

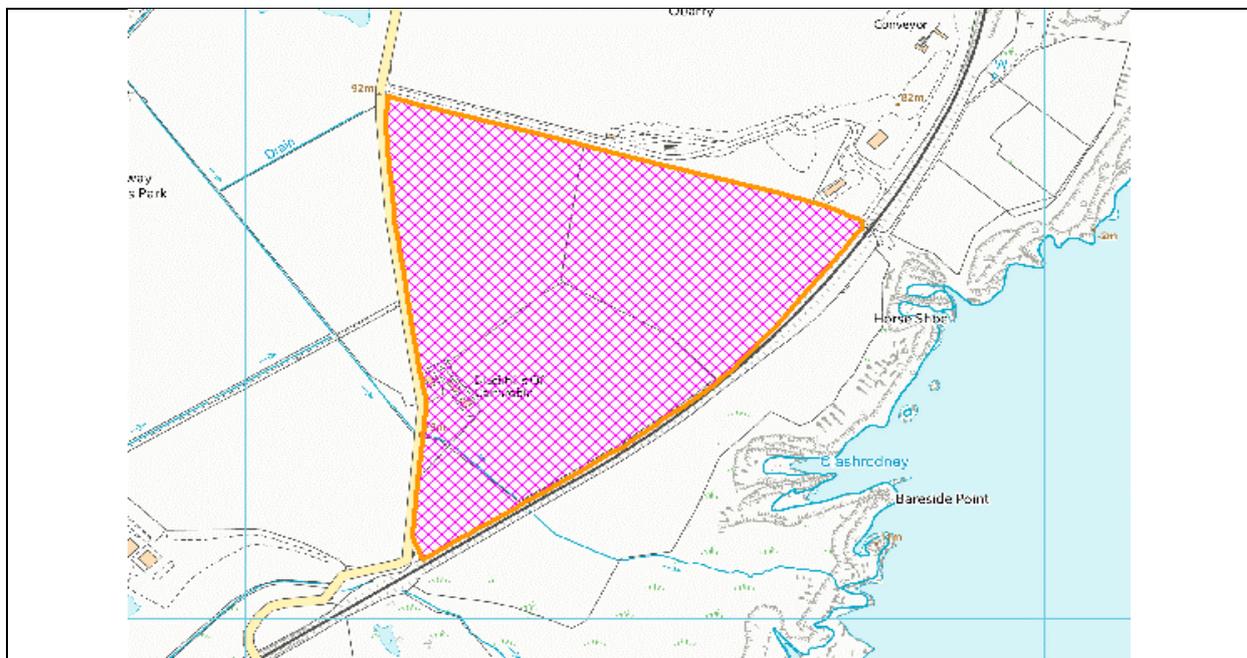
Kincardine & Mearns Area Committee Report 3 March 2020

Reference No: APP/2019/2369

Full Planning Permission for Lateral Extension of Existing Hard Rock Quarry and Formation of Sump Pond at Blackhills Quarry, Blackhills Of Cairnrobin, Cove

Applicant: Leiths (Scotland) Limited, Rigifa, Cove, AB12 3LR
Agent: Stephenson Halliday Ltd, 32 Lowther Street, Kendal, LA9 4DH

Grid Ref: E:394472 N:799395
Ward No. and Name: W17 - North Kincardine
Application Type: Full Planning Permission
Representations: 0
Consultations: 11
Relevant Proposals Map: Aberdeenshire Local Development Plan
Designations: Aberdeen Housing Market Area, Greenbelt
Complies with Development Plans: Yes
Main Recommendation: Grant



NOT TO SCALE

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1. Reason for Report

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- 1.1 The Committee is able to consider and take a decision on this item in terms of Section B.8.1 of Part 2A List of Committee Powers and Section C.2.1 of Part 2C Planning Delegations of the Scheme of Governance as the application is for major development.
- 1.2 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this report and their comments are incorporated within the report and are satisfied that the report complies with the Scheme of Governance and relevant legislation.

2. Background and Proposal

- 2.1 Blackhills Quarry is an existing operational hard rock quarry situated in a semi-rural location to the south of Aberdeen, the northern boundary of the application site adjoins the administrative boundary with Aberdeen City Council.
- 2.2 The applicant's involvement with the quarry has a relatively extensive history within Aberdeen City over 35 years, with more recent applications for the extension and continued use for hard rock extraction (Ref: 130490) with planning permission subsequently having been granted through to 28 November 2050. It is however understood that the history of the quarry extends back to the 19th century, as evidenced through historical mapping.
- 2.3 Residential property within the ownership of the applicants is located within the application site with 'Braerobin' and 'Blackhills of Cairnrobin' located at the western edge on the u61K Findon Road, and 'Haven Cottage' within the existing quarry to the north east. The closest private residential property, North Mains of Findon, is located some 250m to the south of the site. Cove is located to the north and the site is approximately 575 m from the closest residential properties therein.
- 2.4 The Gateway Business Park is located some 330 m to the west of the proposed extension area, beyond an area of agricultural ground. The East Coast Railway Line forms the eastern boundary of the application site, with land falling sharply away to the coast and the North Sea after this. The applicant's main office and workshop, at Rigifa, is located to the north west of the existing permitted quarry.
- 2.5 The proposal is related to an existing quarry operation and currently comprises agricultural land extending to 20.56 hectares. The land levels currently range from 94 m (AOD) in the north western corner, falling to 65 m (AOD) along the eastern boundary. The land to which the proposed extraction and associated soil storage/bunds relates, extends to 15.5 hectares. The proposals would seek to release approximately 6.36 million tonnes of rock.

2.6 In terms of the works undertaken, primary crushing would be undertaken within the extension area, using mobile plant, with the crushed rock then transported via the conveyor tunnel for secondary processing, stockpiling and sale. There are also intended to be four phases associated with the proposals:

Phase 1 (1.66 million tonnes – approximately six years and eight months): soils and overburden used to create screen mounds of between 4 and 6 metres. Extraction would be taken to levels of 60 m AOD, and 45 m AOD in the north eastern part of the site. The conveyor tunnel to the existing quarry would be formed. Drainage shall include French drains and a perimeter gravel drain;

Phase 2 (1.56 million tonnes – approximately six years and three months): Extraction would progress to the west and south to the full extent of the proposed extraction to a depth of 74 m AOD and 60 m AOD. Additional screen mounds provided to the western boundary using stripped soils and overburden. Phase 2 progressive restoration would include native tree and shrub planting;

Phase 3 (1.54 million tonnes – approximately six years and two months): Extraction would progress in the central parts of the quarry to depths of 60 m AOD and 48 m AOD. Phase 3 progressive restoration would include restoration blasting to the eastern quarry face and scree slopes to promote re-vegetation; and

Phase 4 (1.6 million tonnes – approximately six years and two months: the remaining extraction to the western and central sections would see excavation to 48 m AOD.

2.7 Final restoration would see native grassland, with intermittent areas of bare rock habitat; native tree and shrub vegetation; and, waterbodies with enhanced aquatic vegetation. Furthermore, the Diney Burn to the south west corner would be rerouted in order to create a more sinuous route having many curves and turns, as opposed to the existing linear arrangement.

2.8 It has been indicated that the means of access shall remain to be from the north via Wellington Road (A956), Cove Road, and the U61k Findon Road, via the existing quarry access. It is expected that the proposal would not increase HGV movements and that they would remain at approximately 124 daily vehicle movements (62, in, and 62 out).

2.9 In respect of the intended hours of operation for the extraction, processing and dispatch of aggregates, the supporting statement advises that they would mirror that of the existing quarry with:

- 7:00am - 7.00pm, Mondays to Fridays;
- 7:00am - 1.00pm, Saturdays; and
- At no time on a Sunday, bank holidays, or national holidays.

- 2.10 Ultimately, for the full four phases of the project lifespan, the applicant has indicated that the estimated timescale would be 25 years and 6 months, with a final year for the final restoration thereafter. The proposal would run in parallel with the existing quarry, with a combined rate of extraction of approximately 250,000 tonnes per annum.
- 2.11 A parallel application has been made to Aberdeen City Council for the construction of an underground conveyor area to transport extracted material from the proposed extension area to the existing quarry, and associated processing plant. The site area for that application covers 1.03 hectares, and bounds this site, and connects into the existing quarry site.
- 2.12 With this application constituting major development, there was the statutory requirement to undergo Pre-Application Consultation (PAC). The Planning Service agreed the means of undertaking the PAC through ENQ/2019/0526 in April 2019. Furthermore, through a parallel Pre Application Enquiry and Scoping Request (ENQ/2019/0978) pre major application advice was provided in August 2019.
- 2.13 An Environmental Statement (ES) was required as the development falls within Schedule 1 of the Environmental Impact Assessment (Scotland) Regulations 2017. An ES has to identify the likely environmental effects of a project through the study and analysis of individual issues, predicting and assessing the projected impacts and proposing measures to mitigate the effects. Before determining the application the Council must take into consideration the information contained in the ES, including any further information, any comments made by the consultation bodies and any representations from members of the public about environmental issues. The ES is submitted in support of the planning application but it is not part of the application itself. However, provided it serves a planning purpose, any information from the environmental impact assessment process may be material and considered alongside the provisions of the development plan. The Environmental Impact Assessment report (Environmental Statement) by Stephenson Halliday dated October 2019 includes chapters upon:
- 1) Introduction
 - 2) EIA Process and methodology;
 - 3) Description of Proposal;
 - 4) Consideration of alternatives;
 - 5) Planning Policy;
 - 6) Landscape and Visual;
 - 7) Ecology;
 - 8) Noise;
 - 9) Dust and air quality;
 - 10) Vibration;
 - 11) Hydrology and hydrogeology;
 - 12) Interaction of effects and schedule of mitigation; and,
 - 13) Summary of effects and conclusion.

2.14 In addition to the EIA report (and associated Non-Technical Summary), further supporting information submitted includes;

- Planning Statement by Stephenson Halliday dated October 2019;
- Archaeological Desktop Study by Murray Archaeological Services dated April 2019;
- Extractive Waste Management Plan by Leiths dated August 2019;
- PAC Report by Stephenson Halliday dated October 2019; and,
- Traffic Statement by Leiths dated September 2019.

3. Representations

3.1 No valid letters of representation have been received.

4. Consultations

Internal

4.1 **Business Services (Legal and Governance – Developer Obligations)** has commented that the proposed development does not engage the Developer Obligations and Affordable Housing policies or associated guidance of the Aberdeenshire Local Development Plan 2017. Therefore, in this instance, no contributions are required.

4.2 **Infrastructure Services (Archaeology)** has commented that 19th century archaeological sites have been recorded in the area, there is the potential for prehistoric activity to survive within the development site. Should the application be approved a condition should be attached in respect of a programme of archaeological works.

4.3 **Infrastructure Services (Contaminated Land)** has commented that there do not appear to be any issues of concern in respect of this development and as a consequence, no further information regarding contaminated land is required.

4.4 **Infrastructure Services (Environmental Health)** has no objection to the proposal subject to conditions. The response acknowledges that exiting permission within the Aberdeen City boundary, and the need to align conditions that apply within that site taking cognisance of the specifics raised within the Environmental Impact Assessment and associated noise assessments.

- 4.5 **Infrastructure Services (Environment Team)** has commented that a watching brief to protect protected species should be maintained over the lifetime of the development, and measures taken for their protection as outlined in the EIA. Landscaping of the development and the final restoration of the quarry will provide opportunities for the enhancement of biodiversity. The use of locally native grassland, tree and shrub species in the landscaping of the bunds around the margins of the development and the restoration of the quarry within the longer-term will provide opportunities for biodiversity enhancement. In respect of access, National Cycle Route 1 should be kept open at all stages of the proposed development.
- 4.6 **Infrastructure Services (Flood Risk and Coast Protection)** has confirmed that they have no objection to this application.
- 4.7 **Infrastructure Services (Roads Development)** has no objection to the proposals, subject to construction/quarry traffic maintaining current travel patterns as stated in the submitted Traffic Statement.

External

- 4.8 **Aberdeen City Council** has not provided any formal comments.
- 4.9 **Network Rail** initially provided a holding objection for additional information. They have however subsequently lifted the holding objections subject to the imposition of conditions to ensure consistency between the operational parts of the quarry over the two local authorities, and in order to cover blasting and a safe system of work.
- 4.10 **Scottish Natural Heritage (SNH)** has commented on the following topic areas:

Protected Areas

The proposal is approximately 1 km from Cove Site of Special Scientific Interest (SSSI), designated for its maritime cliff vegetation and its population of Dickie's bladder fern. Their advice is that the proposal will not have an adverse effect on the notified features of Cove SSSI or any other statutory sites designated for nature conservation. This is because there is no connectivity between the proposal and the SSSI.

Protected Species

SNH note that a watching brief will operate to check for new badger sett entrances within 100 metres of blasting operations. They support this approach. SNH note that peregrine do not currently nest within the quarry but that if they attempt to nest, a 25 metre buffer zone will be set up. Peregrine are protected under Schedule 1 of the Wildlife and Countryside Act 1981 (as amended). This means it is an offence to cause disturbance to nesting peregrine. SNH advice is that a 25 metre buffer zone may not be sufficient to prevent disturbance to the birds and therefore to prevent an offence from

being committed. If peregrine begin nesting in the quarry, further consideration will be required to ensure appropriate measures are in place to ensure no offence is inadvertently committed.

- 4.11 **Scottish Environment Protection Agency (SEPA)** has commented that they have no objection to the proposals, subject to the imposition of a condition relating to the potential to meander the Diney Burn as part of the restoration proposals. This would secure a commitment to investigate and implement any feasible measures identified in the investigation within the final restoration scheme.

5. Relevant Planning Policies

5.1 Scottish Planning Policy

The aim of the Scottish Planning Policies 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. Its primary objectives are:

- to set the land use framework for promoting sustainable economic development;
- to encourage and support regeneration; and
- to maintain and enhance the quality of the natural heritage and built environment.

Development and conservation are not mutually exclusive objectives; the aim is to resolve conflicts between the objectives set out above and to manage change. Planning policies and decisions should not prevent or inhibit development unless there are sound reasons for doing so. The planning system guides the future development and use of land in cities, towns and rural areas in the long term public interest. The goal is a prosperous and socially just Scotland with a strong economy, homes, jobs and a good living environment for everyone.

SPP contains a section upon “Promoting Responsible Extraction of Resources”. Importantly it outlines that “the planning system should safeguard workable resources and ensure that an adequate and steady supply is available to meet the needs of the construction, energy and other sectors. Furthermore, it adds that the impacts of extraction on local communities, the environment, and built/natural heritage, should also be minimised, with a focus upon the sustainable restoration of sites to beneficial after use after working has ceased.

SPP also provides a statement of Government policy in respect of minerals and confirms that an adequate and steady supply of minerals is essential to support sustainable economic growth. SPP confirms that in order to ensure that there is adequate continuity of supply to meet demand planning authorities

should ensure a landbank of permitted reserves for construction of a minimum 10 year extraction is available at all times in all market areas.

National Planning Framework 3 acknowledges that mineral resources support the construction sector, and that Planning should safeguard mineral resources and facilitate their responsible use.

5.2 Aberdeen City and Shire Strategic Development Plan 2014

The purpose of this Plan is to set a clear direction for the future development of the North East. It promotes a spatial strategy. All parts of the Strategic Development Plan (SDP) area will fall within either a strategic growth area or a local growth and diversification area. Some areas are also identified as regeneration priority areas. There are also general objectives identified. In summary, these cover promoting economic growth, promoting sustainable economic development which will reduce carbon dioxide production, adapt to the effects of climate change and limit the amount of non-renewable resources used, encouraging population growth, maintaining and improving the region's built, natural and cultural assets, promoting sustainable communities and improving accessibility in developments.

The SDP also makes ambitious targets in respect of development, particularly within the Strategic Growth Area.

From the 29 March 2019, the Strategic Development Plan 2014 went beyond its five-year review period. In light of this, for proposals which are regionally or strategically significant, or give rise to cross boundary issues between Aberdeen City and Aberdeenshire, the presumption in favour of development that contributes to sustainable development will be a significant material consideration in line with Scottish Planning Policy 2014.

The Aberdeenshire Local Development Plan 2017 will continue to be the primary document against which applications are considered. The Proposed Aberdeen City & Shire SDP 2020 may also be a material consideration.

5.3 Aberdeenshire Local Development Plan 2017

Policy R1: Special Rural Areas
Policy R3: Minerals and Hill Tracks
Policy P1: Layout, siting and design
Policy P4: Hazardous and potentially polluting developments and contaminated land
Policy E1: Natural Heritage
Policy E2: Landscape
Policy HE1: Protecting historic buildings, sites and monuments
Policy RD1: Protecting important resources
Policy C4: Flooding
Policy RD1: Providing suitable services
Policy RD2: Developers obligations

5.4 Other Material Considerations

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

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

In addition, it is important to note that the land associated with this application has been the subject of submissions to the Local Development Plan Review. The outcome to date has been to indicate that the site would be included within Appendix 14 which shall be for "Areas safeguarded or Identified as Areas of Search for Minerals Development". However, at this time the Proposed LDP is considered to be of limited weight, and despite its likely publication in March, it has still to be the subject of further consultation and potential comment.

6. Discussion

6.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) require that where, in making any determination under the planning acts, regard is to be had to the provisions of the development plan and that determination shall be made in accordance with the plan, so far as material to the application, unless material considerations indicate otherwise. In this instance, the main issues for consideration include:

- the adequacy of the Environmental Statement (ES);
- the principle of the development, and the wider need case;
- the landscape and visual impacts of the proposals;
- impacts on infrastructure;
- impacts on the natural environment, wildlife and habitats; and,
- effects on receptors (Noise, Blasting and Dust)

Adequacy of the Environmental Statement

6.2 Before considering the merits of the proposed development it is appropriate to comment on the ES submitted in support of the application. There is no statutory provision as to the form of an ES but it must contain the information specified in Part II and such relevant information in Part I of Schedule 4 of the Environmental Impact Assessment (Scotland) Regulations 2017 as is reasonably required to assess the effects of the project and which the developer can reasonably be required to compile. Whilst every ES should provide a full factual description of the development, the emphasis of Schedule 4 is on the '**main**' or '**significant**' environmental effects to which the development is likely to give rise. An ES must comply with the requirements of the Regulations, but it is important that it is prepared on a

realistic basis and without unnecessary elaboration. It is for the Council to satisfy itself on the adequacy of the ES. If it is deemed to be inadequate, then the application can be determined only by refusal. Overall the ES is considered to be satisfactory, thus meeting the requirements of the Regulations.

The Principle of Development and the Wider Need Case

- 6.3 In respect of the principle of development, the proposal must be assessed against Policy R1 Special rural areas and Policy R3 Minerals and Hill Tracks of the Aberdeenshire Local Development Plan (LDP).
- 6.4 Policy R1 Special rural areas states that “We will only allow development if it is essential and cannot be located elsewhere”. It further adds that “development of minerals under Policy R3 may be permitted where an essential need is identified”.
- 6.5 Through the submitted documents, the applicant has asserted that the development is essential in order to maintain and sustain a landbank of minerals in accordance with the requirement of SPP and Policy R3. Given the pocket of minerals available being directly adjacent to a consented quarry also operated by the applicant, it is not something which could be located elsewhere, and should be considered a sustainable use of land given the linkage to the existing operation, and it is also strategically well placed location within the market area.
- 6.6 In this instance, and in considering the reasons for the proposal, Chapter 4 of the EIA Report outlines how and why the development is coming forward in this location. Importantly, while the existing quarry has a planning permission that runs until 2050, given the level of development being undertaken in the wider city region, and in particular with key projects such as the AWPR and the Aberdeen Harbour Expansion Project depleting reserves, it is necessary to ensure that adequate provision is made for minerals going forward. As the proposal is associated with mineral extraction it is considered to generally accord with the terms of Policy R1 Special rural areas, subject to more detailed consideration against other relevant policies.
- 6.7 Policy R3 Minerals and hill tracks of the Aberdeenshire Local Development Plan identifies that “We generally only allow minerals development if sufficient information is provided to enable the full likely effects of the development to be assessed, together with proposals for appropriate control, mitigation and monitoring. Details of phased working; waste management; land restoration and aftercare; after use; and public road maintenance and restoration will require to be agreed with the planning authority as part of any application”.
- 6.8 In this instance, the applicant has provided a robust justification for the application proposals. While acknowledging that Policy R3 makes a specific reference to sand and gravel construction aggregates and maintaining minimum reserves of 10 years, it does not specifically refer to hard rock, which is what would be quarried /extracted in this instance. Notwithstanding,

the policy further states that “we will generally not allow development that would result in the minerals landbank within the market area exceeding 15 years”. The Scottish Aggregates Survey 2012 (Published in 2015) identified that in Aberdeenshire and Moray Councils there were 240 million tonnes of rock consented in active site in the North East, Aberdeen City, Aberdeenshire and Moray Councils, resulting in a supply of 231 years. However, this information is already significantly out of date, and notwithstanding, Policy R3 makes specific reference to the market area as being within 50km of the application site. As such, the applicant has provided a detailed analysis of the existing minerals facilities that are consented within the market area (Within 50km). At this time, it is estimated by the applicant that there are a total of 33,227,648 tonnes of minerals reserves across 18 sites of varying size and remaining permission/reserves. With a combined declared extraction rate of 2,352,763 tonnes p.a., it is anticipated that it leaves 14.1 years supply. However, With the extant Local Development Plan, running through to 2026 (albeit currently subject of review), by the end of that period, it is anticipated that the reserves could fall as low as 7.9 years should growth and development continue as planned/anticipated, and therefore warranting a further grant of planning permission to help sustain the minerals landbank in accordance with the requirements of SPP and Policy R3.

- 6.9 While the timescales outlined by the applicant suggest a timeframe of 25 years and 6 months for the actual extraction, and a further period of 1 year for the final restoration works, in this instance, it is considered pragmatic to condition the lifespan of the expanded quarry to align with that of the existing quarry to 28 November 2050.

Landscape and Visual Impact Assessment

- 6.10 Given the proposal is to extend an existing quarry, rather than a new operation; it is more readily accommodated within the landscape. However, any proposals for mineral extraction will inevitably have impacts on the landscape resource, therefore consideration of potential impacts, together with measures to minimise and mitigate them, is key to establishing the acceptability of the proposal.
- 6.11 Policy E2 Landscape is relevant to the determination of this application. The proposed quarry extension is located within open farmland. This part of the Greenbelt, is also identified as being within the South East Aberdeenshire Coast Special Landscape Area. It is acknowledged as being a “narrow but continuous strip that includes areas with strong coastal influence, the landward extent of which is generally restricted due to the high cliffs that separate the hinterland from the sea”. In addition, from the perspective of Landscape Character Assessment, SNH acknowledge it as “Fragmented Rocky Coast” while Aberdeenshire Council define it as “Kincardine Cliffs”, both with similar definitions highlighting that the area is characterised by steep rugged slopes and cliffs which merge quickly into farmland.

- 6.12 The ES looked at the potential impacts on receptors within the landscape, which were widely acknowledged as being restricted to within 3km of the application site, and any significant visual effects arising would extend no further than to Findon to the south, the A92 and A956, to the West, Cove Road to the north and the Coast Road to the east. Potential sources of visual impact are also identified as being the residential properties within 300m of the site (which in this instance are already within, or about to be in the ownership of the applicant), and the Gateway Business Park occupiers to the west.
- 6.13 Existing bunds have already been formed at the extremities of the existing quarry. The largest potential visual impact is associated with the formation of the new bunds, which are a relatively short term operation. The proposal in this instance seeks to extend those bunds to the south (along the western boundary) before returning along the eastern edge of the site adjacent to the railway. Once formed the bunds shall replicate the existing bunds graded form and be seeded to establish grassland cover and shall have both acoustic and visual benefits. The bunds will therefore have a relatively limited impact on the wider landscape in the short-term, with the only significant visual impact on close viewpoints or where the bunds appear on the skyline.
- 6.14 The proposal shall have direct impacts within this coastal area of Open Farmland as well as more significantly on landform. A number of these impacts would be short-term, with a small number over a longer term, related to the life of the quarry. Residual impacts are to be mitigated to retain key landscape components. Landform (i.e. the excavated area proposed as part of the extension) would be permanently altered, but this effect would be limited to that area, which is not generally visible in the wider landscape.
- 6.15 Views would be available for visual receptors including residents, recreational users of the area immediately around the proposal, travellers on the road network and workers within the adjacent business park. Views from out with the immediate environs of the site are limited by the topography and further mitigated by the bunding and associated progressive restoration discussed above. Taking all of the above into account, the proposal is considered to accord with the general principles of Policy E2 Landscape of the Aberdeenshire Local Development Plan

Impacts on Infrastructure

- 6.16 As has been confirmed by the applicants, access to the extended quarry would continue to be as per existing access arrangements which are from the A956, via Cove Road and a small section of the existing Findon Road (U61K).
- 6.17 The proposal would result in the continuation of quarry related vehicle movements. It is proposed that quarry production / despatch would continue at current levels which equates to an average of 124 daily vehicle movements Monday to Friday (62 empty and 62 full) and 62 movements on a Saturday (31 empty and 31 full). As such, Policy RD1 Providing suitable services is considered to be of direct relevance. The Roads Development Team have

confirmed that they have no objection to the proposals subject to traffic routing being to the north as per the submitted Traffic Statement. It is accepted that no net increase in vehicular movements will occur. In respect of wider permeability, National Cycle Route 1 shall not be affected by the proposed development.

- 6.18 Surface water run-off from the surrounding area is proposed to be diverted by French drains around the quarry area. While the Diney Burn is located in the southern part of the application site, it does not form part of the area for extraction. The only works proposed to it include realigning its course so as to give a more natural meandering route. This would ultimately be conditioned and would be subject to agreement with SEPA. The screening bunds, which are to be established along the boundaries of the extension area, shall also act to restrict potential for surface water run-off from the surrounding area, into the quarry. The quarry floor area shall ultimately be extracted down to 48AOD (the same height as approved within the existing quarry in Aberdeen City), which is above the groundwater table and there is thus no ground water flow into the excavated area. Notwithstanding, site water management schemes shall be subject to on-going assessment and modification, as required, to ensure that water is managed appropriately and in accordance with the Water Environment and Water Services Act 2003, and the Controlled Activities Regulations 2011. SEPA have the locus for such matters.
- 6.19 In respect of hydrology and hydrogeology, through the preliminary ecological appraisal, it was identified that there were no Groundwater dependant Terrestrial Ecosystems within the site. No areas of the site are at risk from pluvial flooding. As such, it was concluded that the receptor sensitivity was in most part low. In terms of mitigation, a vegetated buffer would be applied to the drainage ditch to provide attenuation for run-off and avoid direct impacts. A sump would also be provided within the extension area, with a minimum depth of 5m to aid with water management and to provide a water source for dust suppression.
- 6.20 Taking the above into account and subject to the aforementioned conditions it is considered that the proposal is acceptable with regards to Policy RD1 Providing suitable services and C4 Flooding of the ALDP.

The Impact on the Natural Environment, Wildlife and Habitats

- 6.21 The ES includes a detailed ecological assessment, which has been considered by the Environment Team and SNH. This assessment identified the baseline condition of the site, with respect to ecological value, and the potential impact of the proposal on wildlife and nature conservation interests. The objectives of the assessment process are to ensure the maintenance of viable populations of native species throughout their natural range, and where practicable the improvement of the status of rare or endangered species. In both instances, the Environment Team and SNH found the content of the ES to be acceptable, and that no significant adverse impacts would arise. It was

however identified that ongoing watching briefs would be required, and that conditions could be utilised in this regard particularly in respect of the potential for Peregrine to nest in the quarry.

- 6.22 Due to the nature of the quarrying operations it shall not be possible to return the landform to its pre-existing state, and while the quarry faces shall be re-graded and covered, the final landform shall have relatively steep-sided slopes. The proposed restoration shall ensure an acceptable integration with the surrounding landscape and shall also create an appropriate habitat, with a minimum management demand. In the longer term, the habitat quality shall improve naturally and be self-sustaining together with creating opportunities for enhanced biodiversity. As a result of the above, the proposal is considered to accord with the principles of Policy E1 Natural Heritage.

Effects on Receptors (Noise, Dust/Air Quality and, Blasting/Vibration)

- 6.23 Noise: The issues relating to noise from the site have been addressed through the submitted Chapter 8 on Noise within the EIA. It is considered that the proposed site operations meet the relevant best practice as detailed within PAN 50 Annex A. Noise control measures, including the formation of visual and acoustic screening bunds, along with effective day-to-day site management shall ensure that the proposed development is undertaken without significant noise impacts. It has also been adequately demonstrated that there shall be no residual impacts from the development in terms of noise levels currently experienced, and that in large, noise levels to noise sensitive properties such as North Mains of Findon, Blackhills of Cairnrobin, and Haven Cottage would ultimately be reduced. It should however be noted that the latter two are or shall be under the control of the applicant in due course.
- 6.24 Dust/Air Quality: The regulation and control of potential dust nuisance from the site will continue to be based around the principle of best practice, with emphasis based on the day-to-day management: to identify on-going requirements for dust mitigation and to ensure prompt remedial action in the event of failure.
- 6.25 The possibility of cumulative dust impact, attributable to two or more mineral workings in close proximity, has also been considered given the relative close proximity to North Mains Quarry and Cairnrobin Quarry. The potential for cumulative impact is assessed as low / negligible.
- 6.26 Following advice contained within PAN 50 Annex B, control of dust emissions and mitigation of the potential environmental impacts of dust from the operations shall be controlled by a Site Dust Management Strategy. Overall the potential for dust emission from the site is low and it is unlikely that there will be any reduction in air quality. No residual impacts have been identified.
- 6.27 Blasting/Vibration: The proposed extension area would develop the quarry to the south over agricultural land. The quarry would be developed in three benches over a series of 4 phases, the development progressing generally from east to west through Phase 1-4 and then east during Phase 6.

- 6.28 The recovery of rock would continue using blasting. As blast induced ground vibration is assessed as having the potential for impact, it was considered that the development of the quarry should be blast design led, to ensure acceptable impacts at residential properties. Accordingly, an assessment of blasting was undertaken by Vibrock Ltd, based on knowledge of blast designs, proposed for the extension and data from monitoring a typical production blast at the existing workings.
- 6.29 The applicants have outlined that they anticipate that blasting shall continue in line with the conditions applied to the existing quarry. It is further considered that the potential for cumulative impacts from potential blasting at North Mains, or Cairnrobin are exceptionally limited. Notwithstanding, it is recognised that the vibration at two properties 'Blackhills of Cairnrobin' and 'Haven Cottage', would be at levels where mitigation is required. The manner in which this is handled would be through the use of alternative blasting techniques. Ultimately the report outlined that all vibration would be of a low order of magnitude, and that accompanying air overpressure would also be very low.
- 6.30 Ultimately, it has been outlined by Environmental Health that they are satisfied with the information provided and that they do not object to the proposals. They have however asked that conditions be applied to align with the restrictions currently applied to within the existing quarry. Furthermore, through the provision of additional information to Network Rail, they too have no objection, but similarly, they wish to see the same conditions attached, as had been applied within the extant quarry.

Restoration and Aftercare Proposals

- 6.31 From assessing the application detail it is clear that through each of the four phases that degrees of progressive restoration and landscaping would be taking place throughout the lifespan of the quarry. Ultimately, following the cessation of quarrying operations, a period of one year has been allowed for the completion of restoration. The restoration would see native grassland, with intermittent areas of bare rock habitat; native tree and shrub vegetation; and, waterbodies with enhanced aquatic vegetation. At this time, the detail of the restoration is indicative as much ultimately depends upon the extent and speed of extraction. However, the indication at this time, is that a similar approach would be taken within this site, as would occur in the existing quarry to the north. This would also include similar quarry floor depths. Notwithstanding, such restoration and remediation can ultimately be controlled by condition, and a financial guarantee from the applicants. As a result, the proposal accords with PAN 64 which aims to ensure that satisfactory reclamation procedures are in place before, during and after extraction to bring land back to an acceptable condition.

Conclusion

- 6.32 Any proposal for mineral extraction will have associated environmental implications and some impact on the amenity of the surrounding area. However, minerals can only be worked where they are found, a significant constraint. The key considerations are the significance of these impacts, compatibility with the development plan, and any other relevant material considerations.
- 6.33 The application has been reviewed both internally by the Council, and by external consultees including: SEPA, SNH, and Network Rail. This processing has confirmed that the proposal does not adversely affect any designated sites of nature conservation or built heritage interest or give rise to any other significant environmental impacts that cannot be adequately controlled by condition.
- 6.34 The landscape and visual impact assessment has been undertaken in accordance with the appropriate guidelines and methodologies. The quarry would be partially visible from the main road, and railway, but appropriate bunding, as suggested within the ES, would help negate any major concerns, and would also assist in respect of mitigating noise, and dust impacts which could otherwise affect nearby properties. Visually this would also help to integrate the proposal into the local landscape.
- 6.35 Overall, the proposed extension to extend the operation at Blackhills Quarry is in accordance with the policies of the Aberdeenshire Local Development Plan (2017). The proposals shall help sustain the landbank of hard rock materials in line with the requirements of SPP, and also in a sustainable manner when combined with the parallel activities in the existing quarry, and the connectivity the site has to the strategic growth area, which is the focus for regional growth for the foreseeable future. The applicant has undertaken a thorough assessment of the necessary issues, as set out in the ES. The proposal is thus considered to be an acceptable form of development and, subject to a number of conditions as outlined above, is considered to be acceptable. The proposal is therefore recommended for approval.

7. Area Implications

- 7.1 In the specific circumstances of this application there is no direct connection with the currently specified objectives and identified actions of the Local Community Plan.

8. Implications and Risk

- 8.1 An equality impact assessment is not required because the proposal does not have a differential impact on any of the protected characteristics.
- 8.2 There are no staffing and financial implications.

- 8.3 There are no risks identified in respect of this matter in terms of the Corporate and Directorate Risk Registers as the Committee is considering the application as the planning authority in a quasi-judicial role and must determine the application on its own merits in accordance with the Development Plan unless material considerations justify a departure.

9. Sustainability Implications

- 9.1 No separate consideration of the current proposal's degree of sustainability is required as the concept is implicit to and wholly integral with the planning process against the policies of which it has been measured.

10. Departures, Notifications and Referrals

10.1 Strategic Development Plan Departures

None

10.2 Local Development Plan Departures

None

- 10.3 The application is not a Departure from the Local Development Plan or Strategic Development Plan and no departure procedures apply.
- 10.4 The application does not fall within any of the categories contained in the Schedule of the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 and the application is not required to be notified to the Scottish Ministers prior to determination.
- 10.5 The application would not have to be referred to Infrastructure Services Committee in the event of the Area Committee wishing to grant permission for the application.

11. Recommendation

11.1 GRANT Full Planning Permission subject to the following conditions:-

01. That the proposed operations hereby granted permission shall cease on or before 28 November 2050 unless the written approval of the planning authority is first obtained.

Reason: in order to protect the environment and amenity of the area in general.

02. At least one (1) year prior to mineral workings ceasing on the site, a restoration and aftercare plan shall be submitted for the written approval of the planning authority, in consultation with SEPA, and all work shall be carried out in accordance with the said scheme. The plan must include information on

any proposals for phased working and progressive restoration, as well as the effect that any restoration will have on the water environment, including groundwater quality and quantity.

Reason: To ensure the timeous and appropriate restoration and aftercare of the site in the interests of the amenity of the area

03. No works in connection with the development hereby approved shall commence unless the developer has provided to the planning authority written details of the guarantee or other financial provision that is proposed to be put in place to cover all site restoration and aftercare liabilities at the end of the period of this permission. The developer shall also provide an independent confirmation by a chartered surveyor (whose appointment for this task has been approved by the planning authority) that the amount of the guarantee or financial provision so proposed is sufficient to meet the full estimated costs of site restoration, remediation aftercare liabilities and incidental work as well as associated professional costs.

No works shall commence on site unless written confirmation has been given by the planning authority that the proposed guarantee is satisfactory and the developer has confirmed in writing to the planning authority that the guarantee has been put in place. The guarantee or other financial provision must:

- a) be granted in favour of the Council as planning authority;
- b) be from a bank or other institution which is of sound financial standing and capable of fulfilling the obligations under the guarantee;
- c) either contain indexation provisions so that the specified amount of the guarantee shall be increased on each anniversary of the date of this permission by the same percentage increase in the General Index of Retail Prices (All Items) exclusive of mortgage interest published by or on behalf of HM Government between the date of this permission and such relevant anniversary or be reviewable to ensure that the specified amount of the guarantee always covers the value of the site restoration and aftercare liabilities;
- d) come into effect on or before the date of commencement of development and expire no earlier than 12 months after the end of the aftercare period. In the event that the guarantee becomes invalid for any reason, no operations shall be carried out in connection with the development hereby approved unless a replacement guarantee, completed in accordance with the terms of this condition has been submitted to and approved in writing by the planning authority.

Reason: To ensure financial security for the cost of the site reinstatement to the satisfaction of the planning authority, and in the interests of the visual amenity of the area and environmental protection.

04. That the equivalent noise level (Leq) shall not exceed 55dB(A) measured as a one hour free field Leq at the existing noise sensitive properties identified in the Environmental Impact Analysis by Stephenson Halliday dated October 2019 i.e. North Mains of Findon, Blackhills of Cairnrobin, Commercial Development Site, the details for measuring which are to be submitted to, and approved in writing by the Planning Authority.

Reason: In the interest of residential amenity.

05. For a short period of time i.e. no more than 8 weeks per year for soil and overburden stripping and the construction of bunding the above limits can be raised to 70 dB(A) measured as a one hour free field Leq at the at the existing noise sensitive properties identified in the Environmental Impact Analysis by Stephenson Halliday dated October 2019 i.e. North Mains of Findon, Blackhills of Cairnrobin, Commercial Development Site. Details of the intended soil and overburden works shall be recorded and submitted to the Planning Authority on an annual basis, or upon reasonable request.

Reason: In order to allow the undertaking of essential work, and in the interests of protecting residential amenity.

06. That the ground vibration as a result of the blasting operations shall not exceed a peak particle velocity of 6mms⁻¹ ppv for 95% of events, with no blast exceeding 12.0mms⁻¹ at existing private residential properties; with a limit of 15mms⁻¹ for 95% of events being applied at Blackhills of Cairnrobin and Braerobin and a limit of 14.8mms⁻¹ for 95% of events being applied at Haven Cottage - all which are owned by the applicant.

That the ground vibration as a result of the blasting operations shall not exceed a peak particle velocity of 15mms⁻¹ ppv for 95% of events at the Commercial Site identified in the Environmental Impact Analysis by Stephenson Halliday dated October 2019.

Reason: In the interests of residential amenity

07. That the hours of operations for extraction and processing and despatch of dry aggregates shall be restricted to:
- i) 07:00am - 07.00pm, Mondays to Fridays;
 - ii) 07:00am - 1.00pm, Saturdays; and
 - iii) At no time on a Sunday, bank holidays, or national holidays;

Unless written consent of the planning authority is obtained.

Reason: In the interest of residential amenity.

08. That prior to the commencement of any blasting operations, a scheme for the monitoring of blasting including the location of monitoring points and equipment to be used, shall be submitted to, and approved in writing by the planning authority. Thereafter, all blasting operations shall take place in accordance with the scheme as approved or with such subsequent amendments as may receive the written approval of the planning authority.

Reason: In the interest of public safety.

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

Reason: In the interests of public safety.

10. That the depth of the quarry extension shall not exceed 48m above ordinance datum (AOD).

Reason: In order to protect the character of the area.

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

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

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

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

13. That no development shall take place within the application site until the applicant has secured the implementation of a programme of archaeological work which shall include post-excavation and publication work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority.

Reason: In the interests of protecting items of historical importance as may exist within the application site.

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

Reason: In the interests of public safety.

15. The level of vibration at the railway boundary shall not exceed a maximum peak particle velocity of 25mm/sec.

Reason: To maintain the integrity of the railway infrastructure.

16. That the proposal should ensure that there is no reduction in the effectiveness of any drain or watercourse belonging to Network Rail. Furthermore, there must be no interference to any existing drainage rights that Network Rail enjoys.

Reason: To maintain the integrity of the existing drainage systems and prevent flooding of railway infrastructure or land.

17. Without the prior approval of Network Rail, the proposed works shall not generate an increase in the existing flow rates into any culvert that passes beneath the railway.

Reason: To maintain the integrity of the existing drainage systems and prevent flooding of railway infrastructure or land.

18. Storm or surface water must not be discharged onto, or towards Network Rail property. Suitable drainage or other works must be provided and maintained by the developer to prevent surface flows or run-off affecting the railway.

Reason: To maintain the integrity of the existing drainage systems and prevent flooding of railway infrastructure or land.

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

Reason: To maintain the safety of railway operations.

20. All cranes, machinery and constructional plant must be positioned and used to prevent the accidental entry onto railway property of such plant or loads attached thereto, in the event of failure.

Reason: To maintain the safety of railway operations.

21. Vibration monitoring shall be carried out by the developer, or their contractors, to determine the effects of blasting on the railway, and Network Rail, in consultation with the Planning Authority, shall be supplied with a copy of the results.

Reason: To maintain the safety of railway operations and the integrity of railway infrastructure.

22. That a procedure shall be set in place between Network Rail and Leith's (Scotland) Limited on the design and operation of a "Safe System of Work" to ensure the protection of rail traffic whilst blasting is being undertaken.

Reason: To maintain the safety of railway operations and the integrity of railway infrastructure.

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

Reason: To maintain the safety of railway operations and the integrity of railway infrastructure.

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

Reason: To maintain the safety of railway operations and the integrity of railway infrastructure.

25. Network Rail shall be notified of any significant alterations to the characteristics of the work or site, for example changes in the depth of working, limits of extraction, blasting specification etc.

Reason: In the interests of safety, as Network Rail needs to be aware of all development adjacent to its property.

11.2 Reason for Decision

The proposal is considered to be consistent with the terms of Policy R1 Special Rural Areas and R3 Minerals and hill tracks of the Aberdeenshire Local Development Plan (2017) as it is considered that the needs and benefits of extending the existing quarry have been justified in this instance. Furthermore the proposal is considered to be an acceptable form of development which is in accordance with Scottish Planning Policy (SPP) and Planning Advice Notes (PAN) 50 (Controlling the Effects of Surface Mineral Workings) and 64 (Reclamation of Surface Mineral Workings), in that the proposal will ensure an adequate supply of minerals within Aberdeenshire market area, and would ensure a land bank of permitted reserves of construction aggregates for a period exceeding 10 years. The potential wider impacts of proposal have been assessed against natural heritage and landscape impact, and subject to the provision of adequate landscaping, bunding and restoration, is considered to be in accordance with Policy E1 Natural Heritage, and Policy E2 Landscaping, and all other relevant policies of the Aberdeenshire Local Development Plan (2017).

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Report Date: 19 February 2020