

CAIRNGORMS NATIONAL PARK AUTHORITY

DEVELOPMENT PROPOSED:

Applications 03/00046/FULBS and 08/00038/FULBS under Section 42 to vary condition 1 of Planning Permission 08/00038/FULBS to extend time limit for further 10 years at Broomhill Quarry Dulnain Bridge Grantown-On-Spey

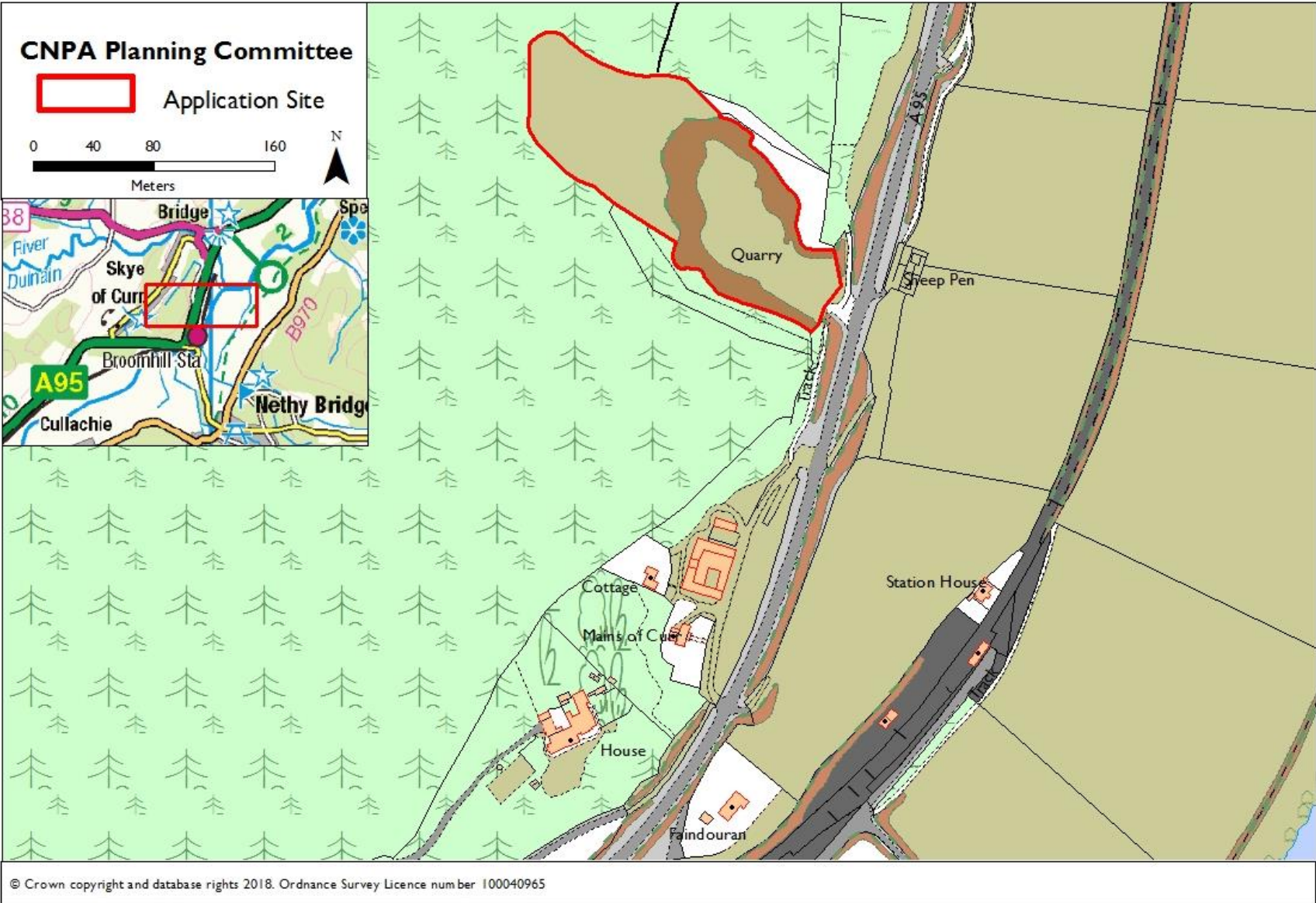
REFERENCE: 2018/0140/DET

APPLICANT: Mr Dennis Kearney

DATE CALLED-IN: 10 April 2018

RECOMMENDATION: Approve subject to conditions and legal agreement

CASE OFFICER: Ed Swales, Monitoring and Enforcement Officer



SITE DESCRIPTION, PROPOSAL AND HISTORY

Site Description

1. A section 42 planning application is sought for an extension of time on a planning permission granted by the Cairngorms National Park Authority in 2013, 08/051/CP, which in itself was an extension to The Highland Council's decision from 2003, 03/00046/FULBS. The applicants are seeking a ten year extension in order to facilitate continued working of the quarry.
2. The rock quarry lies on the western side of the A95 trunk road, located between Mains of Curr Farm to the south and Auchendean to the north. The subject site is approximately 2 kilometres to the south of Dulnain Bridge.
3. The site is in the Broomhill area, amongst houses to the north and south as well as the terminating station for the Strathspey Steam Railway.

Proposal

4. The drawings and documents associated with this application are listed below and are available on the Cairngorms National Park Authority website unless noted otherwise:

<http://www.eplanningcnpa.co.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=P6Z6YFSI0CA00>

Title	Drawing Number	Date on Plan*	Date Received
Location Plan			
Cross Section	003	24/02/03	01/01/08
Topographical Survey And Longitudinal Sections	CTCH-BRO-01	01/12/11	10/04/18
Final Site Layout And Longitudinal Section	CTCH-BRO-02	01/12/11	10/04/18
Site Layout Of Quarry Floor	CTCH-BRO-03	01/12/11	10/04/18
Site Layout Of Quarry Top Area	CTCH-BRO-04	01/12/11	10/04/18

*Where no specific day of month has been provided on the plan, the system defaults to the 1st of the month.

5. The supporting information submitted with the planning application states that the the applicants wish to continue to extract up to 30,000 tons of material per year, set within the total of 150,000 tonnes during the lifetime of the permission, encompassing the previous permission, from which 30,000 tonnes was extracted. The extraction process continues to be drilling and blasting.
6. In the last planning permission the operator stated that the five year period recently expired would be the last for the quarry but has since stated that due to a downturn of construction in the area, quarrying has been limited to 30,000 tonnes over the lifetime of the permission previously granted.
7. The applicant has confirmed that all site workings will remain the same as previously approved, including extraction rates, servicing and site welfare.

History

8. Highland Council dealt with an application in 2003 which sought the resumption of quarrying activity following previous temporary permissions in 1990, 1994 and 1996.
9. In 2008 an application was sought for the continuation of quarrying for a further 5 years, this was granted in 2013 by the Cairngorms National Park Authority subject to conditions and a legal agreement covering the restoration bond. That permission expired in June 2018, with the current planning application submitted prior to its expiration.
10. Key plans are attached in **Appendix I**.

DEVELOPMENT PLAN CONTEXT

Policies

National Policy	Scottish Planning Policy 2014	
Strategic Policy	Cairngorms National Park Partnership Plan 2017 - 2022	
Local Plan Policy	Cairngorms National Park Local Development Plan (2015) Those policies relevant to the assessment of this application are marked with a cross	
POLICY 1	NEW HOUSING DEVELOPMENT	
POLICY 2	SUPPORTING ECONOMIC GROWTH	
POLICY 3	SUSTAINABLE DESIGN	X
POLICY 4	NATURAL HERITAGE	X
POLICY 5	LANDSCAPE	X
POLICY 6	THE SITING AND DESIGN OF DIGITAL COMMUNICATIONS EQUIPMENT	
POLICY 7	RENEWABLE ENERGY	
POLICY 8	SPORT AND RECREATION	
POLICY 9	CULTURAL HERITAGE	
POLICY 10	RESOURCES	X
POLICY 11	DEVELOPER CONTRIBUTIONS	

11. All new development proposals require to be assessed in relation to policies contained in the adopted Local Development Plan. The full wording of policies can be found at: <http://cairngorms.co.uk/uploads/documents/Park%20Authority/Planning/LDPI5.pdf>
12. Other relevant policies are Planning Advice Note 50: Controlling the Effects of Surface Mineral Workings.

Planning Guidance

13. Supplementary guidance also forms part of the Local Development Plan and provides more details about how to comply with the policies. Guidance that is relevant to this application is marked with a cross.

Policy 1	New Housing Development Non-Statutory Guidance	
Policy 2	Supporting Economic Growth Non-Statutory Guidance	
Policy 3	Sustainable Design Non-Statutory Guidance	X
Policy 4	Natural Heritage Supplementary Guidance	X
Policy 5	Landscape Non-Statutory Guidance	X
Policy 7	Renewable Energy Supplementary Guidance	
Policy 8	Sport and Recreation Non-Statutory Guidance	
Policy 9	Cultural Heritage Non-Statutory Guidance	
Policy 10	Resources Non-Statutory Guidance	X
Policy 11	Developer Contributions Supplementary Guidance	

CONSULTATIONS

Summary of the Main Issues raised by Consultees

14. **SNH** state there are no SSSI, SAC or SPA designations on this site and for this reason, SNH will not be commenting on this planning application, but there are natural heritage interests, in the twinflower colonies in the adjacent Curr wood and the National Park ecology advisor will address this matter, as the site is within the Cairngorms National Park, and as such the Park Authority will lead on commenting on landscape impacts, and impacts on non-designated natural heritage interests.
15. **SEPA** have objected to the application on the grounds that insufficient information has been submitted for the surface water management plan and working method statements. These were conditioned in the previous permission and while no details have been approved by SEPA it is proposed to include these conditions once again.
16. **Transport Scotland** does not object to the granting of permission and has no further comments.
17. **The Highland Council Transport Planning Team** has no comment to make as the quarry exits directly to the A95, a trunk road.
18. **The Highland Council Environmental Health Team** has no objection to the extension of the permission, particularly as the quarry has been working below its permitted capacity. They note comments from objectors on noise and vibration and recommend it would be good practice for the operator to inform nearby residents by post of planned blasting on an annual basis, and write to remind them that blasting is about to occur no later than 2 weeks prior.
19. **CNPA Heritage Team** are satisfied that there are no landscape issues from extending the duration of the quarry operation as long as the extent of excavation works and volume of material being removed does not change and the conditions on landscaping, restoration and reinstatement are repeated.
20. **Dalnain Bridge Community Council** has no objection to this proposal. They request that the Quarry operator keeps the local community informed of their intentions to undertake blasting. A copy of their comments is attached as **Appendix 3**.

REPRESENTATIONS

21. Representations have been received locally from 3 properties within 500 meters of the quarry and one other around three quarters of a mile of the quarry and have focused on the blasting activities of the existing planning permission and that of any blasts that occur as a result of any extended permission. The concerns are that blasting will cause subsidence and damage to property, the safety implications and precautions required during blasting and the force of the blasts.
22. Representations also raise a concern that there is a risk that dust will come from lorries leaving the site if not adequately covered.

APPRAISAL

23. The issues that require consideration in this application are the principle of permitting allowing the quarry to continue to be worked for a period of time, the impact of its continued development and its later restoration in visual and landscape terms and the impacts on the surrounding area.

Principle

24. Policy 10: Resources of the Cairngorms National Park Local Development Plan 2015 provides support for mineral extraction as long as there is a local market for the materials. The principle of quarrying activity at this location has been established through the granting of a number of previous permissions for extraction works and only a fifth of the total volume of material previously given consent to be extracted was removed during the previous five-year consent. The application includes satisfactory restoration proposals, will not have significant environmental effects and is for local use within Badenoch and Strathspey, supporting the local development industry and economy. The proposal complies with Policy 10: Resources of the Cairngorms National Park Local Development Plan.

Environmental Impacts

25. Policy 4: Natural Heritage of the Cairngorms National Park Local Development Plan 2015 seeks to ensure that there is no adverse impact on protected sites, species or biodiversity. There are no natural heritage designations affecting the site. Part of the site contains a small patch of Twinflower which has been protected by condition through the previous consent. The blasting operations have also previously been restricted outside of the main breeding bird season between 1 March and 30 June. The proposal complies with Policy 4: Natural Heritage of the Cairngorms National Park Local Development Plan.
26. Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2015 presumes against development that does not conserve and enhance the landscape character and special qualities of the Cairngorms National Park. In this case, the proposal is to continue the operation of a long-established quarry site and includes satisfactory proposals for its long term restoration. The proposal complies with Policy 5: Landscape of the Cairngorms National Park Local Development Plan.

27. Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan 2015 protects the amenity enjoyed by neighbours. In this case, the site is a long-standing quarry operation that largely hidden from the view of the nearest neighbours. The occasional blasting, rock crushing and traffic movements are the most significant operations on the site and are considered acceptable by The Highland Council's Environmental Health team. The proposal complies with Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan.
28. Policy 10: Resources set out the standards for water management on development sites. SEPA are satisfied there will be limited impact on the groundwater environment from the proposed continued extraction but have objected on the basis of a lack of information in the Surface Water Management Plan and Working Method Statement submitted. In order to address this, conditions requiring these documents to be submitted and approved in consultation with SEPA prior to further development will be added to the consent. With the addition of those conditions, the proposal complies with Policy 10: Resources of the Cairngorms National Park Local Development Plan.

Impact on Residents

29. Concern has been expressed in a number of letters of representation regarding blasting activities at the site in the past and inadequate advance notification of blasting. These concerns will be addressed by extending the parameters of the existing condition to widening the area of properties notified of blasting as well as notifying CNPA and The Highland Council (THC) Environmental Health team and advertising in the local newspaper (The Strathspey and Badenoch Herald). In addition, the operator will be required to give neighbours, CNPA and (THC) Environmental Health team a schedule of proposed dates for blasting throughout the year at the beginning of each calendar year and the Work Method Statement will be required to include a blast monitoring programme using British Standards to ensure no damage to neighbouring properties.
30. Concerns were also raised regarding vehicles leaving the site without appropriate dust protection contravening the conditions previously attached as well as general noise concerns with the operation of the quarry. While this is not directly related to the extension of the permission, the Work Method Statement will address this and any breaches can be reported to the CNPA.

Conclusion

31. In conclusion, the proposal is considered to comply with Local Development Plan policies subject to appropriate conditions and an appropriate bond to guarantee the implementation of restoration measures at completion of the operation.

RECOMMENDATION

That Members of the Committee support a recommendation to grant full planning permission for an extension of the time limit on planning consent 03/046/FULBS at Broomhill Quarry, Dulnain Bridge, subject to

- a) **The conclusion of a Section 75 Legal Agreement requiring the 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, and**
- b) **The following conditions:**

Those conditions listed below in bold text are suspensive conditions, which require to be discharged prior to implementation of the development.

Conditions

1. This grant of planning permission is for a temporary period only and shall expire ten years from the date of issue of the decision notice.

Reason: To reflect the temporary nature of the permission in accordance with Policy 3: Sustainable Design and Policy 10: Resources of the Cairngorms National Park Local Development Plan 2015.

2. **No development shall commence until a Surface Water Management Plan has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority, in consultation with SEPA.**

The Surface Water Management Plan shall include sufficient information to determine the position of the water table in relation to the base of the excavated area. Details of the depth and areas which are to be excavated should also be provided, as well as any proposals for water abstraction or effluent or waste discharges. The impacts that any abstraction or discharges would have on groundwater quality or quantity should be assessed and this should include consideration of how any proposed abstractions could affect dependent surface water systems and groundwater users in the vicinity.

Reason: In order to ensure that the development does not have an adverse impact on the surrounding environment in accordance with Policy 3: Sustainable Design and Policy 10: Resources of the Cairngorms National Park Local Development Plan 2015.

3. **No development shall commence until a Work Method Statement has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority, in consultation with SEPA and Highland Council Environmental Health team.**

The **Work Method Statement** should include details of the following:

- a) **Surface water run-off – work methods to prevent erosion, sedimentation or discolouration of controlled waters, along with monitoring proposals and contingency plans, all consistent with the Surface Water Management Plan;**
- b) **Fuel or chemicals - measures to ensure any fuel and or chemicals from plant does not cause pollution;**
- c) **Waste - all waste streams associated with works should be identified.**
- d) **Blast monitoring programme – using British Standards to ensure no damage to neighbouring properties.**

Reason: To ensure that the development does not give rise to adverse impacts on the surrounding environment and to enable the effects of the development to be adequately monitored and controlled during the course of operations in accordance with Policy 3: Sustainable Design and Policy 10: Resources of the Cairngorms National Park Local Development Plan 2015.

4. Following expiry of this temporary permission the site shall be cleared of all plant and machinery and reinstated in accordance with the approved restoration plans CTCH-BRO-03 and CTCH-BRO-04 no later than the end of the first full calendar year following expiry of the permission unless otherwise agreed in writing with the Cairngorms National Park Authority acting as Planning Authority.

Reason: To ensure that the development conserves and enhances the landscape character of Broomhill and is sympathetic to the character of the area in accordance with Policy 3: Sustainable Design, Policy 4: Natural Heritage, Policy 5: Landscape and Policy 10: Resources of the Cairngorms National Park Local Development Plan 2015.

5. Unless otherwise agreed in writing with the Cairngorms National Park Authority acting as Planning Authority, the extraction rates over the ten year period of this permission shall not exceed 30,000 tonnes per annum, and no more than 120,000 tonnes over the 10 year period of this permission.

A detailed record of extraction amounts shall be retained by the quarry operator and submitted within one month of the end of every calendar year for the further written approval of the Cairngorms National Park Authority acting as Planning Authority.

Reason: To regulate the rate of extraction and to allow the Planning Authority to monitor the workings undertaken and retain effective control over quarry operations in accordance with Policy 3: Sustainable Design and Policy 10: Resources of the Cairngorms National Park Local Development Plan 2015.

6. No extraction of rock shall be undertaken beyond the limits of the working area as defined by drawing CTCH-BRO-01 produced 25th May 2017.

Reason: To regulate the area of extraction and to allow the Planning Authority to retain effective control over quarry operations in accordance with Policy 3: Sustainable Design and Policy 10: Resources of the Cairngorms National Park Local Development Plan 2015.

7. The existing gully at the entrance of the site, between the site and the trunk road shall be cleaned out and kept clear of any obstructions during the lifetime of this permission, to ensure all drainage from the site does not discharge onto the trunk road.

Reason: To minimise interference with the safety and free flow of the traffic on the trunk road in accordance with Policy 3: Sustainable Design and Policy 10: Resources of the Cairngorms National Park Local Development Plan 2015.

8. Notwithstanding the approved Working Method Statement, the surrounding properties as mentioned in the blasting section are those properties within 1 mile of the quarry, as well as informing the Cairngorms National Park Authority, The Highland Council's Environmental Health Service, The Dulnain Bridge Community Council and the local newspaper (which at the time of writing is The Strathspey and Badenoch Herald) not less than 2 weeks prior to any blasting. Any blasting that does take place shall not encroach beyond the fence at any boundary of the site. A display of appropriate warning notices within the boundaries, or otherwise visible from public roads within 400 metres of the site shall also be erected prior to and during any blasting operations.

Evidence of all forms of notification (including delivery confirmation for individual notifications) shall be made available for inspection by the Cairngorms National Park Authority acting as Planning Authority, upon request.

Quarry blasting shall not be undertaken more than three times a year and no blasting shall be undertaken in the period between 1st March and 30th June unless otherwise agreed in writing with the Cairngorms National Park Authority acting as Planning Authority.

Reason: To protect the general and residential amenity of the area and to ensure that adequate advance warning is provided of blasting activities in accordance with Policy 3: Sustainable Design and Policy 10: Resources of the Cairngorms National Park Local Development Plan 2015.

9. Unless otherwise agreed in writing with the Cairngorms National Park Authority acting as Planning Authority, following consultation with Highland Council's Environmental Health Service, working operations at the quarry shall be restricted to the hours of 0700hrs to 1800hrs (Monday to Friday) and 0700hrs to 1400hrs (Saturday). The quarry shall not operate on Sundays.

Reason: To protect the general and residential amenity of the area in accordance with Policy 3: Sustainable Design and Policy 10: Resources of the Cairngorms National Park Local Development Plan 2015.

10. The noise level from this development shall not exceed 45dBL_{aeq} when measured at any neighbouring property.

Reason: To protect the general and residential amenity of the area in accordance with Policy 3: Sustainable Design and Policy 10: Resources of the Cairngorms National Park Local Development Plan 2015.

11. The stock proof fence in place to protect the Twinflower colony shall be maintained in position at all times. No disturbance of existing ground levels and vegetation shall take place within 10 metres of the Twinflower colony.

Reason: In the interests of conserving the Natural Heritage of the area in accordance with Policy 4: Natural Heritage of the Cairngorms National Park Local Development Plan 2015.

Informatives

1. The development hereby approved must commence within 3 years of the date of this decision notice. If development has not commenced within this period then this planning permission will lapse.
2. The person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. Attached to this decision notice is a Notice of Initiation of Development for completion and submission. Submission of this information assists the Cairngorms National Park Authority Monitoring and Enforcement Officer in monitoring active work within the area to ensure compliance with the approved details and to identify and correct any potential problems, as they arise, rather than later when it may be more difficult and more costly to rectify. Failure to give notice would constitute a breach of planning control which may result in enforcement action being taken.
3. Following completion of the development, a notification of the completion shall, as soon as practicable, be given to the Planning Authority. Attached to this decision notice is a Notice of Completion of Development for completion and submission. Submission of this form will assist the Cairngorms National Park Authority Monitoring and Enforcement Officer in making a final inspection and checking compliance with the approved drawings and conditions. If the development hereby approved is to be carried out in phases, then a notice of completion should be submitted at the completion of each phase.

The map on the first page of this report has been produced to aid in the statutory process of dealing with planning applications. The map is to help identify the site and its surroundings and to aid Planning Officers, Committee Members and the Public in the determination of the proposal. Maps shown in the Planning Committee Report can only be used for the purposes of the Planning Committee. Any other use risks infringing Crown Copyright and may lead to prosecution or civil proceedings. Maps produced within this Planning Committee Report can only be reproduced with the express permission of the Cairngorms National Park Authority and other Copyright holders. This permission must be granted in advance.