

SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

8 JANUARY 2018

APPLICATION FOR PLANNING PERMISSION

ITEM: 17/00457/MIN
OFFICER: Andrew Evans
WARD: Kelso and District
PROPOSAL: Variation of Condition No 4 of planning consent 13/01191/MIN to allow the final level of the quarry floor to be dropped to 150m
SITE: Blinkbonny Quarry, Kelso
APPLICANT: Mr J Shanks
AGENT: AMS Associates Ltd

SITE DESCRIPTION

The planning application site is located at Blinkbonny Quarry, an existing hard rock quarry located 5.6km south of Gordon, and 6.5km north of Kelso. The site is located to the east of the A6089 Kelso to Gordon road. The whole site measures 17.04 Hectares, with the Quarry extension site measuring approximately 8 Hectares. The working/extractive part of the quarry is to the north of the site. Plant and processing take place at the southern end of the site, adjacent to the site access from the A6089 road

The site of the proposed quarry extension comprises parts of 3 agricultural fields and an area of mature plantation woodland to the north of the existing quarry. The site is not designated as a Special Landscape Area, the nearest such designation being the Tweed Lowlands SLA, the boundary of which is 3km to the South. The site is not subject to any environmental or heritage designations.

PROPOSED DEVELOPMENT

Planning permission was granted in 2014 to extend the quarry. Consent is now sought to vary condition 4 of that approval (ref: 13/01191/MIN) to permit the final worked level of the quarry floor to be dropped to 150m AOD.

Permission was previously approved for 4 distinct elements of the expansion:

1. **Quarry Extension:** It was proposed to extend the working area of the existing quarry by extracting rock from areas to the north and east of the existing quarry to a floor depth of 175m – 177m AOD. The expected working life is stated as 20 years. Based on the most recent set of updated plans the proposed extraction would release 3 million tonnes of rock, sand and gravel. This was originally to have been between 2014 and 2034. A revised approval via this application would run from 2018 to 2038. The extraction would be carried out by drilling and blasting, with mobile plant used to extract the stone and transport it to the existing on site crushing and screening plant. It is expected that a maximum of 100,000 tonnes of stone per annum will be extracted, a reduction on the initial proposals.

2. **Landscaping and Bunding:** An overburden dump would be formed to the northern boundary of the extended quarrying area. Beyond that profiled mound would be located a top soil bund, and beyond that would be a planting strip, to screen and soften the visual impact of the development. Further advance tree planting would be carried out to the east of the site.
3. **Concrete Plant:** A concrete batching plant operates at the site. The plant processing area where the ready mix / concrete batching plant are located, at the southern end of the site, and would be remaining on completion of the rock extraction. It is anticipated that vehicle movements from the plant would off-set the reduced level of movements arising from the quarry operation meaning that net traffic movements would be unchanged.
4. **Restoration Plans:** Proposals are set forth for the restoration of the site upon completion of the quarrying activity subject to this application.

PLANNING HISTORY

The site has the following relevant planning history:

- 13/01191/MIN – Extension to rock quarry incorporating ready mix concrete plant and associated landscape works. Approved.
- 12/01232/PAN - Proposed extension to quarry – Proposal of Application Notice in connection with this current application.
- 03/01343/MIN - Hard rock extraction - Approved 13.10.2004 – Consent was granted for a 7 year period from the implementation of the consent. The consent was subject to 32 planning conditions.
- 01/00516/MIN - Extension of quarry stockyard - Approved 11.05.2001
- 99/01070/FUL - Formation of stockyard, settlement lagoon and soak away and erection of portacabin and weighbridge – Approved 14.12.1999
- 99/00556/MIN - Hard rock mineral extraction – Approved 14.12.1999

REPRESENTATION SUMMARY

In this case, no direct neighbour notification was required, as none of the properties surrounding the site are within 20m. The application was however publicised by the posting of site notices, and advertised under the Environmental Impact Assessment Regulations, as “Neighbour Not Known”, and as “Bad Neighbour” development. The application was advertised in the Southern Reporter, the Berwickshire News and the Edinburgh Gazette. A notice also appeared on the National Public Notices website.

The previous consented approval for this development attracted two objections. This current application to vary conditions attracted no objections.

APPLICANTS’ SUPPORTING INFORMATION

Original application

The original application was subject to supporting information as follows:

EIA requirements

- The development fell within Schedule 2 of The Environmental Impact Assessment Regulations (Scotland) 2011. As such the application was subject to screening, during which the Council identified that Environmental Impact Assessment was required.
- The applicant requested a scoping opinion under Regulation 10 of the Environmental Assessment (Scotland) Regulations 1999. The council responded February 2013 with its Scoping Response.
- The applicant has submitted an Environmental Statement (Volume 3 of the submission, with appendices in Volume 4) which has been amended to take account of the proposed changes to details of the proposed expansion of the quarry, and a Non-Technical Summary (Volume 1).

Major Development Requirements

- As a major application there was a requirement for the applicant to undertake a Pre-Application Notification including community engagement. This was undertaken, and summarised in a Community Engagement Report submitted with the application.

Other Information and submissions

The application was accompanied by:

- Hydrogeology report by GeoloGIS
- Habitat survey report by BSG Ecology
- Ecology surveys by David Dodds Associates Ltd
- Noise monitoring report by Kevin Walton Associates Ltd
- Noise monitoring study by Vibrock.
- Revised (final) planning statement with updated plans accounting form comments made in first round of consultation responses.
- Revised phasing statement and plans
- Revised dust assessment
- Revised landscape and restoration plans.

Current Application

The application for variation of conditions was supported by additional technical details, including:

- A technical note on groundwater by Peter Brett Associated dated October 10th 2017.
- Supplementary Noise Assessment (Kevan Walton Associates Ltd)
- Report on "Noise Monitoring in Accordance with Planning Conditions" by (Vibrock)
- A supporting statement to Vary Condition 4 of Consent Ref 13/01191/MIN

CONSULTATION RESPONSES:

Scottish Borders Council Consultees

Roads Planning: This proposal will have no impact on the number or traffic movements generated by the quarry and as such have no objections to the proposal.

Archaeology Officer: Conforms there are no archaeological implications for this proposal.

Flood Protection Officer: As only a very small portion of the proposed site is within the SEPA 1 in 200 year surface water flood map has no objections to this proposal. It is also noted from the hydrogeological report that the site has measures in place to manage surface water in the form of a soakaway system which discharges water to an adjacent field.

Environmental Health (Contaminated Land): Reviewed - No comments.

Environmental Health (Amenity and Pollution): As requested the applicant has provided additional noise information in support of the application. The information provided indicates noise levels at the quarry entrance and the nearest noise sensitive properties will be reduced as a result of the quarry being depended. I therefore refer back to the original noise limits.

Conditions

During operational hours a free field limit of LAeq, 1hr 45dB shall be applicable to all quarry operations excluding soil and overburden handling and works in connection with drilling of blast shot holes at the nearest noise sensitive property. (For clarity the nearest noise sensitive property includes those owned by the applicant namely Blinkbonny Farm and Blinkbonny Cottages)

During operational hours a free field limit of LAeq, 1hr 55dB shall be applicable to soil and overburden handling and works in connection with drilling of blast shot holes at the nearest noise sensitive properties.

Agree with application in principle, subject to conditions

Ecology Officer: The original condition 4 (13/01191/MIN) was in part required to safeguard a perched aquifer and to protect the neighbouring Lurgie loch SSSI (qualifying features: Basin Fen and Beetle assemblage).

By lowering the final level of the quarry floor to 150m, the potential hydrological impacts have been reconsidered. (Hydrogeological assessment. Kevan Walton Associates Ltd, 6th July 2015), although ecology officer notes this report refers to a finished floor level of 160m AOD.

SEPA (12th April 2017) have no objection to the proposed variation of condition 4, and consider that the proposed further excavation would not present an unacceptable risk to the groundwater environment. Authorisation will be required under the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR), SEPA are content at this stage that the proposal is potentially consentable under CAR. SEPA state that as part of the CAR application a risk assessment of the proposed operations on the supply of water to Lurgie loch is required.

In accordance with Local Development Plan Policy EP2 National Nature Conservation and Protected Species, Development proposals which are likely to have a significant adverse effect, either directly or indirectly, on a Site of Special Scientific Interest or habitat directly supporting a nationally important species will not be permitted unless:

- a) The development will not adversely affect the integrity of the site, and
- b) The development offers substantial benefits of national importance, including those of a social or economic nature, that clearly outweigh the national nature conservation value of the site.

The developer will be required to detail mitigation, either on or off site, of any damage that may be caused by development permissible under the exception criteria.

The precautionary principle will be used in identifying potential adverse effects of development proposals. SEPA consider that the proposal is consentable under CAR, although there remains some uncertainty as a risk assessment is required to inform any CAR application. For the avoidance of doubt the Planning Authority may wish to consult SNH to establish whether they are content for the matter to be ultimately controlled by CAR.

Restoration proposals

The revised Restoration Statement (AMS Associates Ltd, March 2017) states that the planting will include a high percentage of native tree and shrub species. The species mix includes Grey alder (*Alnus incana*) which is not a native species. This should be replaced with common alder (*Alnus glutinosa*). Beech (*Fagus sylvatica*) is also included, which is probably only a native of S.E. England and S.E. Wales. I would prefer that an alternative species replaces it such as pedunculate oak (*Quercus robur*).

Statutory Consultees

SEPA: No objection. Based on the information provided, we are of the opinion at this stage that the proposed further excavation would not present an unacceptable risk to the groundwater environment. Some of the proposed works to allow such a process will require authorisation under the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR) and further information will be required to be submitted to support any future CAR application. At this stage we are content that the proposal is potentially consentable under CAR.

Scottish Natural Heritage: In first response, objected to the application, citing concerns in relation to de-watering arising as a result of the deepening of mineral workings at this site. The second response from SNH withdrew objection 08.11.2017, following submission of additional information.

Floors, Makerstoun, Nenthorn and Smailholm Community Council: No response received.

DEVELOPMENT PLAN POLICIES:

SESplan2013

Policy 4 - Minerals

Scottish Borders Local Development Plan 2016

PMD1: Sustainability

PMD2: Quality Standards

Other considerations:

Supplementary Planning Guidance

- Biodiversity (2005)
- Landscape and Development (2008)
- Local Biodiversity Action Plan (2001)
- Local Landscape Designation (2012)

Scottish Government:

- SPP - Scottish Planning Policy
- PAN 1/2013 Environmental Impact Assessment
- PAN 2/2011 Planning and Archaeology
- PAN 1/2011 Planning and Noise
- PAN 75 Planning for Transport (2005)
- PAN 73 Rural Diversification (2005)
- PAN 64 Reclamation of Surface Mineral Workings (2002)
- PAN 60 Planning for Natural Heritage 2000
- PAN 56 Planning for Noise (1999)
- PAN 51 Planning and Environmental Protection (Revised 2006)
- PAN 50 Controlling the Environmental Effects of Surface Mineral Workings (1996)
- PAN 50 Annex A – D (Control of Noise, Dust, Traffic and Blasting at Surface Mineral Workings) (1996)
- Air Quality and Land Use Planning Guidance (2004)
- Planning Circular 4/1998 – The Use of Conditions in Planning Permissions
- Planning Circular 3/2012 – Development Management Procedures

KEY PLANNING ISSUES:

The key planning issues related to this application are whether the revised proposals would have an adverse impact in terms of:

1. Landscape and visual impacts
2. Local ecology and on the adjacent SSSI
3. Drainage, Dewatering and Hydrogeology
4. Amenity of residential properties
5. Road safety

ASSESSMENT OF APPLICATION:

In this instance, consent is sought for amendment of conditions of permission for the extension of an established quarry. The proposals are therefore considered to comply with Policy ED12 of the Local Development Plan relating to mineral and coal extraction. The proposed quarrying would not be in conflict with the criteria set out in this policy.

Policy ED7 of the LDP is also relevant as this sets out the Council's policy position in relation to Business development in the Countryside. Developments which require a Countryside Location are supported where the council is satisfied there is an

economic and/or operational need for the countryside location. A quarry is considered to be appropriate for a rural location and would, in principle comply with the qualifying criteria of Policy ED7.

Members should be aware that the schedule of conditions attached to the extant permission must form the starting position for any approval of this current application. Consideration has to be had to the changes in the proposals, and what, if any impacts these will have over and above the original consent.

Landscape and Visual Impacts

The site is located in an area of rolling countryside, with the quarry being in an elevated location relative to surrounding topography. The site is part of the "Rolling Farmland with Hills" Landscape Character type within the Hume Crags Landscape Character Area.

The approved details of the quarry extension were accompanied by revised landscape and restoration reports and Zones of Theoretical Visibility mapping (ZTV) was produced for the approved application.

The proposed extension site is currently used for grazing and arable crops, with an area of timber plantation. The extension site is part of a ridge line on the hill side that includes Cock Law, and when viewed from the north is seen as a skyline ridge. No immediate landscape issues would arise from the quarry extension, the existing site being well screened from surrounding areas. The site was previously considered acceptable in landscape and visual terms, and the proposed deepening of the quarry will not result in any additional adverse impacts over and above the approval levels.

Impact on Ecology

The site consists of improved grassland, poor semi-improved grassland, conifer plantation, species-poor hedgerow gorse scrub, bare ground and an existing quarry. The proposed development will result in the loss of this vegetation and open water habitat but these impacts were all previously quantified, and accepted under the 2014 approval.

There are natural heritage interests of national importance close to, but outwith, the site, in particular the SSSI at Lurgie Loch. SNH confirm that these interests will not be affected by the current proposal.

The Council ecologist confirms that the current revised application can be supported. Subject to mitigation and any required checking surveys the proposed development will not have an adverse impact on the ecology and wildlife of the area, and can be considered compliant with local plan policies NE3 (Local Biodiversity), NE4 (Trees, Woodlands and Hedgerows). These matters can be controlled by condition specified later in this report.

Drainage, Dewatering and Hydrogeology

Members will note that SEPA raised concerns during the processing of the approved application on the site. These related to the likely significant impact on the upper perched aquifer. The report for the previous approval advised that:

The agent addressed these in the submitted documents titled 'Proposed Extension at Blinkbonny Quarry Revised Phasing Statement and Plans March 2014' and

'Proposed Extension at Blinkbonny Quarry Response to SEPA Objection March 2014'.

The revised phasing statement and plans indicate that the extraction floor final level has been raised to 175 metres Above Ordnance Datum (mAOD) which is above the initial proposed final level of 147m AOD. The hydrogeology report (Hydrogeology of Blinkbonny Quarry, Kelso, Scottish Borders. GeoloGIS Report 2013/09. 10th January 2014) identified the local spring line associated with the aquifer between 168-170mAOD. The revision to final floor levels removes the requirement for working below the water table and as a result SEPA advise that no significant impact upon the aquifer, existing springs or Lurgie Loch is anticipated.

The revisions proposed in the current application would see the proposals revert to 150M ADO, which is closer to the originally intended working level of 147m AOD.

The Technical Note by Peter Brett Associates sets out the Hydrogeological effects on Lurgie Loch SSSI from deepening the quarry floor. It concludes that the existing quarry abstractions already lower the groundwater level in the quarry to approximately 125m AOD during pumping, which is approximately 50m below the level of Lurgie Loch SSSI. Monitoring data indicated that lowering the groundwater level in the quarry well by as much as 30m had no observable effect on the groundwater levels.

It concludes that the water level in the Lurgie Lock SSSI is predominantly sustained by surface water from the surrounding catchment, and is protected from effects due to dewatering at the quarry through separation by relatively impermeable rock. The Peter Brett report concludes that it is considered that the proposals to deepen the quarry void will not result in significant adverse impacts on the water levels or quality in the Lurgie Loch SSSI.

Following re-consultation on the additional technical details in the Peter Brett associates report, SNH withdrew their objection.

Subject to the under noted conditions, the proposed development is considered compliant with Scottish Borders Local Development Plan Policy EP15 (Development Affecting the Water Environment).

Impact on built and historic environment

There are no immediate archaeological implications for this proposal and no archaeological mitigation measures are required.

There are a number of listed buildings close to the proposed development site. Historic Scotland and the Council's Heritage and Design Officer do not object to the proposals, as it is considered that the proposed quarrying would not have an adverse impact on the setting of these listed buildings.

The proposals are therefore considered acceptable in terms of impacts on the built and historic environment, and the development is considered, subject to conditions, compliant with policies EP7, EP8 and EP9 of the LDP.

Impact on Residential Amenity

No objections were received to the current application. Two objections had been received from local residents to the 2014 approval. These objections related to health effects of the development, noise, air pollution, dust, and drainage.

These were considered at the time, and the current application to revise the final depth of the quarry does not raise any fresh issues.

The proposed extension to the quarry workings would not be carried out in any more intensive a fashion than the existing operations. The Council's Environmental Health Officers have advised that the development can be supported subject to the imposition of planning conditions as noted in their consultation reply.

Planning conditions are present on the existing consent, regulating a wide range of matters, such as prevention of mud, dust and other material being carried outwith the site, in the interests of road safety, and noise and would be appropriate in this instance to replicate the relevant condition in an amended decision.

Subject to the under noted schedule of conditions, the proposed development is considered acceptable in terms of impact on residential amenity, and compliant with policies PMD2 and HD3 of the LDP.

Assessment in terms of Road Safety

The Roads Planning Service does not raise any objections to the proposed modification of condition. It is considered that the proposed increase in depth of the quarry, will not intensify its use and the resultant number of vehicular movements would remain as per the original permission. The impact on the surrounding public road network will be no greater than the earlier consent and as such, the proposed mineral extraction will not conflict with the qualify criteria of Policy ED12 of the LDP.

Aftercare and Restoration

Members will note from the papers that a restoration plan was submitted by the applicant. This shows, in basic terms, how the extended site will be restored following extraction. The plan identifies areas of proposed planting, proposed contours, wet features and tracks however a condition, as suggested below, would ensure that detailed plans for the restoration and the after care of the site are submitted for our approval. A condition requiring details of a Restoration Bond is also suggested. This would be consistent with the earlier consent.

CONCLUSION

The proposed development complies with the Local Development Plan policies for economic development and minerals development in the countryside.

It is considered that the proposal will not have a significant adverse impact on local biodiversity, the surrounding landscape or the setting of nearby listed buildings, subject to appropriate mitigation measures being put in place. The deepening of the proposed workings does not raise any insurmountable issues and the visual impact of the increased depth of extraction would have no greater landscape or visual impact than the current operations.

It is considered that the proposals comply with national and local policies in relation to mineral workings, and that subject to conditions to ensure appropriate regulation, monitoring and mitigation, that the development would not have any significant adverse impacts on the site or surrounding area, including surface water drainage, landscape, listed buildings and the amenity of neighbouring properties.

As this consent seeks to modify a condition attached to an earlier minerals permission it would be appropriate to replicate the original schedule of conditions (with minor modifications to drawings numbers and maximum floor depth of the quarry).

RECOMMENDATION BY CHIEF PLANNING OFFICER:

I recommend that the application is approved subject to the following conditions and informatives:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
2. A site notice or sign shall be displayed in a prominent place at or in the vicinity of the site until the completion of the development, which shall be readily visible to the public, and printed on durable material. The Notice shall take the following form:

Development at (Note 1)

Notice is hereby given that planning permission has been granted, subject to conditions (Note 2) to (Note 3) on (Note 4) by Scottish Borders Council.

The development comprises (Note 5)

Further information regarding the planning permission, including the conditions, if any, on which it has been granted can be obtained, at all reasonable hours at Scottish Borders Council, Headquarters, Newtown St. Boswells, Melrose. Telephone (01835) 825060, or by visiting <http://eplanning.scotborders.gov.uk/publicaccess>, using the application reference (Note 6).

Reason: To ensure compliance with Section 27C of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

Timescale and Phasing

3. Planning permission is granted for a period of 22 years from the date of the commencement of the development. Unless an application is made and granted for its continuation or extension, the working of the quarry and all ancillary operations shall be discontinued within 22 years of the date of commencement of the development.
Reason: To ensure satisfactory development of the site and to safeguard the amenity of the area.

4. The development shall be carried out in accordance with the approved scheme of working detailed in the amended phasing plans (7706A, 7707A, 7708A, 7709A, 7710B, 7711B, 7712B, 7713A, 7715A) except as far as the information is amended by any of the following conditions, or where subsequently agreed in writing with the Planning Authority. The maximum floor depth is to be as shown on the approved plans, and in any event, no lower than 150 metres Above Ordnance Datum unless first agreed in writing by the Planning Authority.
Reason: To ensure the development of the site is carried out in the manner considered by the planning authority.
5. The hours of operations for all working, with the exception of measures required in an emergency situation, servicing, maintenance and testing of plant, shall be limited to the hours of 0800 hours to 2000 hours Mondays to Fridays and 0800 hours to 1200 hours on Saturdays and not at all on Sundays, unless with the prior agreement of the Planning Authority. In addition, no operations shall be permitted on 25 and 26 December and 1 and 2 January.
Reason: In the interests of amenity.

Ecology

6. A tree/shrub planting scheme together with a scheme to compensate for loss of woodland consistent with FCS policy on the control of woodland removal shall be submitted before the development commences for approval by the Planning Authority, the planting to be carried out concurrently with the development of during the next planting season thereto and to be maintained thereafter. The scheme is to make detailed provision for the formation of the northern landscape planting which is to be undertaken within 12 months of the approval of the details by the Planning Authority. Any works shall thereafter be carried out in accordance with the approved scheme.
Reason: To maintain and enhance the visual amenities of the area, and ensure suitable provision of compensatory planting.
7. A checking survey for otter, bats, badger, and birds shall be shall be carried out and submitted to and approved by the Planning Authority before development commences. The survey shall include a scheme of mitigation where necessary and, once approved, the measures shall be carried out in accordance with the approved scheme. Unless otherwise agreed in writing with the Planning Authority as part of the scheme of mitigation, no works shall be carried out during the bird breeding season (March-August)
Reason: To minimise the potential impact of the development on breeding birds
8. A Landscape and Habitat Management Plan shall be submitted to and approved in writing by the Planning Authority before the development commences. Once approved, its requirements shall be carried out on site in full to a programme set out in the agreed plan.
Reason: To compensate for potential habitat loss associated with the development
9. A Breeding Bird Protection Plan to be prepared and submitted to the Planning Authority prior to the commencement of development on the extension site. The plan is to set out procedures to be followed in order to prevent disturbance to breeding birds.
Reason: To minimise the potential impact of the development on breeding birds.

10. An Ecological Clerk of Works shall be appointed to carry out pre-construction surveys, to inform a Species Mitigation and Management Plan and an Environmental Management Plan and to oversee compliance with the SMMP and EMP.
Reason: To minimise the potential impact of the development and compensate for potential habitat loss associated with the development
11. Prior to the commencement of works a Species Mitigation and Management Plan (including otter, badger, bats, breeding birds, reptiles and amphibia) is to be submitted for the approval in writing by the Planning Authority. Any works shall thereafter be carried out in accordance with the approved scheme.
Reason: To compensate for potential habitat loss associated with the development
12. All soils shall be retained on the site and none shall be sold off or removed from the site.
Reason: To enable sound restoration; to minimise the movement of soils and to minimise traffic movement outwith the site.
13. Any oil fuel, lubricant, paint or solvent within the site shall be stored within a suitable bund or other means of enclosure, constructed to the satisfaction of the Planning Authority to prevent such material from contaminating top soil or sub-soil or water course.
Reason: To protect land and water courses from damage by polluting agents.
14. Unless otherwise agreed in writing with the Planning Authority, no water from the site shall be discharged into any ditch, stream, watercourse or culvert outside the site except through approved settlement lagoons.
Reason: To safeguard the natural drainage of the area.

Fencing

15. Prior to the commencement of the development, details shall be submitted to and approved by the Planning Authority of all perimeter fencing. This fencing to be maintained in good condition during the period of operations.
Reason: In the interests of public safety.

Permitted Development Rights

16. Notwithstanding the provisions of Part 16 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, as amended, no buildings, plant or machinery, including that of a temporary nature, shall be erected, placed or installed without the prior consent of the Planning Authority.
Reason: In order that the Planning Authority retains effective control of the development in the interests of amenity.
17. No extraction or encroachment of machinery or deposit of equipment, spoil or other material to be permitted outwith the site boundaries.
Reason: In the interests of amenity.

After Care and Restoration

18. No development shall commence until the Company provide to the Planning Authority details of the bond or other financial provision which it proposes to put

in place to cover all decommissioning and site restoration costs on the expiry of this consent. Thereafter:

- (a) No development shall commence on the site until the Company has provided documentary evidence that the proposed bond or other financial provision is in place and written confirmation has been given by the Planning Authority that the proposed bond or other financial provision is satisfactory.
- (b) The Company shall ensure that the approved bond or other financial provision is maintained throughout the duration of this consent.
- (c) The bond or other financial provision will be subject to a five yearly review, paid for by the Company, from the Commencement of Development, to be conducted by a competent independent professional who has relevant experience within the quarrying sector and provided to the Company, the landowners (if different), and the Planning Authority.

Reason: To ensure suitable provisions are made for restoration of the site, and to minimise the longer term visual impacts of the development

19. A detailed scheme for the restoration and the after care of the site to be submitted and approved by the Planning Authority within 12 months of the date of commencement of the development. This will provide full details of final restoration contours, levels and gradients, provide for satisfactory reinstatement of surface drainage and include details of any hedges, walls, fences and soil replacement. The scheme of restoration to be completed in a timescale to be agreed with the Planning Authority.

Reason: To ensure the satisfactory restoration of the site.

20. Unless otherwise agreed with the Planning Authority no landfill or waste shall be deposited on the site other than quarry waste arising from the site or soil forming material.

Reason: To safeguard the amenity of the surrounding area.

21. A Restoration Habitat Management and Enhancement Plan, including measures for native woodland, grassland, wetland habitat and open water is to be submitted for the approval in writing by the Planning Authority. Any works shall thereafter be carried out in accordance with the approved scheme.

Reason: To compensate for potential habitat loss associated with the development

Blasting and Noise

22. Prior to any blasting taking place the occupants of residential properties in identified noise sensitive locations and the Planning Authority shall be given 24 hrs notice of any blasting to be carried out on the site. The location of the noise sensitive properties shall be agreed with the planning authority before each blast.

Reason: In the interests of neighbouring amenity, and proper management of blasting operations.

23. During operational hours a free field limit of $L_{Aeq, 1hr}$ 45dB shall be applicable to all quarry operations excluding soil and overburden handling and works in connection with drilling of blast shot holes at the nearest noise sensitive property. (For clarity the nearest noise sensitive property includes those owned by the applicant namely Blinkbonny Farm and Blinkbonny Cottages).

Reason: In the interests of neighbouring amenity at the nearest noise sensitive properties.

24. During operational hours a free field limit of $L_{Aeq, 1hr}$ 55dB shall be applicable to soil and overburden handling and works in connection with drilling of blast shot holes at the nearest noise sensitive properties. (For clarity the nearest noise sensitive property includes those owned by the applicant namely Blinkbonny Farm and Blinkbonny Cottages).

Reason: In the interests of neighbouring amenity at the nearest noise sensitive properties.

25. Prior to the commencement of works the applicant must submit for approval a noise management plan for the site to the Planning Authority. Once approved this will become the noise management plan for the site and must be adhered to. (See informative for information on what should be included in the plan).

Reason: In the interests of neighbouring amenity at the nearest noise sensitive properties.

26. Prior to the commencement of any works full details of the noise screening bund, including a timetable for implementation on site, must be submitted to and approved in writing by the Planning Authority.

Reason: In the interests of neighbouring amenity at the nearest noise sensitive properties.

Dust

27. All plant and machinery on the site will be installed and maintained in such a manner as to minimise the release of dust and whenever possible incorporate dust suppression and collection equipment. Dust levels arising from the site operations shall be monitored by the operator in conjunction with the Planning Authority for a period of 6 months following the commencement of works at this site. Any further dust suppression measures identified by the Planning Authority shall be implemented by the operator within 2 months of the date of identification, unless an additional period of time is agreed in writing with the Planning Authority.

Reason: In the interests of neighbouring amenity at the nearest noise sensitive properties.

28. Mud, dust and other material spilt or otherwise deposited by vehicles leaving the quarry shall be swept and collected from the quarry's main haul road.

Reason: In the interests of amenity.

29. All exposed stockpiles of processed mineral and all active quarry waste tips shall be sprayed with water by the use of efficient water sprays to minimise the release of dust into the air.

Reason: In the interests of amenity.

30. Vehicle wheel cleaning facilities shall be retained throughout the operation of the quarry, the siting and design of which shall be subject to the prior approval of the Planning Authority.

Reason: To ensure material from the site is not deposited on the A road to the detriment of road safety

Informatives

1. The Notes above should be completed for Condition 2 as follows:
 - Note 1:* Insert address or describe the location of the development
 - Note 2:* Delete “subject to conditions” if the planning permission is not subject to any conditions
 - Note 3:* Insert the name and address of the developer
 - Note 4:* Insert the date on which planning permission was granted (normally the date of this Notice)
 - Note 5:* Insert the description of the development.
 - Note 6:* Insert the application reference number.
2. The Noise Management Plan should be based on the guidance available in PAN 50 Annex A Control of Noise at Surface Mineral Workings and BS5228:2009. It should include:
 - Details of how complaints will be logged and investigated at the site.
 - The maintenance of equipment to prevent unnecessary noise.
 - The methodology for noise monitoring in the event that a justified noise complaint is received by the applicant or local authority.
 - The methodology that will be used to notify the local authority and noise sensitive properties that blasting will occur.
 - Details on how the site will be operated in accordance with current guidance (i.e. BS5228:2009) particularly in relation to blasting and noisy works such as soil and overburden handling and works in connection with drilling of blast shot holes.
3. Attention is drawn to the consultation responses received with this application.
4. This planning permission does not purport to grant consent under any other legislation or Regulations operated by bodies other than the Planning Authority, including Scottish Natural Heritage, the Scottish Environmental Protection Agency, the Water Authority, and any other Department of Scottish Borders Council (This list is not exhaustive).
5. The proposed works are largely screened by surrounding vegetation and landform and screen planting is proposed for the relatively minor visual impacts that will occur out with the site. The Restoration Strategy accompanying the application provides a workable vision of the finished site condition. However, it is considered that any further extension of Blinkbonny Quarry beyond this application proposal could be problematic in landscape and visual terms.

DRAWING NUMBERS

| Drawing Number | Title |
|-----------------------|--------------------------|
| 7700 B | Location Plan (1:50,000) |
| 7701 B | Location Plan (1:10,000) |
| 7709 B | Existing Extraction |
| 7710 B | Phase 4 |
| 7711 B | Phase 5 |
| 7712 B | Phase 6 |
| 7713 B | Extraction Sections |
| 7715 B | Reinstatement sections |
| 7716 B | Restoration plan |

Approved by

| Name | Designation | Signature |
|-------------|------------------------|------------------|
| Ian Aikman | Chief Planning Officer | |

The original version of this report has been signed by the Chief Planning Officer and the signed copy has been retained by the Council.

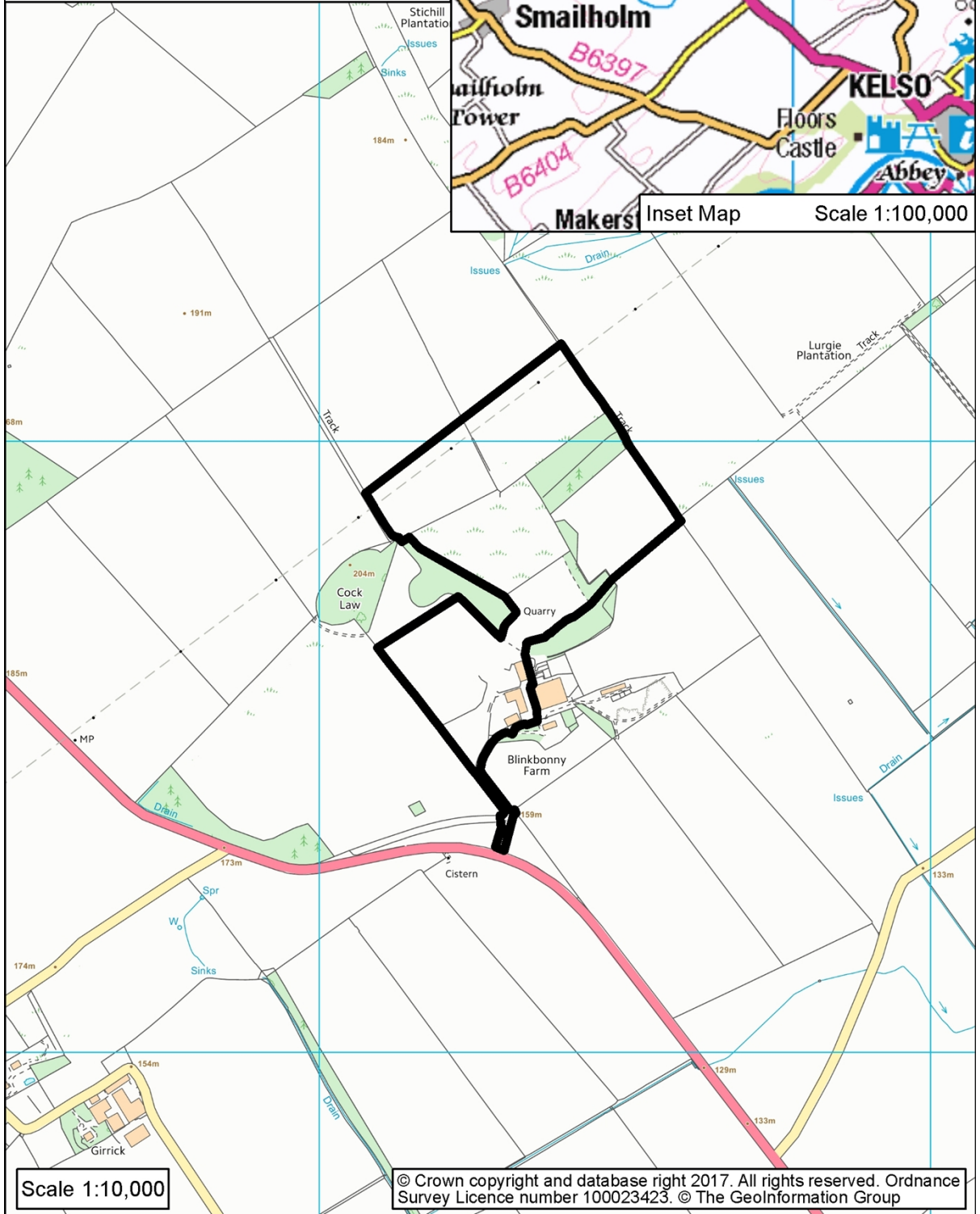
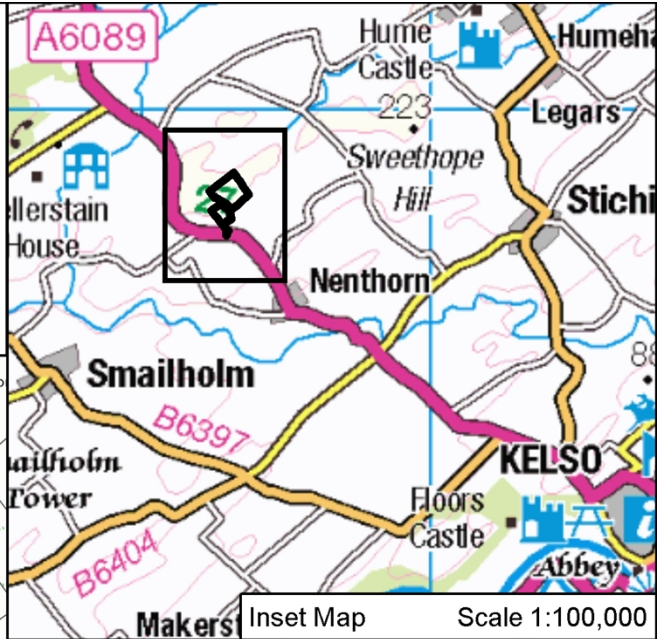
Author

| Name | Designation |
|--------------|--------------------|
| Andrew Evans | Planning Officer |



17/00457/MIN

Blinkbonny Quarry
Kelso



Scale 1:10,000