



**23/00487/MIN – EXTENSION TO HARD ROCK QUARRY, RETAIN EXISTING MEANS OF ACCESS AND FORMERLY QUARRIED AREA FOR STOCKPILES AND PROCESSING AND ERECT SHED FOR PLANT AT CLEAT AND LOWER GREAN QUARRY, ISLE OF BARRA.**

Report by Depute Chief Executive

**PURPOSE**

- 1.1 Since the planning application has received more than six representations, which are considered by the Appointed Officer to be valid and raise material planning considerations, the application cannot be determined under delegation and is presented to the Board for decision.

**EXECUTIVE SUMMARY**

- 2.1 This Report relates to an application for an extension to the existing Cleat and Lower Grean Quarry, the retention of the existing worked quarry area for stocking, processing and access, and the erection of a shed for plant maintenance. The application site comprises part of the existing hard rock quarry floor and part rocky grassland. The application seeks to secure the future of the site, to facilitate the production of hard rock aggregate products for use in construction projects in the local area. Average output from the quarry during the previous consented period was approximately 8,000 tonnes per annum. An operational period of 18 years has therefore been requested to allow for this level of output with an element of fluctuating demand.
- 2.2 The proposal covers an area of 1.95ha and provides for:
- The retention of a portion of the existing worked site for access, stocking, processing and site infrastructure.
  - A further area of development of circa 1.05ha which contains the proposed mineral extraction and an area for soils storage. The mineral extraction will result in the existing faces being worked back north-westwards, and southwards. This would result in the extraction of circa 135,000 tonnes of saleable aggregates.
  - The excavation of an area to the east to allow the erection of a workshop within the site. The erection of this workshop was previously permitted under Planning Consent reference 05/00524.
- 2.3 An area of approximately 0.9ha of the excavated quarry to the north of the existing site is proposed to be restored utilising peat soils materials stored to the north of the site. The restoration of this area is detailed in a separate Restoration Reinstatement and Management Plan. This would provide retrospective compliance with Condition 2 of planning consent reference 05/00524.
- 2.4 The application was accompanied by a number of plans and drawings (attached as Appendix 2 to this Report). A Restoration Plan and a Restoration Management Plan has been prepared for the site as a whole and is included in the application submissions.
- 2.5 The site is located to the east of Cuidhir, immediately adjacent to the main circular A888 road, which is to the south of the site. The site is located approximately 250m from the nearest residential properties to the west, with the next closest dwelling a similar distance beyond. Some 300m to the east is the Scottish Water, Water Treatment Works.
- 2.6 There are a number of designated heritage assets to the south-west and west of the site. Given the scale and type of development proposed, and the separation distances involved, it is considered that

the proposal would have no material effect on their setting. However, there is considered to be a reasonable potential for unknown archaeological features within or close to the site.

- 2.7 The site is identified as Class 3 Peaty Soils, within the NatureScot Carbon and Peatland Map 2016, with the vegetation cover of the proposed extension area mapped as wet and acidic grassland, and not priority peatland habitat.
- 2.8 The site is located within the Prominent Hills and Mountains Landscape Character Type in NatureScot's Landscape Character Assessment 2019 and is not within any defined environmental area. There is some potential for the proposal to impact on nesting birds, which can be avoided by not undertaking site clearance works during the bird breeding season or undertaking a survey prior to work commencing.
- 2.9 The site is identified as at risk of Surface Water flooding on the SEPA Flood Maps, and it is recommended that details of the water management system, including surface water drainage for the site, are controlled by condition. The proposals also have the potential to result in noise, vibration and dust, which could have an adverse effect on residential amenity. Having regard to the advice of specialist consultees and the Scottish Government advice on these matters, it is considered that the application of strict controls, through the use of planning conditions, would be sufficient to address these potential impacts.
- 2.10 In accordance with Regulation 11 of the Environmental Impact Assessment (Scotland) Regulations 2017, the application was screened, and it was concluded, for the reasons set out within that decision, that it was not EIA development (Ref 23/00487/SCR\_L).
- 2.11 A number of representations have been made in relation to the proposals, all of which object or raise concerns about the proposed development. These are summarised in paragraph 10.4 of this Report.
- 2.12 The Comhairle is required to determine planning applications in accordance with the provisions of the statutory Development Plan, comprising the Outer Hebrides Local Development Plan 2018 (OHLDP) and National Planning Framework 4 (NPF4), unless material planning considerations indicate otherwise. Material considerations have been given due consideration and none individually or collectively indicate that a decision should be taken other than in accordance with the Development Plan.
- 2.13 As a result, overall, the assessment concludes the development is acceptable and, for the reasons set out in this Report, would result in economic and social benefits to the area, with the identified potential impacts on the environmental and local communities capable of satisfactory mitigation. The proposed development is considered to accord with the Development Plan and no material considerations are considered to exist which would justify a decision other than in accordance with the Development Plan.

## RECOMMENDATION

- 3.1 It is recommended that the planning application be **APPROVED** subject to the conditions set out in Appendix 1 to this Report.

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Appendix 1:	Schedule of Proposed Conditions
Appendix 2:	Plans
Appendix 3:	Representations
Background Papers:	None

## IMPLICATIONS

- 4.1 The following implications are applicable in terms of the Report.

Resource Implications	Implications/None
Financial	None
Legal	None
Staffing	None
Assets and Property	None
Strategic Implications	Implications/None
Risk	None
Equalities	None
Corporate Strategy	None
Environmental Impact	None
Consultation	None

## BACKGROUND

### Application

- 5.1 The current planning application was registered as valid on 4 December 2023. Pre-application discussion took place in relation to this application between the applicant and the Planning Service about the supporting information required to inform the application process.

## SITE CONTEXT AND PROPOSAL

### Description of site and its context

- 6.1 Cleat and Lower Grean Quarry is an operational hard rock quarry. The application site extends to approximately 1.95ha. It is located approximately 1.4km east of Cuidhir and is accessed directly from the main circular A888 road, which lies adjacent to the south of the site.
- 6.2 The nearest residential properties, No's 1 and 2 Grean, are located approximately 250m to the west of the site, with No 3 Grean situated some 500m to the west. Approximately 500m to the east of the site is the Scottish Water - Water Treatment Works, which serves the public water supply for the Isle of Barra.
- 6.3 Ground levels across the site vary from circa 47m AOD at the site entrance on the A888, to the south of the existing quarry, to circa 59m AOD at the highest point within the quarry extension. The site is outside an area identified as at risk of flooding on the SEPA Flood Maps.

### Description of development

- 6.4 The application site comprises part of the existing hard rock quarry and part rocky grassland. The application seeks to secure the future of the site, to facilitate the production of hard rock aggregate products for use in construction projects in the local area.
- 6.5 The proposal covers an area of 1.95ha and provides for:
- The retention of a portion of the existing site for access, stocking, processing and site infrastructure.
  - A further area of development of circa 1.05ha which contains the proposed mineral extraction and an area for soils storage. The mineral extraction will result in the existing faces being worked back north-westwards, and southwards. This would result in the extraction of circa 135,000 tonnes of saleable aggregates.

- The excavation of an area to the east to allow the erection of a workshop within the site. The erection of this workshop was previously permitted under Planning Consent reference 05/00524.

- 6.6 Average output from the quarry during the previous consented period was approximately 8,000 tonnes per annum. An operational period of 18 years has therefore been requested to allow for this level of output with an element of fluctuating demand.
- 6.7 An area of approximately 0.9ha of the excavated quarry to the north of the existing site is no longer required to support mineral extraction at the site and does not form part of the application proposal. This previously quarried area is proposed to be restored utilising peat soils materials stored to the north of the site. The restoration of this area is detailed in a separate Restoration Reinstatement and Management Plan. This would provide retrospective compliance with Condition 2 of planning consent reference 05/00524.
- 6.8 The application was accompanied by a number of plans and drawings (attached as Appendix 2 to this Report). A Restoration Plan and a Restoration Management Plan has been prepared for the site as a whole and is included in the application submissions.
- 6.9 The rock at Cleat and Lower Grean Quarry is proposed to be won by drilling and blasting, using specialist drilling contractors. Blasting is designed to both dislodge and fragment the in-situ rock, for it to be lifted directly by excavator onto mobile plant. Once blasted the fragmented rock would be fed by an excavator into mobile processing plant to be crushed and screened to the appropriate sizes. The mobile processing plant would be located within the quarry excavation adjacent to the location of the working face, taking advantage of the screening provided by the faces. Processing would produce a range of aggregate sizes which would be utilised at local projects.
- 6.10 Mineral extraction would progress the existing quarry faces north eastwards and southwards whilst maintaining the current quarry floor level of 49m AOD. The excavation of an area to the east would also be undertaken to allow the erection of a workshop within the site. Soils stripped from this area would be placed into the reshaped eastern screening bund. The workshop is intended to support the operation of the quarry by facilitating the storage and maintenance of quarrying equipment. The erection of this workshop was previously permitted under planning permission reference 05/00524.
- 6.11 The application submissions proposes that operations would take place in accordance with the previously permitted blasting hours for the site detailed in Condition 6 of consent ref 05/00524, which are 0700 and 1900 Mondays to Saturdays and not at all on Sunday.

## **LEGISLATIVE CONTEXT**

- 7.1 The Town and Country Planning (Scotland) Act 1997 (the Act) is the principal legislation. Sections 25 and 37(2) of the Act require that planning decisions be made in accordance with the Development Plan unless material considerations indicate otherwise. The weight to be attached to any relevant material consideration is for the judgment of the decision-maker. Two main tests are used when deciding whether a consideration is material and relevant:
- It should serve or be related to the purpose of planning. This means it should relate to the development and use of land.
  - It should fairly and reasonably relate to the particular application being determined.
- 7.2 This Report sets out an assessment against the policies and provisions of the Development Plan and has regard to all relevant material planning considerations, to inform a conclusion and recommendation as to the determination.

- 7.3 In terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, the class and scale of development is such that it falls within the classification of a 'Local Development'.

## **PLANNING HISTORY**

- 8.1 Planning permission was previously granted for a site area of approximately 1.8ha for the Continued Use and Extension of Quarry, Workshop and Store (ref 05/00524/MIN) on 15 May 2006, subject to a number of conditions. The permission expired on 31 December 2020.
- 8.2 The current application was screened under Regulation 11 of the Environmental Impact Assessment (Scotland) Regulations 2017 (the EIA Regulations). It was concluded, for the reasons set out within that decision, that it was not EIA development (ref 23/00487/SCR\_L).

## **CONSULTATION ADVICE**

- 9.1 Statutory consultation was undertaken as required by Regulations. The detailed responses of statutory and other consultation bodies are summarised as follows.

- **Scottish Water**

No objection. Advice provided on water and waste water availability and capacity and surface water drainage.

Drinking Water Protected Area:

A review of our records indicates that the proposed activity falls within a drinking water catchment where a Scottish Water abstraction is located. Scottish Water abstractions are designated as Drinking Water Protected Areas (DWPA) under Article 7 of the Water Framework Directive. Loch An Duin, Northbay supplies Barra Water Treatment Works (WTW), and it is essential that water quality and water quantity in the area are protected.

This should be of low risk to water quality; however, any contractor compounds should be sited in a suitable location and a detailed map of the location of compounds should be submitted. Also care should be taken on site to manage any run off and the risk from hydrocarbon leaks and spills. Spill kits, bombs and plant nappies must be in place within the compound and also in all plant being used.

Scottish Water have produced a list of precautions for a range of activities. This details protection measures to be taken within a DWPA, the wider drinking water catchment and if there are assets in the area. Please note that site specific risks and mitigation measures will require to be assessed and implemented. These documents and other supporting information can be found on the activities within our catchments page of our website at [www.scottishwater.co.uk/slm](http://www.scottishwater.co.uk/slm)

We welcome receipt of this notification about the proposed activity within a drinking water catchment where a Scottish Water abstraction is located. The fact that this area is located within a drinking water catchment should be noted in future documentation. Also, anyone working on site should be made aware of this during site inductions.

- **Building Standards**

A Building Warrant will be required for the proposed shed.

- **Roads and Streetlighting**

We would ask, based on the conditions imposed on the prior planning award, that the following traffic related conditions be applied:

- Specific times of blasting shall be made known to the public in advance by posting notices at the roadside of the A888, 100 metres in each direction from the intersection of the quarry access with the A888 and one notice on the road side of the A888 10 metres west of the Northbay - Eoligarry junction on each day that blasting will take place at least one hour before the first [blast] is undertaken.

*To safeguard the safety of people and traffic in the area.*

- Any blasting which is to be undertaken to prepare the site shall take place only [within] the hours of 0700 to 1900 Mondays to Saturdays [and] not at all on Sundays.

*To safeguard the safety and amenities of people and traffic in the area.*

- No part of the development to which this planning permission relates to shall involve [quarrying] or excavation works below the level of the [A888] which adjoins the Western Boundary.

- Throughout the life of the development, drainage measures shall be installed to prevent water from flowing from the site and its access onto the highway.

*In the interests of road safety.*

- All vehicles shall be parked within the site and turning space will be provided within the curtilage of the site to enable vehicles to enter and leave the site in forward gear.

*To ensure adequate provision is made for parking clear of the highway in the interests of road safety.*

- **Comhairle Environmental Health Section**

A series of conditions recommended, to address potential impacts on dust, blasting and noise.

- **Archaeology Service**

Thank you for consulting the Archaeology Service. Please be advised that this proposed application intends to extend the existing quarry towards the northwest. The landscape comprises of large rock outcrops interspersed with peaty moorland. The Historic Environment Record (HER) indicates two sites within or close to the development boundary, with further archaeological sites scattered in the wider area. These sites were recorded in earlier surveys carried out by the SEARCH Project (1988-99) & an SSE line refurbishment project 2001. Given the potential for direct or indirect negative impacts on some of these archaeological sites, it is justified in revisiting this area for further assessment.

Many of the known archaeological features are characteristic of post-medieval agricultural activities and may relate to pre-clearance settlements; however, there is also a Neolithic chambered cairn located 160m west of the existing quarry edge. This is a significant archaeological monument, and it will be important that it is considered, along with other sites in relation to this development.

It is worth noting that much of the current peat moorland of the Outer Hebrides began to form at the end of the Neolithic period and beginning of the Bronze Age, as such there is a potential for earlier archaeological features or deposits to be buried below it. Additionally, by the nature of its formation, peat also acts as an important repository for paleo-environmental remains. This is an important resource for the study of past environments and human activity.

In order to establish the potential impact of the proposed development on the historic environment, the Archaeology Service recommends the applicant should carry out a program of archaeological works. This should take the form of an archaeological desk-based assessment augmented by a walkover survey. All stages of assessment should be undertaken prior to groundworks commencing and will inform any further mitigation strategy that may or may not be required. Further mitigation strategies could include, but are not limited to watching briefs, environmental sampling, or archaeological excavation. To this end attach the [provided] condition to the application.

- **Economic Development**

No objection.

- **SEPA**

Dated 6 February 2024:

Based on the information submitted to us we consider that, with respect to interests relevant to our remit, the proposed development is unlikely to have significant effect (in the context of the Regulations) on issues within our interest and therefore EIA is not required.

We note that the planning application has already been submitted. Due to a lack of information, we submit a holding objection and request that the following issues are addressed.

**Peat, carbon rich soils and wetlands**

1.1 Information has already been submitted which demonstrates that impacts on deep peat will be avoided, which is welcome. However, based on the information provided at this stage impacts on carbon-rich/peaty soils may still occur.

1.2 Information – which could be as simple as some photographs of hand dug pits – should be submitted to demonstrate whether the site has peaty soils and if it does the following additional information should be provided:

- National Vegetation Classification (NVC) survey for site and buffer of 250 around the site; demonstration of how impacts on groundwater dependant terrestrial ecosystems and any near natural habitat have been avoided/mitigated in line with SEPA guidance on groundwater abstractions
- Updated restoration management plan which specifically includes measures to ensure that the peaty soils are stored in such a way as to make them fit for use in final restoration proposals.

1.3 Should the development be found to be located on peaty soils then SEPA will require confirmation from the planning authority on whether they consider that the development complies with Policy 5c of the NPF4 prior to further consultation with us.

1.4 Proposals should be, where relevant, in line with Guidance on the Assessment of Peat Volumes, Reuse of Excavated Peat and Minimisation of Waste and our Developments on Peat and Off-Site uses of Waste Peat.

Dated 5 April 2024:

We withdraw our objection to this application subject to the **condition** outlined below.

**1. Peat, carbon rich soils and wetlands**

The new information provided suggests that some of the soils on site may be carbon-rich and peaty. However, [in] this specific case, and taking into consideration the information provided and local context we are content that no further information is required on this issue at this stage. However, we do ask that a **condition** is applied to the permission requiring an updated restoration management plan which specifically includes measures to ensure that the peaty soils are stored in such a way as to make them fit for use in final restoration proposals.

We defer to you as to how this development fits with Policy 5c of NPF4.

- **Community Council**

None to date.

- **HIAL**

None to date.

## **PUBLIC PARTICIPATION**

- 10.1 There are no notifiable neighbours in relation to this planning application.
- 10.2 The planning application was advertised for public comment in the public notices section of the Guth Bharraidh dated 15 December 2023. In accordance with the requirements of the relevant regulations, a site notice was posted for display at the entrance to the site on 16 December 2023. In recognition that the holiday period would introduce delays to processing applications, it was agreed to extend the comments deadline to 23 January 2024.
- 10.3 Eight representations were received in relation to the application, all of which objected to or raised concerns about the proposal. See Appendix 3 to this Report.
- 10.4 The main issues raised by those commenting can be summarised as follows:
- Proximity to residential development
  - Exposure to dust, with adverse impacts on amenity and health
  - Loss of hill to west side of quarry, with resulting visual and weather impacts
  - Adverse visual impact, including increased visibility from nearby properties
  - Flooding
  - Adverse impact on local wildlife, including otter, deer, corncrake, eagle, migratory birds and butterflies
  - Increase in volume of heavy traffic in area, resulting in road safety issues
  - Adverse impact of blasting
  - Lack of notification of blasting
  - Noise pollution
  - Fire risk
  - Impacts on value of properties
  - Land ownership
  - Queries raised on hours of operation, blasting times, notification periods, monitoring of dust and pollution
  - Request to mark on site with tape the area of the proposed extension
- 10.5 These issues will be considered in the assessment below, along with the applicant's response to the concerns raised.

## **POLICY CONTEXT**

### **The 'Development Plan'**

- 11.1 In Scotland, the planning system is 'plan-led' and sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (the Act) require that planning decisions be made in accordance with the 'Development Plan' unless material considerations indicate otherwise.
- 11.2 Following the enactment of a provision of the Planning (Scotland) Act 2019 on 13 February 2023, the statutory 'Development Plan' for the administrative area of Comhairle nan Eilean Siar is comprised of [National Planning Framework 4 \(NPF4\) \(2023\)](#) and the [Outer Hebrides Local Development Plan \(LDP\) 2018](#) and its Supplementary Guidance.



11.3 NPF4 comprises the 'National Spatial Strategy for Scotland' up to 2045 and also provides the Scottish Government's updated statement of National Planning Policy. The OHLDP sets out the strategic land use policy and provides the local framework to develop and sustain the communities of the Outer Hebrides. Section 24(3) of the Act provides that in the event of any incompatibility between a provision of NPF4 and a provision of the LDP that whichever of them is the later in date, is to prevail.

11.4 The Development Plan policies with particular relevance to the application are:

**NPF4:**

- 1 - Tackling the climate and nature crises
- 2 - Climate mitigation and adaptation
- 3 - Biodiversity
- 4 - Natural places
- 5 - Soils
- 18 - Infrastructure first
- 22 - Flood risk and water management
- 29 - Rural development
- 33 - Minerals

**OHLDP:**

- DS1 - Development Strategy – Rural Settlement
- ED5 – Minerals
- NBH1 - Landscape
- NBH2 – Natural Heritage
- PD6 - Compatibility of Neighbouring Uses
- EI2 - Water and Waste Water
- EI3 – Water Environment
- EI4 - Waste Management

**PLANNING ASSESSMENT**

**Main issues**

Minerals and Principle of development

- 12.1 The application site is located in an 'Outwith Settlement' location, in relation to the development strategy outlined in OHLDP Policy DS1. The principal policy objective within these areas is to direct appropriate resource-based activity. All development proposals will be assessed against the capacity of the surrounding landscape to accommodate the development. Development proposals should avoid raised or high-level locations to minimise visual impact.
- 12.2 The supporting text to OHLDP Policy ED5 states: 'Minerals are a valuable, finite natural resource and an adequate and steady supply can provide important economic benefits through the creation of jobs and supporting development. Extraction of minerals can raise significant environmental issues which need to be balanced against their benefits to the national and local economy. Decisions on mineral extraction proposals must be based upon a comprehensive evaluation of the economic and environmental effects.'
- 12.3 The development of a quarry in this location has previously been considered acceptable, subject to appropriate management by condition. Since the previous permission was granted, the planning policy context has altered, with both the OHLDP (since 2018) and the NPF4 (since 2023) now forming part of the Development Plan. However, insofar as the extraction of mineral reserves and most of the other main issues in respect of this application are concerned, the overall direction of policy has remained largely consistent over this period.

- 12.4 National and local planning policies support the sustainable management of resources and seek to minimise the impacts of the extraction of minerals on communities and the environment. NPF4 Policy 33 and OHLDP Policy ED5 seek to ensure an adequate and steady supply of construction aggregate and to maintain a landbank of at least 10 years within each market area. The relevant market area for the current application is the Isle of Barra. The policy supports the principle of mineral extraction through an extension to existing operations/sites.
- 12.5 The implementation of the previous permission has resulted in the extraction of minerals reserves from the wider site. The quarry site was identified as an existing active hard rock and aggregate quarry in the Barra Mineral Market Area (MMA) in the 2016 Review of the Outer Hebrides Local Development Plan Minerals Policy, undertaken as part of the evidence base prepared to support the OHLDP 2018.
- 12.6 The Cleat and Lower Grean Quarry is the only identified hard rock quarry within the Barra MMA and the evidence base identified a need for the replenishment of the landbank for hard rock within Barra, to meet the minimum 10-year landbank requirement.
- 12.7 It was acknowledged within the evidence base that the pattern of demand is harder to forecast but is likely to be dispersed and intermittent. Being relatively minor in scale (compared to those elsewhere in Scotland), individual developments can have a significant effect on the pattern of activity and, as such, the pattern is likely to be continually changing.
- 12.8 The OHLDP sets out the approach to the development of the area, which will result in a demand for aggregate supplies. In addition, a number of significant infrastructure projects can be considered as having a reasonable prospect of being taken forward which, if developed, would also result in a demand for mineral resources. This includes potential housing sites and the proposed development of the school serving Barra and Vatersay.
- 12.9 NPF4 gives greater emphasis to climate crises and biodiversity, in light of the wider recognition of the importance of these issues. However, this application relates to the extension and continued extraction of minerals from a previously consented quarry. Having regard to the nature and relatively modest scale of workings involved, it is considered that the likely effect of the proposed development on the global climate and nature crises would be very minor.
- 12.10 Having regard to all these matters, in principle and subject to the consideration of potential impacts, it is considered that an extension to this established quarry would be reasonable. It would support the provision of local hard rock supplies, so potentially reducing the need to transport mineral resources from other islands or the mainland, across significant distances, which in turn would have wider environmental benefits.

#### Landscape character and visual impact

- 12.11 The wider area is predominantly agricultural in character. Existing development mainly consists of individual dwellings, set within parcels of croftland and largely undeveloped grazing land or open rocky moorland.
- 12.12 The surrounding landform is an undulating landscape covered with acid grassland with many outcrops of Lewisian Gneiss visible. The location is characterised as Prominent Hills and Mountains Landscape Character Type in NatureScot's Landscape Character Assessment 2019. This is characterised by individual peaks with pronounced summits, long ridges and slopes, rising steadily from the surrounding terrain. Steep sided corries and short u-shaped glens form an integral part of this character type.
- 12.13 The proposal has been designed to retain the outer slopes of the raised rocky landform of the extended quarry area. As a result, views of future mineral extraction activities would be limited to those locations which currently experience views of the quarry.

- 12.14 Whilst there would be a change in the views afforded to residential properties and users of the A888 to the west of the site, no views of the quarry excavation would be possible with designed mitigation in place (retention of the outer slopes of the raised rocky landform). However, views would be possible of works that would take place outwith the quarry excavation. These activities would be limited to soil stripping and placement activities and the use of a drill rig in advance of blasting. These works would take place using mobile plant over a matter of a few weeks in any year.
- 12.15 It is also proposed that a workshop is erected on the quarry floor to the east of the void, as previously approved. The workshop would be approximately 8m in height to the eaves and it is recommended that its colour and external finishing material are controlled by condition. The existing and proposed bunding to the south and east of the site boundaries would only provide limited screening of the building. However, given the context of its proposed siting, it is considered that its overall visual impact would be relatively limited and not unacceptable in this location.

#### Peat and soils

- 12.16 The application site is identified as being located within Class 3 Peaty Soil with some/mostly peat forming vegetation on the NatureScot *Carbon and Peatland Map 2016*. NatureScot advises that: Carbon-rich soils are peat soils and peaty soils. Peat soils in Scotland are defined as soil with a surface peat layer with more than 60% organic matter and of at least 50cm thickness. Peaty soils have a shallower peat layer (<50cm) at the surface. Peat is found in naturally cold, highly acidic and waterlogged environments, which provide ideal conditions for a slow transformation of peatland vegetation into peat material - a form of soil organic matter stable over long period of time if undisturbed. (Advising on peatland, carbon-rich soils and priority peatland habitats in development management, NatureScot, November 2023).
- 12.17 NPF4 Policy 5 seeks to protect carbon-rich soils, restore peatlands and minimise disturbance to soils from development. Policy 5(a) states that development proposals will only be supported if they are designed and constructed in accordance with the mitigation hierarchy (by first avoiding and then minimising the amount of disturbance to soils on undeveloped land) and in a manner that protects soils from damage (including from compaction and erosion) and that minimises soil sealing.
- 12.18 Policy 5(c) states that development proposals on peatland, carbon rich soils and priority peatland habitat will only be supported for a limited number of specific types of developments, including essential infrastructure (with a specific locational need and no other suitable site), renewable energy generation (that optimises the contribution of the area to greenhouse gas emissions reductions targets), small-scale development (directly linked to a rural business, farm or croft), supporting a fragile community in a rural or island area, or restoration of peatland habitats.
- 12.19 Policy 5 also requires a detailed site-specific assessment to identify the baseline depth, habitat condition, quality and stability of carbon rich soils, as well as the likely effects of the development on peatland, including on soil disturbance and the likely net effects of the development on climate emissions and loss of carbon.
- 12.20 In this particular case, the application was accompanied by a soil depth survey that indicates that the depth of soil ranges from 0.08m to 0.49m. In addition, the applicant submitted photographic information of hand dug trial pits across the site, which demonstrates that the soil was largely comprised of gravelly, peaty clay. Following receipt of this additional information, SEPA withdrew their holding objection and confirmed that no further information is required in this respect in relation to the application.
- 12.21 The planning statement advises that approximately 1,500m<sup>3</sup> of soil will be stripped from the site and will be placed in a low height screening bund. However, while it is intended to reuse this material to restore the site, further details are required of how the peat will be managed and stored so that it will be suitable for reinstatement. This is reflected in the consultation response from SEPA, which requests

that a condition be applied requiring an updated restoration management plan, which specifically includes measures to ensure that the peaty soils are stored in such a way as to make them fit for use in final restoration proposals. Such a condition is included in Appendix 1 of this Report.

- 12.22 In addition, for the reasons set out above in relation to the principle of development, it is considered that it has been adequately demonstrated that the proposed development would support the island community of Barra, in accordance with the criteria of Policy 5(c).

#### Cultural heritage

- 12.23 There are three designated cultural heritage assets relatively close to the site. There is a scheduled monument (Tigh Talamhanta, aisled house, Allasdale) about 1.3km to the south west of the site. This consists of a large mound containing the remains of a late Iron Age farmstead of the type referred to as an aisled house, with an attached souterrain. The remains of combined barn and byre lie nearby, and both this structure and the aisled house itself are enclosed, together with just under one hectare of land, within a contemporary bank of stones and earth.
- 12.24 In addition, the Parish Church and Churchyard, which are Category C listed buildings and the Former Manse, a Category B listed building, are located approximately 1.3km and 1.5km respectively to the west of the site in Cuidhir.
- 12.25 Having regard to the scale and nature of the development proposed, together with the separation distances involved, it is considered that the proposal would have no material impact on either the assets themselves or their setting.
- 12.26 The application submissions indicate that there are no archaeological features identified in Canmore or the Historic Environment Record within the existing quarry or its proposed extension. However, having regard to the comments of the Comhairle Archaeology Service (reproduced above) it is considered that there is a reasonable likelihood of unknown heritage assets existing. Two sites have been identified within or close to the development boundary, with further archaeological sites scattered in the wider area, such that further assessment in this respect is considered justified.
- 12.27 Having regard to the advice received, it is considered that the archaeological interest of the site could relate to post-medieval activities and pre-clearance settlements, but also that there is potential for older features to be present. There is a Neolithic chambered cairn located 160m west of the existing quarry edge, which is a significant archaeological monument. Early archaeological features or deposits could also be buried below the current peat moorland, much of which began to form at the end of the Neolithic period and beginning of the Bronze Age. Additionally, by the nature of its formation, peat also acts as an important repository for paleo-environmental remains. This is an important resource for the study of past environments and human activity.
- 12.28 Consequently, to establish the potential impact of the proposed development on the historic environment and reflect the specialist advice received, a program of archaeological works is considered appropriate. Initially, this would take the form of an archaeological desk-based assessment augmented by a walkover survey, which should be undertaken prior to groundworks commencing. This would inform any further mitigation strategy that may or may not be required, which could include, but are not limited to, watching briefs, environmental sampling, or archaeological excavation. This requirement can be controlled by condition, as recommended in Appendix 1 to this Report.

#### Natural heritage and climate change

- 12.29 The vegetation cover of the proposed extension area is mapped as wet and acidic grassland and is not priority peatland habitat. The site is located outwith any environmental designated areas. There are three environmental designations within 2km of the site: the West Coast of Outer Hebrides Special Protection Area (SPA) lies 1.6km to the northwest of the site; the Sound of Barra Special Area of Conservation (SAC) lies 1.8km to the east of the site; and the Eoligarry Site of Specific Scientific Interest

(SSSI) lies 1.9km to the north of the site. Having regard to the nature and scale of the development proposed and the features of the designated sites, it is considered that the proposal would have no likely significant effects on the sites, or their qualifying or natural features.

- 12.30 Concerns have been raised about the potential impact of the development on local wildlife, including protected species. However, having regard to the nature of the application site and NatureScot standing advice, together with the established use of the wider site as a quarry, and its more recent unauthorised use as a scrapyard, it is considered that the existing habitat is unlikely to directly support protected species, with the exception of breeding birds (see below). Furthermore, given the relatively limited scale of the proposed extension, it is considered unlikely that the proposal would have a significant impact on species more widely.
- 12.31 As such, from the information available, with the exception of breeding birds, it is considered that there is not reasonable evidence that other protected species are present on the site or likely to be affected by the proposal. The proposed extension area does give possible habitats to birds nesting during the breeding season (April to end of July). Therefore, should any site clearance be necessarily scheduled for this period, it is recommended that a breeding bird survey is conducted by a suitably qualified ecologist immediately prior to any clearance works. Alternatively, conducting such works outside the breeding season would remove the need for any such surveys.
- 12.32 As separate regulatory mechanisms exist to ensure suitable measures are taken to safeguard protected species, which may potentially affect the methods and timings of works or require the developer to obtain a licence from NatureScot, should the presence of protected species be established on the site. Consequently, it is recommended that these requirements are drawn to the attention of the applicant through an informative note on any permission granted.
- 12.33 Given the scale and nature of the proposal, it is considered that it would not conflict with national and international aims in relation to the global climate and nature crises. The need to enhance biodiversity can be addressed through the restoration proposals for the site, which would see the site restored with native acid grassland and wetland species, with a nature conservation after use. Furthermore, whilst the use would be likely to result in some additional use of energy, the extent of this would be relatively limited. Consequently, the impact of the proposal on greenhouse gas emissions is not considered unacceptable in this instance.

#### Neighbouring living conditions and amenity

- 12.34 The development would not be particularly prominent within the surrounding environment and the mineral workings would be largely screened from wider views. Although some associated activities, such as soil stripping and the temporary siting of drilling rigs, would be more visible, including from residential properties to the west, much of this activity is likely to be intermittent. Given the intention to retain the raised rocky landform of the extended quarry area, it is considered that the likely impact of the proposed extension on the outlook of nearby residential occupiers would not be unduly visually intrusive or unacceptable.
- 12.35 Local concerns have been raised about a number of issues, including potential noise and disturbance, including from blasting activities, and dust impacts. Specialist advice has been sought from colleagues in the Comhairle Environmental Health section in these respects. The response received has recommended the application of conditions to the permission, to control the activities in these respects, similar to controls used on other quarries more recently and in line with Scottish Government advice contained in PAN 50 '*Controlling the Environmental Effects of Surface Mineral Workings*'. This advice acknowledges that minerals can only be worked where they are found, but also seeks to reconcile the need to work minerals with care for the environment, including in relation to communities.

- 12.36 In terms of the closest houses, two properties are located about 250m to the west of the site, with a further dwelling some 250m beyond that. The separation distances involved between the proposed extension and the existing dwellings closest to the site are not considered such as to preclude development. However, it is accepted that strict controls over the operation of the site would be both necessary and reasonable, to avoid unacceptable adverse impacts on residential amenity, particularly as the development would be moving closer to these properties.
- 12.37 It is considered that adequate controls on noise, vibration and blasting can be achieved through the use of planning conditions, which are set out in Appendix 1 to this Report and reflect those contained in PAN 50. Whilst these recommended conditions are more restrictive than those applied to the previous permission, the application submissions recognise a need for such controls and, for the reasons given above, this greater level of restriction is considered both necessary and reasonable in these circumstances and reflect the advice in PAN 50.
- 12.38 A number of concerns have been raised about the lack of notification of blasting times during the previous operation of the quarry. Under the previous permission, notices were required to be displayed at various locations near or at the site. However, it is recognised that this may not always result in those closest to the site being aware of the proposed blasting times. Since the previous permission was granted, information and communication technology has advanced considerably and it is very likely that more effective notification methods could be used to supplement the use of site notices, such as the use of website notices, or potentially emailing or phoning local occupiers.
- 12.39 It is therefore recommended that, before any development takes place, details of a notification strategy for blasting activity, including methods and timings, should be submitted to and agreed with the Comhairle as Planning Authority. Thereafter, the development would need to be carried out in accordance with the strategy as agreed. It is considered that, to local residential occupiers, this approach would represent a notable improvement on the previous methods used, whilst also remaining workable for the developer.
- 12.40 Taking into account the largely rural nature of the site, it is considered that inappropriate external lighting would have the potential to result in unacceptable levels of light spillage and pollution. Accordingly, it is also recommended that details of external lighting are conditioned.

#### Roads

- 12.41 The application site is served by an existing public road, which is the main circular A888 road. Whilst concerns have been raised about the extent of increased HGV movements associated with the proposal, no concerns in this respect have been raised by the Roads Authority. Given the relatively limited scale of the extension proposed, it is considered that the level and type of traffic movements associated with the proposed development would not be unacceptable and could be accommodated by the immediately adjoining main road without detriment to road safety.
- 12.42 Sufficient space for the turning of vehicles and for parking would be provided within the site. Subject to controlling their provision by condition and having regard to the comments of the Roads Authority, these details are considered appropriate to serve the proposed development in this location. As such, it is considered that the proposal would be unlikely to result in unacceptable inconvenience to other road users and that road safety would be unlikely to be materially affected by the development.

#### Water and waste water

- 12.43 The application submissions indicate that settlement ponds are proposed to be constructed adjacent to the proposed soil bund to the west of the site, to allow sediment to settle out of suspension. Water would be settled in the settlement ponds and discharged via diffuse discharge to the ground to the west of the site. No surface water runoff from active areas of the site would be discharged directly to a watercourse or drain connected with a watercourse, to avoid pollution.

- 12.44 The key activities associated with the proposal with the potential to impact the water environment include the development of the quarry void and associated activities, as well as the proposed restoration. Key potential effects during both the operational and restoration phases are surface water flow alterations, contaminant discharge to surface and groundwater and sediment discharge to surface water.
- 12.45 The application submissions indicate that it is not anticipated that groundwater will be encountered. A water management system is intended to be put in place following Sustainable Drainage System (SuDS) principles. It is proposed that the SuDS would be regularly inspected, cleaned and maintained to ensure it operates effectively.
- 12.46 The application also indicates that SEPA best practice guidance would be adopted throughout the operation and restoration of the quarry. Discharge water quality will be inspected and monitored on a regular basis. Any visual deterioration in water quality shall be immediately reported to the site manager and measures will be put in place to prevent and/or remove any sources of contamination.
- 12.47 SEPA Flood Maps indicate that the existing quarry floor has a high likelihood of surface water flooding, which accords with local concerns about flooding from the site. In light of this, it is considered both appropriate and necessary to control details of the water management system for the site, both during operations and as part of the restoration proposals. This is a matter that can be effectively addressed by condition.

#### Extractive waste

- 12.48 An Extractive Waste Management Plan has been prepared in support of the planning application. All peat soils and overburden has been, or will be, stored within or adjacent to the quarry excavation and utilised in the restoration of the excavation void. The applicant therefore considers that all peat soils and overburden are therefore outwith the scope of the Management of Extractive Waste (Scotland) Regulations 2010.
- 12.49 A design for the proposed extraction is shown on the submitted Extractive Waste Management Plan drawing. It is intended that the overburden would be used in permanent site landscaping, which would be subject to control by condition. The design and these controls would seek to ensure that the storage and final placing of the material would be physically stable, with the pollution of soil and water prevented, and appropriate monitoring of the material to take place as long as necessary.
- 12.50 The applicant has formally requested that the Planning Authority confirm that the soils and overburden placed in the quarry excavation for rehabilitation can be regarded as a 'Non-Waste by Product' which would therefore fall outwith the scope of the Regulations. In light of the design articulated in the submission, this is considered reasonable.
- 12.51 As unsaleable rock and fines will be stored within the quarry, before being used in the restoration of the void, the excavation void is defined as an 'Extractive Waste Area' in terms of the scope of the Management of Extractive Waste Regulations. The details submitted are considered appropriate to manage the nature and volumes of waste from the ongoing operation of the site, ahead of its eventual restoration.

#### Restoration

- 12.52 A final restoration scheme has been prepared, which provides for the restoration of the site to a nature conservation after use. The restoration scheme is intended to provide for an enhancement to biodiversity, with the site being restored with native acid grassland and wetland species. The restoration scheme provides for northern faces to be blasted to form irregular shapes with scree, enabling the site to assimilate with the surrounding rocky and acid grassland landform.

- 12.53 It is intended that extraction would result in profiled shallow channels and undulations across the final quarry floor, which would direct surface runoff along roughly defined routes. Ridges/dams of rocks and fines would be deposited perpendicular to the channels to act as leaky dams to slow water flow across the floor, to create opportunities for localised ponding and wetland areas. The aim of this subtle profiling would be to create potential for habitats to emerge and develop associated with this surface water source.
- 12.54 The restoration scheme indicates that peaty soils stored in the bund to the west of the site along with the soils stored at the quarry entrance to the south would be spread across the quarry floor. The quarry floor would be seeded with an acid grassland and wet grassland which would allow for vegetation to be re-established and promote biodiversity.
- 12.55 Although a Restoration Management Plan has been provided, as indicated above, it is considered necessary to require this to be updated, to ensure that it specifically includes measures to ensure that the peaty soils are stored in such a way as to make them fit for use in final restoration proposals. This is a matter that is proposed to be addressed by condition.

#### Other matters

- 12.56 A number of other concerns have been raised in representations that have not been addressed in the assessment above. Planning is primarily concerned with the land use impacts of the development and use of land. As such, the potential impact on property values is not a matter that is considered should be given any significant weight in the assessment of the planning merits of the proposal.
- 12.57 Procedurally, it is necessary for the applicant to either own the application site, or to serve notice on the landowner and any agricultural tenants of that land. In this case, it has been certified that such notice has been given. However, for similar reasons to those above, the ownership of the site is not considered to weigh materially in favour or against the proposal, in planning terms.
- 12.58 A request was received that the land that is the subject of the proposed extension be marked out on the ground, for clarity. However, in this case, a number of different plans and drawings have been prepared, including several which overlay the proposals on aerial views of the site. Consequently, it is considered that further identification of the site on the ground is not necessary to enable a thorough planning assessment of the proposal to be made.

#### **REASONED CONCLUSION**

- 13.1 Planning Authorities are required to determine planning applications in accordance with the Development Plan unless material planning considerations indicate otherwise. An assessment has been carried out against the provisions of the OHLDP and the relevant policies of NPF4 and consideration has been given to all relevant material planning considerations.
- 13.2 Overall, it is considered that the proposed extension of operations on this site would be acceptable and, for the reasons set out above, would result in economic and social benefits to the area. In addition, the appropriate management of the development and the timely restoration of the site, which are matters that can be adequately secured and controlled by condition, are considered sufficient to offset the potential for unacceptable harm to the environment and local communities.
- 13.3 Subject to the conditions set out in Appendix 1 to this Report, it is therefore concluded that the extension to the quarry for the extraction of hard rock, the retention of the existing quarry area for stocking, processing and access, and the erection of a shed would accord with the Development Plan. There are no material considerations of sufficient weight to justify a decision other than approval of the application.



## **RECOMMENDATION**

- 14.1 It is recommended that the planning application be approved subject to the conditions set out in Appendix 1 to this Report.