

WEST DUNBARTONSHIRE COUNCIL**Report by Strategic Lead- Regulatory****Planning Committee: 11th March 2020**

WP98/076: Review of Minerals Permission (ROMP)**DC02/447: Extension to Quarry, Sheephill Quarry, Milton, Dumbarton****1. REASON FOR REPORT**

- 1.1** The Planning Committee in 2005 were minded to approve the planning application for the extension and agree the conditions for the Review of Minerals Permission (ROMP) subject to the signing of a Legal Agreement. The decisions on the respective applications for the ROMP and the planning permission for the extension area were not issued as the required Legal Agreement had not been signed due to difficulties on the part of the applicant in securing all of the necessary signatures. The applicant is now in a position to conclude the legal agreement and given the passage of time the applications require to be agreed by the Planning Committee.

2. RECOMMENDATION

- 2.1** That the Committee **accept the agreed conditions** set out in Section 9 and authorise officers to issue the Review of Minerals Permission(WP98/076)
- 2.2** That the Committee indicate that it is **Minded to Grant** full planning permission for an extension area, and delegate authority to the Planning, Building Standards and Environmental Health Manager to issue the decision subject to the conditions set out in Section 9 and to the satisfactory conclusion of a legal agreement in terms of the restoration bond(DC02/447).

3. DEVELOPMENT DETAILS

- 3.1** The quarry site is on the north side of the A82 between Milton and Bowling, and is accessed directly from the Dunglass roundabout. The approved area of the quarry extends to 32.5 hectares and was granted permission (on appeal) by the then Secretary of State on 3rd November 1949. It is located behind Sheep Hill and Auchentorlie Woods and is otherwise bounded mainly by field boundaries to the east and north, and by the residential properties of Miltonhill which abut the site to the west. The quarry produces crushed rock aggregate for an established client base from Argyll and Bute to North Lanarkshire and Ayrshire to Stirling /Falkirk. Outstanding reserves in the quarry were estimated at 22.3 million tonnes in January 2020. There is a processing plant situated within the excavation area for the crushing of rock. At present the quarry has 75 employees.
- 3.2** This conjoined report considers two applications - the Review of Minerals Permission (ROMP) and a planning application for an extension to the operational quarry. The Review of Minerals Permission (ROMP) is not a normal application for planning permission as no planning permission is

being sought. The main purpose is to allow quarries to work under modern conditions with a set of conditions to be agreed between the operator and the Planning Authority. Presently the Quarry can work unrestricted and can operate 7 days a week, 24 hours a day. The agreed conditions would allow the quarry to operate under more restricted and modern conditions which take into account amenity, environmental and landscape matters.

The second application (DC02/447) is to extend the existing operational extraction area of Sheephill Quarry. The extension would measure approximately 1.53ha at the north western boundary of which some 1.07ha relates to the proposed excavation area. This application is to allow for an area of land which would be 'swapped' with the western part of the existing quarry consent to the rear of the residential properties in Miltonhill. No work has commenced on the extension area.

Background

- 3.3** Planning permission for Sheephill Quarry was granted on appeal by the then Secretary of State for Scotland on 3 November 1949, subject to seven conditions which are contained in Appendix 1. That planning permission allows the quarry to operate until 2042. At the time of the permission the planning system was in its infancy, and the permission included far fewer conditions to safeguard environmental and amenity interests than would be normal today. In order to address the issue of old minerals consents such as Sheephill Quarry, the Environment (Scotland) Act 1995 required that all operating quarries be identified by Planning Authorities and that quarry operators apply for a review of their planning conditions known as a "Review of Minerals Permission" (ROMP).
- 3.4** A ROMP application is not an application for planning permission, and it does not seek permission for any new works beyond those which were authorised by the original permission. Rather, the purpose of the ROMP is to bring the planning conditions up to date, with the new conditions being agreed between the operator and the Planning Authority based on current best practice methods and environmental procedures. The ROMP application does not revisit the principle of whether the quarry should be allowed, as this has been established by the existing permission, and the new conditions should not affect the economic viability of the quarry. In the event of a Planning Authority imposing new conditions which did impact upon the viability of the quarry, the Council may be required to compensate the quarry operator accordingly.
- 3.5** In the case of Sheephill Quarry, the Council gave notice to the operator on 10 March 1997 that the quarry had been classified as an Active Phase 1 Site and that an application for a ROMP would therefore be required. This application was duly submitted on 26 April 1998, and following discussions the Council indicated on 15 December 1998 that an Environmental Impact Statement should be carried out. The Environmental Statement was not submitted until March 2003. The consideration of the ROMP application highlighted the fact that the original 1949 permission has a site boundary which immediately adjoins the Miltonhill residential area which was built in the 1960s. Under the terms of the 1949 permission, the quarry could continue to operate right up to the edge of Miltonhill, which would be likely to adversely impact upon the amenity of the neighbouring houses, and this relationship between an operational quarry and a residential development would not accord with current good practice.
- 3.6** Meanwhile, a separate application for planning permission to further extend the potential extraction area of Sheephill Quarry was submitted in 2002 (application

DC02/447). The proposed new extension would enlarge the quarry boundary by approximately 1.53ha on its north western boundary, but this area would include buffer zones and the actual excavation area would only be extended by 1.07ha. The intention behind the planning application for the new extension was that the existing permission to develop next to Miltonhill would be “swapped” for the new consent to develop the north western extension.

3.7 Both the ROMP and the planning application for the extension were presented to the January 2005 Planning Committee, and were continued until the February 2005 Committee to enable a site visit and hearing to take place. At that meeting a hearing took place and objectors and the agent for the applicant addressed the Committee. The report into the ROMP application was prepared for the January committee meeting and recommended a set of new conditions, but it is understood that these proposed conditions had not been agreed with the applicant. A meeting then took place between the applicant and officers prior to the February Planning Committee meeting, at which a number of amendments to the recommended conditions were discussed, but the report was not updated for the February committee meeting, and the discussion was reported to the Committee orally. A copy of the planning application reports are contained in Appendix 2. The Committee’s decision was as follows:

- *“That amended conditions similar to those outlined in the Director’s report, details of which are contained in the Appendix hereto, be imposed for the future quarry operations;*
- *That authority be delegated to the Director of Development and Environmental Services to finalise the conditions to the Review of Minerals Permission to the quarry extension; and*
- *That the planning consent would not be issued until the existing planning consent was revoked by either a Section 75 Agreement or a Section 65 Order and until a restoration bond was signed and delivered or otherwise provided for”.*

3.8 The decisions on the respective applications for the ROMP and the planning permission for the extension area were not issued as the required Legal Agreement had not been signed due to difficulties on the part of the applicant in securing all of the necessary signatures. Updates on the progress of the two applications were presented to the Planning Committee meetings in 2008, 2012 and 2013. It is only recently that the applicant’s agent has advised that all necessary signatures can be secured and the legal agreement can be signed so the restoration bond can be delivered. In October 2019, all neighbours within 20 metres of the quarry site, all previous objectors, and Community Councils were notified that the Council were now in a position to return the ROMP and the extension applications back to Committee. In the notification, the background to both applications was explained and a 21 day period was given to submit comments. The applications were also advertised in the local press.

4. CONSULTATIONS

- 4.1** West Dunbartonshire Council Roads Service have no objection to the applications.
- 4.2** Transport Scotland have no objections and is satisfied that the development will not give rise to any significant environmental impacts associated with an increase in traffic on the trunk road.
- 4.3** West Dunbartonshire Council Environmental Health Service has no objections subject to conditions requiring noise levels to meet the terms of PAN 50.
- 4.4** SEPA are satisfied with the updated surface water management plan and have no objections to the applications.
- 4.5** Historic Environment Scotland have no comments on the conditions associated with the ROMP. The proposed extension area will have an impact on the setting of the scheduled ancient monument of Sheephill fort but do not object. The extension will read as part of the existing quarry and it does not raise issues of national significance.
- 4.6** Scottish Water and Scottish Natural Heritage have no comments to make on the proposal.
- 4.7** West of Scotland Archaeology Service have indicated that in terms of the ROMP application that any sites discovered during the soil stripping will be "excavated, analysed and published". In terms of the extension the necessary archaeological investigation should be secured by the attachment of a condition requiring the implementation of a programme of archaeological works.

5. REPRESENTATIONS

- 5.1** Eight letters of representations including Bowling and Milton Community Council and Silvertoun and Overtoun Community Council have been received. One letter of support has been received which supports the extension application. The reasons for objection are summarised as follows:
- The proposed operating hours are not in keeping with modern standards and are excessive and unnecessary. The operating hours presented to the Planning Committee in 2005 are reasonable;
 - The proposed operating hours would result in the significant loss of amenity for local residents in the form of noise and light pollution early in the morning and late in the evening;
 - The requirement for works to be carried out below ground level within certain periods is insufficiently clear in its intention;
 - The proposed operating hours exceed those granted for the neighbouring Dumbuckhill Quarry;
 - The applicant should ensure that the levels stipulated in the assessments are met and that regular checks are carried out;
 - No noise survey was carried out at Middleton Farm, the property closes to the proposed quarry extension;
 - The renewal and proposed extension would be contrary to local planning policies;

- The proposed extension is in the Greenbelt and would involve the removal of a large section of a hillside in a countryside location;
- There would be a major permanent and detrimental impact on the landscape and scenic skyline and it would restrict access to the Kilpatrick Hill;
- Part of the quarry site is a Site of Importance to Nature Conservation and is protected under the adopted Local Plan;
- The extension borders with a designated Core Path and it would be impossible to maintain safe public access to the path if consent is granted;
- Blasting operations would require the path to be closed either intermittently or permanently;
- Middleton Farm was not neighbour notified when the current planning application was submitted in 2002 nor residents of Treedom Cottage or Milton Brae and therefore they were denied the opportunity to object to the planning application prior to 2005 Planning Committee;
- The landscape information, national environmental standards and planning requirements in the Environmental Statement prepared in 2002 needs updated and does not reflect changes in the adjacent area;
- The arguments presented to justify the extension are meagre and contradictory such as providing employment, enhanced safety, benefits to the residents of Milton Hill;
- It is never been shown that the proposed extension area and Milton Hill are of equal value;
- There are practical challenges to excavating Milton Hill making it extremely doubtful whether the operator would ever be able to do so;
- The ROMP and extension application are legally distinct, with the latter being presented as a solution to the issue of excluding the Miltonhill buffer area from future quarrying;
- An application for significant changes to the area worked at Dumbuckhill Quarry was rejected by the Planning Committee and rejected by the Scottish Ministers;
- There should be no quarrying within the immediate proximity of the Sheephill Fort;
- The historic remains of the vitrified fort which is a Scheduled Ancient Monument should not be destroyed until a proper professional archaeological exploration and documentation is carried out.

6. ASSESSMENT AGAINST THE DEVELOPMENT PLAN

- 6.1** Since the consideration of the ROMP and extension application in 2005 the former Glasgow & Clyde Valley Joint Structure Plan 2003 and Dumbarton District, District Wide Local Plan 1999 have both been replaced by Clydeplan 2017 and the West Dunbartonshire Local Plan 2010 respectively. The relevant policies of the new plans are however generally similar to those which were in force in 2005.

Clydeplan

- 6.2** Policy 15 states that an adequate and steady supply of minerals must be maintained with a land bank for construction aggregate equivalent to at least 10 years extraction being required and notes that there are sufficient hard rock operational reserves to meet demand in the city region. Policy 14 relates to development in the Greenbelt and states that the objectives in para 8.15 of Clydeplan should be met, of which ensuring that rural industries, such as mineral extraction in this case, is located in a sustainable location.

Adopted Local Plan 2010

- 6.3** Sheephill Quarry lies partly within the Green Belt and partly with Wider Countryside designations of the Local Plan; therefore policies GB 1 and WC 1 are applicable in this instance. Policy GB1 presumes against development in the Green Belt, subject to specified exceptions which include development which has a specific locational need for the site. Quarries are considered to have a specific locational need, because they obviously require to be located where there are workable mineral resources, and they cannot be located within built up areas. Policy GB 1 also states that any proposals must not have an adverse impact on the landscape character of the area. Policy WC 1 has similar criteria to Policy GB1 but relates to the wider countryside.
- 6.4** Policy DC8 (Minerals) presumes against new mineral working, extensions or renewal of operations that would adversely affect nature conservation sites, landscape conservation or built heritage and that conditions are imposed to secure the reinstatement of the land and that a bond is provided to ensure that reinstatement is satisfactorily completed. Policy E3A protects local nature conservation sites and Policy BE 5 relates to the protection of Scheduled Monuments. Policy GD 1 contains criteria which is applicable to the consideration of this application, namely residential amenity, traffic, and air quality.
- 6.5** Policy E1 relates to the biodiversity when considering the impacts of development. Policy E3A seeks to protect Local Nature Reserves from adverse impacts on their character and integrity. Sheephill Quarry is partially covered by a local nature conservation site and contains archaeological interests, and therefore the quarry as approved in 1949 is not consistent with these policies. However, the principle of the quarry is not under consideration in terms of the ROMP as it already has full planning permission. Any new conditions imposed to protect archaeological, landscape or nature conservation interests require to be agreed with the applicant. These matters are addressed in Section 7 below. A quarry already exists and the small extension can be accommodated within the terms of the adopted plans and the Planning Committee of 2005 were also minded to agree the ROMP and extension application.

Clydeplan and the Adopted Local Plan (2010) do not raise any issues which have not been previously assessed.

7. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

West Dunbartonshire Local Development Plan 1 (LDP) Proposed Plan (2016)

- 7.1** On 27 April 2016, the Planning Committee took a final decision not to accept the Local Development Plan Examination Report recommended modification in respect of including the Duntiglenan Fields site in Clydebank as a housing development opportunity, and therefore, as a result of the Scottish Ministers' Direction, the Local Development Plan has remained unadopted but continues to be a material consideration in the determination of planning applications.
- 7.2** Policy SD 4 supports the continuation of aggregates expansion at Sheephill Quarry and provides criteria which any expansion must accord with. The policy also requires proposals to be accompanied by acceptable and fundable restoration proposals. The criteria within the policy also covers some of the requirements of the policies identified below.

The consideration of policies DS1, DS2, GN 3, GN 4, GN5, BH 2, SD1, with regards to development in the greenbelt and wider countryside, local nature conservation sites, landscape, trees, schedule monuments and transport, are similar to that of the Adopted Plan.

Local Development Plan 2: Proposed Plan (2018)

7.3 On 19th September 2018 the Planning Committee approved Local Development Plan 2: Proposed Plan for consultation. It is therefore the Council's most up to date policy position and it is a material consideration in the assessment of planning applications.

7.4 The consideration of policies GB1, CP 1, ENV 1, ENV 2, ENV 4, BE 1, CON 1 with regards to development in the greenbelt and wider countryside, local nature conservation sites, landscape, trees, schedule monuments and transport, are similar to that of the Adopted Plan and Local Development Plan 1: Proposed Plan (2016). Policy ENV8 requires developments to address air quality, lighting and noise as part of the planning process.

Local Development Plan 2 continues to support the working of minerals at Sheephill Quarry. Policy MIN 1 is similar to Policy SD 4 of the Local Development Plan 1. Policy MIN 2 requires a financial guarantee to be provided to ensure that all restoration, aftercare and any other mitigation requirements are met in full.

7.5 Both Proposed Plans do not raise any further new issues which were not previously assessed and therefore the development complies with the Proposed Plans.

Scottish Planning Policy (SPP)

7.6 Since the ROMP was considered by the Planning Committee in 2005, the previous Scottish Planning Policies documents have been simplified and consolidated into a single SPP document. In terms of minerals, this advises that planning authorities should ensure that arrangements are in place to monitor the conditions attached to planning permissions, and that authorities are required to review conditions attached to mineral permissions every 15 years. This provides an ongoing means of ensuring that up to date operating and environmental standards are in place. The applications are therefore in accordance the requirements of SPP.

Circular 34/1996

7.7 This circular advises that the purpose of the ROMP is to ensure that mineral sites will be subject to appropriate conditions, having regard to the safe, efficient and economic operation of the site and the suitable and timely restoration of the site once it ceases to be worked. In determining new conditions, the planning authority should consider whether the resulting restriction on working rights would prejudice the asset value or economic viability of the site or operation to an unreasonable degree, having regard to the expected remaining life of the site. Conditions dealing with measures to prevent dust, mud and spillages on the public road will be appropriate to all sites. Working programmes should be produced for all sites to ensure that operations are designed in such a way as to protect areas of environmental and ecological importance and the amenity of nearby residential and other sensitive property. It is important that permissions should be subject to conditions governing working hours, but in determining what conditions are appropriate, the circular advises that it is not the hours of working themselves which cause disturbance but the environmental effects associated with the operation i.e. traffic, noise and dust. Applicants and planning authorities

should therefore have regard both to the illustrative guide to conditions on working hours contained in the annex to the circular, and to the circumstance of the particular case including current working hours of the site and of other mineral sites in the area. Longer working hours (including 24 hour working) may be acceptable where the location of the site and/or other conditions can ensure that residential and other sensitive property do not suffer adverse effects. The proposed conditions have been agreed with the applicant, having regard to the advice of the circular.

Planning Advice Note 50 (Controlling the Environmental Effects of Surface Mineral Workings)

- 7.8** PAN50 provides advice on the more significant environmental effects which can arise from mineral working operations. It contains a series of annexes which deal with the environmental effects of surface mineral working in terms of noise, dust, traffic, etc. The proposed new conditions have been agreed with the applicant, taking into account the advice given in the PAN and its annexes.

Principle of the Quarry and Extent of Working Area

- 7.9** As explained above, the existing quarry boundaries were approved in 1949. The area which has already been worked is located away from existing houses and has relatively little impact on the landscape. However, the two main parts of the site, which have not yet been developed, do have potential to have much more of an impact. Quarrying of the western part of the site adjacent to Miltonhill would bring the quarry very close to existing housing, with potential to adversely affect residential amenity. Quarrying of the southern part of the site (Sheep Hill) would have a significant impact on the landscape by opening up views into the quarry from the south, and would also result in the loss of some notable archaeological features. Hypothetically, if the 1949 permission did not exist, it seems unlikely that quarrying of either area would be allowed if a new application was received today. However, permission to quarry these areas cannot be removed without the agreement of the applicant or the payment of very substantial compensation. The solution which was agreed by the Planning Committee in 2005 was that permission for an extension to the north-west would be granted in exchange for the applicant entering into a legal agreement to the effect that the Miltonhill area would not now be quarried. Whilst at some stage during the lengthy consideration of the ROMP, the possibility of a similar arrangement to preserve Sheep Hill may well have been raised; however, this was not progressed and the matter is discussed below. The applicant has advised both Miltonhill and Sheephill have not been quarried to date.

- 7.10** Current operations are focussed within the western void on the 100m level and the eastern void on the 135m level. It has been advised that working within the extension area would commence immediately following the grant of planning permission. It is anticipated that quarrying might start on Sheephill within the next couple of years with future development thereafter being downwards in both that area and the extension. At the present time, the applicant has advised that they are assessing the future phasing of the quarry works and have requested that this be conditioned for submission. Since the phasing works will not have environmental or amenity impacts this is considered acceptable.

Means of Extinguishing Rights to Quarry Miltonhill

- 7.11** As explained above, the Council cannot impose a condition which would prevent the quarrying of parts of the site which already have permission for quarrying without either having the agreement of the applicant or paying compensation. The applicant is however willing to accept a restriction on quarrying and other

operations at Miltonhill subject to the planning application for the north-western extension area being approved to provide an equivalent workable area. Previously the applicant wished this to be dealt with by a legal agreement, whereby the applicant agreed not to quarry the Miltonhill area and the Council agreed to issue the planning permission for the extension, and the Committee approved this arrangement in 2005. However, the applicant is now willing to accept a condition on the ROMP instead to address this matter with no requirement now to include this within the legal agreement.

Operating and Blasting Hours Conditions

- 7.12** The operating hour's condition presented to the 2005 Committee (Appendix 2) proposed that the quarry operate 0800-2000 hours Monday to Friday, 0800-1200 hours on Saturday and not at all on Sundays or public holidays. This restriction was not agreed with the applicant, and the applicant is unwilling to accept it as they consider that it would severely restrict their operation. The applicant is now proposing an alternative operating condition which would allowed the quarry to operate from 0600-2200 hours Monday to Sunday, and no operations other than emergency works, water pumping, servicing, maintenance and testing of plant being permissible outside these hours. Outwith 0700–1900 hours Monday to Friday and 0700 hours to 1400 hours on Saturday and Sunday with the exception of haulage vehicles entering and leaving the site all operations shall be undertaken below ground level within the quarry void where there is less risk of it causing noise or other disturbance. A similar condition would be applied to the extension permission.
- 7.13** In order to determine the extent and frequency of such work outwith operating hours, the applicant has advised that over the last 2 years, the quarry has regularly worked 6am to 10pm Monday to Friday, 6am to 1pm on a Saturday and 8am to 4:30pm on a Sunday without complaints being received. Working at weekends may be extended for specific contracts or where delays have been experienced due to plant breakdown.
- 7.14** The applicant has now accepted the restrictions on blasting hours which were agreed by the 2005 Planning Committee, and the proposed condition relating to this is therefore in accordance with the previous decision.

Noise Levels

- 7.15** Whilst a detailed noise assessment was undertaken with the Environmental Statement, recently an updated noise report from noise consultants, based upon BS5228 and PAN 50, was submitted with respect to the locations of noise sensitive receptors - Auchentorlie House, Greenland Farm, Middleton Farm and Milton Hill. The assessment contains operational limits for both the ROMP and extension area and a noise criteria table, which is referenced in condition 4 in both the ROMP and extension application in relation to noise limits, has been agreed with the applicant. The predicted noise levels have been assessed against the criterion in PAN 50 based on the hours of working specified in Condition 3. PAN 50 defines "daytime normally as 0700 -1900 hours and night-time as 1900 - 0700 hours. In some areas 0800 may be more appropriate than 0700 hours. The working week should generally be regarded as Monday to Friday, and Saturday morning, while Saturday afternoons, Sundays and Public/Bank Holidays would normally be regarded as periods of rest. Variations

on these may be appropriate in some circumstances if agreements can be reached”.

The daytime working noise limits have all been set as either 55dB or the background noise level plus 10dB, whichever is the lower level, down to a minimum of 45dB as defined in PAN 50.

- 7.16** For the ROMP application the applicant intends to work from 0700 –1400 on Sundays as normal daytime working as this is in line with the hours they have been operating for some time. Applying normal daytime hours during this period would mean that one property, Auchentorlie House, would have a noise limit of 45dB during this period rather than the 42dB out of hours level. A 3dB difference is regarded as just perceptible to the human ear. A 45dB level would still be less than 10dB above the background level at this location, and is the lowest recommended daytime level within PAN 50. The applicant has agreed that the noise limit will be 42dB for all locations (except Greenland farm which is in their ownership) outwith normal working hours. For the extension application the applicant has agreed that 0700-1400 on Sundays will be regarded as out of hours working and the 42dB limit will apply.
- 7.17** If noise complaints arise due to quarry operations Environmental Health would investigate in terms of the Environmental Protection Act 1990 and would serve notice in terms of “statutory nuisance” if complaints are considered to be justified and nuisance conditions exist. It should be noted that Mattock Hill has been used in lieu of Middleton Farm in terms of assessing the background levels and in terms of monitoring noise levels at this receptor. This is a perfectly reasonable approach, particularly where there may be issues with gaining access to a receptor, and it is a straight forward process to extrapolate noise levels from 1 monitoring location to the actual receptor of interest.

Restoration Scheme and Restoration Bond

- 7.18** The previous condition 37 on the ROMP has been replaced by a new condition regarding the timescale for a detailed scheme of restoration including aftercare and maintenance as the terms of the previous condition would have been difficult to implement. As with most hard rock quarries, operations are continuously focussed in the same place with operations going progressively deeper. The majority of restoration will only take place once operations are completed. The exception to this situation is where upper faces are completed and they can be progressively restored; this situation has not happened at the quarry to date. This restoration would commence once the first couple of benches have been developed within the extension at which point some hydroseeding could commence. Final proposals closer to the cessation of quarry operations will be submitted which give due acknowledgement to environmental and restoration standards at that time. As the ROMP requires to be reviewed every 15 years this can be monitored as the site progresses.
- 7.19** The applicant has agreed to provide a restoration bond for the extension area but is unwilling to provide a restoration bond for the wider quarry site despite being asked on several occasions. They consider that the maintenance of a restoration bond over the extended period that Sheephill will be operational is an unnecessary cost. Presently an assessment of the breakdown of restoration

work costs against the submitted restoration plans for the extension area is underway by independent specialist consultants acting for the Council. This work will determine the suitability of the restoration proposals and adequacy of the restoration figures. The outcome of the review will determine a revised updated bond figure which will be sufficient at all stages of the quarry development. As this review work is still ongoing the extension application, if agreed by the Committee, would not be issued until this review is complete and the updated restoration bond figure is included within a signed legal agreement.

Archaeology and Scheduled Ancient Monument Consent

7.20 In 1970, the part of the site containing the vitrified fort of Sheep Hill was designated as a Scheduled Ancient Monument (SAM) by the Secretary of State for Scotland. This area is within the area which the 1949 planning permission allows to be quarried, but the SAM designation means that an additional Scheduled Ancient Monument Consent will be required if this area is to be worked. The applicant applied to Historic Scotland in 2000 for Scheduled Ancient Monument Consent to quarry Sheep Hill and thus remove the vitrified fort and associated archaeological features. Such consent was granted by Historic Scotland on 18 March 2002, subject to a condition that the archaeological excavation be carried out in strict accordance with a Written Scheme of Investigation, and that the loss of the fort shall be mitigated by the excavation, recording and publishing of findings. A desk-based archaeological assessment of the area of the proposed site was undertaken in March 2003. Although the Scheduled Ancient Monument Consent has lapsed, recent discussion with Historic Environment Scotland have indicated that they would be likely to renew the consent should a new application be submitted. The applicant has indicated that they are likely to submit the Scheduled Ancient Monument Consent in the forthcoming year .

7.21 Reference has been made in the past that the then Director of Planning and Development in 2002 would investigate a possible excambion arrangement, whereby an additional extension area might be approved in exchange for the retention of Sheep Hill Fort. There was reference to this in the desk-based archaeological assessment, in which it was suggested as an alternative to the full excavation of the Fort and the publication of the analysis and details of the archaeology of Sheep Hill, the applicant would be prepared to accept an extension to the area of planning consent together with some element of financial compensation. It is understood that the applicant did some initial work on this proposal but it was found that the quality of the rock was poorer than that in the Sheep Hill area, and it was also considered that there would be even greater visual impact. The proposal was therefore never taken forward, and there is no reference in 2005 committee report to this proposal. Therefore, whilst the loss of Sheep Hill and its archaeological features is to be regretted, this has already been accepted by both the 1949 permission, by the 2005 decision and by the grant of SAMC in 2002 by Historic Environment Scotland. The 2005 report suggested two conditions relating to archaeological investigations prior to quarrying of Sheep Hill, but it is considered that these are not necessary as they would duplicate the controls which Historic Environment Scotland will exercise if they renew the Scheduled Ancient Monuments Consent for the removal of the fort.

Landscape Impact and Ecology

7.22 Presently the excavated area is located within the hills above wooded slopes and has limited visibility. As the excavated area expands the landscape impact will increase, especially when the flank of Sheep Hill is removed and the hillside is

opened up. It would be expected through time that the quarry would weather and the impact would be subdued somewhat, but it is recognised that in the future as development proceeds it is likely to have an impact on the landscape and would be much more visible from viewpoints to the south, west and east. In the longer term this impact should lessen once the top faces have been subject to restoration works, and the operations fall below the sight line from the front edge of the excavation. The issues relating to quarrying in the Sheep Hill area have been addressed above in relation to the archaeological impact, and the proposed changes to the conditions since 2005 do not relate to the landscape impact.

- 7.23** The extension area is grassland and there are no trees. The previous badger survey did not record any badger activity in the survey area and that the potential for badger setts were limited due to geological factors such as very thin soils and overlying solid rock. This continues to be the case. The only potential impacts would be if badgers had been able to dig a sett within the proposed excavation area or that breeding birds were present. The applicant has agreed that a condition be attached to both the ROMP and extension application requiring an updated ecological survey to be undertaken in advance of any soil stripping and that, in the event of any protected species being identified, no works would be undertaken until appropriate mitigation measures have been agreed with the Planning Authority in consultation with Scottish Natural Heritage and implemented thereafter.

Access Arrangements

- 7.24** The quarry is well sited adjacent to Dunglass roundabout and A82 trunk road. The quarry has an extensive surfaced access road which ensures that vehicles leaving the site are clean and no deleterious materials are carried onto the public highway. Condition 20 on the ROMP and extension application makes provision for the paved area of road to be swept/ washed as required and in the event that mud did prove to be an issue in the future Condition 19 makes provision for cleaning facilities if this is required. The access road to Sheephill Quarry is also used by vehicles accessing the Rigangower landfill site.

8. CONCLUSION

- 8.1** The Review of Minerals Permission and extension application have been with the Council for nearly 15 years and by some margin are the oldest outstanding applications with this Council. In those years there have been many issues that have delayed their issue, but in 2005 the Planning Committee agreed to the Review of Minerals Permission and to approve the extension application in accordance with conditions similar to those that were set out in the then committee report. The permissions were never issued due to legal issues, and some further changes to the conditions are now proposed; however, the principle of granting the ROMP application and the extension application, subject to conditions covering these matters, was established by the 2005 decision.
- 8.2** The current permission dating from 1949 is subject to very few conditions. This Review of Minerals Permission will allow the quarry to operate under modern conditions with controls on hours of working, blasting, dust, restoration and other environmental matters. Whilst the Council might have imposed some more restrictive conditions if this was a new application for planning permission, it cannot in this instance as this is a ROMP application and such conditions require to be agreed with the applicant if possible claims for compensation are to be avoided. The suggested conditions are considered by officers to be reasonable, and the limitations which are proposed represent a very substantial improvement

over the present situation. Whilst no quarry development can ever be designed to have no adverse environmental impacts, it is considered that through the new conditions and the associated mitigation measures that such impacts can either be negated, lowered or reduced in probability. The small extension to the quarry is also considered acceptable in both policy and environmental grounds.

9. Conditions

WP98/076 – Review of Minerals Permission

1. The development hereby permitted within the area identified on plan reference Figure 2 of the Environmental Statement shall endure until 21 February 2042 and at the end of the period of permission, all quarrying operations, including the crushing of rock and the transfer of aggregates from the site, shall cease.
2. No excavation of rock or quarrying operations or the storage of any materials/aggregates, equipment or the parking or servicing of any vehicles or equipment shall take place within the area coloured green on ROMPS Development Plan Figure REVDEV/06.12101.
3. Subject to the details specified in subsections 3(a)-3(b) below the normal daytime operating hours for the quarry shall be 0600 hours to 2200 hours daily and no operations other than emergency works, water pumping, servicing, maintenance and testing of plant shall take place outside these hours.
 - 3(a) Outwith 0700 hours to 1900 hours Monday to Friday and 0700 hours to 1400 hours on Saturday and Sundays, with the exception of haulage vehicles entering and leaving the site, all operations shall be undertaken below ground level within the quarry void.
 - 3(b) Loading and despatch of aggregates for specific contracts may be undertaken outwith the specified hours where no less than 24 hours written notice (excluding weekend days and public holidays) has been given to the Planning Authority.
4. Noise attributable to the operators at Sheephill quarry shall not exceed the limits specified in Table A – Noise Criteria (attached to these conditions) at Greenland Farm, Auchentorlie House, No. 9 Milton Hill, and Middleton.
5. A request for the relaxation of the noise limits identified in condition 4 above shall be submitted in writing a minimum 14 days prior to the commencement of the operations requiring the relaxation and shall include time periods and noise limits for the temporary relaxation, all for the consideration and written approval of the Planning Authority.

6. The applicant shall undertake a noise monitoring program at the locations as described in condition 4 above and the frequency and times of such monitoring shall be agreed by the Planning Authority and the results shall be submitted in writing to the Planning Authority on a frequency to be agreed with the Authority. The noise monitoring shall be carried out in accordance with the methods specified in PAN50: Annex A – The control of Noise at Surface Mineral Working and in so far as is reasonably practical, the operation shall ensure that the best practice methodologies set out in PAN50 are adopted.
7. Blasting operations shall be carried out between 1000 hours and 1600 hours Monday to Friday, with no blasting permitted at weekends and on public holidays and the quarry operator shall endeavour to ensure that as far as is practicable, blasting should be carried out between 1000 and 1300 hours.
8. Within 4 weeks of this approval details of the methods employed to minimise air overpressure from blasting operations shall be submitted to the Planning Authority for written approval. All blasting operations shall take place only in accordance with the scheme as approved or with such subsequent amendments as may receive the written approval of the Planning Authority.
9. Notwithstanding the requirements of condition 6 and 7 above, if as a result of any emergency situation or need to ensure safe quarry practices, blasting is required to take place outside the specified hours, the times and reasons for such an event shall be notified in writing to Council's Environmental Health Service within two days of the occurrence.
10. Within four weeks of the date of this approval, the operator shall submit a blast monitoring scheme that will record all blasts within the quarry area, with the monitoring points to be set at locations to be agreed by the Planning Authority.
11. The operator shall monitor all blasts and records shall be maintained so the peak particle velocity can be identified and these records shall be made available for inspection by any authorised party during office hours at the quarry with copies being supplied to Planning Authority on a three monthly basis. In the event that recorded values exceed the agreed level, the operator shall notify the Planning Authority of the event within one working day and shall provide an assessment of its implication with respect to future blasting activity and the site's vibration limit.
12. Ground vibration as a result of blasting operations shall not exceed a peak particle velocity of 6 mm/s in 95% of all blasts measured over any period of 12 months and no individual blast shall exceed a peak particle velocity of 12 mm/s as measured at any nearby vibration sensitive property. The measurement shall be the maximum of three mutually perpendicular directions taken at the ground surface at any vibration sensitive building; all to the satisfaction of the Planning Authority.

13. Blasting shall be carried out using the best practicable means available to ensure that the resultant noise, vibration and air overpressure are minimised in accordance with current British Standards and Mineral Guidelines and the best practice methodologies as set out in PAN50.
14. For the duration of this permission and up to the completion of all aftercare works warning signs shall be erected and maintained by the operator next to all publicly accessible areas within or adjacent to the quarry. Details of the locations of these signs shall be submitted to and approved by the Planning Authority.
15. Blasting shall only be carried out after suitable audible and visible warnings have been given and the method of such warnings shall be submitted to the Planning Authority. Thereafter the approved warnings shall be given in writing by the operator to the occupiers of all the properties around the site.
16. The operator shall ensure that the Council's Environmental Health Service be given a minimum of 48 hours email notification, excluding weekends and public holidays, before every blast at the quarry.
17. The quarry operator shall ensure that all operations are controlled so as to prevent or minimise the release of dust in the atmosphere and the dust mitigation measures listed in the Environmental Statement shall be implemented and in a method which ensures that the best practice methodologies as set out in PAN50 are adopted.
18. Visual assessments of dust emissions from all plant and operations shall be made at least once per day during operations and remedial actions taken as may be required. The operator shall maintain a diary of weather conditions, visual assessment of dust and any mitigation measures implemented on a daily basis. The diary shall also record any complaints relating to dust, any investigations undertaken in respect of complaints and any remedial actions undertaken as a result of the investigation. The diary shall be retained on-site and made available to the Planning Authority on request.
19. Should future monitoring of the A82(T) prove that lorries from the site are carrying deleterious material onto the trunk road then the applicant provide wheel and undercarriage cleaning facilities within the site.
20. The paved area of road within the site shall be swept/washed where required in order to ensure that no debris from the quarry is carried onto the public highway.
21. Within 3 months of the date of this approval, the operator shall submit for approval details of anticipated phasing for the duration of operations. The Planning Authority shall be notified and agree any future revisions in respect of phasing.

22. In the event that the discharge of water from the site becomes necessary the operator shall apply to SEPA for Consent to Discharge. No discharge shall commence until Discharge Consent has been obtained and thereafter the control of water run-off from the site shall be in accordance with the conditions contained therein. The Planning Authority shall be notified in writing of any changes or updates in the control of site water.
23. The topsoil and subsoils to be removed shall be stored as described in the applicant's written submission and shall be retained on site for eventual reuse as part of the restoration works as described in conditions 31 and 32.
24. If it becomes necessary to relocate any of the existing or new soil storage mounds within the site then such soils cannot be relocated until the Planning Authority gives written approval of the new storage locations and methods of storage.
25. If it becomes necessary to relocate the mineral stock piles from the location indicated in the applicant's submission, then such relocation cannot take place until the Planning Authority gives written approval of the new storage locations and methods of storage.
26. Details of all boundary walls and fences for the full extent of the application site shall be submitted to and approved in writing by the Planning Authority and shall be implemented as approved.
27. No materials shall be imported to the site for the purposes of storage, crushing, screening, processing, manufacturing or onward transportation. This condition does not apply to materials imported in relation to the mobile concrete batching plant or vehicles traversing the site to access Rigangower landfill site and recycling facility.
28. Any chemical, oil or diesel storage tanks installed within the application site shall be sited on impervious bases and surrounded by impervious boundary walls and the bunded areas shall be capable of containing 110% of the tank volume and should enclose all fill and draw pipes.
29. All artificial lighting units installed at the quarry shall have a purpose and shall be sited and directed as to minimise the potential for light pollution and glare outside the quarry boundary.
30. No later than 6 months after the permanent cessation of quarrying or the date set by condition 1 above, whichever is the sooner, all buildings plant, machinery and areas of hardstanding, including the internal access roads, shall be removed and the ground reinstated in accordance with the conditions of this permission relating to restoration. For avoidance of doubt this condition does not relate to the main access route used for the landfill site and estate management purposes.

31. Within six months of the date of this consent, a restoration masterplan for the whole of the quarry area and including details of the restoration or replanting of dilapidated features such as boundary hedges and drystone dykes, as well as, details showing how recreational access and links to the local path network would be achieved, along with details of aftercare and afteruse, shall be submitted to and approved in writing by the Planning Authority. This shall include how the restoration of the approved extension area is integrated within the overall restoration proposals of the full quarry area.
32. Not later than 2 years before the expiry of this permission or permanent cessation of quarrying, whichever is the sooner, a detailed final restoration scheme for the site including aftercare and maintenance shall be submitted for the written approval of the Planning Authority. The approved scheme shall be implemented before the expiry of this permission
33. The restoration scheme approved under the terms of conditions 31 and 32 above shall include a bird hazard management plan to be approved in writing by the Planning Authority in consultation with Glasgow Airport. The submitted plan shall include details of the design, maintenance and management of any water bodies and wetlands to minimise birdstrike hazard.
34. The restoration scheme approved under the terms of conditions 31 and 32 above shall be implemented and the works completed within 12 months of the completion of all quarrying operations or the date stated in condition 1 above, whichever is the sooner.
35. In the event that during the life of this permission mineral extraction ceases for a continuous period in excess of two years or the use is discounted for a like period, then unless as may otherwise be agreed in writing by the Planning Authority, within 6 months of either event occurring, a revised final restoration scheme including details of aftercare and afteruse, that modifies and updates that approved by conditions 30 above, shall be submitted for the written approval of the Planning Authority, including any modifications, as may be required, detailing the steps to be taken to restore the site.
36. Within 12 months of being approved any revised restoration scheme that may have been required under the terms of condition 34 above shall be implemented and the works completed.
37. The approved aftercare scheme shall be implemented following cessation of mineral extraction and in accordance with the approved timetable as required by condition 34 above, unless as may otherwise be agreed in writing by the Planning Authority.

38. Within twelve months from the date of this permission, and thereafter at twelve monthly intervals, the applicant shall submit a plan to a scale of not less than 1:2500 indicating the progress of quarrying operations. The plan will indicate the current position of the extraction areas, the extent of spoil disposal and any landscaping or restoration works that have been implemented.
39. Prior to any tree felling work taking place, all trees that require to be felled shall be inspected by an experienced bat surveyor to check for the presence or otherwise of bats. If bats are found then no tree felling work shall take place until the relevant license is obtained.
40. The applicant shall ensure that the footpath from Milton Brae via Greenland Farm to Loch Humphrey, where it passes close to the quarry, is kept open to the public (other than during any times of blasting in the quarry) or that an alternative appropriate footpath is provided.
41. Prior to any soil stripping taking place on site, an updated ecological survey shall take place and the report shall be submitted to and approved by the Planning Authority. In the event of any protected species being identified no works shall be undertaken within the identified area until appropriate mitigation measures have been submitted to and approved by the Planning Authority and the approved mitigation measures implemented on site.
42. Any archaeological site discovered during soil stripping excluding the area of the Scheduled Ancient Monument, shall be excavated, analysed and published to the satisfaction of the Planning Authority in agreement with West of Scotland Archaeology Service.

INFORMATIVE

1. **Ground level relates to original ground surface level and reference to 'operations undertaken below ground level' should be taken to relate to plant operating at sufficient depth below ground level such that there is no clear line of sight between the plant and the sensitive property.**

Condition 4 - Table A : Noise Criteria

Receptor	Noise Criteria			
	ROMP			
	Soils and overburden handling*	Routine operations including drilling	Routine operations	Out of hours operations**
Milton Hill	70	55	55	42
Greenland	70	55	55	55
Middleton	70	45	45	42
Auchentorlie	70	49	#49	42

* For a period of up to 8 weeks in any 12 month period. These temporary works shall not start until 0800 hours and not on Sundays or Bank Holidays.

maximum of 45dB for 0700-1400 on Sundays.

** Out of hours operations are those outwith 0700 hours to 1900 hours Monday to Friday and 0700 hours to 1400 hours on Saturday and Sundays and include Bank Holidays.

DC02/447: Extension

1. **The excavation works hereby permitted within the area identified on plan reference Figure 2 of the Environmental Statement as the proposed extension area shall start within two years of the date of this permission.**
2. **The development hereby shall endure until 21 February 2042 and at the end of the period of permission, all quarrying operations, including the crushing of rock and the transfer of aggregates from the site, shall cease.**

- 3. Subject to the details specified in subsections 3(a)-3(b) below, the normal daytime operating hours for the quarry shall be 0600 hours to 2200 hours daily and no operations other than emergency works, water pumping, servicing, maintenance and testing of plant shall take place outside these hours.**

 - 3(a) Outwith 0700 hours to 1900 hours Monday to Friday and 0700 hours to 1400 hours on Saturday and Sundays, with the exception of haulage vehicles entering and leaving the site, all operations shall be undertaken below ground level within the quarry void.**
 - 3(b) Loading and despatch of aggregates for specific contracts may be undertaken outwith the specified hours where no less than 24 hours written notice (excluding weekend days and public holidays) has been given to the Planning Authority.**
- 4. Noise attributable to the operators at Sheephill quarry shall not exceed the limits specified in Table B (Noise Criteria) attached to this permission at Greenland Farm, Auchentorlie House, No. 9 Milton Hill, and Middleton.**
- 5. A request for the relaxation of the noise limits identified in condition 4 above shall be submitted in writing a minimum of 14 days prior to the commencement of the operations requiring the relaxation and shall include time periods and noise limits for the temporary relaxation, all for the consideration and written approval of the Planning Authority.**
- 6. The applicant shall undertake a noise monitoring programme at the locations as described in condition 4 above and the frequency and times of such monitoring shall be agreed by the Planning Authority and the results shall be submitted in writing to the Planning Authority on a frequency to be agreed with the Authority. The noise monitoring shall be carried out in accordance with the methods specified in PAN50: Annex A - The Control of Noise at Surface Mineral Working and in so far as is reasonably practical, the operation shall ensure that the best practice methodologies set out in PAN50 are adopted.**
- 7. Blasting operations shall be carried out between 1000 and 1600 hours Monday to Friday, with no blasting permitted at weekends and on public holidays and the quarry operator shall endeavour to ensure that as far as is practicable, blasting should be carried out between 1000 and 1300 hours.**
- 8. Prior to the commencement of blasting operations details of the methods employed to minimise air overpressure from blasting operations shall be submitted to the Planning Authority for written approval. All blasting operations shall take place only in accordance with the scheme as approved or with such subsequent amendments as may receive the written approval of the Planning Authority.**

- 9. Notwithstanding the requirements of condition 7 and 8 above, if as a result of any emergency situation or need to ensure safe quarry practices, blasting is required to take place outside the specified hours, the times and reasons for such an event shall be notified in writing to Council's Environmental Health Service within two days of the occurrence.**
- 10. Within four weeks of the date of this approval, the operator shall submit a blast monitoring scheme that will record all blasts within the quarry area, with the monitoring points to be set at locations to be agreed by the Planning Authority.**
- 11. The operator shall monitor all blasts and records shall be maintained so that peak particle velocity can be identified and these records shall be made available for inspection by any authorised party during office hours at the quarry with copies being supplied to Planning Authority on a three monthly basis. In the event that recorded values exceed the agreed level the operator shall notify the Planning Authority of the event within one working day and shall provide an assessment of its implication with respect to future blasting activity and the site's vibration limit.**
- 12. Ground vibration as a result of blasting operations shall not exceed a peak particle velocity of 6 mm/s in 95% of all blasts measured over any period of 12 months and no individual blast shall exceed a peak particle velocity of 12 mm/s as measured at any nearby vibration sensitive property. The measurement shall be the maximum of three mutually perpendicular directions taken at the ground surface at any vibration sensitive building; all to the satisfaction of the Planning Authority.**
- 13. Blasting shall be carried out using the best practicable means available to ensure that the resultant noise, vibration and air overpressure are minimised in accordance with current British Standards and Mineral Guidelines and the best practice methodologies as set out in PAN 50.**
- 14. For the duration of this permission and up to the completion of all aftercare works warning signs shall be erected and maintained by the operator next to all publicly accessible areas within or adjacent to the quarry. Details of the locations of these signs shall be submitted to and approved by the Planning Authority.**
- 15. Blasting shall only be carried out after suitable audible and visible warnings have been given and the method of such warnings shall be submitted to the Planning Authority. Thereafter the approved warnings shall be given in writing by the operator to the occupiers of all the properties around the site.**
- 16. The operator shall ensure that the Council's Environmental Health Service be given a minimum of 48 hours email notification, excluding weekends and public holidays, before every blast at the quarry.**

- 17. The quarry operator shall ensure that all operations are controlled so as to prevent or minimise the release of dust into the atmosphere and the dust mitigation measures listed in the Environmental Statement shall be implemented and in a method which ensures that the best practice methodologies as set out in PAN50 are adopted.**
- 18. Visual assessments of dust emissions from all plant and operations shall be made at least once per day during operations and remedial actions taken as may be required. The operator shall maintain a diary of weather conditions, visual assessment of dust and any mitigation measures implemented on a daily basis. The diary shall also record any complaints relating to dust, any investigations undertaken in respect of complaints and any remedial actions undertaken as a result of the investigation. The diary shall be retained on-site and made available to the Planning Authority on request.**
- 19. Should future monitoring of the A82(T) prove that lorries from the site are carrying deleterious material onto the trunk road then the applicant shall provide wheel and undercarriage cleaning facilities within the site.**
- 20. The paved area of road within the site shall be swept/washed where required in order to ensure that no debris from the quarry is carried onto the public highway.**
- 21. The methods of working within the quarry shall be as described within the approved documents forming part of this consent and any changes to the operating procedures or methods shall be submitted to and approved in writing by the Planning Authority and shall be implemented as approved.**
- 22. The topsoil and subsoils to be removed shall be stored as described in the applicant's written submission and shall be retained on site for eventual reuse as part of the restoration works as described in condition 31.**
- 23. If it becomes necessary to relocate any of the existing or new soil storage mounds within the site then such soils cannot be relocated until the Planning Authority gives written approval of the new storage locations and methods of storage.**
- 24. If it becomes necessary to relocate the mineral stock piles from the location indicated in the applicant's submission, then such relocation cannot take place until the Planning Authority gives written approval of the new storage locations and methods of storage.**
- 25. Details of any boundary walls and fences to be erected for the full extent of the application site shall be submitted to and approved in writing by the Planning Authority and shall be implemented as approved.**
- 26. No materials shall be imported to the site for the purposes of storage, crushing, screening, processing, manufacturing or onward transportation. This condition does not apply to vehicles traversing the site to access Rigangower landfill site.**

- 27. Any chemical, oil or diesel storage tanks installed within the application site shall be sited on impervious bases and surrounded by impervious bunded walls and the bunded areas shall be capable of containing 110% of the tank volume and should enclose all fill and draw pipes.**
- 28. All artificial lighting units installed at the quarry shall have a purpose and shall be so sited and directed as to minimise the potential for light pollution and glare outside the quarry boundary.**
- 29. No later than 6 months after the permanent cessation of quarrying or the date set by condition 1 above whichever is the sooner, all buildings, plant, machinery and areas of hardstanding including the internal access roads shall be removed and the ground reinstated in accordance with the conditions of this permission relating to restoration.**
- 30. Within six months of the date of this consent, a restoration masterplan for the whole of the quarry area and including details of the restoration or replanting of dilapidated features such as boundary hedges and drystone dykes, as well as details showing how recreational access and links to the local path network would be achieved, along with details of aftercare and afteruse, shall be submitted to and approved in writing by the Planning Authority. This shall include how the restoration of the extension area is integrated within the overall restoration proposals of the full quarry area.**
- 31. Not later than 2 years before the expiry of this permission or permanent cessation of quarrying whichever is the sooner, a detailed final restoration scheme for the site including aftercare and maintenance shall be submitted for the written approval of the Planning Authority. The approved scheme shall be implemented before the expiry of this permission.**
- 32. The restoration scheme approved under the terms of conditions 30 and 31 above shall include a bird hazard management plan to be approved in writing by the Planning Authority in consultation with Glasgow Airport. The submitted plan shall include details of the design, maintenance and management of any water bodies and wetlands to minimize birdstrike hazard.**
- 33. The restoration scheme approved under the terms of condition 32 above shall be implemented and the works completed within 12 months of the completion of all quarrying operations or the date stated in condition 2 above, whichever is the sooner.**
- 34. In the event that during the life of this permission mineral extraction ceases for a continuous period in excess of two years or the use is discontinued for a like period, then unless as may otherwise be agreed in writing by the Planning Authority, within 6 months of either event occurring, a revised final restoration scheme that modifies and updates that approved by condition 30 above, shall be submitted for the written approval of the Planning Authority, including any modifications as may be required, detailing the steps to be taken to restore the site.**

- 35. Within 6 months of being approved any revised restoration scheme that may have been required under the terms of condition 34 above shall be implemented and the works completed.**
- 36. The approved aftercare scheme shall be implemented following cessation of mineral extraction and in accordance with the approved timetable as required by condition 34 above, unless as may otherwise be agreed in writing by the Planning Authority.**
- 37. Within twelve months from the date of this permission, and thereafter at twelve monthly intervals, the applicant shall submit a plan to a scale of not less than 1:2500 indicating the progress of quarrying operations. The plan will indicate the current position of the extraction areas, the extent of spoil disposal and any landscaping or restoration works that have been implemented.**
- 38. Prior to any tree felling work taking place, all trees that require to be felled shall be inspected by an experienced bat surveyor to check for the presence or otherwise of bats. If bats are found then no tree felling work shall take place until the relevant licence is obtained.**
- 39. The applicant shall ensure that the footpath from Milton Brae via Greenland Farm to Loch Humhrey , where it passes close to the quarry, is kept open to the public (other than during any times of blasting in the quarry) or that an alternative appropriate footpath is provided.**
- 40. Within 3 months of the date of this consent an updated plan and programme of the anticipated phasing of the extension quarry operations shall be submitted and approved by the Planning Authority. Any changes to the approved phasing programme and plan shall be notified and approved by the Planning Authority.**
- 41. No development shall commence on the extension area, including any soil stripping, until an updated ecological survey has taken place. The ecological report shall be submitted to and approved by the Planning Authority. In the event of any protected species being identified no works shall be undertaken within the identified area until appropriate mitigation measures have been submitted to and approved by the Planning Authority and the approved mitigation measures implemented on site.**
- 42. No development shall take place within the development site until the developer has secured the implementation of a programme of archaeological works in accordance with the written scheme of investigation which has been submitted for approval of the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the site is undertaken to the satisfaction of the Planning Authority in agreement with West Of Scotland Archaeology Service.**

INFORMATIVE

1. **Ground level relates to original ground surface level and reference to ‘operations undertaken below ground level’ should be taken to relate to plant operating at sufficient depth below ground level such that there is no clear line of sight between the plant and the sensitive property.**
2. **In the event that the discharge of water from the site becomes necessary the operator shall apply to SEPA for Consent to Discharge. No discharge shall commence until Discharge Consent has been obtained and thereafter the control of water run-off from the site shall be in accordance with the conditions contained therein. The Planning Authority shall be notified in writing of any changes or updates in the control of site water.**

Table B – Noise Criteria – Condition 4

Receptor	Noise Criteria			
	Extension			
	Soils and overburden handling*	Routine operations including drilling	Routine operations	Out of hours operations**
Milton Hill	70	55	55	42
Greenland	70	55	55	55
Middleton	70	48#	45	42
Auchentorlie	70	49	49	42

* For a period of up to 8 weeks in any 12 month period. The temporary works shall not start until 0800 hours and not on Sundays or Bank Holidays.

Only when drilling to upper bench, 45dB for all other benches.

** Out of hours operations are those outwith 0700 hours to 1900 hours Monday to Friday and 0700 hours to 1400 hours on Saturday, and include Bank Holidays.

Peter Hessett
Strategic Lead- Regulatory
Date: 11th March 2020

- Person to Contact:** Pamela Clifford, Planning, Building Standards and Environmental Health Manager
Email: Pamela.Clifford@west-dunbarton.gov.uk
- Appendices:** Appendix 1 – Planning permission granted 3rd November 1949 on appeal

Appendix 2- Report to Planning Committee 5 January 2005, Minutes of January and February Committee 2005
- Background Papers:**
1. Application forms, plans and Environmental Statement;
 2. Consultation Responses;
 3. Letters of representation;
 4. Glasgow & Clyde Valley Strategic Development Plan 2012;
 5. Clydeplan
 6. Scottish Planning Policy;
 7. West Dunbartonshire Local Plan 2010;
 8. West Dunbartonshire Council Proposed Plan 1 and 2
 9. Circular 34/1996;
 10. Planning Advice Note 50 and Annexes
- Wards affected:** Ward 3 (Dumbarton)