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Planning Application: 12/00729/FUL
Name (of applicant): Aggregate Industries UK Ltd
Site Address: Tomfyne Farm
Mailings Road
Banton
North Lanarkshire
G65 0RJ
Development: Extraction of 350,000 Tonnes per Annum of Hard Rock over a 21 Year Period and Associated Landscape, Earth Works and Access Road Upgrade.



The Plan for North Lanarkshire

Priority	Improve economic opportunities and outcomes
Ambition statement	(5) Grow and improve the sustainability and diversity of North Lanarkshire's economy
Programme of Work	Invest in North Lanarkshire

1. Background

- 1.1 Planning application 12/00729/FUL submitted by Aggregate Industries UK Ltd (now known as Holcim) was approved at Planning Committee on 7 August 2013 for Extraction of 350, 000 Tonnes per Annum of Hard Rock over a 21 Year Period and Associated Landscape, Earth Works and Access Road Upgrade at Tomfyne Farm, Banton. Planning Committee granted the application subject to conditions and agreed that planning permission should not be issued until the developer entered into a Section 75 Legal Agreement with the Planning Authority to enable a restoration bond to be secured. Following the Planning Committee's decision in 2013 the Section 75 Legal Agreement has not been concluded and the decision notice has not been issued for this development. As such this application remains live within the planning application system but undecided. Whilst the applicant has positively engaged with the Section 75 Legal Agreement process and sought to complete this process, extensive legal challenges, outwith the planning process and outwith the control of the applicant, has led the process to extend over several years with no satisfactory resolution. In 2019 renewed discussions took place with the applicant and agent and it was recognised that planning conditions could be used as a mechanism to secure a restoration bond, in place of a S75 Legal Agreement. In order to do this procedurally, the application is required to be brought back to Committee for consideration.
- 1.2 Whilst it is noted that the quarry proposal itself has not changed in this time period, given the passage of time the development requires to be considered in terms of today's development plan and the proposal's supporting documents have been brought up to date, including those submitted in terms of the associated Environmental Statement to allow this assessment to be done.
- 1.3 The committee should also note that in conjunction with this planning application the applicant lodged a planning application with Falkirk Council in relation to the upgrading of the southern section of the site access road from Tomfyne to its junction with the A803 as this part of the development falls within the administrative boundary of Falkirk Council (P/12/0380/FUL). This application (P/12/0380/FUL) also seeks consent for the landscape restoration of Cowdenhill Quarry void, comprising planting and earthworks restoration. The former Cowdenhill Quarry is located to the south east of Tomfyne and is accessed via the same access proposed for Tomfyne from the A803. Falkirk Council have advised that it is their intention to present this application to Planning Committee on 22 April 2026.

2 Time Delay

- 2.1 There has been a protracted period of discussions with a number of parties connected to Tomfyne & Cowdenhill. The initial delay between 2013 and 2019 related to extensive legal challenges during the drafting of the Section 75 legal agreement. Whilst the

applicant fully engaged with the Council in the drafting of the Section 75 there was a legal challenge made by a third party in relation to a dispute over ownership over mineral rights (outwith the planning process) which consequently raised the need or otherwise to have their express written consent to use of clay and required that party to be a signatory to the Section 75 agreement.

- 2.2 In addition to these legal difficulties, in 2015 concerns were raised regarding the location of a high pressure gas main adjacent to Cowdenhill Quarry. After considerable negotiation and time, Scottish Gas Networks (SGN) dealt with this matter by way of a compulsory purchase order against Aggregate Industries' (now Holcim). The SGN pipeline has subsequently been realigned further to the north and west of the previous position. As a result of the above and passage of time, the Applicant's access rights to Cowdenhill Quarry also expired requiring a renegotiation with the landowner and this caused further delay.
- 2.3 Given the delays since the application was brought to committee, a legacy review of the application was undertaken in 2019 with a view to determining the application. It was recognised that restoration bonds can be controlled by planning condition rather than by S75 Legal Agreement and that conditions could be used as an alternative mechanism. It was therefore considered that given the legal difficulties the applicant was experiencing in respect of mineral rights ownership (a separate legal matter to the planning process) that the financial bond could now reasonably be secured by planning condition replacing the need for the legal agreement. However as so much time had passed since the application had been considered at committee it was also considered prudent that the application was reviewed in terms of today's planning policy along with a statement of validity of the Environmental Statement upon which the original recommendation was based.
- 2.4 To do so the applicant submitted an EIA Scoping Opinion in 2019 to inform which areas of the Environmental Statement would need to be updated. The result of the Scoping Opinion required a review and update of several technical chapters and extensive ecological survey work to inform an Environmental Statement Addendum (ESA). Further delay was then caused by the Covid Pandemic in 2020 as it stalled progress in carrying out the work necessary to prepare these updates. The applicant submitted the Environmental Statement Addendum in September 2024 whereby advertisement, neighbour notification and consultation was reissued.

3. Report

Introduction

- 3.1 The report below explains the reasons for the extended period for which this application has remained under consideration, outlines the additional updated information submitted in support of the application, assesses the application against current planning policy, reviews consultations carried out and representations received in relation to the additional updated information and then the reasoning for reaching a decision to now recommend that planning permission be granted subject to updated planning conditions, that include a planning condition as a mechanism for the provision of a financial bond for site restoration in advance of developing commencing, in place of a Section 75 Legal Agreement.

- 3.2 It is important to note that the proposal itself has not changed since the submission of this application in June 2012. Details of the proposed development are fully laid out in Section 2 of the original recommendation report to Committee on 7th August 2013 and a link to the committee report is provided below in the background papers. However, the following key points can be summarised.

Site Description

- 3.3 The site is located approximately 1 km north-west of Banknock, 4.5km north-east of Kilsyth and 1km east of Banton. The site is located on the south facing slope of the Kilsyth Hills, extends to 114ha across an irregular area of open undulating farmland at Tomfyne Farm, Banton and encompasses the existing un-restored open quarry void and its associated overburden mounds at Cowdenhill, Banknock. An existing site access road/track leads from the A803 (Banknock to Kilsyth) to the existing quarry void at Cowdenhill and this would continue to provide vehicular access subject to upgrading and extension works.

Proposed Development

- 3.3 The proposed development site area straddles the Local Authority administration boundary between North Lanarkshire Council and Falkirk Council. As such, a cross-boundary planning application was submitted separately to each authority for the respective elements of the development proposal. Part 1 to North Lanarkshire Council and Part 2 to Falkirk Council.

- Part 1: Extraction of 350, 000 Tonnes per Annum of Hard Rock* over a 21 Year Period and Associated Landscape, Earth Works and Access Road Upgrade at Tomfyne Farm, Banton.

*The hard rock consists of a mineral known as quartz dolerite that has specific applications in the construction industry

- 3.4 This part of the site area is located entirely within North Lanarkshire and covers an area extending to some 90 ha (78% of the overall development site area). Part 1 of the proposals requires to be considered by North Lanarkshire Council in consultation with Falkirk Council.

- Part 2: Restoration of Cowdenhill Quarry Void including upgrading of access road leading to A803 at Cowdenhill Quarry, Kilsyth Road, Banknock, Falkirk.

- 3.5 This part of the development site is located within Falkirk Council and extends to 24ha (22%of the entire site area). This application is under consideration by Falkirk Council in consultation with North Lanarkshire Council. Falkirk Council Planning Service has advised that this application has been programmed to go to Committee for decision on 22 April 2026.

Part 1: Hard Rock Extraction Proposals at Tomfyne Farm, Banton

- 3.6 Whilst the Part 1 site boundary covers an area extending to some 90ha, the proposed hard rock extraction area would be restricted to an area of around 13ha. and the remaining outlying peripheral area would assist in creating a landscape buffer and overburden storage area which together would provide additional screening to the proposed extraction works area.

- 3.7 The location and layout of the proposed Tomfyne rock extraction area has been influenced by the location of the remaining deposits of quartz dolerite rock, the lower sections of which were previously extracted at Cowdenhill.
- 3.8 The rock extraction works would be carried out in 4 development phases and the developer estimates that a total of 7.2 million tonnes of Quartz Dolerite would be extracted over an estimated 21 year period during which the extraction area would be subject to progressive restoration works as the extraction phases are completed.
- 3.9 Settling ponds or lagoons would be located in fields to the south of the main extraction area, on lower ground either side of the access road. An extensive advanced tree planting scheme is proposed to the periphery of the site to offer screening and softening of views to the site.
- 3.10 A substantial proportion of the restoration works would be carried out as mitigation works during the operational period leaving relatively few landscape restoration measures to be implemented following cessation of the final extraction phase. Once extraction works are completed, all quarrying activity will cease and plant and infrastructure would be removed, leaving only the access road and hardstanding for future maintenance and safety access. Whilst a substantial void with rock walls and graded upper slopes would be left following the 21 year extraction period, it is anticipated that the previous shaping of overburden, sidewalls, soiling, panting and seeding operations during the extraction phases would assist in restoring the quarry to a feature with natural landscape characteristics and of enhanced value as a wildlife habitat.

Part 2: Proposed Restoration Strategy at Cowdenhill Quarry, Banknock.

- 3.11 Whilst this part of the proposals is to be considered by Falkirk Council, this additional part of the proposals forms part of the overall proposed development and details are summarised below for information purposes.
- The objective of the restoration proposals is to make the disused quarry void at Cowdenhill safe and enhance the site's landscape amenity with an emphasis on ecological and biodiversity improvements.
 - All remaining site facilities, including porta-cabins and weighbridge would be removed whilst the main point of access to this now disused quarry would be retained. Fence lines would be reinstated and/or installed around its perimeter with appropriate site safety warning signs erected to notify the public of the steep slopes and surface water.
 - The main void area would remain but the western and eastern rock faces would be re-graded and softened through the use of over-burden material. The exposed features of interest on the eastern face would be retained for viewing purposes. Earth bunds would be placed at the bottom of all faces to limit direct access and contain rock-fall. No re-grading works are proposed for the northern quarry face given its proximity to a high pressure gas pipeline and restoration works would be limited to hydro-seeding of the quarry face to assimilate this feature into the landscape as far as possible.
 - The restoration scheme would also restore Doups Burn as a natural drainage course. This would involve the formation of a settling pond between the quarry void and restored watercourse which in turn would have the potential to improve the biodiversity value of the site.

- A planting scheme would also be introduced to assist in blending the Cowdenhill Quarry void and associated overburden mounds into the surrounding landscape, reducing its visibility from external visual receptors at short and long distances.

3.12 Falkirk Council presented Part 2 of the proposal to their Planning Committee on 30th October 2013 with a recommendation to grant subject to conditions and a Section 75 Legal Agreement to prevent future extraction from Cowdenhill Quarry whilst any quarry exists at Tomfyne Farm. The processing of their Section 75 Legal Agreement (whilst required for a different purpose) was subject to the same legal difficulties as experienced at North Lanarkshire Council and as such this application also remains to be determined. Falkirk Council are mirroring the process being taken at North Lanarkshire in assessing the updated information submitted by the applicant and removing the requirement for a Section 75 Legal Agreement. Falkirk Council Planning Service has advised that their application (Part 2) has been programmed to go to their Planning Committee for decision on 22 April 2026.

Additional and Updated Supporting Information

3.13 Whilst no change is sought for the proposed quarry development that was presented to committee in 2013, given the time that has passed it was deemed necessary to ensure that the Environmental Statement required by the Environmental Impact Assessment Regulations could still be relied upon and the applicant was requested to provide a statement of validity. The applicant submitted an EIA Scoping Opinion in 2019 to inform which areas of the Environmental Statement would need to be updated. The result of the Scoping Opinion required a review and update of several technical chapters and extensive ecological survey work to inform an Environmental Statement Addendum.

3.14 The updated Environmental Statement (treated as Supplementary Environmental Information) was uploaded to the planning portal (dated 13th September 2024) and, as required by the EIA regulations, a press advert was placed in both the Edinburgh Gazette and Cumbernauld News/Kilsyth Chronical with consultations issued to relevant parties. Neighbour notification was also reissued together with notification to all those who made representations in 2012/13.

3.15 The following additional information to that already provided by the applicant was submitted:

- Environmental Statement Supplementary Statement Addendum 2024
- Planning Policy Review
- EIA Scoping Responses
- Landscape and Visual Impact Assessment
- Air Quality Assessment
- Water Environment
- Ecology Surveys (including Habitats reporting, European Protected Species Reports, Species Protection Plan)
- Tree Survey
- Schedule of Mitigation measures
- Peat Report
- Updated Transport Assessment

Consultations

- 3.16 After re-consultation in October 2024 and further consultation on specific issues in April 2025 the following consultation responses were received. In summary:

Scottish Forestry had no objections and welcome the intention to create over 9 hectares of new woodland and are satisfied with the ecological surveys carried out.

SEPA had no objections but made comment on Flood Risk, Air Quality and are satisfied with what is proposed is in accordance with NPF4 Policy 5 (Soils) in terms of what falls within their remit. Minimal amounts of peat were found within an area of wet modified bog within Part 2 of the development with both relating to the restoration area of Cowdenhill.

Scottish Gas Networks initially objected due to proximity of the High Pressure Gas Pipeline. Their objection was subsequently removed provided specific conditions are attached. The attached conditions in Appendix 1 have been updated to meet their requirements.

NLC Archaeology Consultant recommends conditions requiring a written scheme of investigation prior to works commencing. This has been addressed in conditions attached.

Health and Safety Executive does not advise against development but advises that the development falls within the High Pressure Gas Pipeline consultation zone and therefore Scottish Gas Network must be consulted.

Historic Environment Scotland raised no objection or further comments on those previously provided.

Mining Remediation Authority raised no objections subject to a standard informative being attached to any permission.

Transport Scotland raised no objection and had no further comments on the additional information provided.

NatureScot provided comments that a Dust Management Plan is required to protect Denny Muir Site of Special Scientific Interest (SSSI) and that they only provide landscape and visual advice in only the highest priority circumstances i.e. where the development would raise issues of national interest or where it would affect place-based priorities for Nature Scot and this case does not meet that criteria. In terms of peat, the area referred to falls within the boundary of Part 2 of the application which falls to Falkirk Council to determine. In terms of protected species the surveys will require to be updated again and this can be covered by condition. It is noted that the applicant will require a licence in respect of protected species. An informative can be added to any consent issued to ensure the applicant is made aware of this.

NLC Transportation and Infrastructure has no objection to the proposed upgrading of the unadopted road (i.e. the access road to the site that falls within Falkirk Council), and they note that the junction with the A803 falls outwith North Lanarkshire Council's area. They advise that the contents of the Transport Assessment appear reasonable and indicate that the traffic generated will not have a significant impact on the existing road network within North Lanarkshire but the development's impact would also require to be fully assessed by Falkirk Council. This will form part of the assessment of Part 2

of the proposal and will be carried out by Falkirk Council as it relates to development within their council area.

NLC Protective Services raised no objection and made the following comments.

- i. We have reviewed the report titled Environmental Impact Assessment Environmental Statement Addendum – Supplementary Statement Appendix 5 – Air Quality.
- ii. We would confirm that it is our opinion that noise and vibration can be scoped out of the original reports from 20012/13 and the proposed planning conditions attached to the original recommendation report still remain appropriate, provided no new noise sensitive premises have been introduced to the area around the proposed quarry.
- iii. We would confirm that following the case presented within the report, we would concur that the original Dust Assessment is still valid and that no further action is required.

Falkirk Council raised no objections to the proposed application at this location and are satisfied that, by virtue of the distance of the proposed quarry to residential properties within the Falkirk Council Area, issues in respect of noise and vibration can be adequately controlled. They have no comments to offer in respect of recreation, access, cultural heritage, land use or sustainability. They have no objection in respect of planning policy, ecology, arboriculture, landscape and visual impact, air quality, water environment, flood risk and drainage or soils.

Following receipt of the initial consultation letter, further information from the applicant was sought in respect of potential traffic and transportation impacts within the Falkirk Council area. The additional transport assessment data and traffic modelling work taking account of anticipated quarry vehicle movements and projected traffic numbers and junction modelling in the local area has subsequently been submitted. Falkirk Council are satisfied that the proposed quarry traffic can be accommodated within the local road network without undue concern so long as a condition is applied to any planning permission granted by North Lanarkshire Council requiring a Travel Plan to be prepared to cover the following:

- Driver training and use of modern vehicles with in-vehicle monitoring and safeguarding scanners for pedestrians and cyclists with driver alerts.
- Induction for all Holcim drivers regarding safety / vehicle speeds / routing and Vulnerable Road User training with regular updates under CPD for all staff
- Induction for other drivers entering a Holcim site - required attendance to a site-specific induction to understand local safety protocols
- Standard record keeping of vehicle times in / out over the weighbridge
- Liaison with local schools in the North Lanarkshire Council and Falkirk Council vicinity of the site around road safety / regular contact with the Quarry Manager with any issues logged / actioned immediately

In conclusion Falkirk Council advise that they note the content of North Lanarkshire Council's previous 'minded to grant' planning conditions and suggest that similar conditions would remain appropriate. These comments are noted and a condition including the Travel Plan wording requirements has been included in the attached conditions detailed in Appendix 1.

Representations

- 3.17 When the planning application was presented to committee in 2013, 546 letters of representation had been received, together with 2 petitions submitted by BRACE (Banknock Residents Acting for the Community and the Environment), with 750 co-signatories objecting to the proposed extraction works.
- 3.18 Following re-notification of neighbours, notification to those who made representations to the application in 2012/13 and re-advertisement of the proposal further representations were received from 103 individuals and Banton and Kelvinhead Community Council and BRACE submitted 3 petitions (totalling 603 signatories).
- 3.19 The majority of representations submitted this time largely raised the same objections in relation to the principle of the development and environmental concerns as were assessed and discussed in the 2013 Planning Committee Report. Details of the original representations and responses to these are fully laid out in Section 7 of the original recommendation report to Committee on 7th August 2013 and a link to the previous committee report is provided in the background papers below. As such, where applicable, the representations have been grouped under the same headings as the 2013 report and answered where new concerns have been raised, additional information has been received or planning policy has changed in respect of that individual matter:
- a) *Banton and Kelvinhead Community Council* formally objected to the application on the following grounds:
- i. Health concerns from airborne dust particles.
 - ii. Impact on the High Pressure Gas Mains Pipeline
 - iii. Environmental Impact including tree removal, biodiversity value, wildlife and protected species, landscape character and quality
 - iv. Special Landscaped Area in the LDP
 - v. Noise and Vibration from blasting
 - vi. Traffic Concerns
 - vii. Road Conditions
 - viii. Monitoring of noise/traffic/pollution
 - ix. Impact on Tourism
 - x. Concerns over how, when and to whom the notifications were initially served:
 - Initial letters were sent to some residents on 15th October and received on 18th October which was during the School holidays.
 - Many residents did not receive any notification despite having recorded objections to the original plan
 - The stated time period to respond was 14 days. Local Authority guidelines suggest that 30 days is the standard response time allowed.
 - Banton & Kelvinhead Community Council did not receive any notification whatsoever, which they should have. Community Councils are given longer response time than individuals.
- b) *BRACE (Banknock Residents Acting for the Community and the Environment)* submitted 3 petitions (462 signatories, 110 signatories, 31 Signatories) on the following grounds:
- 'Petition Objecting to the proposed Quarry at Tomfyne - owing to detrimental health, environmental, ecological, landscape and visual impact of dust, noise, blasting, increased congestion of road network on A803 and M80

motorway from quarry lorries and damage to roads, water and drainage pollution/flooding.

- BRACE also submitted a letter which expands on the matters attached to the petition particularly in respect of the Transportation Assessment and traffic impacts. The letter and petition were submitted to both North Lanarkshire Council and Falkirk Council and, as such, there were some concerns raised which are solely for Falkirk Council's assessment in terms of the planning application currently before that Authority (P/12/0380/FUL).

c) 103 Individual representations received with most using a standard letter template.

The majority of these representations raised the same objections to the principle of the development as were assessed and discussed in the 2013 Planning Committee Report. As such, where applicable, the representations have been grouped under the following headings and answered where new concerns have been raised, additional information has been received or planning policy has changed in respect of that individual matter:

i. Problems Associated with Cowdenhill Quarry (previous operator Skene Group Ltd)

Whilst the problems caused by the previous operator of Cowdenhill Quarry are noted the current developer would be required to introduce an appropriate range of mitigation measures to ensure impacts on local communities are effectively mitigated and continually monitored. Provided such measures are in place and are monitored, a return to previous circumstances would be prevented. All impacts from noise, vibration, quarry plant, blasting and tipper vehicles would be effectively controlled and monitored either via planning condition or environmental regulations. The previous unauthorised operational activities by the former operator cannot be considered a valid reason to suggest that planning permission be refused for the current proposals and new operator.

Within North Lanarkshire Aggregate Industries (now Holcim) previously operated Croy Quarry which is now fully restored and are currently working Duntilland Quarry.

ii. No need for another Quarry/Contrary to Policy

The proposed development supports the maintenance of a steady and adequate supply of minerals to meet the needs of society and the economy. The proposed extraction area at Tomfyne Farm would source hard rock material from the same rock strata deposits as previously extracted at Cowdenhill. This is considered to demonstrate specific location need and the proximity to Cowdenhill means it could be considered as a defacto extension to the existing quarry. The proposals have been considered against National Planning Policy 4 and the North Lanarkshire Local Development Plan, detailed below and it is considered that the proposed development broadly complies with the current development plan and is not considered to be contrary to policy.

iii. Lack of Employment Opportunities

An updated statement from the developer advises that the proposed development will help to ensure the direct and indirect employment of 50 staff and 35 hauliers/contractors at Tomfyne quarry, plus Holcim manufacturing plants. Extraction operations at Tomfyne will require the direct employment of 10 full-time workers in a variety of skilled and semi skilled positions and 15 hauliers and contractors. In addition to direct employment, the site will supply the majority of the raw material to Aggregate Industries closest manufacturing plants at Chryston and Grangemouth. These plants

will employ 40 people directly including operational, technical sales and distribution staff together with 18 hauliers.

iv. Landscape and Visual Impacts

This is a major significant development located on the south facing slope of the Kilsyth Hills and covers an area of 114 hectares (which is approximately the size of 160 football pitches) with an extraction area of 13 hectares. The Kilsyth Hills is a designated Special Landscape Area (SLA).

The development will have a detrimental visual impact on the environment and will be seen from the Antonine Wall (which is an UNESCO World Heritage Site) and the Forth & Clyde Canal (a scheduled ancient monument) which would be contrary to the Local Development Plan.

As detailed below the Landscape and Visual Impact Assessment has been thoroughly reviewed and it is considered that, with the proposed planting mitigation, there would not be an unacceptable significant adverse effect on the landscape, Antonine Wall or Forth and Clyde Canal. Historic Environment Scotland were consulted on the updated information and had no comments or objections to make in this regard.

v. Traffic Impacts

The development would have a major impact on traffic, two mini-roundabouts have been installed on the A803 to ease current congestion and with over 700 houses proposed to be built;

It is proposed to upgrade and widen the existing access road to the quarry; however dwellinghouses have been built close to the existing access road which might limit it being widened;

The impact on the condition of road surfaces.

An updated Transport Assessment has been prepared in support of the application and forms part of the Environmental Statement – Updated Addendum. This takes into account developments and changes in traffic flows since 2013. The TA concludes that the surrounding road network is suitable for goods vehicles and the site access, having formerly been an HGV route, can adequately support activities at the site. The overall numbers of movements associated with operations at the site are not considered significant in relation to the surrounding road network which has been demonstrated by technical capacity assessments. The matter of road conditions together with any dilapidation, repairs surveys and cost would fall to Falkirk Council to consider and administer. As noted above, both North Lanarkshire Council and Falkirk Council are satisfied with the updated Transport Assessment and do not object to the application.

vi Noise Impact

A Noise Assessment has been submitted for the site and it is considered that noise mitigation measures can be adequately controlled by conditions alongside a proposed scheme of vibration monitoring. NLC Protective Services and Falkirk Council were both consulted. NLC Protective Services confirmed that the Noise Impact Assessment could be scoped out of the updated Environmental Statement and raised no concerns relating to the proposed mitigation measures which can be controlled by condition.

Falkirk Council has confirmed that they have no objections to the application in relation to noise.

It is noted that an additional objection to those previously made is person specific in relation to particular sensitivities of the household to the impacts of noise and vibration. Whilst sympathetic to the personal circumstances of this individual the application must be assessed against current planning legislation and policy. As noted above the Noise Impact Assessment and mitigation measures are considered acceptable and will be controlled by condition. In relation to vibration there are conditions limiting hours when blasting can take place, velocity levels of blasting and their monitoring. Advance warning to residential properties of when blasting will take place will also be required.

vii Dust/Air Quality Impacts

Health concerns from airborne dust particles. Recent research including a mention in Hansard, the official report of Parliament, show that for any resident living within 1500 metres of an excavation site, air pollution can be 10 times higher than the recommended limit. The proposed location is between 2 residential areas which includes 2 primary schools, a care home, a medical practice and many family homes significantly closer than the 1500 metre range.

The decision document dated 31 March 2022 suggests that a baseline Air Quality Assessment is required and a biodiversity survey should be undertaken before further phases of the works. If it is correct that some further works are planned at the site or nearby, could we be assured that the necessary updated assessments have been conducted and air quality management plans have been submitted to mitigate any significant health risks.

The updated Air Quality Impact Assessment Technical Report uses the IAQM Guidance on the Assessment of Mineral Dust Impacts for Planning (IAQM, 2016) and this states that from the experience of the Working Group, adverse dust impacts from sand and gravel sites are uncommon beyond 250m and beyond 400m from hard rock quarries measured from the nearest dust generating activities. In the absence of other information it's commonly accepted that the greatest impacts will be within 100m of a source and this can include both large and small particles. The greatest potential for high rates of dust deposition and elevation PM10 concentrations occurs within this distance. Intermediate-sized particles may travel up to 400m with occasional elevation levels of dust deposition and PM10 possible. Small Particulates have the potential to persist beyond 400m but with minimal significance due to dispersion. The Technical Report also assesses PM10 levels and meets PM10 objectives. NLC Protective Services provided comments to inform the Technical Note and reviewed the report upon submission and raised no objections. It is considered that the report and proposed mitigation measures, together with on-going monitoring, would ensure no significant adverse health impacts on surrounding sensitive receptors.

viii. Vibration Impacts

Concerns relating to blasting and the effects of this on residential properties, the primary school, as well as the gas pipeline and electricity pylons.

In relation to vibration there are proposed conditions limiting hours when blasting can take place, velocity levels of blasting and their monitoring, requiring advance warning to residential properties of when blasting will take place. In terms of proximity to infrastructure Scottish Gas Networks have no objection but require conditions to be applied to ensure the safety and integrity of the High Pressure Pipeline. Appropriate conditions have been attached to control these matters.

ix. Ecology Impacts

NLC signed the Edinburgh declaration on Post-2020 Global Biodiversity Framework which states that we "are deeply concerned about the significant implications that the loss of biodiversity and climate change has on our livelihood and communities. The impacts on our environment, infrastructure, economy, health and wellbeing, and our enjoyment of nature are already visible". The proposed new Tomfyne quarry would impact negatively on residents' environment, infrastructure, health and wellbeing.

The Environmental Statement Addendum Supplementary Statement (ESA 2024) provides a thorough Ecological Chapter which provides updated surveys in relation to Habitats and Protected Species together with proposed Species Protection Plans, landscaping and habitat creation. The proposed mitigation measures are considered acceptable in relation to habitat creation and species protection and can be secured by conditions.

x. Flooding and Pollution of Watercourses

To expose the rock the vast amount of approximately 250,000 cubic meters of soil and overburden would need to be dug out which would be noisy, time consuming and a lot of earth moving works. This soil and overburden acts as nature's sponge soaking up heavy rainfall and removing it could possibly destabilise the land and with the proposed development being on a slope could cause significant landslides and flooding.

An updated Flood Risk Assessment was submitted with the ESA 2024 and demonstrates that the proposed quarry with mitigation measures in place would not have a significant impact on drainage or flooding provided the water management strategies are in place prior to the commencement of works and would not have a significant impact on the regional or local hydrological catchments. SEPA were consulted on the application and have no objection in relation to flooding.

xi Restoration

The restoration works have not significantly altered since 2013. They are designed and phased to minimise impacts on the landscape and maximise benefits to local wildlife, biodiversity and to the green network. The restoration scheme and restoration bond can be reasonably secured by planning conditions and the updated conditions contained in Appendix 1 would control these matters

xii Impact on other local businesses

Noise, Vibration and Air Quality concerns were raised by businesses in relation to animals. Whilst sympathetic to concerns relating to animal based businesses including cattery and livery the focus when assessing planning applications is on human health and ecological impacts (protected species or habitats). The Noise Impact Assessment is considered acceptable as previously submitted. There are conditions to issue advance notice of blasting and to monitor vibration. An updated Air Quality Assessment has been submitted and found to be acceptable.

xiii Impact on Public Access

The proposals include community provision via alterations to the local path network by providing a new core path link and proposals to divert existing rights of way with no loss of pedestrian access envisaged. All paths and permanent diversions would be signposted and provided with suitable road crossings. Paths would be altered for public

safety and visual impact issues. Details of these can be controlled by condition and would require a path diversion order to be promoted and secured under the provisions of Section 208 of the Town and Country Planning (Scotland) Act 1997 before extraction could commence.

xiv. Determination by Scottish Ministers

Planning regulations allows for cross boundary planning applications such as this to be considered by separate Planning Authorities. Regular meetings have taken place with Falkirk Council to ensure that each authority is aware of progress of each application and key issues raised with the desire to reach determination along the same timeline. There is no planning reason why this application should be referred to the Scottish Ministers for determination. Falkirk Council Planning Service has advised that their application has been programmed to go to their Planning Committee for decision on 22 April 2026.

xv. Concerns over how, when and to whom the notification of additional information being received were initially served.

The updated Environmental Statement was uploaded to the planning portal (dated 13th September 2024) and, as required by the EIA regulations, a press advert was placed in both the Edinburgh Gazette and Cumbernauld News/Kilsyth Chronical and these ran from the 2nd October 2024. Whilst not required in terms of planning legislation, given the passage of time, it was considered prudent to issue a letter (issued on 14th October 2024) to all those who had previously made representations in 2012/2013 advising them of the submission of the further supplementary environmental information. It should be noted that those who were signatories to petitions were not individually notified but that the lead person who submitted the petition was.

Due to the age of the application, there was a technical issue with the planning portal which meant that access to the submitted documents was not possible. When the issue was brought to our attention the time period for comment was extended thereby giving additional time to those who wished to submit representations.

Similarly, the Banton & Kelvinhead Community Council requested consultation and an agreed extended timescale was agreed for the submission of their representation.

xvi Major High Pressure Gas Pipeline

Skene Group were to be sued by Scottish Gas Network for working outside their remit closely to this pipeline

Scottish Gas Network raised a Compulsory Purchase Order for Cowdenhill Quarry and Part of Tomfyne Farm to protect and maintain the gas pipeline

Does the new planning submission show the route of this pipeline from Glenmavis to Letham Moss supplying 600 000 homes and businesses?

Since this application was first presented to committee in 2013 the High Pressure Scottish Gas Pipeline between Glenmavis and Letham Moss has been realigned further to the north and west of its previous position. This has been updated on plans. Consultation with the Health and Safety Executive did not advise against development but advised consultation with Scottish Gas Network. Scottish Gas initially objected but subsequently removed their objection subject to conditions being applied relating to

submission of the applicant's blasting and phasing plan supplemented with drawings and slope profile details, full design of the pipeline protection slab where the access road crosses the pipeline and proposed method of works for the resurfacing and drainage improvements on the access road. Appropriate conditions can be attached to control these matters.

xvii Climate Emergency – NLC declared a climate emergency in June 2019 and has committed itself and the area of North Lanarkshire to achieving net-zero by 2030.

The applicant has provided a statement in relation to addressing NPF4 policies 1 and 2 and this is fully considered below in the assessment of the proposal in relation to these policies.

xviii Ancient Woodland Removal

There is an area designated as long-established plantation (of plantation origin) woodland under NatureScot's Ancient Woodland Inventory in the middle of the site. Residents believe the Craigs Plantation would be lost as it is in the middle of the extraction site as can be seen from the site plan on page 50 of the updated EIA Figure 1.2. This loss would be contrary to NLC's Climate Plan Action on Climate Together 2030 (2021-2030).

The upper Craigs Plantation is a mature broadleaved woodland, mostly beech, and can be found on the Ancient Woodland Inventory (AVI) where it is categorised as of Long Established Plantation Origin (LEPO). The lower young conifer plantation is composed of Scot's pine and larch and is not found on the Ancient Woodland Inventory. Whilst Craigs Plantation falls within the boundary of the planning application site, the boundary of the extraction area which will run parallel to the existing eastern edge of upper Craigs Plantation and the associated access road will cut through the lower conifer plantation following an existing access route. An updated Tree Survey has been provided and shows which trees are to be removed from the lower young conifer plantation (approximately 90). There are two trees (one Sycamore, one Beech) in the upper Craigs Plantation to be removed as they are classified as category U trees which are in such poor condition that they are unsuitable for retention. The Tree Survey has plotted out the individual trees in upper Craigs Plantation and indicates Root Protection Areas for each. Compensatory planting is proposed for the trees to be lost in the lower conifer plantation. Conditions have been applied to secure the tree protection measures and compensatory tree planting.

xix How is monitoring of noise, traffic and pollution to be carried out

Proposed updated conditions are attached in Appendix 1 and include a condition that requires the appointment of an independent Compliance Officer. The compliance officer shall undertake monitoring of the development and operations at the site until completion of the final restoration and aftercare phase, in accordance with a timetable to be submitted to and approved in writing by the Planning Authority prior to commencement of development on the site.

A further condition requires the developer to form a Community Liaison Group where any issues arising can be raised with the operator via an agreed protocol.

xx Adverse affect on house values

This is not a material planning consideration.

xxi Tomfyne Farmhouse has already been demolished

Since 2013 Tomfyne Farmhouse has been demolished following assessment that it was in a dilapidated condition and not economical for conversion to a quarry office.

xxii Site Visit Request

A site visit request has been made asking the Planning Committee to visit the site prior to making their decision;

Committee members can request an accompanied site visit prior to the meeting should they wish one.

Planning Assessment

- 3.20 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. When the application was approved at committee in 2013, subject to the conclusion of a legal agreement, the development plan comprised of the approved Clyde Valley Strategic Development Plan (SDP) 2012 and the adopted North Lanarkshire Local Plan (NLLP) 2012. Today the Development Plan is made up of National Planning Framework 4 (NPF4) and the North Lanarkshire Local Development Plan 2022 (LDP). Therefore, the application requires to be assessed against those policies relevant to the assessment of the proposal in today's Development Plan as well as any other relevant national and local policy guidance and other material considerations relevant to the application at this time.

EIA Screening & Scoping

- 3.21 The development is considered to be an application which requires to be the subject of Environmental Impact Assessment.
- 3.22 The application was submitted in June 2012 with a supporting Environmental Statement under the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011. Having considered the transitional provisions set out in Regulation 60 (2) of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017, and given the fact that (i) the application for planning permission was submitted prior to those Regulations coming into effect on 16th May 2017, (ii) the application has still to be finally determined and (iii) the EIA development that is the subject of this review is precisely the same EIA development as was assessed in the environmental statement that was submitted in support of that application, it is concluded that the provisions of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011 continue to have effect in relation to this Environmental Statement Addendum - Supplementary Statement.
- 3.23 However, given the passage of time, it was agreed in 2019 that there was a need for a Statement of Validity to be produced and agreed in respect of the Environmental Impact Assessment. The applicant has therefore lodged an Environmental Statement Addendum (ESA) to ensure any status change in the environmental baseline or assessment is captured, since the application was originally considered and this can be appropriately assessed. An EIA Scoping Exercise (19/01472/EIASCO) was also carried out to inform the contents of the Supplementary Statement and agree those matters that could be reasonably scoped out.

- 3.24 The ESA (2024) was submitted on 13th September 2024 and incorporated the Council's 2019 EIA Scoping Response and captured ongoing relevant survey and assessment work. The topics 'scoped in' to the ESA included:
- Planning Policy
 - Ecology
 - Arboriculture
 - Landscape and Visual
 - Air Quality
 - Water Environment, Flood Risk Assessment and Drainage
 - Peat

Community Consultation (PAC Report)

- 3.25 The proposal is classed as 'major' development under the provisions of the Town and Country Planning Hierarchy of Developments (Scotland) Regulations 2009. The development was therefore subject to statutory pre-application consultation prior to the submission of the planning application, in accordance with the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013
- 3.26 Accordingly, the application is supported by a Pre-application Consultation Report (PAC Report) which details how the community consultation was undertaken. The Proposal of Application Notification (11/01364/PAN) was submitted on 6.12.11 and the proposed public consultation proposals were found to be acceptable. The PAC report provides details on the feedback from the public consultation process and its form and content were considered acceptable for the purpose of compliance with Regulations.
- 3.27 As outlined above the ESA (2024) was treated as Supplementary Environmental Information in respect of the EIA Legislation and as the proposed development has not been altered since its consideration in 2013, the Development Management Procedure regulations did not require any further public consultation to be carried out. However, in the interests of best practice the applicant sought to do further community consultation and submitted a Supplementary Pre-Application Consultation Report on 18th March 2025 detailing feedback from their public drop-in events held in Banton and in Banknock. A total of 60 people attended and matters raised related to volume and impact of HGV traffic on the local road network, pedestrians and cyclists as well as properties in proximity to the route, impacts on public health and amenity resulting from noise, blasting, dust and wider environmental concerns. Concerns were also raised regarding wider matters including access via diverted Core Path routing and ensuring proposals did not impact on natural heritage or the water environment,

Development Plan

- 3.28 The Development Plan is made up of National Planning Framework 4 (NPF4) and the North Lanarkshire Local Development Plan 2022 (LDP) and given the passage of time it is necessary to consider whether there have been any changes in planning policy since committee was minded to grant consent. The policies relevant to the assessment of this proposal are considered below.

National Planning Framework 4 (NPF4)

- 3.29 *NPF4 Policy 1 Tackling the Climate and Nature Crises* states that when assessing development proposals, significant weight will be given to tackling these crises and

Policy 2 Climate Mitigation and Adaptation requires that development minimise greenhouse gas emissions and promote energy efficiency and renewable energy.

- 3.30 Holcim are one of the UK's leading suppliers of construction materials and are committed to playing a significant role in enabling the UK to transition to net zero. As well as decarbonising their own operations, they are seeking to drive decarbonisation across the sector – grounding sustainability in the future of the construction industry. Holcim offer a range of low carbon solutions, which are supplemented by a focus on the circular economy. Holcim are committed to building on the success of both of these areas by investing in Research & Development and innovation, as well as working in collaboration with sustainability minded stakeholders.
- 3.31 The site is not covered by any national or local nature designations, and Ecological Assessments included within the EIA/ESA conclude that the proposed mitigation measures can ensure that no protected species or habitats are significantly adversely impacted upon and that the proposal includes areas of habitat enhancement and planting within its landscaping proposals. Surface water is to be subject of a Sustainable Drainage System of lagoons which take into account future climate change.
- 3.32 *NPF4 Policy 3 Biodiversity* requires major development proposals to conserve, restore and enhance biodiversity. The ESA (2024) provides a thorough Ecological Chapter which provides updated surveys in relation to Habitats and Protected Species together with proposed Species Protection Plans, landscaping and habitat creation. Furthermore, Holcim are committed to development of Site Biodiversity Action Plans under the Scottish Wildlife Trust Biodiversity Benchmark Scheme which includes monitoring under a series of Key Performance Indicators. In the absence of a standard National Biodiversity Metric tool, it is concluded that the landscaping scheme, habitat creation and restoration scheme secured by condition, can be reasonably considered to offer a proportionate level of biodiversity enhancements thereby complying with Policy 3.
- 3.33 *NPF4 Policy 4 Natural Places* seeks to protect, restore and enhance natural assets making best use of nature-based solutions. The quarrying proposals have been informed by extensive ecological survey, including for European Protected Species with mitigation recommendations by ecologists to be implemented. The proposed development fully complies with the local biodiversity action plan, the application includes a full suite of ecological assessment and appropriate mitigation and enhancement. The restoration work at Cowdenhill will also mitigate some biodiversity loss and a post operation landscape restoration scheme will focus on enhancement of habitat for greater biodiversity. The Environmental Statement 2012 as updated by ES Addendum 2024 concludes that with mitigation measures there will not be a significant adverse effect on the natural environment. It is considered that the proposal complies with Policy 4.
- 3.34 *NPF4 Policy 5 Soils* seeks to protect carbon-rich soils, restore peatlands and minimise disturbance to soils from development. A Peat Survey forms part of the ESA and found that peat is unlikely and therefore does not compromise peat/carbon rich soils. A small area of peat was found in the location of the wet bog to the north east of the Cowdenhill Quarry void within the application site being considered by Falkirk Council but it is noted that this area is to be subject to habitat pond creation. It is considered that the proposal complies with Policy 5.

- 3.35 *NPF4 Policy 6 Forestry, woodland and trees* seeks to protect and expand forests, woodland and trees. The applicant has submitted a tree survey and tree constraints plan indicating all trees to be retained and those to be removed (total of 90 trees). The long established semi-natural woodland of the upper Craigs Plantation and parts of the younger coniferous woodland down-slope will be protected and conditions have been attached to ensure this is carried out appropriately and that a scheme of advance landscaping and woodland planting (consisting of approximately 9ha of tree planting) with an agreed programme of implementation is submitted.
- 3.36 *NPF4 Policy 8 Green Belt* seeks to encourage, promote and facilitate compact urban growth and use the land around our towns and cities sustainably. Policy 8 supports mineral operations within the green belt so long as the following criteria are met:
- reasons are provided as to why a green belt location is essential and why it cannot be located on an alternative site outwith the green belt;
 - the purpose of the green belt at that location is not undermined;
 - the proposal is compatible with the surrounding established countryside and landscape character;
 - the proposal has been designed to ensure it is of an appropriate scale, massing and external appearance, and uses materials that minimise visual impact on the green belt as far as possible; and
 - there will be no significant long-term impacts on the environmental quality of the green belt.
- 3.37 Quarrying, by virtue of its scale and nature, is not an appropriate use to direct towards the urban area and is dictated by the availability of reserves. Geological considerations mean that the proposed extraction area at Tomfyne Farm is required in this location as it would source hard rock material from the same rock strata deposits as previously extracted at Cowdenhill. It is noted that the application site sits within the statutory designated Green Belt and an area designated as Countryside in the North Lanarkshire Local Development Plan.
- 3.38 The purpose of the green belt, in so far as it is designated to prevent urban coalescence, will not be undermined by the quarry proposal.
- 3.39 The proposal is located within an area sitting mainly within a Rugged Moorland Hills Landscape Character Area and the Environmental Statement 2012 as updated by the ESA 2024 concludes effects on this landscape character type would not be significant. It is considered that the Rugged Moorland Hills Landscape Character Type can accommodate suitably designed quarry developments.
- 3.40 The proposed quarry has been designed to minimise visual impact on the surrounding area. The quarry would have a narrow and sinuous design in extraction area giving the quarry a natural appearance and reducing visibility of the main extraction faces from surrounding viewpoints. The retention of the mature Craigs plantation, the shaping of overburden to screen potential views from south, west and east; grading of the upper extraction faces to minimise the exposure of bare rock to allow the establishment of planting and the phasing of the works to facilitate early grading and planting of headwalls, all minimise its potential visual impact. Further to this it is also noted that restoration would be carried out as phases were completed.
- 3.41 The quarry has also been designed together with mitigation measures to ensure that there would be no significant long-term adverse impacts on the environmental quality

of the green belt with each environmental matter considered in detail under the North Lanarkshire Local Development Plan review below. On this basis it is considered that the proposal is in accordance with NPF4 Policy 8 Green belt

- 3.42 *NPF4 Policy 9 Brownfield, vacant and derelict land and empty buildings* seeks to encourage, promote and facilitate the reuse of brownfield, vacant and derelict land and empty buildings, and to help reduce the need for greenfield development. The application (Part 2) being considered by Falkirk Council would be considered brownfield as it relates to the restoration of the abandoned Cowdenhill Quarry which would be considered brownfield/vacant and derelict. In terms of the application being considered by North Lanarkshire (Part 1) regarding the proposed quarrying at Tomfyne this falls within an area designated as Greenbelt and Countryside around towns; however, for reasons discussed in the North Lanarkshire Local Development Plan assessment section below, it is considered to be an acceptable use and its location has been appropriately justified. Extensive ecological survey work has been undertaken to support the application and with appropriate mitigation measures populations of European protected species are preserved through habitat creation and biodiversity enhancement. It is considered that the proposal is in accordance with the aims of Policy 9.
- 3.43 *NPF4 Policy 12 Zero Waste* seeks to reduce, reuse or recycle materials in line with the waste hierarchy. In line with the requirements of the Management of Extractive Waste (Scotland) Regulations 2010 the applicant will be required to provide details of a waste management plan for the operation of the site. An appropriate condition is attached to control this matter.
- 3.44 *NPF4 Policy 13 Sustainable Transport* seeks to encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably.
- 3.45 There is a specific locational need associated with quarry developments in that they can only be worked where they are found and require to be placed in areas where there is mineral to work and be located outwith the urban environment away from sensitive receptors. It is noted that existing pedestrian and cycling infrastructure is poor and as a result, it is acknowledged that it is unlikely that many of the on-site workforce will walk to the site even though it is intended to draw a proportion of the workforce from the local area. It is more likely that the majority of the workforce will travel to the site by private car. The operator of the site will seek to minimise workforce traffic movements through the promotion of shared transport arrangements for operatives. Car parking for the workforce will be provided entirely within the confines of the site boundary and there would be no impact on the existing road network through uncontrolled parking. It is considered that whilst the proposal does not meet the aspirations of Policy 13, for the reasons outlined above it is considered acceptable in this instance due to the specific locational need associated with quarry developments.
- 3.46 *NPF 4 Policy 22 Flood Risk and Water Management* seeks to strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding. The proposed quarry is considered to be a water compatible use in terms of exemptions. An updated Flood Risk Assessment has been submitted to ensure that the proposals have been assessed against SEPA's latest guidance on climate change, and an appropriate CAR license (now known as an EASR permit) has been obtained for the site. Extraction at Tomfyne will entail the creation of tiered benches into the hillside. Any groundwater ingress, together with the

rainfall runoff will drain passively under gravity to settlement lagoons in the southern part of the Tomfyne site. The Flood Risk Assessment updated in the ESA 2024 demonstrates that the proposed works and associated mitigation measures will not increase flood risk. Further, appropriate water management strategies will ensure any excess surface water runoff will be captured and diverted to attenuation and settlement lagoons, which will avoid flooding at restriction points downstream, thereby not increasing flood risk elsewhere. It is therefore considered that the proposal is in compliance with Policy 22.

- 3.47 *NPF4 Policy 23 Health and Safety* seeks to protect people and places from environmental harm, mitigate risks arising from safety hazards and encourage, promote and facilitate development that improves health and wellbeing.
- 3.48 Criterion (d) notes that development proposals that are likely to have significant adverse effects on air quality will not be supported and that an Air Quality Assessment may be required where the nature of the proposal or the air quality in the location suggest significant effects are likely. An Air Quality Technical Note has been produced as there have been changes to the baseline air quality conditions in the study area; notably the revocation of the Falkirk Council Banknock Air Quality Management Area (AQMA) and proposed revocation of the Falkirk Council Haggs Air Quality Management Area. It is considered that a Dust Management/Suppression Plan can be reasonably secured by condition. This matter is considered further in the report below against the Environmental and Design Qualities policies, EDQ 1, 2, 3 of the LDP.
- 3.49 Criterion (e) notes that development proposals that are likely to raise unacceptable noise issues will not be supported and that a Noise Impact Assessment may be required where the nature of the proposal or its location raise the potential need for noise to be considered. A Noise Assessment has been submitted for the site and it is considered that noise mitigation measures can be adequately controlled by conditions alongside a proposed scheme of vibration monitoring. This matter is considered further below against the Environmental and Design Qualities policies, EDQ 1, 2, 3 of the LDP.
- 3.50 Criterion (g) Development proposals within the vicinity of a major accident hazard pipeline (because of the presence of toxic, highly reactive, explosive or inflammable substances) will consider the associated risks and potential impacts of the proposal and the major accident hazard site/pipeline of being located in proximity to one another. A high pressure pipeline crosses the Tomfyne site under the proposed access road as such Scottish Gas Networks Plc were consulted on the proposals. SGN have confirmed that they do not object to the proposal provided certain planning conditions are applied. Appropriate planning conditions are attached in Appendix 1. It is considered that the proposal accords with Policy 23.
- 3.51 *NPF4 Policy 33 Minerals* seeks to support the sustainable management of resources and minimise the impacts of the extraction of minerals on communities and the environment.

Policy 33 (d) states that 'Development proposals for the sustainable extraction of minerals will only be supported where they:

- *Will not result in significant adverse impacts on biodiversity, geodiversity and the natural environment, sensitive habitats and the historic environment, as well as landscape and visual impacts.*
- *Provide an adequate buffer zone between sites and settlements taking account of the specific circumstances of individual proposals, including size duration,*

location, method of working, topography, and the characteristics of the various environmental effects likely to arise.

- *Can demonstrate that there are no significant adverse impacts (including cumulative impact) on any nearby homes, local communities and known sensitive receptors and designations*
- *Demonstrate acceptable levels (including cumulative impact) of noise, dust, vibration and potential pollution of land, air and water.*
- *Minimise transport impacts through the number and length of lorry trips and by using rail or water transport wherever practical*
- *Have appropriate mitigation plans in place for any adverse impacts*
- *Include schemes for a high standard of restoration and aftercare and commitment that such work is undertaken at the earliest opportunity. As a further safeguard a range of financial guarantee options are available and the most effective solution should be considered and agreed on a site-by-site basis. Solutions should be provide assurance and clarity over the amount and period of the guarantee and in particular, where it is a bond, the risks covered (including operator failure) and the triggers for calling in a bond, including payment terms.*

3.52 The proposed development supports the maintenance of a steady and adequate supply of minerals to meet the needs of society and the economy. The proposed extraction area at Tomfyne Farm would source hard rock material from the same rock strata deposits as previously extracted at Cowdenhill and therefore could be considered as an extension to the existing quarry. The proposed development has been designed to minimise impacts on key receptors through control of noise, blasting and dust and the development would deliver a progressive scheme of restoration and aftercare. Appropriate planning conditions are also attached to ensure these matters can also be appropriately controlled.

3.53 Where minerals are extracted, mitigation proposals seek to naturalise the exposed site, reducing visual and landscape impacts and supporting local species. The Environmental Statement together with ESA 2024 includes chapters addressing these criteria and demonstrates that with mitigation the proposed quarry development will not cause significant adverse impacts either on its own or cumulatively. As discussed above, it is proposed to change the mechanism to secure the financial bond for restoration for the site from a legal agreement to a planning condition. The proposal is considered to comply with the key requirements of Policy 33.

North Lanarkshire Local Development Plan 2022 (LDP)

3.54 The application site falls within areas covered as Purpose of Place policies PP4 Greenbelt and PP5 Countryside.

3.55 *PP4 Greenbelt* seeks to protect the setting of communities, support regeneration by directing growth to urban areas, protect natural assets and provide a high quality environment, by promoting a Green Belt as defined on the Promote Map. Within these areas support is offered to developments for agriculture, forestry, recreation or developments that need a non-urban location, including, where appropriate, Visitor Economy related development subject to applications being submitted with the required appraisals and assessments. With regard to development that needs a Green Belt location, the need will be balanced against any adverse effects on the purpose of the Green Belt.

- 3.56 Assessment of Appropriateness of any proposal for development (excluding Householder Development), or change of use, within the Green Belt, should include but not be limited to:
- Support by a business plan, or statement justifying that the development is compatible with the Green Belt
 - A statement that the proposal is not best suited to being located in a Centre, or General Urban Area, taking the Town Centres First Sequential Approach where appropriate.
 - A statement on the scale and nature of the existing development in the Green Belt (all proposals require to satisfy the provisions of all EDQ Policies).
 - Evidence that there is a specific locational requirement for the proposal
 - Evidence that the proposal will result in significant economic benefit
 - Its impact on travel patterns and accessibility by sustainable modes of transport (all proposals require to satisfy the provisions of Policy CI and Policy EDQ 3).
- 3.57 A supporting statement has been submitted with this application. Given the very nature of quarry developments there is a specific locational need as mineral resources can only be worked where they are found, with the site area required, and this has to be balanced with ensuring they are not located in close proximity to sensitive receptors such as dwellinghouses. The developer states that the proposed development at Tomfyne farm is to extract a mineral known as quartz dolerite, a hard rock material that has a specific important application within the construction industry. The proven availability of this resource at the application site is also of the required high quality and can be used in the production of concrete and asphalt production by associated aggregate supply businesses throughout Central Scotland. The proposed extraction area at Tomfyne Farm would source hard rock material from the same rock strata deposits as previously extracted at Cowdenhill. Cowdenhill is no longer operational and planning permissions to continue quarrying there have now expired. It is considered that the proposed quarry extraction area would in principle form an appropriate albeit de facto extension to the previously worked quarry at Cowdenhill using the same access road that had served Cowdenhill and there would in effect be no significant increases in quarry traffic to those that were generated by the Cowdenhill quarry.
- 3.58 The proposed development will help to ensure the direct and indirect employment of 50 staff and 35 hauliers/contractors at Tomfyne quarry, plus Holcim manufacturing plants. Extraction operations at Tomfyne will require the direct employment of 10 full-time workers in a variety of skilled and semi-skilled positions and 15 hauliers and contractors. In addition to direct employment, the site will supply the majority of the raw material to Aggregate Industries closest manufacturing plants at Chryston and Grangemouth. These plants will employ 40 people directly including operational, technical sales and distribution staff together with 18 hauliers.
- 3.59 In addition to Holcim's direct contribution to employment within North Lanarkshire the company also make a significant contribution to the economy through indirect employment, particularly through their supply chain from servicing office facilities to suppliers and servicing of quarry machinery and haulage fleet.
- 3.60 Due to the rural location of the site it is noted that pedestrian and cycling infrastructure is poor and as a result, it is acknowledged that it is unlikely that many of the on-site workforce will walk to the site even though it is intended to draw a proportion of the

workforce from the local area. It is more likely that the majority of the workforce will travel to the site by private car. The operator of the site will seek to minimise workforce traffic movements through the promotion of shared transport arrangements for operatives. Car parking for the workforce will be provided entirely within the confines of the site boundary so that there is no impact on existing road users from cars parked on surrounding local roads. It is considered that whilst the proposal does not meet the aspirations of sustainable transportation, for the reasons outlined above it is considered acceptable in this instance due to the specific locational need of the site.

- 3.61 *AD 4 Amount of Development* requires applications for planning permission for new development to be assessed for their implications related to the amount of development proposed. The need for an assessment depends on the combination of type (Use Class), scale and location of development. The policy makes clear that the winning and working of construction minerals is not considered appropriate within the urban area. Within the Green Belt and Countryside this will be directed to currently operational sites in the first instance. Any proposals for the winning of construction minerals from sites over 2 Ha in size will have to be assessed for the impact of the development on the strategic supply as defined in the Strategic Development Plan. Appropriateness refers to the nature and scale of development and whether it would be more appropriate in a Land Use Character Area designated for the size and class of development proposed, or whether there are considerations which can justify that the development is appropriate for the Green Belt supported by a business plan, or statement.
- 3.62 As discussed above the proposed extraction area at Tomfyne Farm would source hard rock material from the same rock strata deposits as previously extracted at Cowdenhill. Cowdenhill is no longer operational and planning permissions to continue quarrying have now expired. It is considered that the proposed quarry extraction area would in principle form an appropriate albeit de facto extension to the previously worked quarry at Cowdenhill using the same access road that served the previous extraction area at Cowdenhill.
- 3.63 As the site is over 2Ha in size the application requires to be assessed for the impact of the development on the strategic supply as defined in the Strategic Development Plan. The Strategic Development Plan no longer forms part of the development plan and the way in which Scottish mineral supplies are assessed has also changed. That said, there remains a requirement through National Planning Framework 4 on Local Authorities to safeguard categories of mineral supplies including Hard Rock and Crushed Rock aggregate with a Mineral Evidence Report being prepared to support North Lanarkshire Local Development Plan 2.
- 3.64 North Lanarkshire is within the West Central Scotland Aggregate and Mineral Market region (this market region also covers East Dunbartonshire, West Dunbartonshire, Glasgow City, East Renfrewshire, Renfrewshire, Inverclyde and South Lanarkshire). The Aggregate Mineral Survey for Scotland outlines levels of aggregate supply for the West Central Scotland area –
- Estimated permitted reserves of primary aggregates (crushed rock, sand & gravel) in active/inactive sites - 153 million tonnes
 - Estimated years of supply - 15 years

- 3.65 There is a presumption from the survey results that the expected landbank of construction aggregates equivalent to a minimum of 10 years' worth of supply is currently being met in the West Central Scotland market region.
- 3.66 The following Quarry Sites are listed in the current North Lanarkshire Local Development Plan 2022. A recent review of these indicates their status below:
1. Riskend Quarry - Active
 2. Tomfyne Farm – Inactive (No consent has been issued for the site at this time).
 3. Hillend Quarry - Active
 4. Cairneyhill Quarry – Active
 5. Duntilland Quarry - Active
 6. Blairhill Quarry - Dormant
 7. Tams Loup Quarry – Active
- 3.67 In North Lanarkshire there have been a small number of applications relating to minerals and aggregates (2020 – present), however they largely relate to amendments to conditions relating to restoration works or to time extensions for permitted operations, or to other workings.
- 3.68 Scottish Aggregates Survey 2019 data provides an in-depth and the most up-to-date understanding of national and regional sales, inter-regional flows, transportation, consumption and permitted reserves of primary aggregates across Scotland. Highland is by far the largest producing region at 7.5Mt equivalent to 36% of total primary land-won aggregates sales in Scotland. West Central Scotland (4.5Mt, 22%) was the second largest source of land-won primary aggregates sales in Scotland. The survey notes 18 mineral sites across West Central Scotland with 6 sand and gravel sites and 12 crushed rock sites. The survey indicates consented reserves of 137,219 (thousand tonnes) and a maximum supply from active sites at 2019 sales levels of 36 years (at 31 December 2019).
- 3.69 Holcim UK (formerly Aggregate Industries) operates a number of quarries in Scotland. North Lanarkshire is the base for Holcim's Scottish Operation. The Scottish HQ is located at Eurocentral together with Duntilland Quarry, Chryston Asphalt Plant and Coatbridge Ready Mix Concrete Plant. Holcim have operations throughout Scotland including Levenseat Quarry in West Lothian, a number of batching plants and ready mix concrete batching plants from Inverness to East Lothian. Tomfyne Quarry will be a replacement for Croy Quarry which closed in 2020 and is now fully restored. Tomfyne Quarry is a key part of the Holcim business model for the Central Belt of Scotland and was planned to have been open by the time Croy was originally due to close in 2016. Tomfyne will allow Holcim to service Glasgow and the west side of the country including North Lanarkshire, Glasgow and Stirling while Duntilland will focus on markets to the east and south of the country.
- 3.70 The proposal for extraction at Tomfyne therefore offers opportunity to:
- Sustain the supply of high quality quartz dolerite in the short, medium and long term minimising risks associated with supply to the market over this time period.
 - Continue direct and sustainable supply of high quality minerals to the local market and support for the principles of 'Local Supply' as presented within current and emerging development plan policy with support to local manufacturing plants;
 - Achieve sustainable development objectives in terms of:

- Facilitate further quarrying at this location and use the existing infrastructure/access road network
- Extraction and transport to local market
- Local manufacturing plants and subsequent supply to local market and
- Retain and secure additional Holcim workforce within North Lanarkshire and the local area

- 3.71 On this basis it is considered that the proposal supports and positively contributes towards the required minimum 10 year supply within North Lanarkshire without detriment to the wider West Central Scotland Aggregate and Mineral Market region.
- 3.72 *PP 5 Countryside* states that North Lanarkshire Council will support the Countryside, as defined in the Promote Map, by accommodating limited development such as Visitor Economy related development, extending existing businesses and settlements, and agricultural diversification.
- 3.73 All uses that are appropriate in the Green Belt are also appropriate in the Countryside. However, in addition to these, proposals for limited expansion of existing businesses and settlements, agricultural diversification and local job creation will be encouraged. The quarry use has been demonstrated to be an acceptable use appropriate in the Green Belt with justification of the location of the proposal discussed under PP4 Greenbelt and AD4 Amount of Development above and found to be acceptable.
- 3.74 *Policy AD5 Amount of Development* reflects the requirements of AD4 for the areas within the application site which fall under Policy PP5 Purpose of Place – Countryside. The justification provided in relation to AD4 above is considered to apply equally to this policy and is found to be acceptable in terms of demonstrating specific locational need and impact on strategic supply.
- 3.75 *Policy C1 Protecting Assets (Construction Minerals)* states that the Council will satisfy market demands by protecting construction mineral sites from alternative development where the loss of sites would affect the 10 year supply in the Strategic Development Plan area and directing proposals for extraction to extension areas within or adjacent to existing operational sites.
- 3.76 The winning of construction materials is not considered appropriate within the urban area and within the rural area will be directed to currently operational sites in the first instance. Any proposals for the winning of construction minerals from sites over 2ha in size will have to be assessed for the impact of the development on the strategic supply as defined in the Strategic Development Plan.
- 3.77 As discussed above under PP4 Green Belt it is considered that the applicant has adequately justified specific locational need and the proposal is acceptable in terms of Strategic Supply across the West Central Scotland Aggregate and Mineral Market region whilst positively contributing towards the required 10 year supply within North Lanarkshire.
- 3.78 *PROT A Policy Natural Environment and Green Network Assets* states that North Lanarkshire Council will protect natural and resilient sustainable places by safeguarding natural heritage assets.
- 3.79 When considering future development affecting the natural environment and the specific Green Network Assets identified in this Policy, the Council will seek guidance where appropriate from Nature Scot. NatureScot has produced a variety of policy and

guidance documents for aspects of the natural environment which the council will expect developers to consider in preparing proposals. Site Categories identified in this policy are locations protected for their importance for species or habitats, or other environmental value.

- 3.80 *PROT A Category A3 Local Sites – Special Landscape Areas* – Planning permission will only be granted for proposals potentially affecting Local Sites if it can be demonstrated to the Council’s satisfaction that there will be no adverse impact or that any impacts can be mitigated in environmental terms relevant to the impact.
- 3.81 The proposed quarry will have an impact on the Kilsyth Hills Special Landscape Area. PROT A Category A3. In assessment the original Environmental Statement chapter on Landscape and Visual Impact Assessment concluded that Landscape impacts during operation will be predominantly adverse, significantly so for the application site and the local landscape areas directly affected by the extraction area. However, impacts will lessen during the later phases of operation as planting matures and, following restoration, will be largely neutral, although still significant. The restoration of Cowdenhill will lead to beneficial effects. Impacts on wider regional landscape areas of Denny Muir, the Campsie Fells and Kelvin Valley will be on balance adverse, but not significant. No designated landscapes or cultural heritage sites will be significantly affected.
- 3.82 The ESA (2024) includes a detailed review and comparison of the 2012 and current baseline landscape and of potentially affected visual receptors. It has identified very limited change over the intervening years. The review concludes that there would be no notable change in the assessment of significant effects and that the conclusions of the 2012 Landscape and Visual Impact Assessment remain valid.
- 3.83 It is noted that in terms of the wider landscape policy context the designated areas have been subject to recommended and actual change, although the status and extent are not notably different to the 2012 LVIA. In North Lanarkshire the Kilsyth Hills Regional Scenic Area is now known as the Kilsyth Hills Special Landscape Area. This covers broadly the same area, although the boundary in the vicinity of Tomfyne has been extended lower down the hillside, to the overhead electricity line passing south of Tomfyne Farm. This reflects the extent of the Rugged Moorland Hills Landscape Character Type and now encompasses all of the extraction area instead of most of it. As the proposals have not significantly changed, it is concluded that effects on designated areas would be similar and remain not significant for the area as a whole. In this regard, the LVIA review concludes that neither changes to the site and wider area, nor to the proposals, are enough to significantly alter the 2012 LVIA baseline assessment of landscape character and landscape designations and the assessment of landscape effects on them.
- 3.84 It is considered that the proposal has been fully considered against Policy A3 Local Sites – Special Landscape Areas and that the proposed mitigation measures including quarry design, advanced tree planting, overburden shaping, grading of upper extraction faces and phasing ensure no significant adverse impact.
- 3.85 *PROT A Category A5 - Protected Species* – Development that significantly affects a species protected by law will only be permitted where an appraisal has demonstrated that the protected species would not be compromised; or any significant adverse effects on the protected species are mitigated through planning conditions or use of planning agreements to: facilitate protection of individual species member, reduce

disturbance to a minimum and provide appropriate alternative habitats to sustain at least the current levels of the species locally.

- 3.86 Extensive survey work has been carried out in relation to European Protected Species and updated Ecology Chapter in the Environmental Statement Addendum Supplementary Statement (2024). Mitigation for protected species and habitats has been undertaken and is presented in the updated Ecological Reporting and associated Species Protection Plan.
- 3.87 Nature Scot were consulted and noted the content of the updated protected species surveys. They advise that updated survey work is required and that appropriate Nature Scot licenses require to be sought. The survey work has been updated but a further a condition is attached requiring pre-commencement surveys and continued surveying at intervals throughout the life time of quarrying operations. On this basis it is considered that the proposal meets the requirements of policy Prot A5.
- 3.88 *PROT B Policy Historic Environmental Assets* states that development should avoid causing harm to the character or setting of sites protected for their historic environmental value. Planning permission will only be granted for such sites where the character and appearance of the site and its setting, including any special interest or features of architectural or historic interest is preserved and or enhanced.
- 3.89 An update to the Historic Environmental Assets chapter was scoped out of the ESA (2024) following response from Historic Environment Scotland on the EIA Scoping carried out in 2019. The consultation response from Historic Environment Scotland in 2024 confirms that they do not have any comments and are content that the Historic Environment has been scoped out.
- 3.90 Policy PROT B states that development should avoid causing harm to the character or setting of sites protected for their historic value.
- 3.91 *Category B1 – International - Frontiers of the Roman Empire (Antonine Wall) World Heritage Site/Frontiers of the Roman Empire (Antonine Wall) World Heritage Site Buffer Zones.* Historic Environment Scotland offered no objections to the application when it was submitted in 2012 as the development would not impact upon the Antonine Wall or its associated buffer zone. As noted above HES have no further comments on the application.
- 3.92 *Category B2 – National – Scheduled monuments* - Neither HES or the Council's Archaeological Consultant raised any concern in respect of impact on this category.
- 3.93 *Category B3 – Regional/Local – Sites of Archaeological Interest.* The consultation response from the Council's Archaeological Consultant recommended a Written Scheme of Investigation be submitted before any works commence. An appropriate planning condition to control this matter is attached in Appendix 1.
- 3.94 *Policy EDQ1 Site Appraisal* states that a proposed development will be appraised in terms of the site and its surroundings to ensure it will integrate successfully into the local area and avoid harm to neighbouring amenity. The policy includes guidance on what should be included in such an appraisal. In this regard, it is considered that the supporting Planning Statement and original Environmental Statement together with the Environmental Statement Addendum Supplementary Statement (2024) and other technical reports provide a full and detailed appraisal of the site. It is therefore considered that the proposal complies with Policy EDQ1.

- 3.95 *Policy EDQ2 Specific Features for Consideration* states that consideration will be given to development in areas subject to hazards (hazardous zones) and other specific features such as in accordance with plans and protocols of the relevant managing agencies. In this case the Major Gas Pipeline (HSE Hazard Consultation) and Flood Risk require to be considered.
- 3.96 In terms of the Major Gas Pipeline it is recognised that the high pressure pipeline between Glenmavis and Letham Moss crosses the site within the application boundary relating to Tomfyne where the road access is proposed. It is noted that the pipeline was subject to realignment post 2013. The Health and Safety Executive was consulted and does not advise against development but advises that the Operator of the pipeline requires to be consulted. Scottish Gas Network Plc was consulted and initially objected to the application. Following submission of further information their objection was removed subject to conditions being applied relating to blasting, access road crossing design and working methods in relation to resurfacing and drainage improvements on the access road. Appropriate planning conditions are attached to control these matters.
- 3.97 In terms of Flood Risk, the Environmental Statement Addendum Supplementary Statement (2024) includes an updated chapter on the water environment and a Flood Risk Assessment which demonstrates that the proposed works and associated mitigation measures will not increase flood risk. SEPA were consulted and are satisfied with the methodology and content of the Flood Risk Assessment. A condition is attached to ensure that the proposed drainage strategy and mitigation measures identified in the Flood Risk Assessment are secured.
- 3.98 Taking the above into account it is considered that on this basis the application accords with the requirements of policy EDQ2.
- 3.99 *Policy EDQ3 Quality of Development* states that development will only be permitted where high standards of site planning and sustainable design are achieved. Applications need to demonstrate that the site appraisal carried out as a requirement of policies EDQ1 and EDQ2 is taken in to account.
- 3.100 It is considered that the information submitted with the planning application including the Environmental Statement, Environmental Statement Addendum Supplementary Statement (2024) and additional technical documents form a thorough site assessment and that the quarry design, whilst operational in nature, has taken cognisance of the technical matters and any mitigation measures required.
- 3.101 In terms of vehicular access, an existing site access road leads from the A803 (Banknock to Kilsyth) to the existing quarry void at Cowdenhill. The A803 would be used to provide a link north to the main trunk road network (M80 and beyond). This site access road would be upgraded and extended towards Tomfyne Farm and the proposed extraction area. The works required to upgrade the first 570m of the access road relate to the application being considered by Falkirk Council (Part 2 of the development). The proposed site access and other upgrading works would include:
- 1450m length of upgraded roadway; resurfacing from A803 to Cowdenhill (570m);
 - Road widening from 7.3m to 8.0m with maximum incline of 8%;
 - Core Path/Right of Way Upgrades/Diversions including crossing points;
 - Provision of 560m of pedestrian pathway set back 2.65m from road;
 - Road drainage links to SUDS;

- Wheel wash and weighbridge loop;
- Existing sightlines on A803 would be retained.

3.102 An updated Transport Assessment has been undertaken and demonstrates that the proposed quarry development and associated traffic movements could be accommodated with no detriment to the existing road network.

3.103 The updated Transport Assessment is based on the following characteristics that would be associated with the proposed development at Tomfyne:

- The site will contain a single loading shovel;
- The removal of material from the quarry will use 20 tonne tipper lorries;
- Operations at the quarry would be Monday to Saturday;
- Working hours would be 0700-1900 Monday to Friday and 0700-1200 on Saturdays;
- All traffic associated with the quarry will route via the A803 with access taken from the A803 /Access Road junction.
- Trip generation is anticipated is based on 20 tonne tipper trucks being used over 271 days a working year resulting in 65 entry and exit movements at the A803/Access Road junction each day which equates to approximately 7 per hour. A further 10 cars would be associated with the workforce.
- An assessment based on current markets served, would indicate that approximately 80% of material would route Southbound and 20% would route Northbound towards the M9, the M877 and the A9.
- The access junction is considered acceptable with the development judged to have a negligible impact on road network with virtually no delay or queueing and sufficient headroom to accommodate an uplift in demand.
- The surrounding road network is suitable for goods vehicles and the site access, having formerly been an HGV route, can adequately support activities at the site. The overall numbers of movements associated with operations at the site are not considered significant in relation to the surrounding road network which has been demonstrated by technical capacity assessments within the TA.

3.104 NLC Transportation and Infrastructure have reviewed the TA and are satisfied with its findings and that traffic generated from the development will not have an adverse impact on the local road network within North Lanarkshire and have no objections to the application. They note that the access falls within the Falkirk Council administrative area and that the traffic routes and impacts will fall to Falkirk Council to consider. Falkirk Council has responded formally via consultation and advised that further information from the applicant was sought in respect of potential traffic and transportation impacts within the Falkirk Council area. The additional transport assessment data and traffic modelling work taking account of anticipated quarry vehicle movements and projected traffic numbers and junction modelling in the local area has subsequently been submitted. Falkirk Council are now satisfied that the proposed quarry traffic can be accommodated within the local road network so long as a condition is applied to any planning permission granted by North Lanarkshire Council requiring a Travel Plan to be prepared. A condition requiring the submission of a Travel Plan is proposed in the conditions contained in Appendix 1 and aligns with wording requested by Falkirk Council.

3.105 As discussed in NPF4 Policy 13 assessment above there is a specific locational need associated with quarry developments in that they require to be placed in areas where

there is mineral to work and be located outwith the urban environment away from sensitive receptors. It is noted that pedestrian and cycling infrastructure is poor and as a result, it is acknowledged that it is unlikely that many of the on-site workforce will walk to the site even though it is intended to draw a proportion of the workforce from the local area. It is more likely that the majority of the workforce will travel to the site by private car. The operator of the site will seek to minimise workforce traffic movements through the promotion of shared transport arrangements for operatives. Car parking for the workforce will be provided entirely within the confines of the site boundary so that there is no impact on existing road users.

- 3.106 The proposals include community provision via alterations to the local path network by providing a new core path link and proposals to divert existing rights of way and no loss of pedestrian access is envisaged and all paths and promoted diversions would be signposted and provided with suitable road crossings. Paths would be altered for public safety and visual impact issues. Details of this can be controlled by condition and would require to follow separate diversion procedures.
- 3.107 In terms of air quality this was assessed within the Environmental Statement 2012 and updated by ESA (2024). Impacts from fugitive emissions can be caused by excavation, transportation and tipping activities and these have been identified by the ES 2012 and ESA (2024) and fully considered, along with consultation with NLC Protective Services. It is considered that such emissions can be adequately controlled provided appropriate mitigation measures are implemented. In this regard it is noted that the proposals would include the following measures; The access road would be fully paved over a distance of some 570m between the site entrance and the wheel wash; The access road would also be regularly maintained, watered, have a controlled speed limit, and all commercial vehicles would pass through the wheel wash before emerging onto the public road network. In this regard it is considered that the proposed development, if properly managed would have no significant detrimental impact on air quality at the site or on the outlying residential areas at Banknock or Banton. However, in order to ensure the mitigation measures set out above are appropriately adhered to, a proactive PM10 and dust monitoring regime would be put in place and appropriate planning conditions are attached to control these matters.
- 3.108 In terms of noise and vibration NLC Protective Services provided comments on the original application (11 July 2012) where they commented on noise issues including the establishment of daytime and night-time noise limits for noise sensitive properties with lower limits for three of the nearest residential receptors at Binneymire, High Banton and Meadowside. Comments were also made regarding blasting. A scheme of vibration monitoring was proposed. NLC Protective Services agreed the topic could be 'scoped out' of the Environmental Statement Addendum Supplementary Statement (2024) providing there were not significant new receptors. There has been a modest amount of new development and consents for development, including several individual and small house clusters and expansion of settlements further removed from the site. There are no new receptors closer than the previously assessed closest residential receptors.
- 3.109 The Noise Impact Assessment submitted with the application in 2012 was considered robust in its detail and was considered acceptable by NLC Protective Services. The Noise Impact Assessment demonstrates that the quarrying operations would not significantly affect or impact on surrounding communities and that any such impacts can be effectively mitigated and controlled via planning conditions, environmental regulation and site management protocols.

- 3.110 Blasting operations would be undertaken to industry standards in full compliance with associated regulations and would take into account all sensitive properties identified in the Environmental Statement. Planning conditions are also proposed to ensure that blast monitoring is carried out in accordance with set protocol and that vibration is limited in terms of peak velocity.
- 3.111 In terms of the water environment the site is located at the divide of two hydrological catchment areas i.e. Forth Catchment Basin to the east and the Clyde Catchment Basin to the west. Risk to water quality, private and licensed abstractions, deregulated licences, discharge consents, landfill and water dependant nature sites are considered within the Environmental Statement and the Environmental Statement Addendum Supplementary Statement (2024) and conclude that none of the above would be significantly affected by the proposed development provided that appropriate mitigation measures are implemented. Tomfyne operations would capture all water run-off and divert this to settlement and attenuation lagoons with controlled release to SEPA discharge requirements. A flood risk assessment has also demonstrated that the proposed development would not have a significant impact on drainage or flooding provided the water management strategies are in place prior to the commencement of works and would not have a significant impact on the regional or local hydrological catchments. These mitigation measures can be secured by condition.
- 3.112 On the basis of the above it is considered that the development with required mitigation measures complies with policy EDQ3.
- 3.113 Supplementary Planning Guidance on Assessing Applications for Minerals (SPG 11) recognises that minerals are an important feature of the national economy, but that their impacts such as disturbance to communities or damage to the environment have to be considered. Policy EDI 2 C states that the Council will seek to satisfy market demands for minerals by directing proposals for extraction of all kinds of construction minerals (such as crushed rock aggregate) to extension areas within or adjacent to existing operations. This is subject to assessment of effects on amenity, transport, economy, landscape, agriculture, environmental assets, footpaths, water management, air quality, cumulative impacts, social impacts, restoration, environmental assessment and that the development can be adequately monitored and other minerals will not be sterilised. These matters have been fully assessed in terms of the information submitted, consultation responses received and consideration of the impact of the proposal in terms of the development plan. It is considered that subject to the conditions attached in Appendix 1 that the proposed development is acceptable.
- 3.114 Scottish Government Planning Advice Note 50: Controlling the Environmental Effects of Surface Mineral Workings (and its associated annexes), is a material consideration. This guidance advises that planning authorities should give full weight to the environmental effects of blasting at surface mineral workings and the potential disturbance to local communities. The planning system can control blasting times, set allowable levels of ground vibration, control overpressure, ensure monitoring of vibration levels, control dust and noise. The Council's Protective Service has reviewed the proposed development in terms of these matters and are satisfied that subject to the conditions attached in Appendix 1 that the proposed development is acceptable.

4. Cross Boundary Working and Enforcement

- 4.1 It should be noted that as part of the assessment of this application the Council's Planning Service has remained in consultation with Falkirk Council in respect of the

assessment of their application for the landscape restoration of Cowdenhill Quarry Void, and the upgrading of the southern section of the site access road leading to the A803. The Planning Service of each authority has seen sight of the proposed conditions to control the developments proposed and are satisfied that appropriate controls can be put in place and any potential impacts in respect of the environment, amenity and road safety can be appropriately protected.

- 4.2 It was identified during the original assessment of the application, when it was reported to Committee on 7 August 2013, that the Council would require approval to enter into a ground lease for the southern section of the access road to the proposed quarry at Tomfyne Farm. This was necessary because the proposed Section 75 Legal Agreement associated with the application could not extend to land situated outwith the administrative boundary of North Lanarkshire Council.
- 4.3 The Council's Infrastructure Committee subsequently considered this issue in 2017 and authorised the Council to enter into a ground lease for the area of land lying outwith the Council's boundary which forms the southern part of the quarry access road.
- 4.4 The Council's Legal Service has confirmed that the ground lease has now been signed and, subject to Committee approving the application today, the lease will be formally delivered to the Council. This will secure a legal right of access for the Council, ensuring the authority can enter the land if required in order to address any breach of planning control.

5. Mechanism to Secure Financial Bond for Restoration

- 5.1 Since the application was brought to committee in 2013 it has been recognised that planning conditions can be used as an alternative to the use of a S75 Legal Agreement as a means to secure restoration and this is now well used as a control mechanism in the processing of applications. As with any S.75 agreement the condition would still require the bond to be updated at agreed intervals during the working of the quarry through to final restoration and appropriate conditions are attached to control this matter (Conditions 65 and 66). The terms of the conditions are such that no rock extraction can commence until a financial guarantee is in place to cover the costs of decommissioning, site restoration and aftercare.

6. Conclusion

- 6.1 Taking the foregoing into account, it is considered that the updated and additional information submitted in support of this application is satisfactory in its content and demonstrates that the original recommendation and minded to grant position taken by the Planning Committee remains reasonable and can still be supported in terms of EIA legislation and the current development plan. Matters raised by consultees have either been addressed by the submission of further information or can be adequately covered by updated planning conditions. Due consideration has been given to the matters raised in representations, including any new matters raised; however, these are not upheld and do not merit the refusal of the application.
 - 6.2 On this basis, it is recommended that Committee note the contents of this report and that planning permission be granted subject to the updated conditions in Appendix 1 and that this includes a condition requiring the provision of a financial bond as a mechanism for site restoration in place of a Section 75 Legal Agreement prior to the commencement of development.
-

7. Measures of success

- 7.1 The measure of success would be approval of the application resulting in the creation of a new commercial quarry development which would in turn offer high quality aggregates to the construction industry at both local and regional level and offer employment opportunities to the residents of North Lanarkshire Council.

8. Supporting documentation

Committee Report dated 7/08/13 – [12/00729/FUL | Extraction of 350, 000 Tonnes per Annum of Hard Rock over a 21 Year Period and Associated Landscape, Earth Works and Access Road Upgrade. | Tomfyne Farm Mailings Road Banton North Lanarkshire G65 0RJ](#)



**Pamela Humphries
Chief Officer (Place)**

9. Impacts

9.1 Public Sector Equality Duty and Fairer Scotland Duty

Does the report contain information that has an impact as a result of the Public Sector Equality Duty and/or Fairer Scotland Duty?

Yes No

If Yes, please provide a brief summary of the impact?

If Yes, has an assessment been carried out and published on the council's website? <https://www.northlanarkshire.gov.uk/your-community/equalities/equality-and-fairer-scotland-duty-impact-assessments>

Yes No

9.2 Financial impact

Does the report contain any financial impacts?

Yes No

If Yes, have all relevant financial impacts been discussed and agreed with Finance?

Yes No

If Yes, please provide a brief summary of the impact?

9.3 HR policy impact

Does the report contain any HR policy or procedure impacts?

Yes No

If Yes, have all relevant HR impacts been discussed and agreed with People Resources?

Yes No

If Yes, please provide a brief summary of the impact?

9.4 Legal impact

Does the report contain any legal impacts (such as general legal matters, statutory considerations (including employment law considerations), or new legislation)?

Yes No

If Yes, have all relevant legal impacts been discussed and agreed with Legal and Democratic?

Yes No

If Yes, please provide a brief summary of the impact?

The Council's Legal Service has confirmed that the ground lease has now been signed and, subject to Committee approving the application today, the lease will be formally delivered to the Council. This will secure a legal right of access for the

Council, across land within the administrative boundary of Falkirk Council, ensuring the authority can enter the land within the application site if required in order to address any breach of planning control.

9.5 Data protection impact

Does the report / project / practice contain or involve the processing of personal data?

Yes No

If Yes, is the processing of this personal data likely to result in a high risk to the data subject?

Yes No

If Yes, has a Data Protection Impact Assessment (DPIA) been carried out and e-mailed to dataprotection@northlan.gov.uk

Yes No

9.6 Technology / Digital impact

Does the report contain information that has an impact on either technology, digital transformation, service redesign / business change processes, data management, or connectivity / broadband / Wi-Fi?

Yes No

If Yes, please provide a brief summary of the impact?

Where the impact identifies a requirement for significant technology change, has an assessment been carried out (or is scheduled to be carried out) by the Enterprise Architecture Governance Group (EAGG)?

Yes No

9.7 Environmental / Carbon impact

Does the report / project / practice contain information that has an impact on any environmental or carbon matters?

Yes No

If Yes, please provide a brief summary of the impact?

The planning application has been assessed as an EIA development and this is fully considered within the attached report. Key matters assessed included:

- Planning Policy Review
- EIA Scoping Responses
- Landscape and Visual Impact Assessment
- Air Quality Assessment
- Noise and Vibration Assessment
- Water Environment
- Ecology Surveys (including Habitats reporting, European Protected Species Reports, Species Protection Plan)
- Tree Survey
- Schedule of Mitigation measures
- Peat Report
- Updated Transport Assessment

9.8 Communications impact

Does the report contain any information that has an impact on the council's communications activities?

Yes No

If Yes, please provide a brief summary of the impact?

9.9 Risk impact

Is there a risk impact?

Yes No

If Yes, please provide a brief summary of the key risks and potential impacts, highlighting where the risk(s) are assessed and recorded (e.g. Corporate or Service or Project Risk Registers), and how they are managed?

9.10 Armed Forces Covenant Duty

Does the report require to take due regard of the Armed Forces Covenant Duty (i.e. does it relate to healthcare, housing, or education services for in-Service or ex-Service personnel, or their families, or widow(er)s)?

Yes No

If Yes, please provide a brief summary of the provision which has been made to ensure there has been appropriate consideration of the particular needs of the Armed Forces community to make sure that they do not face disadvantage compared to other citizens in the provision of public services.

9.11 Children's rights and wellbeing impact

Does the report contain any information regarding any council activity, service delivery, policy, or plan that has an impact on children and young people up to the age of 18, or on a specific group of these?

Yes No

If Yes, please provide a brief summary of the impact and the provision that has been made to ensure there has been appropriate consideration of the relevant Articles from the United Nations Convention on the Rights of the Child (UNCRC). If Yes, has a Children's Rights and Wellbeing Impact Assessment (CRWIA) been carried out?

Yes No

Appendix 1

12/00729/FUL – Updated Planning Conditions

1. That the developer shall confirm in writing to the Planning Authority the date of commencement of rock extraction operations. Thereafter all mineral extraction operations within the site hereby permitted shall cease within 21 years of the date of commencement of extraction of material from the site (or such earlier a date as may agreed in writing by the Planning Authority) and within a period of 24 months from the date of discontinuance the site shall be restored in accordance with the approved restoration plan (as approved under condition 8 below) to the satisfaction of the Council.

Reason: To define the extent of the permission

2. That written confirmation of the intended date of commencement of development shall be provided to the Planning Authority as soon as practicable after deciding on such a date and no later than one calendar month prior to the commencement of development. Thereafter once development commences written confirmation of the actual date of commencement shall be provided to the Planning Authority within a month of the date of starting.

Reason: To define the extent of the permission

3. That prior to the commencement of development on site, full details of an independent party to act as a Compliance Officer and the brief of the Compliance Officer, shall be submitted to and approved in writing by the Planning Authority. All costs associated with the appointment shall be met by the developer. For the avoidance of doubt the Compliance Officer shall undertake monitoring of the development and operations at the site until completion of the final restoration and aftercare phase.

Reason: To enable and assist the Planning Authority to monitor the progress of the extraction work

4. That before the development starts the Compliance Officer approved under the terms of condition 3 above shall agree a timetable for the delivery of a monitoring audit of adherence to the terms of the consent to the Planning Authority. Thereafter the Compliance Officer shall carry out an audit of the conditions attached to this permission for the written approval of the Planning Authority in accordance with the approved timetable of audits. Each audit shall specify the degree of compliance with conditions and, thereafter, specify any remedial measures required to be taken in order to safeguard the environment at the site and the surrounding area in the event of a failure to comply with any conditions. In the event that it becomes evident to the Planning Authority that the site is operating out with the permission pertaining to the development a revised audit of conditions shall be submitted for the written approval of the Planning Authority within 28 days of the suspected breach, detailing the steps to be taken and timescales involved to regularise the permission.

Reason: To enable and assist the Planning Authority to monitor the progress of the extraction work.

5. That prior to the commencement of development on site the details of a Community Liaison Group shall be submitted to and approved in writing by the Planning Authority in consultation with Falkirk Council. For the avoidance of doubt it shall include reference to:
 - a) The composition of the community liaison group.
 - b) The means by which issues can be raised directly by the group to the site operator.
 - c) Protocol by which issues can be raised by the group to the site operator.
 - d) Anticipated frequency of group meetings.

Reason: To enable the Planning Authority to consider such details.

6. That except as may otherwise be agreed in writing by the Planning Authority, the development shall be implemented strictly in accordance with the information and plans submitted within the Environmental Statement and Figure 3.7 both dated June 2012 except as may be amended by the terms of the approval hereby given, and shall omit no part of the operations provided for therein. Any amendments to the methods or operational activities must have the prior written approval of the Planning Authority.

Reason: To ensure the development is in compliance with the terms of the permission

7. For the avoidance of doubt the quarry shall be worked in accordance with the phasing plans Fig 3.1 to 3.4 as detailed in the Environmental Statement dated June 2012 unless otherwise approved in writing beforehand by the Planning Authority.

Reason: To define the planning permission.

8. That before development starts a detailed Restoration and Aftercare Plan shall be submitted to, and approved in writing by, the Planning Authority. The plan shall include:

A. Restoration

- i. A detailed schedule and phasing plan to reflect figure 3.6 (Tomfyne Restoration Plan) of the Environmental Statement dated June 2012 of new habitat creation, including information about location, species, density of proposed planting, size of area, protection and replacement measures in the event of failure or vandalism;
- ii. Details on all planting associated with the landscaping of the site including details on the locations, size, number and species of all trees and shrubs, including full details on grass seed mixes to be utilised. For the avoidance of doubt all planting

- shall comprise of native planting that supports local biodiversity and strengthens local habitat provision.
- iii. Details of the location of tree protection fencing and associated buffering with respect to the areas of retained woodland within the site;
 - iv. Ecological and biodiversity works such as (but not limited to) use of native seed mixes and measures to safeguard all retained landscaping on the site.
- B. Aftercare
- i. A 5 year aftercare scheme to monitor success of restoration measures with scope for interventions if required. For the avoidance of doubt it shall include;
 - the steps necessary to bring the land to a standard that accords with the restoration proposals; full details of the cultivation techniques to be used; the fertilising methods; the soil sampling and analysis procedures; the watering and drainage methods; the weed control systems and any other treatment proposed for the land;
 - provision to ensure that any trees, shrubs, or areas of grass which die, are removed, damaged, or become diseased, within the aftercare period shall be replaced within the following year with others of a similar size and species.

Reason: To ensure restoration and aftercare of the site, in the interests of safety, amenity and environmental protection.

9. That no later than 12 months prior to the expiry of this permission or 12 months prior to cessation of extraction, if earlier, a detailed Decommissioning Plan shall be submitted to, and approved in writing by, the Planning Authority. The plan shall include:
 - i. A site waste management plan (dealing with all aspects of waste produced during the decommissioning, restoration and aftercare phases and, including details of measures to be taken to minimise waste associated with the Development and promote the recycling of materials and infrastructure components);
 - ii. Details of the formation of the construction compound, welfare facilities, any areas of hardstanding, turning areas, internal access tracks, car parking, material stockpiles, oil storage, lighting columns, and any construction compound boundary fencing;
 - iii. Details of measures to be taken to prevent loose or deleterious material being deposited on the local road network, including wheel cleaning and lorry sheeting facilities, and measures to clean the site entrances and the adjacent local road network;
 - iv. Details of soil storage and management including outline quantities, locations (which must avoid any soil storage on peat and other carbon rich soils) and management of long term storage of soil arising from the construction of the development to facilitate future site restoration;
 - v. A surface water and groundwater management and treatment plan, including details of the separation of clean and dirty water drains, and location of settlement lagoons for silt laden water;
 - vi. Details of measures for any sewage disposal and treatment;

- vii. Any temporary site illumination;
- viii. The construction of any temporary access into the site and the creation and maintenance of associated visibility splays;
- ix. Removal of any in-situ foundations including removal to a depth of at least 1m underground;
- x. Removal of above ground infrastructure including any plant or machinery used to operate the development;
- xi. Provision of a Decommissioning Environmental Management Plan (DEMP) to include a Dust Management Plan and a Pollution Prevention and Control Method Statement;
- xii. A Traffic Management Plan (TMP) related to activities for decommissioning, demolition, and removal of infrastructure;
- xiii. A Decommissioning Timetable.

Reason: To ensure the decommissioning and removal of the development in an appropriate and environmentally acceptable manner.

10. That within one year from the date of commencement, and thereafter at twelve monthly intervals for the duration of extraction and restoration operations, the applicant shall submit an annual progress plan to the Council as Planning Authority. The annual progress plan shall detail:
 - a topographical survey drawing indicating the progress of quarrying and restoration operations. For the avoidance of doubt the plan shall indicate the current position of the extraction areas, the size of the void, completed soil stripping and replacement works, the extent of spoil and overburden disposal, the extent of restored land and the extent of landscaping works that have been implemented;
 - Current and anticipated production figures;
 - Total tonnage dispatched within the proceeding year;
 - Estimation of remaining mineral reserves;
 - Compliance with statutory permissions and legal agreements;
 - Site complaint logs and actions taken.
 - Details of the planned location of mobile plant

For the avoidance of doubt, in the event that it is considered that the excavations and restoration works are not progressing in accordance with the approved plans, the above plans can be requested at any time by the Planning Authority.

Reason: To allow the Planning Authority to monitor the progressive extraction and restoration phases.

11. That following the submission of the annual progress plan as required by Condition 10 above or following any other review of progress, should it become evident that the restoration scheme as detailed on plan reference Fig 3.6 (Tomfyne Restoration Plan) of the Environmental Statement dated June 2012 cannot be delivered within six months of such an event a revised restoration scheme that modifies and updates the approved

scheme shall be submitted for the written approval of the Planning Authority, detailing the steps to be taken and timescales involved to restore the site.

Reason: To allow the Planning Authority to monitor the progressive extraction and restoration phases.

12. That excepting the overburden material required for the purposes of restoring the disused Cowdenhill Quarry floor as set out in the Environmental Statement June 2012, no additional overburden or top-soil material shall be removed from the rock extraction area at any time and no refuse, or bulk materials shall be imported to the site for any purpose at any time without the prior written approval of the Planning Authority.

Reason: To ensure the development can comply with the terms of the planning permission.

13. That excepting the overburden material required for the purposes of restoring the disused Cowdenhill Quarry floor as set out in the Environmental Statement June 2012, all vegetation matter/soils shall be retained on site for use in the restoration of the quarry in accordance with the restoration scheme as detailed on plan reference Fig 3.6 (Tomfyne Restoration Plan) of the Environmental Statement dated June 2012 unless otherwise agreed with the Planning Authority.

Reason: To enable the Planning Authority to consider these details in the interests of ensuring the site is adequately restored.

14. That prior to the commencement of development on site the full details of all site boundary treatments shall be submitted for the consideration and written approval of the Planning Authority. Thereafter, the erection of fencing and or planting of boundary treatments shall accord with the approved details and remain in place for the duration of the development.

Reason: To enable the Planning Authority to consider such details.

15. That for the duration of this permission and up to the completion of all aftercare works warning signs shall be erected and maintained by the operator next to all publicly accessible areas within or adjacent to the quarry hereby approved.

Reason: In the interests of site safety.

16. That the hard rock extraction works hereby approved shall not commence on site until the proposed resurfacing and drainage improvement works to the site access road have been completed in accordance with the details set out in the Environmental Statement June 2012.

Reason: To ensure the access road is properly surfaced and drained in the interests of road safety.

17. That prior to the commencement of development a Transport Management Plan shall be submitted to and approved in writing by the Planning Authority in consultation with Falkirk Council. For the avoidance of doubt the Transport Management Plan shall include the following:

- HGV routes to and from the site
- on and off site speed limit restrictions
- a Driver's Code of Conduct, which shall be issued to all site drivers to help prevent incidents and accidents, and to minimise the effect of operational haulage traffic on the local roads network.
- Driver training and use of modern vehicles with in-vehicle monitoring and safeguarding scanners for pedestrians and cyclists with driver alerts.
- Induction for all Holcim drivers regarding safety / vehicle speeds / routing and Vulnerable Road User training with regular updates under CPD for all staff
- Induction for other drivers entering a Holcim site - required attendance to a site-specific induction to understand local safety protocols
- Standard record keeping of vehicle times in / out over the weighbridge
- Liaison with local schools in the North Lanarkshire Council and Falkirk Council vicinity of the site around road safety / regular contact with the Quarry Manager with any issues logged / actioned immediately

Reason: To enable the Planning Authority to consider such details in the interests of traffic safety and to ensure haulage vehicles are discouraged from using unauthorised routes to and from the site.

18. That the hours of working for all operations at the site hereby approved shall be restricted to the following time periods unless otherwise agreed in writing by the Planning Authority:

Monday to Friday 0700 – 1900

Saturday 0700 -1200 (noon)

For the avoidance of doubt there shall be no working on Sundays or local bank holidays (with the exception of essential maintenance work), unless otherwise agreed in writing with the Planning Authority.

Reason: To define the planning permission.

19. That prior to the commencement of quarrying the applicant shall submit for the written approval of the Planning Authority, a list of residential properties that could be considered to be vibration sensitive at which the monitoring of blasts shall be carried out (in accordance with the terms of condition 31 below). A minimum of 24 hours notice shall

be given to these residential properties identified providing confirmation of the date and time of each blast all to the satisfaction of the Planning Authority.

Reason: To enable the Planning Authority to consider these details.

20. That all blasting operations shall be confined to the hours of 10.00 am to 3.00 pm, Mondays to Fridays and no blasting shall take place on Saturdays, Sundays or public holidays.

Reason: To define the agreed working hours in the interests of amenity.

21. That in the event of an emergency when it is considered necessary to carry out blasting operations out-with the hours specified in Condition 20, in the interests of safety, the Planning Authority shall be notified in writing immediately of the nature and circumstances of any such event.

Reason: To enable the Planning Authority to consider these amended details.

22. That ground vibration and noise as a result of blasting operations shall not exceed a peak particle velocity of 6mms-1 in 95% of all blasts measured over any period of 6 months and no individual blast shall exceed a peak particle velocity of 12mms-1 as measured at vibration and noise sensitive residential properties. The vibration measurement to be the maximum of 3 mutually perpendicular directions taken at the ground surface at any vibration sensitive residential properties in accordance with Chapter 11 Blasting and Vibration of the Environmental Statement dated June 2012.

Reason: In the interests of residential amenity of noise sensitive properties

23. That before the development hereby approved commences, the developer shall submit to the Planning Authority, written confirmation from Scottish Gas Networks plc (SGN) that the planned method of working within a high pressure gas pipeline protection zone has been formally agreed between SGN and the developer.

Reason: To enable the Planning Authority to consider these details, to ensure all necessary gas pipeline protection measures have been agreed with Scottish Gas Networks plc before the development commences.

24. That before the development hereby approved commences the developer shall submit to the Planning Authority, written confirmation from Scottish Gas Networks plc (SGN) that the slope profile (i.e. stand-off distance and angle) informed by the blasting plan and extraction phasing has been formally agreed between SGN and the developer.

Reason: To enable the Planning Authority to consider these details to ensure all necessary gas pipeline protection measures have been agreed with Scottish Gas Networks plc before the development commences.

25. That any safe blast induced vibration criteria recommended by Scottish Gas Network (Condition 23 and 24) shall be adhered to and that where necessary the instantaneous

explosive charge weights shall be reduced to comply with its vibration criterion and ensure protection of the Scottish Gas Network high pressure gas pipeline affected by the development hereby approved.

Reason: To ensure the high pressure gas pipeline is protected.

26. That before the development hereby approved commences the developer shall submit to the Planning Authority, written confirmation from Scottish Gas Networks plc (SGN) that the design and installation of the required pipeline protection slab at the gas pipeline crossing of the access road have been formally agreed between SGN and the developer. For the avoidance of doubt, this shall be designed to Scottish Gas Networks (SGN) specifications and must adhere to SGN's Management of Change process.

Reason: To ensure all necessary gas pipeline protection measures have been agreed with Scottish Gas Networks plc before the development commences.

27. That before the development hereby approved commences the developer shall submit to the Planning Authority, written confirmation from Scottish Gas Networks plc (SGN) that the proposed method of works for resurfacing and drainage improvements on the access road has been formally agreed between SGN and the developer.

Reason: To ensure all necessary gas pipeline protection measures have been agreed with Scottish Gas Networks plc before the development commences.

28. That the developer shall maintain a record of all blasts so that the measurements of peak particle velocity as restricted in terms of Condition 22 above can be identified and these records shall be made available for inspection by any authorised party during office hours at the quarry. Blasting records shall be kept in accordance with Regulation 44 of the Quarries Regulations 1999.

Reason: In the interests of residential amenity of noise sensitive properties.

29. That all blasting operations shall be carried out using the best practicable means available to ensure that the resultant noise, vibration and air overpressure are minimised in accordance with the best practice methodologies set out in PAN 50, in so far as it applies, to the satisfaction of the Planning Authority

Reason: In the interests of residential amenity of noise sensitive properties.

30. That blasting operations shall only be carried out after suitable audible and visual warnings have been given.

Reason: In the interests of residential amenity of noise sensitive properties.

31. That following the approval of the vibration sensitive properties as required by Condition 19 above, the monitoring of all blasts shall be carried out at no less than one of the vibration sensitive properties or in the event of a complaint arising regarding blasting, at any such other location as may be notified in advance in writing to the Planning Authority.

Reason: In the interests of residential amenity of noise sensitive properties.

32. That prior to the commencement of quarrying operations a scheme of measures for the control of dust which will ensure that the best practice methodologies set out in PAN 50, in so far as it still applies, and Chapter 10: Dust and Air Quality of the Environmental Statement dated June 2012 shall be submitted to and approved in writing by the Planning Authority, and for the avoidance of doubt such a scheme will cover the following:

- a) ground preparation works, soil stripping and the removal of overburden in advance of mineral extraction
- b) ground preparation works and the replacement of overburden and soils as part of the site restoration works
- c) dust arising in connection with blasting operations
- d) the transportation of rock within the site and following processing the exportation of rock from the site.

For the avoidance of doubt the scheme approved under the terms of this condition shall remain in place for the duration of this planning permission.

Reason: To enable the Planning Authority to consider these details in the interests of protecting sensitive properties from fugitive dust emissions.

33. That unless otherwise agreed in writing, dust and air quality monitoring including the monitoring of P10's shall be undertaken in accordance with Chapter 10, Appendix 10.1 of the Environmental Statement dated June 2012 "Dust and Air Quality Monitoring Scheme" as updated by Environmental Statement Addendum 2024 – Supplementary Statement Appendix 5 – 'Air Quality' to the satisfaction of the Planning Authority.

Reason: In the interests of protecting sensitive properties from fugitive dust and PM10 emissions.

34. That no rubbish or other waste materials shall be burned on site at any time, and the operator shall be responsible for immediately extinguishing any sporadic burning which may occur unless it is in connection with land management practices or the disposal of explosive packaging.

Reason: In the interests of protecting residential amenity.

35. That, at all times during the carrying out of operations authorised or required by this permission, a water bowser and towing vehicle, both kept in working order, shall be retained on site for use in the event of dust emission nuisance problems within the site to the satisfaction of the Planning Authority.

Reason: To prevent fugitive dust affecting sensitive properties.

36. That prior to commencement of development on the site the developer shall submit a scheme for the written approval of the Planning Authority which ensures that all vehicles leaving the site are in such a condition as not to emit dust or deposit mud, slurry or other deleterious material on the public road network. In particular, but without prejudice to the foregoing, the scheme shall include equipment to be installed and maintained and employed for the cleaning of wheels and chassis of all vehicles leaving the site. This shall include the installation of a wheel-wash and the use of a mechanical sweeper which shall be deployed as and when necessary on the surfaced portion of the access road. The scheme shall also include details of the periodic monitoring and inspection of the condition of the site access. Prior to the commencement of development, details of the wheel wash facilities and their location shall be submitted and approved in writing by the Planning Authority.

Reason: In the interests of traffic safety and to prevent damage to the public road network

37. That the wheel washing equipment required under the terms of Condition 36 above shall be desludged as required to the satisfaction of the Planning Authority. For the avoidance of doubt no vehicles shall leave the site without the wheel cleaning required under Condition 36 above whilst desludging is taking place.

Reason: In the interests of traffic safety and to prevent damage to the public road network.

38. That the developer shall employ the best practical means of controlling the generation of noise from the site, taking into account the terms of BS5228: Part 3 (1984) 'Code of Practice for Noise Control Applicable to Surface Extraction by Opencast Methods' and Planning Advice Note PAN 50 Annex A: 'The Control of Noise at Surface Mineral Workings', in so far as it applies, to the satisfaction of the Planning Authority.

Reason: In the interests of residential amenity.

39. That from the commencement of quarrying operations, the noise levels LAeq at any noise sensitive property including those identified below shall:
- a) not exceed 70dB LAeq 1h on weekdays (Monday to Friday inclusive) for the purpose of creation and removal of soil storage/ landscape bunds and soil stripping for a period not exceeding twelve weeks in any calendar year, and

b) comply with the following noise limits during normal site operations:

- i) Orchard Farm 47 dB LAeq, 1 hour, free field
- ii) Meadowside 45 dB LAeq, 1 hour, free field
- iii) Binniemyre 45 dB LAeq, 1 hour, free field
- iv) High Banton 48 dB LAeq, 1 hour, free field
- v) Doups 45 dB LAeq, 1 hour, free field
- vi) The Leys 45 dB LAeq, 1 hour, free field
- vii) Wester Thomaston 45 dB LAeq, 1 hour, free field
- viii) Coneypark Crescent 49 dB LAeq, 1 hour, free field

Reason: To protect sensitive properties from excessive noise impacts

40. That, notwithstanding the general terms set out in Condition 38 above, all precautions should be taken to minimise noise from vehicles and machinery in accordance with the measures set out in Chapter 9 - Noise Assessment of the Environmental Statement dated June 2012.

Reason: To protect sensitive properties from excessive noise impacts

41. That noise monitoring shall be undertaken in accordance with Chapter 9, Appendix 9.5 of the Environmental Statement dated June 2012 "Noise Monitoring Scheme". Noise levels imposed by Condition 39 above shall be measured at a point 1 metre closer to the site than the exterior of an inhabited building.

Reason: To protect sensitive properties from excessive noise impacts.

42. That all earth/rock moving plant within the site shall be fitted with upturned exhausts and shall be maintained to minimise noise emissions and all mobile plant used within the quarry shall be fitted with 'warbler type' reversing warning systems to the satisfaction of the Planning Authority

Reason: To protect sensitive properties from excessive noise impacts.

43. To ensure ecological surveys are current and up to date, a pre-commencement ecological survey shall be undertaken on the site to determine the presence of any statutorily protected species, the said survey shall thereafter be submitted to and approved in writing by the Planning Authority before any development commences on the site. As a result of the study, should any changed or additional mitigation measures be required for the relocation of any protected species, this shall be implemented in accordance with a suitable Species Protection Plan agreed in writing with the Planning Authority in consultation with NatureScot and NLC Greenspace before works commence on the site.

Reason: To enable the Planning Authority to consider such details in the interests of minimising impacts on protected species and their respective habitats.

44. That prior to the commencement of quarrying in each phase as shown on approved plan reference Fig 3.1 to 3.4 all areas affected by the proposed development will be carefully surveyed by a suitably qualified person to update the surveys previously undertaken for protective species which receive statutory protection. This will follow on from the pre-commencement survey in Condition 43 to ensure no status change / additional mitigation. A report of the survey will be submitted and agreed in writing with the Planning Authority in consultation with NatureScot and NLC Greenspace.

Reason: In the interests of protecting ecological resources at or near the site

45. That no development shall take place within the development area until the applicant has secured the implementation of a staged programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted by the applicant, agreed by the local Archaeology Service and approved by the Planning Authority.

Reason: To enable the Planning Authority to consider such details.

46. That the developer shall take appropriate measures throughout the period of working, restoration and aftercare to ensure the protection and maintenance or diversion of any ditch, stream, watercourse or culvert passing through the site to ensure that drainage to areas adjoining the site is not impaired or rendered less efficient by the operations hereby permitted, and adequate precautions shall be taken to prevent the pollution of ditches, watercourses and drains within and adjacent to the site to the satisfaction of the Planning Authority in consultation with the Scottish Environment Protection Agency.

Reason: To ensure the site is adequately drained in the interests of protecting existing water courses.

47. That prior to the commencement of development onsite, a scheme shall be submitted to and approved in writing by the Planning Authority detailing a scheme to be implemented to monitor ground water levels within the site, the approved scheme shall thereafter be implemented on the site throughout the duration of extraction, restoration and aftercare processes.

Reason: To enable the Planning Authority to consider such details.

48. The development should be implemented in accordance with the drainage strategy as assessed within the Flood Risk Assessment (Envireauwater, 2024) as submitted to the Planning Authority and SEPA. In the event of a change to the quarry plan (Condition 6) that could in turn mean a change to the Drainage Plan, a further Flood Risk Assessment

shall be provided, if requested, by the Planning Authority and thereafter submitted for approval to the Planning Authority in consultation with SEPA.

Reason: In order that the Planning Authority are satisfied that the proposed development will not give rise to flooding within the application site and will not increase any flood risk elsewhere.

49. That any chemical, oil or diesel storage tanks installed within the site area shall be sited on impervious bases and surrounded by impervious bunded walls and the bunded areas shall be capable of containing 110 % of the tank volume and should enclose all fill and draw pipes to the satisfaction of the Planning Authority.

Reason: To protect water courses from fuel spills.

50. That all site lighting shall be located to minimise its impact beyond the site boundaries to the satisfaction of the Planning Authority.

Reason: To protect residential amenity from sensitive properties.

51. That the development shall be carried out in accordance with the tree survey submitted as part of the application (Black Hill Ecology, 2024) and the Tree Constraints Plan (TCP) (indicating all trees to be retained and those to be removed) produced in accordance with BS5837: 2005 'Trees in relation to construction; recommendations'. Prior to commencement of development, a suitably qualified and experienced arboriculturist shall check the location of tree protection fencing / Boundary Treatments (Condition 14) to provide a clear separation between the works and the trees to be protected.

For the avoidance of doubt the TCP provides for the protection of the long established semi natural woodland of the upper Craigs Plantation and those parts of younger coniferous woodland down-slope which are not affected by quarrying development hereby approved.

Reason: To enable the Planning Authority to consider such details, in the interests of minimising visual impacts of the site operations.

52. That notwithstanding the terms of condition 51 above, that within 6 months of the date of this permission, full details of all advanced landscaping and woodland planting within the site shown on Tomfyne Landscape Mitigation Plan in the Environmental Statement 2012 figure 3.6, and the ongoing landscaping and woodland planting including the programme of implementation shall be submitted to and approved in writing by the Planning Authority.

Reason: In the interests of visual amenity.

53. That the landscaping and woodland planting approved under the terms of Condition 52 above, as reflecting figure 3.6 Tomfyne Landscape Mitigation Plan in the Environmental Statement 2012, shall be implemented in accordance with the approved programme to the satisfaction of the Planning Authority and any planting which fails to grow, dies, is damaged or destroyed during the periods of quarrying and aftercare shall be replaced during the next planting season, to the satisfaction of the Planning Authority.

Reason: In the interests of visual amenity.

54. That prior to the commencement of development on site a scheme for the provision of footpaths/ diversion of existing footpaths noted in Plan 7192_ES_Figure 12.3 (as amended) shall be submitted to and approved in writing by the Planning Authority. The approved footpaths shall thereafter be constructed to the satisfaction of the Planning Authority in accordance with a phased approach to path construction which coincides with proposed phasing of operations onsite. For the avoidance of doubt the scheme shall include:

- a) Construction details with respect to proposed path works.
- b) Context details identifying the relationship between proposed path works and detailed landscape/ restoration proposals.
- c) Measures to maintain equestrian user access over these paths.

Thereafter, the paths shall be diverted in accordance with the approved details, prior to the commencement of any mineral extraction operations within the site to the satisfaction of the Council as Planning Authority.

Reason: To enable the Planning Authority to retain effective control and protect.

55. That the restoration of the site shall, as far as is reasonably practicable, proceed concurrently with the excavation works, and in accordance with the restoration programme approved under Condition 8, to the satisfaction of the Planning Authority.

Reason: In the interests of protecting visual amenity of the surrounding landscape character.

56. That notwithstanding the requirements of Condition 8, and for the avoidance of doubt the site shall be fully restored in accordance with the approved restoration phasing plan within two years of the cessation of mineral extraction to the satisfaction of the Planning Authority.

Reason: In the interests of protecting visual amenity of the surrounding landscape character.

57. That, notwithstanding the generality of Conditions 12 and 13, soils to be replaced as part of the restoration shall be handled in accordance with the approved restoration scheme

(Condition 8) to the satisfaction of the Planning Authority and that at least 48 hours notice shall be given to the Planning Authority of intention to replace soils to allow for inspection of the area by the said Authority.

Reason: To enable the Planning Authority to consider these details.

58. That notwithstanding the generality of condition 8 above, the following criteria shall be observed in the restoration of the site to the satisfaction of the Planning Authority where appropriate: -

- i. following replacement of overburden/infilling, and before the replacement of sub-soil, the overburden shall be rooted and cross-rooted to a depth of 300mm, with boulders and stones exceeding 500mm in one dimension being removed from the site or buried on the site at a considerable depth;
- ii. where available, at least 600 mm of subsoil shall be spread on top of the overburden, sub-soil shall be re-spread evenly in separate layers of 300mm depth, and each layer shall be rooted and cross-rooted with a heavy duty winged rooting machine, with boulders and stones exceeding 200mm in one dimension, or other materials which would prevent or impede normal agricultural or land drainage operations or the use of machinery for subsoiling or mole ploughing being removed before the top soil is replaced and that the surface layer shall be left in a roughened state;
- iii. following the replacement of sub-soil, all available top-soil shall be re-spread evenly to achieve the final level and configuration, and shall be rooted and cross-rooted and cultivated as required with all stones exceeding 100mm in one dimension being removed;
- iv. all operations involving sub-soil and top-soil replacement and cultivation shall only be carried out when the full volume of soil involved is in a suitably dry soil moisture condition to minimize soil damage and to maximize the effects of the rooting operations,
- v. that earth moving machinery shall travel along clearly defined routes avoiding areas of tipped sub and top soils and these routes shall be rooted before being covered with the next layer of subsoil or top soil; and

Records of spreading of sub-soil and top soil including photographs and a plan showing areas applied will be kept by the operator and reviewed annually as part of the compliance monitoring.

Reason: To ensure the site is fully restored in an appropriate manner.

59. That prior to seeding or planting taking place, confirmation from the Compliance Officer shall be provided that the soil replacement has been undertaken satisfactorily to the satisfaction of an accredited Landscape Architect and that the soils are in a suitable condition for the restoration proposed, to the satisfaction of the Planning Authority.

Reason: To enable the Planning Authority to consider these details in the interests of ensuring the site is adequately restored.

60. That notwithstanding the terms of condition 9 above within 12 months of the cessation of mineral extraction, all fixed equipment, plant, machinery and buildings shall be removed from the site to the satisfaction of the Planning Authority.

Reason: To ensure the site is fully restored in an appropriate manner.

61. That notwithstanding the terms of condition 8 above before 31st July of every year during the aftercare period, a report shall be submitted to the Planning Authority recording the operations carried out during the previous 12 months and setting out the intended operations for the next 12 months.

Reason: To ensure the site is fully restored in an appropriate manner.

62. That during the aftercare period the site shall be monitored and be subject to an annual site inspection by the applicant and Planning Authority and any remedial works which are required shall be completed within a period of six months from the date of the site inspection to the satisfaction of the Planning Authority.

Reason: To ensure the site is fully restored in an appropriate manner.

63. That if by reason of any circumstances not foreseen by the developer, it becomes necessary or expedient during the continuance of the operations hereby approved to amend or abandon, to a material extent, any of the provisions contained in the Environmental Statement dated June 2012 and Environmental Statement – Addendum 2024 except as may be amended by the terms of the approval hereby given, and the phasing plans Fig 3.1 to 3.4 (inclusive), the Planning Authority may request for consideration an amended application and revised Environmental Impact Assessment, and the developer shall adhere to and comply with the present consent until the amended application and statement of intent have been approved.

Reason: To enable the Planning Authority to consider such details.

64. That notwithstanding the details shown on the approved plans no approval is hereby given for the erection, relocation or alterations to the external appearance of any of the existing buildings and plant within the site; any such proposals require the written approval of the Planning Authority.

Reason: To enable the Planning Authority to consider such details.

65. That no later than 12 weeks before the commencement of rock extraction operations, a financial guarantee to cover the costs of decommissioning, site restoration and aftercare, as required by conditions 8 and 9 of this consent, shall be submitted for the written approval of the Planning Authority. The acceptability of such financial guarantee shall be at the sole discretion of the Planning Authority. The financial guarantee must:
- A) be granted in favour of the Planning Authority and shall be maintained in favour of the Planning Authority throughout the duration of this consent and until the completion of all decommissioning, site restoration and aftercare obligations as required by conditions 8 and 9 of this consent.
 - B) must be provided by an independent financial body with at least an A - rating who will be capable of fulfilling the obligations set out within the financial guarantee.
 - C) be for an amount which covers the value of all decommissioning, site restoration and aftercare liabilities, such amount to be determined by the Planning Authority prior to commencement of the development.
 - D) be subject to a review every five years from the date of this consent, or other such intervals as agreed by the Planning Authority. Each review shall be undertaken by a suitably qualified independent professional who has relevant experience in such matters, the identity of whom has been agreed in writing by the Planning Authority prior to the review of the financial guarantee commencing. The review of the financial guarantee shall be submitted no later than three months prior to the expiry of the existing financial guarantee, for the written approval of the Planning Authority. Thereafter and at least 28 days prior to the expiry of the existing financial guarantee, the replacement financial guarantee in favour of and in terms acceptable to the Planning Authority and for the value advised by the review noted above, shall be submitted for the written approval of the Planning Authority.
 - E) come into effect on or before the commencement of rock extraction operations, and expire no earlier than 24 months after the end of the aftercare period.

The commencement of rock extraction operations shall not start until both:

- written approval of the Planning Authority has been given to the terms of such financial guarantee and;
- the validly executed guarantee has been delivered to the Planning Authority.

Reason: To ensure that there are sufficient funds to secure performance of the decommissioning, restoration and after-care obligations in event of a developer / operator default.

66. In the event that the financial guarantee becomes invalid, has expired, or is terminated for any reason following the commencement of operations at the site, all operations at the site shall cease no later than three months from the date the financial guarantee became invalid, expired or terminated. If a replacement financial guarantee, which meets the requirements of condition 65 is approved by the Planning authority and duly executed before the end of the three-month period, the operations may continue. If the

operations have ceased due to this clause, they may recommence only upon the approval and execution of a replacement financial guarantee.

Reason: To ensure that there are sufficient funds to secure performance of the decommissioning, restoration and after-care obligations in event of a developer / operator default.

67. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development)(Scotland) Order 1992 (or of any order revoking, amending or re-enacting that Order), no buildings, structures or fixed plant, including that required for lighting the site, shall be erected or installed within the site, unless details of their location and appearance have received approval in writing from the Council as Planning Authority.

Reason: To enable the Planning Authority to consider such details.

68. That prior to any works commencing on site a Construction Environmental Management Plan (CEMP) shall be submitted to and approved by the Planning Authority. In the interest of clarity, the CEMP should adequately characterise the risks that the extraction and restoration works pose to the water environment and any key environmental receptors and incorporate detailed prevention and mitigation measures for all construction.

Reason: To ensure suitable pollution prevention measures are in place prior to works commencing on site to minimise pollution risks arising from construction activities in order to protect the water environment and ecological interests.

69. That prior to any works commencing on site a Waste Management Plan shall be submitted to and approved in writing by the Planning Authority. No later than 5 years from the date of commencement and every 5 years thereafter, the operator shall carry out a review of the waste management plan for any extractive waste and provide a report of its review to the Planning Authority for its written approval.

Reason: To ensure that any extractive waste is handled in a way that ensures the safety and amenity of the public and that protects the environment and to comply with the Management of Extractive Waste (Scotland) Regulations 2010.