

WEST DUNBARTONSHIRE COUNCIL

Report by Chief Officer- Regulatory and Regeneration

Planning Committee: 23 June 2021

DC19/162: **Section 42 application to vary condition 2 of planning permission ref: DC02/187 to allow the continuation of operations at Dumbuckhill Quarry beyond the current consented expiry date of 2024 to 2041**

DC19/163 **Review of Minerals Permission relating to DC02/187 at Dumbuckhill Quarry, Stirling Road, Dumbarton by Patersons of Greenoakhill Limited**

1. REASON FOR REPORT

- 1.1 These two applications relate to applications, which are major applications, and under the terms of the approved Scheme of Delegation they therefore require to be determined by the Planning Committee.

2. RECOMMENDATION

- 2.1 That the Committee indicate that it is **Minded to Grant** full planning permission 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 (DC19/162); and
- 2.2 That Planning Committee **accept the agreed conditions** set out in Section 9 of this Report and delegate authority to the Planning, Building Standards and Environmental Health Manager to issue the Review of Minerals Permission (DC19/163) subject to the satisfactory conclusion of a legal agreement in terms of the restoration bond.

3. DEVELOPMENT DETAILS

- 3.1 Dumbuckhill Quarry is a whinstone working quarry located on the eastern edge of Dumbarton, to the north west of Milton. Access to the site is by way of sliproads from the eastbound A82 (Stirling Road) which runs along the southern edge of the quarry boundary. The quarry property extends to approximately 30 hectares of hillside, although the actual extraction area is limited to approximately 11 hectares. The curved access road climbs to a level area containing the office and weighbridge at the mouth of the extraction area, at a significantly higher level than the A82. At this level there are stockpiles of materials, silt settlement ponds and a plant compound. Due to the level differences, these

areas are not readily visible from outwith the site. The actual excavation area is roughly oval in shape, extending back from the narrow quarry mouth and is characterised by high, steep rock faces. The external slopes of the quarry are heavily wooded, with part of the eastern slope being covered by a tree preservation order. Apart from the boundary with the road, the site is surrounded by grazing land. The quarry workings are approximately 300m away from the nearest houses at Milton and Dumbarton.

- 3.2** This conjoined report considers two applications, which are both Environmental Impact Assessment (EIA) developments and are required to be considered under the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017. The first application (DC19/162) is seeking to extend the life of the quarry to 2041. The second application (DC19/163) is for a Review of Minerals Permission (ROMP) which is reviewing the conditions of the permission granted in 2004.
- 3.3** Dumbuckhill Quarry has been in operation since 1948, having been subject to various planning permissions over the years, but operations on the site are currently being undertaken in accordance with the planning permission DC02/187. That permission, which was granted on 5 April 2004, allowed an extension to the quarry area, as well as, consolidating all of the earlier consents. The extension to the quarry was along the eastern extraction boundary and along the northern extraction boundary and was required to address rock face instability to provide long term stability for restoration and a safe working environment within the quarry. As part of these works, the height of the quarry and the benches were to be re-profiled and this was to result in the removal of a small strip of land along northern end of the eastern boundary which reduced the overall height of the ridge by approximately 10 metres. In relation to the benches, these were to be reduced in height and pitch, which was also required to make the quarry safe for workers and restoration of the quarry when extraction works had been completed.
- 3.4** As the application was consolidating all the previous consents, it was considered at the time that any conditions would be in line with current standards and would refer to the whole of the quarry area, thereby removing the need for a review of the existing minerals permissions in place ie a ROMP at that time. The 2004 consent allowed the extraction of a further 5 million tonnes of hard rock, which it was estimated would take 20 years to quarry. The permission was granted for a limited period of 20 years until 5 April 2024. The permission was subject to a total of 51 conditions, which in addition to the duration of the permission, covered the permitted area of working, hours of operation, noise, blasting, vibration, dust, road safety, method of working/extraction/soil stripping, drainage, trees, landscaping, stock piling, boundary treatments, waste, site restoration, annual update reports, signage, and lighting. A restoration bond also was put in place to safeguard the restoration of the quarry upon cessation of workings.

- 3.5** An application (DC14/168) for an alteration to permitted extent of quarrying operations and consequential amendments to a number of conditions attached to the 2004 consent was refused in April 2015 on the grounds that it would have an adverse impact upon the area's landscape, natural heritage, and the amenity and safety of nearby residents. The application was also refused on appeal by the Planning and Environmental Appeals Division (DPEA).
- 3.6** This most recent planning application seeks to extend the lifespan of Dumbuckhill Quarry for a further 17 years until 2041. The applicant has provided a justification for extending the life of the quarry by 17 years as the quarry was mothballed for a number of years by the previous owner and no minerals extraction took place during that period; and the general downturn in the minerals market after the 2008 financial crisis resulted in the quarrying works not being completed in the timeframe anticipated within the 2004 consent, which was outwith the control of the applicant. The applicant therefore wishes to continue quarrying activities at the current production levels to the point of exhaustion of the current permitted reserves, which is approximately 4 million tons. To enable this amount of material to be extracted, including a short contingency and a period for the completion of restoration, an extension to 31st August 2041 is proposed.

Review of Minerals Permission

- 3.7** The Review of Minerals Permission (ROMP) is reviewing the conditions of 2004 permission. The ROMP is not an application for planning permission, as 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 prejudice adversely to an unreasonable degree the economic viability or the asset value of the quarry. In the event of a Planning Authority imposing new conditions which did impact upon the viability or asset value of the quarry, the Council may be required to compensate the quarry operator accordingly. In the case of Dumbuckhill Quarry, the Council gave notice to the operator in June 2019 that an application for a ROMP would therefore be required.
- 3.8** Both applications are supported by a planning statement and an Environmental Statement, which included a preliminary ecological appraisal, a noise assessment, an assessment of blasting and a restoration masterplan. However, the Council wrote to the applicant on 06 November 2019 requesting further information on protected species requested by Nature Scot. This information related to the further studies expressed within the Preliminary Ecological Appraisal for bats, badger and great-crested newt and were required under the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017.

4. CONSULTATIONS

- 4.1 Scottish Government, Scottish Water, Transport Scotland, Historic Scotland Glasgow Airport and SEPA have no objections to the applications.
- 4.2 West Dunbartonshire Council Roads Services has no objection and request that the roads conditions attached to DC02/187 be retained.
- 4.3 West Dunbartonshire Council Environmental Health Service has no objections subject to conditions being attached in relation to operational hours, noise, blasting, vibration, dust, materials and lighting.
- 4.4 Nature Scot has no objection and are supportive of the general ecological mitigation measures proposed by the applicant and the commitment to installing bat boxes at the site.

5. REPRESENTATIONS

- 5.1 14 letters of representation were received to DC19/162 and 11 letters of representations were received to DC19/163. The reasons for the objections are similar for both applications and are summarised below:
- Contravenes the criteria within Policies RSA 1, E9 and DC 8 of the Adopted Local Plan in relation to the Regional Scenic Area: the Kilpatrick Hills; landscape character and Minerals;
 - Negative impacts on landscape quality and character, visual amenity, local features of historic significance, greenbelt and nature conservation value of the site;
 - Negative impacts on the visual amenity of the Moors, Lanf Craigs and Kilpatrick Hills;
 - Removing any more landscape will impact on residents, community, wildlife, and the environment;
 - Previous application to alter the height and profile of Dumbuckhill was rejected by Councillors and on appeal;
 - The removal of the east wall of the quarry will leave a scar on the landscape and a potentially dangerous risk of substantial rockfall on to the houses at Milton;
 - The extension of the existing workings contravenes the SNH Glasgow and Clyde Valley Landscape Character Assessment;
 - Noise levels (internally and externally) and vibration issues due to blasting within the quarry;
 - Dust and air quality settling within properties and areas adjacent to the A82;
 - Trucks contribute significantly to the volume of traffic;
 - Environmental Report does not mention rainfall or water nor its impact on the natural pathways for water and rainfall;
 - New pathways on the hillside would weaken the integrity of the hillside leading to potential landslides;

- Potential for flooding in previously unaffected areas;
- No evidence that the risk of flooding or impact of the works on surrounding area's potential flood risks have been investigated, quantified and measures to mitigate put in place;
- Number of car park spaces has doubled within the site without any planning permission being granted or any mention of why the doubling of the car park spaces;
- EA does not adequately investigate the proposals impact on wildlife and habitats nor does it protect them for harm or disturbance from noise, vibration, dust, air quality or site clearance;
- Proposed extension to the quarry workings will cause noise and nuisance and will impact on residential amenity due to the intolerable noise outside as well as the dust. There is also the risk of large boulders rolling down the hillside which could have a catastrophic result if they reach the village or A82.

6. ASSESSMENT AGAINST THE DEVELOPMENT PLAN

6.1 Since the granting of the 2004 Consent, the former Glasgow & Clyde Valley Joint Structure Plan 2000 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 generally similar to those which were in force in 2004.

Clydeplan (2017)

6.2 Clydeplan states that there are sufficient hard rock operational reserves to meet demand in the city. Policy 15 states that an adequate and steady supply of minerals must be maintained with a landbank for construction aggregate equivalent to at least 10 years extraction being required. The proposed extension to the time limit for extraction of the remaining reserves at Dumbuckhill Quarry is therefore in accordance with this policy and will contribute to the availability of hard rock within the city region till 2041.

6.3 Dumbuckhill Quarry is located within the Greenbelt and Policy 14 states that the objectives in para 8.15 of Clydeplan should be met, of which ensuring that industries, such as mineral extraction in this case, is located in a sustainable location. Therefore the continued operation of the quarry is in compliance with this Policy.

West Dunbartonshire Local Plan 2010

6.4 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.

- 6.5** Policy GD 1 contains criteria which is applicable to the consideration of this application, namely residential amenity, traffic, and air quality. Policy T4 relates to transport and considers that new development must be accessible to public transport networks and avoid adverse impacts on the A82.
- 6.6** Although the applications are for a variation to the lifespan of the Quarry within condition 2 of the 2004 consent and for a ROMP, Policy DC 8, in relation to mineral development, is still relevant; specifically in relation to the impacts on the environment; amenity; the need to restore the site; and have a bond in place to ensure that this is undertaken.
- 6.7** Policy E1 relates to the biodiversity when considering the impacts of development as the protected species surveys found the potential for bats to roost in trees within and adjacent to the site. Policy E3A is also applicable as one Local Nature Conservation Site (LNCS) is present within the red line boundary and another is in close proximity. The Policy also seeks to protect habitats and species, such as bats. Policy E4 relates to Tree Preservation order and a TPO is present to the eastern part of the site.
- 6.8** The Adopted Local Plan (2010) policies therefore do not raise any issues which have not been previously assessed.

7. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

West Dunbartonshire Local Development Plan (LDP1) Proposed Plan

- 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 extraction at Dumbuckhill Quarry and the Plan specially allocates and safeguards the quarry for hard rock extraction. The continuation of these works is supported by the Policy. The Policy also requires acceptable and fundable restoration and aftercare proposals.
- 7.3** The consideration of Policies DS1, DS2, GN 2, GN3, GN5, and SD1 with regards to design; development in the greenbelt; Local Nature Conservation Area and protected species; landscape; trees; and transport, are similar to that of the Adopted Plan.

West Dunbartonshire Local Development Plan (LDP2) Proposed Plan

- 7.4** The modified Plan and associated documents was approved by the Council on 19 August 2020. The Council has advised the Scottish Ministers of its intention to adopt the Plan. On 18th December 2020, the Scottish Ministers issued a Direction in relation to the housing land chapter of the Plan. None of the policies considered in the determination of these applications is affected by the Direction. Therefore, Local Development Plan 2 is the

Council's most up to date policy position and is afforded significant weight in the assessment and determination of planning applications.

- 7.5** The consideration of policies GB1, CP 1, ENV 1, ENV 2, ENV 4, and, CON 1 with regards to development in the greenbelt; design; residential amenity; local nature conservation sites and protected species; landscape; trees; 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.
- 7.6** Local Development Plan 2 continues to support the working of minerals at Dumbuckhill 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.
- 7.7** Both Proposed Plans do not raise any further new issues which were not previously assessed and therefore the proposed applications accord with the Proposed Plans.

Scottish Planning Policy (SPP)

- 7.8** Since the granting of the 2004 consent, 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

- 7.9** 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)

- 7.10** 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

- 7.11** The existing quarry was approved in 1948 and the various permissions were consolidated in 2004 into one permission, which included a Review of Minerals permission. The 2004 permission allowed an extension to the quarry area to 2024, as well as, consolidating all of the earlier consents. As the application was consolidating all the previous consents, it was considered at the time that any conditions would be in line with current standards and would refer to the whole of the quarry area, thereby removing the need for a review of the existing minerals permissions in place. Therefore the principle of the quarry operations has been established by the previous permissions. The current proposal is to extend the life of the quarry with all quarry operations taking place within the existing quarry boundary and no additional land required. The applicant, as detailed in paragraph 3.5 above, has indicated that the increased extraction time period is required as the workable mineral has not been fully worked due to the fact that the quarry was closed for a number of years, change in ownership and there was a lesser demand for minerals after the financial collapse in 2008.
- 7.12** Since the granting of the 2004 consent only two of the seven benches have been completed; the 148mAOD bench and the 135mAOD bench. The quarry operator has started to form a third bench: the 123mAOD bench on the northern side of the quarry. As a consequence the quarry operator has extracted approximately 30% of the aggregate permitted by the current consent which leaves 3.8 million tons (70%) of the consented reserves still to be extracted.
- 7.13** Policy MIN 1 of LDP2 supports the continuation of quarry working at Dumbuckhill. The quarry site is located within the Greenbelt; however, a site specific locational need has been conclusively demonstrated by the previous 2004 permission and the permissions previous to this. Therefore, the proposal accords with the greenbelt policies of all the development plans. By not granting an extension to the time period for quarry operations to be completed would in effect sterilise the remaining minerals. Sterilisation of mineral reserves would be inconsistent with SPP and national guidance. It would also be incompatible with the need for a continued minerals and aggregates supply identified within Clydeplan.

Operating Hours, Blasting Hours and Vibration Conditions

- 7.14** It is proposed that the operational hours that were approved by 2004 will remain unchanged. The quarry presently operates 0700 - 1900 hours Monday to Friday, 0700 - 1200 hours on Saturday and not at all on Sundays or public holidays. No normal operations or heavy goods vehicle will arrive or leave the site outwith these hours unless by prior agreement.
- 7.15** In relation to blasting, these operations will be restricted to between 10.00 am and 16.00 pm Monday to Friday with no blasting permitted at weekends or on public holidays. Again this is a similar restriction which was on 2004 permission. Both the existing operating hours and blasting hours are considered acceptable in terms of both the ROMP and for the extension of the time period of the quarry.
- 7.16** Blasting can cause vibration which may impact on residential amenity. Concern from residents about vibration damage to their property is a source of complaints to the Council. Environmental Health have monitored blast vibration levels for many years and have never recorded a level above 6mm/s, the specified target level. It should be noted that cosmetic damage to properties will not occur until vibration levels are in excess of 20mm/s and minor structural damage at levels in excess of 30mm/s. For this reason, the Council are satisfied that the guideline value of 6mm/s as presented in PAN50 is suitable as a target level. Therefore, from the assessment carried out as part of the planning application, which are below the limits of the current standards, there is unlikely to be any significant impact from vibration and Environmental Health are satisfied with this.
- 7.17** A condition has been attached to both the ROMP and planning application requiring the quarry operator to maintain vibration at or below the level of 6mm/s. to carry out vibration monitoring, and to retain the results for a 12 month period, as well as, forwarding these to the Council. This will assist in ensuring that vibration levels are appropriately monitored and vibration levels stay within those stated in PAN 50 or below those levels.

Noise Levels

- 7.18** A detailed noise assessment was undertaken as part of the Environmental Statement, based upon the methodologies of BS5228 and Annex A of PAN 50, with respect to the locations of noise sensitive receptors – Dumbuck View, Lennox Road, Milton House/Old Mill House, Northwood, Barnhill Road and Carnoch House.
- 7.19** The assessment contains operational limits for the quarry operations and a noise criteria table has been conditioned in relation to noise limits, and these limits have 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 paragraph 7.14 above. 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”.

7.20 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. Therefore, the range of noise levels do not exceed the limits in PAN 50. This reflects that some locations are quieter than others whilst remaining within the thresholds within PAN 50. Environmental Health have however advised that they have received minimal complaints from residents relating to noise from the current quarrying operations. The setting of specific noise levels enables any noise complaints to be assessed in terms of strict adherence to the noise criteria specified within the conditions. Furthermore, the operator is required to routinely monitor these levels to ensure they are being achieved. Should a complaint of noise disturbance be made, even when it was within the specified noise limit, then 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.

Air Quality and Dust

7.21 By the very nature of extraction and blasting, the production of dust is unavoidable but can become a nuisance and have an impact on residential amenity for properties nearby the quarry by virtue of prevailing winds. This can be mitigated by applying water spreaders especially during summer months and this has been successfully implemented by the quarry operator. Similar conditions which were applied to 2004 consent and will be applied to these permissions.

7.22 Additional conditions have been added to require a dust management plan and dust monitoring programme; daily visual assessments of all plant and operations at least once day; and for the applicant to take any remedial action when appropriate. Therefore, it is considered the conditions put in place will help address and mitigate any issues of dust and impacts on air quality arising from dust. The applicant has agreed to these conditions.

Landscape and Visual Impact

7.23 A Landscape and Visual Impact Assessment was undertaken as part of the documents submitted with the planning applications. A total of 8 viewpoints were agreed with the applicant to ascertain impact on the landscape. The viewpoints were taken from four locations on the A82 and A814; from Loch Bowie, Overtoun House, Dumbarton Castle, Langbank Station, and from the M8. These were considered to be key viewpoints to appraise the quarry from the north, east, west and south aspects. As a result of the quarry works, the assessment indicated that there would be very minor changes to the landform profile and ridgeline, which would be barely perceivable from these locations. Therefore, as the scale and presence of the landscape is being maintained and all operations will be taken below ground level, the assessment concluded that there would be negligible impacts on landscape character and visual amenity surrounding the site.

7.24 Many concerns have been raised in relation to the impact on the surrounding landscape; the loss of landscape features; and adverse visual impacts. However, quarrying operations have been on-going since 1948 and the quarry operations are within the confines of the existing site boundary. As there is no physical land extension proposed to the site boundary of the quarry and all operations will be taken below ground, it is therefore considered that there will be no adverse impacts on the landscape character and visual amenity of the area due to the continued operation of the quarry to 2041.

Natural Environment and Ecology

7.25 A preliminary ecology appraisal was undertaken as part of the Environmental Assessment and comprised a Phase 1 Habitat Survey, protected species surveys and an ecological appraisal of the quarry site. The main findings of the appraisal are as follows:

- **Bats:** two trees with roosting features with high or moderate suitability for bats were identified within the site boundary and were likely to experience disturbance due to the continued extraction process. Further surveys were recommended;
- **Breeding Birds:** active nests were found within the site and a likely raven nests was recorded within the quarry wall. A vantage point survey of the available nesting habitat within the site should be undertaken to understand the usage of the area for Schedule 1 species of the Wildlife and Countryside Act 1981 (as amended), including peregrine falcon and barn owl to inform any additional mitigation;
- **Reptiles:** habitats with moderate potential to support locally common reptile species were present on site but it was highly unlikely to use the area due to the level of disturbance and lack of suitable habitat within the quarry site. Sensitive working practices were recommended to minimise the likely impact on these species;
- **Great Crested Newt:** The assessment results notified that the waterbodies within the site were of poor suitability for common amphibian species but recommended further studies were undertaken;
- **Badger:** no signs of badgers were found within the site; however, a further study was recommended to check for badgers within 30 metres of the site, to inform sensitive working practices; and
- **Invasive species:** rhododendron was present within an area of introduced shrubs. Under Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) it is an offense to plant or otherwise allow this species to grow in the wild; therefore sensitive working practices should be conducted to stop the spread of this species.

7.26 Following the consultation with Nature Scot further environmental studies on the protected species of Bats, Great Crested Newts and Badgers were undertaken to determine any impact on the protected species. The further studies confirmed that no Great Crested Newts were found on the site and therefore are not an ecological constraint for the proposed continuation of works. In relation to Badgers, no evidence was found of them within the site or within 30 metres of the site, nor is there any publicly available information on any Badger setts within 2.5km of the Quarry, with the nearest record almost 3km away.

Based on this information, Badgers are not considered to be an ecological constraint for the site.

- 7.27** In relation to Bats, despite the trees present on site and their suitability for use for roosting, there was no actual physical evidence of any current or former occupancy by bats. It was therefore concluded that roosting bats are not an ecological constraint for the proposal at this site. Despite the findings on bats, the applicant is prepared to make a commitment to install 15 new bat roost boxes on trees on the lower outer slopes of the hill around the site boundaries in order to provide attractive alternative options for roosting bats further away from the operational areas of the quarry. These boxes may be utilised according to changes in weather such as wind direction, sun and heat, and would also serve to compensate should any disturbing activities ever take place in site. The boxes would consist of multi-season boxes, maternity boxes, and summer roost boxes. This commitment to mitigation and enhancement of ecology within the site is welcomed and supported by Nature Scot and this is addressed by a condition.
- 7.28** A Tree Preservation Order is present to the eastern edge of the quarry, but is located outwith the site boundary. The Phase 1 Habitat Survey noted that areas of Ancient Woodland (not a statutory designation) were found within the site and concluded that quarrying activities had the potential for air quality impacts on the woodland, mostly associated with dust. Any loss of Ancient Woodland, native trees, shrubs and hedgerows will be subject to compensatory planting as part of any restoration scheme for the quarry site. A condition has also been attached to protect the trees covered by the Tree Preservation Order from any lopping, topping, felling, lifting, removal or disturbance and this has been agreed with the applicant and a similar condition was on the previous consent.
- 7.29** Therefore, subject to the mitigation/ecological enhancement measures being carried out, and a new Breeding Birds survey being undertaken (incorporating a vantage point survey) and sensitive working practices put in place, it is considered that the proposal is unlikely to have adverse impacts on the natural environment and ecology.

Access Arrangements and Flooding Issues

- 7.30** The quarry is well sited adjacent to the A82 trunk road. The quarry has an extensive surfaced access road and wheel wash on site which ensures that vehicles leaving the site are clean and no deleterious materials are carried onto the public highway. The proposals do not seek to alter the current frequency of traffic movements in and out of the quarry. No traffic issues have been raised in relation to this by Transport Scotland or the Council's Roads Service. Therefore, the continuation of quarry operations is unlikely to have any significant negative adverse impact on the Trunk Road network.

7.31 Flooding and flooding onto the A82 was raised within several objections. The quarry is presently drained, via run off, towards the centre of the quarry, flowing south until it reaches the water management area. The impenetrable nature of the rocks within the site ensures that there is minimal infiltration into the rock mass, with water run off eventually entering the River Clyde via the effluent treatment system. It should be noted that this is a tried and tested treatment facility which will continue to serve all areas of the quarry and any discharge from the site is also subject to SEPA's authorisation. Therefore the quarry is unlikely to have any significant adverse impact on hydrology, drainage and flooding.

Restoration and Restoration Bond

7.32 The 2004 consent attached conditions in relation to the provision of a restoration scheme, restoration masterplan, cessation of activity and aftercare. A restoration bond is also in place, secured by a Legal Agreement.

7.33 A revised restoration masterplan has been submitted but has not provided any details on phasing, quantities of soils, trees and other matters that would normally be considered as part of a restoration strategy for the overall quarry. 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 near completion. 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. 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.

7.34 Notwithstanding the above, the applicant has agreed to a new condition that a Restoration Strategy and Masterplan to be provided in order to detail how restoration of the site will be progressively undertaken and also to quantify the amounts of soil, trees shrubs that need to be provided as part of the restoration. This approach will help to review the quantum of the restoration bond and assist in monitoring the progress of the quarry. Quarry progress plans, based on the agreed Restoration Strategy and Masterplan, will then be provided to the Council every five years and this will allow the quarry operator to make any changes to the Restoration Strategy and Masterplan as may be needed, in agreement with the Planning Authority. This is considered to be a more practical and flexible arrangement for the future restoration of the site and will allow restoration proposals to take into account changes in environmental and restoration practices and also ensure that the Restoration Bond is more aligned to the restoration masterplan should it be required in the future.

7.35 There is a current restoration bond in place which was agreed through 2004 consent. The restoration bond needs to be reviewed in line with the current restoration proposals for the site. This work is still ongoing and both the planning application and the ROMP would not be issued until the legal agreement to secure the revised restoration bond is concluded.

8. CONCLUSION

- 8.1** There is a long history of quarrying at Dumbuckhill with the quarry operations dating back to 1948. There have been a number of permissions over the years with one of the main permissions being 2004 permission which consolidated previous permissions, included a Review of Mineral Permission and allowed an extension to quarry operations. The ROMP is not revisiting the principles of whether the quarry should be allowed as this was established by 1948 permission but allowing the quarry to work under new modern conditions agreed between the applicant and the Council with controls on hours of working, blasting, dust, restoration and other environmental matters. The ROMP, if agreed it would be reviewed again in 15 years time that being 2036.
- 8.2** The extension to the lifespan of the quarry to 2041 is justified as 70% (3.8 million tons) of the mineral reserve of the quarry has yet to be extracted due to the Quarry being inactive for many years. As the effect of granting planning permission for Section 42 application is such that a new and separate standalone permission exists for the development, it will contain the revised conditions agreed as part of the ROMP rather than the original approved conditions of 2004. This is agreeable to the applicant.
- 8.3** Both applications have been considered in relation to updated guidance and development plan policies and with regard to representations to both applications in terms of landscape character and features, visual impacts, greenbelt, nature conservation and protected species, impacts on the environment, noise, vibration, dust, air quality, residential amenity, paths, flooding, and traffic. It is not considered that the proposal for the extension in the time period and the ROMP would give rise to any significant adverse environmental, amenity, traffic or other impacts, subject to mitigation measures being employed.

9. CONDITIONS

DC19/162: Section 42 application to vary condition 2 of planning permission ref: DC02/187 to allow the continuation of operations at Dumbuckhill Quarry beyond the current consented expiry date of 2024 to 2041

1. The development hereby permitted shall cease by 31 August 2041 and at the end of this period, all mineral extraction and quarrying operations, including the crushing of rock and the transfer of aggregates from the site, shall cease.
2. The extent of the quarrying operations area shall be limited to those areas outlined on drawing [M12.177(c).004A] of the submitted Environmental Statement and the methods of working within the quarry shall be as described within the approved documents forming part of this consent. Any changes to the operating procedures or methods shall be submitted to and approved in writing by the Planning Authority and implemented as approved.

3. The normal daytime operating hours for the quarry shall be 0700 hours to 1900 hours Monday to Friday, 0700 hours to 1200 hours (noon) on Saturday and not at all on Sundays or Public Holidays and no heavy goods vehicles shall arrive at or leave the site and no operations, including the loading and transportation of minerals or operation of quarry plant shall take place outside these hours. Permission to operate outside these hours shall be agreed in writing with the Planning Authority within 5 working days, prior to such operations taking place.
4. Noise attributable to the operators at Dumbuckhill Quarry shall not exceed the daytime limits specified in Table A below – Noise Criteria at Dumbuck View, Lennox Road, Milton House/Old Mill House, Northwood, Barnhill Road and Carnoch House.
5. The quarry operator shall ensure that all operations shall be undertaken in a method which ensures that the best practice methodologies as set out in PAN50 and PAN50 Annex A are adopted so as to minimise noise at the site boundary. A request for the relaxation of the noise limits identified in condition 4 above shall be submitted in writing a minimum of 7 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 written approval of the Planning Authority.
6. Within one month of the date of this approval the operator shall, undertake and submit a noise monitoring plan at the locations as described in condition 4 above to the Planning Authority. The frequency and timings of such monitoring must be agreed with the Planning Authority, the results of which shall be submitted to the Planning Authority on a frequency to be also agreed with the Authority. The noise monitoring shall be carried out in accordance with the methods specified in PAN50 Annex A.
7. Blasting operations shall only be carried out between 10.00 am and 16.00 pm Monday to Friday with no blasting permitted at weekends or on public holidays. As far as reasonably practicable, the applicant should ensure that blasting is carried out between 10.00 am and 13.00 pm.
8. 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 the best practice methodologies as set out in PAN50.
9. Blasting shall only be carried out after appropriate 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.
10. Ground vibration as a result of blasting shall not exceed a peak particle velocity of 6 mm/s for 95% of all blasts over any 12 months and no individual blasts shall exceed a peak particle velocity of 12 mm/s with the measurement to be the maximum of three mutually perpendicular directions taken at the ground surface at any vibration sensitive building identified in Table B – Vibration Monitoring Locations.

11. Notwithstanding the requirements of condition 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 the Planning Authority within two days of the occurrence.
12. The Council's Environmental Health Service shall be given a minimum of 48 hours written or email notification before every blast at the quarry.
13. 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 .
14. The quarry operator shall carry out vibration monitoring, retaining the results for a 12 month period, as well as, forwarding the results of the monitoring to the Planning Authority for their information.
15. The quarry operator shall ensure that all operations are controlled so as to prevent or minimise the release of dust into the atmosphere beyond the quarry boundary, ensuring that operations are undertaken in a method in accordance with the best practice methodologies as set out in PAN50. Within 3 months of the date of the approval details , the quarry operator shall provide a dust management plan to be agreed with the Planning Authority and it shall be implemented as approved.
16. Following the approval of the dust management plan, the quarry operator shall agree a dust-monitoring programme with the Planning Authority, which shall be undertaken using appropriate equipment and recording devices. The results and records shall be made available to the Planning Authority on request. Visual assessments of dust emissions from all plant and operations shall be undertaken at least once per day during operations and any remedial actions shall require to be undertaken.
17. The operator, during quarry operational times, shall ensure that mobile spraying units or other appropriate dust suppression equipment are maintained in efficient working order and used so as to ensure that haulage roads, stocking areas and other areas subject to vehicle traffic are kept damp at all times during extended periods of dry weather. The mobile spraying units or other dust suppression equipment shall have an adequate supply of water available at all operational times.
18. Wheel cleaning facilities shall be used by every vehicle entering and leaving the site and must be maintained in operation throughout the life of the quarry.
19. The paved area of road within the site must be swept/washed where required in order to ensure that no debris from the quarry is carried onto the public highway.

20. The existing trees and shrubs covered by the Tree Preservation Order and located to the east of the quarry area shall not be lopped, topped, felled, lifted, removed or disturbed in any way without the prior written consent of the Planning Authority.
21. The quarry operator shall provide and implement the mitigation and enhancement measures as prescribed in the submitted Preliminary Ecological Appraisal and the Protected Species Surveys within 12 months of the date of this approval.
22. Within 12 months of the date of this approval details, an updated Breeding Bird Survey shall be submitted to and approved in writing by the Planning Authority. This survey shall include a 'Vantage Point Survey' of breeding birds contained within Schedule 1 species of the Wildlife and Countryside Act 1981 (as amended) including peregrine falcon and barn owl. In the event that Schedule 1 species are identified within the site or it is established that the quarry operations will impact upon these species or their respective habitat, then mitigation and associated monitoring measures shall be submitted alongside the submitted survey. The survey and any associated mitigation shall be implemented as approved in a timescale agreed in writing by the Planning Authority.
23. Notwithstanding the terms of Class 56 of Schedule I of the Town and Country Planning (General Permitted Development)(Scotland) Order 1992, the further written consent of the Planning Authority shall be required in respect of any further buildings, plant or machinery that may be required in connection with the development hereby permitted.
24. 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 associated ground reinstated in accordance with the conditions of this permission in relation to restoration.
25. With the exception of materials required for the production of concrete, no other materials shall be imported onto the site without prior written approval of the Planning Authority.
26. All artificial lighting units installed at the quarry shall be so sited and shielded to be incapable of light pollution and glare into any residential property outside the quarry boundary.
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. Within 3 months from the date of this consent, a restoration strategy and masterplan, including details of aftercare and afteruse, shall be submitted to and approved in writing by the Planning Authority.

29. Within 24 months of agreement of the Restoration Strategy and Masterplan, detailed in condition 28 above, and at 2 yearly intervals thereafter, the quarry operator shall submit a quarry progress plan to the Planning Authority. The quarry progress plan shall be in line with the agreed Restoration Strategy and Masterplan and will:
- a. Provide an up-to-date topographical survey of the site in an appropriate format and appropriate scale;
 - b. Identify areas of the site that have been subject to mineral extraction in the previous 5 year period (if applicable) and/or will be subject to mineral extraction in the forthcoming 5 year period, including the locations, design and formation of the proposed surface working areas, plant site, internal access road, and any temporary tracks;
 - c. Identify areas of the site that have been subject to restoration in the previous five year period (if applicable) and/or will be subject to restoration in the forthcoming 5 year period;
 - d. Identify areas where aftercare will have been completed, areas of the site that have been subject to aftercare and provide details of aftercare for areas will be subject to aftercare in the forthcoming 5 year period; and
 - e. Provide an update on the restoration proposals for areas of the site that are subject to development over the plan period and set out any necessary adjustment to the approved Restoration Strategy and Masterplan for the site to take account of site circumstances over the previous plan period.
30. The restoration scheme approved under the terms of condition 28 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.
31. 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 Planning Authority, within 12 months of either event occurring, a revised restoration scheme that modifies and updates that approved by condition 28 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.
32. Restored parts of the site shall be subject of 10 years aftercare in accordance with the measures to be detailed in Restoration Strategy and Masterplan to be provided under condition 28 of this decision or any modified Restoration Strategy and Masterplan agreed within the Quarry Progress Plan required by condition 29 of this decision.

Table A: Noise Criteria

Location	Noise Limit (dB LAeq, 1h)
Dumbuck View	55
Lennox Road	52
Milton House/ Old Mill House	53
Northwood	54
Barnhill Road	48
Carnoch House	45

Table B: Vibration Monitoring locations

Old Mill House
Lennox Road
Dumbuck View
Barnhill Road
Carnoch House
Northwood
Auchentorr
Solway Bank

Informative

In the event that any waste products are produced on the site, the operator of the quarry must obtain a license under the Waste Management Licensing Regulations 1994 and details of any waste products and the license, must be submitted to the Planning Authority as soon as they are identified or received.

DC19/163 - Review of Minerals Permission

1. The development hereby permitted shall cease by 31 August 2041 and at the end of this period, all mineral extraction and quarrying operations, including the crushing of rock and the transfer of aggregates from the site, shall cease.
2. The extent of the quarrying operations area shall be limited to those areas outlined on drawing [M12.177(c).004A] of the submitted Environmental Statement and the methods of working within the quarry shall be as described within the approved documents forming part of this consent. Any changes to the operating procedures or methods shall be submitted to and approved in writing by the Planning Authority and implemented as approved.
3. The normal daytime operating hours for the quarry shall be 0700 hours to 1900 hours Monday to Friday, 0700 hours to 1200 hours (noon) on Saturday and not at all on Sundays or Public Holidays and no heavy goods vehicles shall arrive at or leave the site and no operations, including the loading and transportation of minerals or operation of

quarry plant shall take place outside these hours. Permission to operate outside these hours shall be agreed in writing with the Planning Authority within 5 working days, prior to such operations taking place.

4. Noise attributable to the operators at Dumbuckhill Quarry shall not exceed the daytime limits specified in Table A below – Noise Criteria at Dumbuck View, Lennox Road, Milton House/Old Mill House, Northwood, Barnhill Road and Carnoch House.
5. The quarry operator shall ensure that all operations shall be undertaken in a method which ensures that the best practice methodologies as set out in PAN50 and PAN50 Annex A are adopted so as to minimise noise at the site boundary. A request for the relaxation of the noise limits identified in condition 4 above shall be submitted in writing a minimum of 7 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 written approval of the Planning Authority.
6. Within one month of the date of this approval the operator shall, undertake and submit a noise monitoring plan at the locations as described in condition 4 above to the Planning Authority. The frequency and timings of such monitoring must be agreed with the Planning Authority, the results of which shall be submitted to the Planning Authority on a frequency to be also agreed with the Authority. The noise monitoring shall be carried out in accordance with the methods specified in PAN50 Annex A.
7. Blasting operations shall only be carried out between 10.00 am and 16.00 pm Monday to Friday with no blasting permitted at weekends or on public holidays. As far as reasonably practicable, the applicant should ensure that blasting is carried out between 10.00 am and 13.00 pm.
8. 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 the best practice methodologies as set out in PAN50.
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Informative

1. In the event that any waste products are produced on the site, the operator of the quarry must obtain a license under the Waste Management Licensing Regulations 1994 and details of any waste products and the license, must be submitted to the Planning Authority as soon as they are identified or received.

Peter Hessett
Chief Officer – Regulatory and Regeneration
Date: 23 June 2021

Person to Contact: Pamela Clifford, Planning, Building Standards and Environmental Health Manager
Email: Pamela.Clifford@west-dunbarton.gov.uk

Appendix: Appendix A: Site Location Map

Background Papers:

1. Application forms and plans;
2. Consultation responses;
3. Representation;
4. Planning Permission DC02/187;
5. Clydeplan;
6. Scottish Planning Policy
7. West Dunbartonshire Local Plan 2010;
8. West Dunbartonshire Local Development Plan Proposed Plan (LDP 1);
9. West Dunbartonshire Local Development Plan 2 Proposed Plan (LDP 2);
10. Circular 34/1996;
11. Planning Advice Note 50 and Annexes.
12. Appendix B

Wards affected: Ward 3 (Dumbarton)

Appendix B: Statement on Conformity with Regulation 29 of Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017

These applications are EIA developments. An Environmental Impact Assessment (EIA) has been carried out. The Council is satisfied that the likely significant effects of the development on the environment were fully identifiable at the time of the determination of the Section 42 application and the ROMP.

Regulation 29(5) of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 describes mitigation measures as any features of the development and any measures envisaged in order to avoid, prevent or reduce and, if possible, offset likely significant adverse effects on the environment including any such features or measures required by virtue of a) a condition imposed on the grant of planning permission; or (b) a planning obligation.

Likely significant effects of the development on the environment have been mitigated for these applications. The mitigation measures undertaken are set out within the Committee Report. For the avoidance of doubt, there are monitoring measures recommended in respect of these application proposals and these are contained within the Committee Report and the conditions attached to the Section 42 and the ROMP.

The report meets with the requirements of Regulation 29 of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 and this is why it forms part of the decision notice issued for the Section 42 consent and the ROMP. This report sets out the main reasons and considerations on which the decision is based and includes the reasoned conclusion by the Planning Authority on the significant effects of the development on the environment, taking into account the examination by the Planning Authority of the information presented in the EIA Report, any other environmental information and, where appropriate, any supplementary examination. The application is considered to be in accordance Council's Scheme of Delegation as well as the Procedures for the Handling of Planning Applications.

Statutory notification and consultation for this planning application has been undertaken in accordance with the Council's Procedures for the handling of Planning Applications which are published and are available to view on the Council's website. The consultation undertaken is also in accordance with the The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013. Noting the application was determined at the Council's Planning Committee, these procedures included a provision for a pre-determination hearing where the applicant and any person who made representation were afforded an opportunity to speak before the decision was made.

At the date of this decision, the Planning Authority is satisfied, having regard to current knowledge methods of assessment, that the committee report, conditions and reasoned conclusion address the likely significant effects of the development on the environment.