

# Development Management Sub-Committee Report

**Wednesday 7 June 2023**

## **Application for Planning Permission**

**Land 177 Metres West of Bonnington Mains Quarry, Cliftonhall Road, Newbridge**

**Proposal: Extraction of Quartz-Dolerite and erection of plant and ancillary structure (Section 42 Application to vary conditions 2, 13, 15, 16 and 18 of Planning Permission 17/05930/FUL).**

**Item – Presentation Item at Committee**

**Application Number – 22/02514/FUL**

**Ward – B02 - Pentland Hills**

## **Reasons for Referral to Committee**

### **Recommendation**

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

### **Summary**

This is an application under section 42 of the Town and Country Planning (Scotland) Act 1997 that seeks to vary conditions 2, 13, 15, 16 and 18 of planning application 17/05930/FUL.

The proposed variations are in compliance with the Edinburgh Local Development Plan (LDP) and NPF4 Policy 33.

As the effect of granting permission for a section 42 is to create a separate permission there is the need to attach the conditions from the previous approval.

There are no other material considerations which outweigh this conclusion.

## **SECTION A – Application Background**

### **Site Description**

The site is located to the southwest of Ratho village, on the northern side of Wilkieston Road.

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

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

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

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

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

The former Craigpark quarry to the north of the site is in the process of being restored with the use of inert fill materials and planning permission has been granted to develop an outdoor leisure complex.

### **Description of the Proposal**

The application is made under section 42 of the Town and Country Planning (Scotland) Act 1997 and seeks to continue quarrying and ancillary operations at the site without compliance with a number of conditions outlined in planning application 17/05930/FUL.

Proposed changes relate to conditions:

Condition 2- Changes to the placement of the environmental bund/overburden along the western boundary of the quarry site.

Condition 13- Hours of operation where the asphalt plant is to include night-time working (24 hour working).

Condition 15- Noise levels from nominal operations increased to a uniform 55dB(A)LAeq at noise sensitive properties and the introduction of a 42dB(A)LAeq during night-time operations (out with hours (i.e., all hours out with Monday-Friday: 07:00-19:00; Saturday: 07:00-19:00 and Sunday: 10:00-14:00).

Condition 16- Changes to the site access involving the introduction of a dual entry weighbridge/office and internal circle/roundabout.

18. Site restoration conditions whereby within 5 years of the date of this permission, a plan illustrating the proposed final restoration of the site shall be submitted and approved by the Planning Authority.

An EIA Report was submitted to support the application, topics scoped in include:

- Landscape and visual impact
- Ecology
- Soils and agricultural land
- Water environment
- Noise
- Dust & air quality
- Socio-economic
- Human health

- Vulnerability to accidents & disasters
- Cumulative effects

## **Supporting Information**

The following documents were submitted in support of the application:

- Environmental Statement.
- Extractive Waste Management Plan.
- Planning Statement.
- PAC Report.
- Site plans.
- Elevational drawings.
- Field Site Restoration Plan
- Sections

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

## **Relevant Site History**

22/02513/FUL

Land 177 Metres West of Bonnington Mains Quarry  
Cliftonhall Road  
Newbridge  
Edinburgh

Development of field for ancillary quarrying operations.

22/00035/SCO

Land 177 Metres West of Bonnington Mains Quarry  
Cliftonhall Road  
Newbridge  
Edinburgh

Request for EIA Scoping Opinion

23 February 2022

21/06730/PAN

Land 177 Metres West of Bonnington Mains Quarry  
Cliftonhall Road  
Newbridge  
Edinburgh

Development of field located immediately West of Bonnington Mains Quarry for ancillary quarry operations including formation of Screening Bund and Overburden Storage, Water Settlement Ponds, Construction of Workshop and Aggregate Storage Sheds, Aggregate Processing and Storage Area and formation of Carpark and Weighbridge.

Pre-application Consultation approved.

10 January 2022

17/05930/FUL

Bonnington Mains Quarry  
Cliftonhall Road  
Newbridge  
EH28 8PW

Section 42 application for proposed variation to conditions 5, 8, 18, 22 + 23 of planning consent P/PPA/LA/643 (dated 4 September 1990) to amend noise + vibration limits, postpone submission of final restoration plan + clarify period for completion of all mineral operations to 31 December 2050

Granted

6 September 2018

12/01430/MWD

Bonnington Mains Quarry  
Cliftonhall Road  
Newbridge  
EH28 8PW

Application for the management of extractive waste.

Granted

20 June 2012

99/00654/FUL

Bonnington  
Kirknewton  
Edinburgh

Use of land for the storage and recycling of inert waste construction materials

Granted

16 August 2000

### **Other Relevant Site History**

#### Bonnington Mains Quarry

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

Reasons for refusal were:

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

4 September 1990 - an appeal to the Scottish Office Inquiry Reporters Unit was upheld.

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

Neighbouring Site History- Craigpark Quarry; located immediately to the northeast of the site.

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

9 May 2018 - planning permission for the development of the former quarry site as an outdoor leisure complex, including water sport facilities, pedestrian and vehicular access, landscaping works, ancillary class 1 (retail) and class 3 (food and drink) uses, and tourism accommodation (application number 17/02471/FUL).

### **Pre-Application process**

Pre-application discussions took place on this application.

### **Consultation Engagement**

Roads Authority

Edinburgh Airport

NatureScot

Historic Environment

Scottish Water

West Lothian Council

Environmental Protection

Archaeology

Natural Environment

Refer to Appendix 1 for a summary of the consultation response.

### **Publicity and Public Engagement**

**Date of Neighbour Notification:** 27 June 2022

**Date of Renotification of Neighbour Notification:** Not Applicable

**Press Publication Date(s):** 8 July 2022 1 July 2022 1 July 2022

**Site Notices Date(s):** Not Applicable

**Number of Contributors:** 326

## Section B - Assessment

### Determining Issues

Section 42 of the Town and Country Planning (Scotland) Act 1997 (the Act) relates to applications for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted.

On such an application the planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and:

- (a) if they decide that planning permission should be granted subject to conditions differing from those subjects to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly.
- (b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.

If an application under Section 42 of the Act is granted it creates a new planning permission with a new default time period for implementation unless otherwise determined. Accordingly, the proposals also require to be determined under Sections 25, 37 and 59 of the Act.

Having regard to the legal requirement of Section 24(3), in the event of any policy incompatibility between National Planning Framework 4 (NPF4) & Edinburgh Local Development Plan 2016 (LDP) the newer policy shall prevail.

Do the proposals comply with the development plan?

Therefore, consideration shall be given to the proposed change to the condition and any other conditions attached, in particular whether:

- i) the proposed change to the condition would result in a development that is in accordance with the development plan; or
- ii) an alternative condition or conditions would result in a development that is in accordance with the development plan; and
- iii) there are any material considerations that outweigh the conclusions in respect of i) and ii) above.

### Assessment

To address these determining issues, it needs to be considered whether:

- a) The proposals under Section 42 of the 1997 Act**

In considering applications under section 42 it is not considered appropriate to grant planning permission subject to the same conditions, which would be tantamount to refusing planning permission. Equally, it is not considered appropriate to grant planning permission unconditionally given potential environmental impacts including amenity. It is therefore necessary to consider the matter of conditions having regard to the development plan and this is addressed further below.

### **The proposals comply with the development plan.**

National Planning Framework 4 (NPF4) was adopted by the Scottish Ministers on 13 February 2023 and forms part of the Council's Development Plan. NPF4 policies supports the planning and delivery of Sustainable Places, Liveable Places and Productive Places and are the key policies against which proposals for development are assessed. Several policies in the Edinburgh Local Development Plan (LDP) are superseded by equivalent and alternative policies within NPF4.

The relevant Edinburgh Local Development Plan 2016 (LDP) policies to be considered are:

- LDP Design policies Des 5
- LDP Resources policy- RS 5
- NPF4 Policy 33 Minerals
- NPF4 Policy 1
- NPF4 Policy 2

### **Local Development Plan Position**

#### Principle

NPF4 Policy 33 Minerals requires that LDPs support a landbank of construction aggregates of at least 10-years at all times in the relevant market areas, whilst promoting sustainable resource management, safeguarding important workable mineral resources, which are of economic or conservation value, and take steps to ensure these are not sterilised by other types of development.

Policy 33d) requires that development proposals for the sustainable extraction of minerals will only be supported where they:

- i. will not result in significant adverse impacts on biodiversity, geodiversity and the natural environment, sensitive habitats, and the historic environment, as well as landscape and visual impacts.
- ii. provide an adequate buffer zone between sites and settlements taking account of the specific circumstances of individual proposals, including size, duration, location, method of working, topography, and the characteristics of the various environmental effects likely to arise.
- iii. can demonstrate that there are no significant adverse impacts (including cumulative impact) on any nearby homes, local communities and known sensitive receptors and designations.

- iv. demonstrate acceptable levels (including cumulative impact) of noise, dust, vibration and potential pollution of land, air, and water.
- v. minimises transport impacts through the number and length of lorry trips and by using rail or water transport wherever practical.
- vi. have appropriate mitigation plans in place for any adverse impacts.

Policy RS 5 Minerals states that planning permission will be granted for development to extract minerals from the quarries identified on the Proposals Map: Hillwood, Bonnington Mains, Ravelrig and Craigiehall Quarry. Development which would prevent or significantly constrain the potential to extract minerals from these sites with economically viable mineral deposits will not be allowed.

The original grant of planning permission for the mineral extraction at this site was determined at appeal.

Policy RS 5 of the LDP seeks to safeguard defined, economically viable mineral resources from sterilisation, including Bonnington Mains Quarry and to ensure that there is a sufficient 10-year reserve of construction aggregates. These policies include ensuring adequate and appropriate site restoration schemes. While the expansion of existing facilities in preference to the provision of new quarries is supported in principle, specific alterations to the original conditions and the wider concerns and impacts of the operation of the quarry site should be fully assessed here as part of this application.

The LDP policy position for the development has not altered since the application was originally approved and development continues to comply with the identified LDP policies, therefore the changes to Condition 2 and Condition 18 are acceptable.

#### Impacts on Biodiversity, Geodiversity and the Natural Environment, Sensitive Habitats

The proposals are not envisaged to have any detrimental impact on biodiversity, geodiversity, the natural environment, or sensitive habitats and comply with NPF4 policy 33d.

#### Adequate Buffer Zone

An adequate buffer zone has already been established as part of the existing use of the site for quarrying operations.

The proposals are acceptable and comply with NPF4 policy 33d.

#### Impacts (including Cumulative Impact) on any Nearby Homes, Local Communities and known Sensitive Receptors and Designations

#### *Noise, Dust, Vibration and Potential Pollution of Land, Air and Water*

Policy Des 5 (Development Design- Amenity) states that planning permission will be granted for development where it is demonstrated that the amenity of neighbouring developments is not adversely affected and that future occupiers have acceptable levels of amenity in relation to noise, daylight, sunlight, privacy, or immediate outlook.



The applicant's noise consultant carried out a series of noise predictions, based upon the guidance contained within the 'Code of Practice for Noise and Vibration Control on Construction and Open Sites' (BS 5228) and Planning Advice Note 50: controlling the environmental effects of surface mineral workings (PAN 50) on several noise sensitive receptors (where nominal noise limits were measured free field over any one-hour period and applied to the extant 2017 planning permission). They are as follows:

- Clifton Cottage 45 dB(A) LAeq,
- Bonnington Mains Farm 52 dB(A) LAeq,
- Craigpark Housing Development 52 dB(A) LAeq,
- Park Ranger Lodge 52 dB(A) LAeq,
- Ratho Mains Farm 51 dB(A) LAeq,

The results of this study (detailed in the accompanying Environmental Impact Statement for this application) states that all routine daytime operations in progress meet the limits imposed by the 2017 application and the justifiable night-time limit at surface mineral workings of 42 dB LAeq,1h (PAN 50, Annex A).

Following discussions with Environmental Protection, the requested varying of Condition 15 to apply a uniform noise limit of 55db(A) LAeq across all noise sensitive receptors was deemed to have a detrimental impact on amenity. As a result, the nominal noise limits for each noise sensitive receptor would remain in place.

No further amenity issues have been identified by Environmental Protection, the changes to Condition 13 and 15 are acceptable and comply with Des 5 and NPF4 policy 33d.

### Transport Issues

A Transport Statement was submitted by the applicant which illustrated that the predicted movements associated with the existing and proposed development would fall below the peak worst-case scenario of 365 HGV movements per day stipulated in the application 17/05930/FUL.

No road safety issues have been identified by the Roads Authority, therefore the proposed changes to Condition 16 are acceptable and comply with NPF4 policy 33d.

### Mitigation Plans

#### *Climate Change and Adaptation*

NPF4 Policy 1 gives significant weight to the global climate and nature crisis to ensure that it is recognised as a priority in all plans and decisions. The proposed development contributes to the spatial principles of 'Compact Urban Growth' and 'Local Living' through the use of a brownfield site for sustainable, energy-efficient housing within an existing community.

NPF4 Policy 2 a) supports development proposals that are sited and designed to minimise lifecycle greenhouse gas emissions as far as possible and in 2 b) those that are sited and designed to adapt to current and future risks from climate change.

The proposals will support the sustainable extraction of minerals for the Edinburgh and Lothians region. Furthermore, the reuse and recycling of construction waste (reclaimed asphalt pavement) within the asphalt plan would ensure that construction material is re-used within the construction industry as opposed to waste being disposed of in landfill, thus contributing to circular economy principles.

### Restoration and Aftercare

The change in the date of the submission of restoration/aftercare plan is acceptable. A restoration guarantee bond was submitted as part of the 2017 application which the planning authority can draw upon in the event restoration works are not satisfactorily completed. An updated Performance Guarantee Bond referring to this application and the accompanying application (22/02513/FUL) shall be submitted by the applicant following the granting of this permission.

### **Conclusion in relation to the Development Plan**

The proposed development broadly complies with the provisions of NPF4 and the LDP and there is not considered to be any significant issues of conflict.

### **b) There are any other material considerations which must be addressed?**

The following material planning considerations have been identified:

#### Emerging policy context

While City Plan 2030 represents the settled will of the Council, it has not yet been submitted to Scottish Ministers for examination. As such, little weight can be attached to it as a material consideration in the determination of this application.

#### Equalities and human rights

Due regard has been given to section 149 of the Equalities Act 2010. No impacts have been identified.

Consideration has been given to human rights. No impacts have been identified through the assessment and no comments have been received in relation to human rights.

#### Public representations

A summary of the representations is provided below:

#### *material considerations*

Representations: Objections

#### Ratho & District Community Council

- Impact on amenity of surrounding area (noise levels, night-time working, light pollution)- Addressed in Section B a) and accompanying application 22/02513/FUL.

- Increased traffic on local roads (Addressed in Section B a) and accompanying application 22/02513/FUL).

### General comments

Principle of development /lack of coordinated development - Addressed Section B a) and in accompanying application 22/02513/FUL.

- Impact on amenity of surrounding area (air quality, odour, noise levels, night-time working, light pollution, dust dispersion)- Addressed in Section B a) and accompanying application 22/02513/FUL.
- Landscape/visual impact (height of asphalt plant, loss of local views, scale/design of bund)- Addressed in accompanying application 22/02513/FUL.
- Loss of potential green belt/countryside- Addressed in accompanying application 22/02513/FUL.
- Ecology (impact on migratory birds & deer, loss of farmland, loss of trees)- Addressed in accompanying application 22/02513/FUL.
- Road safety (noise levels of HGV, impact of increased traffic on local roads)- Addressed in accompanying application 22/02513/FUL.

Representations: Support

- Mineral reserves on site
- obs creation
- EIA findings

### *non-material considerations*

- Will make Ratho less desirable place to live
- Impact property prices
- Lack of consultation
- -Impact on biodiversity of wavegarden
- Vibrational effects of quarrying operations

### **Conclusion in relation to identified material considerations.**

No further issues were identified.

### **Overall conclusion**

This is an application under section 42 of the Town and Country Planning (Scotland) Act 1997 that seeks to vary conditions 2, 13, 15, 16 and 18 of planning application 17/05930/FUL.

The proposals comply with the development plan and NPF4 subject to conditions below.

As the effect of granting permission for a section 42 is to create a separate permission there is the need to attach the conditions from the previous approval.

There are no other material considerations which outweigh this conclusion.

## Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following.

### Conditions

1. The developer shall comply in full with the provisions of the 'Mineral Working Conditions' (conditions 21-31 below) as recommended by the Department for Agriculture and Fisheries Scotland (DAFS).
2. The development hereby approved shall be undertaken in accordance with the terms of this permission and in accordance with the following drawings.

B23 BON 2202 005: Location Plan

B23 BON 2202 006: Location Plan

B23 BON 2202 007: Existing Site Plan

B23 BON 2202 008: Quarry Development Plan: Existing Site Plan

B23 BON 2202 009: Quarry Development Plan: Phase 2 Overburden Extraction

B23 BON 2202 010: Quarry Development Plan: Phase 2 Mineral Extraction

B23 BON 2202 011: Quarry Development Plan: Full Extraction

B23 BON 2202 012: Quarry Development Plan: Sections A-A and B-B

B23 BON 2202 013: Quarry Development Plan: Indicative Plan Site Plan

B23 BON 2202 014: Quarry Development Plan: Indicative Plant Site Location Plan

B23 BON 2202 015: Ready Mix Plant Elevations

3. No blasting or drilling operations shall be carried out on the site except between the following times:
  - Mondays to Fridays: 10:00 and 16:00 hours.

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

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

4. There shall be a maximum of 3 blasts per week, with an average over any period of 12 months of 2 blasts per week.
5. Prior to the commencement of blasting, monitoring points of approved mobile equipment shall be provided, subject to the following:
  - a) the location of the monitoring points shall be those as agreed with the Planning Authority.

- b) the monitoring process shall be carried out for the duration of blasting at the quarry including the 15 minutes immediately prior to and the 15. immediately following the duration of any blasts.
  - c) all record sheets shall be available at the quarry office for inspection at all reasonable times and be submitted to the Planning Authority on a quarterly basis.
  - d) the Planning Authority shall be afforded reasonable access to the equipment as far as such access is subject to statutory regulations.
6. Ground vibration as a result of blasting operations shall not exceed a peak particle velocity of  $6 \text{ mms}^{-1}$  in 95% of all blasts measured over any period of 6 months and no individual blast shall exceed a peak particle velocity of  $12 \text{ mm}^{-1}$  as measured at vibration sensitive buildings. The measurement to be the maximum of 3 mutually perpendicular directions taken at the ground surface at any vibration sensitive building. Details of the results of all on site blasting operations, including those required by the provisions of conditions 7 and 8 below, shall be recorded by the developer and be submitted to the Planning Authority on a quarterly basis.
7. The gas pipeline which passes near the southwest of the appeal site shall not be subjected to a resolved peak particle velocity in excess of  $25 \text{ mm/s}$  measured as the maximum in any one plane on the pipe. Compliance with this criterion shall be ascertained by measurement on the ground surface immediately above the buried pipeline, where a resolved peak particle velocity of  $37.5 \text{ mm/s}$  shall not be exceeded.
8. Blasting practices shall be such that under appropriate measurement conditions the peak linear overpressure level of  $120 \text{ dB}$  shall not be exceeded as measured at the nearest noise sensitive premises.
9. Suitable modern dust suppression or collection equipment shall be installed on all relevant plant and shall be regularly maintained in accordance with the manufacturers' recommendations, to ensure its efficient operation.
10. All conveyors shall be adequately enclosed.
11. An adequate number of portable water sprayers shall be provided for the damping down of stockpiles, areas adjacent to the crushing plant and internal haul roads.
12. In order to prevent spillage and wind-blown dust from lorries, all such loads shall be adequately sheeted prior to leaving the site.
13. The hours of operation shall be restricted to:
- a) for normal quarry operations:  
Monday - Friday: 07:00 - 19:00  
Saturday: 07:00 - 19:00

- b) for fixed plant only:  
Monday - Friday: 07:00 - 19:00  
Saturday: 07:00 - 19:00  
Sunday: 10:00 - 14:00

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

- c) For avoidance of doubt, operations associated with the asphalt plant operational at the quarry shall be unrestricted - 24-hour operations permitted.
14. All plant and machinery will operate only in the permitted hours, except in emergency, and shall be silenced at all times in accordance with the manufacturers' recommendations. Details of all cases of emergency operation on site shall be recorded by the developer and be submitted to the Planning Authority as soon as practicable after such an event including details of the nature and circumstances justifying such an event.
15. That with respect to the control of noise resulting from the operations during the permitted hours of operation stated in Condition 14, the nominal noise limit from site operations shall not exceed the following, when measured free field over any one-hour period:
- Clifton Cottage 45 dB(A) LAeq,
  - Bonnington Mains Farm 52 dB(A) LAeq,
  - Craigpark Housing Development 52 dB(A) LAeq,
  - Park Ranger Lodge 52 dB(A) LAeq,
  - Ratho Mains Farm 51 dB(A) LAeq,
- a) During night-time operations, the nominal noise limit from the asphalt plant and associated operations shall not exceed NR25 when measured within the nearest noise sensitive receptor.
  - b) Notwithstanding the terms of part (a), that during temporary operations, such as soil stripping operations, the nominal daytime noise limit from site operations, shall be no more than 70dB LAeq over anyone hour period for a maximum of 8 weeks per year.
  - c) Details of all noise measuring and monitoring records shall be recorded by the developer and be submitted to the Planning Authority on a quarterly basis.
16. Access to the workings shall be taken only from the B7030 road in the position shown on drawing no P1/1318/7/1 as constructed on site so as to provide that heavy goods vehicles may leave the site only by turning tight to, and enter the site only turning left from, the B7030 road.

17. The rate of extraction of material shall be restricted to 375,000 tonnes per annum. Details of the quantity of all extracted material from the quarry shall be recorded by the developer and be submitted to the Planning Authority on a quarterly basis.
18. That prior to the 5th September 2023, a plan illustrating the proposed final restoration of the site, incorporating all of the requirements contained within the provisions of Conditions 32-45 below (the Restoration Conditions), shall be submitted for the approval of the Council as Planning Authority. If the final restoration plan is not submitted, then extraction works shall cease on the site until a revised scheme has been submitted to the Council as Planning Authority. Thereafter, the approved restoration plan shall be reviewed every 10 years. The site shall then be restored in accordance with the last approved restoration plan within 24 months of cessation of the permitted operations.
19. That all extraction operations on the site shall be discontinued on or before 3 September 2050, as stipulated by the provisions of paragraph 1(2) of Schedule 3 of the Town and Country Planning (Scotland) Act 1997, and no later than a date 24 months from that discontinuance date, the entire site shall be restored in accordance with the approved Restoration Plan as agreed by the provisions of Condition 18 above. In the event that extraction operations cease well in advance of the above date, the site operator shall begin restoration works within 3 months of the cessation of operations.
20. Within 12 months from the completion of operations, all plant, machinery, and buildings shall be removed from the plant site and stockpile areas, which shall be left in a neat and tidy condition.
21. Restoration following completion of extraction operations shall comply with 'Restoration Conditions' (conditions 32-44 below) as recommended by the Department for Agriculture and Fisheries Scotland (DAFS).
22. The Applicant shall make stock proof and maintain until the restoration is completed, all the existing perimeter hedges, fences, and walls, and shall protect the same from damage.

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

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

23. Topsoil and subsoil must only be stripped when these soils are in such a condition of dryness which will enable the soils to be moved without damaging the structure of the soils.

24. Bind-free soil forming material found during the course of the proposed operations shall be recovered where practicable and stored for use in the final restoration of the land. This material shall be used to replace shortages of subsoil, or used to cap the overburden where there is adequate subsoil and topsoil. This material to be used to achieve a minimum topsoil and subsoil depth of 1.0 metre at restoration.
25. Topsoil, subsoil, soil forming material and overburden shall be carefully stored in separate dumps and prevented from mixing. Topsoil dumps shall not exceed 6 metres in height.

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

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

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

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

31. Any oil, fuel, lubricant, paint, or solvent within the site shall be stored within a suitable bund or other means of enclosure to prevent such material from contaminating topsoil or subsoil or reaching any water course.



32. On completion of extraction to the approved levels, the quarry floor shall be rooted to break up compacted layers. Haul roads from the soil storage mounds within Fields 2100/3478 shall be fenced off to deny traffic access to the remainder of the field.
33. Progressive and even respreading of overburden shall be carried out following mineral extraction. The overburden shall be levelled and graded in accordance with the approved restoration contours and shall have slopes adjusted to be free from the risk of both ponding and erosion. The overburden shall be rooted and cross-rooted to a depth of 300 millimetre with boulders and other impediments, exceeding 500 millimetre in any one direction, removed, carted off the site or buried in a stone hole.
34. Prior to the replacement of the subsoil all soil forming material conserved shall be spread evenly over the overburden and any large stones removed as described at Condition 35 above.
35. At least 600 millimetres of subsoil shall be spread on top of the over-burden. The subsoil shall be replaced in even layers. Each layer shall be separately rooted and cross-rooted with a heavy duty winged rooting machine with tines set no wider than 450 millimetres apart. Each rooting operation shall be sufficiently deep to penetrate at least 150 millimetres into the preceding layer. Any stones or boulders exceeding 200 millimetres in any one direction, or other material which would prevent or impede normal agricultural or land drainage operations, or the use of machinery for subsoiling or mole ploughing, shall be removed before topsoil is replaced. The surface of all layers shall be left in a loosened state to prevent sealing.
36. Topsoil shall be replaced to the original depth to achieve agreed land levels and configuration. The topsoil shall be rooted and cross-rooted to its full depth with stones exceeding 150 millimetres in any one direction being removed from the site or buried in a stone hole. All operations following replacement of topsoil shall be carried out by suitable agricultural machinery.
37. All operations to remove topsoil and subsoil from dump and to respreads in accordance with Conditions 36 and 37 shall be carried out when the ground and dump are dry, and conditions are otherwise judged by the Planning Authority or their agent to be suitable. Earth moving machinery should travel to and from the soil dumps along clearly defined routes. These routes must be rooted before being covered with the next layer of subsoil or topsoil. When the vehicle is emptied after spreading subsoil or topsoil, the driver must immediately turn off on to overburden or subsoil areas, respectively. On sloping land, the direction of travel of machines should be parallel to the contours to minimise erosion.
38. Upon completion of extraction works, all site access roads, fixed plant, machinery, and buildings, shall be removed from the site. All areas involved shall be subject to the full restoration treatment.
39. The site shall be restored only in accordance with the Restoration Plan approved in accordance with Condition 19 and the works and specification outlined in that Plan.

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

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41. Diverted water courses shall be restored to the original or agreed alternative line and measures shall be taken to prevent erosion of banks and beds.
42. After replacement of topsoil in accordance with Conditions, chemical analyses of the soils shall be carried out by an approved agency to assess the fertiliser, lime and other major and minor nutrients required to promote the establishment and growth of appropriate plants for the agreed land use.

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

Where no soil analyses results are available, a minimum of 7.5 tonnes of ground limestone, 190 kilograms of phosphoric acid ( $P_2O_5$ ) and 400 kilograms of balanced compound fertiliser shall be applied per hectare.

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

43. Restoration shall not be considered to have been completed until all the aforementioned operations have been carried out to the satisfaction of the Planning Authority.
44. An Aftercare Scheme shall be submitted in accordance with the Act for the approval of the Planning Authority when final restoration contours have been achieved.
45. An updated Performance Guarantee Bond referring to this s42 application and the accompanying application (22/02513/FUL) shall be submitted by applicant to the satisfaction of the Planning Authority following the granting of this permission.

## **Reasons**

1. In order that the quarry workings on the site are carried out in full accordance with best practice and the provisions of Planning Advice Note 50: "Controlling the Environmental Effects of Surface Mineral Workings."

2. In order to control the times when blasting can be carried out on site so as to protect the amenity of the occupiers of neighbouring properties and to ensure safe blasting practice is carried out on the site at all times.
3. In order to control the number of blasting events that area carried out on site so as to protect the amenity of the occupiers of neighbouring properties.
4. In order to control the times when blasting can be carried out on site so as to protect the amenity of the occupiers of neighbouring properties.
5. In order to control vibrations from blasting within the site so as to protect the amenity of the occupiers of neighbouring properties.
6. In order to protect existing gas infrastructure within proximity of the quarry site.
7. In order to control vibrations from blasting within the site so as to protect the amenity of the occupiers of neighbouring properties.
8. In order to protect the amenity of the occupiers of neighbouring properties.
9. In order to protect the amenity of the occupiers of neighbouring properties.
10. In order to protect the amenity of the occupiers of neighbouring properties.
11. In order to protect the amenity of the occupiers of neighbouring properties.
12. In order to protect the amenity of the occupiers of neighbouring properties.
13. In order to protect the amenity of the occupiers of neighbouring properties.
14. In order to protect the amenity of the occupiers of neighbouring properties.
15. In order to ensure that heavy goods vehicles entering and leaving the site are suitably routed to the principal road network.
16. In order to control the numbers of heavy goods vehicles generated by the site and to protect the amenity of the occupiers of neighbouring properties.
17. In order to ensure that there is an acceptable form of restoration works carried out on the site and to ensure an appropriate form of after use.
18. In order to suitably control the duration of the quarrying operations on the site and in order to ensure that there is an acceptable form of restoration works carried out on the site and to ensure an appropriate form of after use.
19. In order to ensure that there is an acceptable form of restoration works carried out on the site and to ensure an appropriate form of after use.
20. In order to ensure that there is an acceptable form of restoration works carried out on the site and to ensure an appropriate form of after use.

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

37. In order to ensure that there is an acceptable means of restoration plan for the site and its after use.
38. In order to ensure that there is an acceptable means of restoration plan for the site and its after use.
39. In order to suitably maintain field drainage systems in the immediate vicinity of the site and protect agricultural land out with the site so as to mitigate disruption from the quarrying operations on the site.
40. In order to ensure that there is an acceptable means of restoration plan for the site and its after use.
41. In order to ensure that there is an acceptable means of restoration plan for the site and its after use.
42. In order to ensure that there is an acceptable means of restoration plan for the site and its after use.
43. In order to ensure that there is an acceptable means of restoration plan for the site and its after use.

### **Background Reading/External References**

To view details of the application go to the [Planning Portal](#)

### **Further Information - Local Development Plan**

**Date Registered: 20 June 2022**

### **Drawing Numbers/Scheme**

01-04, 05(A)-07(A), 08, 09(A)-10(A), 11-12

Scheme 2

**David Givan**  
**Chief Planning Officer**  
**PLACE**  
**The City of Edinburgh Council**

Contact: Adam Cairns, Planning Officer  
E-mail: adam.cairns@edinburgh.gov.uk

## Appendix 1

### Summary of Consultation Responses

NAME: Roads Authority

COMMENT: P.9 of planning statement confirms that there is no increase in HGV movements as a result of this application. Rate of extraction of quarry materials to remain at maximum of 375k per annum.

DATE: 2 December 2022

NAME: Edinburgh Airport

COMMENT: No objections

DATE: 8 November 2022

NAME: NatureScot

COMMENT: No objections

DATE: 11 August 2022

NAME: Historic Environment

COMMENT: No objections

DATE: 5 September 2022

NAME: Scottish Water

COMMENT: No objections

DATE: 18 July 2022

NAME: West Lothian Council

COMMENT: No objections

DATE: 17 August 2022

NAME: Environmental Protection

COMMENT: No objections

DATE: 7 March 2023

NAME: Archaeology

COMMENT: No objections

DATE: 18 July 2022

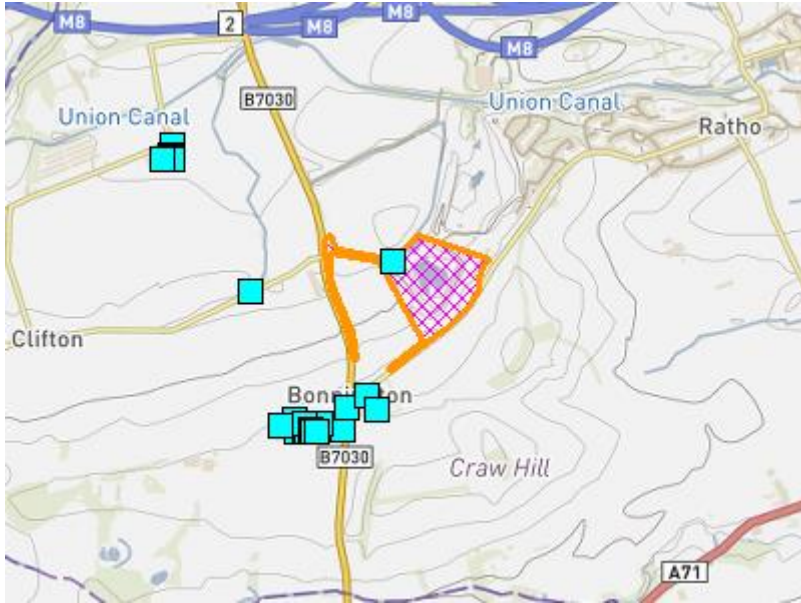
NAME: Natural Environment

COMMENT: No objections

DATE: 25 October 2022

The full consultation response can be viewed on the [Planning & Building Standards Portal](#).

## Location Plan



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