

**OBJECTION BY HARVEY AND LESLEY WOLFINGER
TO APPLICATION REFERENCE 16/02911/MIN AND ENVIRONMENTAL STATEMENT
GLASDRUM, FASNACLOICH, APPIN, ARGYLL AND BUTE, PA38 4BJ**



TABLE OF CONTENTS

Clause		Page No.
1	INTRODUCTION AND EXECUTIVE SUMMARY	1
2	ENVIRONMENTAL IMPACT ASSESSMENT (SCOTLAND) REGULATIONS 2011	1
3	LOCAL DEVELOPMENT PLAN 2015 (LDP)	3
4	MATERIAL CONSIDERATIONS	14
5	CONCLUSION	20

1 INTRODUCTION AND EXECUTIVE SUMMARY

1.1 This is an objection by Harvey and Lesley Wolfinger, who reside at Invercreran House, Glen Creran, Appin, Argyll, PA38 4BJ, to the application by A&L McCrae Ltd for full planning permission for development of a quarry allowing for the extraction and processing of sand and gravel and the final restoration of the land at Glasdrum, Fasnacloich, Appin and the Environmental Statement submitted in support thereof. Invercreran House is located around 500m to the north of the application site, and as such is one of the closest properties to the proposal.

1.2 The Council's website details three different dates for submission of representations: 12 December, 15 December and 19 December 2016. This is confusing for members of the public. It is submitted that all objections received on or before 19 December 2016 require to be taken into account in determining the application.

1.3 Our clients strongly oppose the application on the grounds that:

- the Environmental Statement submitted in support of the application is deficient;
- the development is contrary to the Development Plan, most notably in terms of its impact on the environment (particularly the SAC, protected species and noise) and the clearly stated presumption against new mineral operations where adequate reserves exist);
- the development is contrary to national planning policy and guidance; and
- there are no material considerations justifying approval.

1.4 Each of these grounds will be considered in more detail below.

2 ENVIRONMENTAL IMPACT ASSESSMENT (SCOTLAND) REGULATIONS 2011

2.1 The EIA Regulations require an EIA to be submitted for any application which falls within Schedule 2 of the Regulations and which may have a significant effect on the environment. Under Regulation 3, the Council must not grant planning permission unless an environmental impact assessment has been carried out in respect of the development, and in carrying out such assessment the Council must take the environmental information into consideration. Following consultation with SEPA, SNH and other relevant agencies, the Council determined that the proposal was EIA development.

2.2 Regulation 3A sets out the factors which must be considered in an environmental impact assessment. Further detail is provided in Schedule 4 of the Regulations. The Council's Screening and Scoping Opinion, dated 20 May 2016, highlighted particular requirements which the applicant needed to address. These included, amongst other topics:

- consideration of alternative sites (consistent with Schedule 4, Part 2, paragraph 4);

- water environment;
- ecology and protected species;
- flood risk;
- noise;
- conflict between traffic movements and recreational use of the unclassified road.

- 2.3 It is submitted that the environmental statement (ES) submitted in support of this application fails to adequately address these issues. This is also the opinion of SEPA, who have objected to the application. Such is their concern, they have highlighted that they will ask the Scottish Ministers to call in the application for determination should the Council express a willingness to grant planning permission for the development, based on the information currently provided.
- 2.4 Our clients appointed EnviroCentre, a specialist multi-skilled environmental protocol and regulatory compliance consultancy, to carry out an independent review of the ES. Their report concluded that there are serious shortcomings in the ES and that there will be significant impacts on the environment should this application be approved. The full EnviroCentre report is included as Appendix 1 to this objection. Further reference is made to specific elements of the report below in considering the compliance of the application with Development Plan policies in Section 2 of this report.
- 2.5 A major deficiency of the ES is the failure to assess alternative sites because it concludes that the current proposal will have no adverse impact on international designations, European protected species or open space. This approach breaches the requirements of paragraph 4 of Part 2 of Schedule 4 of the EIA Regulations **and** the specific direction of the Council.
- 2.6 The Council clearly advised that “...*where a locational need is being advanced in support of development which would not otherwise be supported in the countryside there is a presumption that for planning policy reasons the applicant should be expected to consider potential alternatives in support of the planning application which might be subject to more favourable policy considerations.*”
- 2.7 This is consistent with Scottish Government guidance in Circular 3/2011, paragraph 95, which states that “...*the nature of certain developments and their location may make the consideration of alternative sites a material consideration. In such cases, the ES must record this consideration of alternative sites. More generally, consideration of alternatives (including alternative sites, choice of process, and the phasing of construction) is widely regarded as good practice, and resulting in a more robust application for planning permission. Ideally, EIA should start at the stage of site and process selection, so that the environmental merits of practicable alternatives can be properly considered. Where this is undertaken, the main alternatives considered must be outlined in the ES.*”
- 2.8 The Council clearly identified alternative sites as a material consideration for this application. This is consistent with the Development Plan policies on mineral extraction, protecting the environment and the requirement to pursue extensions to existing quarries before considering new sites.

- 2.9 The ES states that alternative sites in Loch Lomond and the Trossachs National Park were discounted because a quarry there would be contrary to the Park's Development Plan policies. The implication of such a statement is that the applicant has put consideration of the Development Plan of a neighbouring authority above that of Argyll and Bute.
- 2.10 Consideration of alternative sites is also of critical importance to the appropriate assessment which the Council requires to undertake in light of the potential for the development to impact on nearby European designated sites (see below).
- 2.11 With the Council's Biodiversity Officer unable to provide advice on the application due to a conflict of interest, it is not clear how the Council intends to discharge its obligations to properly consider all the environmental impacts of the development.

3 LOCAL DEVELOPMENT PLAN 2015 (LDP)

- 3.1 Under section 25 of the Town and Country Planning (Scotland) Act 1997, the application requires to be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The Development Plan comprises the Argyll and Bute Local Development Plan (2015) (LDP).
- 3.2 It is submitted that, as set out below, the application conflicts with a number of LDP policies and that there are no material considerations to justify approval contrary to the Development Plan.
- 3.3 The LDP was adopted in 2015 and is therefore considered to be an up-to-date statement of the Council's vision, objectives and policies for the future development of Argyll and Bute to 2024 and beyond. Those aspects of the LDP of particular relevance to the determination of this application are:
- *Vision*
 - *Settlement and spatial strategy*
 - *Policies:*
 - Policy LDP STRAT 1 – Sustainable Development*
 - Policy LDP DM1 – Development within the Development Management Zones*
 - Policy LDP 3 – Supporting the Protection, Conservation and Enhancement of Our Environment*
 - Policy LDP 5 – Supporting the Sustainable Growth of Our Economy*
 - Policy LDP 9 – Development Setting, Layout and Design*
 - Policy LDP 10 – Maximising Our Resources and Reducing Our Consumption*
 - Policy LDP 11 – Improving our Connectivity and Infrastructure*
 - *Supplementary guidance:*
 - SG LDP MIN 2 – Mineral Extraction*
 - SG LDP ACE 1 – Area Capacity Evaluation*
 - SG LDP ENV 1 – Development Impact on Habitats, Species and Our Biodiversity*

SG LDP ENV 2 – Development Impact on European Sites
SG LDP ENV 4 – Development Impacts on Sites of Special Scientific Interest (SSSIs) and National Nature Reserves (NNRs)
SG LDP ENV 6 – Development Impact on Trees/Woodland
SG LDP ENV 7 – Water Quality and the Environment
SG LDP ENV 13 - Development Impact on Areas of Panoramic Quality (APQs)
SG LDP ENV 16(a) – Development Impact on Listed Buildings
SG LDP ENV 19 – Development Impact on Scheduled Monuments
SG LDP SERV 7 – Flooding and Land Erosion – The Risk Framework for Development
SG LDP SERV 5 – Waste Related Development and Waste Management
SG LDP MIN 2 – Mineral Extraction
SG LDP TRAN 1 – Access to the Outdoors
SG LDP – TRAN 2 – Development and Public Transport Accessibility
SG LDP DEP 1 – Departures To The Local Development Plan
SG LDP BAD 1 – Bad Neighbour Development

3.4 Each of these is considered in detail below.

Vision

3.5 The overall vision for Argyll and Bute is:

“...one of an economically successful, outward looking and highly adaptable area, which enjoys an outstanding natural and historic environment, where all people, working together, are able to meet their full potential and essential needs, locally as far as practicable, without prejudicing the quality of life of future generations.”

3.6 To achieve that vision the Plan identifies a number of key challenges and objectives. One such challenge is the need to successfully accommodate sustainable economic growth without harming the outstanding environment of the area. The associated objective is *“To ensure the outstanding quality of the natural, historic and cultural environment is protected, conserved and enhanced”*.

3.7 The Plan recognises the need to take account of the long term potential impacts of land use planning matters in making decisions and in **Policy LDP STRAT 1 – Sustainable Development** sets out sustainable development principles against which developments will be assessed. Those principles include: maximising the opportunity for local community benefits, conserving and enhancing the natural and built environment and avoiding significant adverse impacts on biodiversity, natural and built heritage resources; respecting the landscape character of an area; and avoiding having significant adverse impacts on land, air and water environment.

3.8 Whilst the applicant maintains that the development complies with all of the Policy LDP STRAT 1 principles, the EnviroCentre review of the ES demonstrates that is not the case in terms of the environmental factors. In particular, approval of the application would impact on the quality of the SAC and noise impacts would be unacceptable. In addition, no robust assessment has been made of the application in terms of community benefit. As such the application is contrary to this policy.

- 3.9 The policy requires developers considering large or medium scale development proposals to complete a sustainable checklist, in accordance with supplementary guidance adopted in March 2016, to allow them to consider matters of sustainability in relation to their proposal. Whilst it is accepted that the ES covers much of the scope of the sustainable checklist, as stated previously it is submitted that the ES is inadequate in many respects. The checklist also goes beyond matters relating only to the physical environment and requires consideration of wider issues, including the level of community support, whether the development strengthens the local community, impacts on existing businesses, increases the value of local products and brings positive change. Completion of the checklist is a requirement for all major applications. The application does not appear to include the checklist. In the absence of that it is difficult to conclude that the proposal would score positively in relation to community issues given the level of local opposition it has generated, which clearly demonstrates that the proposal does not have community support and is not seen to bring positive change. In addition, approval of the application is likely to have negative impacts on existing local tourism businesses

Settlement and spatial strategy

- 3.10 The Settlement and Spatial Strategy for Oban, Lorn and the Isles, which is the expression of what the area could be like in 2024, states that it will be “*A place of outstanding natural and built heritage with enhanced natural assets...*”. Given the impact of the proposal on the environment, it does not support achievement of the LDP’s vision for this area.
- 3.11 Seven development management zones are identified in the LDP in order to guide larger scale developments to larger settlements and safeguard more sensitive and vulnerable areas from inappropriate scales of development.
- 3.12 **Policy LDP DM1 – Development within the Development Management Zones** establishes acceptable scales of development in each zone. The application is located within the Countryside Zone within which the policy encourages small scale, appropriate, infill, rounding off and redevelopment sites and changes of use of existing buildings. Large scale development may be supported in exceptional cases on appropriate sites if it accords with an Area Capacity Evaluation (ACE). In the context of minerals developments supplementary guidance **SG LDP MIN 2 – Mineral Extraction** defines medium and large scale development as that exceeding 800m³ or 20m on the longest edge of the site or 2m in extraction depth. Supplementary guidance **SG LDP ACE 1 – Area Capacity Evaluation** sets out when an ACE is required and provides guidance on how it should be carried out. Where there is such a requirement the ACE will be carried out by the planning authority to establish the capacity of the wider countryside to successfully absorb the development. Although the ES includes a Landscape and Visual Impact Assessment it is assumed that the Council will also carry out its own ACE as part of determining this application, as required by Policy LDP DM1.

Environmental policies

- 3.13 The LDP states that Argyll and Bute’s natural environment is recognised as being “*truly outstanding*” and “*a significant economic and social asset*” which needs to be cared for and properly maintained to ensure its long term sustainability. To that end **Policy LDP 3 – Supporting the Protection, Conservation and Enhancement of Our Environment** requires all planning applications to be assessed with the aim of protecting, conserving and where possible enhancing the built, human and natural environment. A development proposal will not be supported when it, amongst other things:
- does not protect, conserve or where possible enhance biodiversity, geodiversity, soils and peat, woodland, green networks, wild land, water environment and the marine environment;
 - does not protect, conserve or where possible enhance the established character and local distinctiveness of the landscape and seascape in terms of its location, scale, form and design;
 - does not protect, conserve or where possible enhance the established character of the built environment in terms of its location, scale, form and design;
 - has not ascertained that it will avoid adverse effects, including cumulative effects, on the integrity or special qualities of internationally designated natural and built environment sites;
 - has significant adverse effects, including cumulative effects, on the special qualities or integrity of locally designated natural and built environment sites.
- 3.14 The policy goes on to state that “*Where there is significant uncertainty concerning the potential impact of a proposed development on the built, human or natural environment, consideration will be given to the appropriate application of the precautionary principle, consistent with Scottish Planning Policy.*” (see paragraph 4.18).
- 3.15 It is submitted that the ES has not demonstrated that it will not have an adverse impact on the features highlighted in Policy LDP 3 and therefore the application should not be supported. Indeed the review of the ES highlights a number of deficiencies in the ES that cast significant doubt on the potential environmental impacts of the development, which would trigger the application of the precautionary principle and hence the refusal of the application, but also demonstrates real and inevitable impacts, particularly in terms of the SAC and noise. However, should the Council have any doubts regarding potential impacts the precautionary principle should be applied and the application refused.
- 3.16 Development proposals are also expected to be consistent with all other LDP policies and relevant supplementary guidance, including, in terms of Policy LDP 3, that guidance relating to environmental designations and other environmental features.

- 3.17 The relevant supplementary guidance on these matters is extensive, reflecting the importance of protecting the high quality environment of Argyll and Bute. The application site is in close proximity to a number of European and locally designated sites, each of which has its own relevant supplementary guidance. Key issues are highlighted in the following paragraphs.
- 3.18 Otters, badgers, bats and red squirrels are believed to live in the area around the site and Atlantic Salmon are present within the River Creran. As European Protected Species, or species protected under the Protection of Badgers Act 1992 (as amended) and Wildlife and Countryside Act 1981 (as amended), **SG LDP ENV 1 – Development Impact on Habitats, Species and Our Biodiversity** applies to afford them protection. Under this supplementary guidance the applicant is required to submit a specialist survey of the site’s natural environment and a mitigation plan. Development will only be permitted where it can be justified in accordance with the relevant legislation. Whilst an otter survey has been included with the ES there is no such survey of any other protected species, despite the fact that the Council specifically stated in the EIA scoping opinion that *“It is known that the area has otter and red squirrel population therefore pre-application surveys and reports will be required given the protected status of such species.”*
- 3.19 Prior to submission of the application, SEPA identified the need to consider the serpulid reef and flame shell beds in Loch Creran SAC, which are susceptible to smothering by sediment. They required the proposal to show that, under normal operations and in adverse conditions such as flooding, sedimentation generated by the proposal would not impact on the SAC.
- 3.20 Having reviewed the ES, SEPA has highlighted that it fails to alleviate concerns that fine sediments may be released from the development into the River Creran with devastating effects on the salmon redds and egg survival. These concerns are shared by Envirocentre.
- 3.21 The Glen Etive and Glen Fyne SPA, designated for supporting breeding population of Golden Eagle, is 85m to the south and east of the application site. Glen Creran Woods SAC is 40m to the north west, with mixed woodland habitats and otter populations and Loch Creran SAC, designated for its reefs is 1,600m to the south west. These designations mean that **SG LDP ENV 2 – Development Impact on European Sites** applies. It states that any development likely to have a significant effect on the site will be subject to an appropriate assessment and where it cannot be ascertained that the development would not adversely affect the integrity of the site it will not be supported unless there is no alternative site and there are imperative reasons of over-riding public interest.
- 3.22 It is submitted that these sites will be adversely affected by the development, with the impact on the Loch in particular highlighted in the EnviroCentre report, and that there is no justification for approval of the application contrary to this supplementary guidance. That is particularly so given that the report by Johnson Poole and Bloomer (Appendix 2) demonstrates that there is no justification of need for the quarry. It should also be noted that it is a criminal offence in Scotland to carry out deliberate acts, or to act recklessly to impact on a European Protected Species without obtaining a licence from the appropriate authorities.

- 3.23 **SG LDP ENV 4 – Development Impacts on Sites of Special Scientific Interest (SSSIs) and National Nature Reserves (NNRs)** states that development which would affect SSSIs or NNRs will only be permitted where it can be adequately demonstrated that the objectives of the designation of the area and overall integrity will not be compromised, or any significant effects are clearly outweighed by social, environmental or economic benefits of national importance and the need cannot be met elsewhere. Glen Creran Woods SSSI, designated for its oak woodland, bryophyte and lichen and butterfly populations, and Glasdrum Wood National Nature Reserve, important for its woodland and supported species (including otters) are to the north and west of the site.
- 3.24 Although non-statutory the Loch Creran Marine Consultation Area is to the south of the site. The explanation of the policy objectives for supplementary guidance SG LDP ENV 2 and 4 is clear that the designation of Marine Conservation Areas is to help guide the Council's consideration of development proposals. Given that there is the potential for run-off from the site to impact on this area its designation is an important consideration in the determination of this application.
- 3.25 In terms of trees and woodland supplementary guidance **SG LDP ENV 6 – Development Impact on Trees/Woodland** aims to protect trees, groups of trees and areas of woodland and states that the Council will resist development likely to have an adverse impact on trees. The site includes broad leaved and coniferous woodland area and there are a number of ancient woodland inventory locations within and adjacent to the site to which this supplementary guidance applies. The fact that some of this woodland will be lost means that the application is not supported by this supplementary guidance. Given that trees will be lost as a result of the development of the quarry it is important that the Forestry Commission is consulted on this application.
- 3.26 Water forms an important part of Argyll and Bute's environment and is an economic asset in terms of leisure, recreation, fishing, aquaculture, tourism and energy production. **SG LDP ENV 7 – Water Quality and the Environment** therefore sets out the criteria against which developments will be assessed in terms of their potential impact on the water environment. Those factors include water quality, quantity, ecological status, habitats and wildlife, geomorphic processes, leisure and recreation and economic activity. Development which may have a significant detrimental impact will not be permitted unless the impacts can be adequately mitigated. As clearly demonstrated in the EnviroCentre report, and highlighted by SEPA, the proposed development, could have devastating effects on the water quality and ecological status of the Loch Creran SAC. The application should therefore be refused in accordance with this supplementary guidance.
- 3.27 The site is located within an Area of Panoramic Quality, identified as an important landscape of very high scenic value to which **SG LDP ENV 13 - Development Impact on Areas of Panoramic Quality (APQs)** applies. Within APQs the Council will resist development where its scale, location or design will have a significant impact on the character of the landscape, unless it can be demonstrated that those effects are outweighed by social, economic or environmental benefits of community wide importance. The Landscape and

Visual Impact Assessment contained within the ES acknowledges that the proposed development will have impacts on the landscape which cannot be mitigated.

- 3.28 It is submitted that the approval, in June 2014, of an application for a 1,784m² capacity agriculture shed within a sensitive countryside area on the Glencrenan Estate, apparently without an ACE being carried out, has already seen the industrialisation of the landscape. Approval of the current application would exacerbate that situation.
- 3.29 There are a number of listed buildings close to the application site (Balliveolon House (B), Druimavuic roadside cairn (C) and Glenure House (B)). **SG LDP ENV 16(a) – Development Impact on Listed Buildings** seeks to preserve the building or its setting and requires the developer to demonstrate that the impact has been adequately assessed and appropriate mitigation measures identified. Likewise, **SG LDP ENV 19 – Development Impact on Scheduled Monuments** states that development that has an adverse impact on scheduled monuments and their settings will not be permitted unless there are exceptional circumstances. That supplementary guidance applies to Balliveolan burial ground and Fasnacloich crannog.
- 3.30 The review of the ES by EnviroCentre demonstrates that the application conflicts with many aspects of the supplementary guidance and that there is insufficient information in respect of others, therefore, in terms of Policy LDP3 the development should not be supported.

Economic Development Policies

- 3.31 In terms of sustainable economic growth, the LDP recognises the need to be flexible to ensure that economic opportunities can be fully realised. At the same time it states that that must be done whilst safeguarding the environmental assets that underpin the economy of the area. It specifically highlights tourism as one of the main potential growth sectors supported by the Plan. **Policy LDP 5 – Supporting the Sustainable Growth of Our Economy** sets out the requirement for full account to be taken of the economic benefits of any proposed development. Whilst the ES states that the proposed quarry will deliver sustainable economic growth by providing a local supply of good quality building sand and gravel, as highlighted by the Johnson Poole and Bloomer report on the minerals supply and indeed the Council's own assessment, there is no real evidence of such need.
- 3.32 In addition, there is no evidence of the claimed economic benefits arising from the development. The ES states that there will be 4 employees (2 on and 2 off site) and claims the quarry will also generate significant indirect employment. However, there is no assessment of the net economic benefit of the development, as required by Scottish Planning Policy and draft Scottish Government advice (see paragraph 4.13). It is submitted that the detrimental impact on the environment will in turn impact on the tourism potential of the area with a resulting negative net economic benefit.

Strengthening Communities Policies

- 3.33 The Plan includes a focus on strengthening the communities of Argyll and Bute. In doing that it recognises that the quality of the natural and built environment can significantly impact on the health, wellbeing and overall strength of local communities. **Policy LDP 9 – Development Setting, Layout and Design** aims to ensure that development is of a high standard of appropriate design. It therefore requires development to be sited and positioned so as to pay regard to the context within which it is located and integrate into its setting and appropriate to the location and sensitivity of the area. The design of development must be compatible with its surroundings. It is submitted that this application, by virtue of its size and the nature of the development proposed, does not comply with this policy.

Resources Policies

- 3.34 The LDP also has a significant role to play in terms of mitigating and adapting to climate change and ensuring that development makes best use of existing resources. To do that a number of criteria against which developments will be assessed are set out in **Policy LDP 10 – Maximising Our Resources and Reducing Our Consumption**. The policy states that development proposals will be supported where they, amongst other things, accord with the Plan's settlement strategy and sustainable design principles, minimise waste and the impact on the water environment, avoid areas of flood risk, minimise impact on biodiversity and the natural environment; safeguard mineral resources and minimise the need for extraction; and avoid the loss of trees and woodland. Again, the review of the ES by EnviroCentre demonstrates that the application cannot be supported in terms of this policy given its impact on the water environment, biodiversity and the natural environment in particular. The proposals are also contrary to the policy in terms of waste minimisation.
- 3.35 Related to Policy LDP 10 supplementary guidance **SG LDP SERV 7 – Flooding and Land Erosion – The Risk Framework for Development** states that development on the functional flood plain will be considered contrary to the objectives of the LDP and that in all cases where the potential for flooding is highlighted the planning authority will exercise the precautionary principle and refuse proposals which do not comply with the terms of the supplementary guidance. Those terms allow for development within areas of little or no risk and low to medium risk unless local circumstances dictate otherwise. Development within areas of medium to high risk is more restricted but the guidance states that development may be acceptable within, for example, built up areas provided flood prevention measures of an appropriate standard are in place or if development is essential and no lower risk alternative location is available. It does not allow for development which would be subject to the inevitable flooding and consequential impact on the environment highlighted in the EnviroCentre report arising from this application.
- 3.36 SEPA has identified a failure in the ES to demonstrate that there will be no impact on the floodplain.
- 3.37 SEPA also requested that the ES should consider the effect that restoration will have on the water environment, including an assessment of the effect that any backfilling below the water table will have on groundwater flow. Again, the ES does not adequately address this issue.

- 3.38 Groundwater is subject to its own set of protections under the Water Environment and Water Services (Scotland) Act 2003 (which transposed the Water Framework Directive (2000/60/EC) into Scottish law) and The Water Environment (Controlled Activities) (Scotland) Regulations 2011, which gave effect to the Groundwater Daughter Directive (2006/118/EC). While SEPA will require to be satisfied that there will not be pollution of the groundwater in granting a PPC or waste management licence for the landfill, it is submitted that the Council also requires to be satisfied that it is discharging its obligations under the legislation when considering whether or not to grant planning permission which would allow for a landfill.
- 3.39 In that regard, the application is contrary to **SG LDP SERV 5 – Waste Related Development and Waste Management** which requires development proposals to conform with the Zero Waste Plan for Scotland. The Zero Waste Plan is underpinned by the waste hierarchy set out in the European Waste Framework Directive which identifies waste prevention as the highest priority, followed by reuse, recycling, recovery and with disposal as the least desirable option. It includes the aim of having a maximum of 5% of waste in Scotland going to landfill by 2025. The proposal in this application to import inert materials to raise the profile of the land is clearly contrary to the Zero Waste Plan and hence is also contrary to the supplementary guidance and should therefore be refused.
- 3.40 The regulatory framework in respect of the management and disposal of waste in Scotland is extremely complicated as it is made up of a number of different pieces of domestic legislation, which give effect to different elements of European Union Law. These are all relevant to the current proposals to import inert material.
- 3.41 The Scottish Ministers have issued The Criteria and Procedures for the Acceptance of Waste at Landfills (Scotland) Direction 2005 which governs what can be considered to be inert waste which can be accepted at a landfill. It is clear that such waste must not “*endanger the quality of any surface water or ground water.*” Based on the information in the ES, the Council cannot confirm that that will be the case.
- 3.42 Other relevant supplementary guidance in relation to Policy LDP 10 includes **SG LDP MIN 2 – Mineral Extraction**. It clearly states that “*There will be a presumption against the re-opening of abandoned works, new or extended quarry developments, where adequate permitted reserves already exist.*” There are however exceptions, including where the applicant can demonstrate an exceptional local need for the specific mineral type and quality to be extracted or that it is to satisfy export demands and is consistent with national mineral policy. Local need is defined as being for the predominant use within a 30 mile radius of the extraction site and is expanded on later in the supplementary guidance to explain that it should be a specific local need, such as local road construction. Whilst the Monitoring Report which informed the preparation of the LDP identified a shortfall in the supply of sand and gravel, the explanation of policy objectives provided in the supplementary guidance advises that the situation has since been approved with new sand and gravel works at Benderloch, Tiree and Cowal. As a result, contrary to the claim made in the ES that the LDP acknowledges there is a shortfall in the supply of sand and gravel, the LDP concludes that it is not anticipated that

there will be a significant need for additional sites during the lifetime of the LDP (up to 2025).

- 3.43 Whilst the ES sets out an analysis of the need for sand and gravel this is generally at a high UK/GB, Scotland level. The applicant makes no reference to a specific local need (such as local road construction) to justify an exception being made, but rather relies on reference to a more general underlying need, which is not consistent with the Council's own assessment. Whilst one of the arguments made by the applicant to justify need is to reduce transportation of sand and gravel, the application itself proposes the importation of 35,000m² of inert materials and silts to raise the profile of the land over the 6 year period of the quarrying operations. That inert material will require to be transported over a considerable distance, thereby largely negating any benefit that may have arisen from the location of the quarry to serve a local need, even had such a need been demonstrated. It should also be noted that in describing the traffic impacts of the development the ES makes reference to movements being north or south dependent on the market. This suggests that they are not clear where the local need is that they have reported to justify the development.
- 3.44 In addition, it should be noted that the LDP identifies seven allocated sites for minerals in the Oban, Lorn and the Isles area, including two for sand and gravel as set out below:
- MIN-AL 5/1 Benderloch – Culcharron, with a life expectancy of 15+ years
 - MIN-AL 6/2 Lochdon – Torosay Sand Pit, with a life expectancy of 15+ years
- 3.45 Further sand and gravel allocations are identified in the Bute and Cowal and Mid Argyll, Kintyre and Islay areas.
- 3.46 The application site has not been safeguarded for minerals development. Our clients appointed Johnson Poole and Bloomer, a specialist engineering consultant with expertise in minerals and quarrying, to carry out a review of the need for sand and gravel. That review concluded that there can be no justification of need for an additional quarry at this location. A copy of the full report is attached at Appendix 2. It is, therefore, submitted that there is no exceptional local need for sand and gravel which would justify approval of this application. Rather, it appears that the development of this quarry is merely a mechanism for the applicant to secure a cheap source of sand and gravel for its cement works, rather than buying from existing quarries in the area.

Transportation Policies

- 3.47 **Policy LDP 11 – Improving our Connectivity and Infrastructure** seeks to maintain and improve internal and external connectivity and make best use of existing infrastructure. It includes the need to provide an appropriate standard of access to serve new developments. The existing road network in the area of the proposed quarry is not of an appropriate standard to support such a development. Roads are narrow with steep drop offs, blind bends, no passing places and no pavements. Additional heavy vehicle traffic using these roads will significantly reduce road safety. Should the quarry vehicles meet other traffic on the road,

such as Forestry Commission HGVs, there is nowhere for that traffic to go. The creation of three passing places, as suggested by the Roads Department, will not be sufficient to remove safety concerns.

- 3.48 The potential conflict with recreational pedestrians on the road was identified as a concern by the Council in its EIA Screening and Scoping Opinion, yet it is submitted that the issue has not been properly addressed in the ES. Photographs demonstrating the blind bends along the Glen Creran Road are provided in Appendix 3.
- 3.49 The policy is supported by supplementary guidance **SG LDP TRAN 1 – Access to the Outdoors**. Whilst this supplementary guidance is primarily aimed at protecting designated accesses, such as Core Paths and Long Distance Routes, it is submitted that the nature and volume of traffic that would be generated by the proposed quarry means that access by others to this beautiful glen will be constrained because of the safety concerns highlighted above. **SG LDP – TRAN 2 – Development and Public Transport Accessibility** is also of relevance in that it requires development to encourage pedestrian and cycle access and to link the development with public transport facilities and routes. The application does not meet these requirements.

Other Supplementary Guidance

- 3.50 In terms of process **SG LDP DEP 1 – Departures To The Local Development Plan** states that *“The Council shall seek to minimise the occurrence of departures to the Local Development Plan and to grant planning permission as a departure only when material planning considerations so justify.”* The explanation of the policy objective makes it clear that a departure is where a proposed development is not in accord with one or more development management or supplementary guidance policies. Given that, as set out above, the application does not accord with many of the LDP policies, and the applicant has not provided sufficient and robust justification in terms of other material planning considerations, this supplementary guidance must apply and the application must be refused.
- 3.51 The use of land for the winning and working of minerals is defined by Schedule 2 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 as a bad neighbour development. **SG LDP BAD 1 – Bad Neighbour Development** states that such developments will only be permitted where a number of specific criteria are satisfied, including that there are no unacceptable adverse effects on the amenity of neighbouring residents, that measures are included to reduce the impact on amenity and that the proposal does not conflict with any other LDP policy and supplementary guidance. The ES does not include a noise impact assessment, however, the assessment, commissioned by our clients, is clear that there will be significant and unacceptable adverse impacts in terms of noise on his own and other neighbouring properties, contrary to national planning guidance (as set out in detail in the EnviroCentre report in Appendix 1). The application should therefore be refused.
- 3.52 As can be seen from the commentary above, the application is clearly contrary to the vision, spatial strategy and policies of the LDP and is not supported by the associated supplementary guidance. In accordance with section 25 of the Town and Country Planning (Scotland) Act

1997 the application should therefore be refused, unless material considerations indicate otherwise. The following section addresses relevant material considerations.

4 MATERIAL CONSIDERATIONS

- 4.1 In addition to Development Plan policies there are a number of material considerations which should be taken in to account in determining this application. As stated above, it is submitted that none of these would justify approval of this application contrary to the LDP. Key material considerations are discussed below.

National Planning Framework 3 2014 (NPF3)

- 4.2 NPF3 is the spatial expression of the Government Economic Strategy and Scottish Ministers expect planning decisions to support its delivery. NPF3's spatial strategy includes a commitment to safeguarding our natural and cultural assets and making innovative and sustainable use of our resources. It states that planning will help to create high quality, diverse and sustainable places that promote well-being and attract investment. It specifically highlights the fact that much can be gained but focusing on the natural and cultural assets that underpin the tourism sector and that growth and investment in that sector relies on the continuing environmental quality of the countryside and the sustainable use of natural resources. It also acknowledges the importance of the environment as a recreational resource and the significance of environmental quality to health and well-being. Approval of this application would be contrary to NPF3.

Scottish Planning Policy 2014 (SPP)

- 4.3 SPP focuses plan making, planning decisions and development design on the Scottish Government's Purpose of creating a more successful country, through increasing sustainable economic growth.
- 4.4 SPP introduces a presumption in favour of development which contributes to sustainable development, with the aim of achieving the right development in the right place; **it is not to allow development at any cost** (emphasis added). For proposals which do not accord with up-to-date development plans, SPP and the presumption in favour of development that contributes to sustainable development will be material considerations.
- 4.5 In order to support economically sustainable places, SPP states that decisions should be guided by a number of principles, including:
- giving due weight to net economic benefit;
 - supporting good design and the six qualities of successful places;
 - supporting climate change mitigation and adaptation, including taking account of flood risk;

- improving health and well-being by offering opportunities for social interaction and physical activity, including sport and recreation;
- having regard to the principles for sustainable land use set out in the Land Use Strategy;
- protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment;
- reducing waste, facilitating its management and promoting resource recovery; and avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality.

4.6 The Government Economic Strategy supports an approach to place that recognises the unique contribution that every part of Scotland can play in achieving its shared outcomes, harnessing the distinct characteristics and strengths of each place to improve the overall quality of life for people. To achieve that SPP includes a policy principle that “*planning should take every opportunity to create high quality places by taking a design-led approach.*” SPP goes on to explain that means taking a holistic approach that responds to and enhances the existing place while balancing the costs and benefits of potential opportunities over the long term.

4.7 To ensure the right development is directed to the right place, SPP states that decisions should be guided by a number of policy principles, including optimising the use of existing resource capacities and locating development where investment in growth or improvement would have most benefit for the amenity of local people and the vitality of the local economy.

4.8 SPP sets out six qualities of successful places which development proposals should demonstrate. They include the following:

- Distinctive – development that complements local features, including landscapes and ecology
- Safe and Pleasant – development that is attractive to use and encourages activity
- Welcoming – development that provides or accentuates landmarks to create or improve views
- Adaptable – development that can accommodate future changes of use
- Resource Efficient – development that re-uses or shares existing resources
- Easy to Move Around and Beyond – development that considers place and the needs of people before the movement of motor vehicles.

4.9 According to SPP, planning permission may be refused solely on design grounds.

- 4.10 It is submitted that approval of this application would not accord with these qualities in that the quarry will have a negative impact on the existing ecology of the area, introduces an activity which will discourage the wider use and activity in the area, and takes no account of the place and needs of the people.
- 4.11 In addition to the two policy principles summarised above, SPP includes subject specific policies, a number of which are relevant to the determination of this application.
- 4.12 In terms of rural development SPP policy principles state that the planning system should promote a pattern of development appropriate to the character of the particular rural area and the challenges it faces and encourage development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality.
- 4.13 Whilst SPP promotes business and industrial development it also states that should be done whilst safeguarding and enhancing the natural and built environments as national assets. It particularly identifies tourism as a key sector for Scotland and highlights the need for proposals to take into account areas of particular natural sensitivity or interest and local amenity.
- 4.14 The introduction of a quarry is not appropriate in this peaceful rural environment, does not protect and enhance the environment and undermines the current tourism value of the environment. As such it would not be supported by SPP.
- 4.15 SPP highlights the need to give due weight to the net economic benefit of development. SPP is supported by Scottish Government Advice on the implementation of net economic benefit which requires planning authorities to consider the economic impact of a proposed development compared with the economic position if the proposal does not go ahead. There is no such assessment made of net economic benefit by the applicant.
- 4.16 The historic environment is identified in SPP as a key cultural and economic asset which should be protected with the siting and design of development taking account of all aspects of the historic environment. Where there is potential for a proposed development to have an adverse effect on a scheduled monument or on the integrity of its setting, permission should only be granted where there are exceptional circumstances. As set out above, there is the potential for this development to impact on the historic environment as such it is not supported by SPP.
- 4.17 In terms of the natural environment SPP policy principles state that the planning system should, amongst other things:
- facilitate positive change while maintaining and enhancing distinctive landscape character;
 - conserve and enhance protected sites and species;
 - promote protection and improvement of the water environment;

- protect and enhance woodland and individual trees with high nature conservation or landscape value
 - support opportunities for enjoying and learning about the natural environment
- 4.18 It states that planning permission should be refused where the nature or scale of proposed development would have an unacceptable impact on the natural environment. It further states that “*planning authorities should apply the precautionary principle where the impacts of a proposed development on nationally or internationally significant landscape or natural heritage resources are uncertain but there is sound evidence indicating that significant irreversible damage could occur.*” It is clear from the EnviroCentre report and the narrative above that approval of this application would have a negative impact on the environment and should be refused in accordance with SPP policy principles.
- 4.19 Specifically in relation to minerals, SPP recognises the importance of minerals and the need for an adequate and steady supply. At the same time it promotes the responsible extraction of resources. Policy principles in this regard include the need to minimise the impact of extraction on local communities, the environment and the built and natural heritage. Operators are required to provide sufficient information to enable a full assessment to be made of the like effects of development. It is submitted that, as set out in the EnviroCentre report the ES is inadequate to demonstrate the potential impacts of the development and how they can be mitigated. As such the application is contrary to SPP.
- 4.20 Planning can play an important role in reducing the vulnerability of development to flooding and SPP promotes a precautionary approach to flood risk from all sources. SEPA has highlighted that a cornerstone of SPP is avoidance of potential flood risk. It also seeks to avoid flooding by locating development away from medium to high risk areas and preventing development which would have a significant probability of being affected by flooding. The EnviroCentre review of the ES is definitive in stating that the quarry will inevitably flood and will cause significant damage to the SAC. The application is not therefore supported by SPP.
- 4.21 Finally SPP emphasises the need for sustainable patterns of transport and travel and supports development that amongst other things optimises the use of existing infrastructure, reduces the need to travel and provides safe and convenient opportunities for active travel and recreation. Again, as set out above, approval of this application would introduce new vehicle movements and create a significant road safety risk and hence the proposal does not comply with SPP in terms of transport considerations.

Planning Advice Notes (PANs)

- 4.22 PANs, produced by the Scottish Government, provide advice on good practice and other relevant information in support of planning policy. There is a series of PANs addressing a range of subjects. Those of particular relevance to this application are discussed below.

- 4.23 **PAN 50 Controlling the Environmental Effects of Surface Mineral Workings (1996)** provides advice on the more significant environmental effects arising from mineral working operations. Particular impacts the PAN highlights relate to:
- traffic and the size of vehicles which are often out of scale with the rural roads they use;
 - noise, identified as one of the main problems associated with mineral workings;
 - visual intrusion, in terms of both the local environmental setting and the wider landscape;
 - groundwater and surface water and the potential for contamination.
- 4.24 The PAN offers advice on best practice in relation to these and other impacts. At the same time it stresses that where planning authorities judge that mitigation measures are not sufficient to safeguard the quality of the environment, outright refusal or restriction of the proposal may be appropriate. It is submitted that in the case of this application the ES has not demonstrated how these impacts will be mitigated and that the application does not therefore accord with the advice set out in PAN 50.
- 4.25 **PAN 51 Planning, Environmental Protection and Regulation (revised 2006)** outlines the legislative context for environmental protection and the role of SEPA in providing an efficient and integrated environmental protection system. It also sets out the key issues which should be considered by a planning authority in determining an application which raises environmental protection issues. Those issues include, the sensitivity of the area, visual impact, impact on the road network and noise. The commentary above explains how the application fails to adequately address these issues in the ES and fails to comply with environmental policies. It also highlights a number of concerns raised by SEPA in relation to the proposed development. As a result it is considered that the application has not followed best practice advice in PAN 51 and should be refused.
- 4.26 **PAN 60 Planning for Natural Heritage (2000)** reinforces the Government's commitment to safeguarding Scotland's unique natural heritage and provides advice on how development and the planning system can contribute to the conservation, enhancement, enjoyment and understanding of the natural environment. It provides a checklist to help ensure decision-making in relation to the natural heritage is approached in a structured and consistent way. The PAN states that it is good practice for the authority to determine whether there is a natural heritage interest and what it is, what effects the development will have on natural heritage, the significance of those effects on development plan objectives for the area, whether the impacts can be mitigated and what opportunities there are to enhance the natural heritage. It is submitted that the ES provides insufficient information to allow the planning authority to come to a conclusion on these matters.
- 4.27 **PAN 1/2011 Planning and Noise** provides advice on the role of planning in helping to prevent and limit the adverse effects of noise which can have a significant impact on

environmental quality, public health and amenity. It states that consideration of planning applications that raise significant noise issues can be greatly assisted by a noise impact assessment. As stated above, no noise impact assessment has been submitted with this application. The EnviroCentre report covers this issue in more detail, but it is clear that the application fails to comply with PAN 1/2011 in this regard.

Tourism Scotland 2020 (2012)

- 4.28 The tourism sector is of vital importance to the Scottish economy. Tourism Scotland 2020 is the national tourism strategy. It sets out an ambition for Scotland to be “...a destination of first choice for a high quality, value for money and memorable customer experience...” In recognition of the quality of the country’s landscape and seascapes, one of the key actions for growth in the strategy is nature, heritage and activities, including walking, wild-life watching and adventure sports. It is therefore, important that our environment is protected as an economic asset. Approval of this application would undermine progress towards achieving Scotland’s tourism ambition.

Land Use Strategy for Scotland 2016 - 2021 (2016) (LUSS)

- 4.29 The LUSS sets out the Government’s goal of long-term, well integrated, sustainable land use delivering multiple benefits for all in society supporting its central purpose of sustainable economic growth. The vision for land use is “A Scotland where we fully recognise, understand and value the importance of our land resources, and where our plans and decision about land use will deliver improved and enduring benefits, enhancing the wellbeing of our nation”.
- 4.30 The strategy includes three objectives to provide a consistent framework to guide development. One of those objectives is for the responsible stewardship of the country’s natural resources delivering more benefits to Scotland’s people. In explaining the rationale for this objective the strategy highlights the importance of tourism and the value of the ecosystem services, including space for recreation and relaxation, upon which we all rely. As set out above, it is submitted that approval of this application will have a negative impact on the areas natural resources and will not afford the benefits aspired to in the LUSS.
- 4.31 Ten Principles for Sustainable Land Use are identified in the LUSS and it is expected that these will be used by public bodies when making plans and taking significant decisions affecting the use of land. The application of the Principles is stated as being a matter of good planning with the planning system being a delivery mechanism for the LUSS. The key principles of relevance to the determination of this application include:
- Opportunities for land use to deliver multiple benefits should be encouraged;
 - Regulation should continue to protect essential public interests;
 - Land use decisions should be informed by an understanding of the functioning of the ecosystems which the affect;

- Landscape change should be managed positively and sympathetically;
- Outdoor recreation opportunities and public access to land should be encouraged.

4.32 For reasons set out previously, approval of this application would not accord with the Principles of Sustainable Land Use.

4.33 The above review of the proposal against relevant material considerations demonstrates that none of these would justify approval of the application contrary to the development plan. As such the application should be refused.

5 CONCLUSION

5.1 The extensive commentary above highlights how the proposal conflicts with the LDP and relevant material considerations, including national planning policy and guidance. As such, the application requires to be refused.

5.2 The ES is deficient in many respects and issues of particular concern relating to the impact that the development would have on the natural environment (including the European designated Loch Creran, European protected species, noise, flooding landscape impacts and the reduction in road safety) have not been adequately addressed. Approving the development would be significantly contrary to local and national policies on protecting the environment.

5.3 Importantly, the applicant has failed to demonstrate a local need for sand and gravel that would justify approval of the application despite the significant detrimental environmental impacts.

BURNESS PAULL LLP
Agent for the Objectors

15 December 2016

ENVIROCENTRE REPORT

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15 December 2016

Dear Mr. Wolfinger

Review of Environmental Statement

Development of a quarry allowing for the extraction and processing of sand and gravel and the final restoration of the land, Glasdrum, Fasnacloich, Appin, Argyll And Bute PA38 4BJ (16/02911/MIN)

Please find enclosed our report which describes our independent review of the Environmental Statement (ES) for the above application, and our site monitoring.

In short our review concludes that the development, as proposed, will have an unacceptable adverse effect on the surrounding environment.

We trust the above and attached is clear. If you have any further questions please contact either of the undersigned.

Yours sincerely
for EnviroCentre Ltd



**Dr. Campbell G. Fleming PhD CGeol FGS
Executive Director**

Enc: EnviroCentre Report No. 7463, December 2016

CC: Margaret Bochel, Burness Paull (Aberdeen Office)

Proposed Sand and Gravel Quarry at Glasdrum Review of Environmental Statement



December 2016

Proposed Sand and Gravel Quarry at Glasdrum

Review of Environmental Statement

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This report has been prepared by EnviroCentre Limited with all reasonable skill and care, within the terms of the Contract with Harvey Wolfinger ("the Client").



Contents

- 1 Introduction1
 - 1.1 Instructions, Scope and Summary of Findings1
 - 1.2 Methodology1
- 2 Introductory Chapters3
- 3 Hydrological and Hydrogeological Assessment, Ecology and Restoration4
 - 3.1 Potential Impacts4
 - 3.2 Key Characteristics of the Area4
 - 3.3 Impact of Development5
- 4 Noise9
 - 4.1 Observations on Noise Chapter9
 - 4.2 EnviroCentre Noise Monitoring9
 - 4.3 Noise Assessment10
- 5 Other Issues (Traffic and Material Import)12
 - 5.1 Traffic Movements12
 - 5.2 Material Importation for Restoration12
- 6 Conclusions13

Figures

- Figure 1.1: Silt Fences for Surface Water Runoff Control 6

1 INTRODUCTION

1.1 Instructions, Scope and Summary of Findings

EnviroCentre were commissioned by Mr. Harvey Wolfinger to carry out an independent appraisal of the Environmental Statement submitted with the application for 'Development of a quarry allowing for the extraction and processing of sand and gravel and the final restoration of the land, Glasdrum, Fasnacloich, Appin, Argyll And Bute PA38 4BJ' (16/02911/MIN).

In general terms we believe that the Environmental Statement (ES) does not meet with expected standards of investigation and assessment for an EIA for such a development, through the absence of key site investigations (including noise) and dismissal of potential water quality effects. It therefore cannot allow the Council to reach an informed decision on the real and potential environmental impacts of the proposals. The ES fails to provide all the assessments and studies required by the Scoping and Screening Opinion issued by the Council and other consultee responses. It is clear from our own review and assessment of the proposals that unacceptable environmental impacts would be expected to arise from the quarry if this application is approved, particularly relating to the impact on the River Creran, the Loch Creran SAC and noise.

Environmental Impact Assessment (EIA)

Our Environmental Assessment team are experts at managing the Environmental Impact Assessment process and compiling the resulting Environmental Statements (ES).

We benefit from having specialist in-house assessors who work together to evaluate the range of topics covered by EIA such as air quality, environmental noise, ecology, hydrology (including flood risk) and land quality.

We have carried out a range of environmental impact assessments, for the topics listed above for many development types, including quarry applications, for example two extensions to Douglasmuir Quarry, near Glasgow, for Tarmac. We also work for waste management companies and landfill operators and have wide experience of waste licensing.

Noise monitoring and assessment

Our team are experts at managing and carrying out Environmental Noise Assessments. We have done that during the planning phase of developments such as quarrying, housing complexes, industrial facilities, wind farms, or new transportation routes. Such assessments have included baseline noise monitoring, noise calculation and noise modelling.

1.2 Methodology

Our review and assessment was carried out in the following stages:

- Initial read through of the ES and appendices to establish if there were areas of concern relating to the potential for significant environmental impacts;
- Carry out a site visit and take noise measurements;
- Interpret noise results; and
- Report on areas of concern.

The report is subdivided into the following sections below:

- Introductory Chapters of the ES;
- Hydrological and Hydrogeological Assessment, Ecology and Restoration;
- Noise;
- Other Issues (Traffic and Material Import); and
- Conclusions.

2 INTRODUCTORY CHAPTERS

This section provides our commentary and observations on Chapters 1-5 of the ES. The reason for providing these here is that they are key design details and parameters taken from the Applicant's information that contribute to our appraisal of the potential for significant impacts. Their relevance is cross referenced in our assessments as appropriate.

1. The document notes that there has been an iterative design taking account of environmental factors (Section 1.5.1, pg.8 para.2).
2. Section 2.3.3.2 notes that the water table has been a determining factor in the excavation depth.
3. Table 2.1 notes 2.9% silt content in deposits and Section 2.3.3.1 notes a 0.52m average topsoil thickness. Given the excavation area of 1.99Ha(as quoted in the Argyll and Bute Council consultation response) this apparently will equate to up to around 10,000m³ of topsoil storage on site during operation;
4. Section 2.5.2 of the ES simply states that two other sites were considered but does not provide any great detail on the reasons for their rejection. There does not appear to be a clear site selection argument presented in the ES as the Councils scoping opinion suggested would be required.
5. Section 2.5.6 notes alternative working and access matters. For working this notes selecting a small site and not wet working the entire site as being alternatives to what could have been proposed.
6. Section 3.5 notes that to 'ensure that the land is adequately drained' imported inert materials and silts to raise the site 2m above the water table prior to placing topsoil.
7. Section 3.9 acknowledges that the site working areas will be allowed to flood.

3 HYDROLOGICAL AND HYDROGEOLOGICAL ASSESSMENT, ECOLOGY AND RESTORATION

This section describes our assessment of the potential impacts on the water environment, along with the associated potential impact on ecology. Restoration proposals are included here as they are considered to exacerbate the potential impact on water quality.

3.1 Potential Impacts

Any significant impact on water quality has the potential to impact on the ecology of that waterbody. The potential impacts are considered to be as follows:

- Flooding and associated ecological impacts from release of suspended solids including restoration soils/waste materials;
- Groundwater level impact from the planned depth of working; and
- Potential impact of oils and fuels release to groundwater.

3.2 Key Characteristics of the Area

This section provides a list of key statements and observations on the ES content which are discussed in terms of impact in Section 3.3.

Hydrology

1. River Creran is classified by SEPA as having an overall status of high, with high confidence in 2008 and is a designated protected area for fish according to the ES.
2. The southern site area is in an area of medium to high risk of flooding according to the SEPA flood map.
3. Figure 7.2 shows the processing and stocking area and settlement lagoons close to the river, and we expect, in the area of the site highlighted by the SEPA website as at medium to high risk of flooding;
4. Anecdotal information from the site owner's Estates Manager is provided in section 7.8.4, and this section also acknowledges that should a severe storm occur the quarry will be allowed to flood.
5. Silt trap fencing is proposed on the southern boundaries.
6. By importing inert waste to the site the resulting additional flood storage will be 300m³.
7. The ES concludes that there will be negligible impacts on groundwater or surface water.
8. We note in the SEPA consultation response contained in Appendix 3 of the ES states that 'if a flood risk was identified then a Flood Risk Assessment should be carried out'. The ES does not contain a flood risk assessment.

Hydrogeology

9. The site investigation in Appendix 2 of the ES was undertaken on 20 August 2015. It appears that the 'dry' working depth has been based solely on this one set of water levels.
10. Section 7.9 notes that the excavations remaining above the watertable will reduce the vulnerability of the groundwater in the area from contamination from oils and fuels.
11. Section 7.9.1 notes that hydraulic conductivity of the sands and gravels is potentially very high.
12. Section 7.9.3 notes that 'quarrying excavations will generally be above the winter water table with the limited exception of one small area of wet working'.
13. We would also note that mitigation is proposed for oils and fuels.

Ecology (Water Related)

14. Our review of ecology has focused on the Loch Creran SAC and its qualifying feature of reef habitat. We will not re-iterate here the description of this feature in full simply to acknowledge a few particular points below. Other aspects of the site ecology and surrounds are outwith our scope as our ecologists were unable to survey during this course of this review.
15. The Loch Creran SAC is acknowledged in the ecology chapter of the ES.
16. Section 8.8.1.5., suggests that pollution is unlikely to affect international designated sites (Loch Creran SAC).
17. The Appropriate Assessment Appraisal in Appendix 5 of the ES describes the Applicants' consultants' view on the potential for impacts on the Loch Creran SAC (amongst other sites). They within this document state that 'there is no significant potential for surface water runoff from the site including entrained suspended solids, to enter the River Creran which drains (s) to the Loch Creran SAC'. It is also noted in this document that mitigation was identified, with mitigation measures starting with design, 'which in itself minimises risk'.

Restoration

18. Section 9.5.1 notes that restoration shall start on the commencement of Phase 2 and that silts shall be used for restoration. It also notes that topsoil will be replaced on top of the 2m of silts (0.52m of topsoil as described in the ES). We note this will apparently take the total restoration soils to a depth of over 2.5m.

3.3 Impact of Development

Flooding and Related Potential Ecological Impacts

The River Creran is a high quality waterbody as acknowledged by SEPA. This waterbody links directly to the Loch Creran SAC a site of international importance for reef colonies. The River Creran also contains Atlantic Salmon.

Civil Engineering operations have the potential to cause deterioration of reef habitat through smothering (as noted in the Loch Creran Special Area of Conservation Advice under Regulation 33(2) of The Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) an SNH publication relating to Loch Creran of March 2006).

Point source water pollution is also an acknowledged pressure on the SAC by SNH (SNH Sitelink webpages), and the proposed development can be considered a potential source of pollution particularly of suspended solids.

The Applicants' proposal is that if severe flooding occurs the floodwater will be allowed to inundate the workings (southern part) and when flood waters recede the water will naturally drain away through the quarry floor and surrounding deposits, with a proportion of the flood water (if needed) pumped to the lagoon system. The mitigation proposed is that silt fences will be placed around the excavations' southern boundary and these will prevent suspended solids entering the River Creran.

From the information in the ES the quarry area that may flood is expected to contain the following infrastructure and features which can generate significant suspended solids:

- The processing plant (where sand and gravel is washed), this will therefore contain silt from the deposits;
- The exposed sands and gravels in the quarry floor which contain silts;
- The lagoon system which will contain silts which have settled out of the wash water for the processing plant;

- It is expected that given 10,000m³ of topsoil has to be stored on site and that the processing will also generate waste silts to be retained on site, a proportion of this material will likely have to be stored within the area at risk from flooding;
- The ES also notes that inert materials and silts will be imported for restoration, therefore exposed waste for restoration will also be present during most of the working life in the area at risk of flooding.

The mitigation proposed to address the potential for suspended solids is to erect silt fences around the southern part of the excavation. In our understanding silt fences are generally used to capture overland flow of rainfall on construction sites. Examples of silt fences are shown in the pictures below (source Hy-tex, www.hy-tex.co.uk).

The USEPA describe a silt fence as: 'A silt fence is a temporary sediment barrier made of porous fabric. It's held up by wooden or metal posts driven into the ground, so it's inexpensive and relatively easy to remove'¹. Its purpose is 'Construction Site Stormwater Runoff Control'.

Figure 3.1: Silt Fences for Surface Water Runoff Control



¹ Stormwater Best Management Practice, Silt Fences, USEPA April 2012.

While we accept that the silt fences may help protect the river during heavy short term rainfall, in flood conditions with the river itself inundating the workings these fences would be expected to fail.

Furthermore despite the risk of flooding a flood risk assessment was not carried out (as stipulated by SEPA). The narrative in the ES places reliance simply on anecdotal information from the site owner's Estate Manager. While we do not consider the silt fences to be effective mitigation for river flooding in any case, it is also worth noting that in the absence of a flood risk assessment the Applicants cannot adjudge at what location or height the silt fences would need to be located as they do not know the potential flood levels for more extreme events.

There are a large number of sources of suspended solids that in flood conditions will contribute significant additional fine sediment to the River Creran and rapidly into Loch Creran. The proposed mitigation through the reliance on silt fences is simply not considered viable and the risk of a significant negative impact on the river and the Loch Creran SAC therefore remains.

The primary mechanism for avoiding impact on the river in flood conditions would have been to carry out a flood risk assessment and ensure the design avoided flooding of the workings.

Therefore, in our view, there remains a risk of significant adverse impact on water quality in the River Creran and consequently a significant risk to Loch Creran SAC qualifying features of reefs which are sensitive to smothering.

Groundwater Levels and Depth of Workings

The site investigation in Appendix 2 of the ES was undertaken on 20 August 2015. Around this time of year groundwater levels can generally be close to their seasonal low point with maximum groundwater levels (highest water levels) often experienced in Spring/Late Spring. It appears that the 'dry' working depth has been based solely on this one snapshot set of water levels. We would have expected groundwater monitoring to have been undertaken to establish the actual natural range of water levels on this site with quarry floor being set above the seasonal maximum recorded.

Therefore the actual base of excavation has not been properly established so as to remain above the water table as noted in Section 7.9.3 of the ES.

This means that the excavation depths to which sand and gravel can be extracted without encountering groundwater have not been established across the site. Therefore the conclusions of no impact on groundwater cannot be drawn.

Oils and Fuels

Oil and fuel spillage can be managed and mitigated, however it should be emphasised that in the excavations if a spill occurred the pollutants would rapidly infiltrate to the groundwater and as the deposits have been acknowledged as of high permeability (in the ES), rapid spread of pollution to the River Creran would also be expected.

Terrestrial Protected Species (and Birds) Issues

The timing of the consultation on this application means that, as stated above, we have not been able to carry out any surveys of protected species due to seasonal and resource constraints. However, having reviewed the Scoping and Screening Opinion and the content of the ES it is clear that further surveys should have been carried out by the applicant.

Whilst it is acknowledged that an otter survey was submitted with the application the Council also specifically requested a red squirrel survey which has not been carried out. The potential impact of the quarry on these

and other protected species cannot be ascertained from the information provided in the ES and given the potential significance of any impacts it is vital that robust surveys are completed of all relevant species.

To highlight deficiencies that we see within the ecological work we would note the following two examples:

- A single bird survey was carried out between 9.00am and 2.00pm on 28 August 2015. This is essentially outwith the breeding bird season and provides only a very small snapshot of bird activity in the area. Our ornithologists consider this wholly inadequate to establish the potential impact of the proposed development on birds; and
- With regard to the combined protected species surveys and habitat survey undertaken it is not clear if the protected species survey has included a suitable buffer zone as the ES states on page 239 that the south bank of the river was not surveyed.

While specific surveys for badger and otter followed the initial survey work and consultation, in Chapter 8 of the ES it notes that the initial ornithological, mammal and extended Phase 1 habitat surveys were carried out in a single five hour period on 28 August 2016. This is not considered adequate in our opinion.

4 NOISE

4.1 Observations on Noise Chapter

The noise assessment in the ES was carried out following guidance in PAN 50, however, measurement of the background noise at the closest noise sensitive receptors was not carried out. An assumption is made that the background noise will be under 35dB(A) at all noise sensitive receptors. The lower day-time limit of $L_{Aeq, 1h}$ 45dB, as defined in PAN 50 Annex A paragraph 37 is then applied.

PAN 50 states in paragraph 10 of the introduction: “A survey of the background noise level in the area of the potential development is necessary to determine the nature of the existing noise climate of the locality. Such a survey should record the presence of neighbouring “noise-sensitive properties”, and the background noise at these properties.

The assessment exclusively refers to PAN 50; which looks to keep noise emissions from surface mineral workings within environmentally acceptable limits, without putting unreasonable burdens on mineral operators. It sets absolute noise limits, rather than values relative to existing background noise levels, and therefore allows levels above background which are greater than those permitted by other relevant standards, such as BS4142:2014 - *Method for Rating and Assessing Industrial and Commercial Sound*. Paragraph 37 of PAN 50 states. *In exceptionally quiet rural areas where the daytime background noise level is below 35 dB(A), a condition limiting mineral operators to a 10 decibel excess over the existing background noise level is likely to be both difficult to achieve and unduly restrictive. It would not normally be appropriate to require a daytime limit below 45 dB LAeq,1h, as such a limit should prove tolerable to most people in rural areas. The exercise of care and some flexibility are important in addressing these issues.*

4.2 EnviroCentre Noise Monitoring

EnviroCentre visited the site of the proposed development on 1st December 2016 to measure the background noise at two of the closest noise sensitive receptors; *Invercreran House* and *St Mary’s Church House*.

Monitoring was carried out by suitably qualified personnel and used appropriate noise measurement equipment.

The results are shown in Table 4.1 below.

Table 4.1: Background Noise Monitoring

Location	OS Grid Reference	Start Time (hrs:mins:secs)	Duration (hrs:mins:secs)	L_{Aeq} dB(A)	L_{AFmax} dB(A)	L_{A90} dB(A)
Garden of Invercreran House	201400	13:21:07	01:00:00	37.1	59.7	29.7
	746886					
Garden of St Mary’s	200895	15:11:22	00:15:00	44.1	67.7	36.6
	746211					

The following observations were made on noise sources at each position, which are presented in order of dominance (greatest first):

Garden of Invercreran House

- Infrequent road traffic.
- Birdsong.
- Light wind in vegetation.
- Distant flow of water in the River Creran.

Garden of St Mary's

- Infrequent road traffic.
- Dog barking at Estate Croft House.
- Distant flow of water in the River Creran.
- Light wind in vegetation.

4.3 Noise Assessment

The background noise at Invercreran House was found to be 29.7dB(A), the PAN 50 lower day-time limit of 45dB(A) permits operational noise levels of up to 15dB(A) above the existing background. To put this difference in perspective, *BS4142:2014 – Method for Rating and Assessing Industrial and Commercial Sound*, the standard local authorities frequently use to assess industrial noise sources, compares the background noise on the site, expressed as $L_{A90,T}$ with the rated industrial noise. In order to determine the rated industrial noise, penalties for tonality, impulsivity and intermittency, if present are applied to give the rating level. The difference between the background noise and the rated industrial noise determines the significance of impact as outlined below:

- Typically the greater this difference, the greater the magnitude of the impact*
- A difference of around +10dB or more is likely to be an indication of a significant adverse impact, depending on the context.*
- A difference of around +5dB is likely to be an indication of an adverse impact, depending on the context.*
- The lower the rating level is relative to the measured background sound level, the less likely it is that the source will have a significant or adverse impact. Where the rating level does not exceed the background sound level, this is an indication of the specific sound source having a low impact, depending on the context.*

When applying the standard it is common for local authorities to apply conditions restricting predicted operational rated noise levels to within +5dB of existing background noise levels. The exclusive use to PAN 50 in this rural area which has very low daytime background noise levels permits a difference of 15dB(A). At *Invercreran House*, the maximum predicted operational noise is 42dB(A) which is 12dB(A) above the existing background noise. This is considered by BS4142 to be indication of a *significant adverse impact*.

Section 7.5.4 of the Vibrock report states that a maximum predicted operational noise of 47dB(A) is predicted at *Taraphocain Farm* for the 1 week per year when the crusher is in use. It states that; *This level is 2dB(A) above the lowest PAN 50 criteria, an increase that is unlikely to be discernible to the human ear.*

The background noise at *Taraphocain Farm* shall be similar in level to that at *Invercreran House*; around 30dB(A). It is true that a 2dB(A) increase in noise is difficult to discern, however, the predicted operational noise at *Taraphocain Farm* of 47dB(A) is likely to be 17dB(A) above the background noise, which will be clearly discernible.

PAN 50 does not take the characteristics of the noise being assessed into account. In contrast, BS4142:2014 requires the adding of penalties for tonality (up to 6dB), impulsivity (up to 9dB) and intermittency (3dB) which may be perceptible at the noise sensitive receptor, these are summed to give the predicted operational rated noise. A basic desktop analysis, based on the principles of BS4142:2014 (please note this is not a full BS4142 assessment), is shown in Table 4.2 below.

Table 4.1: Desktop Assessment

Assessment Parameter dB(A)	Noise Sensitive Receptor	
	Invercreran House	St Mary's
Background Noise L_{A90}	29.7	36.6
Predicted Operational Noise	42	43
Rating Correction	+6*	+6*
Operational Rated Noise	48	49
Rated – Background Noise	18.3	12.4
BS4142 Significance	Significant adverse	Significant adverse

* Rating correction minimum expected consists of a 3dB penalty for impulsivity which is just perceptible at the receiver location, and a further 3dB penalty for intermittency; sound that has identifiable on/off conditions at the receptor

The quarry operations will stand out clearly from the background noise. The predicted operational rated noise at Invercreran House and St Mary's Church House when assessed using the principles of BS4142:2014 would indicate a *significant adverse* impact.

5 OTHER ISSUES (TRAFFIC AND MATERIAL IMPORT)

Two other aspects of the proposals were of concern. These relate to traffic movements to import restoration waste materials and the licencing for the use of waste for restoration purposes.

5.1 Traffic Movements

We have not undertaken an appraisal of the suitability of the access arrangements or vehicle movements, however observations on the development rationale as described in the introductory sections of the ES are provided below.

The development notes both that an average of three (in and out) vehicle movements a day will take place (Section 3.8), however the ES also notes that the quarry will work intermittently according to demand and contracts on place at any one time. Therefore the reality appears to be that the vehicle movements will generally be higher on any one day to meet contract demand, not a steady output as suggested elsewhere in the ES.

The ES notes that for every three vehicles leaving the site, two will return with waste for restoration purposes. The introductory parts of the ES make much mention of the proximity of the proposed site to demand and minimising of vehicle movements through allowing this development. The reality appears to be that two of every three vehicles leaving the site will not only have to travel to site to load, but then deliver their product to its destination then collect waste from (presumably) Barrachander Quarry at Taynuilt or a site elsewhere, and then return to the proposed site at Glasdrum to deposit the waste. This is potentially a significant journey not bringing any locational advantage as the ES elsewhere suggests.

5.2 Material Importation for Restoration

The ES states importation of material for quarry reinstatement would be exempt from waste management licencing licensing and would be undertaken under Paragraph 9(1) of Schedule 1 of the Regulations. This would require the importation of some 35,000 cubic metres of material over a six year period. The ES also notes that the imported waste will be solid, inert waste from construction or demolition work, soil or stone and will be non-toxic and ferrous in nature with plasterboard and wood specifically excluded.

It should be noted that over the past few years SEPA have been actively discouraging the use of exemption applications which seek to place inert waste within quarry voids etc. for the purpose of re-profiling or restoration. EnviroCentre has witnessed a number of sites being refused exception applications because, in SEPA's opinion, there is a risk of leachate and landfill gas irrespective if the waste is classed as inert.

It is the experience of EnviroCentre that SEPA view infilling a quarry void as a waste operation and they are unlikely to permit it via the waste management licence (WML) regime unless there are very strong arguments which justify this position. SEPA are increasingly steering applicants towards Pollution Prevention and Control (PPC) because the activity is viewed as an inert landfill operation.

The existing concerns related to degradation of the River Creran and Loch Creran SAC through release of suspended solids in flood conditions (as described in this report in Section 3 above), would be exacerbated by the use of 'inert wastes' which have a residual potential to create pollution. Given the highly permeable nature of the underlying sands and gravels at the site this would allow any leachate arising to rapidly transit in groundwater to the River Creran and downstream.

6 CONCLUSIONS

We have carried out our review objectively, drawing on our own experience which includes assessments for quarry operations and applications over many years. We have restricted our comments on the ES in the sections above to matters which we perceive as being of significant importance rather than noting each and every inconsistency or inaccuracy. The key conclusions from the above review are summarised below.

1. The dismissal of the potential for significant impacts on water quality through mobilisation of suspended solids during flood conditions is unacceptable, as the proposed mitigation of this potential impact through use of 'silt fences' is in our view ineffective. In flood conditions the development will in our opinion lead to an abnormal increase in suspended solids within the river which will deteriorate the quality of the water in the river and in the loch downstream compared to the current conditions during floods. On the basis of the information provided, the development would be expected to have a negative effect on the Loch Creran SAC.
2. We consider the noise impact assessment to be fundamentally flawed through the primary use of PAN50 as an appraisal tool. Also PAN50 notes that noise monitoring should be carried out which the Applicants have not undertaken. Our noise monitoring results show that (according to other more relevant standards) the development will certainly have a significant adverse impact on residents in Glen Creran.
3. From our review, the ES does not appear to fully explore or explain the site selection process adequately. Similarly, in relation to the site selection and also method of working, the notion of iterative design taking account of environmental factors is not displayed in our view. This is on the basis that part of the site area selected is within an area at risk of flooding (including excavations, processing and silt lagoons), adjacent to a sensitive waterbody (the river) with the Loch Creran SAC lying close downstream. In our opinion the floodplain is not an acceptable area for the proposed development.
4. In our opinion insufficient survey information is provided in the ES on protected species and birds to fully assess any potential impact of the development on them.

The development as proposed cannot be considered acceptable under the EIA Regulations as it will have significant negative impacts on both water quality during floods and noise impact on residents in the area.

JOHNSON POOLE AND BLOOMER REPORT

Our Ref: QG266-01/PJL/LS

**DEVELOPMENT OF A QUARRY ALLOWING FOR THE EXTRACTION AND PROCESSING OF SAND AND
GRAVEL AND THE FINAL RESTORATION OF THE LAND AT GLASDRUM, FASNALOICH, APPIN**

REPORT ADDRESSING THE ASSESSMENT OF NEED

Harvey and Lesley Wolfinger

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December 2016

1.0 QUALIFICATIONS AND EXPERIENCE

The author of this report is Philip Lea who is a Director of Johnson Poole & Bloomer Limited (JPB). The following is a brief synopsis of the author's qualifications and experience.

- 1984 a BSc Degree in Mineral Estate Management.
- 1987 elected a Member of the Royal Institution of Chartered Surveyors (Minerals Division).
- 1995 admitted as a Member of the Institute of Quarrying.
- 54 years of age with 30 years' experience in Mining, Quarrying and Mineral Surveying gained exclusively in Scotland.

1986-1990 Johnson Poole and Bloomer, involved in many tasks including quarry design, mineral estate management and the preparation of planning applications for the extraction of minerals, site supervision and mineral surveying.

1990-1995 Tilcon (Scotland) Limited, Estates Manager responsible for the development and maintenance of a large portfolio of properties including sand and gravel and hard rock aggregates quarries and a landfill site including the preparation of planning applications for these sites and the project management of related environmental impact assessments. Responsible for preparation of restoration and aftercare schemes at exhausted units.

1995-Present Johnson Poole & Bloomer, Director. JPB act as independent consultants in relation to mining, minerals, waste and other related matters to a large number of clients including quarry operators, local authorities, the Forestry Commission, country estates, farmers, property developers, consulting engineers, solicitors and other surveying practices.

Preparation and submission of a large number of planning applications and environmental impact assessments for a wide range of mineral and waste related development. This work has included amongst other things; site supervision at major land reclamation schemes, mineral reserve assessments, feasibility studies, detailed mine/quarry design, monitoring site compliance with planning conditions, preparation and supervision of quarry restoration schemes, valuation of restoration bonds, valuation of mineral assets, the provision of planning policy appraisals, market analysis and lease negotiation.

2.0 INTRODUCTION

JPB has been instructed by Lesley and Harvey Wolfinger to prepare a report which addresses the issue of the need for sand and gravel within the market area likely to be supplied if the development at Glasdrum was to be granted planning permission.

3.0 Scottish Planning Policy (SPP)

Scottish Planning Policy paragraph 238 states that "Plans should support the maintenance of a landbank of permitted reserves for construction aggregates of at least 10 years at all times in all market areas through the certification of areas of search"

This policy is transposed into the Argyll and Bute Development Plan: Supplementary Guidance SG LDP MIN 2 Mineral Extraction which for ease of reference is reproduced below.

"SG LDP MIN 2 – Mineral Extraction

This policy provides additional detail to the policy LDP 10 Maximising our Resources and Reducing our Consumption of the Adopted Argyll and Bute Local Development Plan.

There will be a presumption against the re-opening of abandoned works, new or extended quarry developments, where adequate permitted reserves already exist. Applications for planning consent will only therefore be considered where:-

- (A) The applicant can successfully demonstrate an exceptional local need for the specific mineral type and quality to be extracted; OR*
- (B) The applicant can successfully demonstrate that the proposal is to satisfy export demands for specialised minerals beyond the boundaries of Argyll and Bute and is consistent with national mineral policy;*
- (C) Planning permission is limited to a period appropriate to the circumstances of the site and working with the initial grant of consent not exceeding 20 years, unless varied by the planning authority;*
- (D) The proposal would result in less environmental impact than an extension to an existing authorised extraction site within the same Planning Area;*
- (E) The proposal is consistent with all other local development plan policies and SG.*

All applications for mineral extraction will require to be submitted in detail and include proposals for phased land restoration, after-care and after-use, community liaison and annual reporting. Section 75 Agreements and Financial Bonds may also be used in certain circumstances.

Where the Planning Authority considers a proposal is likely to create a significant impact in terms of its nature, size or location the applicant will be required to submit an Environmental Impact Assessment as part of the planning application.

Applications for the extension or renewal of mineral workings will also be required to submit an audit of the existing workings and its programme of closure, reinstatement and after-care. "

Unfortunately the guidance does not identify areas of search as recommended in SPP but it does confirm a presumption against development unless a number of criteria can be met.

Reference is made to (A) above which makes clear the need for the applicant to demonstrate an exceptional local need with 'local' being defined as being within a 30 mile radius of the extraction site.

Reference is made to Drawing No QG266/R/F/01 upon which the quarries currently meeting the needs of the Argyll market area are shown. It will be noted that several quarries not identified within the applicant's assessment of need are shown on this drawing. These quarries are included as despite being hard rock units they produce

rock sand or fines which currently contributes towards the needs of the construction industry in Argyll.

SG LDP MIN 2 defines 'local' need as "being for the predominant use within a 30 mile radius of the extraction site". This definition is derived from an extract from the Mineral Products Association (MPA) website. The relevant extract from the website reads as follows:

Transportation of mineral products

Mineral products are generally used within a 30-mile radius of a quarry and so tend to be transported by road. Rail transport is used for long distance haulage.

- *About 80 per cent of mineral products are used within 30 miles of the quarry*
- *The mineral products industry is the second biggest user of rail freight (after coal)*
- *Around 30 million tonnes of quarry products are transported outside of the road network each year*
- *The mineral products industry has invested heavily in rail facilities and rolling stock and is strongly committed to rail freight.*

It is worth noting that a 30 miles radius is expressed as generality and not a maximum. As a generality this will almost certainly be the case in the more populous city regions which will be serviced by larger scale competing quarries, each able to produce sand or aggregates in higher volumes taking advantage of the economies of scale this affords.

However, in the remoter parts of Scotland over which demand is much lower and as a consequence operators are unable to realise any economies scale, it is commonplace for minerals to be hauled distances significantly in excess of 30 miles.

If it were the case that the economics of quarry development in rural Scotland dictated that mineral products could be hauled a maximum of 30 miles, there would need to be many more quarries than currently exist.

4.0 Scottish Aggregates Survey (SAS)

SAS represents an attempt by the Scottish Government to collate data which may inform strategic development planning policy, however the survey recognises the difficulty in defining market areas in Scotland and reference is made to paragraph 2.

"Market areas are generally set in relation to the economic viability of transporting the resource".

This serves to reinforce the point made above which is that the fixed unit costs of production at small scale rural quarries are higher than at high volume quarries and in such circumstances it is usually more cost effective to haul materials a greater distance.

Notwithstanding the above, it is considered that no meaningful conclusion in relation to the available landbank within Argyll can be drawn from the SAS report by virtue of the lack of reliable and robust data provided in the Argyll and Bute region.

5. Existing Sand and Gravel Quarries

The planning application for Glasdrum includes consideration of the known sand and gravel reserves capable of supplying the Argyll market. Sand and gravel is a fairly generic term which covers a range of grades of materials but broadly speaking it can be broken down into aggregates (gravel), concrete sand, asphalt sand and building sand.

In addition to the sand and gravel quarries that have been identified, a number of hard rock quarries effectively contribute to the supply of sand as they produce rock fines or rock sand which for many purposes provides an acceptable substitute. This is known to be the case at Bonawe Quarry, Furnace Quarry, Soroba Quarry and Clachan Quarry. All of the aforementioned quarries use rock fines/sand in ready mixed concrete. Furnace, Bonawe and Banavie also use it in the manufacture of coated roadstone.

Kilmartin Quarry is referred to and mention is made of the fact that a planning application submitted in 2015 was in Oct/Nov 2016 still undetermined. In fact this application was approved on 5 August 2016. The extension at Kilmartin contains reserves of circa 200,000 tonnes which are anticipated to be extracted at an annual rate of up to 15,000 tonnes. This quarry produces a range of sands, including building sand which is currently supplied into construction sites in Oban.

Dornie Quarry was granted permission in 2011 for a period expiring in 2045. Within the application reserves of sand and gravel were assessed as 875,000 tonnes. This quarry produces a range of sand and aggregate for use in concrete products. In recent years building sand has been produced with the use of a hired wash plant however, it is understood that the operator has commissioned a new wash plant which will produce building sand. The plant is to be installed in the New Year.

Benderloch Quarry is understood to have reserves in the region of 1,000,000 tonnes. This site produces sand and aggregate for the manufacture of concrete products.

North Connell Quarry has recently been granted permission for extraction of up to 2,000 tonnes per annum for a period of up to 5 years. This quarry produces exclusively building sand.

Clachan Quarry currently produces a full range of aggregates with concrete sand and building sand produced as a by-product of the aggregate production process. It is understood that a sand and gravel reserve of circa 500,000 tonnes has the benefit of planning permission and is ready to be developed when the need arises.

It should be noted that the figures quoted for the quarries above represent the level of currently or recently permitted reserves. It is outwith the scope of this report to comment on the likelihood of further extensions to these sites being permitted and resultant additional reserves being made available but it would not be unreasonable to speculate that applications for further extensions will be forthcoming.

6. Commentary

The applicant places some degree of reliance on the claimed shortage of building sand within the market, however the demand for building sand is limited and it is currently and will continue to be met from existing sources soon to be enhanced when production commences at Dornie Quarry when the new sand plant is installed.

Furthermore, the applicant claims that “the regular supply of building and asphalt sand, at reasonable cost, is a critical factor in the company’s ability to meet demand and compete within the market place”.

There are only three coated roadstone plants servicing the Argyll market area and these are currently strategically located within the quarries at Banavie (Fort William), Bonawe and Furnace. The plants are all owned and operated by Breedon which is part of the BEAR Consortium which has the long term contract for roads upkeep in the North West of Scotland.

Asphalt is a particular type of coated roadstone typically used for the final running surface, however the quantity of asphalt produced by the coating plants referred to above is very limited as it is understood that the great majority of coated roadstone materials specified by the Roads Authority does not require asphalt sand as quarry dust is used as an acceptable substitute. Such limited demand for asphalt as there is, is and will continue to be met from Breedon’s own quarries. This being the case, there can be no requirement for additional sources of this grade of sand.

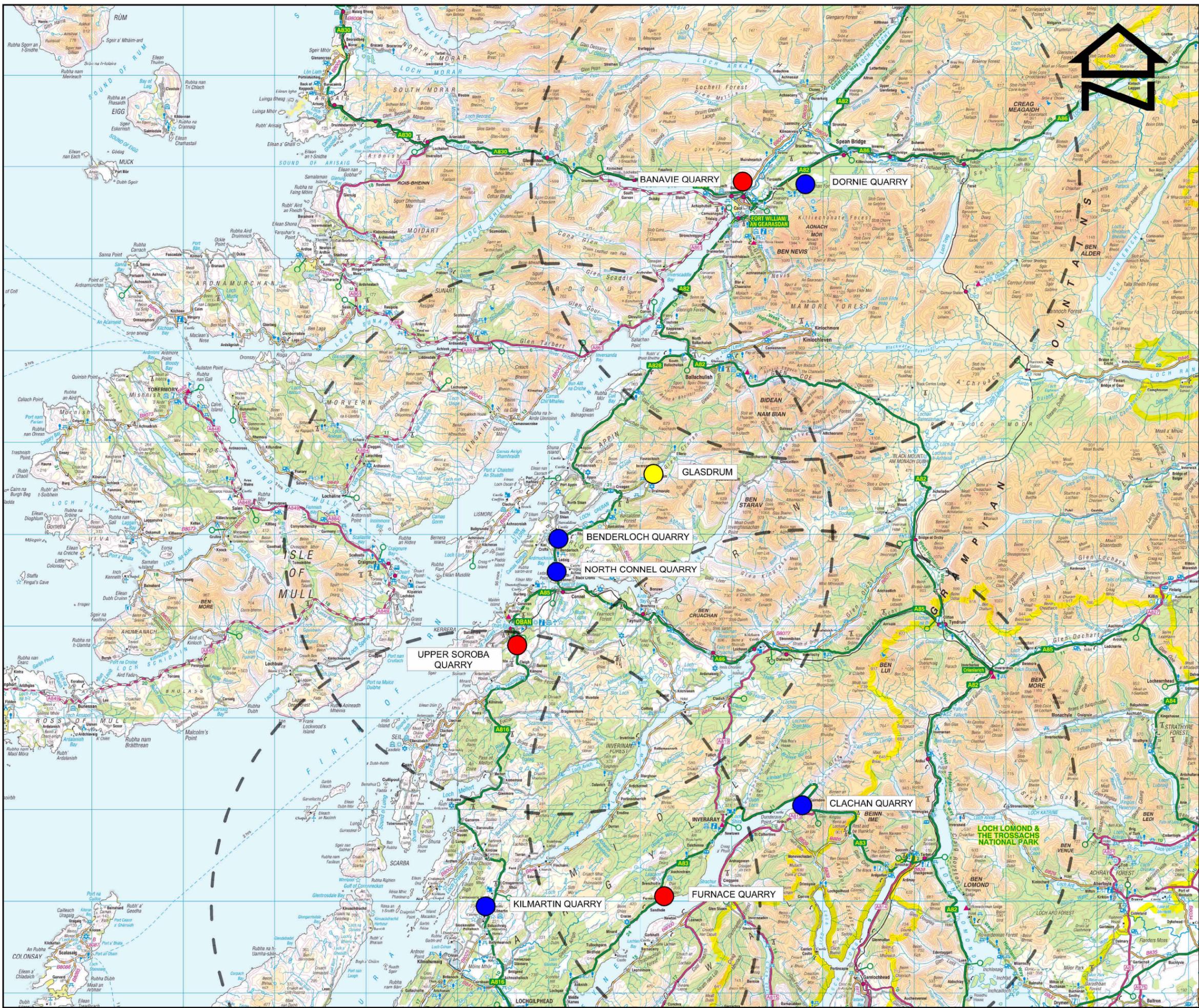
7 Conclusion

In conclusion, it is evident that the demand for sand and gravel is currently being met by existing sources with proven extensive reserves at several quarries with the benefit of long term planning permission.

In these circumstances it is considered that there can be no justification of need for an additional quarry at this location.



Philip J Lea BSC, MRICS, MIQ
Director



- NOTES
- SAND & GRAVEL QUARRY
 - HARD ROCK QUARRY
 - GLASDRUM SITE
 - 30 km RADIAL

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DATE	REVISION	No.



CLIENT
LESLEY AND HARVEY WOLFINGER

PROJECT TITLE
GLASDRUM NEED ASSESSMENT

DRAWING TITLE
ARGYLL QUARRIES

DRAWN BY GF	APPROVED BY
SCALES NTS	ORIGINAL DRAWING SIZE A3
DATE DEC 2016	DRAWING No. QG266/R/F/01

PHOTOGRAPHS



Blind Bend (1)



Blind Bend (2)



Blind Bend (3)



Blind Bend (4)



Blind Bend from other direction



Blind Bend from other direction



Danger to reversing – drop into River



Dangerous drop if reversing



Distance between laybys



Narrow road



No laybys can be built – danger to reversing



No paths to get out of the way (1)



No paths to get out of the way (2)



Nowhere to go (1)



Nowhere to go (2)



Nowhere to go (3)