

**22/00499/APP**  
**30th March 2022**

**Proposed quarry extension at Cairdshill Quarry Keith  
Moray AB55 5PA  
for Tarmac Caledonian Ltd**

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**Comments:**

- Application is a “major” development as defined under the Hierarchy Regulations 2009 because the site area exceeds 2 ha.
- Advertised under Schedule 3 of the Development Management Regulations 2013 and for neighbour notification purposes.
- Two representations received.

**Procedure:**

- None.

**Recommendation**

Grant Planning Permission - Subject to the following:

**Conditions/Reasons**

1. The permission hereby granted shall be for a limited period only and shall cease to have effect on **41 years** the initiation of development (the 'cessation date') by which time and prior to that cessation date, the application site shall be cleared of all development approved or involved in implementing the terms of the permission hereby granted (including all mobile plant and machinery, any ancillary works, infrastructure, fixtures and fittings, etc.), and the site shall be re-instated in accordance with a restoration and aftercare scheme which shall previously have been submitted to and approved in writing by the Council, as Planning Authority (see Condition 3 below). Written confirmation of the date of initiation of development shall be submitted to the Council, as planning authority prior to commencement of development (see notes regarding submission of Notification of Initiation of Development attached to this decision notice).

**Reason:** To ensure an acceptable form of development enabling the development to progress in accordance with the applicant's submitted particulars to allow for full extraction of available resources and site restoration thereafter, and to retain control over the use of the site and enable further consideration to be given to the operations, effects and impact of the use upon the amenity, character and appearance of the site and surrounding area together with securing removal of all site infrastructure used in the extraction process prior to embarking upon the restoration of the site.

2. Except where otherwise provided for, or agreed and/or amended by the terms of this permission, the applicant/operator shall operate the development in accordance with the provisions of the application, the Environmental Review supporting document by Dalgleish Associates Limited, dated March 2022, titled "Proposed Extension to Cairdshill Quarry, Keith" and the plans hereby approved. For the avoidance of doubt this shall include compliance with the mitigation measures listed in table 13.1 on pages 188 to 190 inclusive of the Environmental Review (unless otherwise specified/controlled by conditions within this decision notice) and adherence to the Waste Management Plan (Appendix 3).

**Reason:** To ensure an acceptable form of development in accordance with the submitted particulars and in order to safeguard the amenities, character and appearance of the locality within which the proposal is located.

3. Notwithstanding the indicative final site restoration plan shown on drawing C161-00055-13 (which is not approved) at least one (1) year prior to completion of mineral workings ceasing on the site, a Site Specific Restoration and Aftercare Plan shall be submitted to and approved in writing by the Council, as planning authority in consultation with SEPA. The plan shall be in accordance with the information detailed within Sections 3 and 4 (Development Proposals and Restoration and Aftercare) of the Environmental Review supporting document by Dalgleish Associates Limited, dated March 2022, and include (but not be limited to) the following information:
  - a) the arrangement for the removal of all buildings and structures (both mobile and fixed plant, etc.) from the site;
  - b) details of the finalised landform to be provided on site, including all water/pond areas and all areas of site mounding or regrading of excavated material to be retained or provided as part of the landform together with elevations, cross and long sections and existing and finished levels details (relative to a fixed datum);
  - c) the provisions for re-instatement for after-uses to include agricultural grassland, species rich grassland, woodland/tree and shrub/scrub planting, ephemeral wetland, marginal planting and bare ground and habitat creation as proposed within the Environmental Review supporting document including sections and finished ground levels to show the finished profile of the re-instated ground;
  - d) landscaping and planting/seeding information associated with the proposed formation of all identified habitats (to include species, girth, height, siting etc.);
  - e) details of stock proof fencing; and
  - f) the arrangements for the monitoring and aftercare scheme which shall specify all the steps to be taken and the time periods within which the steps will be taken (to be a minimum of 5 years); any seeding, trees or shrubs that die or become seriously damaged or diseased within 5 years of planting shall be removed and replaced by others of a similar size and species within the next planting season).

Thereafter, the restoration of the site and aftercare shall be carried out in accordance with the approved details.

**Reason:** To retain control over this development and ensure that the site is appropriately restored in the interests of the protection of the environment, as these details are currently lacking from the application.

4. No works in connection with the development hereby approved shall commence unless an archaeological written scheme of investigation (WSI) has been submitted to and approved in writing by the planning authority and a programme of archaeological works has been carried out in accordance with the approved WSI. The programme of works shall comprise a 5% trial trenching evaluation of the proposed development area, and be carried out by a suitably qualified archaeological contractor. The WSI shall include details of how the recording and recovery of archaeological resources found within the application site shall be undertaken, and how any updates, if required, to the written scheme of investigation will be provided throughout the implementation of the programme of archaeological works. Should the archaeological works reveal the need for post excavation analysis the development hereby approved shall not be brought into use unless a post-excavation research design (PERD) for the analysis, publication and dissemination of results and archive deposition has been submitted to and approved in writing by the planning authority. The PERD shall be carried out in complete accordance with the approved details.

**Reason:** To safeguard and record the archaeological potential of the area.

5. In respect of existing private water supply infrastructure identified as being affected by the development, prior to the commencement of the development hereby approved, details of the measures to be taken to protect the quality and quantity of existing water supplies (or to provide replacement supplies) shall be submitted to and agreed in writing by the Council, as Planning Authority. Thereafter, the measures will be implemented in accordance with the agreed details.

**Reason:** To ensure that the development does not impact on the sufficiency and wholesomeness of water supply to existing neighbouring properties.

6. No development or works shall commence within the extension area until the area has been enclosed by a stock proof fence which shall be maintained thereafter for the lifetime of the consent and until the restoration scheme is complete.

**Reason:** In the interests of the safety of the public and of livestock and in order to control the working of the site within the approved boundaries.

7. Unless otherwise agreed with the Council, as Planning Authority the annual rate of extraction shall not exceed 75,000 tonnes and the operator shall maintain records of output/production from the excavated area, to be made available to the Council, as Planning Authority at any time and on request.

**Reason:** In order to retain control over the working of the site and its impact on the area.

8. All quarry operations shall be carried out and permitted between 0700 - 1800, Monday to Friday, and 0700 - 1230, Saturdays and at no other times without the written consent of the Council, as planning authority in consultation with the Environmental Health Manager, notwithstanding the separate time periods in condition 16 which specifically relate to blasting times.

**Reason:** In order that the times of quarry operations are controlled to minimise disturbance to local residents.

9. During the normal daytime working hours defined in the above condition, the free-field Equivalent Continuous Noise Level (LAeq,1hr) for the period, excluding bund formation, soil and overburden handling activity and quartzite drilling operations, shall not exceed the greater of 45dB(A) or the background sound level + 10 dB for daytime operations, as determined at any existing noise sensitive property. For the avoidance of doubt the average background sound level (L A 90) at dwellings is stated in Tables 1.1 to 1.4 of noise impact assessment supporting document by Vibrock Limited, dated 29 March 2022, reference R22.11375/1/RK and titled "Noise Impact Assessment. Cairdshill Quarry Extension, Morayshire. Dalgleish Associates Limited."

**Reason:** In order that noise from the development is controlled so as not to cause noise nuisance to local residents.

10. During the normal daytime working hours defined in condition 8, the free-field Equivalent Continuous Noise Level (LAeq,1hr) from quartzite drilling operations , shall not exceed 55dB(A), as recorded at any existing noise sensitive property and be limited to a period not exceeding 10 days in any calendar year.

**Reason:** In order that noise from the development is controlled so as not to cause noise nuisance to local residents.

11. Noise from soil and overburden handling shall not exceed the free-field Equivalent Continuous Noise level ( LAeq,1hr ) of 70 dB(A) at any existing noise sensitive property and be limited to a period not exceeding 8 weeks in a year at any one property.

**Reason:** In order that noise from the bund formation phase of development is controlled and that the duration of this activity is limited in duration, so as not to cause noise nuisance to local residents.

12. Broad spectrum white noise vehicle reversing alarms shall be installed on all vehicular quarry plant.

**Reason:** In order that noise from the development is controlled so as not to cause noise nuisance to local residents.

13. At the reasonable request of the Planning Authority, following a complaint relating to noise from quarry operations at the development, the developer shall measure at its own expense noise emissions as they relate to the permitted consent limits, having regard to measurement locations and methodologies as detailed in

Planning Advice Note 'PAN50, Annex A: The Control of Noise at Surface Mineral Workings'. The results of such monitoring shall thereafter be forwarded to the Planning Authority. In the event of a breach of noise limits a scheme of mitigation shall be brought into action and its implementation agreed with the Planning Authority.

**Reason:** In order that noise from the development is controlled so as not to cause noise nuisance to local residents.

14. Prior to the development hereby approved commencing, a written scheme to control blasting operations shall be submitted and agreed with the Planning Authority. The results of monitoring associated with the agreed scheme shall be made available in writing to the Planning Authority on request.

**Reason:** In order that blasting operations are considered and managed, in order to protect local residents.

15. Ground vibration as a result of blasting operations at the development shall not exceed a peak particle velocity of 6 mms<sup>-1</sup> (95% confidence level) at residential properties, with no individual blast exceeding a peak particle velocity of 12mms<sup>-1</sup>. The measurement shall be the maximum of 3 mutually perpendicular directions taken at the ground surface at any vibration sensitive building.

**Reason:** In order that vibration associated with blasting from the development is controlled so as not to cause nuisance to local residents.

16. No blasting shall be carried out on the site except between the following times (1000 and 1200 hours) and (1400 and 1600 hours) Monday to Fridays and (1000 and 1200 hours) on Saturday. There shall be no blasting or drilling operations on Sundays, Bank Holidays or National Holidays.

**Reason:** In order that the times of blasting operations are controlled to minimise disturbance to local residents.

17. The above condition 16 shall not apply in cases of emergency when it is considered necessary to carry out blasting operations in the interests of safety. The Planning Authority shall be notified in writing immediately of the nature and circumstances of any such event.

**Reason:** In order that that the Planning Authority is informed of any emergency situation where the above condition cannot be met.

18. A Site Dust Management Plan for the site shall be maintained throughout the lifetime of the development in accordance with Section 9.9 of the Environmental Review supporting document by Dalgleish Associates Limited, dated March 2022, and titled "Proposed Extension to Cairdshill Quarry, Keith."

**Reason:** In order to ensure that dust emissions are considered and managed, in order to prevent dust nuisance to local residents.

19. Prior to the development hereby approved commencing details of the operational site lighting shall be submitted to and agreed in writing by the Planning Authority, in consultation with the Environmental Health Manager. Thereafter, the agreed lighting details shall be maintained throughout the lifetime of the development.

**Reason:** In order to ensure that light emissions are controlled so as not to give rise to a nuisance to local residents.

20. Prior to the commencement of any works associated with the establishment or undertaking of new quarrying operations or within 3 months of the issue of planning consent (whichever is soonest) the applicant must submit the following information for approval by the Planning Authority in consultation with the Roads Authority:
- a. Details (Plans scale 1:500 min and Management Strategy) for the provision of physical and other mitigation measures to prevent the discharge of water and loose material from the site onto the public road.

**Reason:** To ensure the safety and free flow of traffic on the public road and access to the site by minimising the road safety impact from extraneous material and surface water in the vicinity of the new access.

21. Prior to the commencement of any works associated with the establishment or undertaking of new quarrying operations visibility splays of 2.4 metres by 70 metres (minimum) in both directions, shall be provided at both accesses to the development onto the U43h, clear of any obstruction above 0.6 metres in height, measured from the level of the carriageway.

Thereafter the visibility splays shall be maintained for the lifetime of the use of the accesses.

**Reason:** To enable drivers of vehicles entering or exiting the site to have a clear view so that they can undertake the manoeuvre safely and with the minimum interference to the safety and free flow of traffic on the public road.

22. Prior to the commencement of any works associated with the establishment or undertaking of new quarrying operations or within 3 months of the issue of planning consent (whichever is soonest) the applicant must submit the following information for approval by the Planning Authority in consultation with the Roads Authority:

Plans (1:500 min) showing the location and design of road improvement works to widen the U43h to a minimum of 7.3m over a continuous length of 100m from the site access eastwards towards the A96 with bend widening and geometry changes and associated improvements to road verges, drainage and boundary treatments and cutting back of vegetation within the road envelope as necessary to accommodate two-way unopposed HGV traffic movements and resurfacing of the full width of the carriageway over 20 metres centred on each of the site entrances and exits.

Thereafter, prior to the commencement of any works associated with the establishment or undertaking of new quarrying operations the works shall be completed in accordance with the approved details.

**Reason:** To ensure an acceptable development in road safety terms through the provision of details currently lacking and/or incorrectly shown on the submitted particulars to date.

23. No development shall take place until documentary evidence has been submitted to and approved in writing by the Council, as Planning Authority demonstrating that the Restoration Guarantee Fund from the Minerals Products Association (MPA) is available and can be implemented, should it prove expedient to do so. The operator shall provide annual confirmation of continuing membership of the MPA. In the event that, for any reason, the operator ceases to be a member of the MPA it shall within 31 days produce to the Council a performance bond, for a sum to be agreed between the parties, both acting reasonably, and granted by a UK bank or other approved financial provider.

**Reason:** To ensure adequate restoration of the site.

24. The Water Management Plan and embedded mitigation measures as detailed within the submitted Hydrological and Hydrogeological Assessment (Section 6.7 refers) and Drainage Strategy (Appendix 5) of the Environmental Review supporting document prepared by Dalgleish Associates Limited, dated March 2022, shall be fully implemented by the applicant/operator, unless otherwise agreed in writing with the Council, as Planning Authority.

**Reason:** To ensure adequate protection of the water environment and to prevent potential pollution impacts.

25. No works in connection with the development hereby approved shall commence until detailed calculations, scaled drawings, cross sections and specifications for the attenuation and flow control device for the development have been submitted to and approved in writing by the Council, as Planning Authority. These shall be in accordance with the details outlined in the submitted Drainage Strategy (Appendix 5) and Hydrological and Hydrogeological Assessment of the Environmental Review supporting document prepared by Dalgleish Associates Limited, dated March 2022. Thereafter the development shall be carried out in accordance with these approved details.

**Reason:** To ensure that surface water drainage is provided and complies with the principles of SUDs in order to protect the water environment.

26. The rights permitted under Paragraphs 1a and 1b of Class 55 of the Town and Country Planning (General Permitted Development)(Scotland) Order 1992, are hereby withdrawn. The installation of any buildings not specified in the planning application will require the prior approval of the Council, as planning authority in accordance with Class 56.

**Reason:** In the interests of residential amenity and to ensure that the Planning Authority retains control over the future use of the site.

27. Notwithstanding the indicative final site restoration plan shown on drawing C161-00055-13 (which is not approved) prior to the phased restoration works during Phase 1 (regrading and planting of northern overburden mound and eastern quarry edge) a Restoration and Aftercare Plan shall be submitted to and approved in writing by the Council, as planning authority. The plan shall be in accordance with the information detailed within Sections 3 and 4 (Development Proposals and Restoration and Aftercare) of the Environmental Review supporting document by Dalglish Associates Limited, dated March 2022, and include (but not be limited to) the following information:
- a) details of the finalised landform to be provided on site during phase 1, including all areas of site mounding or regrading of excavated material to be retained or provided as part of the landform together with elevations, cross and long sections and existing and finished levels details (relative to a fixed datum);
  - b) landscaping and planting/seeding information associated with the proposed formation of all identified habitats (to include species, girth, height, siting etc.); and
  - c) the arrangements for the monitoring and aftercare scheme which shall specify all the steps to be taken and the time periods within which the steps will be taken (to be a minimum of 5 years); any seeding, trees or shrubs that die or become seriously damaged or diseased within 5 years of planting shall be removed and replaced by others of a similar size and species within the next planting season).

Thereafter, the restoration of the site and aftercare during phase 1 shall be carried out in accordance with the approved details.

**Reason:** To retain control over this development and ensure that the site is appropriately restored in the interests of the protection of the environment, as these details are currently lacking from the application.

28. The development to which this permission relates must be begun not later than the expiration of 3 years beginning with the date on which the permission is granted.

**Reason:** The time limit condition is imposed in order to comply with the requirements of section 58 of the Town and Country Planning (Scotland) Act 1997 as amended.

### **Reason(s) for Decision**

The Council's reason(s) for making this decision are:-

The proposal accords with the relevant provisions of the development plan and there are no material considerations that indicate otherwise.



### **List of Informatives:**

THE TRANSPORTATION MANAGER has commented that:-

Before commencing development, the applicant is obliged to apply for Construction Consent in accordance with Section 21 of the Roads (Scotland) Act 1984 for new roads. The applicant will be required to provide technical information, including drawings and drainage calculations, and provide a Road Bond to cover the full value of the works in accordance with the Security for Private Road Works (Scotland) 1985 Regulations. Advice on this matter can be obtained from the Moray Council web site or by emailing [transport.develop@moray.gov.uk](mailto:transport.develop@moray.gov.uk)

Planning consent does not carry with it the right to carry out works within the public road boundary and the applicant is obliged to contact the Transportation Manager for road opening permit in accordance with the Roads (Scotland) Act 1984. This includes any temporary access joining with the public road.

No deleterious materials of whatever nature shall be deposited onto the road from vehicles using the access, so as to create or be likely to create a danger or substantial inconvenience to road users. Failure to remove material as soon as reasonably practicable is committing an offence under Section 95 of the Roads (Scotland) Act 1984.

If street furniture needs to be repositioned or any existing roadside ditch requires to be piped or culverted this shall be at the expense of the developer. Advice on these matters can be obtained by e-mailing [transport.develop@moray.gov.uk](mailto:transport.develop@moray.gov.uk)

The applicant shall ensure that their operations do not adversely affect any Public Utilities, which should be contacted prior to commencement of operations. The applicants shall free and relieve the Roads Authority from any claims arising out of his operations on the road or extension to the road.

The Transportation Manager must always be contacted before any works commence. This includes any temporary access, which should be agreed with the Roads Authority prior to work commencing on it.

No retaining structures or embankments shall be constructed along the edge of the road, whether retaining the public road or ground adjoining the public road without prior consultation and agreement of the Roads Authority.

The BUILDING STANDARDS MANAGER has commented that:-

A Building Warrant will be required for the proposals. Should you require further assistance please contact the Building Standards Duty Officer between 2pm and 4pm or telephone on 03001234561. No appointment is necessary. Alternatively e-mail [buildingstandards@moray.gov.uk](mailto:buildingstandards@moray.gov.uk)

The SCOTTISH ENVIRONMENT PROTECTION AGENCY has commented that:-

See attached consultation responses dated 5 May 2022.

An authorisation under the Controlled Activities (Scotland) Regulations 2011 (CAR) will be required for the proposed abstraction from the sump and also the proposed discharge to Blackhillock Burn.

NATURESCOT has commented that:-

In NatureScot's view, it is likely that the outlier sett will be affected. However, we consider it likely that a licence will be granted. The applicant should familiarise themselves with the information available on our website and submit their license application to our Licensing unit, all details are available here:

<https://www.nature.scot/professional-advice/protected-areas-and-species/licensing/species-licensing-z-guide/badgers-and-licensing>

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT	
Reference No. Version No.	Title/Description
17/19409-01 C	Portacabin elevations and floor plans
C161-00055-48	Portacabin location plan
C161-00055-40	Site setting
C161-00055-39	Location plan
C161_00055-13	Restoration plan
C161_00055-14	Cross sections 1-4
C161_00055-15	Cross section 5-8
C161_00055-16	Visibility splay
C161_00055-3	Location plan
C161_00055-4	Site location plan
C161_00055-6	Phase 1 development plan
C161_00055-7	Phase 2 development plan
C161_00055-10	Phase 5 development plan
C161_00055-8	Phase 3 development plan
C161_00055-9	Phase 4 development plan
C161_00055-11	Phase 6 development plan
C161_00055-12	Phase 7 development plan



## PLANNING APPLICATION COMMITTEE SITE PLAN

**Planning Application Ref Number:**  
**22/00499/APP**

**Site Address:**  
**Cairdshill Quarry**  
**Keith**

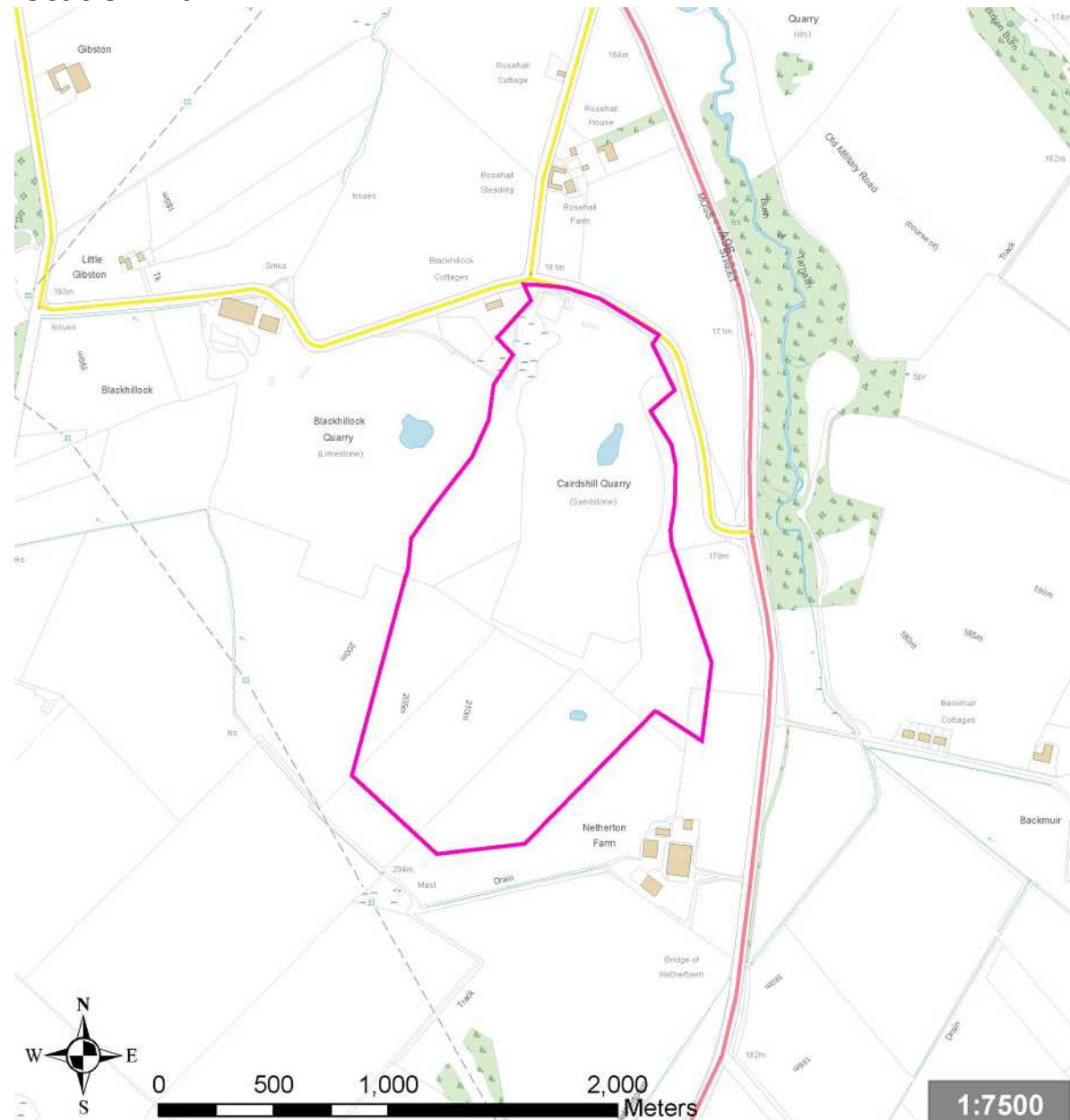
**Applicant Name:**  
**Tarmac Caledonian Ltd**

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### Location Plan



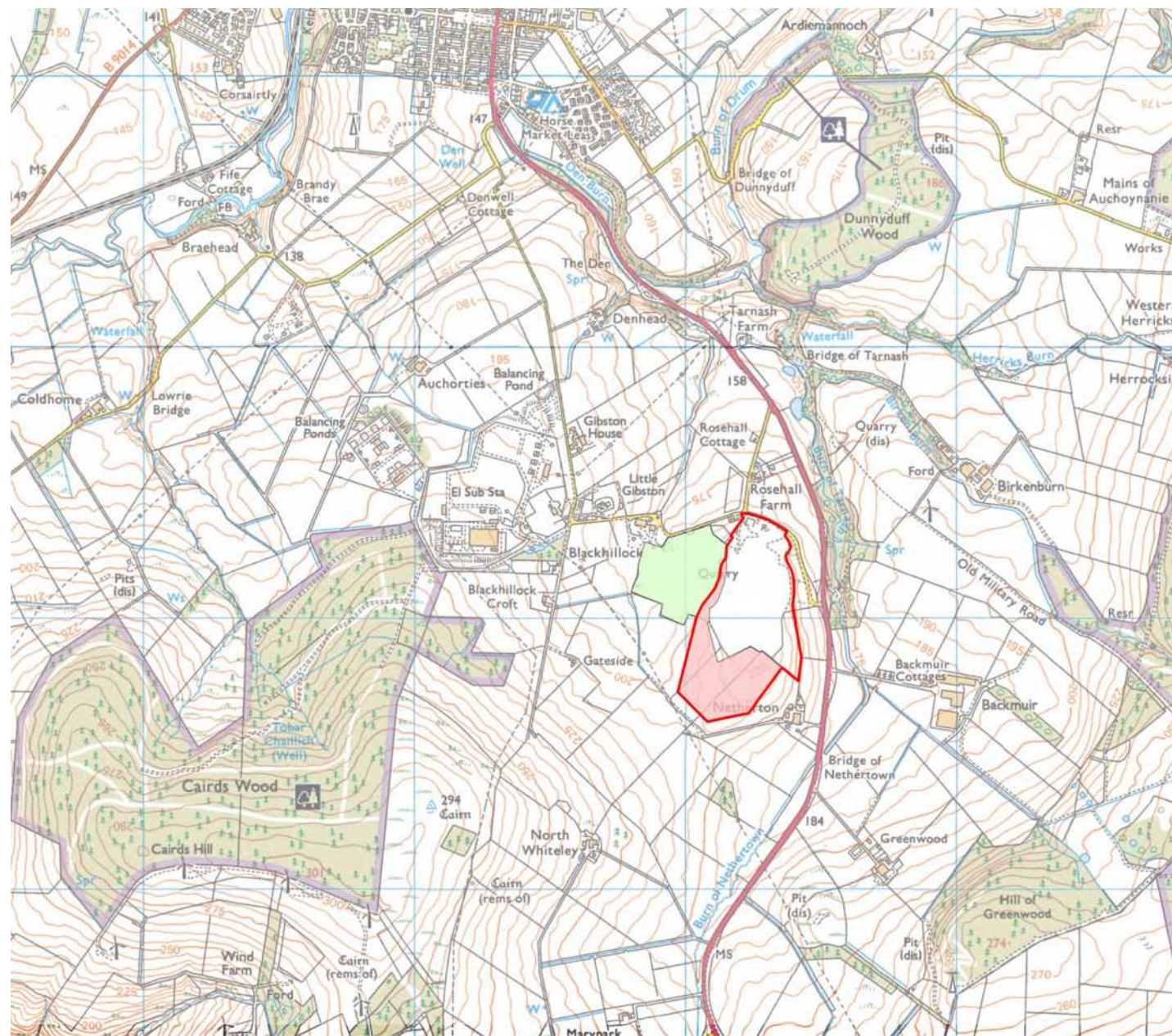


## Site Location Plan





## Site setting plan





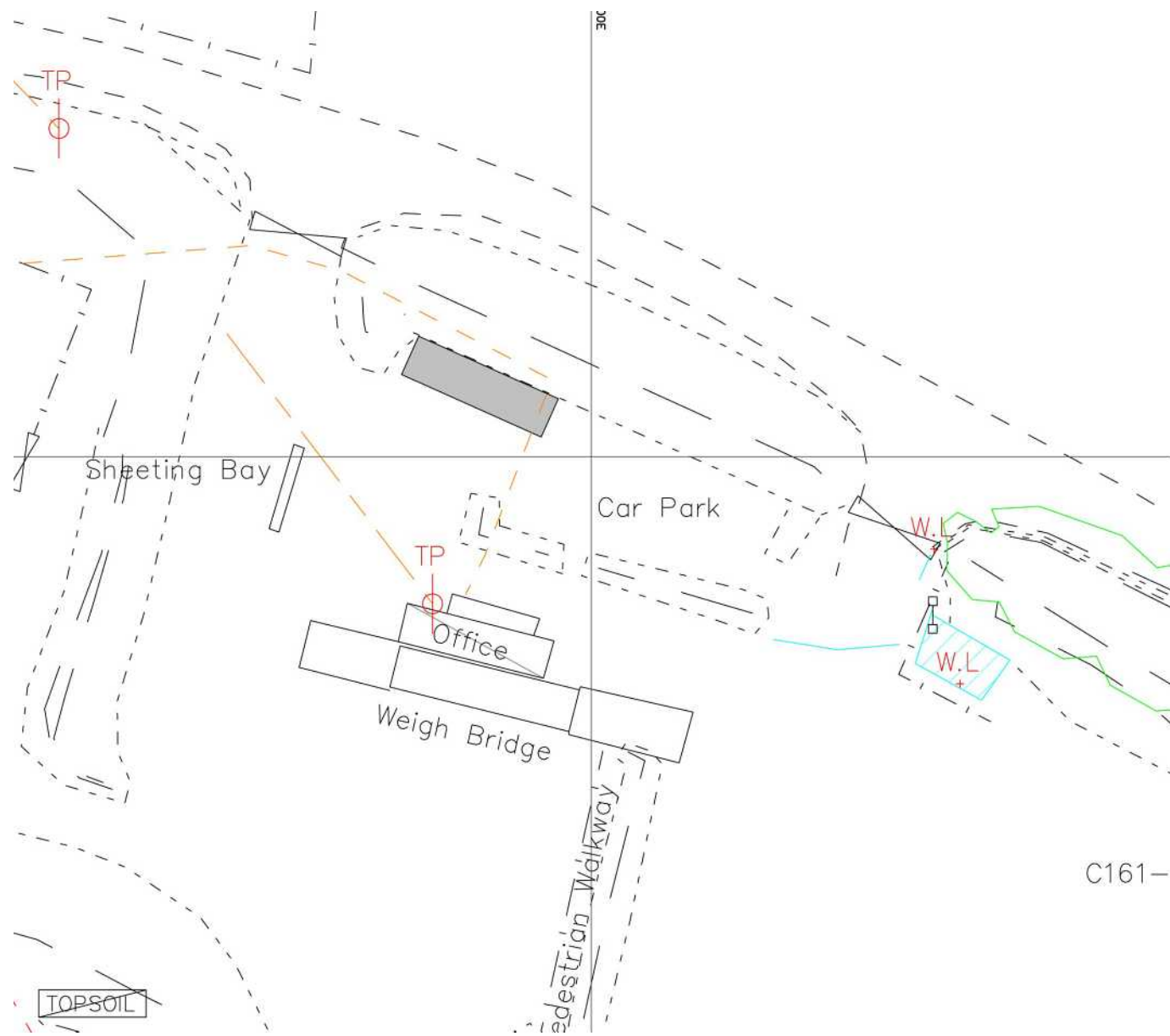
**Phase 1 Development Plan**



Restoration plan



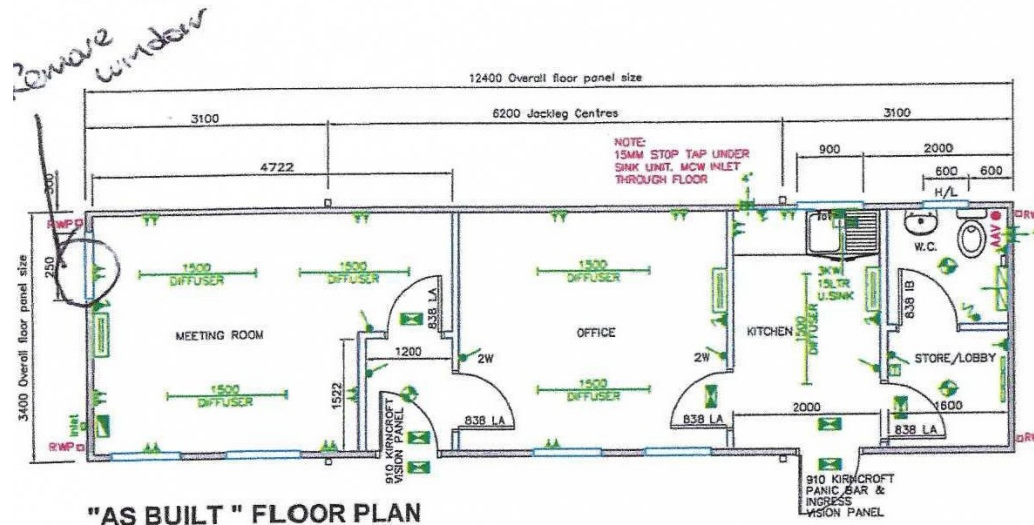
Portacabin location plan



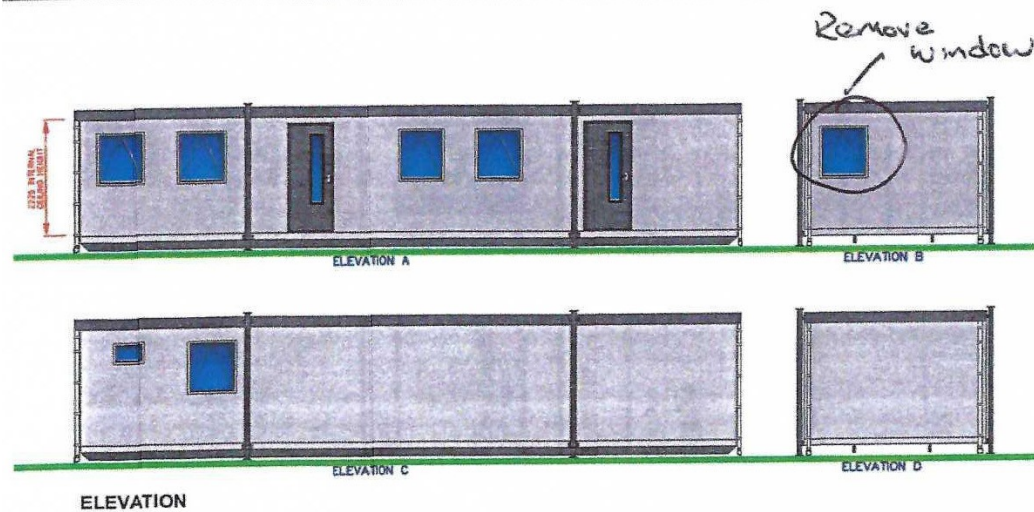


## Portacabin elevations and floor plans

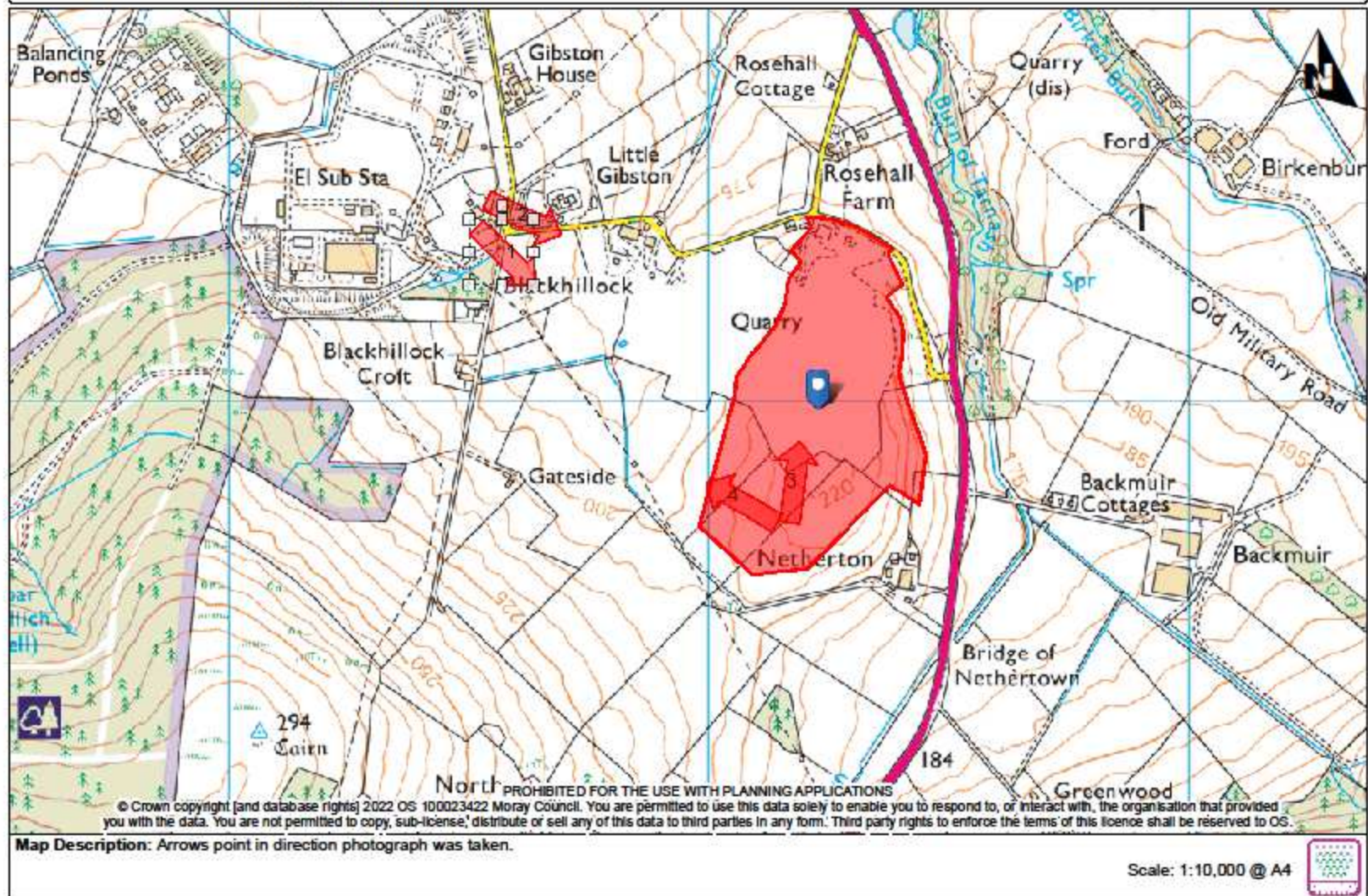
FACTORY WORKS ORDER NO. 2964



"AS BUILT " FLOOR PLAN



## 22/00499/APP - Photograph positions





**Photo 1**





**Photo 2**





**Photo 3**



**Photo 4**





*In the event that a recommendation on this planning application is overturned the Committee is reminded of the advice contained on the front page of the agenda for Reports on Applications*

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**1. THE PROPOSAL**

- This application seeks planning permission for the extension of the existing Cairdshill Quarry by 9.07ha and a period of 40 years for extraction (with a further year required to complete restoration, 41 years in total).
- Quartzite stone (decorative stone) will be extracted at the average rate of approximately 50,000 tonnes per annum, yielding approximately two million tonnes of material.
- The proposal would extend the quarry excavation area to the south-west into adjacent farmland by a distance of up to 130m. There would also be deeper excavation within the central area of the existing quarry down to 160m AOD (this is currently between 185m and 190m AOD). It is proposed to work the development in seven phases.
- The proposal includes provision of an initial storage mound on the southern boundary of the site while the deepening is being worked. This mound would be graded and seeded and made available for grazing.
- Quarry operations involve working the quartzite deposit by means of ripping using mechanical excavators, however, very occasionally, there may be a requirement to undertake limited drilling and blasting to break through areas of hard ground (this last happened some six years ago in March 2016). The quartzite is then crushed and screened into stone of differing sizes using mobile equipment that can be moved around depending upon the area being worked; stone is then loaded onto lorries using a wheeled loading shovel, before being transported onward to customers.
- Operation hours would be 7am–6pm on weekdays and 8am-12.30pm on Saturdays, and no working on Sundays (as currently consented for the quarry).
- As noted from the Planning Statement, as the proposal relates to the continuation of quartzite extraction/processing at the current extraction rate there will be no intensification of plant operation, noise or vehicle movements. The quarry would continue to utilise the existing site infrastructure i.e. site access, site office and weighbridge, and maintenance areas, and a recently installed portacabin which provides offices and welfare facilities (the latter forming part of this application). No new infrastructure is required within the existing quarry or the proposed extension area.
- The proposal includes a Concept Restoration Plan which details a scheme of progressive restoration; soil would be stripped in advance of the extension excavation and stored for use in the final restoration of the quarry. During the final periods of excavation and restoration, the quarry waste accumulated within the quarry void, and the material in the southern

storage mound, would be utilised to infill areas within the quarry and to regrade the slopes between the quarry floor and the excavation faces to create a topography that integrates with the surrounding area.

- The proposed restoration largely comprises similar habitat creation to that approved for the existing quarry. The restoration areas will contain a mix of bare rock and scree slopes, areas of tree and shrub planting, and exposed rock with species rich grassland on the quarry floor. A significant proportion of the southern extension area will be reinstated to improved grassland/arable. It is proposed to create small scrapes in the quarry floor where surface water run-off may accumulate to form ephemeral wetlands.
- The application is supported by an Environmental Review which includes a Landscape and Visual Impact Assessment (LVIA), Hydrogeological and Hydrological Assessment, Ecological Impact Assessment, Historic Environment Impact Assessment, Noise Impact Assessment, Dust Management Plan, Vibration Assessment, Extractive Waste Management Plan, along with a Planning Statement and PAC Report.

## **2. THE SITE**

- The site is an established quarry of 13.2ha, located within open countryside 2.5km to the southeast of Keith.
- The area of the current consent quarry is 13.2ha; the proposed excavation area extends the quarry by some 9.07ha, giving an overall planning application area of 22.3ha.
- The additional landtake for the extension comprises three areas:
  1. An area of land on the north-eastern boundary of the quarry (0.50ha) where historical operations have extended beyond the permitted site boundary. The extension application seeks retrospective permission for this area.
  2. The main extension area to the south of the existing permitted development area. This area extends to 7.9ha of which some 4.43ha relates to the land to the south which would be used as a soil/overburden storage area, and 3.47ha relates to the additional area where excavation/development operations would be undertaken.
  3. A western extension area which extends to some 0.67ha and relates to land in the ownership of Blackhillock Quarry. As noted from the Planning Statement the excavation operations here would lower the western boundary area would be a joint operation between the two quarry operators.
- The site is accessed via the minor public road U43H which joins onto the A96 trunk road 330m to the southeast.
- The site is bounded by farmland to the north and south, an area of woodland to the east and Blackhillock Quarry to the west.
- The site is not covered by any landscape character designations as identified in the Moray Local Development Plan 2020, nor located within any designated environmentally sensitive areas.
- The closest residential properties to the quarry are:



- Netherton Farm, located 135m south-east of the storage mound and 155m south-east of the closes point of excavation (this property is owned by the extension area landowner);
- Blackhillock Cottages, located 150m north of the closest point of the extension excavation;
- Backmuir Cottages, located some 380m to the east of the storage mound and excavation area at closest point;
- Cluster of properties at Rosehall, the closest at Rosehall Farm is approximately 300m north of the proposed excavation area;
- Greens of Auchartie and Blackhillock Croft, located some 550m west of the proposed storage mound and 600m west of proposed excavation areas.
- Properties at Birkenburn, located some 660m to the north-east of the existing quarry and in excess of 800m from the proposed extension operations; and
- North Whiteley Farm, located some 620m to the south-west of storage mound and 710m from the proposed excavation area.
- There are no known cultural heritage assets located within the proposal site.
- Based on the SEPA online flood maps, the site is not at risk of fluvial flooding; parts of the site, in and around the void, are at risk of pluvial flooding.

### 3. **HISTORY**

**21/01796/SCN & 21/01797/SCO** – Screening Opinion adopted 16 December 2021 for proposed extension to quarry; assessment confirmed the proposal to be a Schedule 2 development but not likely to result in significant environmental effects, and therefore not requiring to be subject to EIA procedures.

**21/01527/PAN** - Proposal of Application Notice for proposed extension to Cairdshill Quarry. Responses dated 15 October and 10 December 2021 confirmed consultation arrangements and publicity event to be acceptable, and provided feedback from the Planning and Regulatory Services Committee to be taken into account in the development of the application. This highlighted concern regarding the level of carbon emissions arising from the removal of 2 million tonnes of quartzite over a 40-year period and the equipment used in light of the need to achieve carbon zero and how the applicant can demonstrate how they intend to address this, and in regard to the visual impact indicate what landscaping in regard to trees, hedges etc. will be put in place to mitigate this.

(Officer Note: The applicant has sought to address the above feedback through the submitted Environmental Review (Sustainability, Section 12 refers) and Planning Statement which sets out the applicants sustainability policy with focus on reduced energy use and CO2 emissions through various measures, including electrification of fixed plant (offices and weighbridge at the site), a switch in mobile plant to alternative fuels and transition to electric vehicles in the staff company car scheme. The proposed extension has also been designed to minimise the re-handling of materials in order to minimise energy use).

**21/00115/APP** – Planning consent under Section 42 of the Town and Country Planning Act (Scotland) 1997 (as amended) to vary condition 1 of Planning Permission 10/01801/MIN to extend the duration of operations at Cairdshill Quarry, Keith for a further 5 years until September 2026.

**16/00402/MIN** – Planning consent for minor extension to mineral extraction area – granted 22 September 2016. This area forms the ridge area and western part of the quarry and is currently being worked.

**10/01081/APP** – Planning consent for minor extension to mineral extraction area – granted 9 February 2011. The consent continues to operate under this consent.

**10/01799/SCN** - Screening Opinion adopted 9 November 2010 for minor lateral extension to quarry; assessment confirmed the proposal to be a Schedule 2 development but not likely to result in significant environmental effects, and therefore not requiring to be subject to EIA procedures.

**06/02475/FUL** - Renew planning permission 96/00262/FUL extension of the existing hard rock quarry – granted 5 March 2007.

**96/00262/FUL** – Planning consent for extension of existing hard rock quarry – granted 12 December 1996.

#### **4. POLICY - SEE APPENDIX**

#### **5. ADVERTISEMENTS**

5.1 Advertised for neighbour notification purposes.

5.2 Advertised under Schedule 3 of the Development Management Regulations 2013.

#### **6. CONSULTATIONS**

**Strategic Planning and Development** - The proposal is in an appropriate accessible location which is well screened and will have no adverse visual impact on the landscape. The development would contribute towards long-term planning for the provision of construction aggregates in Moray and complies with Policies PP1, PP2, PP3, DP1 (i) & (ii), DP5, DP10, EP2 and EP12. The outline restoration proposals are acceptable and a condition must be applied to secure provision of detailed restoration plans, including species and specifications (girth, height, siting etc.) of all proposed landscaping. Subject to the Noise Impact Assessment being to the satisfaction of Environmental Health Section, the proposal complies with Policies DP1 (iii) and EP14.

**Environmental Health** - No objection subject to conditions as recommended, regarding hours of quarry operations, noise level limits, monitoring/mitigation measures in the event of noise complaints being received, blasting (including

scheme of monitoring) vibration, hours of blasting operations, dust management plan and site lighting.

**Contaminated Land** - No objection.

**Private Water Supplies** - No objection subject to a condition requiring the submission/ approval of details of measures to be taken to protect the quality and quantity of existing private water supplies (or to provide replacement supplies) identified as being affected by the development, and thereafter implementation.

**Flood Risk Management** - No objection subject to condition regarding submission/approval of calculations, plans, cross sections and specifications for the attenuation and flow control device, in accordance with the details outlined in the submitted hydrological report.

**Building Standards** – The portacabin providing office and welfare facilities will require a building warrant.

**Developer Obligations** - No developer obligations sought.

**SEPA** - No objection subject to a condition requiring agreement of the restoration strategy for the quarry in consultation with SEPA, and thereafter its implementation in full. Confirms the requirement for authorisation under the Controlled Activities (Scotland) Regulations 2011 (CAR), for the proposed abstraction from the existing quarry sump and also for the proposed discharge to Blackhillock Burn.

SEPA notes that the potential impacts on watercourses, groundwater, water supplies including private supplies and water quality have been assessed and concluded as negligible, and has no further comments on these assessments in terms of its interests. Also notes that a Waste Management Plan has been provided.

**NatureScot** – Notes that it is likely that a badger outlier sett will be affected, however considers it likely that a licence will be granted. The applicant should familiarise themselves with the information available on our website and submit their license application to our Licensing unit.

**Transport Scotland** - Does not advise against the granting of planning permission.

**Strathisla Community Council** - No response received at the time of writing this report.

**Health and Safety Executive (Quarries)** - No response received at the time of writing this report.

**Aberdeenshire Council** - No objection.

## 7. **OBJECTIONS-REPRESENTATIONS**

NOTE: Following the determination of this application, name and address details will be/have been removed (i.e. redacted) in accordance with the General Data Protection Regulations (paragraph 3 of Minute, Planning & Regulatory Services Committee 16 September 2014).

Two letters of representation have been received from:

[REDACTED]  
[REDACTED]

**Issue:** The proposed extension will cause disruption to an existing private water supply which serves an adjacent residential property and requires to be relocated to an appropriate location.

**Comment (PO):** As confirmed in correspondence between the applicant's agent and the Environmental Health (Private Water) Section, the applicant has agreed to relocate the water pipe and is legally obligated to maintain a water supply to the property in question. A planning condition shall also be attached to the decision notice requiring, prior to the commencement of development, the submission/approval of details of measures to protect the existing private water supplies (or to provide replacement supplies) affected by the development, and thereafter implementation.

**Issue:** Queries why noise impacts at contributor's property (which is second closest to the site) have not been addressed within the submitted Noise Impact Assessment (NIA).

**Comment (PO):** The submitted Noise Impact Assessment (NIA) commissioned by the applicant is sufficient for planning assessment purposes and contains the necessary information and findings to aid assessment of noise impacts in this case. The scope and methodology for the NIA was agreed with the Environmental Health Section prior to the survey being undertaken. In terms of the specific query from the contributor, the Environmental Health Section has advised that the 4 properties identified within the NIA were selected to be a reasonable spread around the site and in effect a proxy background noise for other nearby properties in that direction. Of note, Blackhillock Cottages is located 130m nearer than the contributor's property to the quarry, and with noise limits identified for Blackhillock Cottages this effectively protects noise levels at the contributor's property which sits a further distance away.

The NIA predicts, with mitigation, no significant adverse effects and that noise received at the closest residential properties will be within the lower parameters recommended as being acceptable within PAN 50 Annex A, and the limits recommended by the Environmental Health Section.

**Issue:** Concerns regarding water run-off from the quarry during rainfall affecting the public road and contributor's property to the north downhill from the quarry.

**Comment (PO):** As noted from the submitted Environmental Review and Drainage Strategy, water would be managed on site to ensure that no run-off will drain from the site through the site access. This matter will also be controlled through a condition recommended by the Transportation Section requiring submission/approval of physical and other mitigation measures to

prevent discharge of water/loose material from the site onto the public road. The applicant has confirmed agreement to this condition.

**Issue:** Current lighting at the quarry affects contributor's property, further screening will be required for the proposal to prevent light pollution.

**Comment (PO):** The applicant has advised that the light in question which previously shone towards the happening ramp and exit gate has been disconnected, and that this will be replaced by new lighting to be agreed with the Council. In order to address light pollution, and as recommended by the Environmental Health Section a condition shall be imposed requiring submission/approval of operational site lighting at the quarry. The applicant has agreed to this requirement.

## **8. OBSERVATIONS**

### **8.1 Background**

For this application, the PAC report outlines the extent of the applicant's engagement with the local community in accordance with the Proposal of Application Notice (PAN) (21/01527/PAN). This included holding two live and interactive online events, an online exhibition, consultation with the Strathisla Community Council and ward councillors and a letter drop to all neighbouring properties within 500m of the application boundary. The report confirms that public attendance at the meetings was very low, with a local councillor attending the first meeting, no participants attending the second and comments from a local resident received via a feedback form through the Tarmac website. The comments and queries raised are addressed by the applicant in the PAC report, with actions where required. These relate to the operational timescales and reserves of the proposal, submission date of the planning application, the protection of a private water supply which is piped through the site (which the applicant has legally committed to maintain), and surface water management and lighting affecting neighbouring properties, which the applicant has reviewed and addressed. As noted from the report, PAC procedures have been followed by the applicant which meet the requirements of the Act and regulations in terms of consultation/engagement with the local community.

- 8.1.1 As noted from the planning history the application has been screened against the EIA Regulations and is not considered to be EIA development (21/01796/SCN and 21/01797/SCO).
- 8.1.2 Section 25 of the 1997 Act as amended requires applications to be determined in accordance with the development plan i.e. the adopted Moray Local Development Plan 2020 (MLDP) unless material considerations indicate otherwise.
- 8.1.3 Scottish Planning Policy 2014 (SPP) and National Planning Framework for Scotland 3 (NPF 3) provide direction on mineral extraction proposals and the need to secure appropriate provision of mineral resources, subject to appropriate site restoration.
- 8.1.4 Minerals applications are also assessed against Planning Advice Notes (PAN) 50 'Controlling the Environmental Effects of Surface Mineral Workings' and

PAN 64 'Reclamation of Surface Mineral Workings' and their associated Annexes.

8.1.5 The main issues are considered below:

**8.2 Siting & Compliance with Minerals Policy (DP10, PP1, PP2, PP3, and DP1)**

The Moray Local Development Plan 2020 identifies Cairdshill Quarry as a safeguarded mineral site. Policy DP10 Minerals (b) is supportive of the extensions of existing mineral sites which contribute to the maintenance of at least a 10 year supply of construction aggregates in Moray subject to meeting the terms of policy DP1 and all other relevant policies. Proposals must satisfactorily mitigate impacts and provide an Extractive Waste Management Plan. Policy DP10 (c) requires the submission of a detailed restoration plan which will ensure that the site is restored to a high standard at the earliest opportunity when excavation has ceased, and also states that the Council in some circumstances may require a financial guarantee/bond.

- 8.2.1 Policy PP1 Placemaking requires developments to be designed to safeguard the environment and support economic development. Policy PP2 Sustainable Economic Growth states that proposals which support the Moray Economic Strategy to deliver sustainable economic growth will be supported where the quality of the natural and built environment is safeguarded, there is a clear locational need and all potential impacts can be satisfactorily mitigated. PP3 Infrastructure and Services requires development proposals to be planned and co-ordinated with infrastructure to enable places to function properly and to be adequately serviced.
- 8.2.2 Policy DP1 sets out the detailed criteria to ensure that proposals meet siting, design and servicing requirements, provide sustainable drainage arrangements and avoid any adverse effects on environmental interests.
- 8.2.3 The proposal is for the extension of an existing quarry to allow extractive operations to continue for a further 40 years. The presence of the existing quarry operation establishes a locational justification for this development. The expansion will help to maintain the supply of quartzite (decorative stone) which supplies local and national markets and will contribute to the ongoing success of an established local business. The site is accessible and well serviced and will help to support sustainable economic growth in line with the Moray Economic Strategy. It is suitably serviced and as addressed in more detail below, impacts in relation to protected species, noise, drainage and access can be satisfactorily mitigated.
- 8.2.4 An Extractive Waste Management Plan has been submitted in support of the application which will ensure that soil and other by-products are suitably managed on site and used to assist in regrading works at restoration.
- 8.2.5 The development proposes an outline phased restoration of the site to a beneficial after-use focused on habitat creation and delivering biodiversity, which sets out proposals for ephemeral wetlands, agricultural and species rich grasslands and tree/shrub planting; the provision of a detailed scheme for these restoration works and an aftercare plan shall be addressed by condition.

- 8.2.6 In terms of the requirement for a financial guarantee/bond the applicant has confirmed that it is a member of the industry-based Minerals Products Association Guarantee Fund. This fund includes a commitment to restoration, and gives a financial guarantee to planning authorities against a restoration default i.e. where an operator is unable to meet restoration obligations arising from a planning condition as a result of financial failure. Adherence to these arrangements shall be addressed by condition; this has been agreed by the applicant.
- 8.2.7 A Landscape and Visual Impact Appraisal (LVIA) has been submitted with the application which assesses landscape and visual impacts during both the operational and post restoration stages of the development, cumulative impacts and identifies mitigation measures. This includes Zone of Theoretical Visibility (ZTV) maps for the existing quarry and proposed extension along with rendered photomontages from 13 viewpoint locations in the surrounding area. The ZTV's show similar areas of theoretical visibility for the current quarry and proposed extension extending in all directions within the immediate locality of the application site, and becoming more broken in extent with distance.
- 8.2.8 The LVIA predicts that any effects upon the landscape and visual impacts would be slight to moderate during the operational life of the site, reducing to negligible/slight upon final restoration. The proposed extension would see quarry activities extend into a larger area, however this would not represent any new feature or land use or significantly increase current levels of impact with regard to the surrounding landscape. The proposal would not detract from the wider landscape character as it would be well screened, with any physical changes to topography and land cover being localised; and it would also be contained within an area of landscape that is already influenced by existing quarry operations and electricity infrastructure. In visual impact terms, the extension would be partially visible from properties and viewpoints in the immediate surrounding area depending on location (with views curtailed by intervening landform and vegetation) however this would not dramatically change the appearance of the quarry or lead to unacceptable visual amenity effects. The LVIA also concludes that additional cumulative visual and landscape impacts from the proposal viewed in combination with existing and other potential development in the area would be slight-moderate during the operational life of the site, reducing to slight and negligible upon final restoration.
- 8.2.9 Mitigation is predominantly embedded through the design of the extension. Operations will be screened where possible, and final restoration and re-establishment of land cover across the site will further reduce the long-term and permanent effects of development at the site. Mitigation measures would comprise; the regrading and planting of the upper eastern slope (during phase 1); placement of overburden to the south of the excavation to form a screening mound with shallow gradients to ensure that it merges sympathetically with the surrounding fields and retained as grazing land; grass seeding of screening mounds, and the landscaped overburden mound; at restoration, the materials in the screening mound will be returned to the quarry void and the footprint of the storage area reinstated to agriculture; the replacement of the materials from the mound into the extension void will allow this area to be reinstated to agriculture;

and final restoration to grassland, scrub and naturally regenerating quarry faces to minimise the long-term visual intrusion.

- 8.2.10 From the above considerations, the proposal would allow continued extraction at an established mineral reserve site, contributing towards the provision of construction aggregate in Moray and has been designed to avoid or satisfactorily mitigate impacts, and accords with policies DP10, PP1, PP2, PP3, DP1 and EP12.

**8.3 Natural Heritage and Biodiversity (EP1 and EP2)**

Policy EP1: Natural Heritage Designations sets out that development likely to have a significant effect on European Site Designations, National Designations or Local Designations will not be permitted subject to criteria set out within the policy. Where development is likely to affect protected species, a species survey and where necessary a Species Protection Plan should be prepared to accompany any planning application.

- 8.3.1 Policy EP2: Biodiversity sets out that all development proposals must, where possible, retain, protect and enhance features of biological interest and provide for their appropriate management.

- 8.3.2 The proposal is not subject to any international, national or local environmental designations, although natural heritage interests are present within the wider area, in this case the Mill Wood and Den of Pitlurg (SSSI's) located 2.5km north and south of the site respectively. These designations are unlikely to be impacted by the proposal due to the separation distance and as they have no direct connectivity to the development site.

- 8.3.3 A number of areas of ancient woodland are also present within the surrounding area, the closest lying 100m east of the extension area. None of these will be directly impacted by the proposed works and with appropriate dust prevention measures adopted by the applicant (as outlined within a Dust Management Plan) no significant impacts are anticipated.

- 8.3.4 An Ecological Impact Assessment (including an extended Phase 1 habitat survey report) has been submitted with the application which has assessed habitats and protected species present and subsequent impact, and also provides mitigation recommendations. This identifies the habitat in the northern part of the site as comprising the active quarry with small pockets of mixed plantation woodland and dense scrub, and the extension proposed in the southern section of the site to consist of arable and improved grassland and a small strip of semi-improved neutral grassland with limited ecological value. The survey found the proposed extension area to be used by badgers and that the proposal will result in the loss of one outlier sett, the removal of which will require a licence from NatureScot or alternatively, for works to be overseen by an ecologist with a Badger Ecologist Operations Licence. The report also recorded some bird activity on or close to the site, noting that local species are likely to be tolerant to the current quarry works.

- 8.3.5 The report contains recommendations for mitigation which will be adopted to ensure that impacts on wildlife and wildlife habitats are minimised, and the site operates in full accordance with guidance in relation to protected species.



These include ensuring that soil stripping is undertaken outwith the bird breeding season (or if not possible a breeding survey to be carried out prior to works with mitigation if nesting birds are found), adherence to the Dust Management Plan, an updated badger survey, preparation of an appropriate Badger Protection Plan prior to the commencement of operations, training for workers in relation to badgers, commuting routes to be maintained during works, restrictions on noisy plant when badgers are active, use of mammal ramps and temporary capping of exposed pipes, open post and wire fencing to allow badgers to pass and retention of foraging habitat wherever possible.

8.3.6 With the implementation of this mitigation, to be addressed by planning condition, there would be no significant adverse impact on protected species, and the proposal would accord with policy EP1.

8.3.7 The proposed restoration proposals for the site would comprise a mix of bare rock/scree slopes, areas of tree/shrub planting, species rich grassland and ephemeral wetlands on the quarry floor, and reinstated ground to improved grassland/arable. This will provide a more diverse mosaic of habitats which would improve biodiversity overall, and as such would satisfy Policy EP2.

#### 8.4 **Cultural Heritage (EP8)**

Policy EP8 Historic Environment seeks to protect archaeological sites and Scheduled Monuments from development that would have an adverse impact on their integrity and setting.

8.4.1 An archaeological assessment supported by a walkover survey has been submitted with the application. This confirms that there are no scheduled monuments in the surrounding area where an impact on setting could occur from the proposed operations and that the proposal will have no physical impact, or setting impact, on known archaeological sites.

8.4.2 The assessment considers the potential for the presence of currently unknown archaeological sites within the proposed development area to be minor, however to offset any potential impact on currently unknown archaeological sites within the development area it recommends a programme of archaeological works to be addressed by planning condition. This will require the submission and approval of a Written Scheme of Investigation (WSI) which will make provision for appropriate investigation and, if necessary, excavation and recording prior to the commencement of excavation operations. With the implementation of the proposed WSI, the impact on cultural heritage is anticipated to be negligible. The Aberdeenshire Archaeology Service following consultation has raised no objection subject these recommended works being addressed by condition, and on this basis policy EP8 is met.

#### 8.5 **Access and Transport (DP1 and PP3)**

Policies PP3 Infrastructure and Services states that development proposals must be planned and co-ordinated with infrastructure to enable places to function properly and proposals are adequately serviced. DP1 Development Principles require the provision of a safe entry/exit from new development for all users, appropriate infrastructure and acceptable parking provision.

- 8.5.1 The proposal will continue to utilise the two existing accesses to the quarry (one entrance and one exit) onto the adjacent unclassified minor public road U43h, which then joins onto the A96 trunk road to the east. As noted from supporting information, the annual level of extraction (50,000 tonnes, equating to 9 loads leaving daily) will remain the same as is currently the case and operational procedures and consented hours will continue to be followed.
- 8.5.2 The Transportation Section, following consultation has identified the need for road widening and verge/drainage improvement works to the adjacent public road from the site access eastwards towards the A96, the resurfacing of the road at the site entrance and exit, and other associated works to achieve an acceptable road to serve the proposed development. On this basis the Transportation Section has raised no objection to the proposal subject to conditions requiring submission/approval of plans showing provision of the aforementioned road improvement works (to widen the U43h to a minimum of 7.3m over a continuous length of 100m), resurfacing works, physical and other mitigation measures to prevent discharge of water/loose material from the site onto the public road and suitable visibility splays at the accesses in the interests of the road safety. The applicant has confirmed agreement to these conditions.
- 8.5.3 Transport Scotland following consultation has also raised no objection to the proposal.
- 8.5.4 On this basis, the proposal subject to the above conditions complies with the requirements of policies DP1 and PP3.
- 8.6 **Drainage and Flooding (PP3, DP1, and EP12)**  
Policies PP3 Infrastructure and Services and DP1 Development Principles (iii) Water Environment, Pollution, Contamination require development to be planned and coordinated with infrastructure to ensure places function properly, and proposals are adequately served by infrastructure and services in terms of foul and surface water drainage and water supply. Policy EP12 Management and Enhancement of the Water Environment requires surface water from development to be dealt with in a sustainable manner (SuDS) that has a neutral effect on the risk of flooding or which reduces the risk of flooding.
- 8.6.1 A Hydrological and Hydrogeological Assessment has been submitted with the application which assesses the effects of the proposal on the water environment (Hydrogeology, Flood Risk, Drainage and Water Quality) based on analysis of relevant data and modelling. This also includes a Drainage Strategy and Water Management Plan for the site.
- 8.6.2 SEPA online flood maps indicate that parts of the site, mainly in and around the void, are at risk of pluvial flooding. As noted from the application, this will be managed through the drainage strategy to ensure that there is no increase in flood risk to off-site receptors and to address any potential negative impacts on the water environment. The elements of the strategy are summarised below.
- 8.6.3 During the operational phase, runoff from the site will be largely managed in the quarry void, before being discharged to Blackhillock Burn south of the site at an appropriate controlled rate not exceeding the pre-development runoff rate. Run-

off from the northern catchment area of the site will continue to be managed on site, discharging to a lagoon. The excavation will be developed down to a level of around 160m AOD, working below the water table and as such dewatering will be required on-site to facilitate dry extraction of the mineral. Groundwater and surface water ingress (runoff and direct rainfall) will collect in a sump that will form in the topographically lowest part of the quarry void; this will then be abstracted from the sump and discharged to Blackhillock Burn via settlement lagoons. These activities will require a discharge licence under the Controlled Activities (Scotland) Regulations 2011 from SEPA.

- 8.6.4 As part of the restoration phase, runoff from the site will be directed to a basin in the eastern part of the main void, with natural run off from the outer areas draining to adjoining land. Runoff will be conveyed from the basin to the Blackhillock Quarry void located immediately west of the site at an appropriate controlled rate not exceeding the pre-development runoff rate.
- 8.6.5 All fuelling and plant maintenance will continue to be undertaken within a current dedicated area located within the quarry compound area at the site access where controls are in place with respect to handling and storage (in accordance with pollution prevention guidelines).
- 8.6.6 The assessment concludes that the proposed extraction works would not result in any adverse effects on watercourses, groundwater, water supplies, and that with mitigation and best practise measures (already adopted) there will no material impacts on water quality. The drainage strategy and water management plan will ensure that there will be no increase in flood risk to off-site receptors and the discharge from the site will be managed in accordance with a CAR discharge licence (to be obtained).
- 8.6.7 SEPA, following consultation, has reviewed the assessment and drainage strategy, and has raised no objection to the proposal subject to the imposition of a condition requiring the restoration strategy to be agreed in consultation with SEPA, and thereafter its implementation in full. It has also confirmed the requirement for separate authorisation under the Controlled Activities (Scotland) Regulations 2011 (CAR), for the proposed abstraction from the existing quarry sump and for the proposed discharge to Blackhillock Burn. A copy of its consultation response outlining these requirements, comments and other relevant guidance shall be attached to the decision notice.
- 8.6.8 The Flood Risk Management Section, following consultation, has similarly raised no objection subject to a condition requiring the submission and approval of calculations, plans, cross sections and specifications for the attenuation and flow control device for the development, in accordance with the details outlined in the submitted hydrological report.
- 8.6.9 The Environmental Health (Private Water) Section has also raised no objection subject to condition requiring approval of details of measures to be taken to protect the quality and quantity of existing private water supplies (or to provide replacement supplies) identified as being affected by the development. This requirement has arisen from a representation received from the owner of an adjoining property that the development will require alterations to the routing of an existing water supply pipe. The applicant has agreed to these works and

also confirmed that it is legally obligated to maintain a water supply to the property in question.

- 8.6.10 From the above, and subject to the conditions recommended the proposal is not considered to have unacceptable significant adverse effects on hydrology and hydrogeology and would accord with relevant development plan policies PP3, DP1 and EP12 and guidance in relation to drainage, flood risk, the water environment and private water supplies.

8.7 **Noise, Air Quality and Vibration (DP1, DP10 and EP14)**

Policy DP1 Development Principles seek to ensure that new developments do not create pollution which may adversely affect the environment or local amenity. Policy DP10 Minerals outlines that mineral development proposals must avoid or mitigate impacts. Policy EP14 Pollution, Contamination and Hazards sets out that development proposals which may cause significant air, water, soil, light or noise pollution should be accompanied by a detailed assessment report on the levels, character and transmission of the potential pollution, with measures to mitigate impact.

- 8.7.1 A Noise Impact Assessment, Air Quality (Dust Nuisance) Assessment and Blasting Assessment undertaken in accordance with relevant guidelines within Planning Advice Note (PAN) 50 'Controlling the Environmental Effects of Surface Mineral Workings' have been submitted with the application.
- 8.7.2 **Noise:** The Noise Impact Assessment assesses the potential effects of the quarry operations on the closest noise sensitive receptors, in this case, Netherton Farm, located 135m south-east of the storage mound and 155m south-east of the closest point of excavation (this property is owned by the extension area landowner), Blackhillock Cottages, located 150m north of the closest point of the extension excavation, Backmuir Cottages, located some 380m to the east of the storage mound and excavation area at closest point and Blackhillock Croft, located 550m west of the proposed storage mound and 600m west of the proposed excavation areas. Assessed quarry operations include the handling of soil and overburden, extraction and processing of mineral, drilling and associated internal and external haulage.
- 8.7.3 In order to minimise noise impacts the assessment recommends a number of mitigation and control measures and adoption of a noise management strategy; these include adherence to noise levels for different operations in line with PAN criteria, limits on soil handling and landscaping works to a period of 8 weeks in any year, controlled hours of working, the fitting of white noise reverse warning systems to all plant (unless already installed), checking noise levels of new plant and proper maintenance of plant.
- 8.7.4 With this mitigation the assessment predicts no significant adverse effects and that noise received at the closest residential properties when operations are in progress will be within the lower parameters recommended as being acceptable within PAN 50 Annex A, and the limits recommended by the Environmental Health Section.
- 8.7.5 **Air Quality:** The submitted Air Quality Assessment assesses the environmental impact of the potential nuisance arising from dust associated

with the development over the operational period. This has considered factors such as the methods of working, dust control measures to be employed, the duration of potential dust generating activities, meteorological conditions, and the location and sensitivity of receptors.

- 8.7.6 The proposed control measures, outlined within a Site Dust Management Plan for the site describe the management/operational actions adopted to deal with dust on a day to day basis from the quarry activities and the means to ensure that on-site activity is designed so as to minimise dust emissions. This includes during adverse conditions/events when higher levels of dust could be possible (with works being temporarily suspended where required). The plan also sets out procedures for dealing with complaints, implementation from commencement of operations and review when new plant or procedures are introduced or in the event of a substantiated complaint.
- 8.7.7 With adherence to this Site Dust Management Plan and “best practice principles” (with day-to-day site management to identify continuing requirements for dust mitigation, and to ensure prompt remedial action in the event of a failure) the assessment concludes that potential pollution will be avoided and that any environmental or amenity impacts will be negligible. It also predicts that no significant cumulative dust impacts are likely to occur and that the proposed operations will not breach standards set out in Air Quality regulations.
- 8.7.8 **Vibration:** As noted previously, the majority of the quartzite will be excavated through a combination of ripping and digging, but on limited occasions (the last time was in 2016), drilling and blasting may have to be employed to fracture more competent material. Blasting will also be required for the extraction of mineral during Phases, 2, 3 and 4 (approx. 1 to 2 blasts annually). Since blasting has the potential to result in levels of vibration that would be perceptible outside of the quarry an assessment of blasting has been submitted with the application. The submitted assessment provides a detailed analysis of the intended method of blasting based upon knowledge of the blast designs proposed at the quarry extension and data from monitoring production blasts at quarry’s where similar rock strata is worked, along with recommendations to minimise impacts on nearby receptors and a monitoring programme (which are already in place).
- 8.7.9 This predicts no significant adverse effects on surrounding residential properties, and that with these control recommendations implemented and the exercise of reasonable engineering control over quarry blasting operations, the quarry extension will work within relevant vibration criteria and without undue annoyance to local residents.
- 8.7.10 The Environmental Health Manager has reviewed and is content with the findings /recommendations of these assessments, and has raised no objection subject to conditions. These relate to controlling hours of quarry operations and noise level limits, restricting soil/overburden handling to a period not exceeding 8 weeks in a year, fitting of broad spectrum white noise vehicle reversing alarms on all vehicular quarry plant, monitoring/mitigation measures in the event of noise complaints being received, a written scheme to control blasting operations (including monitoring), hours of blasting operations, blasting

required in the interests of safety, maintenance of a Site Dust Management Plan and approval of site lighting. The applicant has agreed to these conditions.

- 8.7.11 From the above and subject to the recommended conditions with appropriate mitigation, the proposal will not result in unacceptable significant adverse effects on noise, dust/air quality or vibration, including effects on the amenity of any nearby sensitive receptors and would accord with the requirements of policies DP1 Development Principles, DP10 Minerals and EP14 Pollution, Contamination and Hazards.

### **Conclusion and Recommendation**

The application seeks permission for the extension and restoration of this quarry which is a safeguarded mineral reserve identified in the MLDP 2020. The proposal would contribute towards long-term planning for the provision of construction aggregates (Quartzite stone) in Moray, and is located in an appropriate, accessible location and can be accommodated within the landscape without significant adverse landscape or visual impacts. The impacts of the development have been fully assessed and where necessary mitigation is recommended.

The proposal complies with policies DP10, PP1, PP2, PP3, DP1, EP1, EP2, EP12 and EP14, and is recommended for approval subject to conditions.

### **REASON(S) FOR DECISION**

The Council's reason(s) for making this decision are: -

The proposal accords with the relevant provisions of the Moray Local Development Plan 2020 and there are no material considerations that indicate otherwise.

**Author/Contact  
Officer:**

Richard Smith  
Principal Planning Officer

**Ext:** 01343 563256

**Beverly Smith  
Development Management & Building Standards Manager**

## **APPENDIX**

### **POLICY**

#### **Proposed Moray Local Development Plan 2020**

##### **PP1 PLACEMAKING**

- a) Development must be designed to create successful, healthy places that support good physical and mental health, help reduce health inequalities, improve people's wellbeing, safeguard the environment and support economic development.
- b) A Placemaking Statement is required for residential developments of 10 units and above to be submitted with the planning application to articulate how the development proposal addresses the requirements of policy PP1 Placemaking and other relevant LDP policies and guidance. The Placemaking Statement must include sufficient information for the council to carry out a Quality Audit. Where considered appropriate by the council, taking account of the nature and scale of the proposed development and of the site circumstances, this shall include a landscaping plan, a topographical survey, slope analysis, site sections, 3D visualisations, a Street Engineering Review and a Biodiversity Plan. The Placemaking Statement must demonstrate how the development promotes opportunities for healthy living and working. The landscape plan must set out details of species type, size, timescales for planting and maintenance.
- c) To create successful, healthy places residential developments of 10 units and above must comply with Scottish Government policy Creating Places and Designing Streets and must incorporate the following fundamental principles:
  - (i) Character and Identity
    - Create places that are distinctive to prevent homogenous 'anywhere' development;
    - Provide a number of character areas reflecting site characteristics that have their own distinctive identity and are clearly distinguishable;
    - Provide distinctiveness between and in each character area through a combination of measures including variation in urban form, street structure/network, architecture and masonry, accent features (such as porches), surrounds and detailing, materials (buildings and surfaces), colour, boundary treatments, hard/soft landscaping and a variety of approaches to tree species and planting that emphasises the hierarchy of open spaces and streets within a cohesive design strategy for the whole development;
    - Distinctiveness must be reinforced along main thoroughfares, open spaces and places where people may congregate such as shopping/service centres;
    - Retain, incorporate and/or respond to relevant elements of the landscape such as topography and planted features, natural and historic environment, and propose street naming (in residential developments of 20 units and above, where proposed names are to be submitted with the planning application) to retain and enhance local associations;

(ii) Healthier, Safer Environments

- Designed to prevent crime, fear of crime and anti-social behaviour with good levels of natural surveillance and security using treatments such as low boundary walls, dual frontages (principal rooms) and well-lit routes to encourage social interaction. Unbroken high boundary treatments such as wooden fencing and blank gables onto routes, open spaces and communal areas will not be acceptable.
- Designed to encourage physical exercise for people of all abilities.
- Create a distinctive urban form with landmarks, key buildings, vistas, gateways and public art to provide good orientation and navigation through the development.
- Provide a mix of compatible uses, where indicated within settlement statements, integrated into the fabric of buildings within the street.
- Prioritise pedestrians and cyclists by providing a permeable movement framework that incorporates desire lines (including connecting to and upgrading existing desire lines) and is fully integrated with the surrounding network to create walkable neighbourhoods and encourage physical activity.
- Integrate multi- functional active travel routes, green and open space into layout and design, to create well connected places that encourage physical activity, provide attractive spaces for people to interact and to connect with nature.
- Create safe streets that influence driver behaviour to reduce vehicle speeds that are appropriate to the local context such as through shorter streets, reduced visibility and varying the building line.
- Provide seating opportunities within streets, paths and open spaces for all generations and mobility's to interact, participate in activity, and rest and reflect.
- Provide for people with mobility problems or a disability to access buildings, places and open spaces.
- Create development with public fronts and private backs.
- Maximise environmental benefits through the orientation of buildings, streets and open space to maximise the health benefits associated with solar gain and wind shelter.

(iii) Housing Mix

- Provide a wide range of well integrated tenures, including a range of house types and plot sizes for different household sizes, incomes and generations and meet the affordable and accessible requirements of policy DP2 Housing.
- All tenures of housing should have equal access to amenities, greenspace and active travel routes.

(iv) Open Spaces/Landscaping

- Provide accessible, multi-functional open space within a clearly defined hierarchy integrated into the development and connected via an active travel network of green/blue corridors that are fully incorporated into the development and to the surrounding area, and meet the requirements of policy EP5 Open Space and the Open Space Strategy Supplementary Guidance and Policy EP12 Managing the Water Environment and



#### Drainage Impact Assessment for New Developments Supplementary Guidance.

- Landscaped areas must provide seasonal variation, (mix of planting and colour) including native planting for pollination and food production.
- Landscaping areas that because of their size, shape or location would not form any useable space or that will not positively contribute to the character of an area will not contribute to the open space requirements of Policy EP4 Open Space.
- Semi-mature tree planting and shrubs must be provided along all routes with the variety of approaches reflecting and accentuating the street hierarchy.
- Public and private space must be clearly defined.
- Play areas (where identified) must be inclusive, providing equipment so the facility is for every child/young person regardless of ability and provided upon completion of 50% of the character area.
- Proposals must provide advance landscaping identified in site designations and meet the quality requirements of policy EP5 Open Space.
- Structural landscaping must incorporate countryside style paths (such as bound or compacted gravel) with waymarkers.
- Maintenance arrangements for all paths, trees, hedging, shrubs, play/sports areas, roundabouts and other open/ green spaces and blue/green corridors must be provided.

#### v) Biodiversity

- Create a variety of high quality multi- functional green/blue spaces and networks that connect people and nature, that include trees, hedges and planting to enhance biodiversity and support habitats/wildlife and comply with policy EP2 Biodiversity and Geodiversity and EP5 Open Space.
- A plan detailing how different elements of the development will contribute to supporting biodiversity must be included in the design statement submitted with the planning application.
- Integrate green and blue infrastructure such as swales, permeable paving, SUDS ponds, green roofs and walls and grass/wildflower verges into streets, parking areas and plots to sustainably address drainage and flooding issues and enhance biodiversity from the outset of the development.
- Developments must safeguard and where physically possible extend or enhance wildlife corridors and green/blue networks and prevent fragmentation of existing habitats.

#### (vi) Parking

- Car parking must not dominate the streetscape to the front or rear of properties. On all streets a minimum of 50% of car parking must be provided to the side or rear and behind the building line with a maximum of 50% car parking within the front curtilage or on street, subject to the visual impact being mitigated by hedging, low stone boundary walls or other acceptable treatments that enhance the streetscape.
- Provide semi-mature trees and planting within communal private and public/visitor parking areas and on-street parking at a maximum interval of 4 car parking spaces.

- Secure and covered cycle parking and storage, car sharing spaces and electric car charging points must be provided in accordance with policy DP1 Development Principles.
- Parking areas must use a variation in materials to reduce the visual impact on the streetscene.

(vii) Street Layout and Detail

- Provide a clear hierarchy of streets reinforced through street width, building density and street and building design, materials, hard/soft landscaping and a variety of approaches to tree planting and shrubs.
- Streets and connecting routes should encourage walking and cycling over use of the private car by providing well connected, safe and appealing routes.
- Design junctions to prioritise pedestrians, accommodate active travel and public transport and service/emergency vehicles to reflect the context and urban form and ensure that the street pattern is not standardised.
- Dead-end streets/cul-de-sacs will only be selectively permitted such as on rural edges or where topography, site size, shape or relationship to adjacent developments prevent an alternative more permeable layout. These must be short, serving no more than 10 units and provide walking and cycling through routes to maximise connectivity to the surrounding area.
- Where a roundabout forms a gateway into, or a landmark within, a town and/or a development, it must be designed to create a gateway feature or to contribute positively to the character of the area.
- Design principles for street layouts must be informed by a Street Engineering Review (SER) and align with Roads Construction Consent (RCC) to provide certainty that the development will be delivered as per the planning consent.

(d) Future masterplans will be prepared through collaborative working and in partnership between the developer and the council for Lochyhill (Forres), Barhill Road (Buckie), Elgin Town Centre/Cooper Park, Elgin North East, Clarkly Hill, Burghead and West Mosstodloch. Masterplans that are not prepared collaboratively and in partnership with the council will not be supported. Masterplans that are approved will be Supplementary Guidance to the Plan.

(e) Proposals for sites must reflect the key design principles and safeguard or enhance the green networks set out in the Proposals Maps and Settlement Statements. Alternative design solutions may be proposed where justification is provided to the planning authority's satisfaction to merit this.

## **PP2 SUSTAINABLE ECONOMIC GROWTH**

Development proposals which support the Moray Economic Strategy to deliver sustainable economic growth will be supported where the quality of the natural and built environment is safeguarded, there is a clear locational need and all potential impacts can be satisfactorily mitigated.

## **PP3 INFRASTRUCTURE & SERVICES**

Development must be planned and co-ordinated with infrastructure to ensure that places function properly and proposals are adequately served by infrastructure and services.

- a) In relation to infrastructure and services developments will be required to provide the following as may be considered appropriate by the planning authority, unless these requirements are considered not to be necessary:
- i) Education, Health, Transport, Sports and Recreation and Access facilities in accord with Supplementary Guidance on Developer Obligations and Open Space.
  - ii) Green infrastructure and network requirements specified in policy EP5 Open Space, Town and Village Maps and, contained within Supplementary Guidance on the Open Space Strategy, Masterplans and Development Briefs.
  - iii) Mitigation/modification to the existing transport network (including road and rail) to address the impact of the proposed development in terms of safety and efficiency. This may include but not be limited to passing places, road widening, junction enhancement, bus stop infrastructure, and drainage infrastructure. A number of potential road and transport improvements are identified and shown on the Town and Village Maps as Transport Proposals (TSP's) including the interventions in the Elgin Transport Strategy. These requirements are not exhaustive and do not pre-empt any measures which may result from the Transport Assessment process.
  - iv) Electric car charging points must be provided at all commercial and community parking facilities. Access to charging points must also be provided for residential properties, where in-curtilage facilities cannot be provided to any individual residential property then access to communal charging facilities should be made available. Access to other nearby charging facilities will be taken into consideration when identifying the need for communal electric charging points.
  - v) Active Travel and Core Path requirements specified in the Council's Active Travel Strategy and Core Path Plan.
  - vi) Safe transport and access routes linking to existing networks and mitigating the impacts of development off-site.
  - vii) Information Communication Technology (ICT) and fibre optic broadband connections for all premises unless justification is provided to substantiate it is technically unfeasible.
  - viii) Foul and surface water drainage, including Sustainable Urban Drainage Systems (SUDS), including construction phase SUDS.
  - ix) Measures that implement the waste management hierarchy as defined in the Zero Waste Plan for Scotland including the provision of local waste storage and recycling facilities designed into the development in accord with policy PP1 Placemaking. For major applications a site waste management plan may be required to ensure that waste minimisation is achieved during the construction phase.

- x) Infrastructure required to improve or increase capacity at Water Treatment Works and Waste Water Treatment Works will be supported subject to compliance with policy DP1.
- xi) A utilities plan setting out how existing and new utility (including gas, water, electricity pipelines and pylons) provision has been incorporated into the layout and design of the proposal. This requirement may be exempted in relation to developments where the council considers it might not be appropriate, such as domestic or very small scale built developments and some changes of use.

**b) Development proposals will not be supported where they:**

- i) Create new accesses onto trunk roads and other main/key routes (A941 & A98) unless significant economic benefits are demonstrated or such access is required to facilitate development that supports the provisions of the development plan.
- ii) Adversely impact on active travel routes, core paths, rights of way, long distance and other access routes and cannot be adequately mitigated by an equivalent or better alternative provision in a location convenient for users.
- iii) Adversely impact on blue/green infrastructure, including green networks important for wildlife unless an equivalent or better alternative provision will be provided.
- iv) Are incompatible with key waste sites at Dallachy, Gollanfield, Moycroft and Waterford and would prejudice their operation.
- v) Adversely impact on community and recreational sites, buildings or infrastructure including CF designations and cannot be adequately mitigated.
- vi) Adversely impact on flood alleviation and mitigation infrastructure.
- vii) Compromise the economic viability of bus or rail facilities.

**c) Harbours**

Development within and diversification of harbours to support their sustainable operation will be supported subject to compliance with other policies and settlement statements.

**d) Developer Obligations**

Developer obligations will be sought to mitigate any measurable adverse impact of a development proposal on local infrastructure, including education, healthcare, transport (including rail), sports and recreational facilities and access routes. Obligations will be sought to reduce, eliminate or compensate for this impact. Developer obligations may also be sought to mitigate any adverse impacts of a development, alone or cumulatively with other developments in the area, on the natural environment.

Where necessary obligations that can be secured satisfactorily by means of a planning condition attached to planning permission will be done this way. Where this cannot be achieved, the required obligation will be secured through a planning agreement in accordance with Circular 3/2012 on Planning Obligations.

Developer obligations will be sought in accordance with the Council's Supplementary Guidance on Developer Obligations. This sets out the anticipated infrastructure requirements, including methodology and rates.

Where a developer considers that the application of developer obligations renders a development commercially unviable a viability assessment and 'open-book accounting' must be provided by the developer which Moray Council, via the District Valuer, will verify, at the developer's expense. Should this be deemed accurate then the Council will enter into negotiation with the developer to determine a viable level of developer obligations.

The Council's Developer Obligations Supplementary Guidance provides further detail to support this policy.

## **DP1 DEVELOPMENT PRINCIPLES**

This policy applies to all development, including extensions and conversions and will be applied reasonably taking into account the nature and scale of a proposal and individual circumstances.

The Council will require applicants to provide impact assessments in order to determine the impact of a proposal. Applicants may be asked to determine the impacts upon the environment, transport network, town centres, noise, air quality, landscape, trees, flood risk, protected habitats and species, contaminated land, built heritage and archaeology and provide mitigation to address these impacts.

Development proposals will be supported if they conform to the relevant Local Development Plan policies, proposals and additional guidance, meet the following criteria and address their individual and cumulative impacts:

### **(i) Design**

- a) The scale, density and character must be appropriate to the surrounding area and create a sense of place (see Policy PP1) and support the principles of a walkable neighbourhood.
- b) The development must be integrated into the surrounding landscape which will include safeguarding existing trees and undertaking replacement planting to include native trees for any existing trees that are felled, and safeguarding any notable topographical features (e.g. distinctive knolls), stone walls and existing water features by avoiding channel modifications and culverting. A tree survey and tree protection plan must be provided with planning applications for all proposals where mature trees are present on site or that may impact on trees outwith the site. The strategy for new tree provision should follow the principles of the "Right Tree in the Right Place".
- c) Make provision for new open space and connect to existing open space under the requirements of Policy EP5 and provide details of the future maintenance of these spaces. A detailed landscape plan must be submitted with planning applications and include information about green/blue infrastructure, tree species, planting, ground/soil conditions, and natural and man-made features (e.g. grass areas, wildflower verges, fencing, walls, paths, etc.).

- d) Demonstrate how the development will conserve and enhance the natural and built environment and cultural heritage resources, retain original land contours and integrate into the landscape.
- e) Proposals must not adversely impact upon neighbouring properties in terms of privacy, daylight or overbearing loss of amenity.
- f) Proposals do not result in backland development or plots that are subdivided by more than 50% of the original plot. Sub-divided plots must be a minimum of 400m<sup>2</sup>, excluding access and the built-up area of the application site will not exceed one-third of the total area of the plot and the resultant plot density and layout reflects the character of the surrounding area.
- g) Pitched roofs will be preferred to flat roofs and box dormers are not acceptable.
- h) Existing stone walls on buildings and boundaries must be retained. Alterations and extensions must be compatible with the character of the existing building in terms of design, form, choice of materials and positioning and meet all other relevant criteria of this policy.
- i) Proposals must orientate and design buildings to maximise opportunities for solar gain.
- j) All developments must be designed so as to ensure that all new buildings avoid a specified and rising proportion of the projected greenhouse gas emissions from their use (calculated on the basis of the approved design and plans for the specific development) through the installation and operation of low and zero-carbon generating technologies.

**(ii) Transportation**

- a) Proposals must provide safe entry and exit from the development, including the appropriate number and type of junctions, maximise connections and routes for pedestrians and cyclists, including links to active travel and core path routes, reduce travel demands and ensure appropriate visibility for all road users at junctions and bends. Road, cycling, footpath and public transport connections and infrastructure must be provided at a level appropriate to the development and connect people to education, employment, recreation, health, community and retail facilities.
- b) Car parking must not dominate the street scene and must be provided to the side or rear and behind the building line. Maximum (50%) parking to the front of buildings and on street may be permitted provided that the visual impact of the parked cars is mitigated by hedging or low stone boundary walls. Roadways with a single carriageway must provide sufficient off road parking to avoid access routes being blocked to larger service vehicles and prevent parking on pavements.
- c) Provide safe access to and from the road network, address any impacts on road safety and the local road, rail and public transport network. Any impacts identified through Transport Assessments/ Statements must be identified and mitigated. This may include but would not be limited to, passing places, road

widening, junction improvements, bus stop infrastructure and drainage infrastructure. A number of potential mitigation measures have been identified in association with the development of sites and the most significant are shown on the Proposals Map as TSP's.

- d) Provide covered and secure facilities for cycle parking at all flats/apartments, retail, community, education, health and employment centres.
- e) Garages and parking provision must be designed to comply with Moray Council parking specifications see Appendix 2.
- f) The road layout must be designed to allow for the efficient mechanical sweeping of all roadways and channels, pavements, turning areas and junctions. The road layout must also be designed to enable safe working practices, minimising reversing of service vehicles, with hammerheads minimised in preference to turning areas such as road stubs or hatchets, and to provide adequate space for the collection of waste and movement of waste collection vehicles.
- g) The road and house layout in urban development should allow for communal refuse collection points where the design does not allow for individual storage within the curtilage and / or collections at kerbside. Communal collection points may either be for the temporary storage of containers taken by the individual householder or for the permanent storage of larger containers. The requirements for a communal storage area are stated within the Council's Kerbside Collection Policy, which will be a material consideration.
- h) Road signs should be minimised designed and placed at the back of footpaths to reduce street clutter, avoid obstructing pedestrian movements and safeguarding sightlines;
- i) Within communal parking areas there will be a requirement for electric car charging points. Parking spaces for car sharing must be provided where a need is identified by the Transportation Manager.

**(iii) Water environment, pollution, contamination**

- a) Acceptable water and drainage provision must be made, including the use of sustainable urban drainage systems (SUDS) for dealing with surface water including temporary/ construction phase SUDS (see Policy EP12).
- b) New development should not be located in areas at flood risk or increase vulnerability to flooding (see Policy EP12). Exceptions to this would only be considered in specific circumstances, e.g. extension to an existing building or change of use to an equal or less vulnerable use. Where this exception is applied the proposed development must include resilience measures such as raised floor levels and electrical sockets.
- c) Proposals must avoid major hazard sites and address any potential risk of pollution including ground water contamination in accordance with recognised pollution prevention and control measures.

- d) Proposals must protect and wherever practicable enhance water features through for example naturalisation of watercourses by introducing a more natural planform and removing redundant or unnecessary structures.
- e) Proposals must address and sufficiently mitigate any contaminated land issues.
- f) Make acceptable arrangements for waste collection and management and encourage recycling.
- g) Avoid sterilising significant workable reserves of minerals, prime agricultural land or productive forestry.
- h) Proposals must avoid areas at risk of coastal erosion and coastal change.

## **DP10 MINERALS**

### **a) Safeguarding Mineral Reserves**

The Council will safeguard all existing workable mineral reserves/ operations from incompatible development which is likely to prejudice it unless;

- There are no alternative sites for development, and
- The extraction of mineral resources will be completed before development commences.

### **b) Mineral Operations**

Proposals for mineral extraction will be acceptable in the following circumstances, subject to compliance with other relevant LDP policies;

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

Proposals for new and extensions to existing mineral sites, which contribute to the maintenance of at least a 10 years supply of permitted reserves of construction aggregates in Moray will be supported, subject to meeting the terms of Policy DP1 and other relevant policies.

Proposals for borrow pits will be supported, subject to compliance with other relevant policies, to allow the extraction of minerals near to or on the site of associated development (e.g. wind farm and roads construction, forestry and agriculture) provided it can be demonstrated that the operational, community and environmental benefits of the proposal can be evidenced. These consents will be time limited, tied to the proposal and must be accompanied by full restoration proposals and aftercare.

All mineral development proposals must avoid or satisfactorily mitigate impacts. In determining proposals, the Council will give consideration to the requirements of Policy DP1. Additional mitigation may be required for renewables at existing quarries.

Proposals must be accompanied by an extractive Waste Management Plan.



**c) Restoration and aftercare**

Operators must provide details of their proposed programme of restoration (including the necessary financing, phasing and aftercare of the sites). In some circumstances, the Council may require a financial guarantee/ bond.

Restoration programmes must reinstate the site at the earliest opportunity when excavation has ceased. Restoration must be designed and implemented to the highest standard. After uses must result in environmental improvement and add to the cultural, recreational or environmental assets of the area.

**EP1 NATURAL HERITAGE DESIGNATIONS**

**a) European Site designations**

Development likely to have a significant effect on a European Site and which is not directly connected with or necessary to the conservation management of that site must be subject to an appropriate assessment of the implications for its conservation objectives. Proposals will only be approved where the appropriate assessment has ascertained that there will be no adverse effect on the integrity of the site.

In exceptional circumstances, proposals that could affect the integrity of a European Site may be approved where:

- i) There are no alternative solutions, and
- ii) There are imperative reasons of over-riding public interest including those of a social or economic nature, and
- iii) Compensatory measures are provided to ensure that the overall coherence of the Natura network is protected.

For European Sites hosting a priority habitat or species (as defined in Article 1 of the The Conservation (Natural Habitat & c.) Regulations 1994), prior consultation with the European Commission via Scottish Ministers is required unless the imperative reasons of overriding public interest relate to human health, public safety or beneficial consequences of primary importance to the environment.

**b) National designations**

Development proposals which will affect a National Park, National Scenic Area (NSA), Site of Special Scientific Interest (SSSI) or National Nature Reserve will only be permitted where:

- i) The objectives of designation and the overall integrity of the area will not be compromised; or
- ii) Any significant adverse effects on the qualities for which the site has been designated are clearly outweighed by social, environmental or economic benefits of national importance.

**c) Local Designations**

Development proposals likely to have a significant adverse effect on Local Nature Reserves, wildlife sites or other valuable local habitats will be refused unless it can be demonstrated that;

- i) Public benefits clearly outweigh the nature conservation value of the site, and
- ii) There is a specific locational requirement for the development, and
- iii) Any potential impacts can be satisfactorily mitigated to conserve and enhance the site's residual conservation interest.

**d) European Protected Species**

European Protected Species are identified in the Habitats Regulations 1994 (as amended in Scotland). Where a European Protected Species may be present or affected by development or activity arising from development, a species survey and where necessary a Species Protection Plan should be prepared to accompany the planning application, to demonstrate how the Regulations will be complied with. The survey should be carried out by a suitably experienced and licensed ecological surveyor.

Proposals that would have an adverse effect on European Protected Species will not be approved unless;

- The need for development is one that is possible for SNH to grant a license for under the Regulations (e.g. to preserve public health or public safety).
- There is no satisfactory alternative to the development.
- The development will not be detrimental to the maintenance of the favourable conservation status of the species.

**e) Other protected species**

Wild birds and a variety of other animals are protected under domestic legislation, such as the Wildlife and Countryside Act 1981 (as amended in Scotland by the Nature Conservation (Scotland) Act 2004 and the Wildlife and Natural Environment (Scotland) Act 2011), Protection of Badgers Act 1992 and Marine (Scotland) Act 2010. Where a protected species may be present or affected by development or activity arising from development, a species survey and where necessary a Species Protection Plan should be prepared to accompany the planning application to demonstrate how legislation will be complied with. The survey should be carried out by a suitably experienced ecological surveyor, who may also need to be licensed depending on the species being surveyed for.

Proposals which would have an adverse effect on badgers or their setts must be accompanied by a Badger Protection Plan demonstrating how impacts will be avoided, mitigated, minimised or compensated for.

**EP2 BIODIVERSITY**

All development proposals must, where possible, retain, protect and enhance features of biological interest and provide for their appropriate management. Development must safeguard and where physically possible extend or enhance wildlife corridors and green/blue networks and prevent fragmentation of existing habitats.

Development should integrate measures to enhance biodiversity as part of multi-functional spaces/ routes.

Proposals for 4 or more housing units or 1000 m<sup>2</sup> or more of commercial floorspace must create new or, where appropriate, enhance natural habitats of ecological and amenity value.

Developers must demonstrate, through a Placemaking Statement where required by Policy PP1 which incorporates a Biodiversity Plan, that they have included biodiversity features in the design of the development. Habitat creation can be achieved by providing links into existing green and blue networks, wildlife friendly features such as wildflower verges and meadows, bird and bat boxes, amphibian friendly kerbing, wildlife crossing

points such as hedgehog highways and planting to encourage pollination, wildlife friendly climbing plants, use of hedges rather than fences, incorporating biodiversity measures into SUDS and retaining some standing or lying dead wood, allotments, orchards and woodlands.

Where development would result in loss of natural habitats of ecological amenity value, compensatory habitat creation will be required where deemed appropriate.

## **EP7 FORESTRY, WOODLANDS AND TREES**

### **a) Moray Forestry and Woodland Strategy**

Proposals which support the economic, social and environmental objectives and projects identified in the Moray Forestry and Woodlands Strategy will be supported where they meet the requirements of other relevant Local Development Plan policies. The council will consult Scottish Forestry on proposals which are considered to adversely affect forests and woodland. Development proposals must give consideration to the relationship with existing woodland and trees including shading, leaf/needle cast, branch cast, wind blow, water table impacts and commercial forestry operations.

### **b) Tree Retention and Survey**

Proposals must retain healthy trees and incorporate them within the proposal unless it is technically unfeasible to retain these. Where trees exist on or bordering a development site, a tree survey, tree protection plan and mitigation plan must be provided with the planning application if the trees or trees bordering the site (or their roots) have the potential to be affected by development and construction activity. Proposals must identify a safeguarding distance to ensure construction works, including access and drainage arrangements, will not damage or interfere with the root systems in the short or longer term. A landscaped buffer may be required where the council considers that this is required to maintain an appropriate long term relationship between proposed development and existing trees and woodland.

Where it is technically unfeasible to retain trees, compensatory planting on a one for one basis must be provided in accordance with (e) below.

### **c) Control of Woodland Removal**

In support of the Scottish Government's Control of Woodland Removal Policy, Woodland removal within native woodlands identified as a feature of sites protected under Policy EP1 or woodland identified as Ancient Woodland will not be supported.

In all other woodlands development which involves permanent woodland removal will only be permitted where it would achieve significant and clearly defined additional public benefits (excluding housing) and where removal will not result in unacceptable adverse effects on the amenity, landscape, biodiversity, economic or recreational value of the woodland or prejudice the management of the woodland.

Where it is proposed to remove woodland, compensatory planting at least equal to the area to be felled must be provided in accordance with e) below.

### **d) Tree Preservation Orders and Conservation Areas**

The council will serve Tree Preservation Orders (TPO's) on potentially vulnerable trees which are of significant amenity value to the community as whole, trees that contribute to the distinctiveness of a place or trees of significant biodiversity value.

Within Conservation Areas, the council will only agree to the felling of dead, dying, or dangerous trees. Trees felled within Conservation Areas or subject to TPO must be replaced, unless otherwise agreed by the council.

**e) Compensatory Planting**

Where trees or woodland are removed in association with development, developers must provide compensatory planting to be agreed with the planning authority either on site, or an alternative site in Moray which is in the applicant's control or through a commuted payment to the planning authority to deliver compensatory planting and recreational greenspace.

**GUIDANCE TREES AND DEVELOPMENT**

Trees are an important part of Moray's towns and villages and surrounding countryside, adding colour and interest to the townscape and a sense of nature in our built environment. They contribute to the diversity of the countryside, in terms of landscape, wildlife habitat and shelterbelts. Trees also have a key role to play in terms of climate change by helping to absorb carbon dioxide which is one of the main greenhouse gases that cause global warming.

The cumulative loss of woodlands to development can result in significant loss of woodland cover. In compliance with the Scottish Government Control of Woodland Removal policy, woodland removal should only be allowed where it would achieve significant and clearly defined additional public benefits. In appropriate cases a proposal for compensatory planting may form part of this balance. Where woodland is to be removed then the Council will require compensatory planting to be provided on site, on another site in Moray within the applicant's control or through a commuted payment to the Council towards woodland and greenspace creation and enhancement. Developers proposing compensatory planting are asked to follow the guidance for site assessment and woodland design as laid out in Scottish Forestry's "Woodland Creation, Application Guidance" and its subsequent updates, when preparing their proposal.

The Council requires a Tree Survey and Tree Protection Plan to be submitted by the applicant with any planning application for detailed permission on designated or windfall sites which have trees on them. The survey should include a schedule of trees and/or groups of trees and a plan showing their location, along with the following details;

- Reference number for each tree or group of trees.
- Scientific and common names.
- Height and canopy spread in metres (including consideration of full height and spread).
- Root protection area.
- Crown clearance in metres.
- Trunk diameters in metres (measures at 1.5m above adjacent ground level for single stem trees or immediately above the root flare for multi stemmed trees).
- Age and life expectancy.
- Condition (physiological and structural).
- Management works required.
- Category rating for all trees within the site (U, A, B or C \*). This arboricultural assessment will be used to identify which trees are suitable for retention within the proposed development.

\*BS5837 provides a cascading quality assessment process for categorisation of trees which tree surveys must follow. An appropriately scaled tree survey plan needs to accompany the schedule. The plan should be annotated with the details of the tree survey, showing the location, both within and adjacent to the site, of existing trees, shrubs and hedgerows. Each numbered tree or groups of trees should show the root protection area and its category U, A, B, C.

Based on the guidance in BS5837, only category U trees are discounted from the Tree Survey and Tree Protection Plan process. Trees in category A and B must be retained, with category C trees retained as far as practicable and appropriate. Trees proposed for removal should be replaced with appropriate planting in a landscape plan which should accompany the application. Trees to be retained will likely be set out in planning conditions, if not already covered by a Tree Preservation Order.

If a tree with habitat value is removed, then measures for habitat reinstatement must be included in the landscape plan. It is noted that in line with part b) of policy EP7 where woodland is removed compensatory planting must be provided regardless of tree categorisation."

A Tree Protection Plan (TPP) must also be submitted with planning applications, comprising a plan and schedule showing;

- Proposed design/ layout of final development, including accesses and services.
- Trees to be retained- with those requiring remedial work indicated.
- Trees to be removed.
- Location (and specification) of protective fencing around those trees to be retained based on the Root Protection Area.

The TPP should show how the tree survey information has informed the design/ layout explaining the reasoning for any removal of trees.

### **Landscape Scheme**

Where appropriate a landscape scheme must be submitted with planning applications, clearly setting out details of what species of trees, shrubs and grass are proposed, where, what standard and when planting will take place. Landscape schemes must aim to deliver multiple benefits in terms of biodiversity, amenity, drainage and recreation as set out in policy.

The scheme should also set out the maintenance plan. Applicants/ developers will be required to replace any trees, shrubs or hedges on the site which die, or are dying, severely damaged or diseased which will be specified in planning conditions.

Tree species native to Scotland are recommended for planting in new development - Alder, Aspen, Birch, Bird Cherry, Blackthorn, Crab Apple, Elm, Gean, Hawthorn, Hazel, Holly, Juniper, Sessile Oak, Rowan, Scots Pine, Whitebeam, Willow.

## **EP12 MANAGEMENT AND ENHANCEMENT OF THE WATER ENVIRONMENT**

### **a) Flooding**

New development will not be supported if it would be at significant risk of flooding from any source or would materially increase the possibility of flooding elsewhere. For development at or near coastal locations, this includes consideration of future

flooding that may be caused by sea level rise and/or coastal change eroding existing natural defences in the medium and long term.

Proposals for development in areas considered to be at risk from flooding will only be permitted where a flood risk assessment to comply with the recommendations of Scottish Planning Policy and to the satisfaction of Scottish Environment Protection Agency and the Council is provided by the applicant.

There are different levels of flood risk assessment dependent on the nature of the flood risk. The level of assessment should be discussed with the Council prior to submitting a planning application.

**Level 1** - A flood statement with basic information with regard to flood risk.

**Level 2** - Full flood risk assessment providing details of flood risk from all sources, results of hydrological and hydraulic studies and any appropriate proposed mitigation.

Assessments must demonstrate that the development is not at risk of flooding and would not increase the probability of flooding elsewhere. Level 2 flood risk assessments must be signed off by a competent professional. The Flood Risk Assessment and Drainage Impact Assessment for New Development Supplementary Guidance provides further detail on the information required.

Due to continuing changes in climatic patterns, the precautionary principle will apply when reviewing any application for an area at risk from inundation by floodwater. Proposed development in coastal areas must consider the impact of tidal events and wave action when assessing potential flood risk.

The following limitations on development will also be applied to take account of the degree of flooding as defined in Scottish Planning Policy;

- a) In areas of little to no risk (less than 0.1%), there will be no general constraint to development.
- b) Areas of low to medium risk (0.1% to 0.5%) will be considered suitable for most development. A flood risk assessment may be required at the upper end of the probability range i.e. (close to 0.5%) and for essential civil infrastructure and the most vulnerable uses. Water resistant materials and construction may be required. Areas within this risk category will generally not be suitable for civil infrastructure. Where civil infrastructure must be located in these areas or is being substantially extended, it should be designed to be capable of remaining operational and accessible during flooding events.
- c) Areas of medium to high risk (0.5% or above) may be suitable for:
  - Residential, institutional, commercial and industrial development within built up areas provided that flood protection measures to the appropriate standard already exist and are maintained, are under construction, or are a planned measure in a current flood management plan.
  - Essential infrastructure within built up areas, designed and constructed to remain operational during floods and not impede water flow.
  - Some recreational, sport, amenity and nature conservation uses, provided appropriate evacuation procedures are in place, and
  - Employment related accommodation e.g. caretakers or operational staff.

Areas within these risk categories will generally not be suitable for the following uses and where an alternative/lower risk location is not available;

- Civil infrastructure and most vulnerable uses.
- Additional development in undeveloped and sparsely developed areas, unless a location is essential for operational reasons e.g. for navigation and water based recreation, agriculture, transport or utilities infrastructure (which should be designed to be operational during floods and not impede water flows).
- New caravan and camping sites

Where development is permitted, measures to protect against or manage flood risk will be required and any loss of flood storage capacity mitigated to achieve a neutral or better outcome. Water resistant materials and construction must be used where appropriate. Land raising and elevated buildings on structures such as stilts are unlikely to be acceptable.

**b) Surface Water Drainage: Sustainable Urban Drainage Systems (SUDS)**

Surface water from development must be dealt with in a sustainable manner that has a neutral effect on flooding or which reduces the risk of flooding. The method of dealing with surface water must also avoid pollution and promote habitat enhancement and amenity. All sites must be drained by a sustainable drainage system (SUDS) designed in line with current CIRIA guidance. Drainage systems must contribute to enhancing existing "blue" and "green" networks while contributing to place-making, biodiversity, recreational, flood risk and climate change objectives.

When considering the appropriate SUDS design for the development the most sustainable methods, such as rainwater harvesting, green roofs, bio retention systems, soakaways, and permeable pavements must be considered first. If it is necessary to include surface water attenuation as part of the drainage system, only above ground attenuation solutions will be considered, unless this is not possible due to site constraints.

If below ground attenuation is proposed the developer must provide a robust justification for this proposal. Over development of a site or a justification on economic grounds will not be acceptable. When investigating appropriate SUDS solutions developers must integrate the SUDS with allocated green space, green networks and active travel routes to maximise amenity and biodiversity benefits.

Specific arrangements must be made to avoid the issue of permanent SUDS features becoming silted-up with run-off. Care must be taken to avoid the spreading and/or introduction of invasive non-native species during the construction of all SUDS features. On completion of SUDS construction the developer must submit a comprehensive Operation and Maintenance Manual. The ongoing maintenance of SUDS for all new development will be undertaken through a factoring agreement, the details of which must be supplied to the Planning Authority.

All developments of less than 3 houses or a non-householder extension under 100 square metres must provide a Drainage Statement. A Drainage Assessment will be required for all developments other than those identified above.

**c) Water Environment**

Proposals, including associated construction works, must be designed to avoid adverse impacts upon the water environment including Ground Water Dependent

Terrestrial Ecosystems and should seek opportunities for restoration and/or enhancement, if appropriate. The Council will only approve proposals impacting on water features where the applicant provides a report to the satisfaction of the Council that demonstrates that any impact (including cumulative) on water quality, water quantity, physical form (morphology), river hydrology, sediment transport and erosion, coastal processes (where relevant) nature conservation (including protected species), fisheries, recreational, landscape, amenity and economic and social impact can be adequately mitigated.

The report must consider existing and potential impacts up and downstream of the development particularly in respect of potential flooding. The Council operates a presumption against the culverting of watercourses and any unnecessary engineering works in the water environment.

A buffer strip of at least 6 metres between any new development and all water features is required and should be proportional to the bank width and functional river corridor (see table on page 96). This must achieve the minimum width within the specified range as a standard, however, the actual required width within the range should be calculated on a case by case basis by an appropriately qualified individual. These must be designed to link with blue and green networks, including appropriate native riparian vegetation and can contribute to open space requirements.

Developers may be required to make improvements to the water environment as part of the development. Where a Water Framework Directive (WFD) water body specific objective is within the development boundary, or in proximity, developers will need to address this within the planning submission through assessment of potential measures to address the objective and implementation, unless adequate justification is provided. Where there is no WFD objective the applicant should still investigate the potential for watercourse restoration along straightened sections or removal of redundant structures and implement these measures where viable.

<b>Width to watercourse (top of bank)</b>	<b>Width of buffer strip (either side)</b>
Less than 1m	6m
1-5m	6-12m
5-15m	12-20m
15m+	20m+

The Flood Risk Assessment and Drainage Impact Assessment for New Development Supplementary Guidance provides further detail on the information required to support proposals.

## **EP14 POLLUTION, CONTAMINATION & HAZARDS**

### **a) Pollution**

Development proposals which may cause significant air, water, soil, light or noise pollution or exacerbate existing issues must be accompanied by a detailed assessment report on the levels, character and transmission of the potential pollution with measures to mitigate impacts. Where significant or unacceptable impacts cannot be mitigated, proposals will be refused.



**b) Contamination**

Development proposals on potentially contaminated land will be approved where they comply with other relevant policies and;

- i) The applicant can demonstrate through site investigations and risk assessment, that the site is in a condition suitable for the proposed development and is not causing significant pollution of the environment; and
- ii) Where necessary, effective remediation measures are agreed to ensure the site is made suitable for the new use and to ensure appropriate disposal and/ or treatment of any hazardous material.

**c) Hazardous sites**

Development proposals must avoid and not impact upon hazardous sites or result in public safety concerns due to proximity or use in the vicinity of hazardous sites.

**EP16 GEODIVERSITY AND SOIL RESOURCES**

Where peat and other carbon rich soils are present disturbance to them may lead to the release of carbon dioxide contributing to the greenhouse gas emissions. Applications should minimise this release and must be accompanied by an assessment of the likely effects associated with any development work and aim to mitigate any adverse impacts arising.

Where areas of important geological interest are present, such as geological Sites of Special Scientific Interest (SSSI) or Geological Conservation Review (GCR) sites are present, excavations or built development can damage, destroy and/or prevent access to the irreplaceable geological features. Development should avoid sensitive geological areas or otherwise demonstrate how the geological interests will be safeguarded.

For major developments, minerals and large scale (over 20MW) renewable energy proposals, development will only be permitted where it has been demonstrated that unnecessary disturbance of soils, geological interests, peat and any associated vegetation is avoided. Evidence of the adoption of best practice in the movement, storage, management and reinstatement of soils must be submitted along with any relevant planning application, including, if necessary, measures to prevent the spread of invasive non-native species.

Major developments, minerals and large scale renewable energy proposals on areas of peat and/or land habitat will only be permitted for these uses where:

- a) The economic, social and/or environmental benefits of the proposal outweigh any potential detrimental effect on the environment (in particular with regard to the release of carbon dioxide into the atmosphere); and
- b) It has been clearly demonstrated that there is no viable alternative.

Where development on peat is deemed acceptable, a peat depth survey must be submitted which demonstrates that the areas of deepest peat have been avoided. Where required, a peat management plan must also be submitted which demonstrates that unnecessary disturbance, movement, degradation or erosion of peat is avoided and proposes suitable mitigation measures and appropriate reuse. Commercial peat extraction will not be permitted.