

**SCOTTISH BORDERS COUNCIL**

**PLANNING AND BUILDING STANDARDS COMMITTEE**

**2 AUGUST 2021**

**APPLICATION FOR PLANNING PERMISSION**

<b>ITEM:</b>	<b>REFERENCE NUMBER:</b> 21/00222/FUL
<b>OFFICER:</b>	Mr C Miller
<b>WARD:</b>	Tweeddale East
<b>PROPOSAL:</b>	Extension of existing quarry for mineral extraction
<b>SITE:</b>	Edston Quarry, Peebles
<b>APPLICANT:</b>	Tillicoultry Quarries Ltd
<b>AGENT:</b>	Dagleish Associates Limited

**PLANNING PROCESSING AGREEMENT**

A Planning Processing Agreement exists for extension to decision up until 2 August 2021.

**SITE DESCRIPTION**

The site comprises of the existing Edston Quarry and land to the north and east of the quarry, located 1.4km west of Peebles on the northern side of the Tweed Valley and accessed via the existing junction with the A72, west of Neidpath Castle. The current site boundary comprises of 10 hectares of excavated quarry and coniferous woodland to the north-east, above the quarry void. The existing quarry occupies land between 187m AOD and 275m AOD, rising to the higher summit to the rear of the quarry, at 295m AOD. This application extends the site area by a further 3.5ha, most of it currently being coniferous plantation

The quarry is surrounded by forestry and rough grazing land with more arable land within the valley floor. The nearest residential properties are isolated houses to the east and south-west of the quarry, at distances between 425m and 550m.

The site lies within the designated Upper Tweeddale National Scenic Area and immediately north of the River Tweed SAC/SSSI.

**PROPOSED DEVELOPMENT**

The current quarry is a hard rock quarry producing greywacke and claystone for road surfacing and the construction industry. The applicant has an asphalt plant at Newtongrange which utilises aggregate from Edston. The quarry is a firm contributor to the quarry landbank supply within the SESPlan area but, within its current extent, has approximate reserves for only one more year of extraction. The extension proposal would allow a further 21 years of extraction plus a further year for completion of restoration, yielding 2.2 million tonnes of hard rock. The current extraction area will be expanded from 5.1ha to 9.1ha, across six phases of work during the operating lifetime.

The general approach is to excavate the northern part of the quarry first in four phases, the works generally being screened by a southern spur of hillside until this is then

removed in the final two phases, the remaining 3.6 years of the operating life. In the meantime, there will be progressive restoration of each phase to ensure that impacts are minimised once the final phases of the quarry are reached and the southern spur is removed. The extension will require the felling of 3ha of trees although felling is also part of the landowner's felling licence for the plantation. To compensate, 0.24ha of woodland will be relocated and 0.7ha newly planted to link in with the woodland north and west of the extension.

A full restoration scheme is included within the submitted drawings and Environmental report, detailed in Section 4 and Figure 3.7. Slopes will be shallower than excavated faces and native woodland restoration is the main objective, together with grassland and bare rock screes for ecological reasons and some shrub planting. Aftercare and deer management will occur for a five year period from restoration.

The method of working is based upon production of 100,000 tonnes of aggregate per annum which equates to the same 28 daily HGV movements and hours of operation ie. 7am-7pm Monday to Friday and 7am-1pm Saturday. Lighting will follow best practice and noise/blasting will comply with the limits agreed by Environmental Health.

The application is classed as a 'Major' development under the Hierarchy of Developments (Scotland) Regulations 2009. The applicants publicised and held a public event in December 2019 in Peebles as well as consultation with Peebles and District Community Council, Manor, Stobo and Lyne Community Councillors and the Ward (and adjoining Ward) Councillors.

The outcome of the public consultation exercise has been reported in a Pre-Application Consultation Report submitted with the application. The requirements of the Development Management Procedure (Scotland) Regulations 2013 have now been satisfied.

The application was screened under the Environmental Impact regulations but it was concluded that an Environmental Impact Assessment was not required. However, the applicant has submitted a full "Planning and Environmental Review" Report to support the application in addition to the PAC Report, plans and drawings. The Report contains eight appendices including viewpoint visualisations, an ecology survey, noise/blasting assessments, cultural heritage assessment and waste management proposals. The Report and all appendices can be viewed on Public Access. Their findings are taken into account in the relevant sections of this report below.

## **PLANNING HISTORY**

The site has been quarried since at least the 1850s and was subject to consents in 1952 for the County Council and 1976 for the Regional Council, to continue quarrying and extend the quarry. After cessation of quarrying in 1986, Leiths (Scotland) Ltd renewed the minerals workings and recommenced quarrying in 2005, receiving planning permission in 2012 (09/00938/MIN) for a northerly extension to the quarry for 15 years, revoking a previous extension to the east.

The current applicant acquired the quarry in 2014 and received consents in 2018 for widening of the internal access road (15/00013/FUL) and modifying the method of working (16/00486/FUL). The applicant then underwent pre-application consultation with the Department and Nature Scotland leading to the submission of the current application for further quarry extension, seeking a further 22 years of extraction.

## **CONSULTATION RESPONSES:**

### **Scottish Borders Council Consultees**

**Roads Planning:** No objections. Junction was upgraded in 2005 and proposal will not change rate of output or significantly increase traffic.

**Forward Planning:** No objections. Proposals need to be assessed against Policy ED12, SESPlan guidance and issues relating to the National Scenic Area and archaeology. Progressive restoration and aftercare should be safeguarded financially, including review at regular intervals. Accepts this is an extension to an existing quarry but economic benefits of extraction should be weighed up against community and environmental impacts.

**Landscape Architect:** Concerned at the impacts of the quarry on the local landscape and NSA, especially in Phases 5/6 when the southern spur of hillside is removed. Requires a more persuasive and detailed landscape restoration plan together with a more focussed method statement. Also recommends amendment to the intended restored landform, expressing concern over the final engineered and unnatural form proposed.

Upon receipt of additional information, accepts that blasting will create a less engineered and uniform final restoration profile. Seeks, via condition, more detail on restoration techniques, grassland, woodland and wetland mixes, seeding and planting and a Habitat Enhancement and Management Plan. Also seeks annual audit of the restoration planting within each five year aftercare period per phase.

**Ecology Officer:** No objections but further information required on habitat restoration and compensatory woodland planting. No significant effect envisaged on the River Tweed SAC. A lighting scheme acknowledging the presence of bats is required pre-determination and further mitigation proposals required in relation to badgers. Surveys and Protection Plans required for protected species. No works during the breeding birds season. Requests submission of a Site Dust Management Plan.

Upon receipt of further submissions from the agent, accepts that conditions can cover mitigation relating to bats, lighting, habitat management and compensatory replanting. Considers that a more detailed Site Dust Management Plan is still required but can be secured by condition.

**Archaeology Officer:** Notes that the extension is into ground previously undisturbed, LIDAR revealing possible cultivation, track and older quarry features. Also known to be prehistoric presence in area. Agrees recommendations in submitted Cultural Heritage Assessment for walkover of extension area after tree felling and continuous monitoring of topsoil, through a planning condition securing a Written Scheme of Investigation.

**Environmental Health:** No complaints about existing quarry. Notes and accepts the submitted noise and vibration assessments and raises no objections subject to conditions adhering to the scheme of working, hours of operation, continued dust control and limits on noise and vibration.

**Access Officer:** Response awaited.

**Flood Protection:** SEPA maps show a medium to high risk of surface water flooding in the centre and southern parts of the site but not where the extension is proposed.

Development should attenuate surface water run-off to existing greenfield rates and all containers in the flood risk area be anchored to the ground in an approved manner and fuel tanks raised. Sediment filter proposals required and any culverting must not affect flow conveyance.

### **Statutory Consultees**

**Historic Environment Scotland:** Although there is potential to affect the Scheduled Monument at South Hill Head, no objections.

**Nature Scotland:** No objections. No adverse effects on integrity or objectives of the NSA, albeit some on landform and woodland cover. These effects worst in Phases 1 and 2 for about 7 years but accept impacts are reduced over time with the planned progressive restoration. No impacts on the Tweed SAC/SSSI. Requires methodology for the tree relocation and a management plan for invasive non-native species. Supports retention of common Rock-rose as food for Northern Brown Argus. Protected Species are covered by Standing Advice and badger licence will be required. In terms of birds, the annual peregrine monitoring to continue and no works within the bird nesting season unless a checking survey undertaken.

**Scottish Water:** No objections. Assets are affected and applicant should apply for a diversion. No drinking water impacts. No surface water accepted into combined sewer. Provides further general advice on non-domestic works.

**SEPA:** No objections, proposals do not seem to impact on ground water systems or private water supplies and the quarry appears to be above the water table. Minimal risk to River Tweed with intercepting drainage. Any flood risk is surface water based and this is left to the Council's Flood Risk Team.

**Peebles and District Community Council:** Response awaited.

**Manor, Stobo and Lyne Community Council:** Response awaited.

### **Non-Statutory Consultees**

**Association for the Protection of Rural Scotland:** Response awaited.

**Scottish Forestry:** No objections as the works are phased to alleviate visual impact and the restoration would augment woodland in the NSA. Assesses proposals against Government Policy on woodland removal and the general aims of the Neidpath Long Term Forest Plan, raising questions over consistency with the latter. Also queries benefits weighed against loss of productive forest and the longer term maintenance of the habitat after the initial five year period.

After submission of further information, states that the quarry operator will be responsible for the restocking if permission is granted and notes long term ownership will revert to original landowner. Satisfied with responses on dust management and additional tree species but seeks condition on tree translocation and aftercare.

**RSPB:** Response awaited.

**Scotways:** Response awaited.

**Scottish Wildlife Trust:** Concerned that the presence of common Rock-rose may indicate Northern Brown Argus butterflies and would recommend a summer survey for this species and appropriate tree planting to avoid shading.

**Scottish Badgers:** Badger presence in area justifies a walk over survey if not already done, due to tree loss.

## **REPRESENTATION SUMMARY**

One third party objection has been received on the application on the basis of lack of need, the area having natural beauty and enjoyed by many walkers.

## **DEVELOPMENT PLAN POLICIES:**

### **Scottish Borders Local Development Plan 2016**

Policy PMD1 Sustainability

Policy PMD2 Quality Standards

Policy HD3 Protection of Residential Amenity

Policy ED7 Business, Tourism and Leisure Development in the Countryside

Policy ED12 Mineral and Coal Extraction

Policy EP1 International Nature Conservation Sites and Protected Species

Policy EP2 National Nature Conservation Sites and Protected Species

Policy EP3 Local Biodiversity

Policy EP4 National Scenic Areas

Policy EP5 Special Landscape Areas

Policy EP7 Listed Buildings

Policy EP8 Archaeology

Policy EP10 Gardens and Designed Landscapes

Policy EP13 Trees, Woodlands and Hedgerows

Policy EP15 Development Affecting the Water Environment

Policy EP16 Air Quality

Policy IS2 Developer Contributions

Policy IS4 Transport Development and Infrastructure

Policy IS5 Protection of Access Routes

Policy IS7 Parking Provisions and Standards

Policy IS8 Flooding

Policy IS9 Waste Water Treatment Standards and Sustainable Urban Drainage

Policy IS12 Development Within Exclusion Zones

Policy IS13 Contaminated Land

## **OTHER PLANNING CONSIDERATIONS**

“Biodiversity” SPG

“Trees and Development” SPG

“Development Contributions” SPG

“Landscape and Development” SPG

“Local Landscape Designations” SPG

“Local Biodiversity Action Plan” SPG

“Scottish Borders Woodland Strategy” SPG

“Trees and Development” SPG

“Woodland Creation Advice Note”

SESplan Strategic Development Plan 2013

Scottish Planning Policy

National Planning Framework NPF3  
PAN 50 “Controlling the Environmental Effects of Surface Mineral Workings”  
PAN 51 “Planning and Environmental Protection”  
PAN 60 “Planning for Natural Heritage”  
PAN 64 “Reclamation of Surface Mineral Workings”  
PAN 75 “Planning for Transport”  
PAN 1/2011 “Planning and Noise”  
PAN 2/2011 “Planning and Archaeology”

## **KEY PLANNING ISSUES**

The main determining issues with this application are compliance with Local Development Plan Policies and Supplementary Planning Guidance on mineral extraction, landscape, residential amenity and other environmental impacts including those related to ecology, hydrology and cultural heritage.

## **ASSESSMENT OF APPLICATION**

### Planning Policy

The application for extension to Edston Quarry must be determined in accordance with the provisions of the Development Plan, together with any other material factors, set within a framework of national and sub-regional advice and guidance. The National Planning Framework (NPF3) acknowledges the need for minerals to support the construction industry and Scottish Planning Policy 2014 (SPP) recognises this, whilst ensuring balance against impacts on the landscape and natural environment. It requires Local Development Plans to safeguard and facilitate mineral resources, ensuring an adequate and steady supply is available both locally and as part of the SESPlan area. Paragraph 238 states that Local Development Plans should maintain landbanks of permitted reserves of construction aggregates for at least 10 years, through identification of Areas of Search. SPP also requires the minimisation of impacts on local communities, the environment and built heritage, promoting sustainable restoration of sites to beneficial after-use. Elsewhere in SPP, paragraph 202 requires development to take account of local landscape character and the following paragraph states that planning permission should be refused “...where the nature and scale of proposed development would have an unacceptable impact on the natural environment”.

SPP is supported by various Planning Advice Notes, including PAN 50 “Controlling the Environmental Effects of Surface Mineral Workings” which incorporates Annexes relating to Noise, Dust, Traffic and Blasting. Relevant PANs to this planning application are also PAN 51 “Planning and Environmental Protection”, PAN 60 “Planning for Natural Heritage”, PAN 64 “Reclamation of Surface Mineral Workings” and PAN 1/2011 “Planning and Noise”.

Turning to the Policy background in relation to the Development Plan, SESPlan 2013 reiterates the support of SPP for mineral safeguarding and need for adequate landbank of reserves through Areas of Search within the SESPlan area. Because the Edston quarry site is within the National Scenic Area, it lies outwith the Area of Search and within an Area of Significant Constraint. However, paragraph 102 of SESPlan does state that any extraction outwith an Area of Search should either be small scale or extensions to existing sites. Clearly, the existence of an active quarry outwith an Area of Search, should still carry weight in Policy terms if the proposal is to extend that quarry – especially as the proposal follows on from a previous extension proposal.

As further background to the issue of a 10 year minimum landbank of reserves, SESPlan produced a Minerals Technical Note in 2015 which, based on information up to 2011, indicated the amount of reserves of hard rock. Two different methods were employed of calculating the landbank, producing varying results from 13.5 years to 34 years of landbank – at 31 December 2010. Problems were identified with both assessments and it was recognised that, whilst 30% of hard rock was exported from quarries within the SESPlan area, there was also imported hard rock from Leith Docks. No further SESPlan minerals surveys or technical updates have been produced.

The Local Development Plan has two specific Policies on mineral extraction, ED11 “Safeguarding of Mineral Deposits” and ED12 “Mineral and Coal Extraction”. Policy ED12 is the main Policy applicable to this application. It firstly identifies Areas of Search outwith Areas of Moderate or Significant Constraint, then it lists a series of criteria and circumstances where mineral extraction would not be permitted, as advised by SPP. There is no distinction with regards to new or existing quarries so it must be assumed the Policy applies to both.

The criteria cover the following circumstances:

- Special Areas of Conservation/Special Protection Areas
- National nature designations such as SSSIs
- Local nature and historic interests
- Quarrying within 500m of settlements and local landscape character
- Impact on the local economy
- Road capacity
- Cumulative impacts

A number of the criteria are required to be weighed up against the need and public benefits of extraction, especially the natural heritage and environmental criteria. However, this would only be where there is proven to be a significant adverse effect which cannot be mitigated. As this report will analyse and demonstrate, those effects will not be considered to be so adverse or affecting the fundamental integrity of the environmental or natural assets as to require testing of the benefits of the quarry against the impacts identified.

The need for the minerals, therefore, is not challenged in this instance. It is accepted that there is a requirement to maintain a minimum ten year landbank of permitted reserves for the construction and other industries and that, provided the environmental impacts are acceptable, it makes more sense in land-use conflict terms to allow continued extraction at existing quarries. The current position with regard to the landbank position is not known across the SESPlan area as the figures and information are out of date. Whilst the Minerals Technical Note concluded anything from 13.5 years to 34 years reserves at the end of 2010, this only reflected projected outputs from existing quarries and did not reflect the SPP requirement of reserves being identified through Areas of Search – which have been identified in Policy ED12.

Ultimately, there is no Development Plan requirement in this instance to test the need issue under Policy ED12 as it will be shown in this Report that there will be no materially damaging impacts on the environmental and historic assets that would trigger the requirement to weigh up against the need and economic benefits of quarry extension and continued extraction. The most relevant criterion within Policy ED12 is c) relating to potential impacts on the Upper Tweeddale National Scenic Area and the following section of this Report will assess the proposals against this part of Policy ED12 as well as the specific NSA Policy EP4.

The other criteria within ED12 will also be assessed in the relevant sections below, with the exception of the criterion relating to potential damage to the local economy in terms of tourism, leisure or recreation. The criterion states that minerals extraction will not be permitted where it damages those sectors of the economy to any “unacceptable extent”. It does not require any assessment of any other elements of the economy nor does it state that extraction that causes damage to an acceptable extent would be refused.

Clearly, any impacts on tourism, leisure and recreation would already exist as a result of the presence of the existing quarry. Whilst there is no evidence that its presence is deterring visitors or impacting on users of the roads, paths, forests and hills surrounding the site, it should be acknowledged that the impacts are possible. However, the impacts are already present and although the quarry will continue for a longer period and involve a greater landtake, the progressive restoration and careful phased approach should minimise any additional detrimental impacts on tourism and recreation attributable to the extension itself. The Planning and Environmental Review Report acknowledges some impacts from Core Paths but does not consider that there will be any impacts on tourism or recreation.

As the extension will simply continue the same level of rock production, but for a longer period, users should not notice any difference to the existing quarry in terms of day to day operations. Any greater impacts will be more visual from the paths, hills and roads surrounding the site, especially to the west and south. These impacts are discussed in the Landscape section of this report but are not considered to be so significant as to damage the tourism and leisure economy to an unacceptable extent especially in consideration of the fact that Peebles will remain largely unaffected. Visual impacts are minimal until Phases 5 and 6 and, even then, progressive restoration and ultimate reshaping of the current visible quarry faces will mitigate those impacts to acceptable levels. The surrounding woodland will also be restored and replenished under the Long Term Forest Plan. This assessment is largely influenced by the fact that a hard rock quarry exists at the site and is actively being worked with a degree of current impact – particularly as a northerly extension to the quarry (deeper but keeping the southern spur) was already previously approved in 2012.

### Landscape

The issues of visual and landscape impact are probably the most important and significant issues in relation to this proposal, due to the location of the site and existing quarry within the Upper Tweeddale National Scenic Area. Any development must comply with the specific LDP Policy EP4 which states that development will only be permitted where:

- The objectives of designation and the overall landscape value of the site and its surrounds will not be compromised, or
- Any significant adverse effects on the qualities for which the site or its surrounds have been designated are clearly outweighed by social or economic benefits of national

Although EP4 is the principle landscape protection Policy, PMD1 “Sustainability” seeks to protect natural resources, landscapes, habitats and species. PMD 2 “Quality Standards” also seeks development that incorporates appropriate landscape mitigation to aid integration into the surroundings. The “Minerals” Policy ED12 also contains control over any



impacts on designated landscapes and National Scenic Areas unless either the impacts are not materially damaging or there is a public interest in the proposal that outweighs the underlying reasons for the landscape designation.

Tree protection is specifically covered by Policy EP13 which seeks to resist any development that would result in the loss of the woodland resource, unless there is either a justifiable public benefit or appropriate replacement compensatory planting proposed,

The application has been submitted with a Planning and Environmental Review Report incorporating a full Landscape and Visual Impact Assessment (LVIA) which contains a series of photomontages and visualisations from a number of viewpoints throughout the NSA, accompanied by a ZTV Plan. The Report also includes a set of Restoration and Aftercare proposals which detail how the site will be both progressively restored during phased working and, also, at the completion of the 22 year quarry operating life. This also details plans and cross sections in each of the six phases of the quarry extension.

The LVIA concludes that the existing quarry already has a moderate to major landscape impact, the significance of which is highly attributable to it being within the National Scenic Area. Previous workings have retained high steep quarry faces, detracting from the landscape character of the NSA. The proposed quarry extension is forecast to have a slight to moderate impact on the landscape, reducing to slight following phased development, restoration and aftercare. The intention is to progressively restore as each phase is carried on behind the south-facing quarry faces, before that is broken through in later phases, thereby improving the slopes and vegetation on the new quarry faces and minimising exposure of freshly excavated faces.

The viewpoints submitted to show visual impact have been chosen, largely south of the quarry, to represent impacts on receptors in the area, the Planning and Environmental Review Report concluding that the impacts will affect relatively few, those impacts being moderate at worst from some of the viewpoints. These impacts are expected to reduce as restoration occurs, both on the new quarry faces but also as replenished woodland on the edges of the extraction area.

The Zone of Theoretical Visibility (ZTV) Plan shows theoretical visibility of the fully excavated six phase scheme, although does not account for any vegetation or tree cover. It shows both the areas that could be expected to view the quarry faces after excavation but also, in addition, those areas that may just notice a change in ground profile or topography. In general, the existing and proposed quarry faces are south facing and, therefore, greatest visibility will be from the south. Impacts will be particularly noticeable from the Kirkton Manor public road, the northernmost stretch of the B712 Stobo Road and to recreational users of the hills and footpaths to the south, including the John Buchan Way and Manor Sware car park/viewpoint. There will be relatively little impact from North, East or West, including no visibility from the Meldons Road and only changes to land profile theoretically visible from Peebles itself – albeit not when existing and proposed replacement forestry is taken into account.

The chosen viewpoints and photomontages within the NSA are informed by the ZTV and are, as follows:

#### Viewpoint 1 – John Buchan Way

The greatest visual impacts are likeliest from this viewpoint as it is in close proximity and looking into the quarry from the south at some elevation. The LVIA envisages low-medium impact and a moderate change to view impacting on relatively few people. Whilst this is accepted, the sensitivity of the users on the John Buchan Way is high albeit they already look straight into the existing quarry faces. Whilst the intervening ridge between earlier and later phases of excavation will not be very effective as a screen from this viewpoint and there is a linear expansion of excavated quarry faces, the ridge of the hill behind the excavation is still retained. The intended progressive restoration and improved existing quarry faces will greatly reduce the impacts from this location over the operating life of the quarry and beyond.

#### Viewpoint 2 – Kirkton Manor Road

The LVIA again states that the impact would be low-medium from this viewpoint, affecting relatively few viewers and creating a slight change to view. This viewpoint is also due south in relatively close proximity and looks into the existing quarry face. However, the intervening ridge does protect public impacts for the first four phases of the quarry extension, only from Phase 5 will those impacts be increased. Those impacts are again mitigated by the intended progressive restoration.

#### Viewpoint 3 – Manor School House

The LVIA states the impacts from here to be low, with a slight change to view and relatively few viewers. The viewpoint is more distant and somewhat similar to the line of view from viewpoint 2, the intervening ridge remaining important in screening phases 1-4 and progressive restoration important once the ridge is removed from phase 5.

#### Viewpoint 4 – Caverhill

The LVIA envisages the impacts to be low to medium with a moderate to slight change to view affecting few people. This is a very lightly used road and as it is a side view from the south-west, the intervening ridge is less effective as a screen. Whilst some of the rock/scree faces will be visible as part of the restoration plans, the eastern ridge will remain as backdrop and, combined with progressive restoration, will minimise landscape impacts from this location.

#### Viewpoint 5 – Haswellsykes

The LVIA states low impacts and negligible change to view with few viewers. Whilst this is agreed, the intervening ridge is not effective from this viewpoint and the reduction in the sloping ridge will be noticeable, particularly in the earlier phases. However, the intervening forestry will reduce the landscape impacts.

#### Viewpoint 6 – Hamildean Hill Track

The LVIA states low impact and negligible change to public view with few viewers impacted. This viewpoint is relatively distant and, whilst the existing faces of the quarry are not noticeable at present, the proposed excavations will be visible, albeit on a limited basis. Nevertheless, the backdrop of the hill behind will remain.

#### Viewpoint 7 – Edston Hill

The LVIA states low impact and negligible change to public view with few viewers impacted. There will be a noticeable loss of foreground ridge in the earlier extraction phases but the later phases will not be visible at all from this location. The western edge new planting will also greatly reduce visual impact.

#### Viewpoint 8 – Manor Sware car park

The LVIA envisages low impact and a negligible change to view impacting on relatively few people. Whilst this is accepted, the sensitivity of the users from the car park is high albeit they already look straight into the existing quarry faces. There will be some loss of ridge undulation but the biggest changes will be in Phases 1-4.

These photomontages and viewpoints have also been backed up by a series of photographic images comparing the existing quarry with the final Phase 6 position. As assessed above, these images confirm that the greatest impacts are likely to be from close to the south of the site ie. Viewpoints 1, 2 and 4. The lowest impacts will be from viewpoints 5-8, from directions not directly facing into the quarry from the South and South-West.

The LVIA concludes that the existing quarry already has a major visual impact on the landscape of the NSA with unsympathetic high quarry faces visible to the south. However, it considers that in breaking through the old faces into the new extraction area, this then allows for more effective restoration, working from the top down and allowing those new faces to be progressively restored before new extraction faces are exposed. This will result in moderate visual impacts at worst, receding to slight impacts in the longer term, further mitigated by woodland planting on the quarry faces, void and surrounds.

The restoration and aftercare proposals are detailed in Section 4 of the Planning and Environmental Review, the six progressively restored phases shown in Figures 3.1 – 3.6 and a final restoration plan shown in Figure 3.7. The proposals are aimed at supporting the Local Biodiversity Action Plan by introducing native woodland. The quarry slopes will be restored to around 38 degrees and will be formed with shrub, grassland, bare scree and scattered woodland. The woodland will be cell grown in recognition of the thin soils and designed to merge with earlier planting to the west of the site, comprising of large proportions of Scots Pine, Norway Spruce and a mixture of native species.

Aftercare proposals are also detailed in Section 4 and provide for maintenance of the restoration carried out in each phase for a period of five years. The agent argues that the design of the restored landscape is meant to be self-sustaining and would not require any maintenance beyond the five

years of each phase. However, an appropriate restoration guarantee (bond) is accepted via a Legal Agreement, which will be regularly reviewed to ensure it will cover the restoration costs, The agent also does not rule out replacement of any failed planting beyond a five year period.

Consultees on the application in relation to landscape and National Scenic Area impact include Nature Scot (formerly Scottish Natural Heritage) and the Council's Landscape Architect. Members will note that Nature Scot have a responsibility for protecting the National Scenic Area and advising the Council on any developments that could have significant impacts. They envisage no adverse effects on the integrity or objectives of the National Scenic Area, albeit they identify some on landform and woodland cover. They consider these effects to be at their worst in Phases 1 and 2 for about a 7 year period but then accept that impacts are reduced over time with the planned progressive restoration. Ultimately, they do not object.

The Council's Landscape Architect initially expressed concern at the impacts of the quarry extension on the local landscape and National Scenic Area, especially in Phases 5/6 when the southern intervening spur of hillside is removed. She sought a more persuasive and detailed landscape restoration plan together with a more focussed method statement. She also recommended amendment to the intended restored landform, expressing concern over the final engineered and unnatural form proposed.

Taking into account the LVIA and details of the phasing, extraction and aftercare, the views of the Landscape Architect were key because, whilst there was a landscape screening benefit in the planned phasing and progressive restoration, the good practice text and descriptions in the Planning and Environmental Review Report were not necessarily fully delivered in the accompanying Plans and appendices. Furthermore, it was considered that the phasing, restoration completion and aftercare guarantees needed further verification and clarification, to convince that the impacts on the landscape and National Scenic Area would be mitigated to acceptable levels of landscape and visual impact.

These concerns were raised with the agent who subsequently responded in an email dated 8 June which can be viewed in full on the Public Access system. These responses have been passed to the Landscape Architect for comment. The main responses include:

- Responses on pre-application enquiry and from Nature Scot indicate agreement that significant visual effects on the NSA are not likely.
- The loss of the central spur at Phase 5 will reveal progressive planting on Phases 1-3 which will have been completed for up to 18 years and also a 10m quarry face height reduction
- Confirmation that progressive restoration will only be a maximum of one phase behind, controllable by condition
- The maturing of the planting on each progressively restored phase will screen any impression of final landform being unnatural or over-engineered.
- Blasting will be used to produce final restoration slopes which will be far shallower than the 2009 consent restoration proposals

- Five year aftercare will be run from the end of each restored phase although any specific planting failures beyond that will be addressed. An annual audit of the restoration and planting implementation would be accepted as a planning condition.
- Compensatory woodland (outwith the application site) managed by the Long Term Forest Plan and this seems acceptable to Scottish Forestry.
- Habitat Enhancement and Management Plan can be secured through a planning condition.

The Landscape Architect has accepted the additional information. She agrees that blasting will create a less engineered and uniform final restoration profile. However, she also seeks, via condition, more detail on restoration techniques, grassland, woodland and wetland mixes, seeding and planting and a Habitat Enhancement and Management Plan. She has also recommended an annual audit of the restoration planting within each five year aftercare period per phase.

Given the acceptance by the Landscape Architect and the appropriate conditions listed at the end of this report, it is considered that the responses from the agent address any remaining concerns, including agreement on various conditions and securing of an adequate restoration and aftercare programme. With these controls, it is considered that the restored and finished quarry faces, albeit of an extended nature, will actually be a visual improvement over previously consented and worked faces at the site. Impacts will be limited for a large period of the 22 year workings, protected by the intervening spur before phase 5 removes it. Once it is removed, there will have been progressive restoration completed for the first three phases, stretching back up to 18 years and establishment of the planting audited annually. The progressive restoration details will have been agreed by condition and aftercare proposals, including mitigation planting, put in place, both through condition and also through the legal agreement. Ultimately, the current proposal is considered to be a more sympathetic extension to the quarry than the one previously consented in 2012, in terms of impacts on the landscape and National Scenic Area.

With the design of the quarry extension and the various controls in place over phasing, restoration and aftercare, the significance of impacts on the National Scenic Area will be temporary and ever decreasing as restoration planting establishes. The significance is also considered against the current visual impacts of the consented existing scheme. It is concluded that the proposed quarry extension will comply with the various Local Development Plan Policies on landscape and designated landscape area protection.

### Residential Amenity

The impacts of any quarrying activity on residential amenity can be particularly significant and Local Development Plan Policies PMD2, HD3 and ED12 seek to ensure any proposals do not result in significant adverse effects. Whilst PMD2 applies universally and is related to minimising conflict of uses, HD3 relates more to impacts on specific residential areas. ED12 is even more specific and relates only to residential impacts on property within settlements and only then, if within 500m.

Whilst these Policies particularly seek to protect residential amenity from new quarrying proposals, they also apply to any proposals, including extensions to existing quarries. In terms of visual impact, that element of residential amenity has already

been considered under the Landscape section of this report. Noise, air pollution and vibration are the other main issues arising from quarry operation and these have been fully addressed in the relevant sections of the Planning and Environmental Review, submitted with the application, including separate Appendices containing Noise and Blasting Assessments.

The Review explains that the existing quarry, of course, already has a level of impact on surrounding residential property, including blasting of hard rock. However, although the quarry is relatively close to the settlement of Peebles and smaller settlements such as Lyne Station, there are only relatively few houses around the quarry. The Review, Noise and Blasting Assessments take into account Neidpath Toll Cottage (430m from the quarry extension) Edston Cottages (450m) and Edston Farmhouse (550m).

In terms of noise, the existing quarry operates to a 55dB limit when measured against these properties, controlled by planning condition. The Noise Assessment has undertaken noise surveys in the vicinity of the aforementioned properties and, using the guidance in PAN 50, has predicted worst case noise levels. These are very similar and, even slightly lower than current noise levels from the quarry and certainly well below the 55dB suggested by PAN 50 and incorporated in the planning condition. The quarry will also operate to the existing restricted daytime hours of 7am – 7pm Monday to Friday and 7am to 1pm Saturdays, which is why there is no requirement to specify night time noise levels.

The Review Report concludes that the quarry extension will not cause significant issues with regards to noise and can operate comfortably within the stated maximum dB figure. Environmental Health have confirmed that they are not aware of any noise complaints relating to operation of the existing quarry. However, they recommend that conditions are re-imposed on any consent for the quarry extension, controlling the dB limit and the quarry operating hours as mentioned above.

In terms of impacts on residential amenity, air pollution and dust can be another significant issue with quarrying. The Planning and Environmental Review Report assesses the impacts on the nearest houses, taking into account the requirements of Annex B of PAN 50. It identifies the sources of dust associated with the quarry operations, including blasting, drilling, rock crushing and soil processing. It also then identifies mitigation and methods of working which can minimise dust from these operations and assesses climate trends and conditions in the area.

The assessment concludes that the impacts on the nearest houses of dust will be negligible, with the exception of Neidpath Toll Cottage where a slightly adverse effect is identified. However, the assessment concludes that with distance, intervening topography and measures outlined in the Site Dust Management Plan, “*..the potential for any significant dust impact is negligible*” and air quality would remain within regulated thresholds. Environmental Health have again stated that there have been no complaints from residents to operation of the existing quarry but, whilst noting the Site Dust Management Plan in paragraph 10.9 of the Planning and Environmental Review, still require a condition to be re-applied in relation to dust mitigation measures agreed as part of 04/01942/MINCON.

The final significant issue in relation to residential amenity, relates to blasting and vibration. As the quarry produces hard rock aggregate, blasting is an established part of its extraction procedures. Appendix 5 of the Planning and Environmental Review carries out an assessment of blasting at the nearest affected properties, including non-domestic structures such as the Manor Bridge and Neidpath Viaduct. Using advice from Annex D of PAN 50 and the limits imposed by condition on the existing quarry

operations, it concludes that vibration from blasting will still be within the recommended maximum limits. Those limits should be stricter for residential than non-domestic property and there should continue to be monitoring of blasting in terms of compliance with the stated limits.

Environmental Health officers report no complaints from the existing quarrying operations and are content with the assessment carried out for blasting and vibration. They recommend re-application of a blasting condition which limits the vibration levels at the nearest sensitive properties and also allows the Council to seek independent monitoring of vibration levels through prior notification of blasting operations.

Taking all the above issues into account and given the isolated and distant location of the few residential properties that could have amenity affected by the quarry extension, it is considered that the extension can occur without exceeding the various noise, dust and vibration thresholds currently controlled by condition and which can be reapplied to this consent. Subject to those conditions and the mitigation contained within those conditions, it is considered that the residential amenity objectives contained within Policies PMD2 and HD3, can be met by the proposals.

### Access

Local Development Plan Policy PMD2 requires safe access to and within developments. The minerals Policy ED12 also requires the traffic routes to and from the quarry to be suitable in terms of their design, construction and relationship with sensitive properties such as houses. Whilst the application is for an extension to the existing quarry, the current access point onto the A72, west of Neidpath Castle, will continue to be used.

The access was upgraded as part of the quarry reopening in 2005 and is surfaced from the A72 to the weighbridge. There are also shaker bars, drainage and wheel washing facilities to prevent debris and dust reaching the public road. The Planning and Environmental Review report explains that there will be no alteration to either the access or the amount of traffic using the access, as the extraction rate will continue at approximately 100,000 tonnes per annum, which results in 28 HGV movements per day in total. It explains that when the access was upgraded in 2009, the planned annual production was greater at 150,000 tonnes and it was considered that the road system was able to cater safely for the associated traffic.

Roads Planning confirm this by raising no objections to the planning application. They state that the visibility was improved in 2005 and they note that as the production rate stays the same, there should be no significant increases in traffic using the junction or public roads. Although granting the quarry extension means that the traffic generation will continue for a further 22 years, the access and road system are considered able to safely accommodate the continued usage. Existing sensitive receptors alongside the A72 will continue to experience effects of HGV usage for a longer period but this was considered acceptable in previous consent decisions to re-open and extend the quarry. It is also preferable to either increased production resulting in increased traffic or, indeed, the opening of a new quarry elsewhere with new effects.

For the aforementioned reasons, the application is considered to be in compliance with Local Development Plan Policies PMD2 and ED12 in relation to access. The condition relating to continued wheel cleaning, applied to previous consents, should also be applied to this extension proposal.

## Nature Conservation

The relevant nature conservation Policies are EP1-EP3 relating to international, national and local interests as well as protected species. These Policies seek to protect through avoidance, assessment of alternatives or weighting against any particular public need. Mitigation also requires to be assessed in terms of overall net impacts on biodiversity. Policy ED12 also reflects these Policies and their requirements in criteria a) to c). Policy PMD2 Quality Standards also protects biodiversity by seeking the retention or appropriate mitigation/replacement of important natural features and habitats.

The application has been supported by an Ecological Section in the Planning and Environmental Review Statement and by an Extended Phase 1 Survey as Appendix 3. The overall findings are that, subject to mitigation, impacts on ecology will not be significant. This relates to pollution prevention, habitat, amphibians, reptiles, badger, bats, birds, pine marten and red squirrel.

The relevant consultees have commented on the proposals for quarry extension and restoration, including Nature Scot, the Council Ecology Officer, Scottish Wildlife Trust and Scottish Badgers. Nature Scot are content with impacts on the Tweed SAC/SSSI, as is the SBC Ecology Officer who notes the dust management proposals and the buffer distance from the site.

In terms of habitat, Nature Scot support the tree replacement proposals, subject to a condition relating to the methodology and a management plan for invasive non-native species. They also support the retention of common Rock-rose as food for the Northern Brown Argus butterfly, also mentioned by the Scottish Wildlife Trust. The Ecology Officer notes the various habitats lost and the mitigation proposed in the restoration plan, albeit still requiring further details by means of a planning condition.

In terms of protected and other wildlife species, there are no objections from the consultees subject to conditions. However, the Ecology Officer still requires assurance over a lighting scheme in relation to bats, before the application is determined. Other species can be adequately protected by relevant conditions, surveys, species protection plans etc. This includes badger, bats, birds, pine marten and red squirrel. Nature Scot are also requesting that existing annual monitoring is continued for peregrine.

The comments of the Ecology Officer were raised with the agent who subsequently responded in an email dated 8 June which can be viewed in full on the Public Access system. The main responses include:

- Compensatory woodland (outwith the application site) managed by the Long Term Forest Plan and this seems acceptable to Scottish Forestry.
- Habitat Enhancement and Management Plan can be secured through a planning condition.
- Specifies the habitat loss and compensation, replacing 3ha of coniferous woodland with 3.7ha mixed woodland, 1.96ha of grassland with 4.9ha of replacement grassland etc. The main habitat loss will be low value quarried ground.



- Further lighting details are provided but also accept a bat lighting scheme by condition pre-commencement.
- Badger mitigation can be secured by planning condition pre-commencement.

These submissions were passed to the Ecology Officer for comment and he responded, accepting that conditions could cover mitigation relating to bats, lighting, habitat management and compensatory replanting. Whilst he noted there was a Site Dust Management Plan as part of the EIAR at Section 10.9, he felt this was more an outline of measures that were intended rather than a detailed enforceable Plan. He therefore recommends that a more detailed Site Dust Management Plan is secured by condition.

Subject to the conditions listed at the end of this report and given the latest responses from the Ecology Officer, it is considered that the proposed quarry extension will comply with the various Local Development Plan Policies on ecology.

### Cultural Heritage

Policy ED12 states that minerals extraction will not be allowed if there is an effect on cultural heritage assets such as Conservation Areas, Scheduled Monuments, historic gardens, designated landscapes and significant archaeological sites with their settings. Proposals having an effect on any of these cultural heritage assets may still be acceptable if they can be demonstrated not to have any materially damaging impact or prove a public interest where the extraction outweighs the underlying reasons for the asset designation in the first instance. Policy EP8 also refers to development that could adversely affect archaeological assets. It states that any development creating an adverse effect on assets or their setting will be balanced against the benefits of the proposal and consideration of any mitigation strategies.

The application was submitted with a Cultural Heritage Statement, contained in Appendix 6 of the Planning and Environmental Review Statement. This reviewed earlier archaeological investigation in the site, including work connected with the earlier 2009 extension proposal. This revealed the presence of a prehistoric fort, cultivation terraces, former quarry scoops and cup markings. Subsequent monitoring of topsoil removal revealed the modern nature of the quarry scoops and three small pits which did not yield any artefacts, despite being 4000 years BC. Further survey in 2015 (in connection with the changed haul road) revealed more details of the cultivation terraces, cup markings and trackways.

Taking these surveys into account and using LIDAR data, the Cultural Heritage Statement does not identify any significant archaeological sites within the proposed extension area. However, there remains potential for impact on unknown features and the Statement proposes mitigation by means of a walkover survey once the timber is felled within the extension area, followed by continuous monitoring of topsoil removal to identify and investigate any significant archaeological features. This should all be contained within a Written Scheme of Investigation agreed with the Council.

The Council's Archaeology Officer accepts the proposed mitigation strategy and recommends a Condition is imposed on any consent, securing the Written Scheme of Investigation and including the use of LIDAR information.

In terms of potential impacts on cultural heritage assets away from the site, Historic Environment Scotland have looked at the potential impacts on Scheduled Monument

SM2713 South Hill Head, Homestead, which is located on a hill summit 1.5KM North-West of the extension area. Neither they, nor the Council Archaeology Officer, identify any issues with the quarry extension that would materially affect the setting of the Monument. Similarly, there have been no issues raised with regard to impacts on other cultural heritage assets in the surrounding area, including listed buildings (Neidpath Castle, Neidpath Cottage, railway tunnel and viaduct, Barns, Haswellsykes etc), other Scheduled Monuments (including those on Cademuir Hill) and local Designed Landscapes (including Haylodge and Barns House).

Subject to the Written Scheme of Investigation condition suggested by the Archaeology Officer, it is not considered that the quarry extension would materially damage any cultural heritage asset, either directly or indirectly through setting impacts. The application is, therefore, considered to be in compliance with Local Development Plan Policies ED12 and EP8 and there is no requirement to balance the economic effects or need for the product against cultural heritage impacts.

### Hydrology

LDP Policies IS8 and IS9 are the most relevant in consideration of the impacts of development of this site on the water environment. Policy ED12, however, also seeks to avoid significantly detrimental impacts on Special Areas of Conservation and water catchment areas. The Planning and Environmental Review contains a hydrological and hydrogeological assessment. It concludes that the impacts on overland drainage will be minor and continued practice and mitigation will reduce the risk of contaminants reaching watercourses. Flood risk will reduce due to better attenuation from an increased quarried area and impacts on groundwater are considered to be negligible and localised.

There have been no objections received in relation to hydrology issues. Nature Scot are responsible for ensuring that impacts on the River Tweed SAC/SSSI are minimised and, having reviewed the distance and dust management proposals, do not consider the impacts would harm the qualifying interests of the designation. The Flood Protection Officer identifies a medium to high risk of surface water flooding within the centre and towards the southern edge of the site, albeit none within the extension area. Due to this, they recommend conditions to ensure anchoring of containers to the ground and raising of fuel tanks. They also suggest conditions relating to culverts, sediment filters and maintaining greenfield run-off rates following formation of any new hard surfaces. All these matters can be addressed through appropriate conditions and informatives.

SEPA have raised no objections and are content that no groundwater impacts will occur and adequate protection is in place to avoid run-off to the River Tweed. They also leave flood risk impacts to the Council's Flood Risk Team, given that they are surface water based. In terms of the response from Scottish Water, they have no objections but wish to avoid any connection to their combined sewer system and also have assets within the site boundary that require application to them for diversion.

Subject to the aforementioned conditions and given the responses from the relevant consultees, it is considered that the proposed quarry extension complies with the requirements of Local Development Plan Policies IS8 and IS9.

### Other issues

Although all other issues have been considered, none are raised that would outweigh the consideration of the application as set out above. These include waste

management which has been addressed in the Planning and Environmental Review Report and which has not resulted in any objection from SEPA nor the relevant Council consultees.

#### Legal Agreement/Bond

The existing consents at Edston are subject to a legal agreement in relation to restoration and aftercare of the site, in the form of a financial bond. The agreement also covers mitigation planting. This is standard practice for quarrying sites to ensure the agreed aftercare is delivered and to enable adequate financial resources for the Council to step in and secure the restoration. The agreement also provides for regular revisiting of the bond amount by an independent professional to ensure the amount remains sufficient for the life of the quarry. The original agreement was concluded with the 2012 quarry extension application and revised with the 2016 amended method of working application.

Given the fact that the current application represents a significant extension northwards and also represents changes to the restoration profile and mitigation planting, it will be necessary to incorporate the restoration and bond into a new legal agreement reflecting the new requirements.

#### **CONCLUSION**

The application is considered to be in compliance with national objectives and Local Development Plan Policies on securing the continued production of existing identified mineral reserves, whilst ensuring that the environmental impacts are minimised. The landscape impacts within the Upper Tweeddale NSA will be significant from nearby viewpoints to the south but mitigated to acceptable levels by the design, phasing and aftercare, which will be controlled by conditions and a legal agreement. Other environmental matters can also be addressed in the same way including ecology, archaeology and hydrology. Conditions will also continue to control the impacts on residential amenity, restricting noise, dust and vibration nuisance.

#### **RECOMMENDATION BY CHIEF PLANNING AND HOUSING OFFICER:**

I recommend the application is approved subject to the following conditions, informatives and a legal agreement relating to mitigation planting and the restoration bond:

1. This quarry shall be permitted to operate for a maximum period of 22 years beginning from the date of planning consent ref 21/00222/FUL. Within six months of the end date, or of cessation of workings, whichever is the earlier, all buildings, structures and plant, shall be removed from the site.  
Reason: To minimise the environmental effects of the proposed development in a manner consistent with its operational capacity.
2. The development shall be carried out in accordance with the details specified in the planning application, the supporting documents and the scheme of working detailed in the phasing plans submitted in support of the application. No commencement will be allowed on Phase 3 until Phase 1 restoration works are complete and thereafter, no commencement on Phase 4 until Phase 2 complete, Phase 5 until Phase 3 complete and Phase 6 until Phase 4 complete.  
Reason: To minimise the environmental effects of the proposed development and safeguard the amenity of nearby property occupiers.

3. No development to be commenced until a detailed compensatory planting scheme, as indicated in Figure 3.1, has been submitted to, and approved in writing by, the Planning Authority in liaison with Scottish Forestry. This shall include all tree planting within and outwith the site and shall include a method statement for the retention and translocation of trees, a scheme for the future maintenance of the planting and specified monitoring inspection dates by the Planning Authority, all consistent with the phasing proposals. Once approved, the scheme shall be implemented concurrently with the commencement of development or no later than the end of the next available planting season.  
Reason: To minimise the visual impact of the development and safeguard the landscape and woodland resource.
4. No development to be commenced until a detailed Landscape and Habitat Enhancement and Management Plan is submitted to, and approved in writing by, the Planning Authority. This plan should include detailed specifications of planting and seeding consistent with the proposed phases of the quarry extension, including provision for rock-rose and other habitat retention, an invasive non-native species eradication/management plan, bat/bird boxes and an annual programme of inspections within each five year aftercare period per phase, to ensure satisfactory establishment. The plan should include detailed plans and cross-sections at appropriate scales to be agreed with the planning authority. Thereafter, the measures specified therein shall be implemented in accordance with the terms of the approved scheme.  
Reason: To ensure that appropriate landscaping is undertaken and to compensate for potential habitat loss associated with the Development.
5. No development shall commence until the applicant and /or the operator of the quarry provide to the Planning Authority details of the bond or other financial provision which it proposes to put in place to cover all the decommissioning, site restoration and aftercare costs of the development. Thereafter:
  - (a) No development shall commence on the site until the applicant and /or the operator of the quarry 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 acceptable in all respects.
  - (b) The applicant and /or the operator of the quarry shall ensure that the approved bond or other financial provision is maintained throughout the duration of this consent. If at any stage of the operations a bond or other financial provision is not in place, all operations at the quarry shall cease. Operations shall only recommence once a replacement bond or other financial provision is accepted by the Planning Authority.
  - (c) The bond or other financial provision will be subject to a five yearly review which shall include a monitoring statement of extracted and reinstated levels, paid for by the applicant and /or the operator of the quarry, from the Commencement of Development, to be conducted by a competent independent professional (Compliance Monitoring Officer) 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.

6. No development to be commenced until a scheme of details for raising above and/or anchoring to the ground existing containers and oil/diesel storage tanks in the southern area of the quarry (within the area defined as a surface water flood risk) is submitted to, and approved in writing by, the Planning Authority. The development then to be implemented in accordance with the approved scheme of details.

Reason: To safeguard against any increased flood risk on downstream receptors

7. The formation of any newly formed hard surfaces and any discharges from SUDS and other drainage should be attenuated to at least existing Greenfield runoff rates which should firstly be submitted to, and agreed in writing by, the Planning Authority before the development is commenced

Reason: To safeguard against any increased flood risk on downstream receptors

8. No development to be commenced until details of silt traps and other sediment intervention measures are submitted to, and approved in writing by, the Planning Authority. The development then to be implemented in accordance with the approved details.

Reason: To minimise sediment reaching watercourses and public roads.

9. No development to be commenced until a Species Protection Plan for badger has been submitted to, and approved in writing by, the Planning Authority. This should include the requirement for supplementary surveys for each phase of the development. The development to be implemented in accordance with the approved scheme.

Reason: To safeguard protected species at the site.

10. Should a licence for disturbance of badger setts be required from Nature Scot, no development for the relevant phase of the quarry be commenced until the licence has been obtained and evidence is exhibited to the Planning Authority

Reason: To safeguard protected species at the site.

11. No development to be commenced until supplementary surveys for bats (to address any potential impacts and mitigation arising from lighting at the site), red squirrel, pine marten and reptiles are carried out. The development then to be implemented in accordance with any mitigation subsequently identified in the surveys as necessary.

Reason: To safeguard protected species at the site.

12. No development to be carried out in the breeding bird season unless it has been demonstrated to the Planning Authority through supplementary surveys and a Species Protection Plan, that the development will not prejudice breeding bird interests at the site.

Reason: To safeguard breeding birds at the site.

13. Monitoring and reporting of findings to continue to be carried out in accordance with the agreed scheme for annual monitoring programme for peregrine falcons.

Reason: To ensure that the development does not have an adverse effect on a protected species.

14. Hours of operation shall be restricted to 07:00 - 19:00 Monday to Friday & 07:00 - 13:00 on Saturdays, with the exception of emergency work necessary for site safety. Operations outside these hours may only take place after prior notification to, and approval in writing by the Planning Authority.

Reason: To safeguard the amenity of nearby property occupiers.

15. Vibration levels measured at any sensitive property shall not exceed 6 mms -1 peak particle velocity for 95% of blast events. No event shall exceed 10 mms -1 peak particle velocity. The developer shall undertake ongoing monitoring that is sufficient to verify that these limits are not breached. The Council reserves the right to require prior notification of blasting operations to enable independent monitoring to take place.

Reason: To safeguard the amenity of nearby property occupiers.

16. Noise levels measured at any sensitive property shall not exceed 55dB LAeq, 1hour.

Reason: To safeguard the amenity of nearby property occupiers.

17. The development shall be carried out entirely in accordance with a Site Dust Management Plan which should firstly be submitted to, and approved in writing by, the Planning Authority before the development is commenced. The Plan should be based upon that included at para 10.9 of the Planning and Environmental Review Report but provide more detail in the form of an enforceable and implementable Plan

Reason: To safeguard the amenity of nearby property occupiers and the natural heritage of the area.

18. Vehicle wheel cleaning facilities details of which are specified in the document dated September 2011 on planning application 09/00938/MIN, shall be retained throughout the operation of the quarry.

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

19. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation outlining an Archaeological Evaluation. This will be formulated by a contracted archaeologist and approved in writing by the Planning Authority. Access should be afforded to allow investigation by a contracted archaeologist(s) nominated by the developer and agreed to by the Planning Authority. The developer shall allow the archaeologist(s) to conduct a programme of evaluation prior to development. This will include the evaluation and the full recording of archaeological features and finds. Results will be submitted to the Planning Authority for review in the form of a Data Structure Report. If significant archaeology is discovered the nominated archaeologist(s) will contact the Archaeology Officer for further consultation. The developer will ensure that any significant data and finds undergo post-excavation analysis, the results of which will be submitted to the Planning Authority.

Reason: The site is within an area where ground works may interfere with, or result in the destruction of, archaeological remains, and it is therefore desirable to afford a reasonable opportunity to record the history of the site.

20. All soils shall be retained on the site and none shall be sold off or removed from the site.

Reason: To enable sound agricultural restoration; to minimise the movement of soils and to minimise traffic movement's out with the site.

21. The Waste Management Plan, included as Appendix 7 of the Planning and Environmental Review report shall be adhered to at all times. Any proposed amendments to the plan shall be submitted to and approved by the Planning Authority, prior to any changes taking place.

Reason: To ensure the satisfactory control of waste materials on the site.

## **Informatives**

1. For Condition 12, you should follow Nature Scot's guidance on construction and breeding birds available at [www.nature.scot/dealing-construction-and-birds](http://www.nature.scot/dealing-construction-and-birds)
2. If groundwater is encountered and dewatering required, please contact SEPA for authorisation under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR). Any sewage discharges will require authorisation from SEPA under CAR. If crushing or screening is proposed then this will require a permit under The Pollution Prevention and Control (Scotland) Regulations 2012.
3. If there are to be any culverts, watercourse crossings or alterations to crossings, these must not reduce the flow conveyance of the watercourse.
4. Please note the advice of Scottish Water in their consultation response on the planning application, dated 16 June 2021.
5. For Condition 3, any woodland loss should be compensated for, in accordance with Scottish Government Policy on the Control of Woodland Removal as informed by Scottish Borders Woodland Strategy.
6. For Condition 11, any lighting scheme shall be in accordance with the ILP "Bats and artificial lighting in the UK" (2018) guidance.

## **DRAWING NUMBERS**

Location Plan	Figure 2.1
Existing Quarry Plan	Figure 2.2
Quarry Development Plan Phase 1	Figure 3.1
Quarry Development Plan Phase 2	Figure 3.2
Quarry Development Plan Phase 3	Figure 3.3
Quarry Development Plan Phase 4	Figure 3.4
Quarry Development Plan Phase 5	Figure 3.5
Quarry Development Plan Phase 6	Figure 3.6
Restoration Plan	Figure 3.7
Cross Sections	Figure 3.8
Final Restoration Cross Section	Figure 3.9
Cross Section from VP1	Figure 3.10
Cross Section from VP4	Figure 3.11

**Approved by**

Name	Designation	Signature
Ian Aikman	Chief Planning and Housing Officer	

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

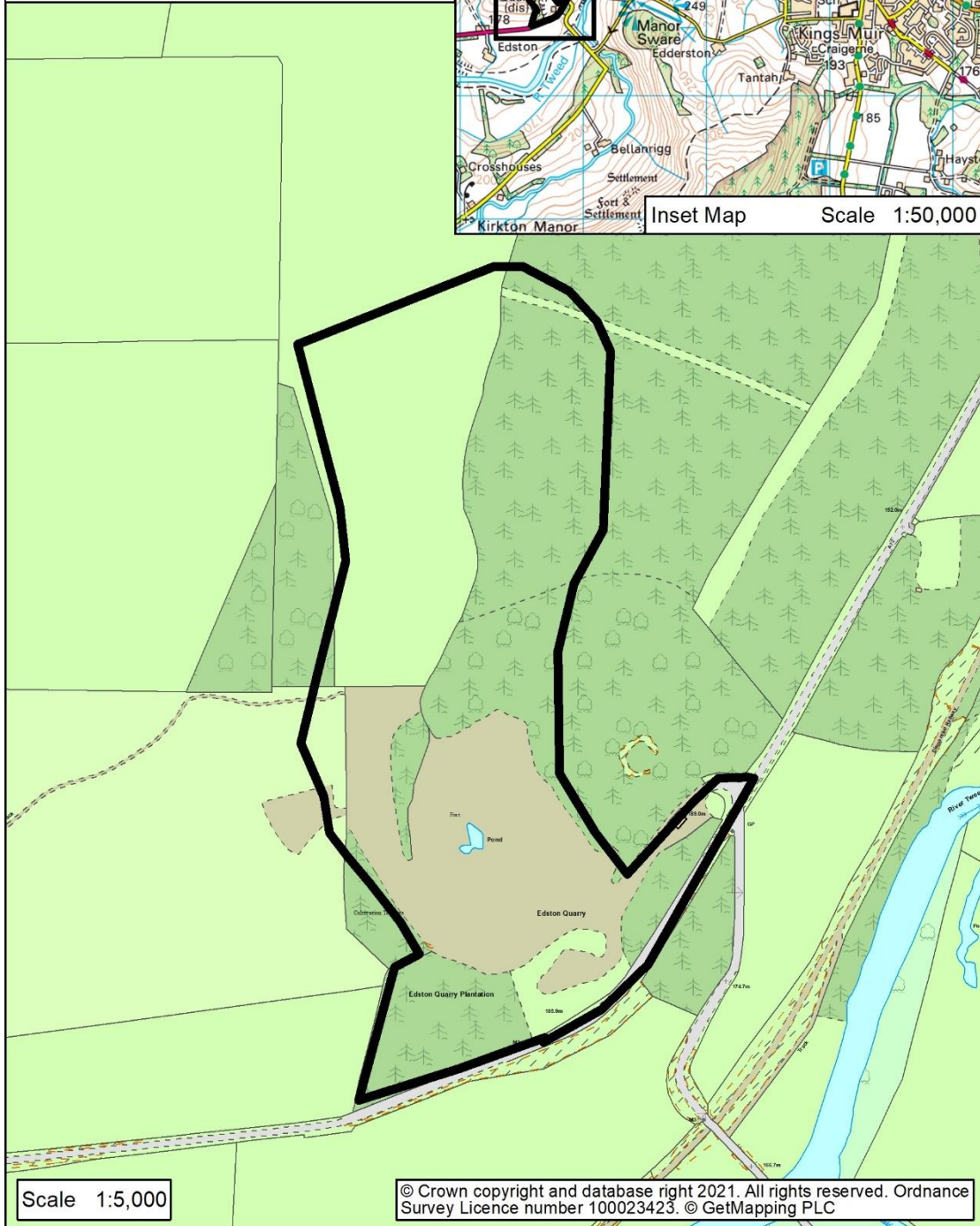
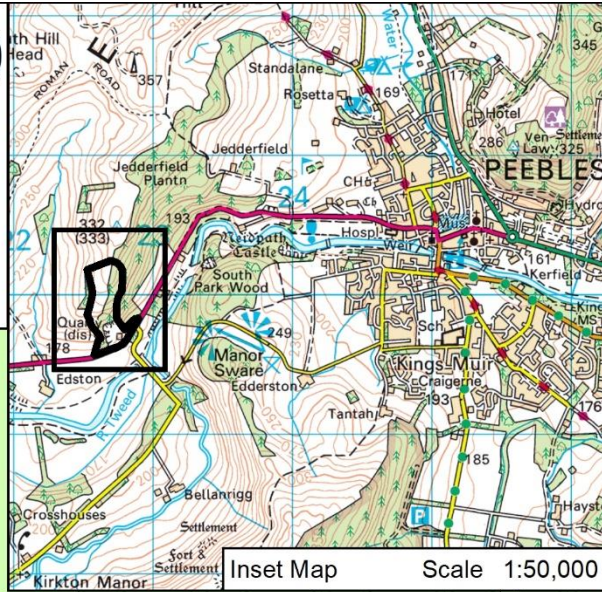
**Author(s)**

Name	Designation
Craig Miller	Principal Planning Officer





21/00222/FUL  
Edston Quarry  
Peebles



Scale 1:5,000

© Crown copyright and database right 2021. All rights reserved. Ordnance Survey Licence number 100023423. © GetMapping PLC