

# Development Management Sub Committee

Wednesday 1 August 2018

**Application for Planning Permission 17/05930/FUL.  
At Bonnington Mains Quarry, Cliftonhall Road, Newbridge.  
Section 42 application for proposed variation to conditions  
5, 8, 18, 22 + 23 of planning consent P/PPA/LA/643 (dated 4  
September 1990) to amend noise + vibration limits, postpone  
submission of final restoration plan + clarify period for  
completion of all mineral operations to 31 December 2050.**

<b>Item number</b>	4.1
<b>Report number</b>	
<b>Wards</b>	B02 - Pentland Hills

## Summary

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The proposals comply with the development plan and, with the imposition of appropriate conditions, will comply with the national Planning Advice Notes for best practice guideline in the operation of 'surface mineral workings'. The character of the surrounding area will be maintained and road safety and neighbouring amenity will not be detrimentally affected. There are no material considerations that outweigh this conclusion.

## Links

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<a href="#"><u>Policies and guidance for this application</u></a>	LDPP, LEN10, LEN11, LEN16, LEN21, LEN22, LTRA01, LRS05,
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# Report

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## Recommendations

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1.1 It is recommended that this application be Granted subject to the details below.

## Background

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### 2.1 Site description

The site is located 650 metres to the south west of Ratho village, on the northern side of Wilkieston Road.

It is bounded to the west and north by agricultural fields, to the north east by the former Craigpark Quarry and to the south by Wilkieston Road, with agricultural fields beyond.

The application site is a hard rock quarry that extends to an overall site area of 15.3 hectares of which the extraction area extends to 11.29 hectares.

There is a deep excavation within the southern part of the site and raised area at the end of the access drive in the northern part.

Access to the site is from Cliftonhall Road (B7030), to the west of the site. The site access is angled at 30 degrees to the line of Cliftonhall Road such that vehicles can only enter and leave the site in a northerly direction, towards Newbridge.

The nearest inhabited buildings are; Bonnington Mains Farm, 347 metres, and Bonnington Cottage, 442 metres, to the south west, with Bonnington Village beyond, 517 metres; Clifton Cottage, 584 metres, to the west; a proposed Craigpark Country Park Managers house, 140 metres, and the Cala housing development, at Old Quarry Road, 395 metres, to the north east; and Ratho Mains Farm, 797 metres to the east.

### 2.2 Site History

12 January 1989 - planning permission was refused for hard rock quarry extraction and associated plant and machinery for the production of asphalt and cement from the site (application number 1693/87/32).

Reasons for refusal were:

- visual amenity impact given the exposed position;
- a premature loss of resource;
- loss of prime agricultural land; and
- impact on the amenity of nearby residential properties.

4 September 1990 - an appeal to the Scottish Office Inquiry Reporters Unit was upheld. The Reporter concluded; the need for a new hard rock quarry had been substantiated, that that need justified the loss of prime agricultural land subject to a restoration scheme that would encompass a return to agricultural use, and that the operation could be suitably mitigated to an acceptable level so as to protect amenity of nearby residents (appeal reference P/PPA/LA/643).

16 August 2000 - planning permission was granted for a change of use of 0.61 hectares of land, within the north east of the quarry site, adjacent to and to the west of the existing settlement lagoon, for the storage and recycling of inert waste comprised of construction materials (application number 99/00654/FUL).

20 June 2012 - an application for 'Waste Management Plan Objectives', in support of a scheme for the final restoration of the quarry comprising details of contours, open water areas, retained rock faces and other quarry material, woodland planting, grassland areas, areas of mixed vegetation and boundary details; was considered to be acceptable (application number 12/01430/MWD).

Other relevant neighbouring site history:

Craigpark Quarry; located immediately to the north east of the site

14 August 2009 - planning permission was granted for the erection of 117 houses on 5.93 hectares (18%) and the restoration of the remaining 27.02ha (82%) of the quarry for public amenity use. Those works anticipated a total quantity of material, to restore the quarry, of approximately 343,500 cubic metres; with some 96,000 cubic metres of imported infill material (application number 05/01229/FUL).

2 April 2015 - planning permission was granted for the erection of an agricultural storage shed and manager's residence on land to be developed as a country park (application number 14/02128/FUL).

23 February 2018 - planning permission was granted for a material variation of the re-shaping of slope profiles and water bodies, alterations to the proposed footpath network and proposed landscape scheme (application number 14/05021/FUL).

9 May 2018 - planning permission for the development of the former quarry site as an outdoor leisure complex, including water sport facilities, pedestrian and vehicular access, landscaping works, ancillary class 1 (retail) and class 3 (food and drink) uses, and tourism accommodation; was deemed to be acceptable subject to the conclusion of a legal agreement to secure bridged access to the north of the site (application number 17/02471/FUL). This application decision is awaiting the conclusion of legal agreement.

## **Main report**

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### **3.1 Description Of The Proposal**

The application is made under section 42 of the Town and Country Planning (Scotland) Act 1997 and seeks to continue quarrying and ancillary operations at the site without compliance with a number of conditions (numbers 5, 8, 18, 22 and 23) that were attached to the original grant of planning permission issued by the Scottish Office Inquiry Reporters Unit on 4 September 1990.

The applicant has identified that there have been significant changes to legislation regarding the operation of mineral workings since the original grant of planning permission and seeks to update a number of conditions in accordance with the latest national advice and guidance. Also those conditions place a restriction on quarrying operations pending the submission and approval of a restoration scheme for the site.

The applicant contends that there remain significant reserves of material at the site and that the submission and approval of a restoration scheme would be premature at this time.

The applicant has, therefore, suggested alternative conditions with which to replace these five conditions.

Those conditions relate to: limitations on the times when blasting can be carried out on site; the peak particle velocity resulting from those blasts (i.e. the levels of recordable vibration); the maximum noise levels generated by on site operations when measured at the nearest noise sensitive properties (residential homes); when extraction of material from the site should cease and the details of a site restoration scheme should be submitted to and approved by the planning authority.

As such this is not a new application for minerals extraction at the site as planning permission already exists. The effects of granting permission is such that a new and separate permission exists for the proposal.

### **Supporting information**

The following documents were submitted in support of the application:

- Environmental Statement;  
Landscape and Visual Assessment;  
Ecology;  
Water Environment;  
Noise;  
Dust and Air Quality;  
Vibration;  
Historic Environment;  
Traffic and Transport;
- Revised Noise Impact Assessment; and
- Planning Statement.

These documents can all be viewed on the Planning and Building Standards Online Service.

### **3.2 Determining Issues**

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling reasons for not approving them?

If the proposals do not comply with the development plan, are there any compelling reasons for approving them?

### **3.3 Assessment**

To address these determining issues, the Committee needs to consider whether:

- (a) the principle of the use is acceptable;
- (b) the impact of the changes in legislation, since the original grant of planning permission, are material;
- (c) the proposed amendment to the planning conditions are acceptable;
- (d) the proposed amendments to other planning conditions are acceptable;
- (e) the proposals affect landscape and visual impact;
- (f) the proposals affect ecology;
- (g) the proposals affect water environment;
- (h) the proposals affect road safety;
- (i) the proposals have any equalities or human rights impacts; and
- (j) comments raised have been addressed.

#### **a) Principle**

The original grant of planning permission for the mineral extraction at this site was determined at appeal against the terms of the Lothian Region Structure Plan 1985 and the National Planning Guidelines on Aggregate Working 1977.

In determining this section 42 application it is material to assess the proposal against the prevailing development plan policies of; the Strategic Development Plan 2013 (SDP), the emerging Proposed Strategic Development Plan 2016 (PSDP) and the Edinburgh Local Development Plan 2016 (ELDP).

Policy 4 of the SDP, the 'Responsible Resource Extraction' section (4.18) of the PSDP and policy RS 5 all relate to minerals development. These seek to safeguard defined, economically viable mineral resources from sterilisation, including Bonnington Mains Quarry and to ensure that there is a sufficient 10 year reserve of construction aggregates. These policies include ensuring adequate and appropriate site restoration schemes

In order for an application made under section 42 of the Town and Country Planning (Scotland) Act 1997 to be valid there must be an extant grant of planning permission to which it relates.

When issued the 1997 Act introduced, at Schedule 3 'conditions relating to mineral workings, duration of development', additional provisions with regard to extant planning permissions for mineral developments.

These provide that unless, in the original grant of permission, a condition had been included limiting the duration of the development (where that permission was granted after 22 February 1982) then the winning and working of minerals must cease not later than the expiration of a period 60 years, beginning with the date of that permission.

As the Reporter applied no condition expressly dealing with the duration of planning permission then Schedule 3 of the Act impose a time limitation on quarrying activity for this site to a date no later than 3 September 2050.

In terms of the full details assessed at part 3.3 (c) condition 22 below it is accepted that there remains an adequate economically viable mineral resource at this site and that its extraction, subject to the full assessment below, would result in extraction without unacceptable environmental or amenity impacts in accordance with Scottish Planning Policy and the terms of the relevant policies.

Representation has been made that planning permission for the extraction of material from the quarry lapsed in 2014, a date 18 years after the commencement of operation on the site, as set out in condition 23 of the appeal decision. That condition states that:

*"The production of aggregates at the site shall cease at the end of 18 years from commencement of operations, unless either a scheme for the restoration of this site has been approved by EDC (Edinburgh District Council) or there is in existence planning permission to refill and restore the site at the completion of quarrying."*

The logic of this argument, and the intention of the Reporter identified, is evident from scrutiny of the 1990 appeal decision report. The Reporter clearly identifies that the duration of the quarry operation would be for a period of about 25 years before clarifying that a scheme of restoration should be agreed between the developer and the Council before the end of that quarrying period.

It is reasonable to conclude from the Reporters' reasoning that the planning purpose of Condition 23 is to secure a suitable safeguarding of the future restoration of the site and to set a time limitation by when such a restoration plan should be produced and agreed, rather than to place an end date limiting the extraction of material beyond which no mineral extraction should be undertaken under any circumstances.

If the Reporters' intention had been to place a time limit for the extraction of material from the site then such a limitation would have taken the form of a different type of condition, one that would specifically and unequivocally stated such a time limitation for extraction; and that was not done by the Reporter.

It would therefore follow from his line of reasoning, and the form of the conditions attached to the grant of planning permission, that the meaning of this condition does

not specify that the production of aggregates must cease within a specified period from the date of the permission. Instead it introduces a temporary cessation after 18 years, unless a restoration scheme or similar planning permission for the future use of the site has been approved. Thereafter, once a restoration scheme has been approved, then it is reasonable to conclude that the production of aggregates from the site can resume.

As such the provisions of Schedule 3 of the Planning Act become effective keeping the quarry operations at the site lawful until 2050.

Accordingly, it is accepted that the original application remains valid in planning terms and that this section 42 application is appropriately made here. As such it should be assessed and determined in accordance with the changes in legislation and guidance that have taken effect since the original grant of planning permission.

To that end the specific alterations to the original conditions and the wider concerns and impacts of the operation of the quarry site should be fully assessed here as part of this application.

#### b) Changes to Legislation

Since the grant of planning permission, the legislation controlling mineral operations has been substantially changed. The Environment Act 1995, introduced, through the provisions of section 96 and Schedules 13 'identify old mineral permissions' and 14 'undertake a periodic review', together with Circular 34/1996, that Councils were obliged to undertake a review of all old minerals permissions within their boundary and to undertake a periodic review of those permissions every 15 years thereafter. These provisions were extended by section 74 and Schedules 9 & 10 of the Town and Country Planning (Scotland) Act 1997.

In a report to Planning Committee, on 13 March 1997 entitled 'Review of Old Minerals Permissions' (item 18), it was identified in Appendix 2 that the permission for Bonnington Mains Quarry was to be reviewed on or before 4 September 2005.

The planning records show that no notification was sent by the Council; and consequently that no review has been carried out for this site.

Accordingly, this application, as well as dealing with the request under section 42 from the developer, also provides the Council an opportunity to review the existing conditions in accordance with those provisions of the Act.

The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 1999 (EIA regulations) were introduced on 1 August 1999. Those regulations have subsequently been replaced by the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011 and most recently by the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017.

This proposal was screened by the Council, as part of the earlier planning submission, as requiring the submission of an 'Environmental Statement' on 5 October 2016. Therefore, in accordance with the provisions of regulation 60(4)(a) of the 2017

Regulations ('Transition Provisions') this application is to be determined in accordance with the 2011 Regulations.

In 2015 the Scottish Government issued guidance to planning authorities that applications made under section 42 should subject the development to an assessment against the provisions of the EIA regulations.

Also of relevance, to the determination of this application, are the various advice notes published by the Scottish Government between 1996 and 2000.

The relevant Planning Advice Notes (PANs) are:

- PAN 50 - 'Controlling the Environmental Effects of Surface Mineral Workings' (1996)
- PAN 50 Annex A - 'The Control of Noise at Surface Mineral Workings' (1996)
- PAN 50 Annex B - 'The Control of Dust at Surface Mineral Workings' (1998)
- PAN 50 Annex C - 'The Control of Traffic at Surface Mineral Workings' (1998)
- PAN 50 Annex D - 'The Control of Blasting at Surface Mineral Workings' (2000)
- PAN 56 - 'Planning and Noise' (1999)

These set out the most relevant, up-to-date advice and 'good practice' on the more significant environmental effects arising from mineral working operations for use by planning authorities in the consideration of planning applications and in the framing and enforcing of planning conditions.

The core of this application seeks to ensure that the future operation of the site, for the extraction of aggregate, is carried out in full compliance with these legislative changes and adheres to the most up-to-date operating practices and monitoring provisions that are available. As part of the submission the application provides a full Environmental Statement. This identifies how the proposed future extraction and other on-site operations will comply with the present environmental and amenity standards. These issues will be considered in detail in the following sections of the report.

#### c) Amendment to Planning Conditions

##### i) Condition 5

*"5. Blasting shall only take place on weekdays between the hours to be agreed with EDC in consultation with the operators of Craigpark Quarry."*

Condition 5 seeks to place a limitation on the times when blasting can be carried out in the quarry site, limiting blasting operations to weekdays only, and for these to be agreed with the Council in consultation with the operators of Craigpark Quarry. This was required at the time so that blasting could be co-ordinated between the two quarry sites to avoid any dangers that would result from simultaneous blasting on the two sites.

Craigpark Quarry no longer produces aggregate and planning permission was recently assessed by Committee for the reuse of that quarry site for commercial leisure activities.

Since planning permission was granted in 1990, the Scottish Office has published Planning Advice Note 50, 'Controlling the Environmental Effects of Surface Mineral Workings' and specifically Annex D, dealing with the control of blasting.

In light of the government advice and following further discussions the operator has requested that a new condition be imposed, in accordance with the provisions of Annex D, limiting blasting to between 10:00 and 16:00 hours, Monday to Friday, with no drilling or blasting on Saturdays or Sundays.

The revised condition includes provision for blasting to be carried out in emergency situations outwith those approved hours but only for safety reasons.

It is proposed that this condition should be further amended to ensure that the developer notifies the Council as soon as practicable in the case of any emergency blasting operation, providing full details of the nature and circumstances to justify any such emergency event.

Together with the restrictions imposed by other conditions, including those placing limitations on overall noise and other blasting impacts, it has been identified by Environmental Protection that these changes would be acceptable in terms of the overall impact on the nearest noise sensitive properties.

Accordingly, it is proposed that the wording for the proposed replacement condition should be:

*5. "No blasting or drilling operations shall be carried out on the site except between the following times:*

- Mondays to Fridays: 10:00 and 16:00 hours.*

*There shall be no blasting or drilling operations on Saturdays or Sundays.*

*This condition shall not apply in cases of emergency when it is considered necessary to carry out blasting operations in the interests of safety. The planning authority shall be notified of such events as soon as practicable after such an event including details of the nature and circumstances justifying such an emergency event."*

This revised condition is acceptable in terms of its wider impact on neighbouring occupants and the environment.

## ii) Condition 8

*"8. The peak particle velocity resulting from a blast shall not exceed 2.5mm/s in any plane, with a confidence level of 95% as measured at the neighbouring noise-sensitive buildings."*

Condition 8 seeks to limit 'peak particle velocity' (that is the maximum rate at which particle displacement changes) resulting from blasting operations in the quarry when measured at neighbouring residential properties. This is a measurement of the potential for occupants of neighbouring properties to perceive vibration in terms of its magnitude, duration and frequency. The Reporter concluded, for the large majority of

blasts on the site, that there would be either no or minimal perception by those occupants.

Since planning permission was granted for the quarry the Scottish Office has published Planning Advice Note 50, 'Controlling the Environmental Effects of Surface Mineral Workings' and specifically 'Annex D', dealing with the control of blasting.

That advice was provided so as to assist planning authorities and the minerals industry to keep the effects of blasting within environmentally acceptable limits, following research commissioned by the UK Government.

In accordance with that advice the operator has requested that a new condition be imposed on future works at the quarry following the example provided in the Planning Advice Note.

The background information provided by the operator within their submitted Environmental Statement together with the best practice in the advice has been assessed by Environmental Protection. They have advised that the proposed changes would be acceptable in terms of the impact on the occupants of the nearest residential properties.

The condition is proposed to be further amended to ensure that the measurements carried out by and on behalf of the operator be recorded and submitted to the Council on a quarterly basis to ensure that those records are being suitably monitored to ensure compliance.

Accordingly, it is proposed that the wording for the proposed replacement condition should be:

*8. "Ground vibration as a result of blasting operations shall not exceed a peak particle velocity of 6 mms<sup>-1</sup> in 95% of all blasts measured over any period of 6 months and no individual blast shall exceed a peak particle velocity of 12 mm<sup>-1</sup> as measured at vibration sensitive buildings. The measurement to be the maximum of 3 mutually perpendicular directions taken at the ground surface at any vibration sensitive building. Details of the results of all on site blasting operations, including those required by the provisions of conditions 7 and 8 below, shall be recorded by the developer and be submitted to the Planning Authority on a quarterly basis."*

Accordingly, the revised condition is acceptable in terms of its impact on the occupants of neighbouring properties.

### iii) Condition 18

*"18. The design, installation and operation of all fixed plant and machinery shall be such that any associated noise does not increase the pre-existing background noise levels in each octave band (centres 31.5Hz - 8kHz) by more than 1dB, as determined for 1m from the facade of the neighbouring noise-sensitive premises. The pre-existing background noise levels shall be determined prior to the commencement of any operations and verified by EDC by the measurement of the average L90s in each octave band, 1m from the facade of the neighbouring noise-sensitive premises and for the most noise sensitive period of operation."*

Condition 18 seeks to control the maximum noise generated by operations within the quarry site, including that generated by fixed plant and machinery, to specific levels when measured at the facade of neighbouring residential properties. These levels were subject to lengthy discussion at the appeal based on the experiences of both parties.

Since planning permission was granted for the quarry the Scottish Office has published Planning Advice Note 50, 'Controlling the Environmental Effects of Surface Mineral Workings' and specifically Annex A, dealing with the control of noise.

The operator has also identified that since the original permission the Council has granted permission for a number of dwellings within proximity of the quarry site and that that decision was taken without consideration of the ability of the quarry operator to maintain compliance with the terms of the original condition 18.

It is therefore proposed by the operator that the condition be replaced by one that takes cognisance of the advice and findings in the advice note in ensuring acceptable levels of impact on the occupants of those nearest residential properties to the site.

Those maximum noise levels proposed by the operator have been the subject of discussions with the Council's Environmental Protection staff in order to arrive at the property specific noise limits that have been proposed for substitution within the replacement condition.

The appeal decision also included a further condition related directly to the limitation of noise from the operations of the quarry site. Condition 19, requires that:

*Suitable reference measurement points shall be identified such that the "A" weighted hourly  $L_{Aeq}$  noise levels emitted from the site - including all fixed and mobile plant and any ancillary operations - shall not exceed the pre-existing "A" weighted hourly  $L_{90s}$  by more than 5dB as determined for 1 metre from the facade of any neighbouring noise-sensitive premises.*

As part of the assessment of the replacement condition 18 it has been identified that while as originally proposed conditions 18 and 19 formed a coherent means of limitation on noise generation from the operations of the site. However, the revised version of condition 18 would of itself provide sufficient control and that if retained the provisions of condition 19 would negate those provisions. Accordingly, it is proposed that condition 19 should be deleted.

Accordingly, it is proposed that the wording for the proposed replacement condition should be:

*18. "a) That with respect to the control of noise resulting from the operations during the permitted hours of operation stated in Condition 16, the nominal noise limit from site operations shall not exceed the following, when measured free field over any one hour period:*

- Clifton Cottage 45 dB(A)  $L_{Aeq}$ ,*
- Bonnington Mains Farm 52 dB(A)  $L_{Aeq}$ ,*
- Craigpark Housing Development 52 dB(A)  $L_{Aeq}$ ,*

- Park Ranger Lodge 52 dB(A)  $L_{Aeq}$ ,
- Ratho Mains Farm 51 dB(A)  $L_{Aeq}$ ,

*b) Notwithstanding the terms of part (a), that during temporary operations, such as soil stripping operations, the nominal daytime noise limit from site operations, shall be no more than 70dB  $L_{Aeq}$  over anyone hour period for a maximum of 8 weeks per year."*

For information condition 16, quoted in the condition, sets the hours of operation for the general operations within the quarry and these are to remain unaltered as a result of this application.

iv) Conditions 22 and 23

*"22. Within 15 years from the start of production of aggregate at the site, the operator shall - unless there then subsists a planning permission for the refilling and restoration of the site - submit a scheme for site restoration for the approval of EDC. This scheme shall include the details indicated in 'Restoration Conditions' no. 1 recommended by DAFS and set out in the Annex to this letter."*

Condition 22 placed a time frame on the operator within which to submit a scheme for site restoration to the Council of 15 years from the start of the production of aggregate at the site.

*"23. The production of aggregates at the site shall cease at the end of 18 years from commencement of operations, unless either a scheme for the restoration of this site has been approved by EDC or there is in existence planning permission to refill and restore the site at the completion of quarrying."*

Condition 23 sought to ensure that unless an approved restoration scheme had been approved by the Council at the end of 18 years then production of aggregate should cease until such a scheme was submitted by the operator.

At the time of the appeal determination the Reporter understood from the parties that the likely end date for extraction at the quarry was some time in the future and that environmental standards were likely to increase over the course of those years. Accordingly, restricting the details of the restoration plan at the time of the appeal would be counterproductive and potentially prevent the Council from taking the necessary and appropriate steps to achieve a suitable means of restoration that would be appropriate and relevant at that time.

The operator has identified that there remains an estimated 3.5 million tonnes of hard rock available within the extent of the application site and the existing permission. This is proposed to be worked at a similar level of extraction to that pre 2011 of between 250,000 to 300,000 tonnes per annum. This would result in quarrying operations for a period of at least 14 years. In this regard it should be noted that the existing condition 21 sets a cap of 375,000 tonnes per annum as a maximum level of extraction. That condition is not proposed to be amended as part of this application.

It is also requested that the restoration conditions should be amended to take account of both the existing site circumstances and the extended time period provided by the legislative changes. Following discussions with the developer it is proposed that a plan

illustrating the final restoration of the site be submitted to the Council for its consideration and determination. Thereafter, the approved restoration plan would be subject to a 10 yearly review and that the agreed restoration scheme should be implemented in full within 24 months of the cessation of quarrying operations.

This approach has merit and, given the changes introduced by the Town and Country Planning (Scotland) Act 1997 extending the extraction life of the quarry to 2050, would provide the Council with a suitable means of control over the restoration of the quarry at the relevant time.

Accordingly, it is proposed that the wording for the proposed replacement conditions should be:

*22. "That within 5 years of the date of this permission, a plan illustrating the proposed final restoration of the site, incorporating all of the requirements contained within the provisions of Conditions 32-44 below (the Restoration Conditions), shall be submitted to and approved by the Council as Planning Authority. Thereafter, the approved restoration plan shall be reviewed every 10 years. The site shall then be restored in accordance with the last approved restoration plan within 24 months of the cessation of the permitted operations."*

*"23. That all extraction operations on the site shall be discontinued on or before 3 September 2050, as stipulated by the provisions of Schedule 3(1) of the Town and Country Planning (Scotland) Act 1997, and no later than a date 24 months from that discontinuance date, the entire site shall be restored in accordance with the approved restoration plan to the satisfaction of the Council as the Planning Authority."*

#### d) Other Planning Conditions

The other conditions attached to the original appeal decision are not the subject of this application but will require to be updated as follows:

Condition 1 states:

*The development hereby permitted shall be begun before the expiration of 5 years from the date of this letter.*

As development was lawfully commenced on site within that timescale this condition does not require to be imposed on this determination.

Condition 2 states:

*The developer shall comply with 'Mineral Working Conditions' nos. 1-11 recommended by DAFS (Department for Agriculture and Fisheries Scotland) and set out in the Annex to this letter.*

This condition is proposed to be reworded including transferring the DAFS mineral working conditions from an annex to form a full part of this determination. These will become conditions 22 to 31. These changes would bring the condition in line with circular advice on conditions and ensure that the mineral working conditions have the same planning weight. This will become condition 1.

Condition 3 states:

*The mounds to be formed at the site (as shown on drawing A16.100A), composed of the soil and overburden from the site, shall be fully formed before the commencement of actual quarrying operations.*

In section 3.3(e) of this report, below, the proposed rewording of this condition, and its justification, are assessed in full so as to provide extensions to the existing mounds on the north-western boundary of the site as part of this determination to assist with the noise mitigation measures proposed for the recommencement of extraction operations on the site. This will become condition 2.

Condition 4 states:

*Details of planting to be carried out at and in the vicinity of the site (as shown on drawings A16.100A and A16.101A, but including in addition such planting as is deemed appropriate by EDC [Edinburgh District Council] (a) along the length of the south and south east boundary of the field to the north of the access road and plant site, and (b) along the eastern boundary of the B7030 road northwards to a point 50m south of the Union Canal) shall be submitted for the further approval of EDC before the commencement of quarrying operations. Approved planting shall be completed in full within 6 months of the commencement of quarrying operations and maintained thereafter to the satisfaction of EDC. Maintenance shall include the replacement of any plant stock which fails to survive, as often as may be necessary, to ensure establishment of the scheme as approved.*

This condition has been complied with in full and the boundary planting has now been established. Accordingly, this condition is proposed to be removed from this determination.

Condition 5 states:

*Blasting shall only take place on weekdays between the hours to be agreed with EDC in consultation with the operators of Craigpark Quarry.*

This condition forms a part of this application and is considered in full in section 3.3(c) above and will become condition 3.

Condition 6 states:

*There shall be a maximum of 3 blasts per week, with an average over any period of 12 months of 2 blasts per week.*

There is no change proposed and this will become condition 4.

Condition 7 states:

*Prior to the commencement of blasting, permanent monitoring points and monitoring station of approved equipment shall be provided, subject to the following:*

- a) the location of the monitoring points and station shall be to the satisfaction of EDC.*
- b) the monitoring process shall be continuous.*
- c) all record sheets shall be available at the quarry office for inspection at all reasonable times.*
- d) appropriate EDC officials shall be afforded reasonable access to the equipment insofar as such access is subject to statutory regulations.*

In accordance with the provisions of the updated Scottish Government's Planning Advice Notes, it is proposed that the condition be amended to; "...*monitoring points of approved mobile equipment shall be provided...*" and that monitoring shall be undertaken for the duration of blasting and to include the 15 minutes prior to and following such blasts. It also proposes to require all record sheets to be submitted to the Council on a quarterly basis. It is proposed that this condition is reworded accordingly. This will become condition 5.

Condition 8 states:

*The peak particle velocity resulting from a blast shall not exceed 2.5mm/s in any plane, with a confidence level of 95% as measured at the neighbouring noise-sensitive buildings.*

This condition forms a part of this application and is considered in full in section 3.3(c) above and this will become condition 6.

Condition 9 states:

*The gas pipeline which passes near the south west of the appeal site shall not be subjected to a resolved peak particle velocity in excess of 25mm/s measured as the maximum in any one plane on the pipe. Compliance with this criterion shall be ascertained by measurement on the ground surface immediately above the buried pipeline, where a resolved peak particle velocity of 37.5mm/s shall not be exceeded.*

There is no change proposed and this will become condition 7.

Condition 10 states:

*Blasting practices shall be such that under appropriate measurement conditions the peak linear overpressure level of 120dB shall not be exceeded as measured at the nearest noise sensitive premises.*

There is no change proposed and this will become condition 8.

Condition 11 states:

*The overall dust emission from the site shall be so controlled as to ensure that, in the opinion of EDC, no dust nuisance is caused.*

The inclusion of the words, "*in the opinion of EDC*" makes the condition imprecise and contrary to the Circular tests for a condition. It is therefore proposed to omit these words. A nuisance is a term that is clearly identified in the environmental regulations and upon identification that a dust nuisance has occurred then enforcement steps can be taken, under those provisions, to mitigate that nuisance.

Accordingly, this condition is proposed to be removed from this determination.

Condition 12 states:

*Suitable modern dust suppression or collection equipment shall be installed on all relevant plant, and shall be regularly maintained to ensure its efficient operation.*

In order to make this condition sufficiently precise in terms of what is meant by '*regularly maintained*' it is proposed to insert the words, '*in accordance with the manufacturers' recommendations*'.

This will become condition 9.

Condition 13 states:

*All conveyors shall be adequately enclosed.*

There is no change proposed and this will become condition 10.

Condition 14 states:

*An adequate number of portable water sprayers shall be provided for the damping down of stockpiles, areas adjacent to the crushing plant and internal haul roads.*

There is no change proposed and this will become condition 11.

Condition 15 states:

*In order to prevent spillage and wind blown dust from lorries, all such loads shall be adequately sheeted prior to leaving the site.*

There is no change proposed and this will become condition 12.

Condition 16 states:

*The hours of operation shall be restricted to:*

a) *for normal quarry operations:*

*Monday - Friday : 07:00 - 19:00*

*Saturday : 07:00 - 12:00*

b) *for fixed plant only:*

*Saturday : 12:00 - 16:00*

*Sunday : 07:00 - 16:00*

*or such longer times as may be agreed with the Planning Authority if lower noise emission levels from the fixed plant permits.*

It is proposed to extend the general operational hours, in accordance with the provisions of the updated Scottish Government's Planning Advice Notes, on Saturdays from the existing hours of 07:00 to 12:00 hours to 07:00 to 19:00 hours. It is also proposed to revise the operating hours of fixed plant to include Monday to Friday, presently omitted, to bring operations in line with the revised working on Saturday and to reduce operations on Sunday to between 10:00 to 14:00 hours on Sunday.

This is separate from the very specific condition that limits the days and hours of blasting operations and is controlled at condition 5 above.

This will become condition 13.

Condition 17 states:

*All plant and machinery will operate only in the permitted hours, except in emergency, and shall be silenced at all times in accordance with the manufacturers' recommendations.*

It is proposed to amend this condition to include; *Details of all cases of emergency operation on site shall be recorded by the developer and be submitted to the Planning Authority as soon as practicable after such an event including details of the nature and circumstances justifying such an event.* This addition is necessary to ensure that all episodes of emergency operation are recorded and those details provided to the Council to permit suitable monitoring with the developer.

This will become condition 14.

Condition 18 states:

*The design, installation and operation of all fixed plant and machinery shall be such that any associated noise does not increase the pre-existing background noise levels in each octave band (centres 31.5Hz - 8kHz) by more than 1dB, as determined for 1m from the facade of the neighbouring noise-sensitive premises. The pre-existing background noise levels shall be determined prior to the commencement of any operations and verified by EDC by the measurement of the average  $L_{90s}$  in each octave band, 1m from the facade of the neighbouring noise-sensitive premises and for the most noise sensitive period of operation.*

This condition forms a part of this application and is considered in full in section 3.3(c) above and this will become condition 15.

Condition 19 states:

*Suitable reference measurement points shall be identified such that the "A" weighted hourly  $L_{Aeq}$  noise levels emitted from the site - including all fixed and mobile plant and any ancillary operations - shall not exceed the pre-existing "A" weighted hourly  $L_{90s}$  by more than 5dB as determined for 1 metre from the facade of any neighbouring noise-sensitive premises.*

This condition forms a part of this application and is considered in full in section 3.3(c) above.

Accordingly, this condition is proposed to be removed from this determination.

Condition 20 states:

*Access to the workings shall be taken only from the B7030 road in the position shown on drawing no P1/1318/7/1. The design and layout of this access, which shall be submitted to and approved by EDC in consultation with the Roads Authority before quarrying operations commence, shall provide that heavy goods vehicles may leave the site only by turning tight to, and enter the site only turning left from the B7030 road.*

The required access layout was carried out on site in accordance with the terms of this condition. Accordingly, the condition is to be modified to reflect this and retain the existing layout to ensure that all heavy goods vehicles manoeuvre only in accordance with the original provisions.

This will become condition 16.

Condition 21 states:

*The rate of extraction of material shall be restricted to 375,000 tonnes per annum.*

It is proposed to include the following wording; *Details of the quantity of all extracted material from the quarry shall be recorded by the developer and be submitted to the Planning Authority on a quarterly basis.* This will ensure that records of all extraction will be submitted to the Council on a quarterly basis to ensure full monitoring and compliance.

This will become condition 17.

Condition 22 states:

*Within 15 years from the start of production of aggregate at the site, the operator shall - unless there then subsists a planning permission for the refilling and restoration of the site - submit a scheme for site restoration for the approval of EDC. This scheme shall include the details indicated in 'Restoration Conditions' no. 1 recommended by DAFS and set out in the Annex to this letter.*

This condition forms a part of this application and is considered in full in section 3.3(c) above and this will become condition 18.

Condition 23 states:

*The production of aggregates at the site shall cease at the end of 18 years from commencement of operations, unless either a scheme for the restoration of this site has been approved by EDC or there is in existence planning permission to refill and restore the site at the completion of quarrying.*

This condition forms a part of this application and is considered in full in section 3.3(c) above and this will become condition 19.

Condition 24 states:

*Within 12 months from the completion of operations, all plant, machinery and buildings shall be removed from the plant site and stockpile areas, which shall be left in a neat and tidy condition.*

There is no change proposed and this will become condition 20.

Condition 25 states:

*Restoration following completion of operations shall comply with 'Restoration Conditions' nos. 2-14 recommended by the DAFS and set out as the Annex to this letter.*

This condition is proposed to be reworded including transferring the DAFS restoration conditions as free standing conditions as part of this determination.

This condition is proposed to be reworded including transferring the DAFS restoration conditions from an annex to form a full part of this determination. These will become conditions 32 to 44. These changes would bring the condition in line with circular advice on conditions and ensure that the mineral working conditions have the same planning weight. This will become condition 21.

### e) Landscape and Visual Impact

None of the conditions, proposed to be amended by the applicant, relate to matters of landscape or visual impact regarding the quarry operation of the application site.

However, as part of the considerations related to noise, at condition 18, it was identified that the use of the drill rig, particularly in the north western part of the quarry, had the potential to exceed day time noise constraints when measured at the closest noise sensitive properties to the west of the site.

As a means of ensuring that noise from the drill rig would comply at all times, even in a worst case scenario, the operator has proposed to update the design of environmental bund along the western side of the quarry, especially at its northern end, to provide complete screening in all cases.

This will require increasing the height of the existing bund to a height of between 4.5 and 5 metres above the immediately adjacent land levels with the additional material taken from existing stockpiles within the existing site. The wider visual impact of the extended bund, when viewed from surrounding public locations, would be negligible in visual impact terms.

In order to facilitate these works it is proposed to amend condition 3 of the original decision to incorporate the detailed bund works to accord with the submitted plans and details provided by the operator.

The existing bund forms the western boundary of the quarry site located 250 metres to the east of Cliftonhall Road which runs north to south parallel with the application site. Along the eastern edge of the road is a mature tree belt which effectively screens the quarry site and the existing bund from public view.

The nearest residential property to the proposed bund is Clifton Cottage on the north side of Clifton Road 590 metres to the west of the quarry site. As well as the tree belt the site is also screened by a large former granary store now operating as a store facility.

These matters have been the subject of consultation with the Council's Legal and Risk section to ensure that their imposition on the new determination would be lawful. The formation of the bund works proposed are of such a scale that if considered in isolation would represent work that would constitute development as defined in the terms of the Town and Country Planning (Scotland) Act 1997 and therefore a separate application.

However, as they form a relatively minor part of the wider quarry development and are necessary and appropriate as part of the revision of an existing condition, to mitigate the impact of the development at the present time, then no separate application is required and it is appropriate to amend the provisions of the existing condition.

Condition 3 originally requires that:

*"The mounds to be formed at the site (as shown on drawing A16.100A), composed of the soil and overburden from the site, shall be fully formed before the commencement of actual quarrying operations."*

It is proposed to amend the condition to read:

*"3. The mounds and environmental bunds to be formed along the western boundary of the site (as detailed in drawing 1704-S106-BON-D-201 RevA), composed of the soil and overburden from the site, shall be constructed in full, prior to the recommencement of any extractive quarrying operations within the area marked 'Mineral Worked' (as detailed in drawing 1704-S106-BON-D-202 Rev A)."*

Representations were received concerned at the significant changes in the character of the surrounding area since the time when planning permission was granted for the quarry operation. Specifically the increase in the number and proximity of houses on part of the former Craigpark Quarry and that cognisance should be taken of this.

As already identified, the determination of this application would not impact on the continued operation or otherwise of the quarry, only whether those operations should be continued in accordance with a revised schedule of conditions from those imposed at the appeal decision.

Consequently, the impact on the occupants of noise sensitive properties in proximity to the quarry site is a matter that has been addressed in the conditions section of this report.

Concerns have also been raised with regard to the impact of the quarry operation on; the local conservation area, semi ancient woodland, Ratho Primary School grounds, and the Union Canal (a Scheduled Monument). However, Bonnington Mains Quarry is separated from these areas by Craigpark Quarry and as such there are no detrimental impacts on any of these locations.

Other representations were received stating their satisfaction with the supporting documents accompanying the application identifying that the proposal will not result in any significant adverse impact.

With the proposed condition change the proposal is acceptable in terms of its visual impact.

#### f) Ecology

The ecology of the site and its immediately surrounding area was fully assessed as part of the Environmental Statement (ES), this included various surveys and field studies of protected species.

Scottish Natural Heritage (SNH) has advised that it agrees with the proposed mitigation measures identified within the ES with regards to the both the continued operation of the quarry and the restoration requirements towards the end of the operational life of the quarry.

The Construction Environmental Management Plan and the Landscape and Habitat Management Plan include the compensation and enhancement measures and mitigation identified in the ES. That ensures adequate protection measures upon the

resumption of operations. Principally the species of concern would be bats, especially during periods of hibernation.

The protected species identified in public representations have been assessed as part of the application and sufficient mitigation provisions exist to ensure that the continued quarry operation on the site can be appropriately carried on. Both SNH and the ES report have confirmed that the site is not considered to hold any Great Crested Newts.

Subject to the restrictions identified in the ES the proposal is acceptable in terms of its ecology impact.

#### g) Water Environment

The relevant section within the Environmental Statement, submitted with the application, identifies potential hydrogeological and hydrological impacts of the quarry operations.

These existing matters have been considered by the Scottish Environmental Protection Authority (SEPA) and the proposed mitigation identified, existing conditions on the operation of the quarry and together with the level of control afforded under alternative legislation would be sufficient in this instance.

There are no proposed changes to the existing schedule of conditions in this instance.

#### h) Road Safety Issues

The application does not seek to amend or revise any of the existing transport related conditions attached to the original grant of planning permission resulting from the appeal decision.

The Roads Authority has been consulted and has no objections to the application.

Letters of representation were received from neighbours concerned at the impact of additional HGV traffic on a local road system, in the vicinity of the quarry site, that cannot cope and are in a state of disrepair.

There are also concerns raised regarding the agreed HGV routes to and from the quarry, with allegations that during previous operations HGVs took 'non-approved' routes south along Wilkieston Road through Wilkieston onto the A71, through Ratho, and along Clifton Road to the west.

Concerns have been raised that despite the angled junction, between the site and Cliftonhall Road (B7030) designed so as to only permit HGVs to enter and leave the site to and from the North, that some vehicles made a dangerous turning manoeuvre in the junction serving the EICA in order to travel directly south to the A71.

Finally, if the application is approved there should be strict conditions limiting the roads that can be used to and from the quarry placed on the permission.

The appeal decision contains only a single condition, number 20, that relates to vehicular access to and from the site which requires that:

*"Access to the workings shall be taken only from the B7030 road in the position shown on drawing no P1/1318/7/1. The design and layout of this access, which shall be submitted to and approved by EDC (Edinburgh District Council) in consultation with the Roads Authority before quarrying operations commence, shall provide that heavy goods vehicles may leave the site only by turning tight to, and enter the site only turning left from the B7030 road."*

A design of junction that fully complied with the terms of the condition was approved and the junction was formed in accordance with the agreed plans.

It can be confirmed that no 'agreed HGV routes to and from the quarry' have ever been the subject of such a planning condition placing any such restriction on vehicles visiting the quarry site.

Placing such limitations on, the use of certain public roads by vehicles, and the sizes and heights of vehicles using them, are matters for control through other primary legislation, including the Roads (Scotland) Act 1984.

Such a form of condition have been found by the Courts, not to be material planning matters and the imposition of such a condition would therefore be unlawful.

In response to these comments the applicant has advised that upon the resumption of operations on site will operate at similar levels of HGV movements to and from the site. This will equate to a 3% increase in existing traffic levels and a 22% increase in the number of HGVs.

There would be no detrimental impact on matters of road safety as a result of this determination.

#### i) Equalities and Human Rights Impacts

There are no equalities or Human Rights impacts with this application.

#### j) Representations

##### **Material Representations: Objections**

- Original permission - lapsed in 2014 after 18 years of operation, this is an attempt to by-pass the process/environmental requirements - assessed in section 3.3(a) and found that the planning permission has not lapsed and remains valid for its operation as a quarry.
- Noise - additional noise impact and disturbance on neighbouring residents - assessed in section 3.3(d) and found that the proposed changes to the conditions would maintain an acceptable level of noise impact on the occupants of the nearest dwellings.
- Dust - in the past this quarry produced a considerable amount of dust - assessed in section 3.3(d) and found that the proposed

application would not impact on the existing levels of dust impact on the on the occupants of the nearest dwellings.

- Vibration - additional vibration impact on residential buildings and other infrastructure - assessed in section 3.3(d) and found that the proposed application would not impact on the existing levels of vibration impact on the on the occupants of the nearest dwellings.
- Impact - blasting 9-4 every day and over 200 Lorries every day - assessed in section 3.3(d) and found that the proposed restrictions identified in the amended planning conditions, controlling the future operation of the quarry, would not have a detrimental impact on the occupants of the nearest dwellings.
- Surrounding area - significant changes in character since the original permission; more and closer houses - assessed in section 3.3(e) and found that this application could not take account of such matters and that any impact could be mitigated through the revised noise conditions.
- Proximity - to local conservation area, semi ancient woodland, Ratho Primary School grounds, and the Union Canal (a scheduled monument) - assessed in section 3.3(e) and found that the intervening Craigpark Quarry meant that there would be no detrimental impact on these identified areas.
- Protected species - site of Great Crested Newts, Otters, Voles, Kestrels, Peregrine Falcons, Badgers, and Short Eared Owls - assessed in section 3.3(f) and found that suitable protection and mitigation measures have been proposed to protect the relevant species found within proximity of the site.
- Traffic - additional HGV traffic on local roads that cannot cope; these are already in a state of disrepair; road safety - assessed in section 3.3(h) and found that the increase in traffic would not be detrimental to issues of road safety in the vicinity of the application site.
- HGV manoeuvres - no right turn into the quarry so quarry lorries turned in the EICA junction - assessed in section 3.3(h) and found that HGV manoeuvres within the public road are not matters for control under the Planning Act.
- Agreed HGV routes - in the past lorries took non-approved routes, Ratho, Wilkieston and Clifton Road - assessed in section 3.3(h) and found that there are no 'approved routes' imposed on the operation of this quarry.
- If approved - there should be strict conditions limiting the roads that can be used to and from the quarry - assessed in section 3.3(h) and found that such a condition here would be unlawful.

– **Material Representations: Support**

- Mineral reserves - these should not be sterilised - assessed in section 3.3(a) and found that policy RS 5 of the Edinburgh Local Development Plan supports quarry development on this site.
- Jobs - reopening will create jobs and a positive economic boost to the area - assessed in section 3.3(a) and found that policy RS 5 of the Edinburgh Local Development Plan supports quarry development on this site.
- Environmental statement - satisfied with professional supporting documents that there will be no significant adverse impact - assessed in section 3.3(b) and found that sufficient impact mitigation has been proposed with the application.

## **CONCLUSIONS**

In conclusion, the proposal is in accordance with the provisions of development plan policies. The proposed amendments, both set out by the operator and those to bring the conditions up to present standards, especially in terms of ensuring the monitoring of activities, would result in an acceptable form of conditional permission for the future operation of the site.

The changes, in accordance with the provisions of the submitted Environmental Statement, would also ensure quarrying operations comply with national guidance and local non-statutory guidance, preserve the character and appearance of the landscape and the ecology of its surroundings and would not prejudice road safety or residential amenity. There are no material considerations which outweigh this conclusion.

It is recommended that this application be Granted subject to the details below.

### **3.4 Conditions/reasons/informatives**

1. The developer shall comply in full with the provisions of the 'Mineral Working Conditions' (conditions 22-31 below) as recommended by the Department for Agriculture and Fisheries Scotland (DAFS).
2. The mounds and environmental bunds to be formed along the western boundary of the site (as detailed in drawing 1704-S106-BON-D-201 RevA), composed of the soil and overburden from the site, shall be constructed in full, prior to the recommencement of any extractive quarrying operations within the area marked 'Mineral Worked' (as detailed in drawing 1704-S106-BON-D-202 Rev A).
3. No blasting or drilling operations shall be carried out on the site except between the following times:
  - Mondays to Fridays: 10:00 and 16:00 hours.

There shall be no blasting or drilling operations on Saturdays or Sundays.

This condition shall not apply in cases of emergency when it is considered necessary to carry out blasting operations in the interests of safety. The planning authority shall be notified of such events as soon as practicable after such an event including details of the nature and circumstances justifying such an emergency event.

4. There shall be a maximum of 3 blasts per week, with an average over any period of 12 months of 2 blasts per week.
5. Prior to the commencement of blasting, monitoring points of approved mobile equipment shall be provided, subject to the following:
  - a) the location of the monitoring points shall be those as agreed with the Planning Authority.
  - b) the monitoring process shall be carried out for the duration of blasting at the quarry including the 15 minutes immediately prior to and the 15 immediately following the duration of any blasts.
  - c) all record sheets shall be available at the quarry office for inspection at all reasonable times and be submitted to the Planning Authority on a quarterly basis.
  - d) the Planning Authority shall be afforded reasonable access to the equipment insofar as such access is subject to statutory regulations.
6. Ground vibration as a result of blasting operations shall not exceed a peak particle velocity of  $6 \text{ mms}^{-1}$  in 95% of all blasts measured over any period of 6 months and no individual blast shall exceed a peak particle velocity of  $12 \text{ mm}^{-1}$  as measured at vibration sensitive buildings. The measurement to be the maximum of 3 mutually perpendicular directions taken at the ground surface at any vibration sensitive building. Details of the results of all on site blasting operations, including those required by the provisions of conditions 7 and 8 below, shall be recorded by the developer and be submitted to the Planning Authority on a quarterly basis.
7. The gas pipeline which passes near the south west of the appeal site shall not be subjected to a resolved peak particle velocity in excess of 25mm/s measured as the maximum in any one plane on the pipe. Compliance with this criterion shall be ascertained by measurement on the ground surface immediately above the buried pipeline, where a resolved peak particle velocity of 37.5mm/s shall not be exceeded.
8. Blasting practices shall be such that under appropriate measurement conditions the peak linear overpressure level of 120dB shall not be exceeded as measured at the nearest noise sensitive premises.
9. Suitable modern dust suppression or collection equipment shall be installed on all relevant plant, and shall be regularly maintained in accordance with the manufacturers' recommendations, to ensure its efficient operation.
10. All conveyors shall be adequately enclosed.
11. An adequate number of portable water sprayers shall be provided for the damping down of stockpiles, areas adjacent to the crushing plant and internal haul roads.

12. In order to prevent spillage and wind blown dust from lorries, all such loads shall be adequately sheeted prior to leaving the site.
13. The hours of operation shall be restricted to:
- a) for normal quarry operations:
    - Monday - Friday : 07:00 - 19:00
    - Saturday : 07:00 - 19:00
  - b) for fixed plant only:
    - Monday - Friday : 07:00 - 19:00
    - Saturday : 07:00 - 19:00
    - Sunday : 10:00 - 14:00
- or such longer times as may be agreed with the Planning Authority if lower noise emission levels from the fixed plant permits.
14. All plant and machinery will operate only in the permitted hours, except in emergency, and shall be silenced at all times in accordance with the manufacturers' recommendations. Details of all cases of emergency operation on site shall be recorded by the developer and be submitted to the Planning Authority as soon as practicable after such an event including details of the nature and circumstances justifying such an event.
15. a) That with respect to the control of noise resulting from the operations during the permitted hours of operation stated in Condition 14, the nominal noise limit from site operations shall not exceed the following, when measured free field over any one hour period:
- Clifton Cottage 45 dB(A)  $L_{Aeq}$ ,
  - Bonnington Mains Farm 52 dB(A)  $L_{Aeq}$ ,
  - Craigpark Housing Development 52 dB(A)  $L_{Aeq}$ ,
  - Park Ranger Lodge 52 dB(A)  $L_{Aeq}$ ,
  - Ratho Mains Farm 51 dB(A)  $L_{Aeq}$ ,
- b) Notwithstanding the terms of part (a), that during temporary operations, such as soil stripping operations, the nominal daytime noise limit from site operations, shall be no more than 70dB  $L_{Aeq}$  over anyone hour period for a maximum of 8 weeks per year.
- c) Details of all noise measuring and monitoring records shall be recorded by the developer and be submitted to the Planning Authority on a quarterly basis.
16. Access to the workings shall be taken only from the B7030 road in the position shown on drawing no P1/1318/7/1 as constructed on site so as to provide that heavy goods vehicles may leave the site only by turning tight to, and enter the site only turning left from, the B7030 road.
17. The rate of extraction of material shall be restricted to 375,000 tonnes per annum. Details of the quantity of all extracted material from the quarry shall be recorded by the developer and be submitted to the Planning Authority on a quarterly basis.

18. That within 5 years of the date of this permission, a plan illustrating the proposed final restoration of the site, incorporating all of the requirements contained within the provisions of Conditions 32-44 below (the Restoration Conditions), shall be submitted to and approved by the Council as Planning Authority. Thereafter, the approved restoration plan shall be reviewed every 10 years. The site shall then be restored in accordance with the last approved restoration plan within 24 months of the cessation of the permitted operations.
19. That all extraction operations on the site shall be discontinued on or before 3 September 2050, as stipulated by the provisions of paragraph 1(2) of Schedule 3 of the Town and Country Planning (Scotland) Act 1997, and no later than a date 24 months from that discontinuance date, the entire site shall be restored in accordance with the approved Restoration Plan as agreed by the provisions of Condition 19 above.
20. Within 12 months from the completion of operations, all plant, machinery and buildings shall be removed from the plant site and stockpile areas, which shall be left in a neat and tidy condition.
21. Restoration following completion of extraction operations shall comply with 'Restoration Conditions' (conditions 32-44 below) as recommended by the Department for Agriculture and Fisheries Scotland (DAFS).
22. The Applicant shall make stock proof and maintain until the restoration is completed, all the existing perimeter hedges, fences and walls, and shall protect the same from damage.

Where the site boundary does not coincide with an existing hedge, fence or wall, the Applicant shall provide and maintain, until the restoration is completed, stock proof fencing with gates or cattle grids at every opening.

Hedgerows within or bounding the site shall be carefully maintained, cut and trimmed at the proper season throughout the period of working and restoration of the site.

23. Topsoil and subsoil must only be stripped when these soils are in such a condition of dryness which will enable the soils to be moved without damaging the structure of the soils.
24. Bind-free soil forming material found during the course of the proposed operations shall be recovered where practicable and stored for use in the final restoration of the land. This material shall be used to replace shortages of subsoil, or used to cap the overburden where there is adequate subsoil and topsoil. This material to be used to achieve a minimum topsoil and subsoil depth of 1.0 metre at restoration.
25. Topsoil, subsoil, soil forming material and overburden shall be carefully stored in separate dumps and prevented from mixing. Topsoil dumps shall not exceed 6 metres in height.

Topsoil and subsoil dumps shall be evenly graded, and tops shaped to prevent water ponding. Topsoil dumps shall be seeded to grass.

The soil storage mounds, haul roads and site access roads shall be fenced off so that during construction of the mounds and operation of the quarry no traffic will have access to the remainder of Field 2100/3174. Upon completion of stripping operations the haul roads within Field 2100/3174 should be rooted and soil retained. Any disrupted field drains shall be reinstated. These areas should be rooted at each stage and stones exceeding 200mm in any one direction removed from the topsoil. Fencing should then be removed from reinstated haul road routes.

26. Topsoil shall be retained on the site and none shall be sold off or removed from the site. After stripping and formation of storage dumps, they shall be fenced off and the quantities shall be measured and the volumes and locations made known to the Planning Authority and to the agricultural occupier concerned.
27. All weeds on the site, including particularly those on the topsoil and subsoil dumps, shall be treated with weed killer or cut to prevent spreading within the site or to adjoining agricultural land.
28. Throughout the period of working, agricultural restoration and aftercare, the applicant shall protect and maintain any ditch, stream, water course or culvert padding through the site so as not to impair the flow nor render less effective drainage on to and from adjoining land.
29. Provision shall be made at all times to ensure that underdrainage is maintained for land outwith the working area. Standing water must not be allowed to gather on any areas with the whole site where the topsoil and subsoil have not been stripped.
30. Alternative arrangements shall be made for any interruption of drainage systems serving land adjacent to the site.

New interceptor leaders shall be laid, or ditches cut, where required, to ring the site and bleed-in existing lateral drains from adjoining undisturbed land.

31. Any oil, fuel, lubricant, paint or solvent within the site shall be stored within a suitable bund or other means of enclosure to prevent such material from contaminating topsoil or subsoil or reaching any water course.
32. On completion of extraction to the approved levels, the quarry floor shall be rooted to break up compacted layers. Haul roads from the soil storage mounds within Fields 2100/3478 shall be fenced off to deny traffic access to the remainder of the field.
33. Progressive and even respreading of overburden shall be carried out following mineral extraction. The overburden shall be levelled and graded in accordance with the approved restoration contours, and shall have slopes adjusted to be free from the risk of both ponding and erosion. The overburden shall be rooted and cross-rooted to a depth of 300 millimetre with boulders and other impediments, exceeding 500 millimetre in any one direction, removed, carted off the site or buried in a stone hole.

34. Prior to the replacement of the subsoil all soil forming material conserved shall be spread evenly over the overburden and any large stones removed as described at Condition 35 above.
35. At least 600 millimetres of subsoil shall be spread on top of the over-burden. The subsoil shall be replaced in even layers. Each layer shall be separately rooted and cross-rooted with a heavy duty winged rooting machine with tines set no wider than 450 millimetres apart. Each rooting operation shall be sufficiently deep to penetrate at least 150 millimetres into the preceding layer. Any stones or boulders exceeding 200 millimetres in any one direction, or other material which would prevent or impede normal agricultural or land drainage operations, or the use of machinery for subsoiling or mole ploughing, shall be removed before topsoil is replaced. The surface of all layers shall be left in a loosened state to prevent sealing.
36. Topsoil shall be replaced to the original depth to achieve agreed land levels and configuration. The topsoil shall be rooted and cross-rooted to its full depth with stones exceeding 150 millimetres in any one direction being removed from the site or buried in a stone hole. All operations following replacement of topsoil shall be carried out by suitable agricultural machinery.
37. All operations to remove topsoil and subsoil from dump and to respreads in accordance with Conditions 36 and 37 shall be carried out when the ground and dump are dry, and conditions are otherwise judged by the Planning Authority or their agent to be suitable. Earth moving machinery should travel to and from the soil dumps along clearly defined routes. These routes must be rooted before being covered with the next layer of subsoil or topsoil. When the vehicle is emptied after spreading subsoil or topsoil, the driver must immediately turn off on to overburden or subsoil areas respectively. On sloping land the direction of travel of machines should be parallel to the contours to minimise erosion.
38. Upon completion of extraction works, all site access roads, fixed plant, machinery and buildings, shall be removed from the site. All areas involved shall be subject to the full restoration treatment.
39. The site shall be restored only in accordance with the Restoration Plan approved in accordance with Condition 19 and the works and specification outlined in that Plan.

Facilities installed in accordance with the Restoration Plan shall be maintained to the satisfaction of the Planning Authority until the end of the Aftercare Period.

40. The site shall be restored only in accordance with the Restoration Plan approved in accordance with Condition 19 and the works and specification outlined in that Plan.

Facilities installed in accordance with the Restoration Plan shall be maintained to the satisfaction of the Planning Authority until the end of the Aftercare Period.

41. Diverted water courses shall be restored to the original or agreed alternative line and measures shall be taken to prevent erosion of banks and beds.

42. After replacement of topsoil in accordance with Conditions, chemical analyses of the soils shall be carried out by an approved agency to assess the fertiliser, lime and other major and minor nutrients required to promote the establishment and growth of appropriate plants for the agreed land use.

The land shall be cultivated using agricultural machinery, to prepare a seed bed suitable for the sowing of grass seeds. During the cultivation process, any stones with a dimension larger than 150 millimetres shall be removed together with other obstructions to future cultivation. Lime, fertilisers and other plant nutrients shall be applied in accordance with the recommendations of the approved agency carrying out the soil chemical analyses so that the soil is sufficiently fertile to permit the chosen programme of restoration.

Where no soil analyses results are available, a minimum of 7.5 tonnes of ground limestone, 190 kilograms of phosphoric acid (P<sub>2</sub>O<sub>5</sub>) and 400 kilograms of balanced compound fertiliser shall be applied per hectare.

The land will be sown to a short term grass seeds mixture, the basis of which should be perennial rye grass and white clover.

43. Restoration shall not be considered to have been completed until all the aforementioned operations have been carried out to the satisfaction of the Planning Authority.
44. An Aftercare Scheme shall be submitted in accordance with the Act for the approval of the Planning Authority, when final restoration contours have been achieved.

**Reasons:-**

1. In order that the quarry workings on the site are carried out in full accordance with best practice and the provisions of Planning Advice Note 50: "Controlling the Environmental Effects of Surface Mineral Workings."
2. In order to provide the necessary noise mitigation measures to permit the recommencement of quarrying operations on the site.
3. In order to control the times when blasting can be carried out on site so as to protect the amenity of the occupiers of neighbouring properties and to ensure safe blasting practice is carried out on the site at all times.
4. In order to control the number of blasting events that area carried out on site so as to protect the amenity of the occupiers of neighbouring properties.
5. In order to control the times when blasting can be carried out on site so as to protect the amenity of the occupiers of neighbouring properties.
6. In order to control vibrations from blasting within the site so as to protect the amenity of the occupiers of neighbouring properties.

7. In order to protect existing gas infrastructure within proximity of the quarry site.
8. In order to control vibrations from blasting within the site so as to protect the amenity of the occupiers of neighbouring properties.
9. In order to protect the amenity of the occupiers of neighbouring properties.
10. In order to protect the amenity of the occupiers of neighbouring properties.
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13. In order to protect the amenity of the occupiers of neighbouring properties.
14. In order to protect the amenity of the occupiers of neighbouring properties.
15. In order to protect the amenity of the occupiers of neighbouring properties.
16. In order to ensure that heavy goods vehicles entering and leaving the site are suitably routed to the principal road network.
17. In order to control the numbers of heavy goods vehicles generated by the site and to protect the amenity of the occupiers of neighbouring properties.
18. In order to ensure that there is an acceptable form of restoration works carried out on the site and to ensure an appropriate form of after use.
19. In order to suitably control the duration of the quarrying operations on the site and in order to ensure that there is an acceptable form of restoration works carried out on the site and to ensure an appropriate form of after use.
20. In order to ensure that there is an acceptable form of restoration works carried out on the site and to ensure an appropriate form of after use.
21. In order to ensure that there is an acceptable form of restoration works carried out on the site and to ensure an appropriate form of after use.
22. In order to ensure that the site is suitably secured for Health and Safety reasons.
23. In order to ensure that the site soils are appropriately treated and retained to ensure a suitable level of restoration of the site.
24. In order to ensure that the site soils are appropriately treated and retained to ensure a suitable level of restoration of the site.
25. In order to ensure that the site soils are appropriately treated and retained to ensure a suitable level of restoration of the site.
26. In order to ensure that the site soils are appropriately treated and retained to ensure a suitable level of restoration of the site.

27. In order to ensure that the site soils are appropriately treated and retained to ensure a suitable level of restoration of the site.
28. In order to suitably maintain field drainage systems in the immediate vicinity of the site and protect agricultural land outwith the site so as to mitigate disruption from the quarrying operations on the site.
29. In order to suitably maintain field drainage systems in the immediate vicinity of the site and protect agricultural land outwith the site so as to mitigate disruption from the quarrying operations on the site.
30. In order to suitably maintain field drainage systems in the immediate vicinity of the site and protect agricultural land outwith the site so as to mitigate disruption from the quarrying operations on the site.
31. In order to mitigate potential pollution events from the quarrying operation on the site.
32. In order to ensure that there is an acceptable means of restoration plan for the site and its after use.
33. In order to ensure that there is an acceptable means of restoration plan for the site and its after use.
34. In order to ensure that there is an acceptable means of restoration plan for the site and its after use.
35. In order to ensure that there is an acceptable means of restoration plan for the site and its after use.
36. In order to ensure that there is an acceptable means of restoration plan for the site and its after use.
37. In order to prevent damage to soil structure due to trafficking with heavy vehicles, plant or machinery and to ensure that there is an acceptable means of restoration plan for the site and its after use.
38. In order to ensure that there is an acceptable means of restoration plan for the site and its after use.
39. In order to ensure that there is an acceptable means of restoration plan for the site and its after use.
40. In order to ensure that there is an acceptable means of restoration plan for the site and its after use.
41. In order to suitably maintain field drainage systems in the immediate vicinity of the site and protect agricultural land outwith the site so as to mitigate disruption from the quarrying operations on the site.

42. In order to ensure that there is an acceptable means of restoration plan for the site and its after use.
43. In order to ensure that there is an acceptable means of restoration plan for the site and its after use.
44. In order to ensure that there is an acceptable means of restoration plan for the site and its after use.

## **Financial impact**

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### **4.1 The financial impact has been assessed as follows:**

There are no financial implications to the Council.

## **Risk, Policy, compliance and governance impact**

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5.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

## **Equalities impact**

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### **6.1 The equalities impact has been assessed as follows:**

The application has been considered and has no impact in terms of equalities or human rights.

## **Sustainability impact**

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### **7.1 The sustainability impact has been assessed as follows:**

This application is not subject to the sustainability requirements of the Edinburgh Design Guidance.

## **Consultation and engagement**

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### **8.1 Pre-Application Process**

There is no pre-application process history.

### **8.2 Publicity summary of representations and Community Council comments**

The application was advertised on the 19 January 2018 and attracted twelve letters of representation received from eleven individuals. Nine representations raised objections to and three were in support of the application.

A full assessment of the representations can be found in the main report in the Assessment section.

## Background reading/external references

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- To view details of the application go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

**Statutory Development  
Plan Provision**

Edinburgh Local Development Plan - Defined Minerals site in the Countryside policy area and set to the north of a defined Special Landscape Area.

**Date registered**

22 December 2017

**Drawing numbers/Scheme**

01 - 03,

Scheme 1

**David R. Leslie**

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: John Maciver, Senior Planning Officer

E-mail:john.maciver@edinburgh.gov.uk Tel:0131 529 3918

**Links - Policies**

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**Relevant Policies:**

**Relevant policies of the Local Development Plan.**

LDP Policy Env 10 (Development in the Green Belt and Countryside) identifies the types of development that will be permitted in the Green Belt and Countryside.

LDP Policy Env 11 (Special Landscape Areas) establishes a presumption against development that would adversely affect Special Landscape Areas.

LDP Policy Env 16 (Species Protection) sets out species protection requirements for new development.

LDP Policy Env 21 (Flood Protection) sets criteria for assessing the impact of development on flood protection.

LDP Policy Env 22 (Pollution and Air, Water and Soil Quality) sets criteria for assessing the impact of development on air, water and soil quality.

LDP Policy Tra 1 (Location of Major Travel Generating Development) supports major development in the City Centre and sets criteria for assessing major travel generating development elsewhere.

LDP Policy RS 5 (Minerals) outlines the circumstances development to extract minerals from quarries will be permitted.

# Appendix 1

**Application for Planning Permission 17/05930/FUL.  
At Bonnington Mains Quarry, Cliftonhall Road, Newbridge.  
Section 42 application for proposed variation to conditions  
5, 8, 18, 22 + 23 of planning consent P/PPA/LA/643 (dated 4  
September 1990) to amend noise + vibration limits, postpone  
submission of final restoration plan + clarify period for  
completion of all mineral operations to 31 December 2050.**

## Consultations

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### Ratho and District Community Council

*Ratho and District Community Council is fully aware that conditional planning permission was granted on appeal in September 1990 for the operation of the Bonnington Mains Quarry, Ratho, including the erection of plant and ancillary structures, and can readily recall the history of operational activity at the quarry until the closure of operational activities in 2011. At present the site, which is situated close to the western boundary of Ratho Village, consists of a deep flooded excavation and is separated from the adjoining redundant Craigpark Quarry by a headland of rock.*

*This Planning Application has been made under Section 42 of the Town and Country Planning (Scotland) Act 1997 to operate the quarry in accordance with conditions which differ from the approved planning conditions. Ratho and District Community Council has publicised this proposal on its social media channels and feedback from local residents are incorporated in the comments below. To date the Community Council has received no communication from the Applicant or their Agents regarding the planning application and their operational aspirations.*

*Whilst the Community Council is sympathetic to the long term need for locally sourced good quality rock aggregates, concrete products and coated roadstone materials and welcomes the prospect of direct and indirect employment opportunities associated with this project, the Community Council, in representing the local community, has significant concerns about the public safety, public amenity, environmental impacts and transportation consequences involved in the proposals.*

*Since the cessation of operations at Bonnington Mains Quarry in 2011, a range of topographical changes have occurred in that local area that serve to add credence to our concerns. The changes are summarised as follows:*

- A high quality housing development comprising of some 120 private residential dwellings is currently being constructed, as an extension to the western boundary of Ratho Village, on elevated ground above Craigpark Quarry. The nearest house is situated some 240 metres from northern perimeter of Bonnington Mains Quarry. It is interesting to note that the housing developer, in*

*advertising this "idyllic development" states that it offers "tranquil, luxury living at its best".*

- Planning Permission has been granted for the infilling of Craigpark Quarry with inert waste materials to form a publicly accessible country park for the benefit of the community at large. Completion of the Public/Country Park is expected in June 2018.*
- Planning permission has been granted, subject to legal agreement, for the erection of a Manager's Office/Residence and associated agricultural building within the confines of the Public/Country Park adjacent to Wilkieston Road. This development has been completed and the house is fully occupied.*
- A planning application (Ref: 17/02471/FUL) has been submitted for the erection, within the above Public/Country Park, of an outdoor leisure complex including water sport and training facilities, infrastructure, pedestrian and vehicular accesses, landscaping and ancillary works including retail and food and drink facilities. The proposed leisure facilities include a novel 'wave garden', zip-wire and ski slope, bicycle skills track, camping pods, adjacent canal moorings as well as customer retail facilities. This prestigious proposal is expected to create some 52 jobs and generate at least 155,000 visitors per year to the Country Park.*
- The above planning application (Ref: 17/02471/FUL) also includes the erection of 31 luxury lodges within the country park located near to the boundary of Bonnington Mains Quarry. It is our understanding that the lodges, if approved, will be offered for private sale and/or lease arrangements and that their inclusion is now considered an integral foundation for the success of the proposed outdoor leisure complex.*
- It is proposed that the sole vehicular access to the Public/Country Park, outdoor leisure complex and luxury lodge accommodation, for both visitors and construction traffic, will be taken on a shared basis along the existing access to the Edinburgh International Climbing Arena (EICA). This access road adjoins the B7030 (Cliftonhall Road), which already has a history of accidents (including one fatality), at a location some 230 metres from the exit/entry location to/from the applicant's site. The cumulative effect on the B7030 of the 200-350 HGV daily movements to/from Bonnington Mains Quarry and the significantly increased numbers of visitors attending EICA, the Public/Country Park and Outdoor Leisure Complex appear not to have been fully considered in the applicant's submission. The traffic impact on the already heavily congested Newbridge Roundabout also needs to be considered.*
- Information from local residents about the existence of protected species in the direct locality of Bonnington Mains Quarry does not fully accord with the Applicant's Environmental Statement.*

*Concerns have been expressed to the Community Council about the effect of quarrying operations on wildlife and protected species and the lack of a stated strategy to ensure their protection during the operation of the quarry and its associated infrastructure.*

*In regard to the specific proposed variation to conditions 5, 8, 18, 22 and 23 of the planning permission granted on 4 September 1990, the Community Council has the following observations to make:*

**Conditions 5, 8 & 18 - Blasting Operations, Noise and Vibration (Peak Particle Velocity)**

*The Applicant invites approval for the hours for blasting operations (non-emergency) at the quarry from 10:00 to 16:00 hours Monday to Friday and 10:00 to 12:00 on Saturdays. Changes are also sought to the blasting peak particle velocity limit set by the Reporter at 2.5mm/s to a new limit of 10mm/s over any period of 6 months at neighbouring vibration-sensitive buildings.*

- *The Community Council has concerns about the impact and effect of blasting on the community and local countryside as a whole and more specifically on the above-mentioned housing development, Public/Country Park, proposed outdoor leisure facilities and holiday accommodation located near to the quarry. It should be noted that the Reporter, in his findings, considered that it was not unreasonable for relatively strict standards to be imposed. It is noted that Condition 6 allowed for a maximum of three blasts per week, with an average over any period of twelve months of two blasts per week. The Community Council would wish to see this constraint explicitly continued and enforced, should the Council be minded to grant the application.*

- *The Reporter considered that residential amenity is of considerable importance and that peak particle velocity should not exceed 2.5 mm/s. No justification for not continuing these relatively strict standards has been offered by the Applicant.*
- *Residents, many of whom were inconvenienced by the previous quarry workings in this area, are concerned about the potential for dust generation and ground vibrations causing damage to properties i.e. cracking of walls. The potential for exhaust odours from the Asphalt Plant is also of concern to local residents.*
- *Detailed public engagement by the Applicant should be carried out with the local community to fully appreciate the community's concerns about blasting and other operational practices on this site and to explain the proposed methodology and requisite control arrangements.*
- *The Community Council recommends that no blasting should be permitted at weekends. To allay public concerns, the Applicant should be required to demonstrate by test blasting the physical vibration, dust generation and noise implications of their blasting and wider operational proposals.*

- *It is claimed that the developer of the 31 luxury lodges has agreed to build an acoustic fence and to form a bund to mitigate the effect of noise from operations in Bonnington Mains Quarry. In the event that planning permission is not given to the erection of the luxury lodges, what mitigation measures are proposed to similarly protect the Public/Country Park and Outdoor Leisure Complex users?*

**Condition 22 & 23 - Time Period of Operations & Restoration Plan**

- *Ratho and District Community Council wishes to be consulted at an early stage on any discussions/proposals about the restoration or future use of the Bonnington Mains Quarry site.*
- *Under current planning conditions all operational traffic servicing the Bonnington Mains Quarry is routed to/from the Newbridge area via the B7030, thus avoiding the weight restrictions in Ratho Village and traffic congestion at Wilkieston B7030/A71 Junction. These conditions should be further reinforced as residents recall HGV vehicles routinely entering and exiting the site to/from the south, contrary to instructions given to contractors.*
- *Consideration should be given to the Applicant being required to provide a bond or other such instrument covering all costs associated with the removal of all mechanical plant and buildings from the site and the reinstatement of all operationally affected areas of land.*

**Summary,**

*In light of the said topographical changes, including new housing and high profile sport and tourism proposals in the immediate locality of Bonnington Mains Quarry, residents of Ratho and the Ratho and District Community Council has serious reservations about the proposals to recommence mineral extraction and to develop other proposed industrial activities in the Quarry. The potential consequences on residents, visitors and the environment generally in terms of noise, vibration, smell and dust, together with the associated transport/traffic implications particularly on the B7030 Cliftonhall Road and Newbridge Roundabout, are all of particular concern. Indeed the intended operational methodology at the site, deploying the potential for blasting six days per week, appears totally incompatible with the wider development and tourism aspirations for that area. It is of further concern to the Community Council that the Applicant appears not to have appreciated the likely level of concern amongst residents locally and of the need to engage with the community on their proposals.*

*In the event that the Council is minded to give approval to the proposed variation of planning conditions pertaining to the site, the Community Council requests that the various matters of concern identified in this letter are fully taken account of.*

## **Edinburgh Airport**

*The proposed development has been examined from an aerodrome safeguarding perspective and does not conflict with safeguarding criteria. We therefore have no objection to this proposal.*

## **Scottish Environmental Protection Agency (SEPA)**

### **Advice for the planning authority**

*We have no objection to this planning application. Please note the advice provided below.*

#### **1. Flood Risk**

*1.1 We have no objection to the proposed development on flood risk grounds. Notwithstanding this we would expect City of Edinburgh Council to undertake their responsibilities as the Flood Prevention Authority.*

#### *Technical Report*

*1.2 We previously provided advice to this application at the scoping opinion on the 31 of October 2016. We stated that the site was within the medium likelihood of the SEPA Flood Maps, and recommended that pumping should be assessed and contact to be made with Scottish Canals. We also recommended investigation into surface water flood risk and to contact the flooding officers in Edinburgh Council.*

*1.3 Review of the Environmental Statement chapter 8 considers hydrogeological and hydrological impacts, including flood risk. Within this chapter is it stated that no stockpiling will be near the drain in the northern part of the site, which we support.*

*1.4 Any surface water runoff will be directing into the quarry void, which in turn will be dewatered into the settlement lagoons before a controlled discharge at Greenfield runoff rates to the drain, which we also support.*

*1.5 Water levels within the quarry void will be monitored to begin with daily, then monthly. Any changes in nearby water levels at the proposed lagoon at Craigpark Quarry or seepages that appear, water levels will be monitored in the lagoon and the possibility of pumping water into the lagoon may be required.*

*1.6 A runoff and drainage assessment has been undertaken. Any drainage or SUDs proposed are for the council to satisfy themselves that the arrangements will be appropriate and in accordance with any internal guidance.*

#### *Caveats & Additional Information for Applicant*

*1.7 The SEPA Flood Maps have been produced following a consistent, nationally-applied methodology for catchment areas equal to or greater than 3km<sup>2</sup> using a Digital Terrain Model (DTM) to define river corridors and low-lying coastal land. The maps are indicative and designed to be used as a strategic tool to assess flood risk at the*

community level and to support planning policy and flood risk management in Scotland. For further information please visit:  
<http://www.sepa.org.uk/environment/water/flooding/flood-maps/>

1.8 Please note that we are reliant on the accuracy and completeness of any information supplied by the applicant in undertaking our review, and can take no responsibility for incorrect data or interpretation made by the authors.

1.9 The advice contained in this letter is supplied to you by SEPA in terms of Section 72 (1) of the Flood Risk Management (Scotland) Act 2009 on the basis of information held by SEPA as at the date hereof. It is intended as advice solely to City of Edinburgh Council as Planning Authority in terms of the said Section 72 (1). Our briefing note entitled: "Flood Risk Management (Scotland) Act 2009: Flood risk advice to planning authorities" outlines the transitional changes to the basis of our advice in line with the phases of this legislation and can be downloaded from:  
<http://www.sepa.org.uk/environment/land/planning/guidance-and-advice-notes/>

## **2. Groundwater**

2.1 The proposed extraction of quartz dolerite will require dewatering of the quarry void to facilitate dry working, water will be pumped to existing settlement ponds to the north of the void. Clean water will be used for dust suppression and mineral processing, excess will be discharged (maximum 753m<sup>3</sup>/d) to a tributary north of the site (existing CAR/L/1001493), the tributary then discharges into the Union Canal 510m to the north. Extraction of quartz-dolerite at Bonnington Mains Quarry occurred from 1995 - 2010, with the base of quarry void currently around 65mAOD. The void has filled with water since extraction ceased. Future operations involve further deepening of the existing void to 29mAOD (45m below natural ground level).

2.2 There are no unacceptable impacts relating to hydrogeological issues identified from the proposed activities.

### **2.3 Dewatering**

2.3.1 A registration under the Water Environment (Controlled Activities) (Scotland) Regulations (CAR) will be required even if the calculated groundwater dewatering component is <50m<sup>3</sup>/d, this has been acknowledged in Section 8.161 of the ES. Dewatering is planned during excavation to maintain dry working conditions, it should be undertaken in compliance with General Binding Rule (GBR) 2 and 15.

2.3.2 A means of demonstrating the groundwater abstraction volume should be developed - guidance for calculations can be found in Annex 1 of SEPA's Regulatory Method WAT-RM-11 on Licensing Groundwater Abstractions. Section 8.204 of the ES states that the groundwater component will be calculated through the recording of dewatering rates in comparison with recent rainfall. The applicant also proposes to drill a minimum of three boreholes to monitor groundwater levels in the Calders Member and Quartz Dolerite intrusion.

2.3.2 It should be noted that due to the significant increase in the depth of the void if the contact between the quartz-dolerite and Calders Member is breached during

excavations the volume of groundwater flow to the void could increase and a CAR licence may be required if groundwater dewatering volumes exceed 50m<sup>3</sup>/d.

## 2.4 Private Water Supplies

2.4.1 There have been no private water supplies, groundwater abstractions or Groundwater Dependent Terrestrial Ecosystems (GWDTE's) identified within 2.9km of the site. Both City of Edinburgh and West Lothian Councils were consulted in June 2017. Four groundwater supply abstractions have been identified in the study area, however the risk to these sites is considered negligible:

<u>Name</u>	<u>Easting</u>	<u>Northing</u>	<u>Distance</u>	<u>Source</u>	<u>Usage</u>
Easter Newton	312300	6666900	2.9km S	Spring Well Unknown	Domestic
Newhouse	314600	667700	2.9km SE	Borehole	Domestic

### **Regulatory advice for the applicant**

## 3. Regulatory requirements

3.1 The discharge from the settlement lagoons will be required to re-join SEPA's compliance sampling schedule. The operator must provide SEPA at least one month notice prior to any discharge commencing.

3.2 We support the proposed operator monitoring and reports of discharges and groundwater abstractions to SEPA in addition to SEPA's compliance efforts.

3.3 Details of regulatory requirements and good practice advice for the applicant can be found on the Regulations section of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulatory team in your local SEPA office at:

Silvan House, SEPA 3<sup>rd</sup> Floor, 231 Corstorphine Road, Edinburgh, EH12 7AT, tel: 0131 449 7296

## **Scottish Natural Heritage (SNH)**

Our comments relate only to any potential significant natural heritage impacts arising from the amendment of these conditions.

## **Ecology**

### Bats

We note that further surveys are to be done for bats as the fissures and crevices in the quarry face are considered suitable for roosting and hibernating. Depending on the outcome of these surveys, a licence may be needed from us. Once the results of the

further surveys are complete, and, if necessary, a species protection plan drawn up, we will be happy to advise but only if you are uncertain about:

- the adequacy of the survey and protection plan;
- whether a species licence will be needed; or
- the prospects of a species licence being granted.

See the licensing pages of our website for more information:

<https://www.nature.scot/professional-advice/safeguarding-protected-areas-and-species/licensing/european-protected-species-licensing>

### Bats and blasting activities

Paragraph 7.191 of the ES says that as quarrying takes place during the day, there is no significant effect expected on bats from noise. However, depending on whether bats are present in the quarry face, blasting activities could disturb them while they are roosting and we suggest that this potential impact on the bats should be considered.

### Other protected species

We agree with the mitigation recommendations with regards to other protected species and we can advise further if needed.

### Alpine newt (*Ichthyosaura alpestris*)

We note the high numbers of Alpine newt which were found on site. Alpine newts are a non-native species which can spread disease to native amphibians. It is therefore important that a method statement is drawn up describing the capture process and including a biosecurity protocol, based on Advice Note 4: Amphibian Disease Precautions: A Guide for UK Fieldworkers.

<https://www.arc-trust.org/Handlers/Download.ashx?IDMF=ff5aaa14-3ca6-4a99-b813-4dcc99489f64>

The site is not considered to hold any great crested newts.

### **Restoration**

We note the uncertainty over outcomes with regard to the eventual restoration of the site. We recommend that clarity over proposed methods for delivery should be sought and secured through appropriate mechanisms, possibly including a suitably scaled financial bond.

### **Landscape and visual**

Proposals for enhancing the existing vegetative screening, and management of the planned native tree and shrub cover, should be secured to ensure that it is of lasting quality.

### **Environmental Assessment**

The applicant has submitted a Section 42 planning application to vary conditions 5, 8, 18, 22 and 23 attached to planning permission P/PPA/LA/643. The application seeks to amend the permitted hours of blasting, amend the permitted vibration levels of blasting operations, amend the permitted noise levels from operations, and also clarify the duration of the planning permission until 2050.

The site lies just to the south of Craigpark Quarry, which has received planning permission to restore the quarry for public amenity use and to build a housing development. There are existing residential properties at Bonnington Mains to the South-west of the quarry, and the village of Ratho lies just over 500 metres away to the north-east.

In 1996, the Scottish Government published Planning Advice Note (PAN) 50: Controlling the Environmental Effects of Surface Mineral Workings. This document sets out example minimum and maximum noise and vibration levels from mineral operations, including blasting.

Through discussions with the applicant, Cemex, this Department has agreed that the strictest standards highlighted in PAN 50 will be adhered to for this site, to minimise disruption to the amenity of nearby residents.

Environmental Protection therefore has no objections to the application subject to the following conditions:

**6.** Ground vibration as a result of blasting operations shall not exceed a peak particle velocity of  $6 \text{ mms}^{-1}$  in 95% of all blasts measured over any period of 6 months and no individual blast shall exceed a peak particle velocity of  $12 \text{ mms}^{-1}$  as measured at vibration sensitive buildings. The measurement to be the maximum of 3 mutually perpendicular directions taken at the ground surface at any vibration sensitive building. Details of the results of all on site blasting operations, including those required by the provisions of conditions 7 and 8 below, shall be recorded by the developer and be submitted to the Planning Authority on a quarterly basis.

**16.** a) That with respect to the control of noise resulting from the operations during the permitted hours of operation stated in Condition 14, the nominal noise limit from site operations shall not exceed the following, when measured free field over any one hour period:

- Clifton Cottage 45 dB(A)  $L_{Aeq}$ ,
- Bonnington Mains Farm 52 dB(A)  $L_{Aeq}$ ,
- Craigpark Housing Development 52 dB(A)  $L_{Aeq}$ ,
- Park Ranger Lodge 52 dB(A)  $L_{Aeq}$ ,
- Ratho Mains Farm 51 dB(A)  $L_{Aeq}$ ,

b) Notwithstanding the terms of part (a), that during temporary operations, such as soil stripping operations, the nominal daytime noise limit from site operations, shall be no more than 70dB  $L_{Aeq}$  over anyone hour period for a maximum of 8 weeks per year.

c) Details of all noise measuring and monitoring records shall be recorded by the developer and be submitted to the Planning Authority on a quarterly basis.

## Archaeology

*Having assessed the accompanying Cultural Heritage report undertaken by AOC and forming chapter 12 of CEMEX's EIA, I concur with their conclusions that this proposal will have no known significant archaeological impact.*

## Transport

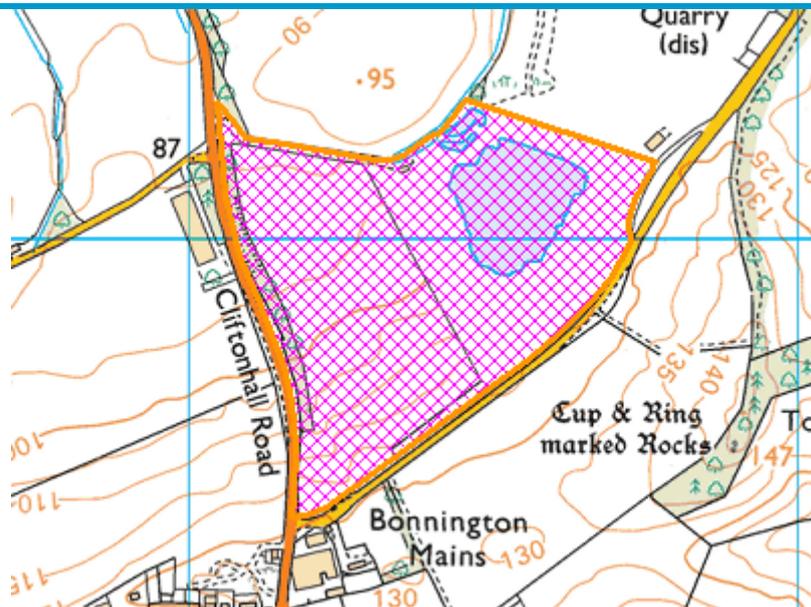
*Has no objections to the application subject to the following being included as conditions or informatives as appropriate:*

*1. The applicant should be informed that prior to carrying out any works affecting the footway or carriageway, a Minor Roadwork's consent must be applied for and secured and must be carried out in accordance with "Development Roads - Guidelines and Specification". See pages 5, 15 & 16 of: [http://www.edinburgh.gov.uk/download/downloads/id/704/guidance\\_for\\_householders](http://www.edinburgh.gov.uk/download/downloads/id/704/guidance_for_householders)*

*Note:*

*The applicant should note that they will be expected to ensure that mud and other debris is not deposited on the road (Section 95 of the Roads Scotland (Act) 1984 relates). Wheel washing equipment may be appropriate.*

## Location Plan



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**END**