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# CAIRNGORMS NATIONAL PARK AUTHORITY

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**Title: REPORT ON CALLED-IN PLANNING APPLICATION**

**Prepared by: NEIL STEWART, PLANNING OFFICER (DEVELOPMENT CONTROL)**

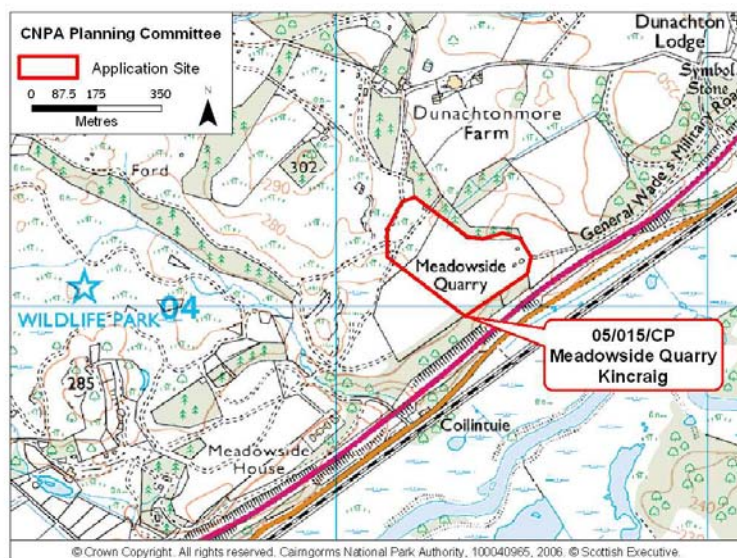
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**DEVELOPMENT PROPOSED: FULL PLANNING PERMISSION FOR EXTENSION OF QUARRY AREA AND EXTRACTION PERIOD AND CONTINUATION OF ROCK PROCESSING AND CONCRETE PRODUCTION, MEADOWSIDE QUARRY, KINCRAIG**

**REFERENCE: 05/015/CP**

**APPLICANT: ENNSTONE THISTLE LIMITED, ENNSTONE HOUSE, ETHIEBEATON QUARRY, KINDENNIE, MONIFIETH, DD5 3RB**

**DATE CALLED-IN: 28 January 2005**



**Fig. 1 - Location Plan**

## SITE DESCRIPTION AND PROPOSAL

1. Meadowside Quarry is located approximately 2 km to the south-west of Kincaig on the north-west side of the A9. It is accessed by an existing road from the B9152 which passes under the A9 and also serves the Highland Wildlife Park, Dunachton Estate and the group of tourist accommodation buildings and houses at Meadowside House. The existing quarry lies on land which is elevated relative to the surrounding land to the south west, south and east. A treed slope drops steeply down between the quarry site and the public roads to the south east. Coniferous woodland lies close to the north east boundary. The land to the north-west boundary of the quarry comprises undulating semi-improved grassland with some shrub heathland. The location is essentially rural in character with the Highland Wildlife Park lying approximately 500m to the west.



**Fig.2. View of quarry from south-west side**

2. The quarry currently operates under Highland Council planning consent reference number 97/00112/FULBS, which was granted on 22 January 1999. This permission was for a renewal of a previous 10 year permission originally granted in August 1986. As I understand it, working at the quarry ceased in May 1995 following the expiry of the operators lease but the successful application to renew the rock quarrying operations at Meadowside in 1999 allowed for a further 10 year extraction period. The quarry has been operating since that time. This 1999 permission therefore expires on 22 January 2009. In addition to planning conditions, there is a Section 75 Legal Agreement which relates to the reinstatement and restoration of the quarry and the requirement for a bond or financial guarantee in respect of these restoration works.

3. The applicants, Ennstone Thistle, are the current site operators and one of the leading producers of crushed rock, asphalt sands, gravels and mixed concrete in Northern Scotland. The majority of the proposed application site is held by the company under a current lease agreement. The total area of land within the 1999 planning permission extends to approximately 8.3ha. It includes a flatter area on the south-west side of the actual quarry "bowl". Members of the Committee will recall that an application on this flatter part of the site, for recycling road construction material from road works along the A9, submitted by BEAR Scotland Ltd. was refused by the CNPA Planning Committee in September 2005. This flatter area is outwith the control of Ennstone Thistle and has not been the subject of previous quarrying uses. It therefore does not form part of the current application site which extends to 6.9ha. The majority of the application site area has been or is currently subject to quarrying operations, with only 1.2ha to the north-west (the area which is the subject of the physical extension of the extraction area part of this application) and 0.6ha of grassland on the north-west boundary of the "quarry bowl", remaining undisturbed.
4. The application is accompanied by a detailed Environmental Statement and a Non-Technical Summary. These documents provide detailed information about the operations at the site and an assessment of the proposal. The areas covered include a statement of intent, planning policy and all environmental considerations including landscape, dust, noise, hydrology, geology, vibration, ecology, traffic, cultural heritage etc.
5. Following the introduction of the Quarry Regulations in 1999, Ennstone Thistle have reviewed the site conditions at Meadowside. This review determined a need to physically extend the quarry area in order to remedy historic quarry face instability following detailed geotechnical assessment. It is stated that it is not possible to keep the existing quarry faces in a stable condition within the present approved site boundaries. The proposed works are to provide a stable landform in the longer term but also to release reserves to allow the continued provision of a future supply of quarrying materials to the local marketplace.
6. To facilitate this, the current application essentially comprises two elements. These are to extend the life period of the workings at the existing quarrying area within Ennstone's legal control, beyond the current 10 year permission, and to physically extend the extraction area of the quarry beyond the north-west boundary of the existing permission (1.2ha) (see Fig. 3 below). This extension area is held under an option to lease by Ennstone which will be exercised if planning approval is given. It is stated that if granted, the proposal will provide sufficient operational space within the void to enable the unstable faces within the existing site to split and be raked at a stable angle. This in turn will permit the land to be restored to a suitable after use. A further benefit of this approach is that the quarry can be dealt

with as a whole rather than two separate areas, especially for restoration purposes.

7. The proposed extended area of extraction is designed to have two and then three quarry faces up to a maximum of 17m in height, with 5m benches, and faces at an angle of 70 degrees. Working will take place in three phases. Phase 1 contains approximately 6 years reserves of rock whilst Phases 2 and 3 each contain approximately 7 years reserves. Permission is therefore sought for a period of 20 years. Phase 1 will see the upper face prepared to be split into two. The upper quarry face will be advanced towards the current north-west boundary with the lower face advancing behind it. Phase 2 will see the upper face fully developed into two faces. These upper faces will continue to advance in a north-westerly direction with the lower face advancing behind. Phase 3 will see all three fully developed quarry faces working in a north-westerly direction to the extraction limit. At this time it is stated that the quarry faces will be in a stable condition in preparation for final restoration. It is stated that the restoration of the site will aim to replace the grassland and scrub heathland habitats. This will be achieved by the re-spreading of soils stripped prior to extraction and the seeding of the site with a commercially available grass seed mix designed to replicate the existing vegetation cover. There will also be additional tree planting to the north and west and proposals to enhance the woodland strip to the east. Local provenance juniper scrub will also be introduced.



**Fig.3. View of proposed extension area from the south-west side**

8. The supporting information provided with the application states that the rock at Meadowside is metamorphic in nature and has a wide variety of applications when used in aggregate production including type 1 sub-bases, concrete aggregates, pipe drainage, walling and decorative stonework. Total mineral reserves within the application site are in the region of 1,000,000 tonnes based on the proposed final quarry design. The proposal aims to extract 50,000 tonnes per year. Rock at the site

is currently won by drilling and blasting. It is intended to continue this practice. This operation will be carried out by specialist drilling contractors. Following the introduction of revised regulations in recent years all blasts are now individually surveyed, designed and monitored to exact specifications. Blasting is designed to both dislodge and fragment the in-situ rock in order that it can be lifted directly by excavator onto mobile plant ready for processing on site by mobile crushing and screening plant. The type of plant utilised at Meadowside is smaller in scale than fixed plant traditionally used within quarries and it can be operated on a discrete basis by being moved progressively to stay close to the working face. It is stated that extraction and processing in the application site will take place, as at present, on an intermittent basis during the year in accordance with demand. In this respect the crushing and screening plant will be brought onto the site 2 to 3 times a year for a period of several weeks in order to build up stocks then be removed from site, returning when stocks need replenishing. All processed stocks will be stored within the quarry bowl. Surface water run off within the void will be collected by ponds within the existing workings where it will be re-used in dust suppression, allowed to evaporate or be discharged by measures subject to SEPA requirements.

9. The submitted information also states that the proposals will extend the life of the workings rather than increase the output. It is envisaged that production levels will continue as at present (ie. restricted to a maximum of 50,000 tonnes per annum by planning condition on the 1999 permission). The quarried material will be used locally, mainly in the Aviemore, Kinraig, Kingussie and Newtonmore areas to serve road maintenance and local construction projects. The application is therefore submitted on the basis that it is serving the needs of the local area. The applicants will continue to operate the quarry under the same operating hours as present. These are Monday to Friday (0700-1800), Saturday (0700-1400) and Sunday (generally no processing but occasional sales as demanded and maintenance). It is stated that the proposal will enable the retention of two employees directly employed at the quarry as well as sustaining several other jobs through indirect employment such as hauliers, fitters, electricians etc. In relation to traffic movements to and from the site, all traffic will access the quarry using the existing shared minor access road. Traffic leaving the site will turn north towards Kinraig and Aviemore or south towards Kingussie and Newtonmore. Based upon an average load of 17 tonnes, it is estimated that approximately 22 vehicle movements (total in and out) will result each day. Based on the fact that output from the quarry is not envisaged, it is stated that this average does not create additional traffic as a result of the proposal.

## DEVELOPMENT PLAN CONTEXT

### National Policy (1994)

10. **NPPG 4 – Land for Mineral Workings** is the national policy document currently applicable, although this is due to be superseded by SPP4 'Mineral Workings', on which a consultation draft was issued by the Scottish Executive in August 2005. **NPPG 4, (Policy Context)**, states that minerals are an important national resource which make an essential contribution to the nation's prosperity by meeting industry's need for raw materials, creating employment opportunities, often in remote rural areas, and assisting the balance of payments through exports and import substitution. It refers to another 1994 publication ("Sustainable Development: The UK Strategy") which advises that the government has indicated that it wishes to see indigenous mineral resources developed within its broad objectives of promoting economic growth, assisting the creation and maintenance of employment and protecting the environment. For the economic well being of the country, it is essential that there is an adequate and steady supply of minerals to meet the needs of the community and that economic growth is not hindered. At the same time, the government recognises that mineral extraction can have a significant environmental impact, and often takes place in areas of attractive countryside. The Government therefore recognises that the need to work the resource must be reconciled with care for the environment in order to attain sustainable development, particularly in relation to the natural and built heritage and existing communities.
  
11. **NPPG 4 (General Principles)** states that in the context of **sustainable development**, the process of mineral extraction poses particular difficulties. It highlights the issue of whether the man-made wealth created from minerals, both from present and future generations, justifies the consumption of these finite natural resources and the environmental disruption involved. It stresses that careful consideration should be given to the need and whether or not there are alternative sources, as well as emphasising the effort that is necessary both during and after extraction, to minimise the adverse effect on the overall quality of the environment in the longer term. Key objectives in this regard are set out. These include; to conserve minerals as far as possible, while ensuring an adequate supply to meet the needs of society; to minimise production of waste and to encourage efficient use of materials and recycling; to encourage sensitive working practices during extraction and to preserve or enhance the overall quality of the environment once extraction has ceased; and to protect designated areas of critical landscape or nature quality, other than in exceptional circumstances.

12. **NPPG 4 (Locational Considerations)** provides guidance on locational matters. Conservation of the natural heritage is discussed and it is noted that in more fragile and sensitive areas where landscape and nature conservation has international or national status, mineral workings may have differing potential effects, but in general, sites for mineral working are less likely to be acceptable in designated areas than in non-designated areas. Policy guidance is provided on mineral developments within international and national designated areas. In such areas, **NPPG 4** recommends that developers are required to supply information such as the reasons for working the particular mineral resource including the market requirement for the mineral in question; reasonable consideration of the main alternatives from which the same market could be served; and the potential impact of the development on the national and local economy. The obligation is placed on the developer to explain any special circumstances that may justify an exception to the Government's normal policies in order to protect the best of Scotland's nationally important natural heritage.
13. In this section, reference is also made to the need to conserve the built heritage and it is stressed that the effects of mineral workings on features of the built heritage should be minimised and wherever possible avoided.
14. As regards the situation of mineral workings on agricultural land, the main thrust of the policy is that prime quality agricultural land should be protected against permanent development or irreversible damage. Alongside this however, there is also a recognition that in appropriate circumstances there may in fact be an opportunity to remove valuable minerals and have a site restored in anticipation of an improvement in the demand for agricultural production.
15. Also highlighted is the need to take into account the impact of mineral working proposals on tourism and recreation, stressing the importance of ensuring that mineral extraction does not harm countryside interests to an unacceptable extent – a factor which should be taken into account whether or not a particular area of the countryside enjoys special protection. Reference is made to the fact that in many areas of Scotland, tourism and recreation activities, which are of vital importance to local economies, depend to varying degrees on the quality of the environment.
16. **NPPG 4 (Operational Considerations)** also provides some policy advice on site conditions, visual impact, noise, dust, watercourses and groundwater, transportation, and restoration, aftercare and after-use.

## Highland Structure Plan (2001)

17. Section 2.11 of the **Highland Structure Plan** on Minerals and Peat states that a key issue is integrating the commercial and socio-economic potential of mineral workings with the high environmental quality of the area. Mineral activity is identified as being an important rural activity and the Plan cites the example of providing aggregate and dimension stones for construction projects. In addition to outlining the benefits and indeed the need for mineral activity, the potential negative effects are also detailed including environmental disruption with effects on landscape scenery, biodiversity and water quality, and also adverse impacts on the quality of life of residents in close proximity, as well as potential negative economic impacts through damaging tourism and recreational resources.
18. Section 2.11.6 of the Plan concedes that there is likely to be a continued requirement for small scale aggregate workings because of the reduction in transport movements that the winning of a localised source provides. However, it also warns that this has to be balanced against the disbenefit of opening up a new working, albeit temporarily, and the potential loss of custom to established quarries some distance away.
19. The need to re-establish worked out sites to a future beneficial use is also promoted in section 2.11.8 of the Structure Plan. It is suggested that this can be achieved in a variety of forms, ranging from agriculture and woodlands to recreational facilities and habitats for nature conservation. Section 2.11.10 advises that there is therefore considerable potential for further minerals extraction. The Council's overall approach is that they should be supported, provided that they are economically justified and environmentally acceptable.
20. **Policy M2 (Mineral Extraction)** of the **Highland Structure Plan** states that applications for mineral extraction will be supported provided that they conform to General Strategic Policies and that there are no significant adverse environmental or socio-economic impacts. It is also stated that approvals for mineral extraction should be for a temporary period only, with conditions tied to a method statement and plan covering working procedure, phasing, environmental protection, restoration, after-use and after-care. Where necessary, the seeking of a financial guarantee in respect of restoration and after-care will also be sought.
21. **Policy G2 (Design for Sustainability)** states that proposed developments will be assessed on the extent to which they, amongst other things, make use of brownfield sites, existing buildings and recycled materials; impact on individual and community residential amenity; impact on resources such as habitats, species, landscape, scenery, cultural heritage, air quality and freshwater systems; and contribute to the economic and social development of the community.



**Policy G4 (Community Benefit and Commitment)** advises that the Council will expect developments to benefit the local community and contribute to the wellbeing of the Highlands, whilst recognising wider national interests. Agreements will be sought on behalf of local communities for environmental and socio-economic purposes. In appropriate circumstances, the Council will expect a financial bond to be secured for long term environmental restoration and/or socio-economic stability. **Policy N1 (Nature Conservation)** states that new developments should seek to minimise the impact on the nature conservation resource and enhance it wherever possible. **Policy L4 on Landscape Character** refers to the need to have regard to the desirability of maintaining and enhancing present landscape character in the consideration of development proposals.

### **Badenoch and Strathspey Local Plan (1997)**

22. **Policy 2.2.3. (Minerals)** of the **Badenoch and Strathspey Local Plan** acknowledges that scope exists for mineral extraction, but it advises that the suitability of specific sites will be subject to assessment of environmental impact, servicing and safety aspects, together with prospects for site rehabilitation. The policy also states that whilst established mineral sites have further potential, worked out or abandoned sites adjacent to the main road network could be suitable for after-use. Long standing quarries would benefit from screening. The existing quarry site at Meadowside is indicated as “existing industry/business” in the “Landward Proposals Map” for the area.
23. In its section on **Conservation Objectives**, the Local Plan refers to the exceptional quality of the natural environment of the area, and states that it is the Council’s policy to promote sustainable development of the area’s resources and ensure an acceptable balance between economic growth and safeguards for the outstanding heritage.
24. **Policy 2.2.1(a) (Economic Development)** advises that the Council will continue to encourage and attract new economic development where this is consistent with the maintenance of a clean environment. **Policy 2.5.1. (Agricultural Land)** seeks to safeguard areas of prime agricultural land. **Policies 2.5.5. and 2.5.6. (Nature Conservation)** advise that a presumption will be maintained against development which would have a significant detrimental effect on designated nature conservation sites, one of which is the Insh Marshes.

### **Cairngorms National Park Interim Policy No. 4 on Mineral Workings**

25. The Executive Summary of the CNPA’s Interim Policy on Mineral Workings alludes to the fact that due to the nature of mineral working developments and operations, there can be significant direct and indirect impacts on the natural environment as well as amenity, social and economic conditions within the National Park. In light of this the interim planning policy and the Park’s Aims should be considered as

“other material considerations” in the context of the assessment of the current development proposal.

26. Whilst the **Interim Policy on Mineral Workings** acknowledges that minerals are an important natural resource required for most types of development, it also takes a strong line in stating that the environmental and visual impacts which result from quarrying and processing minerals make this an undesirable form of development within the Cairngorms National Park. The draft interim policy, as expressed in **Policy MW1** states that there will be a presumption against new mineral workings and extensions to existing mineral workings in the Park unless; the required materials cannot be sourced at any sites outwith the Park – justification will be required; or there is a case of overriding national need for the extraction of the mineral; or the mineral working proposal is of a scale that is clearly related to the mineral needs of the National Park; or the mineral working is a borrow pit which conforms with Policy MW2.
27. Where proposals meet the above criteria, the presumption against development will remain unless certain conditions are met. These include; the proposal does not affect designated sites; there are no significant adverse environmental impacts on flora, fauna, habitats, geology, geomorphology, groundwater systems and other natural systems (especially drainage and watercourses), and landscapes which cannot be satisfactorily mitigated; there are no adverse impacts on aspects of the cultural heritage such as archaeological remains, designed landscapes, listed buildings and sensitive historic landscape elements which cannot be satisfactorily mitigated; there are no adverse impacts on the social and economic well-being of local communities which cannot be satisfactorily mitigated; satisfactory arrangements can be made for dealing with associated traffic, blasting, overpressure and flyrock, noise and dust; a satisfactory method statement is submitted dealing with methods of extraction, working of the site and storage, removal and disposal of wastes; an appropriate reclamation plan is submitted for the reinstatement of the site to an approved natural condition at the end of the period of consent. This plan must include details of proposed afteruses, restoration, landscaping, aftercare and management of the site, and be guaranteed by a bond.

### **Draft Cairngorms National Park Plan**

28. **For information purposes only, the Draft Plan for the Future: Priorities for Action 2007-2012** sets out 7 priorities. These include conserving and enhancing the Park’s biodiversity and landscapes. Work within this priority includes enhancing the Park’s landscapes; identifying and enhancing habitat networks; enhancing the condition of designated sites within networks; and protecting biodiversity.

## Consultative Draft Cairngorms National Park Local Plan

29. **Again, for information purposes only** : the site is located within **General Policy 1 Area**. Development will be permitted within General Policy 1 Areas where it is unlikely to have a significant adverse effect on the aims of the National Park or any of its special qualities. Where it is concluded that there would be adverse effects on the aims of the National Park, any of its special qualities, or public health or amenity from a development, it will only be permitted where it is considered that these would be outweighed by social or economic benefits of national importance or of importance to the aims of the National Park and where appropriate measures are taken to minimise and mitigate the adverse effects of the development.
30. **Policy 16 (Mineral Extraction and Processing)** states that proposals for new mineral extraction, processing or recycling developments or extensions to existing mineral developments will only be permitted where the developer can demonstrate the market within the National Park for which the extracted or processed material will be used. It further states that in all cases where mineral developments are permitted, the planning authority will require agreed restoration, aftercare and after use measures to be guaranteed by a bond. **Policy 4 (Landscape)** advises that development that is likely to have an adverse impact on the special landscape qualities of the National Park including landscape character; scenic qualities; natural beauty; amenity; historic landscape elements; cultural components; or wild land character parts of the National Park, will not be permitted.

## CONSULTATIONS

31. **Highland Council's Principal Environmental Health Officer** has advised that he has no objections to the proposal. He does, however, suggest that the imposition of planning conditions to minimise potential impacts on neighbouring properties. These relate to restricting hours of operation (Monday to Friday 0700hrs until 1800hrs, Saturday 0700hrs until 1400hrs, with no processing on Sundays) methods of dust control (requirement to employ measures contained within the EIA), maximum levels of noise (requirement not to exceed levels measured in the EIA), and vibration control (comply with levels stated in the EIA). It is also requested that a blast monitoring programme be implemented and that the operators are required to notify the EHO of dates when drilling and blasting are to occur.
32. **Highland Council's Area Roads Manager** requires conditions relating to the creation and retention of visibility splays at the junction of the existing access and the B9152.

33. **Kincraig and Vicinity Community Council** have submitted three letters. The general position is one of support in order that the quarry faces can be made safe prior to reinstatement. In supporting continued activity in principle though they note a number of points. They note that it is intended to continue running the quarry at the current rates of extraction but for a further 20 years. They feel this may be longer than is strictly necessary but they also note that the quality of materials produced and the lack of alternative sites requires to be considered. They note that two permanent jobs are associated with the continued operations and that there are opportunities for contracts for local businesses. There has been some concern in the past about failure to meet planning conditions/obligations. There is a need for monitoring. They note that blasting and processing is limited and is not continuous. There is concern about the noise of lorries passing over the cattle grid and that consideration should be given to removing or relocating the cattle grid and tarring the road. There is some concern about dust levels and their impact on neighbouring properties. They suggest that screen planting be carried out immediately around the periphery of the site where there are no proposals for extraction, particularly on the south-west side. They also understand that traffic levels will not be increased from those now and therefore concerns in this regard seem to be allayed but with the possibility of further upgrading of the A9, they feel that additional formal access to the A9 west of Kincraig should be considered in order to reduce traffic on the B9152.
34. **SNH** have advised they have no objection to the proposal, subject to a condition being applied which would avoid potential impacts on the nearby designated sites at the Insh Marshes. They also have no objections on landscape grounds. In more detail they state that the site carries no natural heritage designations but is within 0.2km of SAC, SSSI, SPA, Ramsar and NNR designations at Insh Marshes and the River Spey. In respect of these interests, they state that effects of the proposal are likely to be significant. These relate to the possibility of pollution of the River Spey/Insh Marshes from the quarry. However, they state that if SEPA advice is followed, these potentially significant effects can be avoided. If SEPA's advice is not followed, then SNH take the view that an Appropriate Assessment of the implications of the proposal for the European interests is required. In relation to European Protected Species, SNH note that the EIA states that surveys were carried out for a wide range of species. No evidence was found, so no further consideration is required. SNH also notes that juniper grows above the existing quarry face. This would be lost if development goes ahead. However, they note the EIA advises that the site will be reinstated with acid grassland and dwarf shrub heath, supplemented with juniper. They therefore recommend that this should be made a condition of any planning permission granted.

35. **SEPA** have been involved in several responses throughout the process of this application. Initially they noted that the application, if approved, would effectively, supersede the existing planning permission. They therefore assume that the existing operations are controlled by the limitations and conditions on this previous consent. Such conditions should be repeated. At that time, they stated that they have no objections to the new proposals, provided certain matters are addressed. It was suggested that appropriate planning conditions be attached to cover control of noise. In relation to pollution prevention, they stated that with a larger area of exposed rock, stored soil and overburden areas, and disturbed quarry floor, roadways and ramps, there will be a significant increase in water run-off within the site. They noted that there is a proposal for surface water to be directed to a bunded pond area which will allow for sediment to be removed via settlement but that there was no indication of discharge proposals. They wished further details prior to the determination of the proposal. In relation to restoration, they welcomed the main objectives of the restoration proposals which are to achieve as natural a landform as possible and provide a habitat for a range of flora and fauna. Bearing in mind the proposed extraction period is over 20 years, SEPA suggested that the applicant submits details of the proposed restoration scheme in phases and that this should plan for early reinstatement and planting covering parts of the site that have already been worked.
36. Further to this, the applicant's agent responded by submitting indicative proposals. This involved utilisation of the existing water collection lagoon on site to settle water. The lagoon would be modified as required as the development progresses but the hydrological assessment carried out and contained in the EIA confirmed that with some minor alterations, it is of a suitable size to accommodate the volumes of water which would be encountered. From here, settled water would flow into a soakaway/trench/swale which will provide additional attenuation for any remaining suspended solids. Any further surface water requiring discharge would then leave the site by feeding into the existing hillside drainage which currently flows into a culvert underneath the A9. This water then enters a drain on the opposite side of the A9. However, **SEPA** then advised that there was a requirement in terms of SUDS guidance, to have three levels of treatment of surface water from the site. The proposal only had two levels. Subsequently, the applicant's agent has indicated that the existing pond will be split into two ponds of approximately the same size with a balancing pipe between. This would therefore provide the three levels of treatment.
37. **SEPA's** final response is now that the surface water drainage proposals are acceptable.

38. **The CNPA's Natural Heritage Group** advised at the time of the initial submission that they would certainly wish to see the restoration of the quarry made by the imposition of planning conditions or a S75 Legal Agreement. They do however recommend a broader range of species (including Aspen) be used in the restoration scheme.
39. **Highland Council's Archaeology Service** initially advised that, according to their records, the application will affect a building that is depicted on the first edition OS map of c1870. They therefore suggested a condition be imposed requiring the submission of a photographic record of any remains of the building prior to any site work. The applicant's agent has already submitted photographs and this has now satisfied Highland Council in this regard.
40. At the time of the application submission in 2005, the National Park commissioned **independent landscape advice from a Landscape Architect**. On the basis of the landscape and visual assessment (LVA) contained within the EIA, and visits to the site and the surrounding viewpoints, he has stated that the ongoing works of the quarry runs counter to the first aim of the National Park to conserve and enhance the natural and cultural heritage of the area. It is the continuance of an operation which has been in existence for a significant period of time and is a familiar, if not accepted component in the landscape. It is noted that it does not lie within a National Scenic Area or an Area of Great Landscape Value. Although the LVA in the EIA is limited, it does provide a summary of the likely impacts on the character of the landscape and on visual amenity.
41. Regarding landscape impacts, the LVA refers to the Guidelines for Landscape and Visual Impact Assessment but does not specifically set out a clear classification of landscape impacts. The **Landscape Architect** advises that, in his opinion, the existing baseline landscape should be classified as medium sensitivity (ie. a moderately valued landscape tolerant of a degree of change) with the proposed development constituting a medium/low magnitude (moderate changes in a relatively localised area). This in turn would result in a **moderate impact, not slight as stated in the EIA**.
42. He also advises that the LVA refers to the likely impact on restoration as being moderately beneficial. It is important to consider residual impacts after mitigation. He considers that the quarry will not be readily assimilated back into the landscape as noted in the LVA but will take perhaps 5-10 years possibly, post restoration for the proposed planting to have any significant effect on the character of the landscape. He considers that the void created and the resultant benched slopes are a landform which is out of character with the landscape context. He does however, consider that the landscape context has the ability to accommodate the expansion of the quarry without significant adverse effects on the character of the landscape, but he does feel that the

approach to restoration needs to be more extensive and sensitive to the local character.

43. Regarding visual impacts, the **Landscape Architect**, is in general agreement with the LVA that the interplay between landform, existing planting and distance to some receptors, limits the availability of views and in turn the potential for adverse visual impacts. He does, however, consider that the beneficial effects of the proposed restoration are exaggerated and will take many years to be realised.
44. In conclusion, the **Landscape Architect** considers on balance that the quarry could be expanded and that adverse impacts during operation would be judged to be moderate to low. In his opinion, there are not sufficient grounds in respect of the landscape and visual impacts to justify a refusal of planning permission but prior to the final granting of permission, he suggests that further consideration should be given to a more detailed and appropriate restoration plan. This would relate to addressing restoration of certain areas in the immediate future, phasing as works commence, and further details of planting, soiling and other groundworks.
45. **The CNPA's Economic Development Officer**, has advised that the main economic development points are that the quarry products are used locally and as such reduce road miles in the region compared to trucking them in from elsewhere; without the proposed work the quarry would not be able to meet new regulations for extraction; the life of the site is being extended rather than capacity for production increased; the current allowable capacity is 50,000 tonnes with estimated reserves under the proposal of 1,000,000 tonnes over the 20 year period; and the retention of 2 jobs on site with the retention of indirect job opportunities secured. In summary, he states that the proposal does not increase output but does extend the life of the quarry, if assertions that current operations do not meet new regulations are correct. This, the retention of jobs, and the benefits of locally producing stone are to be welcomed economically.

## REPRESENTATIONS

46. The application was advertised by Highland Council as one accompanied by an EIA. **No representations have been received.**
47. Nevertheless, copies of the responses from the **Kincraig & Vicinity Community Council** are attached to the report. A summary of the points raised has been provided under Paragraph 33. above.

## APPRAISAL

48. The issues that require consideration in this instance are, the principle of permitting an extension to this existing quarry in terms of planning policy and need, the impact of the development and its eventual restoration in visual and landscape terms, the impact on the surrounding area in terms of amenity and traffic movements, and the impact on natural heritage.

### Principle and Need

49. The thrust of planning policy at national, regional and local level is to support the principle of mineral extraction because of its importance in meeting the need for raw materials, creating employment opportunities, and generally contributing to economic growth, particularly in rural areas. However, this has to be balanced with the requirement to consider closely the potential environmental and socio-economic impacts that may occur and if there are impacts, is there a justification, in terms of need. Highland Council Structure Plan Policy M2 (Mineral Extraction) advises that support will be given for proposals provided they conform with General Strategic Policies. It states that any approvals for mineral extraction should be for a temporary period only, with the imposition of conditions relating to working procedures, phasing, environmental protection and restoration etc. It is also stated that a financial guarantee in respect of restoration and aftercare may be sought. Badenoch and Strathspey Local Plan policy acknowledges that scope exists for mineral extraction and that established mineral sites have further potential.
50. In my view the important consideration in a policy context is that this proposal is for a physical and time period extension of an existing established quarry. While it involves additional workings, it does not represent the formation of a new mineral extraction source or site. As such, provided there remains a demonstrable need, and provided there are no new significant environmental or socio-economic impacts, there is a presumption in policy terms, in favour, in principle. The quarry operations at Meadowside have been on-going for some time – at least since the mid -1980s, when in 1986 an initial ten year permission was granted. It is understood that operations were in existence before that. This 1986 permission was subsequently extended in 1999 for a further 10 years. From this, it is clear that there has been a well-established need for aggregate materials serving a marketplace from this location.
51. The applicants have included in their EIA a statement of need. It advises that due to their nature, as low cost high volume products, aggregates in the Highlands are generally used within 20-30 miles of the quarry, unless the quarry is located close to rail/port facilities which makes longer transportation viable. In this connection, all the aggregates which are used in this area of the Highland market place have and are currently required to be sourced within the Cairngorms



National Park. From discussions with the applicant and from local knowledge it is understood that Meadowside serves very much a local market for roads and building projects in the Badenoch and Strathspey area and that customers can include individuals seeking material for small-scale domestic usage. The operation of the quarry is not an intensive large scale activity. The EIA states that there are two other hard rock quarries in the vicinity. The existing quarry at East Delfour, Alvie has a current planning consent for the extraction of 12,000 tonnes per annum, which does not satisfy the continued requirement for rock aggregates in the area. It also does not produce the range of products that are produced at Meadowside. It is my understanding that, an application for further extraction at East Delfour, made in 2000, remains undetermined. The other site at Broomhill Quarry, near Dulnain Bridge has been used intermittently as a borrow pit but has no planning consent for continuous quarrying and therefore cannot be considered as a resource in terms of the landbank.

52. Planning Authorities are required to maintain an adequate and steady supply of aggregate with a landbank of permitted consented reserves equivalent to **at least 10 years extraction** at all times from an appropriate local market area. The current permission at Meadowside expires in January 1999. Without a further extension permission, and from the information on other existing supply sources in the area, it seems clear that it would not be possible to maintain the required landbank in this part of the National Park. In order to maintain an adequate supply of aggregate to serve localised markets within the National Park, it seems logical and appropriate to agree to the principle of extending an existing operation, rather than restricting further usage. If demand continued, this could lead to pressure for new sources and sites, which it is suggested, may be, in principle, less appropriate in the context of planning policy and within a National Park.
53. In addition to the above, there is another justification for the proposal. Quarry Regulations, introduced since the time of the previous consent, have introduced up to date requirements for assessing quarrying excavations. In accordance with these Regulations, a geotechnical assessment for the current site has been carried out. The findings of this suggest that due to the effects of historic quarrying at the site, the existing quarry faces cannot be placed in a stable condition within the present boundaries of the site. If the proposal is permitted, sufficient operational space within the void can be provided to enable unstable faces to split and be raked at a stable angle, thus ensuring compliance with safety requirements over time.
54. To conclude, I do not find that the principle of the proposal represents a departure from planning policy. It will allow the continued operation of an existing, well established aggregate quarry to serve a local market and it is noted that no objections have been received from other operators in the area. The proposal does not intensify the activities at the site. The rate of extraction will not be increased from that carried

out at present and conditions imposed on the previous consent, can be re-applied to limit the amount of excavated material per annum. In line with policy, any permission granted would be temporary. It is also the case that the applicant is agreeable to entering into a S75 legal agreement to secure the delivery of restoration proposals and the need for a financial bond as a guarantee. In accepting the principle, this is of course subject to consideration of environmental and other impacts and these are covered below.

## Visual and Landscape Impact

55. The EIA provides an assessment of landscape and visual impacts from the physical expansion proposals. The proposal is to extend the quarrying operations in a north-westerly direction by excavating further into an existing raised area of ground. The assessment submitted covers views towards the site from locations to the west, south and east. The conclusions are that the impacts will be range from imperceptible to slight to moderately adverse during the operational phase, and slight to moderately beneficial upon restoration.
56. It is the case that the existing quarry void and the proposed extension area will be seen from various locations. In particular there would be views from the south, as seen from the A9, and from further away along the B970. The view from the A9 would however be short lived and those from the B970 area at a considerable distance (1.5 to 2.5km away). In both cases, the extension area will be seen within the context of the existing quarry void. Views from the east again will be generally at a distance – Loch Insh and the hills beyond - and it is stated that these are broken up by the intervening topography and localised bands of woodland. From the west, the views are limited to some within the Highland Wildlife Park. These views are reasonably close (the viewpoint at the top of the Wildlife Park is approximately 800m for example). However, it is stated that some of the existing sidewalls of the quarry can be seen from these locations but because of the angles and orientation of views, the expansion area, while seen, will not introduce a significant additional visual impact. From the north, it is stated that there are no sensitive receptors with close proximity to the site. There may be the potential for long distance views of the existing quarry and the proposed expansion area to users of tracks but due to distances (the closest of these is approx. 1km), the orientation of views and the potential low sensitivity of receptors, it is stated that impacts will not be significant.
57. The conclusion in the EIA is that landscape and visual impacts resulting from the expansion area are limited through a combination of the existing tree cover and landforms. The main area of impact generated by the development will be during the operational phase from distant viewpoints to the south. However, these represent a limited portion of the view and will be viewed in the context of the existing quarried landform.

58. The independent landscape advice sought by the CNPA, takes the view that the landscape impacts are moderate rather than slight as indicated in the EIA. However, it does conclude that the landscape context has the ability to accommodate the expansion of the quarry without significant adverse effects on the character of the landscape. In relation to visual impacts, the advice sought concludes the interplay between the landform, existing planting and distance from some receptors, limits the availability of views and in turn the potential for adverse visual impacts.
59. The site does not lie within a National Scenic Area or an Area of Great Landscape Value. Taking account of the information in the EIA, the fact that SNH have not raised objections on landscape impact grounds, and the conclusions made by the independent landscape advisor, it is my view that, although within the wider context of a National Park, the proposal for physical expansion of the existing quarry, will not have a significant or unacceptable adverse landscape or visual impact.
60. There is however, the issue of restoration. It is part of planning policy to require reinstatement proposals on conclusion of the operational works. The landscape advice received states that the proposed restoration proposals require to be more extensive and sensitive to local character, and that the beneficial effects promoted in the EIA are exaggerated and will take many years to be realised. The CNPA's Natural Heritage Group advise that some additional planting should be employed. In this respect, in the event that the application is approved, since there will be a requirement to have a Section 75 Legal Agreement securing a bond for the restoration works, such an Agreement could also require the implementation of a revised restoration scheme. Discussions and agreements on appropriate revisions and timings etc. could take place prior to the issuing of any planning permission.

### **Impact on the Amenity of the Surrounding Area**

61. While no objections have been received to the proposal, some issues have been raised by the Community Council. I am also aware of some complaints being received by Highland Council over the years about certain things that have occurred on site. It is necessary to ensure that the new proposals will not increase the likelihood of nuisance or disturbance to nearby properties and businesses in terms of amenity. By extending the lifespan of the quarrying operations, it is logical to assume that there will still be the potential for continued impacts on the amenity of neighbouring properties. However, the issue is whether or not the proposals to extend the operations will increase the potential impacts to an unacceptable degree. In this respect, it is important to emphasise that the proposal is not to intensify quarrying activity but is to extend the life of operations at the location. The amount of material to be excavated will be the same as before and this can be secured by planning condition and monitoring. The areas for potential disturbance

are noise, vibration, dust, and traffic movements on what is a shared access road.

62. The EIA extensively analyses the matters of **noise**. In relation to noise, the EIA advises that a series of noise levels have been taken at noise sensitive locations around the site to establish existing background levels and noise climate. Thereafter a series of predicted noise levels have been made based upon established British Standards, Planning Guidance, plant manufacturers data, and other reliable databases. The levels predicted refer to the worst case scenario, when operations are undertaken at their closest distances to the noise sensitive property and therefore have the greatest influence on the noise level at these locations. The results, conclude that the estimated worst case noise levels from soil and overburden handling work, (often considered to be the most intrusive, if shortlived operation) without exception in this instance, do not exceed the levels required by Planning Advice Note (PAN) 50. Operations for drilling of blastholes will result in levels that fully comply and for all other operations (crushing, screening, loading, despatch, and concrete production), the required maximum levels are satisfied. Highland Council's Environmental Health Officer has analysed the information provided in the EIA and has confirmed that he has no objections on noise grounds, subject to the imposition of conditions.
63. In relation to **ground and air borne vibration**, these impacts are caused by blasting. The EIA covers the issue comprehensively. Planning Advice Note 50 (Annex D) provides guidance on permissible ground vibration levels. In a similar way to noise, standard methodologies have been used to predict and assess ground and air borne vibration at the closest residential properties. The conclusions are that at these properties, the effects of occasional blasting (only several times a year) will give rise to limited perceptions but that in all cases, the levels are comfortably within the PAN 50 limits. The EIA does however suggest that a programme of blast monitoring with equipment specifically designed for blast vibration measurement at the nearest vibration sensitive locations, should be implemented. The results should be made available to the Planning Authority. Highland Council's Environmental Health Officer has confirmed that he has no objections on vibration impact grounds, subject to the imposition of conditions.
64. Again, the EIA provides a detailed assessment of the potential impacts of continued quarrying operations for **dust release**. Dust emissions from hard rock quarrying activities can be caused by stripping of soils and overburden, blasting, crushing, haulage, and storage of soils, and products. The potential for dust nuisance is also subject to meteorological conditions, topography and distance to properties. The publication entitled "The Environmental Effects of Dust from Mineral Workings" (HMSO 1995), provides advice on the sensitivity of receptors to dust. It advises that properties within 100m should be

considered high risk, properties within 150-200m should be considered medium risk, and properties within 200-250m should be considered low risk. In this instance, the nearest property is approximately 270m away. There are therefore no high or medium risk properties, in this instance. The EIA also advises that the site is within a general area of significant rainfall and has surroundings to the east, north-east and south, of tree planting. The prevailing wind is considered to be from the south-west, and the nearest properties are located to the south-west and west of the site. The conclusion is that the combination of these factors result in limited potential for dust impacts. Nevertheless, mitigation measures are proposed including storage of soils within the quarry bowl and seeding as soon as possible; water spraying of crushing plant; during dry weather, water dampening of stockpiles; and use of a water bowser to treat unsurfaced roads during dry periods. Again the Environmental Health Officer has no objections on dust emission grounds, subject to the imposition of conditions.

65. The Committee will recall the application for recycling of road construction materials by BEAR Scotland Ltd. on land immediately adjacent to the quarry. This application was refused by the CNPA. One of the reasons related to the fact that there would have been a significant increase in the levels of HGV movements into the site and using the shared access road from the B9152. This access is shared with the Highland Wildlife Park and the self-catering holiday and residential complex at Meadowside House. It was felt that this increase would have contributed to detrimental impacts on the quality of the experience of visitors to these tourism related developments. In relation to potential **traffic impacts**, the difference between the previous application for recycling, and the current proposal at Meadowside Quarry, is that it is to extend the life of the quarry rather than increase the output. The EIA advises that traffic serving the quarry will continue to use the current access and will turn north towards Kincaig and Aviemore or south towards Kingussie and Newtonmore. Thereafter direct access can be taken onto the A9. The site is limited to 50,000 tonnes per annum and it is intended to maintain this limit. This equates to an average payload of 17 tonnes, which in turn results in an average of 22 vehicle movements per day (total movements in and out). The levels per day will of course vary and will not be consistent. However, on the basis that current production levels will continue to serve the current local market area, it is stated that there will be no additional traffic experienced as a result of the proposed development. The impact of permitting the development, on neighbouring properties and businesses is therefore not seen as raising a concern and Highland Council's Roads Manager has no objections.

66. For information, the applicant's have investigated whether it is possible to provide an alternative access to the site other than the shared one at present. However, it is understood that there are land ownership difficulties and significant engineering costs resulting from the need for bridge construction.

### Impact on Natural Heritage

67. The final issue which requires assessment is that of the potential for impacts on natural heritage interests. The site is not located within any natural heritage designations but it is located close to Insh Marshes and the River Spey which carry several designations. The EIA provides an ecological assessment and finds that there are 6 habitat types at the site itself. These include; conifer plantation; acid semi-improved grassland; dry dwarf shrub grassland; standing water; ephemeral/short perennial; and the quarry itself. The development will result in the removal of acid grassland and dwarf shrub heath habitat. Neither habitat though is exceptional. No protected species have been recorded on the site and no evidence of their presence has been found. As previously stated there are proposals for restoration, and although these need to be amended, the conclusion is that the loss of habitat is minimal and it will be enhanced at the end of the extraction period. SNH have no objection to the proposal in this respect.
68. With respect to the potential impact on the Insh Marshes and River Spey, the main concern has been the potential for pollution through **surface water discharge**. The EIA once again provides an assessment of the hydrological situation. SEPA have however, sought 3 levels of surface water treatment at the site before discharge. The applicants have amended their proposals accordingly (two bunded ponds and a soakaway trench/swale located in the quarry bowl) and SEPA are now content. As a result of the three levels of treatment, final surface water discharges via the existing culvert under the A9 in the vicinity of the Insh Marshes will be of sufficient quality. Since SEPA are content with the proposals, SNH have no objections. In this way, the proposal is not viewed as having impacts on any of the natural heritage designations nearby.

### Conclusion

69. **To conclude, this proposal essentially represents an application to extend the life of an existing hard rock quarrying operation which serves a local market area. It is not a high intensive, large scale operation, but due to its established nature, it clearly serves a local need within this part of the Cairngorms National Park. My view is that it does not offend any national, regional or local planning policies in this regard. Although, there has been the odd complaint over the years about isolated activities, there does not appear to be considerable local opposition to the quarrying activities being continued. No objections have been received**

from consultees and provided appropriate planning conditions are imposed, and a Section 75 Legal Agreement is completed requiring the provision of amended restoration proposals and a financial guarantee in the form of a bond, I can raise no objections on planning grounds to permitting the further extraction of minerals from this established site.

## **IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK**

### **Conserve and Enhance the Natural and Cultural Heritage of the Area**

70. By its nature, quarrying cannot be perceived as conserving and enhancing the natural or cultural heritage of the area. However, this particular site is long established, is not located within any designations, and with appropriate mechanisms for control and monitoring, there will be no significant adverse effects on heritage interests. My view is that permitting an extension of the life of this existing quarry is less likely to have adverse impacts on natural and cultural heritage features in the National Park than any proposal for extraction at a new source or site.

### **Promote Sustainable Use of Natural Resources**

71. Again as an operation itself, the principle of extraction of a finite hard rock resource cannot be perceived as being positive in terms of promoting the sustainable use of natural resources. However, rock and aggregates are a needed resource and this site serves a local market area. It is centrally located in its market area and my view is that in general, it is more sustainable at this stage, to continue to operate this site rather than source new locations within the National Park.

### **Promote Understanding and Enjoyment of the Area**

72. The development will not help promote understanding and enjoyment of the area. Indeed the continuation of an industrial type activity in this rural area, close to tourism businesses may have negative implications for this aim. However, these negatives must be considered in the wider context of other benefits that may accrue from the development in terms of social and economic development.

### **Promote Sustainable Economic and Social Development of the Area**

73. There is a clear local need for the materials which are extracted from this site. They are necessary to facilitate roads and building projects in the local area. The site is viewed as providing a resource which will help sustain economic growth in this part of the National Park. Some on site employment is provided but there are also some off site benefits for local companies, and businesses. Provided the operations are

controlled and monitored, there should be no significant adverse impacts on neighbouring tourism related businesses.

## RECOMMENDATION

74. That Members of the Committee support a recommendation to:

**Grant Full Planning Permission for Extension of Quarry Area and Extraction Period, and Continuation of Rock Processing and Concrete Production, at Meadowside Quarry, Kincaig, subject to:**

- i. **The completion of a Section 75 Legal Agreement requiring the phased implementation of a final restoration scheme, and the provision of a bond or other financial measure guaranteeing the availability of funds to ensure the implementation of the final restoration of the site in the event of default by the operators of the quarry.**
- ii. **The following planning conditions ....**

**\*PROPOSED CONDITIONS TO FOLLOW. THESE WILL BE ISSUED PRIOR TO THE COMMITTEE.\***

Neil Stewart  
10 July 2006

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