

EAST AYRSHIRE COUNCIL

SOUTHERN LOCAL PLANNING COMMITTEE: 13 AUGUST 2004

**03/1135/FL: PROPOSED EXTENSION OF THE AREA FOR MINERAL
EXTRACTION AT SORN QUARRY, MUIRKIRK ROAD, SORN**

APPLICATION BY BARR LIMITED

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Permission is sought for an extension to the existing quarry by an area of 11.94 hectares lying to the north of the existing extraction area. Extraction of minerals would be undertaken in 10.4 hectares of the extension area, resulting in a total extraction area of 16.94 hectares and a total site area of 23.62 hectares. The proposed extension will increase the mineral reserves within the site by approximately 6.15 million tonnes made up of 2.3 million tonnes of concrete aggregate producing granitic rock, 3.3 million tonnes of roadstone producing arenaceous rock and 0.65 million tonnes of lower quality rock.

1.2 In order to promote development of the quarry, it is proposed that the extension area will be divided into two sections (western and eastern), along the line of an existing north-south dyke and its associated zone of lower quality rock. The two sections would be worked contemporaneously, but independently to ensure the ability to meet the appropriate rates of demand for both rock types. The extension to the quarry would also be developed on two extraction levels with both sections being subdivided into a number of extraction phases.

1.3 In order to minimise the rate of uptake of land for extraction operations, each of the two sections would be developed synchronously in the upper and lower extraction levels, thereby also lessening the impact of the quarry extension on the landscape. The western section would be worked in eight phases, while the eastern section would be worked in nine phases, with the majority of the phases being worked in a south to north direction.

1.4 The minerals are overlain by overburden ranging in depth between one and two metres over the proposed extension area. Some 175,000 m³ of overburden will require to be stripped over the life of the proposed development. Existing overburden stored within the existing site will be removed during the early stages of the development of the extension area. Overburden that would arise from the development of the proposed extension and that from the existing stockpiles are to be placed in new stockpiles on the lower quarry floor and retained for use in the eventual restoration of the site. Consequently overburden

stockpiles located on the quarry floor will not be visible from outside the quarry and should therefore have no impact upon the local landscape or visual amenity.

1.5 On removal of overburden, minerals would be extracted from the deposit by drilling and blasting in accordance with established good practice currently employed at the quarry. Processing of blasted rock would be carried out in accordance with existing operating procedures. Mobile crushing and screening plant would be used at the rock face to process run of quarry rock to primary and secondary crushed products. When required secondary crushed products would be transported to the tertiary crushing plant located within the existing site establishment and stockpile area to be processed for sized and graded aggregates for use in concrete and asphalt products. All crushing and screening plant is fitted with appropriate dust suppression systems to minimise dust emissions.

1.6 The existing office, welfare facilities and weighbridge would be maintained in their present locations. The existing access from the B743 would also be retained in the extended quarry operations. In terms of site operations, the extended quarry would operate under the existing planning conditions relating to Sorn Quarry. The current hours of operations are 0730 to 1800 hours Mondays to Fridays and 0800 to 1200 hours on Saturdays. With the exception of essential plant maintenance, no work is undertaken on Sundays.

1.7 Blasting operations are carried out on a monthly basis with blasting being confined within two hourly periods between 0900 and 1700 hours on weekdays during daylight hours. No blasting is allowed outwith these hours except with the prior written approval of the Planning Authority.

1.8 In terms of employment, eight persons are employed full time in the quarry in the production of aggregates and four heavy goods vehicle drivers are employed transporting the aggregates to the applicant's processing plant at Killoch, near Ochiltree. At Killoch six employees are engaged in the production of asphalt and ready mix concrete and ten in the delivery of these products. With other ancillary operations, a total of 38 full time jobs are generated by, and are heavily dependent on, the operation of Sorn Quarry.

1.9 In terms of transportation of minerals, the routing and hours of operation of heavy goods vehicles serving the quarry were made subject to conditions imposed under application CD/91/27/Q, although these routing restrictions have since been varied by agreement. More recently, as part of applications 02/0890/FL and 02/0889/FL, agreement has now been reached between the applicant, the Planning Authority and the Roads Authority on transportation routes that would result in a more even distribution of traffic on routes to be used, thereby also reducing impact on communities and extraordinary damage to roads. These recently agreed routes will be used in relation to the current extension proposal. The proposal for the extension to the extraction area will

therefore not give rise to any significant increase in impact as a result of traffic generated by the quarry.

1.10 The applicant has indicated that in operational terms, the market demand for aggregates varies on a daily basis and year by year basis, for both aggregates for concrete and roadstone. The demand is also influenced by a number of factors such that it is difficult to forecast outputs for each type of material. It is estimated that the annual demand for concrete aggregates from Sorn is likely to vary between 15,000 and 80,000 tonnes with an average output of 45,000 tonnes. On this basis the proposed extension would provide reserves sufficient for at least 30 years. Similarly, it is estimated that the demand for roadstone aggregates may vary between 30,000 and 120,000 tonnes per annum with an average of 85,000 tonnes per annum. On this basis the proposed extension would provide reserves of roadstone aggregates sufficient for 29 years. Consequently permission is sought for a 35 year consent to extract minerals in the extended site.

1.11 Upon completion of extraction of minerals, it is proposed that the quarry area would be restored in part to its existing rough grazing use, and to provide a wildlife habitat. Final blasting operations of all quarry faces in the extension area will be designed to produce a varied horizontal and vertical profile to give the final rock face the appearance of a natural cliff or scarp face, whilst retaining safety and stability.

1.12 Overburden from the quarry floor would be spread over the lower floor levels and designed to produce both areas that would tend to retain rainfall and create wetland and also areas that shed rainfall to the quarry drainage system. Areas outwith potential wetland will be sown with an appropriate grass mixture and areas planted with native tree and shrub species.

1.13 It is proposed that the system of surface water collection and treatment ponds would be retained upon restoration of the quarry. The bank profiles and the current regular plan of the lagoons are to be reshaped to provide a more natural form and, if necessary, seeded and planted with appropriate species. The restored site would also be the subject of appropriate site aftercare.

1.14 The planning application is accompanied by an Environmental Statement that seeks to identify environmental and other impacts associated with the proposed development. The Environmental Statement promotes a range of mitigation measures in order to minimise potential adverse impacts with the assessment process assisting in shaping the quarrying operations to ensure minimal impact on local communities and residential properties.

2. RECOMMENDATION

2.1 It is recommended that the application be approved subject to the conditions on the attached sheet and that the issue of the decision notice be withheld until the Solicitor to the Council has concluded a formal agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 with the applicant in respect of the matters described in Section 8.7 of this report.

3. CONCLUSIONS

3.1 As indicated in section 5 of the report, the application is considered to be in accordance with the development plan. Therefore, given the terms of Section 25 and Section 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be approved unless material considerations indicate otherwise. As is indicated at Section 6 of the report, there are material considerations relevant to this application, however it is considered that these are also supportive of the proposed development.

3.2 It is considered that the proposed development is consistent with the provisions of the Ayrshire Joint Structure Plan and the East Ayrshire Local Plan in respect of mineral policies. The proposed extension to the existing quarry with operations and production continuing at present rates should result in no greater impacts than those of the existing operations. However, it is recognised that consent for 35 years is not considered to be appropriate and in order to ensure continuation of operations at the present level, conditions are necessary to limit the timescale and rate of production at the Sorn Quarry. Assessment of impacts has been carried out by the applicant on that basis.

3.3 With regard to consultations, there are no significant issues raised that cannot be addressed through either the imposition of appropriate conditions in any consent granted for the development or by securing obligations within a Section 75 Agreement. The representations made by Sorn Community Council can be addressed in a similar fashion. In order to address the serious concerns regarding traffic and road safety, the applicant has agreed in principle to the implementation of appropriate road safety and traffic calming measures. These measures will require to be the subject of appropriate discussion and agreement with the Roads and Transportation Division.

3.4 The proposed development has not attracted any significant level of objection from local communities or from residents living within the locality of the development. It is considered that the representations received can either be addressed through the imposition of appropriate conditions in any consent granted for the proposed development, can be addressed through obligations in

a Section 75 Agreement for the quarry site, or are not of sufficient weight to justify refusal of the application.

3.5 The significant concerns relate to issues of traffic and transportation and timescale of operations. It is considered that through the implementation of the mitigation measures promoted in the Environmental Statement and with the additional controls that will be imposed through the planning consent and new Section 75 Agreement, the proposed development can be undertaken in an environmentally acceptable manner. It should also be borne in mind that the existing operations at Sorn Quarry since 1994 have not generated any significant number of complaints.

3.6 In respect of the development plan and all material considerations to be taken into account, it is considered that the application should be approved. Should the Committee agree with this view and be disposed to grant planning permission, any consent should be withheld until the requisite new Section 75 Agreement under the Town and Country Planning (Scotland) Act 1997, covering the following matters, has been duly concluded:

3.7 ***Section 75 Agreement***

- (i) The provision of a restoration and aftercare bond to ensure appropriate restoration of the quarry site in accordance with the approved restoration master plan.
- (ii) The establishment of a site liaison committee for the Sorn Quarry site, the composition of which shall be the subject of discussion and agreement with the applicant and the Planning Authority.
- (iii) The establishment of dust, noise and vibration monitoring programmes for the Sorn Quarry site following discussion and agreement with the Planning Authority and the Environmental Health Authority, such monitoring schemes to be in place prior to commencement of operations within the extended quarry site.
- (iv) The securing of financial contributions, to an appropriate fund to be used for Common Good purposes within the parish of Sorn. Such contributions may also include provision of services or goods by the applicant where appropriate. The disbursement of such contributions or distribution of goods or services shall be administered by a Trust to be established in discussion with the applicant and the Council.
- (v) The maintenance of any existing private water supplies that may be disrupted as a result of the proposed development.
- (vi) The restriction of total annual production levels for concrete aggregates to 80,000 tonnes and for roadstone aggregates to 120,000 tonnes per annum.
- (vii) The implementation in full of the mitigation measures and recommendations contained within the Environmental Statement that accompanied the planning application.

- (viii) The subscription of the applicant to the Council's Transportation Protocol in respect of the Sorn Quarry site.
- (ix) The definition of agreed transportation routes for heavy goods vehicles for the haulage of minerals.
- (x) The provision of road infrastructure and traffic calming improvements to the satisfaction of the Council's Roads and Transportation Division, including the kerbing and surfacing of any vehicle park up area utilised by lorries remote from the site, as well as traffic calming on the B743 Main Street, Sorn, east of the B713 junction.
- (xi) The undertaking of the applicant to pay to the Council an annual sum amounting to £10,000 (or equivalent works or provision of materials) and, in the event of the Council incurring any additional extraordinary expense associated with the maintenance of agreed transportation routes, so much of the additional expenses of maintaining these routes attributable to damage caused by heavy vehicles utilising the quarry, all in terms of the Roads (Scotland) Act 1984. A joint inspection of routes shall be undertaken between the applicant and the Roads Authority prior to the commencement of operations within the extended site.
- (xii) The provision of a detailed hydrological assessment of the site including maps and transects which include the nearby blanket bog at Blood Moss. A qualified engineer shall be employed to report and make recommendations to ensure the long term stability of the final contours of the quarry face to ensure protection of the hydrological unit containing Blood Moss and that slopes are adequate in terms of fit with the landscape, erosion, rock and soil type.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning, Development and Building Standards, the application will not require to be referred to the Development Services Committee because it would not represent a significant departure from policy.

Alan Neish
Head of Planning, Development and Building Standards

Note: This document combines key sections of the associated report for quick reference and should not in itself be considered as having been the basis for recommendation preparation or decision making by the Planning Authority.

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APPLICATION BY BARR LIMITED

Report by Head of Planning, Development and Building Standards

1. PURPOSE OF REPORT

1.1 The purpose of this report is to present for determination a full planning application which is to be considered by the Local Planning Committee under the scheme of delegation as the proposal relates to mineral extraction that is consistent with policy and is subject to objections.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site lies approximately 5 kilometres north east of the village of Sorn off the north side of the B743 Sorn – Muirkirk Road and relates to the site of Sorn Quarry, formerly known as Tincorn Hill Quarry. The existing quarry lies on the south facing slope of Tincorn Hill itself and is accessed via the existing quarry access road leading from the B743 road.

2.2 The original Tincorn Hill quarry was granted planning consent by the former Ayr County Council in 1951. In 1994, the former Cumnock and Doon Valley District Council granted planning permission for an extension to the area of mineral extraction and for the formation of a new access road to serve the quarry. The consent granted at that time was subject to time limiting conditions permitting operations for a period of 8 years. However, in February 2003, applications for extensions to the timescale of operations were approved subject to Section 75 Agreements allowing operations to continue until February 2006.

2.3 The existing quarry extends to 11.68 hectares with an extraction area of some 6.5 hectares. It is set in a local landscape of mixed lower lying grazing pasture rising to areas of rough grassland in the vicinity of the existing quarry. At the eastern end of the quarry, an area extending down the southern slope has been developed as a site establishment and plant area.

2.4 Mineral extraction has been established in two areas, permitting separate extraction of the two rock types present within the quarry. Remaining extractable reserves within the quarry are now limited and for the quarry to continue it is necessary to extend the mineral extraction area.

2.5 **Proposed Development:** Permission is sought for an extension to the existing quarry by an area of 11.94 hectares lying to the north of the existing extraction area. Extraction of minerals would be undertaken in 10.4 hectares of the extension area, resulting in a total extraction area of 16.94 hectares and a total site area of 23.62 hectares. The proposed extension will increase the mineral reserves within the site by approximately 6.15 million tonnes made up of 2.3 million tonnes of concrete aggregate producing granitic rock, 3.3 million tonnes of roadstone producing arenaceous rock and 0.65 million tonnes of lower quality rock.

2.6 In order to promote development of the quarry, it is proposed that the extension area will be divided into two sections (western and eastern), along the line of an existing north-south dyke and its associated zone of lower quality rock. The two sections would be worked contemporaneously, but independently to ensure the ability to meet the appropriate rates of demand for both rock types. The extension to the quarry would also be developed on two extraction levels with both sections being subdivided into a number of extraction phases.

2.7 In order to minimise the rate of uptake of land for extraction operations, each of the two sections would be developed synchronously in the upper and lower extraction levels, thereby also lessening the impact of the quarry extension on the landscape. The western section would be worked in eight phases, while the eastern section would be worked in nine phases, with the majority of the phases being worked in a south to north direction.

2.8 The minerals are overlain by overburden ranging in depth between one and two metres over the proposed extension area. Some 175,000 m³ of overburden will require to be stripped over the life of the proposed development. Existing overburden stored within the existing site will be removed during the early stages of the development of the extension area. Overburden that would arise from the development of the proposed extension and that from the existing stockpiles are to be placed in new stockpiles on the lower quarry floor and retained for use in the eventual restoration of the site. Consequently overburden stockpiles located on the quarry floor will not be visible from outside the quarry and should therefore have no impact upon the local landscape or visual amenity.

2.9 On removal of overburden, minerals would be extracted from the deposit by drilling and blasting in accordance with established good practice currently employed at the quarry. Processing of blasted rock would be carried out in accordance with existing operating procedures. Mobile crushing and screening plant would be used at the rock face to process run of quarry rock to primary and

secondary crushed products. When required secondary crushed products would be transported to the tertiary crushing plant located within the existing site establishment and stockpile area to be processed for sized and graded aggregates for use in concrete and asphalt products. All crushing and screening plant is fitted with appropriate dust suppression systems to minimise dust emissions.

2.10 The existing office, welfare facilities and weighbridge would be maintained in their present locations. The existing access from the B743 would also be retained in the extended quarry operations. In terms of site operations, the extended quarry would operate under the existing planning conditions relating to Sorn Quarry. The current hours of operations are 0730 to 1800 hours Mondays to Fridays and 0800 to 1200 hours on Saturdays. With the exception of essential plant maintenance, no work is undertaken on Sundays.

2.11 Blasting operations are carried out on a monthly basis with blasting being confined within two hourly periods between 0900 and 1700 hours on weekdays during daylight hours. No blasting is allowed outwith these hours except with the prior written approval of the Planning Authority.

2.12 In terms of employment, eight persons are employed full time in the quarry in the production of aggregates and four heavy goods vehicle drivers are employed transporting the aggregates to the applicant's processing plant at Killoch, near Ochiltree. At Killoch six employees are engaged in the production of asphalt and ready mix concrete and ten in the delivery of these products. With other ancillary operations, a total of 38 full time jobs are generated by, and are heavily dependent on, the operation of Sorn Quarry.

2.13 In terms of transportation of minerals, the routing and hours of operation of heavy goods vehicles serving the quarry were made subject to conditions imposed under application CD/91/27/Q, although these routing restrictions have since been varied by agreement. More recently, as part of applications 02/0890/FL and 02/0889/FL, agreement has now been reached between the applicant, the Planning Authority and the Roads Authority on transportation routes that would result in a more even distribution of traffic on routes to be used, thereby also reducing impact on communities and extraordinary damage to roads. These recently agreed routes will be used in relation to the current extension proposal. The proposal for the extension to the extraction area will therefore not give rise to any significant increase in impact as a result of traffic generated by the quarry.

2.14 The applicant has indicated that in operational terms, the market demand for aggregates varies on a daily basis and year by year basis, for both aggregates for concrete and roadstone. The demand is also influenced by a number of factors such that it is difficult to forecast outputs for each type of material. It is estimated that the annual demand for concrete aggregates from

Sorn is likely to vary between 15,000 and 80,000 tonnes with an average output of 45,000 tonnes. On this basis the proposed extension would provide reserves sufficient for at least 30 years. Similarly, it is estimated that the demand for roadstone aggregates may vary between 30,000 and 120,000 tonnes per annum with an average of 85,000 tonnes per annum. On this basis the proposed extension would provide reserves of roadstone aggregates sufficient for 29 years. Consequently permission is sought for a 35 year consent to extract minerals in the extended site.

2.15 Upon completion of extraction of minerals, it is proposed that the quarry area would be restored in part to its existing rough grazing use, and to provide a wildlife habitat. Final blasting operations of all quarry faces in the extension area will be designed to produce a varied horizontal and vertical profile to give the final rock face the appearance of a natural cliff or scarp face, whilst retaining safety and stability.

2.16 Overburden from the quarry floor would be spread over the lower floor levels and designed to produce both areas that would tend to retain rainfall and create wetland and also areas that shed rainfall to the quarry drainage system. Areas outwith potential wetland will be sown with an appropriate grass mixture and areas planted with native tree and shrub species.

2.17 It is proposed that the system of surface water collection and treatment ponds would be retained upon restoration of the quarry. The bank profiles and the current regular plan of the lagoons are to be reshaped to provide a more natural form and, if necessary, seeded and planted with appropriate species. The restored site would also be the subject of appropriate site aftercare.

2.18 The planning application is accompanied by an Environmental Statement that seeks to identify environmental and other impacts associated with the proposed development. The Environmental Statement promotes a range of mitigation measures in order to minimise potential adverse impacts with the assessment process assisting in shaping the quarrying operations to ensure minimal impact on local communities and residential properties.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Roads and Transportation Division has advised that “the current application seeks to remove on average 150,000 tonnes of aggregates per annum over 30 years. This would result in approximately 32 loaded lorry movements per day from the quarry of which 12 loads per day would be to Killoch and the remaining 20 load would be to contracts both to the north and south of the quarry.

Meetings have taken place with the applicant regarding the routing of HGV vehicles and maintenance obligations with regard to extraordinary damage to the road network. Verbal agreement was reached with regarding to routing, transportation protocol, and annual contributions.

With this mind the following conditions should be applied to the current application.

- i. routing of HGV vehicles to be as agreed and documented in the Section 75 agreement for planning application nos. 02/0889/FL and 02/0890/FL and delineated en-route plans 01 and 02.
- ii. The applicant has agreed to contribute £10,000, or carry out works, or provide materials, to that sum per annum to assist with extraordinary maintenance costs on the haulage routes. This sum to be reviewed at 5 yearly intervals. East Ayrshire Council reserves the right to recover any additional extraordinary damage costs under the terms of 96 of the Roads (Scotland) Act 1984.
- iii. The applicant has agreed to adopt an agreed Protocol for the Transportation of Aggregates by Road.
- iv. If the condition to restrict the timing of quarry traffic through Sorn is implemented then the applicant will require to formalise the area on the B713 west of Sorn where vehicles park up by kerbing and surfacing the area to a specification agreed with the Roads Division.
- v. The applicant to agree to contribute to appropriate traffic calming measures on the B743 Main Street, Sorn, east of B713 junction."

The above issues can be addressed through the application of conditions or by conclusion of a legal agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997.

3.2 The Scottish Executive Trunk Road Network Management Division indicates that the proposed development represents an intensification of the use of this quarry site and is likely to increase associated traffic movements on the local road network. However, the scale of the proposed development is unlikely to have a significant environmental impact on the trunk road network and on that basis there are no specific trunk road comments.

The Environmental Statement submitted by the applicant indicates that the operations at Sorn Quarry in respect of production and distribution of extracted aggregate products will continue unchanged and therefore there will be no significant intensification of use of the quarry site.

3.3 Power Systems has no adverse comments to make on the proposed development, although there is apparatus within or adjacent to the development

site which may require protection or diversion. The costs of any such works will be fully rechargeable to the applicant.

A note can be attached to any consent granted for the proposed development to advise the applicant to make early contact with Power Systems.

3.4 The Health and Safety Executive has no comments to make on the Environmental Statement.

Noted.

3.5 The Coal Authority has no adverse comments to make on the proposed development.

Noted.

3.6 The Ministry of Defence (Defence Estates) has no safeguarding objections to the proposed development.

Noted.

3.7 East Ayrshire Council Economic Development Division has no particular comments to make other than to note that the proposed extension of the facility will increase the working life of the quarry by 30 to 35 years and this will no doubt secure existing local employment during that significant period of time.

The applicant has indicated that at present, a total of thirty eight full time jobs are generated by, and depend heavily on, the operations at Sorn Quarry.

3.8 The Royal Society for the Protection of Birds does not object to the proposed development but raises the following concerns regarding the Environmental Statement:

(i) Section 10.3.5 describes the site location in relation to the potential Muirkirk and North Lowther Uplands SPA and Airds Moss pSPA. The Muirkirk and North Lowther Uplands SPA was classified in March 2003 and includes the Airds Moss area. We are concerned that the ES does not contain accurate information on these important designations, although in this case RSPB does not believe that the development will adversely impact on them.

The applicant sought a Scoping Opinion prior to the submission of the Environmental Statement. This included consultation with Scottish Natural Heritage that advised that it considered that it was unlikely the nature of the proposal is such that it would have a

significant effect on the interests of the Muirkirk and North Lowther Uplands SPA. The applicant was therefore advised that an Environmental Impact Assessment need not include an appropriate assessment of the impacts on the pSPA.

(ii) RSPB Scotland was consulted at a very late stage on this development and we responded to say that we did not believe the development was likely to have significant adverse impacts on breeding birds but that any problems should be revealed by survey work. These comments were based on the assurance given by Dr. Andy MacKenzie that a breeding bird survey would be carried out in 2004, yet the ES does not propose a breeding bird survey. We are concerned that consultations are being based on proposals that differ to those submitted with the planning application and that insufficient time has been given for consultation.

The Environmental Statement indicates that while no specific bird survey was carried out, ecological features and species were noted during the habitat and vegetation surveys. The ES indicates that the extension site habitats are suitable for several species of ground nesting birds and it recommends that these are not stripped during the bird breeding season. To accommodate breeding birds and reptiles, the ideal time of year to strip the extension site would be early autumn. If this time of year is not possible, an ecologist should be engaged to check the site and advise further. This matter can be addressed through the imposition of an appropriate condition in any consent granted for the proposed development.

3.9 Scottish Water has no adverse comments to make on the proposed development.

Noted.

3.10 The Scottish Environment Protection Agency states that it has no objections to the proposed extension to the mineral workings. Contaminated drainage from the workings will be directed into the existing quarry effluent treatment system, the discharge from which is subject to the terms of an existing discharge consent and is regularly sampled and inspected. The removal of the granodiorite intrusion and 'baked' sandstone, both of which generally have a low porosity and permeability, is unlikely to have any effect on the Sorn Spring which is in a distinctly different rock stratum and at a greater distance than the existing quarry.

Noted.

3.11 East Ayrshire Environmental Health and Waste Management Service states no complaints have been received in recent years about any nuisance

arising from quarrying operations. Accordingly, the Division has no objection in principle to this application subject to a general proviso of no nuisance arising from the site operations and also the safeguarding of any private water supplies in the vicinity.

Noted. The maintenance of private water supplies can be addressed through an obligation in a Section 75 Agreement should consent be granted for the proposed extension.

3.12 The Scottish Executive Environment Division has no comments to offer on the Environmental Statement.

Noted.

3.13 Historic Scotland has no comments to offer on the Environmental Statement. HS is content that the propose quarry would not adversely affect any aspects of the historic environment which are protected at national level. HS notes that mitigation is offered in the case of unscheduled archaeology and recommends that the views of West of Scotland Archaeology Service be sought.

Noted.

3.14 The West of Scotland Archaeology Service and The River Ayr Salmon Fisheries Board have not responded to the consultation letter.

Noted.

3.15 Sorn Community Council states that it has fully considered the application and agrees in principle with the quarry development but it has serious reservations about the effect the extra traffic generated has in the local area. The Community Council states that 35 years is far too long without checks and balances and recommends that the operator must re-apply every 5 years. The point of this is to ensure that the proper controls are in place and adhered to.

While it is considered that a 35 year consent would not be appropriate in this instance, a five year consent would be overly restrictive on the operator. The operator has indicated that a period of at least 15 years would be required in terms of securing the necessary future investment at both the Sorn Quarry and the Killoch Depot. Such investment is essential to sustain the supply of the quality quarry products required by the local economy and to continue to provide secure employment opportunities. In terms of policy, provision should be made within local plans for a minimum 10 year supply of aggregates. It should be borne in mind that Sorn Quarry is the only source of hard rock aggregates within East Ayrshire.

In terms of monitoring and review of the quarry operations, this can be achieved within a 15 year consent through the imposition of appropriate conditions in any consent granted. Furthermore, should the Planning Authority deem it necessary, there are provisions within the Town and Country Planning (Scotland) Act 1997 that allows for the review of mineral consents.

The Community Council insists that all the present conditions must carry over in full if the quarry changes ownership or operator and that this should be reinforced by a personal consent.

It is considered appropriate to review the existing conditions pertaining to Sorn Quarry and, where appropriate to update and impose new conditions where current best practice and environmental standards can be reflected in any consent granted for the development.

With respect to lorry routes, all vehicles going west must turn left at the post office then follow the agreed routes and never be allowed down the Main Street. All vehicle drivers must adhere to existing conditions and the new East Ayrshire Council protocol for vehicles going to and from quarries. All these conditions should be covered by a Section 75 legal Agreement.

The obligations referred to by the Community Council can be incorporated into any Section 75 Agreement for the Sorn Quarry. The applicant has already expressed a willingness to subscribe to the Council's Transportation Protocol.

The Community Council requests that traffic calming measures should be introduced. Build outs (like the village of Douglas in Lanarkshire) must be built on the B743 to the east of the village on the play park straight. The 30 mph limit sign must be moved up Dalgain Brae with all the relevant warning signage. Radar operated 30 mph flashing signs (like Coylton) should be installed at relevant points in the village.

It is considered appropriate to introduce traffic calming measures and the applicant has indicated a willingness to implement appropriate measures. However, these will require to be assessed and agreed by the Roads and Transportation Division. Nonetheless, appropriate agreed measures can be incorporated as obligations within a Section 75 Agreement.

There must be a 'roads engineering safety review' of the bridge and corner at the Blindburn Junction on the B743 as the Community Council believes that the road is too narrow to allow two lorries to pass. A crash barrier should also be

considered at this corner. The pavement should be extended by 200 metres to Woodhead on the Catrine Road. A pavement must be installed from Dalgain Farm on the Muirkirk Road approximately 100 metres down to the build out at Dalgain Drive. This is to ensure the safety of the children who regularly go to and from the village to play at Glenlogan.

Comments as above.

The Community Council states that there should be installation of pedestrian controlled traffic lights on the bridge at the post office to allow children to access the pavements at either ends of the bridge in a safe manner.

Comments as above.

The Community Council states that the quarry must never be used as a refuse dump or a waste disposal or transfer station. A reinstatement bond must be imposed on the site.

The use of the quarry as a landfill or waste transfer station does not form part of the current proposals. A re-instatement bond is currently in place for the existing quarry operations. This bond would transfer to the proposed operations as part of any new Section 75 Agreement for the extended quarry.

The Community Council states that a Liaison Committee must be set up immediately with representation from the Planning and Roads Division, the operator, the local Councillor and representatives from the local community.

The setting up of a site liaison committee can be secured through a Section 75 Agreement for the site. The applicant has indicated a willingness to establish such a liaison committee.

The Community Council states that cameras should be set up at the quarry weighbridge to check all loads are sheeted, filled sensibly and lorries are not leaving in convoy. This camera should be accessed by the Liaison Committee.

While desirable, it is considered that the provision of cameras at the weighbridge would not be required should appropriate procedures and checks be undertaken in terms of proper site management.

A common good fund should be set up to be accessed by anyone within the Sorn electoral role area to be spent on the common good of the area. This fund should be set at a rate of 25 pence per tonne to recompense the community for the disturbance caused over the period of the consent.

The applicant has indicated a willingness to contribute to an appropriate fund. Contributions of this nature would require to be secured through a Section 75 Agreement, with the establishment of a Trust to administer the disbursement of accrued funds. The company have indicated a willingness of a fixed contribution rather than a figure per tonne, and have confirmed £10,000 per annum and if necessary an additional £5,000 in kind (i.e. goods or services).

If all the above conditions were agreed by East Ayrshire Council and the operator, the Community Council believes that the village would be willing to drop the school time curfew that presently operates. Sorn Community Council recognises that maintenance of roads is not a planning issue but strongly believes that if this quarry is to get an extension, the state of the roads used by the quarry vehicles must be taken into account before East Ayrshire Council makes its decision. Such vehicles cause excessive wear and tear on the roads and a separate sum should be set aside by the applicant for this maintenance.

Extraordinary road maintenance costs are recoverable for damage attributable to quarry vehicles and this can be re-inforced through a Section 75 Agreement. The Roads Division has agreed to an annual contribution in this regard of £10,000 (or equivalent in kind works/materials); this sum to be reviewed every five years.

3.16 Scottish Natural Heritage states that the proposals are for the extension of the existing quarry into an area of upland grazing land close to an area of blanket bog and the boundary of the Muirkirk and North Lowther Uplands classified as a Special Protection Area under the EU Birds Directive. There are natural heritage interests of some importance at this location and the proposed development could have adverse impacts upon these interests, but these impacts could be reduced to a satisfactory level through condition. SNH therefore has no objection to this proposal but recommends that prior to planning permission being granted the following matters are made the subject of planning consents:

- a) to aid mitigation, the proposals would benefit from a more detailed hydrological assessment including maps and transects which include the nearby blanket bog at Blood Moss.
- b) we recommend that a qualified engineer is employed to report and make recommendations to ensure the long term stability of the final contours of the quarry face to ensure protection of the hydrological unit containing Blood Moss and that slopes are adequate in terms of fit with the landscape, erosion, rock and soil type.
- c) a restoration master plan should be produced for the approval of the planning authority. This should be secured by a Section 75 planning agreement and a bond. A 5-year aftercare management programme should be included within the restoration plan.

SNH recommends that a qualified engineer is employed to report and make recommendations to ensure the long term stability of the final contours of the quarry face to ensure protection of the hydrological unit containing Blood Moss. We would be very concerned should the quarry operators request a further extension to the area of the quarry beyond that which is currently proposed. Important natural heritage interests would be threatened by such a proposal.

As we stated at the scoping stage in our letter of 10 December 2002 the proposal lies a little over one kilometre from the boundary of Muirkirk Uplands SSSI designated for its upland habitat mosaic and assemblage of breeding moorland birds, and Muirkirk and North Lowther Upland Special Protection Area (SPA), classified for its breeding hen harrier, short-eared owl, peregrine, merlin and golden plover. Under Regulation 48, this means that East Ayrshire Council, as competent authority, has a duty to:

- determine whether the proposal is directly connected with or necessary to site management for conservation; and if, not,
- determine whether the proposal is likely to have a significant effect on the site either individually or in combination with other plans or projects; and, if so, then
- make an appropriate assessment of the implications (of the proposal) for the site in view of that site's conservation objectives.

With regard to the first bullet point, from the information available it appears to SNH that in this case the proposal is not connected with or necessary for the conservation management of the site. Hence, further consideration is required.

With regard to the second and third bullets SNH considers that it is unlikely that that any qualifying feature will be affected significantly either directly or indirectly and in the view of SNH an appropriate assessment is therefore not required.

Noted.

The second issue we raised in our letter of 10 December was the presence of an area of blanket bog at Blood Moss. We requested that the Environmental Impact Assessment (EIA) should accurately map the extent of the peat within the proposed development area and assess any hydrological impacts that the development might have on the adjacent peatland. We were concerned to see that the EIA fully considered the hydrology of the blanket bog and gave evidence to show that there would be no detrimental implications for this area. In our view this request has not been satisfied. For example no map showing the extent or depth of peat has been reproduced in the documentation sent to us. There is an assessment of hydrology, but in our view this does not fully address the impacts the development may have on the adjacent peatland. This is important as it relates to the restoration proposals. We do not believe that the quarry could be extended beyond the scope of the current proposals toward Blood Moss without

doing serious damage to the peatland interest. Therefore it is important that detailed restoration proposals illustrate how the hydrology of this bog will be protected. As the current proposals stand the bog will become perched on land to the north of the restored final quarry face. SNH recommends that a qualified engineer is employed to report and make recommendations to ensure the long term stability of the final contours of the quarry face to ensure protection of the hydrological unit containing Blood Moss. SNH would be happy to comment on any proposed methodology but we would expect it to strengthen and bring together some of the data already collected.

SNH notes that a raven was observed in the area of the quarry during a site visit and it may well be that this species would attempt to nest on open quarry faces. Peregrines may also attempt to nest on the quarry face. This should be borne in mind when blasting is proposed on the quarry face as both species are protected under Part I of the Wildlife and Countryside Act (1981). Section 1 (b) makes it an offence to take, damage or destroy the nest of any wild bird while that nest is in use or being built. Peregrines have additional protection from disturbance under Schedule 1 of the Act.

The applicant has been advised of the matters raised by SNH in respect of obligations under the Wildlife and Countryside Act 1981.

In terms of landscape, views in profile of Tincorn Hill will be adversely altered as the top of the hill is being removed. The opportunity could be taken to enhance the surroundings of the quarry through appropriate structure planting, where it reinforces the existing shelterbelts as shown on the attached map. This would require agreement with the local landowner. However tree planting should not take place in the open landscape. The re-location of the overburden and of the existing landscape framework including the southern quarry face and land adjoining within the quarry lease area are also important in minimising the landscape impact of the existing quarry.

In terms of mitigation we believe more work and detailed planning is required on the final landform and habitat restoration of the quarry when operations cease. We would have expected a whole section within the ES on the subject of restoration. Improved measures are necessary to ensure the blanket bog at Blood Moss is safeguarded. This relates directly to the discussion above regarding peatlands and hydrology. Page 7 of Appendix 3 Ecological Survey gives a recommendation regarding this issue. In our view it is not sufficient to rely on contacting an Ecologist after the blanket bog has lost its integrity, slumped and inundated quarry faces with large amounts of water. As already mentioned under peatlands above we recommend that an engineers report is completed. Should the report recommend works are required these should be conditioned by use of a Section 75 planning agreement and bond which should secure all other recommendation proposals made in a master plan.

The proposed Section 75 Agreement would provide for the employment of a qualified engineer to assess the long term stability of the quarry contours and the hydrological unit containing Blood Moss. The assessment will require to address, amongst other things, the mitigation of any consequences for the Moss arising from the quarry extension.

3.17 The Ayrshire Joint Structure Plan Team states that the proposal is consistent with Policy E15 and that the expansion of an existing facility is a preferred location for aggregate mineral extraction in Ayrshire. The relevant criteria set out in Policy E13 have been addressed in the Environmental Statement, however a number of adverse impacts have been identified and appropriate mitigation measures will therefore require to be reflected in the conditioning of the application. AJSPT advises that production levels should be established to ensure any future environmental impacts (noise, traffic, etc.) are consistent with those outlined. In respect of availability of alternative supplies, it is confirmed that there remains high levels of consented aggregate reserves outwith East Ayrshire which serve the Ayrshire market. It is noted that this application would extend the life of the quarry for a further 30 years and extend the available reserves by 6.3 million tonnes. This additional supply would lengthen the landbank of permitted reserves within Ayrshire. These are in excess of the 10-year minimum advocated in NPPG4 and are currently estimated to exceed 30 years of production.

Noted.

4. REPRESENTATIONS

4.1 A total of four letters of representation have been received with respect to the proposed development. The points of objections raised are summarised as follows:

4.2 The current route has left the road surface in considerable disrepair. There appears to have been little effort made in maintaining the road surface over the current period of operation. Over the extended period of use as planned I am concerned that the road surface will continually be in a state that is unsafe.

Repairs have recently been undertaken on transportation routes with contributions having been made by the applicant. Provision can be made though the securing of obligations in a Section 75 Agreement, to ensure that any extraordinary road maintenance costs attributable to quarry vehicles can be recovered from the applicant.

4.3 The current route is also along a road that has no footpath within the village boundary and is therefore unsafe for pedestrians and other road users.

Currently my children are unable to walk to and from school or other village activities due to the volume and nature of quarry traffic. Extending the quarry will continue this unsatisfactory situation for a longer period of time.

The applicant has indicated a willingness to provide appropriate road infrastructure improvements and traffic calming measures in discussion and agreement with the Roads and Transportation Division. Such measures can be secured through a Section 75 Agreement.

4.4 I am also concerned with the lack of information and consultation on this subject with the local community.

The application has been the subject of two separate statutory press notices advising of the application and the availability of the application documents for public inspection and of the ability to make formal written representations on the proposed development. The Council as Planning Authority has formally consulted the Sorn Community Council on the proposed development and has provided the Community Council with a full set of application documents. It is also understood that the Sorn Community Council has held a public meeting and that representatives from the applicant attended this meeting.

4.5 We wish to object to the application for a 35-year extension to the quarry, as the period of time is much too long for any agency to control or supervise such a project. In that time, personnel changes, regulations change and conditions change as we have witnessed in the years since the quarry opened. Conditions imposed then about lorry size, speed covers etc. have all been flouted in more recent times, although it is appreciated that the worst offenders are the sub-contractors. However, someone must take responsibility for the safety of the villagers.

It is considered that a 35 year consent would not be appropriate in this instance. The operator has indicated that a period of at least 15 years would be required in terms of securing the necessary future investment at both the Sorn Quarry and the Killoch Depot. Such investment is essential to sustain the supply of the quality quarry products required by the local economy and to continue to provide secure employment opportunities. In terms of policy, provision should be made within local plans for a minimum 10 year supply of aggregates. It should be borne in mind that Sorn Quarry is the only source of hard rock aggregates within East Ayrshire. In terms of monitoring and review of the quarry operations, this can be achieved within a 15 year consent through the imposition of appropriate conditions in any consent granted. Furthermore, should the Planning

Authority deem it necessary, there are provisions within the Town and Country Planning (Scotland) Act 1997 that allow for the review of mineral consents. Despite the alleged flouting of existing planning conditions, the Sorn Quarry has operated over the last 10 years with very few complaints.

4.6 The houses on the traffic route at Sorn have to contend with loaded and empty lorries and we do not even have a footpath to offer a measure of safety for pedestrians walking to or from the village. The only path in existence starts below most of the houses and ends before the bridge. Adults often feel vulnerable whilst crossing the bridge, so we have no idea how schoolchildren must feel when these huge lorries rumble past at close quarters.

The applicant has indicated a willingness to provide appropriate road infrastructure improvements and traffic calming measures in discussion and agreement with the Roads and Transportation Division. Such measures can be secured through a Section 75 Agreement.

4.7 We have monitored the present lorry traffic and the average number of movements is 19 per hour, one approximately every 3 minutes. The roadway was reduced to a pot-holed track in recent months and no doubt will return to that state soon with the continuing or even increasing flow of lorry traffic unless the Council is prepared to spend a great deal of time and money maintaining it, something that has not happened previously. It is more difficult to assess the damage being done meantime to the houses on both sides of the road.

Repairs have recently been undertaken on transportation routes with contributions having been made by the applicant. Provision can be made though the securing of obligations in a Section 75 Agreement, to ensure that any extraordinary road maintenance costs attributable to quarry vehicles can be recovered from the applicant.

4.8 An obscene amount of litter is generated a few hundred metres from our home when lorries park up during curfew time. In a village where residents work very hard to create a pleasant environment, we find this quite deplorable. Curfew times are absolutely necessary without other safety measures in place but it should not lead to indiscriminate littering of the verges.

It is agreed that such conduct is not acceptable and it is considered that the establishment of a site liaison committee for Sorn Quarry, and the subscription of the applicant to the Council's Transportation Protocol, would assist in addressing issues of this nature. The Roads Division has additionally indicated that any park up area should be suitably surfaced and kerbed and this can be addressed by the Section 75 Agreement.

4.9 In my opinion the road traffic implications of the development on roadside properties along haulage routes and on the community of Sorn have not been fully addressed in the Environmental Statement. We are directly affected by noise, vibration and dust. Road safety is a problem due to the speed, size and frequency of lorries involved and the deterioration of road conditions. There is a huge amount of quarry traffic with a large use of sub-contractors some of whom are using artics and who, on occasion, do not hap their vehicles.

Noted. See response below.

4.10 The B and C class roads carrying these lorries are patently not able to stand up to the daily pounding involved. The B713 exiting Sorn reached a pitted and rutted state which in my son's case almost led to a fatal accident.

The Roads and Transportation Division has not offered any objections to the use of B and C class roads. The scale and rate of operations, including traffic generation is to be at current levels. No significant additional impacts should arise as a result of the proposed extension. As stated above significant improvements have now been made to the B713 and the applicant will require to bear the costs of extraordinary road maintenance costs attributable to site traffic.

4.11 Sorn in my opinion badly needs an increase in population to sustain the school, bowling club, church and other organisations and existing businesses. The condition of the C65, the direct route from Sorn to the main local Tesco shop in Auchinleck does not help in selling the village to prospective incomers.

Comments as per 4.10 above.

4.12 Conditions should be put in place to ensure a recharge option for remedial road repairs, to restrict the use of artics to transport minerals, the use of the eastwards route to the A70, vibration monitoring of properties on traffic routes where requested, happing of vehicles and a traffic monitoring system, and the restriction of permission to 5 years or linked to distinct progressive phases in the application.

Provision can be made though the securing of obligations in a Section 75 Agreement, to ensure that any extraordinary road maintenance costs attributable to quarry vehicles can be recovered from the applicant. Appropriate transport routes will also be secured through such an agreement. It is not considered appropriate to direct traffic from the quarry eastwards on the B713 to the A70 given the impact that already exists on local communities on this route from coal lorries.

4.13 There are periods when the volume of lorries passing through the village is very high. East Ayrshire Council should regulate the maximum number of lorry journeys per day.

Due to the varying demands of quarry products, it is considered unreasonable to impose a maximum number of vehicle movements per day. However, the applicant has indicated that operations will continue in line with current production levels and it is considered that there should be a limitation on the annual production levels for the extended quarry.

4.14 The majority of drivers drive responsibly, however there is a minority that does not. East Ayrshire Council should encourage the operator to take measures to minimise irresponsible driving, either by their own drivers or by sub-contractors.

It is considered that the establishment of a site liaison committee for Sorn Quarry, and the subscription of the applicant to the Council's Transportation Protocol, would assist in addressing issues of this nature.

4.15 There are certain times when lorries are not supposed to travel through the village but I have recently observed quarry lorries breaching this rule and travelling over the 'new bridge' which has no pavement at the same time as children going to school. Again this is an issue relating to a minority of drivers but it can lead to a perception that the quarry operator has little regard for such rules and therefore little regard for the community as a whole. Some of the concerns could be addressed, in part, if East Ayrshire Council was to require the operator to develop a charter or code of conduct in conjunction with Sorn Community Council. This would set out the basis for responsible operation of the quarry and how the operator would seek to manage the impact on the community at an acceptable level.

Comments as per 4.14 above.

5. ASSESSMENT AGAINST DEVELOPMENT PLAN

5.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of this application the development plan comprises the Approved Ayrshire Joint Structure Plan and the Adopted East Ayrshire Local Plan (2003).

Ayrshire Joint Structure Plan

5.2 Policy E13 states that proposals to extend the supply of land with planning consent for the winning and working of minerals shall be considered against a set of stated criteria, as follows:

A whether the proposal conforms to policies E14 and E15;

Policy E15 is pertinent to the application. The proposed development complies with policy E15A in that it relates to a development at an existing mineral working.

B availability of alternative supplies;

There are no alternative hard rock quarries within East Ayrshire.

C impact on the countryside, landscape character, visual amenity and the natural and built environment;

It is considered that by its nature, the development will impact to some degree on the landscape character, visual amenity and the natural environment of the area. Although the development site is located in a Sensitive Landscape area as identified in the adopted local plan, the quarry extension itself is remote from any settlements and is located in a relatively unobtrusive raised position. The development will not be unduly visually prominent when viewed from the nearby Sorn / Muirkirk Road or from the few properties which are located in the wider rural area in the vicinity of the site. It is not considered, therefore, that the impact of the development on the landscape and on visual amenity will be significant.

D the impact caused by noise, dust and the contamination of ground and surface water;

From the information available, it is intended to conduct operations at the same rate as the existing quarry and it is anticipated that any adverse impact of dust, noise and the contamination of ground and surface water should not exceed any present levels of disturbance. It is considered that the development will not impact adversely on the above factors.

E any adverse effect on communities within Ayrshire;

The development site is remote from any nearby settlements and it is not considered that the development will have any adverse impact on any of the East Ayrshire communities, with the exception

possibly of haulage traffic continuing to pass through the village of Sorn for the extended life of the operations.

F extent of directly related community benefit derived;

The applicant has indicated a willingness to provide road infrastructure improvements and traffic calming measures that would be of direct benefit to the community of Sorn. It is proposed that by legal agreement the applicant makes financial contributions to a Common Good Fund to be utilised within the Parish of Sorn.

G opportunity to maximise transport by rail and sea;

There are no opportunities to transport materials by any means other than by road.

H other inward investment opportunities in the area;

It is not considered that the proposal will hinder or prevent any other investment opportunities in the immediate area of the development.

I cumulative impact of proposals in one area; and

It is considered that the development will have a cumulative impact on the area only through the extension of the life of existing operations at the quarry for the period applied for. The proposed extraction period is for a period of 35 years at the extraction rates as currently operated. However it is considered that a 35 year consent would not be appropriate in this instance. The operator has indicated that a period of at least 15 years would be required in terms of securing the necessary future investment at both the Sorn Quarry and the Killoch Depot. Such investment is essential to sustain the supply of the quality quarry products required by the local economy and to continue to provide secure employment opportunities. In terms of policy, provision should be made within local plans for a minimum 10 year supply of aggregates. It should be borne in mind that Sorn Quarry is the only source of hard rock aggregates within East Ayrshire.

J the extraction period.

The proposed extension would provide reserves of hard rock for a period of 35 years.

5.3 Policy E15 states that proposals to extend the supply of land with planning consent for the winning and working of aggregate minerals shall not conform to the structure plan except in two stated circumstances:

- A at existing workings; or
- B for special local need in the Rural Diversification Area.

The policy also states that any proposal will be assessed against the criteria in policy E13.

The proposal relates to a development at an existing working and is acceptable in terms of Section A of the policy. The proposal would appear to be generally acceptable when assessed against policy E13 (See above).

East Ayrshire Local Plan

5.4 Policy M2 states that the Council will limit any extension to the existing supply of aggregate minerals to two specific types of location, these being:

- (i) development at existing workings; or
- (ii) other appropriate locations within the Rural Diversification Area, but only where the minerals are required to meet special local needs within that area.

The proposal relates to a development at an existing working and is acceptable in terms of part (i) of the policy

5.5 Policy M3 requires all applicants for minerals developments to meet a series of nine stated requirements, as follows:

- (i) to submit detailed planning applications. Outline applications will not be acceptable;

The application is a full detailed application.

- (ii) to demonstrate the need for the proposed development;

It is considered that the development can be supported in terms of ensuring a minimum ten year supply of hard rock reserves within East Ayrshire. The operator has indicated that a period of at least 15 years would be required in terms of securing the necessary future investment at both the Sorn Quarry and the Killoch Depot. Such investment is essential to sustain the supply of the quality quarry products required by the local economy and to continue to provide

secure employment opportunities. It should be borne in mind that Sorn Quarry is the only source of hard rock aggregates within East Ayrshire.

- (iii) to submit formal Environmental Assessments in association with the application;

An Environmental Statement has been submitted in support of the application.

- (iii) to lodge appropriate Restoration and Aftercare Bonds to a value agreed by the Planning Authority;

See Legal Agreement Paragraph 8.7

- (iv) to upgrade, maintain and repair at their own expense, roads damage shown to have been caused by vehicles serving their developments;

See Legal Agreement Paragraph 8.7

- (v) to strictly observe an appropriate separation distance between the operative site and nearby settlements and dwellings;

See Legal Agreement Paragraph 8.7

- (vi) to submit regular monitoring reports and annual 'Mining Progress Plans' and 'Environmental Audits' to the Council in respect of their proposals;

See Legal Agreement Paragraph 8.7

- (viii) to establish Liaison Committees with local representatives, to act as a forum through which relevant operational and associated issues can be discussed and addressed; and

See Legal Agreement Paragraph 8.7

- (ix) to service the extraction site, if considered feasible and appropriate, by rail.

It is not considered feasible to service the extraction site by means other than road based transport.

5.6 Policy M4 states that the Council will assess all applications for new mineral workings, including the extension of mineral working at existing sites, against a set of seven criteria, as follows:

- (i) the impact of the development on the amenity of nearby residents and the residents of properties located along agreed haulage routes to and from the site;

Extraction of materials at the same rates and haulage of materials along the same haulage routes will extend any existing disturbance experienced for the extended period of operations. However, the proposed extension will not result in any significant additional impacts.

- (ii) the impact of the development on the natural and built heritage, historic gardens and designed landscapes, the visual amenity and the landscape character of the area;

It is considered that, by its nature, the development will impact to some degree on the landscape character, visual amenity and the natural environment of the area. Although the development site is located in a Sensitive Landscape area as identified in the adopted local plan, the quarry extension itself is remote from any settlements and is located in a relatively unobtrusive raised position. The development will not be unduly visually prominent when viewed from the nearby Sorn / Muirkirk Road or from the few properties which are located in the wider rural area in the vicinity of the site. It is not considered, therefore, that the impact of the development on the landscape and on visual amenity will be significant.

- (iii) operational details, restoration proposals and after-use of the development site;

The operational details, proposed restoration proposals and afteruse of the site are acceptable.

- (iv) any cumulative impact of the development either concurrently or successively in association with other similar developments in the vicinity of the site;

It is considered that the development will have a cumulative impact on the area only through the extension of the life of existing operations at the quarry for the period applied for. The proposed extraction period is for a period of 35 years at the extraction rates as currently operated. It is therefore considered that this period is excessive and therefore a limited consent for the period of operations for a period of 15 years for the reasons indicated above is appropriate. The development will not constitute a cumulative development in terms of the number of similar operations in the area.

- (v) the extent of directly related community and environmental benefits to be afforded to the area as a result of the development;

No environmental benefits derived from the development have been detailed by the applicant. The applicant has indicated a willingness to provide road infrastructure improvements and traffic calming measures that would be of direct benefit to the community of Sorn and by legal agreement, contributions can be secured to a Common Good Fund in Sorn Parish.

- (vi) methods of transportation of material, volumes of traffic generated and proposed haulage routes; and

This is acceptable as they conform to current practice at the existing operational site.

- (vii) the impact of the development on existing alternative economic initiatives and employment in the vicinity of the site e.g. tourism facilities etc

It is not considered that the development would adversely impact on existing alternative initiatives or employment in the vicinity of the site

The policy also states that where an application relates to a new aggregate mineral working within the Rural Diversification Area, the proposal will also be assessed against the requirement of the mineral to meet special local needs.

The application does not relate to a new working, rather to an extension of working at an existing operation.

The development represents an extension to an existing quarry and is therefore acceptable in terms of Structure Plan Policies E15 and E13A and Local Plan Policy M2(i). There are no objections to the proposal from the planning policy point of view.

The above observations have been made on the assumption that extraction will remain at the same rate as existing. Should the rate of working increase and the reserves be exhausted in a shorter period than the 35 years envisaged, this would undoubtedly have implications for the operations and their impact, especially their impact on communities and residents in the vicinity. Increased extraction rates would, in particular, involve increased flows of vehicles servicing the site with resultant disturbance to residents along road haulage routes. Appropriate conditions should therefore be attached to any consent to be issued to limit the rate of extraction to existing rates.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of the application are the consultation responses, representations received, the planning history of the site and appropriate National Planning Guidelines and Planning Advice Notes.

Consultations Responses

6.2 There are no consultation responses that would indicate that refusal of the application is appropriate.

Representations

6.3 It is considered that the representations received can either be addressed through the imposition of appropriate conditions in any consent granted for the proposed development, can be addressed through obligations in a Section 75 Agreement for the quarry site, or are not of sufficient weight to justify refusal of the application.

Planning History

6.4 Planning permission for mineral extraction at Tincorn Hill was originally granted on 19 October 1951 by the former Ayr County Council (Ref. No. A/971/Q). Planning permission for an extension to the quarry and for formation of a new access road to the site was granted on 19 August 1994 by the former Cumnock and Doon Valley District Council (Ref. Nos. CD/91/27/Q and CD/91/28).

6.5 More recently permission to extend the timescale of operations granted under consents CD/91/27/Q and CD/91/28 was approved by the Southern Local Planning Committee on 14 March 2003 (Ref Nos. 02/0889/FL and 02/0890/FL) subject to an amendment to the existing Section 50 Agreement relating to the Sorn Quarry in respect of traffic routes. The routes agreed under these consents are as follows:

Traffic Generated from Sorn Quarry

- (i) Eastwards along the B743 to the A70, Muirkirk and beyond;
- (ii) Eastwards along the B743 to the A70, then westwards towards Cumnock and Killoch Depot;
- (iii) Westwards along the B743 to Sorn, then south westwards via the B713, then southwards via the C65 to the B705 then southwards via the B705 to the B7083 at Auchinleck, northwards via the B7083 to the A76 Templeton

Roundabout, then southwards via the A76 to the A70 at Dettingen Roundabout, then westwards via the A70 to Killoch Depot;

- (iv) Traffic heading to sites north of Catrine should travel westwards along the B743 to Sorn, then south westwards via the B713 to join the A76 at Catrine.

Traffic Generated from Killoch Depot

- (i) Eastwards via the A70 to Dettingen Roundabout, then northwards via the A76 to the B713 Catrine junction, then eastwards via the B713 to Sorn, then eastwards via the B743 to Sorn Quarry;
- (ii) Eastwards via the A70 towards Muirkirk, then westwards via the B743 to Sorn Quarry.

The agreed routes will be utilised for the proposed development.

National Planning Policy Guidelines

6.6 National Planning Policy Guidelines 4: Land for Mineral Workings is of relevance to this application and the proposal has been assessed against the main provisions of these guidelines including proximity to local communities, cumulative impact, natural and built heritage and transportation.

It is considered that the proposals do not conflict in any significant way with the provisions of NPPG 4.

Planning Advice Notes

6.7 Planning Advice Note 50: Controlling the Environmental Effects of Surface Mineral Workings is of particular relevance to the proposed development. The proposals have been designed to comply with the good practice and advice contained within the annexes A-D of PAN 50. In particular, the Environmental Statement provides for mitigation measures to further ensure that environmental impacts are minimised.

Noted.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are no financial implications for the Council in the determination of this application. Should the Committee agree to approve the application, it is considered that this would necessitate the Council entering into a new Section 75 Agreement under the Town and Country Planning (Scotland) Act 1997 with the

applicant and landowner to secure obligations on the developer as detailed below in Section 8.7 of this report. This new Agreement would supersede the existing Section 50 Agreement as amended that is currently in place for the existing quarry operations.

8. CONCLUSIONS

8.1 As indicated in section 5 of the report, the application is considered to be in accordance with the development plan. Therefore, given the terms of Section 25 and Section 37(2) of the Town and Country Planning (Scotland) Act 1997, the application should be approved unless material considerations indicate otherwise. As is indicated at Section 6 of the report, there are material considerations relevant to this application, however it is considered that these are also supportive of the proposed development.

8.2 It is considered that the proposed development is consistent with the provisions of the Ayrshire Joint Structure Plan and the East Ayrshire Local Plan in respect of mineral policies. The proposed extension to the existing quarry with operations and production continuing at present rates should result in no greater impacts than those of the existing operations. However, it is recognised that consent for 35 years is not considered to be appropriate and in order to ensure continuation of operations at the present level, conditions are necessary to limit the timescale and rate of production at the Sorn Quarry. Assessment of impacts has been carried out by the applicant on that basis.

8.3 With regard to consultations, there are no significant issues raised that cannot be addressed through either the imposition of appropriate conditions in any consent granted for the development or by securing obligations within a Section 75 Agreement. The representations made by Sorn Community Council can be addressed in a similar fashion. In order to address the serious concerns regarding traffic and road safety, the applicant has agreed in principle to the implementation of appropriate road safety and traffic calming measures. These measures will require to be the subject of appropriate discussion and agreement with the Roads and Transportation Division. The applicant has also agreed to an annual contribution to roads maintenance and the establishment of a common fund for the benefit to the environment of Sorn Parish.

8.4 The proposed development has not attracted any significant level of objection from local communities or from residents living within the locality of the development. It is considered that the representations received can either be addressed through the imposition of appropriate conditions in any consent granted for the proposed development, can be addressed through obligations in a Section 75 Agreement for the quarry site, or are not of sufficient weight to justify refusal of the application.

8.5 The significant concerns relate to issues of traffic and transportation and timescale of operations. It is considered that through the implementation of the mitigation measures promoted in the Environmental Statement and with the additional controls that will be imposed through the planning consent and new Section 75 Agreement, the proposed development can be undertaken in an environmentally acceptable manner. It should also be borne in mind that the

existing operations at Sorn Quarry since 1994 have not generated any significant number of complaints.

8.6 In respect of the development plan and all material considerations to be taken into account, it is considered that the application should be approved. Should the Committee agree with this view and be disposed to grant planning permission, any consent should be withheld until the requisite new Section 75 Agreement under the Town and Country Planning (Scotland) Act 1997, covering the following matters, has been duly concluded:

8.7 **Section 75 Agreement**

- (i) The provision of a restoration and aftercare bond to ensure appropriate restoration of the quarry site in accordance with the approved restoration master plan.
- (ii) The establishment of a site liaison committee for the Sorn Quarry site, the composition of which shall be the subject of discussion and agreement with the applicant and the Planning Authority.
- (iii) The establishment of dust, noise and vibration monitoring programmes for the Sorn Quarry site following discussion and agreement with the Planning Authority and the Environmental Health Authority, such monitoring schemes to be in place prior to commencement of operations within the extended quarry site.
- (iv) The securing of financial contributions at £10,000 per year and a further £5,000 in kind to an appropriate fund to be used for Common Good purposes within the parish of Sorn. Such contributions may also include provision of services or goods by the applicant where appropriate. The disbursement of such contributions or distribution of goods or services shall be administered by a Trust to be established in discussion with the applicant and the Council.
- (v) The maintenance of any existing private water supplies that may be disrupted as a result of the proposed development.
- (vi) The restriction of total annual production levels for concrete aggregates to 80,000 tonnes and for roadstone aggregates to 120,000 tonnes per annum.
- (vii) The implementation in full of the mitigation measures and recommendations contained within the Environmental Statement that accompanied the planning application.
- (viii) The subscription of the applicant to the Council's Transportation Protocol in respect of the Sorn Quarry site.
- (ix) The definition of agreed transportation routes for heavy goods vehicles for the haulage of minerals.
- (x) The provision of road infrastructure and traffic calming improvements to the satisfaction of the Council's Roads and Transportation Division, including the kerbing and surfacing of any vehicle park up area utilised

by lorries remote from the site, as well as traffic calming on the B743 Main Street, Sorn, east of the B713 junction.

- (xi) The undertaking of the applicant to pay to the Council an annual sum amounting to £10,000 (or equivalent works or provision of materials) and, in the event of the Council incurring any additional extraordinary expense associated with the maintenance of agreed transportation routes, so much of the additional expenses of maintaining these routes attributable to damage caused by heavy vehicles utilising the quarry, all in terms of the Roads (Scotland) Act 1984. A joint inspection of routes shall be undertaken between the applicant and the Roads Authority prior to the commencement of operations within the extended site.
- (xii) The provision of a detailed hydrological assessment of the site including maps and transects which include the nearby blanket bog at Blood Moss. A qualified engineer shall be employed to report and make recommendations to ensure the long term stability of the final contours of the quarry face to ensure protection of the hydrological unit containing Blood Moss and that slopes are adequate in terms of fit with the landscape, erosion, rock and soil type.

9. RECOMMENDATION

9.1 It is recommended that the application be approved subject to the conditions on the attached sheet and that the issue of the decision notice be withheld until the Solicitor to the Council has concluded a formal agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 with the applicant in respect of the matters described in Section 8.7 of this report.

CONTRARY DECISION NOTE

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning, Development and Building Standards, the application will not require to be referred to the Development Services Committee because it would not represent a significant departure from policy.

Alan Neish
Head of Planning, Development and Building Standards

16 July 2004
HM/HM
FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices and Certificates.
3. Letters of Representation.
4. Consultation responses.
5. Adopted East Ayrshire Local Plan (2003).
6. Approved Ayrshire Joint Structure Plan (1999).
7. NPPG4: Land for Mineral Workings
8. PAN 50: Controlling the Environmental Effects of Surface Mineral Workings – Annexes A-D
9. Previous applications CD/91/0027/Q, 02/889/FL and 02/809/FL

Anyone wishing to inspect the above background papers should contact Mr. Hugh Melvin on 01563 555481.

Implementation Officer: Dave Morris

Form TP24A

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 03/1135/FL

| | |
|--------------------------------|---|
| Location | Sorn Quarry, Sorn |
| Nature of Proposal: | Proposed extension of the area for mineral extraction |
| Name and Address of Applicant: | Barr Limited 100 Inchinnan Road PAISLEY PA3 2RE |
| Name and Address of Agent | N/A |

DPO's Ref:
PPO's Ref: Hugh Melvin

The above FULL application should be granted subject to the following conditions:-

1. The development hereby permitted shall enure for the benefit of the applicant only, and shall be commenced within 12 months of the date of this consent.

REASON: To ensure that the development, which is temporary in nature, is commenced within an acceptable timescale. The development is acceptable only because of the individual circumstances pertaining to the applicant and on a temporary basis.

2. The applicant shall give notice to the Planning Authority, in writing, of the commencement of operations in the extension site, one month prior to their commencement.

REASON: To ensure that appropriate monitoring systems are in place prior to the commencement of operations on site.

3. Permission is hereby granted for a limited period of 15 years from the date of commencement and the operations shall be discontinued and the site restored to a condition acceptable to the Planning Authority, in accordance with a scheme to be agreed by the Planning Authority, at the expiration of this period unless a further permission is granted.

REASON: To enable the Planning Authority to review site operations and methods in the interests of promoting acceptable environmental standards.

4. Visibility splay areas of 4.5 metres by 225 metres shall be provided and maintained at the junction of the site access road with the B743 public road with no obstruction greater than 1 metre in height being allowed within these areas

REASON: In the interests of road safety.

5. No drainage connection shall be made to the public road drainage system without the prior approval of the Roads Authority. No surface water shall be allowed to discharge from the development site on to the adjacent public roads.

REASON: In the interests of public road safety.

6. Appropriate measures, to prevent mud, dirt, dust, slurry or stones being carried onto the highway, shall be taken and such steps shall include the provision and use of hard standing areas and a full wheel wash facility for the cleaning of all lorries, dump trucks, other heavy vehicles and plant leaving the site, all in accordance with the mitigation measures promoted within the Environmental Statement which accompanied the planning application.

REASON: In the interests of road safety.

7. The access roads and public roads adjacent to the site shall be kept clear of mud or other deposited materials at all times by means of mechanical brushing.

REASON: In the interests of road safety.

8. Prior to any road vehicle loaded with minerals leaving the site, the load shall be suitably covered/happed to ensure there is no escape of materials. A hard standing area shall be provided within the site preparation area to facilitate the happing of haulage vehicles.

REASON: In the interests of road safety and minimising noise impact.

9. Prior to excavation works commencing on site statutory undertakers' apparatus shall be protected and diverted as required, to the satisfaction of the respective statutory undertakers and at the expense of the developer.

REASON: In the interests of public safety.

10. The developer shall make stock-proof and maintain until the restoration of the site is completed, all the existing perimeter hedges and fences and shall protect these from damage during operational works. Where the site boundary does not coincide with an existing hedge or fence, then the developer shall provide and maintain stock-proof fencing with gates or cattle grids at every opening. Where the developer has the right to do so, undisturbed hedgerows, within or bounding the site, shall be maintained, the hedgerows to be cut and trimmed at the proper season throughout the period of working and restoration of the site.

REASON: In the interests of visual amenity.

11. Topsoil shall only be stripped when it is sufficiently dry so as when moved no soil damage will take place. To accommodate breeding birds and reptiles, advance soil stripping should take place in early autumn. Outwith this period, an ecologist shall be engaged to check the site with the findings being submitted in writing to the Planning Authority for consideration before soil stripping commences.

REASON: To minimise damage to soils and to minimise disturbance to fauna during breeding seasons.

12. The overburden storage mounds shall be so formed as to have minimal visual intrusion on the surrounding landscape.

REASON: In the interests of visual amenity.

13. All water treatment areas and settlement lagoons shall be enclosed by a one metre high stock-proof fence and shall be undertaken prior to any significant soil stripping.

REASON: In the interests of public safety.

14. Throughout the period of site working and restoration, the developer shall protect and maintain or divert any ditch, stream, watercourse or culvert passing through the site so as not to impair the flow nor render less effective drainage onto and from adjacent lands.

REASON: To prevent a detrimental effect upon adjacent agricultural and other operations.

15. Appropriate provision shall be made at all times to ensure that under drainage is maintained for land outwith the working areas. Standing water must not be allowed to gather in any area where the topsoil and sub-soil has not been stripped.

REASON: To prevent damage to adjacent land and soils.

16. Alternative arrangements shall be made for any interruption of adjacent drainage systems, 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.

REASON: To prevent damage to adjacent land and soils.

17. All contaminated drainage and run-off from the site roadways, intercepting ditches, overburden and other tips, stone processing and stocking areas, the working areas of the excavations and pump mine water, shall receive adequate and appropriate treatment prior to being discharged to any watercourse, such treatment being to the satisfaction of the Planning Authority.

18. Appropriate precautions shall be taken to prevent the discharge of oil from fuelling, oil storage, plant maintenance and vehicle wash areas within the site.

REASON: To prevent contamination of watercourses.

19. All fuel, oil or other chemical storage tanks on the site shall be sited on impervious bases and surrounded by tank bund walls. The bunded areas shall be capable of containing 110% of the tank's volume and shall enclose all fill and draw pipes. If the storage tanks are to be sited at a single compound, the bund wall shall be capable of containing 110% of the volume of the largest storage tank. All fill and draw points shall be padlocked when not in use. Waste oil from plant maintenance should be collected and disposed of safely. Any maintenance of vehicles required to be undertaken outwith the proposed workshops area shall be undertaken in a manner as to prevent any spillage of oils or fluids entering watercourses.

REASON: In the interests of public safety and to prevent any pollution of watercourses.

20. All foul drainage from sanitary facilities, canteens, etc. shall be treated prior to discharge to a soakaway system. In the event that percolation tests indicate that the ground is not suitable for discharge to soakaway system then additional treatment will be undertaken prior to any discharge of sewage effluent to any watercourse.

REASON: To prevent any pollution of watercourses

21. The operational conduct of the site shall be generally as indicated in the Environmental Statement that forms part of the application.

REASON: To ensure that the development is undertaken in accordance with the details approved.

22. A dust-monitoring programme shall be agreed with the Planning Authority in consultation with the Environmental Health Authority and undertaken using appropriate equipment and recording devices. The results and records shall be made available to the Planning Authority on a monthly basis during the operational life of the site.

REASON: To ensure that appropriate environmental standards are maintained throughout the life of the site.

23. Except in the case of emergency, the hours of working on site will be between 0730 and 1800 hours Mondays to Fridays and between 0800 and 1200 hours on Saturdays. With the exception of essential site maintenance and the maintenance of plant and machinery, no work shall take place on Sundays or on recognised Public Holidays in East Ayrshire.

REASON: In the interests of the amenity of the area.

24. The conduct of the site and method of operations shall be such that except during the stripping and replacement of soils, the noise limit during daytime (0700 to 1900 hours) shall not exceed 55dB Laeq, 1h. During the stripping and replacement of soils, the noise limit shall not exceed 70dB Laeq, 1h at noise sensitive properties with such works only taking place during daylight hours.

REASON: In the interests of residential amenity.

25. An appropriate noise-monitoring programme shall be undertaken during the operational life of the site, the details of which shall be agreed by the Planning Authority prior to the commencement of development using appropriate equipment and recording devices, the results of which shall be made available to the Planning Authority on a monthly basis.

REASON: To ensure that appropriate environmental standards are maintained throughout the life of the site.

26. Except in cases of emergency or as otherwise may be agreed with the Planning Authority, blasting operations shall be carried out on a monthly basis only, within two hourly periods between 1000 to 1600 hours Mondays to Fridays. No blasting operations shall take on recognised East Ayrshire Public Holidays, during the hours of darkness or during periods of adverse visibility.

REASON: In the interests of amenity and public safety.

27. Blasting operations shall be carried out in such a manner that no component of the peak particle velocity attributable to any blast, measured at any point immediately adjacent to any building outside the boundaries of the site exceeds a vibration criterion of 6 mm/sec at a 95% confidence limit.

REASON: In the interests of protecting residential and other buildings from potential damage.

28. An appropriate blast-monitoring scheme shall be undertaken during the operational life of the site, the details of which shall be agreed with the Planning Authority in consultation with the Environmental Health Authority, using the appropriate equipment and recording devices, the results of which shall be made available to the Planning Authority on a monthly basis.

REASON: To ensure that appropriate environmental standards are maintained throughout the life of the site.

29. Any explosives magazines shall be located, designed and banded to the satisfaction of the Planning Authority.

REASON: In the interests of public safety.

30. All quarry machinery not in use shall be parked, as far as practicable, in an inconspicuous position.

REASON: In the interests of visual amenity.

31. Any rubbish and scrap materials generated on the site shall, as far as is practicable, be kept in a screened position until disposed of in an approved manner to the satisfaction of the Planning Authority.

REASON: In the interests of visual amenity.

32. No materials for filling shall be introduced to the site from sources external to it without the formal approval of the Planning Authority.

REASON: To enable the Planning Authority to retain control over development of the site.

33. On completion or cessation of quarry operations, the site shall be restored in accordance with the restoration master plan to be submitted to and approved by the Planning Authority further to Condition 37 below.

REASON: To secure appropriate restoration features and habitat enhancement.

34. The restored site shall be subsequently managed in accordance with an aftercare scheme submitted to and approved by the Planning Authority within 6 months of coaling operations commencing on site. The aftercare scheme shall be the subject of prior consultation with Scottish Natural Heritage, the Royal Society for the Protection of Birds and the Planning Authority.

REASON: In the interests in visual amenity.

35. There shall be an annual formal review to consider all the operations which have taken place on the site during the previous year, and to consider the programme for the ensuing year.

REASON: To enable the Planning Authority to update the operation of the site in the light of any difficulties encountered and to monitor progress of site operations.

36. Two weeks prior to the annual formal review an updated plan will be forwarded to the Planning Authority indicating the year's work on the site and showing the anticipated work programme for the ensuing year.

REASON: To assess the operational status of the site.

37. Within 12 months of the date of commencement of operations within the extended quarry, the applicant shall submit to, and have approved by the Planning Authority, a restoration master plan for the Sorn Quarry and shall provide details of a 5-year aftercare management programme. The restoration master plan shall thereafter be reviewed on an annual basis, in light of the ongoing quarry operations on site.

REASON: In the interests of ensuring proper restoration of the site in line with progressive site operations.

Note to Applicant

1. The applicant should make early contact with Power Systems with respect to its apparatus lying within or adjacent to the development site that may be affected by the proposed development.

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