitigation can negate many of these, lower the magnitude of others and reduce the probability of significant impacts occurring.

The proposal has been the subject of appropriate environmental appraisal. This report addresses potential impacts, both positive and negative, on the landscape and natural environment by virtue of the scale, type, location and length of the proposed operations and the quality and extent of mitigation and restoration proposed. All impacts are assessed as being negligible. The operation of the quarry as a local source of aggregate will have a beneficial impact in that it will reduce the need for HGV haulage on the public road in the wider area. With regards to interaction with other mineral workings no significant cumulative impacts are envisaged.

The proposal shall have no significant impact on neighbouring land/property/business and no impact is envisaged with regards to incoming investment or tourism. It has been demonstrated that there is a local need for aggregates. Accordingly, it is considered that the proposal represents a net benefit to the Highland economy.

The proposal is considered to be consistent with the Development Plan.

6 REFERENCES

Highland-wide Local Development Plan April 2012

West Highland and Islands Local Development Plan September 2019

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017

Management of Extractive Waste (Scotland) Regulations 2010

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Environmental Protection Act 1990 HMSO

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Scottish Office Development Department: Controlling the Environmental Effects of Surface Mineral Workings (PAN 50, PAN 50 Annex A) 1996

Scottish Office Development Department: The Control of Dust at Surface Mineral Workings (PAN 50 Annex B) 1998

Scottish Office Development Department: The Control of Traffic at Surface Mineral Workings (PAN 50 Annex C) 1998

Scottish Executive Development Department: The Control of Blasting at Surface Mineral Workings (PAN 50, PAN 50 Annex D) 2000

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Pollution Prevention and Control (Scotland) Regulations 2012

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Water Environment (Controlled Activities) (Scotland) Regulations 2011

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BGS/SEPA Bedrock and Superficial Aquifers 2004

BGS/SEPA Groundwater Vulnerability Map 2004

SEPA's River Basin Management Plan Interactive map, 2017

Scotland's Environment Interactive map 2017

CIRIA SuDs Manual C753 (2015)

SEPA Indicative River and Costal Flood Map of Scotland, interactive Web Service 2020

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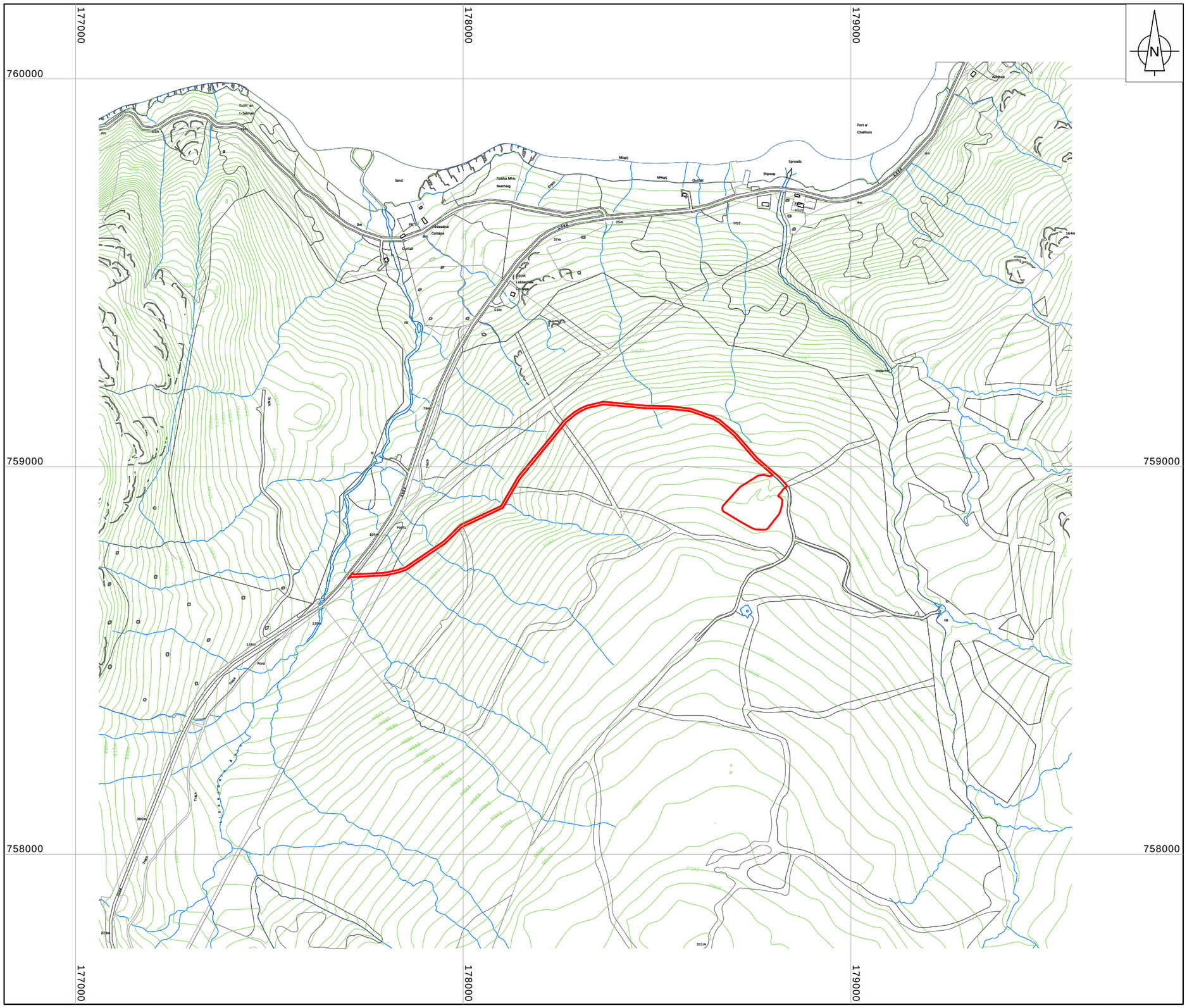
The Air Quality Standards (Scotland) Regulations 2010

The Air Quality (Scotland) Amendment Regulations 2016



Corrigan Contractors
Construction & Civils

SITE LOCATION PLAN

Legend

Planning Application Boundary

0 500m
Scale

Client: CORRIGAN CONTRACTORS

Project: MIDLAND BANK QUARRY

Title: SITE LOCATION PLAN

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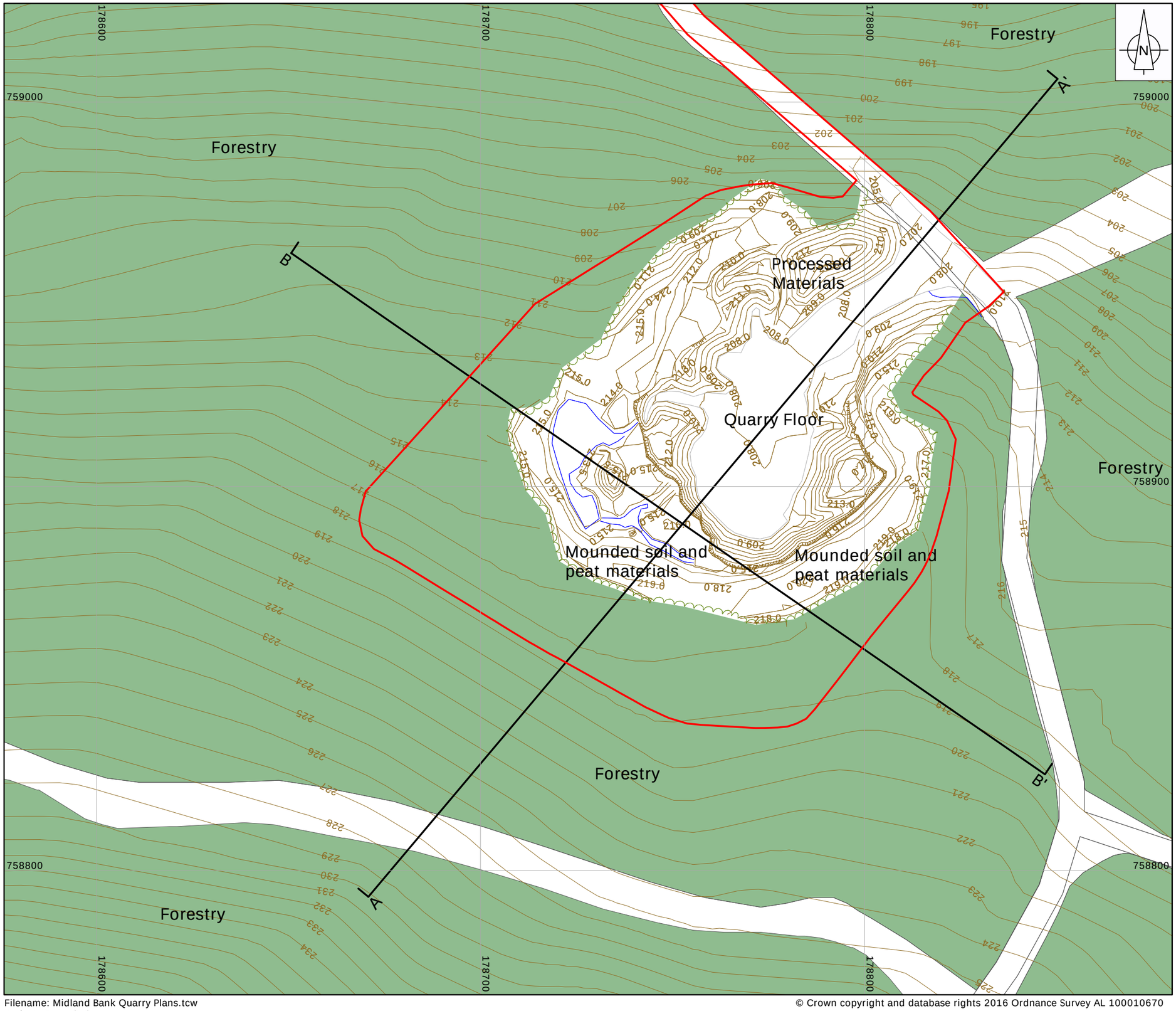
Filename: Midland Bank Quarry Plans.tcw
Project ID No: 856



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Project ID No: 856

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EXISTING TOPOGRAPHY PLAN

Legend

- Planning Application Boundary
- Cross Section Locations

0 — 50m
Scale

Client: CORRIGAN CONTRACTORS

Project: MIDLAND BANK QUARRY

Title: EXISTING TOPOGRAPHY PLAN

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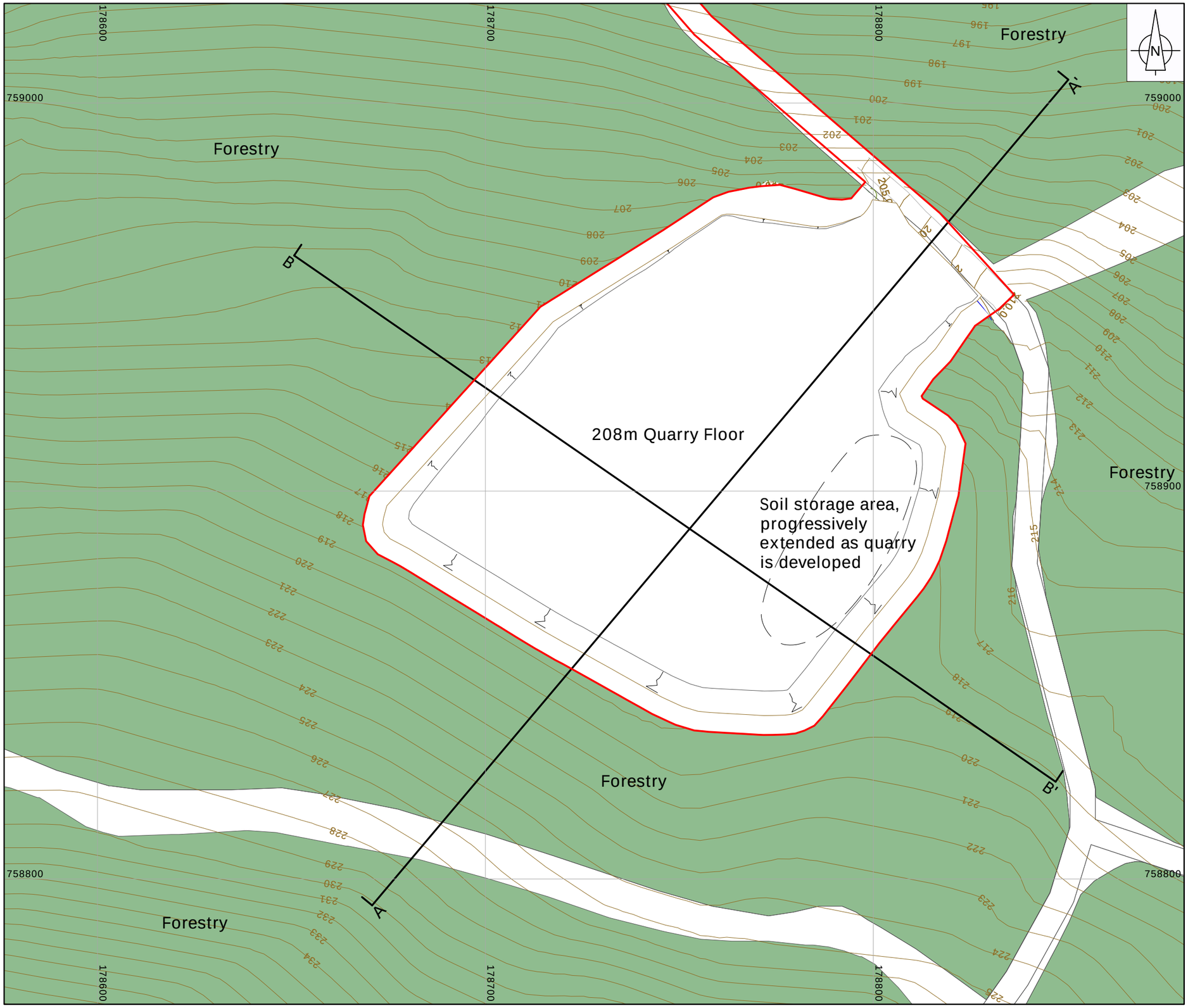

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QUARRY DEVELOPMENT PLAN

Legend

Planning Application Boundary

Cross Section Locations

0 50m
Scale

Client: CORRIGAN CONTRACTORS

Project: MIDLAND BANK QUARRY

Title: QUARRY DEVELOPMENT PLAN

Figure:	3.1	Drawn:	EM
Scale:	1:1,000	Checked:	WB
Date:	17.12.20	Sheet Size:	A3

Dalgleish Associates Ltd

ENVIRONMENTAL, MINERAL AND PLANNING CONSULTANTS
CATHEDRAL SQUARE
DUNBLANE FK15 0AH
Tel: 01786 822339

DAL
DALGLEISH ASSOCIATES LIMITED

Filename: Midland Bank Quarry Plans.tcw
Project ID No: 856

Corrigan Contractors
Construction & Civils

RESTORATION PLAN

Legend

- Planning Application Boundary
- Coniferous Woodland on Quarry Floor
- Hard Rock and Scree
- Cross Section Locations

0 — 50m
Scale

Client: CORRIGAN CONTRACTORS

Project: MIDLAND BANK QUARRY

Title: RESTORATION PLAN

Figure: 3.2	Drawn: EM
Scale: 1:1,000	Checked: WB
Date: 17.12.20	Sheet Size: A3

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Filename: Midland Bank Quarry Plans.tcw
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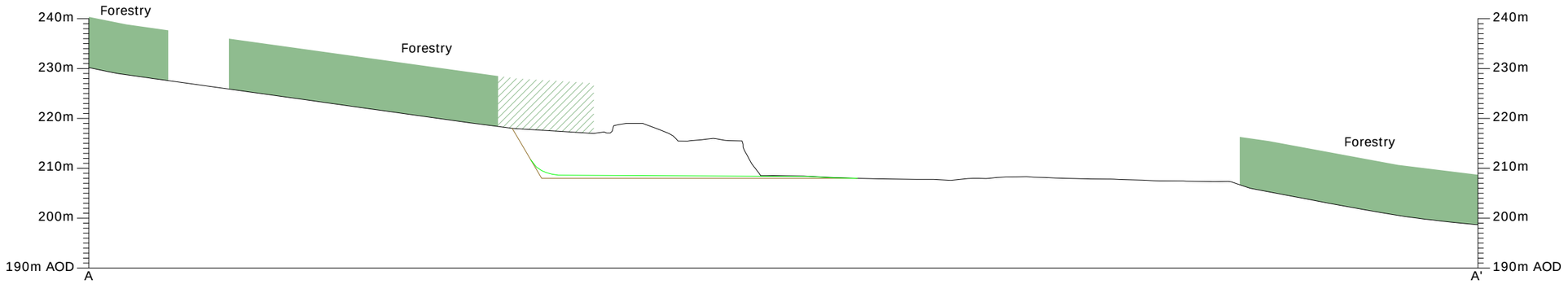

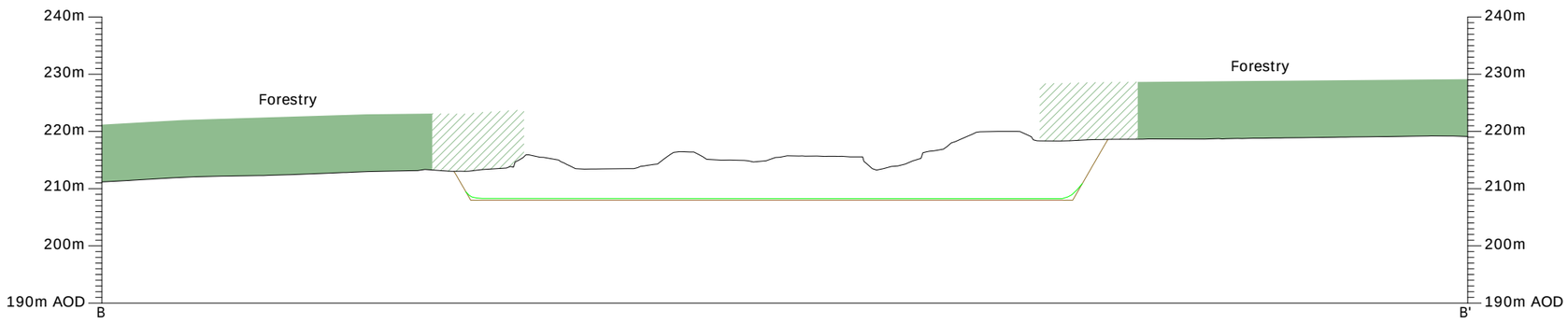

CROSS SECTIONS

Legend

Existing Topography

Quarry Development Topography

Restoration Topography

Note: Cross section locations are shown on Figures 1.2, 3.1 and 3.2

0 50m

Scale

Client: CORRIGAN CONTRACTORS

Project: MIDLAND BANK QUARRY

Title: CROSS SECTIONS

Figure: 3.3 Drawn: EM

Scale: 1:1,000 Checked: WB

Date: 17.12.20 Sheet Size: A3

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Filename: Midland Bank Quarry Plans.tcw
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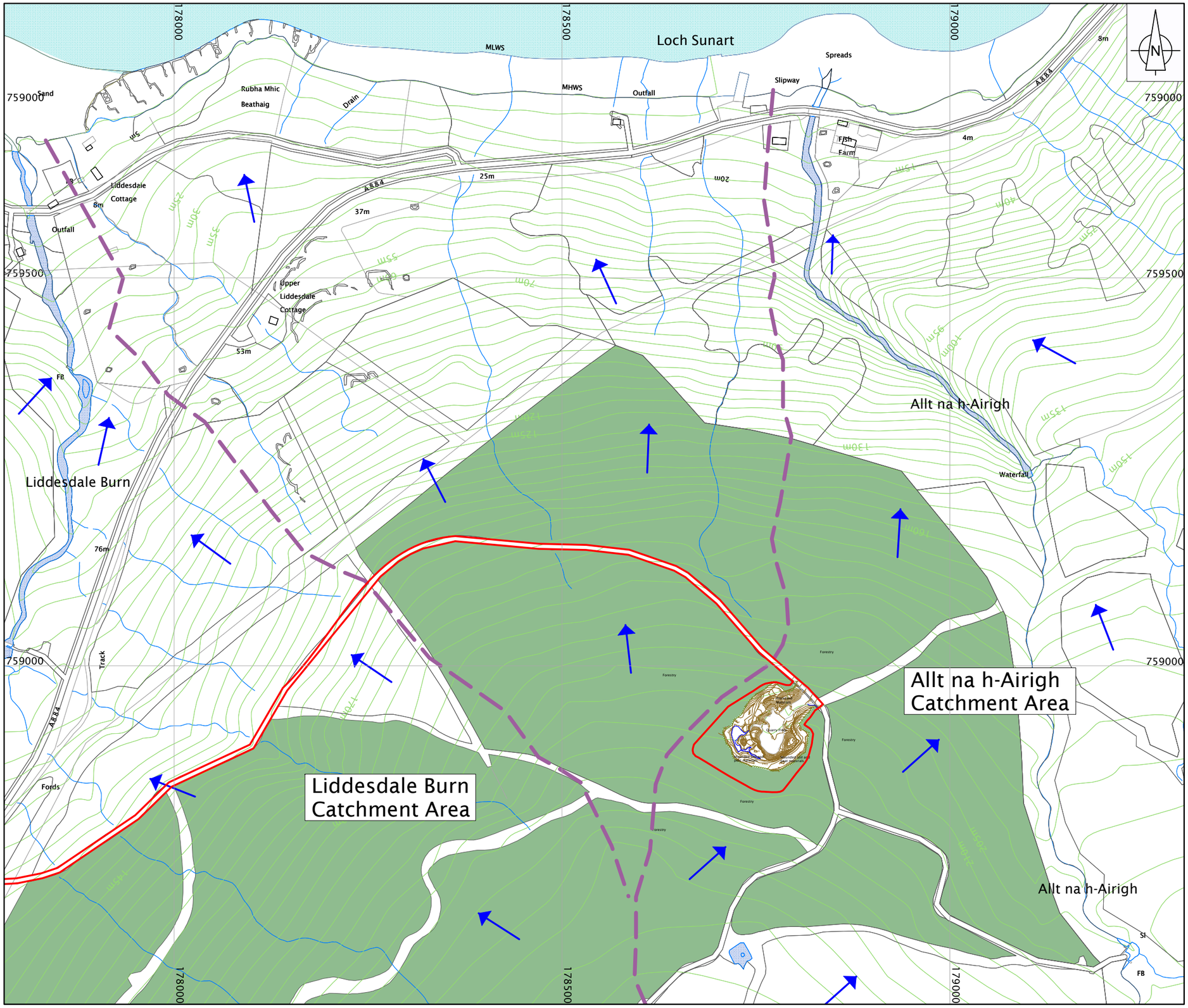

Filename: Midland Bank Quarry Plans.tcw
Project ID No: 856

Corrigan Contractors
Construction & Civils

EXISTING HYDROLOGY PLAN

Legend

- Planning Application Boundary
- Loch Sunart Sub-Catchment Boundaries
- Surface Water Flows
- Watercourses

0 100m 200m
Scale

Client: CORRIGAN CONTRACTORS

Project: MIDLAND BANK QUARRY

Title: EXISTING HYDROLOGY PLAN

Figure: 4.1 Drawn: LJT
Scale: 1:5,000 Checked: WB
Date: 18.12.20 Sheet Size: A3

Dalgleish Associates Ltd

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DAL
DALGLEISH ASSOCIATES LIMITED

APPENDIX 1

Waste Management Plan Waiver

Client Reference: 856/MidlandBank/WMPWaiver

CORRIGAN CONTRACTORS LTD.

PROPOSED MIDLAND BANK QUARRY

APPLICATION FOR WAIVER OF WASTE MANAGEMENT PLAN

Prepared For:

Corrigan Contractors Ltd

Signed.....Dalgleish Associates Ltd.....

Date **21st December 2020**

Dalgleish Associates Ltd

Mineral Planning and Geological Consultants

Cathedral Square

Dunblane FK15 0AH

Tel: 01786 822339

CORRIGAN CONTRACTORS LTD

MIDLAND BANK QUARRY

APPLICATION FOR WAIVER OF WASTE MANAGEMENT PLAN

CONTENTS **PAGE**

1 INTRODUCTION TO THE MINE WASTE DIRECTIVE

The European Union Directive 2006/21/EC on the management of waste from the extractive industries (the Mine Waste Directive "MWD") 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 the MWD through the Planning System in The Management of Extractive Waste (Scotland) Regulations 2010.

The principal requirement of the Regulations is a site *Waste Management Plan* (WMP) exclusively for extractive wastes. The requirements imposed by the MWD 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. This is intended to ensure a lighter regulatory touch for sites that do not pose serious risks to the environment or human health whilst recognising that a more stringent approach is needed where failure or incorrect operation could result in significant damage.

This report addresses the requirements of the MWD with respect to the proposed Midland Bank Quarry. At the proposed quarry there will be "Extractive Waste" produced on-site in the form of peaty soils and processing fines. As the requirements of the Regulations can be waived for soils, and the processing fines constitutes a "Non-waste By Product", which falls outwith the Regulations, a "Waste Management Plan" is not required for these operations. There are no materials at Midland Bank Quarry that would be classified as hazardous and therefore there is no requirement for Category A Waste Facility at the site.

2 SITE DESCRIPTION

The site is located on land forming part of the Laudale Estate, Lochaber to the south of Loch Sunart and south-east of Liddesdale. The application area is located within a wider area of coniferous plantation. The north-eastern part of the application area is disturbed ground relating to an existing borrow pit. Within the borrow pit a working face of around 8m has been developed south-westwards into the hillside. There is a small area of stripped ground immediately to the south-west of the borrow pit with areas of soil/peat storage immediately

to the south and south-east, the remainder of the land being commercial forestry. The borrow pit is accessed from the A884 to the west by an existing forestry track.

3 NATURE OF MATERIALS

The site is underlain by the North Britain Siluro-Devonian Cal-Alkaline Dyke suite which comprises a Felsitic Igneous intrusion into the surrounding Granodiorite bedrock of the Loch Sunart Facies.

4 OPERATIONAL PROCEDURES

Following the removal of peaty soils in advance of extraction operations the rock would be broken out by drilling and blasting. The blasted rock would be processed and stored on the quarry floor prior to despatch from site. Processing shall be undertaken using a crusher and screens that would be brought on to site on a campaign basis. The loading of materials for despatch shall be undertaken using a calibrated loading shovel which will negate the requirement for a weighbridge.

5 SOILS

Soils at the site are described as Peaty Soil with an average thickness of 0.4m. The soils generally lie directly on the bedrock and drift is largely absent.

As operations progress, stripped soils shall placed in a storage mound within the south-eastern quarry void. At cessation of operations these materials shall be utilised for final restoration of the quarry.

6 WAIVER OF SOILS

The Regulations provide for relaxation of regulation for soil and/or peat provided general environmental requirements are met. The Regulations define unpolluted soil as: *"soil that is removed from the upper layer of the ground during extractive activities and that is not deemed to be polluted under national or community law"*. At Midland Bank Quarry the only extracted

materials, other than saleable product, falls into the class of unpolluted soil and processing fines.

Under the Regulations, where the extractive waste is unpolluted soil, the Planning Authority may waive the requirement for approval of a Waste Management Plan if it is satisfied that the extractive waste will be managed without endangering human health and without using processes or methods which could harm the environment.

The power to waive the requirements of the Regulations reflects the generally low risk of unpolluted soil to the environment and human health. When permitting a waiver the Planning Authority must be reasonably satisfied that unpolluted soil is being, or will be managed in accordance with paragraph 8 of the Regulations.

With respect to Midland Bank Quarry, the Planning and Environmental Review makes appropriate provision for the handling and storage of soils and the site will be subject to a planning permission which should contain appropriate controls in relation to site operations. Compliance with these documents ensures compliance with Regulation 8; i.e. the materials will be managed without endangering human health and without using processes or methods which could harm the environment as noted below:

- risk to water, air, soil, flora and fauna,
- causing a nuisance through noise or odours,
- unacceptably affecting the landscape or places of special interest; or
- resulting in the abandonment, dumping or uncontrolled depositing of extractive waste.

Having regard to the above, we formally request that the Planning Authority confirm that the requirements of the Regulations can be waived at Midland Bank Quarry in respect of soils.

7 CONFIRMATION OF NON-WASTE BY PRODUCT

Where materials are utilised in the restoration of the excavation void, or it is clearly demonstrated that mounds or landscaping are expressly required by the planning scheme, and the materials are used for this purpose without prior processing, the MWD makes

provision for the consideration of these materials as “Non-waste By Product” and advises that such materials would fall outwith the scope of the Regulations.

Following primary and secondary crushing and subsequent screening of the hard rock deposit, various sizes of aggregate are produced for sale. Fines (<6mm) produced in the processing operations will be sold for asphalt or ready-mix concrete production or blended and sold as crusher run. Towards final restoration any remaining quarry fines will be utilised as a substrate over the quarry floor. When used in this manner, processing fines qualify as a Non-waste By Product.

Any potential issues relating to the handling and short-term storage of the quarry fines are addressed and mitigated within the Planning and Environmental Review. Consequently, the temporary and final placing of the material shall be physically stable, the pollution of soil and water is prevented and appropriate monitoring of the material shall take place as long as necessary.

Having regard to the above, we formally request that the Planning Authority confirm that the quarry fines at Midland Bank Quarry can be regarded as a Non-waste By Product and that the requirements of the Regulations can be waived.

8 WAIVER OF WASTE MANAGEMENT PLAN

This application seeks confirmation from The Highland Council that:

[i] the requirements of the Regulations can be waived at Midland Bank Quarry in respect of soils; and

[ii] that the processing fines at Midland Bank Quarry meet the tests within the Regulations to be legitimately regarded as Non-waste By Product and that the material therefore falls outwith the scope of the Regulations.

As all materials fall within the permitted waivers, there is no requirement for a Waste Management Plan at Midland Bank Quarry.

DALGLEISH ASSOCIATES LIMITED

APPENDIX 2

Sustainable Design Statement

Corrigan Contractors Ltd
Proposed Midland Bank Quarry
Sustainable Design Statement

The Highland Council Sustainable Design Guide applies to all developments within the Highland area. Whilst much of the Sustainable Design Guide is targeted at housing developments, the sustainable principles and the Checklist will apply across all developments, housing or otherwise.

Whilst Design and Access Statements are already statutory requirements for 'Major' and 'National' categories of development, Paragraph 13(3)(i) of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 states that this regulation does not apply to engineering or mining operations.

Section 6 of the Sustainable Design Guide provides a Sustainable Design Checklist which identifies the issues that require to be addressed within the Sustainable Design Statement. The table below sets out the issues identified within the Design Checklist and provides the applicant's Design Statement in relation to each issue where it has been identified as being relevant to the proposed minerals development.

Sustainable Design Checklist	**Applicant Design Statement**
1. Layout, scale, proportion, materials, construction and finishing Will the appearance of the development be visually appropriate, complementing local character whilst reinforcing local distinctiveness (e.g. materials, road pattern etc) and be clearly integrated with the wider community? A. Building materials and colour complement local character B. Site layout, building style and scale enhance local character C. Roof-scapes visually respect the local context (allowing for low carbon technologies where appropriate) D. Continuity of local building details such as simple and uncomplicated design of roofs, dormers, windows and doors E. Potential for personalisation by prospective residents F. Contemporary approach which reflects the local vernacular where appropriate.	1 A-F relate to housing or commercial development and are not applicable/relevant to planning applications for minerals development.
2. Landscaping Has a landscaping scheme been drawn up for the site which ensures that: A. Landscape forms the context for the development B. The development integrates into or enhances the present landscape character C. Green spaces are provided for public/private and site boundaries (including tree and shrub planting) D. Public open space and recreational provision is	Landscaping has been considered in the context of progressive and final restoration. A. The proposal retains appropriate adjacent features (no impact on watercourses). B. The proposed restoration integrates with the present landscape character. C. The restoration makes provision for a return to forestry; a minor biodiversity increase will be derived from the retention of rock faces and scree slopes. D. Post restoration, the site will be largely

given as required E. Safeguards green networks within the site, and establishment of green network features that link into the wider green network.	returned to commercial forestry (the current use) whilst the area may be utilised for recreational activity, any use would be minimal. E. Wildlife corridors are retained.
3. Cultural heritage Are the culturally and archaeologically important features on the site and their settings known, and how will these be affected by the development?	The proposal relates to a very small landtake; having regard to the existing commercial forestry use, any impact on cultural heritage is likely to be negligible.
4. Materials Which materials are from secondary or recycled sources, have low-embodied energy, and are from sustainable and/or local sources? A: Roof B. External walls C. Internal walls (including separating walls) D. Upper and ground floors (including separating floors) E. Windows	4 A-E relate to housing or commercial development and are not applicable/relevant to planning applications for minerals development.
5. Natural heritage Has an assessment been made of the site's ecology and will the ecological value of the site be protected or recreated to equal quality and or enhanced?	The additional landtake relates to 0.59ha of commercial forestry. A felling licence is already in existence for the wider area and the felling of the woodland in accordance with the licence will ensure that there is no ecological impact. The restoration makes provision for a return to forestry; a minor biodiversity increase will be derived from the retention of rock faces and scree slopes.
6. Enhancing wildlife Will there be: A. No net loss in relation to habitats and species? B. A mixture of locally occurring species specified for planting and landscaping schemes? C. Any new links between habitats within the site or links to habitats outside the development boundary? D. An increase in important or sensitive habitats identified in the Local Biodiversity Action Plan (LBAP), either by creating or restoring ecological value (as assessed by an ecologist), or support for a species identified in the LBAP?	A. There will be no species loss; any loss of habitat will be temporary. B. Restoration planting will use locally occurring species. C. Existing habitat links are maintained; no new links are created. D. A minor biodiversity increase will be derived from the retention of rock faces and scree slopes..
7. Energy efficiency What steps have been taken towards reducing CO^2 emissions through energy-efficient design for the proposed development? A. Minimising energy demand for the site through orientation and maximising passive solar gain B. Maximising the thermal efficiency of individual buildings through thermal mass, insulation, natural shelter, and appropriate glazing C. Minimising demand for water heating, space heating and cooling, lighting and power in	7 A-C relate to housing or commercial development and are not applicable/relevant to planning applications for minerals development.

individual dwellings through efficient equipment and controls.	
8. Renewable energy Has the energy demand for the development been calculated to determine: A. The amount of low or zero carbon technology e.g. wind, solar, hydro, photovoltaic (PV), Combined Heat and Power (CHP) that is practicable to meet the extant Building Standards CO^2 emissions reduction target. B. The % of total site energy demand that will be produced from on-site renewable energy technologies. C. Meeting the remaining energy demand efficiently, e.g. non-renewable or waste powered district heating and cooling.	8 A-C relate to housing or commercial development and are not applicable/relevant to planning applications for minerals development.
9. Foul wastewater treatment Will the development be connected to the public sewer; if not has a sustainable waste water treatment system been designed to avoid unacceptable damage to the water environment?	The proposal does not require to be connected to the public sewer. No water will be discharged from site. A hydrological and hydrogeological assessment has been undertaken. There will be no significant or unacceptable damage to the water environment.
10. Flooding What measures have been taken to ensure that the development will: A. Be free from significant risk of flooding; B. Not add to the area of land that requires flood prevention measures; and C. Not affect the ability of the functional floodplain to store or move flood waters?	A hydrological and hydrogeological assessment has been undertaken. The proposal is not located within an area identified as being at risk of flooding. The proposed working of the quarry will have no impact on nearby watercourses and will not affect the ability of the functional floodplain to store or move flood waters.
11. Surface water runoff Which of the following localised strategies for ensuring that runoff from the finished development does not exceed runoff from the previously undeveloped site have been proposed and designed in accordance with the SUDS Manual C697 published by CIRIA: A. Prevention of runoff at source – through simple design measures on individual buildings (e.g.; minimising paved areas) to allow water to return to the natural drainage system as near to the source as possible and not to contribute to runoff. B. Source control of runoff rate/volume - through control of the rate/volume of runoff generated close to source e.g.: rainwater harvesting systems, green roofs and individual soakaways for buildings. C. Site control of water management – water is managed from several areas e.g.: roofs and	A hydrological and hydrogeological assessment has been undertaken. Prevention of runoff at source: all water will be contained on site and allowed to disperse by natural infiltration.

parking areas into one large soakaway or device such as an infiltration basin. This incorporates enhancing biodiversity and amenity, and is sized to allow incorporation of further developments in future.	
12. Water conservation How will the development sustainably meet the required water demands including through the use of: A. Water efficient appliances such as dual flush toilets, aerating taps, and water-efficient white goods; B. Rainwater collection for reuse; C. Green roofs.	The only requirement for water relates to water utilised for dust suppression. This water will be undertaken from the on-site sump.
13. Waste and recycling Has suitably screened space been made available for the storage of waste and recyclables in or around each building including: A. Space for sorting and storing recyclable materials; B. Space for general waste storage; C. Space for composting organic kitchen and garden waste?	In accordance with The Management of Extractive Waste (Scotland) Regulations 2010 the proposed operations have been considered and a waiver for the requirement of a Waste Management Plan (WMP) has been prepared (ER Appendix 1). The WMP makes provision for the management of soils and processing waste (silts). No other forms of waste will be generated.
14. Site management How will development of the site be undertaken in a manner which minimises disturbance to neighbouring properties and the environment including addressing: A. Noise pollution B. Light pollution C. Air pollution D. Construction waste E. Surface water run-off F. Soil handling G. Protection of trees H. Traffic movements I. Access	The proposal has been subject to environmental assessment and is accompanied by an Environmental Review report. A. The site design has been assessed against PAN 50 Annex A guidance negligible noise impact. B. Only vehicle lighting is required; the majority of operations benefit from screening; negligible impact. C. The proposal has been subject to a dust/air quality assessment; negligible impact. D. Not applicable. E. Surface water run-off contained on site and allowed to disperse by infiltration; negligible impact. F. Soils stripping and storage will be undertaken as per ER Section 2.2.3. G. The additional landtake relates to 0.59ha of commercial forestry. A felling licence is already in existence for the wider area. At restoration the land will be returned to forestry. H. The proposal relates to the provision of aggregates to a local market thereby reducing the requirement for the transportation of aggregates from further afield. Traffic movements are anticipated to be low (average of 2 loads daily). I. All traffic will use the existing forestry access

	onto the A884; this will be upgraded, as required by The Highland Council.
15. Transport How does the development proposal make a positive contribution towards the improvement of the sustainable transport network by: A. Reducing car dependency; B. Promoting sustainable transport modes; C. Creating or linking to existing sustainable travel modes including the core path network, safe routes to schools and workplaces by cycle, pedestrian or public transport; D. Reducing the need to travel; demonstrated through a Transport Assessment where transport impacts are considered to be significant.	N/A: The proposal relates to the provision of aggregates to a local market thereby reducing the requirement for the transportation of aggregates from further afield. This will reduce the environmental and amenity impacts associated with longer distance HGV road haulage.
16. Pedestrians and cyclists How close is the development to existing public transport networks? What provision is made for secure cycle storage in new buildings and at associated local facilities including transport hubs?	This is not a housing or commercial development where public transport is a primary issue. The proposal relates to the a small quarry and minerals can only be worked where they are found. The number of employees on site will be low (2-3 personnel) and, having regards to the remote location of the quarry, cycling is unlikely to be a chosen mode of transport.
17. Efficient use of land and existing buildings How does the design ensure that: A. Disturbance to soils is minimised for example through minimising required earthworks. B. Where appropriate demolition materials will be re-used on-site, rather than transported off-site as waste materials. C. Existing redundant and derelict buildings are sympathetically converted and/or restored where appropriate with a bat survey and mitigation plan carried out if necessary	A. Soils are only stripped over areas where development is proposed. Stripped soils will be retained and utilised for restoration. B. The proposal will not give rise to any demolition materials. C. There are no buildings on the application site.
18. Design for flexibility Has flexibility been designed into all units to provide adaptability to changing needs? A. Has design to Lifetime Homes Standards been adopted? B. Has infrastructure been installed to allow for home working, e.g. telephone / WiFi for all developments? C. Does building structure and position allow for future extension? D. Have construction techniques been used which enable internal walls to be easily removed or repositioned to create new spaces?	18 A-D relate to housing development and are not applicable/relevant to planning applications for minerals development.
19. Private amenity space Is there provision for private amenity space e.g.: private garden, balcony, roof terrace or patio, or a	19 A-E relate to housing development and are not applicable/relevant to planning applications for minerals development.

communal garden/courtyard which is easily accessible for occupants of designated properties, and does the size and type of area provided allow for: A. All occupants to sit outside at once; B. Safe access by those using wheelchairs or mobility aids; C. Growing fruit or vegetables; D. Composting of kitchen and garden waste; E. Drying washing.	
20. Accessibility of community facilities How far in miles is the development from the following facilities? A. Healthy facilities such as a surgery or pharmacy; B. Education facilities such as a crèche, primary and secondary schools; C. Shop; D. Bank, Post Office or cash machine; E. Leisure facilities such as a community centre or indoor sports facility.	20 A-E relate to housing development and are not applicable/relevant to planning applications for minerals development.