
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

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DEVELOPMENT PROPOSED: USE OF LAND FOR THE PURPOSES OF RECYCLING DUG GROUND INTO SUITABLE MATERIAL FOR REUSE AT GRANISH FARM AVIEMORE (RETROSPECTIVE)

REFERENCE: 10/452/CP

APPLICANT: MCINTOSH MUNRO PARTNERSHIP

DATE CALLED-IN: 7 JANUARY 2011

RECOMMENDATION: REFUSE AND ENFORCEMENT ACTION

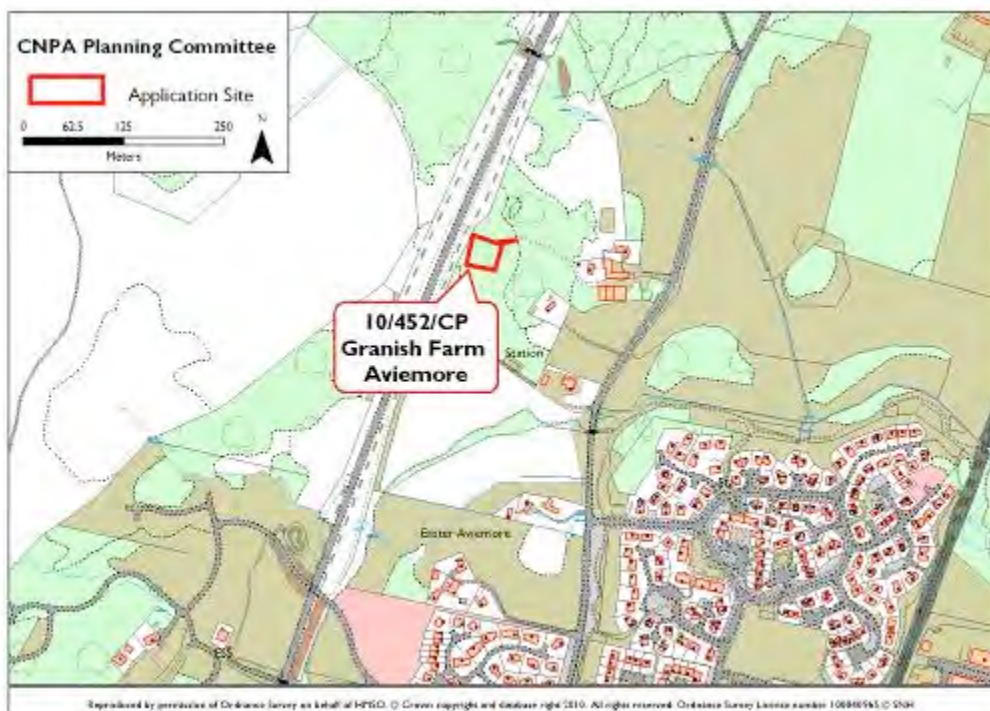


Fig. 1 - Site location plan

SITE DESCRIPTION AND PROPOSAL

1. The application site is located to the west of Granish Farm, immediately to the northwest of Aviemore near the A9 and close by to the B9152. It comprises a cleared area of agricultural land currently being used for the storage and screening of earth spoil and materials. This area has previously been excavated and modified to accommodate a new farm building (adjacent but outwith the application site (permitted under a Prior Notification application – 10/415/CP) and to allow for the formation of a borrow pit and working area for a mobile screening machine.
2. At the time of a visit by CNPA officials it was noted that a number of construction vehicles and plant machinery were present at Granish Farm, along with builders stores and supplies, piles of waste materials and extensive deposits of screened materials including sand and gravel. Further to this, some ground modification works had recently been carried out building up adjoining land further north to create an additional storage area set within a partly wooded area and visible from the B9152. It should be noted that these earthworks and activities are taking place outwith of the application site but within the farm buildings, yard and associated land.



Fig. 2 - View of Granish Farm from Aviemore



Fig. 3 – Looking from farm track to screening area



Fig. 4 – Site showing screening machine and earthworks



Fig. 5 – Area of borrow pit excavation and earthworks



Fig. 6 - Further area of stores, plant and materials



Fig. 7 - Sand & gravel piles from B9152

3. Retrospective planning permission is sought for the change of use of agricultural land at Granish Farm for the recycling of 'dug ground' to take place. In effect, this would allow for the ongoing screening and storing of materials taken from nearby construction site earthworks and filtered in to sand and gravel deposits. This requires the use of a mobile screening machine which grades and separates the materials; a tracked excavator and dumper truck are also required for use as part of the operation. This application follows on from an enforcement investigation by Highland Council following complaints about high volumes of construction traffic and earthworks taking place on the site.



Fig. 8 - Site location plan showing position of the screening area

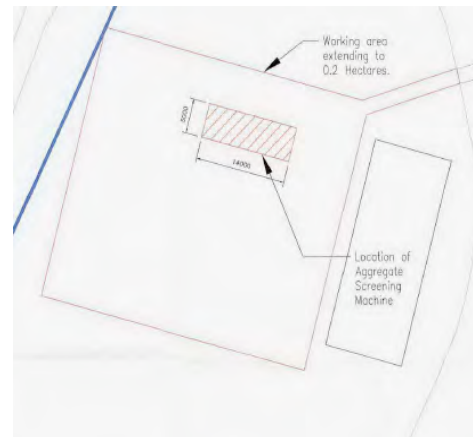


Fig. 9 - Screening site plan

Planning History

4. A series of applications have been submitted for various works at Granish Farm (none of these was called in by the CNPA) including:
- 06/018/CP: Construction of new access road;
 - 07/472/CP: Prior Notification for the Erection of steel frame storage building;
 - 09/212/CP: Change of use of agricultural shed to industrial/commercial use, and;
 - 10/415/CP: Prior Notification for a Farm Machinery Storage building.

DEVELOPMENT PLAN CONTEXT

5. Section 25 of the Town and Country Planning (Scotland) Act 1997, reaffirmed by the Planning etc (Scotland) Act 2006, requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan covering the application site comprises the Highland Structure Plan 2001 and the Cairngorms National Park Local Plan 2010.

National Planning Policy

6. The consolidated **Scottish Planning Policy**¹ is a statement of the Scottish Government's policy on nationally important land use planning matters. Core Principles which the Scottish Government believe should underpin the modernised planning system are outlined at the outset of **SPP** and include:
 - The constraints and requirements that planning imposes should be necessary and proportionate;
 - The system shouldallow issues of contention and controversy to be identified and tackled quickly and smoothly; and
 - There should be a clear focus on quality of outcomes, with due attention given to the sustainable use of land, good design and the protection and enhancement of the built and natural environment.
7. **SPP** emphasises the key part that development management plays in the planning system, highlighting that it should “operate in support of the Government's central purpose of increasing sustainable economic growth.” Para. 33 focuses on the topic of Sustainable Economic Growth and advises that increasing sustainable economic growth is the overarching purpose of the Scottish Government. It is advised that “the planning system should proactively support development that will contribute to sustainable economic growth and to high quality sustainable places.” Planning authorities are encouraged to take a positive approach to development, recognising and responding to economic and financial conditions in considering proposals that would contribute to economic growth.
8. Under the general heading of Sustainable Development, it is stated that the fundamental principle is that development integrates economic, social and environmental objectives, and that the “aim is to achieve the right development in the right place.”
9. As a replacement for a variety of previous planning policy documents the new **Scottish Planning Policy** includes ‘subject policies’, of which many are applicable to the proposed development. Topics include economic development, landscape and natural heritage and Minerals. The following paragraphs provide a brief summary of the general thrust of each of the subject policies.

¹ February 2010. **SPP** supersedes a variety of previous Scottish Planning Policy documents and National Planning Policy Guidance.

10. Economic development: planning authorities are required to respond to the diverse needs and locational requirements of different sectors and sizes of businesses and take a flexible approach to ensure that new economic opportunities can be realised.
11. Landscape and Natural Heritage: Planning authorities are encouraged to take a broader approach to landscape and natural heritage than just conserving designated or protected areas and species. It is recognised in the SPP that the landscape in the countryside and in urban areas is constantly changing and the aim is to “facilitate positive change whilst maintaining and enhancing distinctive character.” As different landscapes have different capacities to accommodate new development, the siting and design of development should be informed by local landscape character.
12. Minerals: Small workings, sometimes called borrow pits, commonly associated with roads and wind farm construction, forestry or agriculture, allow for the extraction of minerals near to or on the site of the associated development. Applicants will need to demonstrate the particular operational, community or environmental benefits of such proposals. They should be time-limited consents, tied to a particular project and accompanied by full restoration proposals.
13. **Scottish Planning Policy** concludes with a section entitled ‘Outcomes’ in which it is stated that the “planning system should be outcome focused, supporting the creation of high quality, accessible and sustainable places through new development, regeneration and the protection and enhancement of natural heritage and historic environmental assets.” Planning authorities are required to be clear about the standard of development that is required.

Strategic Policy

Cairngorms National Park Plan (2007)

14. Strategic objectives for the **Landscape, Built, and Historic Environment** include maintaining and enhancing the distinctive landscapes across the Park and ensuring that development complements and enhances the landscape character of the Park. Amongst the strategic objectives for **Sustainable Use of Resources** is a requirement that all management and development in the Park should seek to make the most sustainable use of natural resources.

Structure Plan Policy

Highland Structure Plan 2001

15. **Policy G2 (Design for Sustainability)** states that development will be assessed on the extent to which they, amongst other things, are compatible with service provision; contribute to the social and economic development of the community; impact on resources such as habitats, species, landscape and

freshwater systems and contribute to sensitive siting and high quality design in keeping with local character and the historic and natural environment.

16. **Policy L4 (Landscape Character)** seeks to maintain and enhance present landscape character.

Local Plan Policy

Cairngorms National Park Local Plan 2010

17. The Cairngorms National Park Local Plan was formally adopted on 29th October 2010. The full text can be found at: <http://www.cairngorms.co.uk/parkauthority/publications/results.php?publicationID=265>
18. The Local Plan contains a range of policies dealing with particular interests or types of development. These provide detailed guidance on the best places for development and the best ways to develop. The policies follow the three key themes of the Park Plan to provide a detailed policy framework for planning decisions:
- Chapter 3 - Conserving and Enhancing the Park;
 - Chapter 4 - Living and Working in the Park;
 - Chapter 5 - Enjoying and Understanding the Park.
19. Policies are not cross referenced and applicants are expected to ensure that proposals comply with all policies that are relevant. The site-specific proposals of the Local Plan are provided on a settlement by settlement basis in Chapter 6. These proposals, when combined with other policies, are intended to meet the sustainable development needs of the Park for the Local Plan's lifetime. The following paragraphs list a range of policies that are appropriate to consider in the assessment of the current development proposal.
20. The application site is located outwith the Aviemore settlement boundary, immediately adjacent to Core path LBS124. The adjacent woodland contains both Ancient Woodland (AWI)/Semi-Natural Woodland (SNAWI) designations.
21. **Policy 3 Other Important Natural and Earth Heritage Sites and Interests** requires that development should not affect such interests.
22. **Policy 6 Landscape** any development that does not complement and enhance the character of the Park will not be permitted unless there are clear socio-economic benefits and the adverse effects have been fully minimised and mitigated.
23. **Policy 11 The Local and Wider Cultural Heritage of the Park** development should protect, conserve and enhance the cultural heritage of the area.

24. **Policy 13 Mineral and Soil/Earth Resources** there will be a presumption against the extraction of minerals or processing unless no suitable or reasonable alternatives to the material are available and furthers the conservation or restoration of distinctive landscapes and the built environment.
25. **Policy 16 Design Standards for Development** seeks amongst other things to use appropriate landscaping and protect local amenity enjoyed by neighbouring properties.
26. **Policy 25 Business Development** proposals which support economic development will be considered favourably where the proposal is compatible with the existing area, supports an existing business and is located within an allocated site. Outwith settlements this should be located in an existing business park or estate, or where it can be demonstrated that no more sequentially appropriate sites are available. Further to this the policy also suggests the activity should be appropriate to the current rural location.
27. **Policy 31 Waste Management** safeguards existing strategic waste management facilities and allows for new sites on existing employment and industrial land sites where appropriate pollution prevention and control measures can be put in place.
28. The CNP Local Plan is the subject of an appeal under Section 238 of the Town and Country Planning (Scotland) Act 1997 against the decision of the CNPA to adopt the CNP Local Plan 2010. The Appeal will be decided by the Court of Session and is a material consideration. Therefore, account has been taken of the Appeal in the determination and the recommendation made in respect of this application.

CONSULTATIONS

29. **SEPA** objects to the proposal on the grounds of lack of information, requiring that details of the types, sources, quantities of materials and screening processes are submitted, while surface water drainage measures should also be outlined. They further advise that the proposal may require a Waste Management Licence.
30. **Transport Scotland** has no objections but states that no excavations should take place within 20m of the trunk road boundary to ensure the structural integrity of the roadway.
31. **Highland Council Environmental Health (TEC Services)** has no objections but recommend a number of conditions relating to the control of construction noise and dust.
32. **Highland Council Roads (TEC Services)** do not object but recommend a number of conditions related to ensuring the access road is constructed to specifications previously stipulated on past planning applications.

33. **Aviemore and Vicinity Community Council** objects to the application citing concerns over the impact of dust and noise, the use of the site for an industrial process which it is currently not zoned for, traffic impact and note that the materials are visually obtrusive to road users. They also note the retrospective nature of the application and express their disappointment in this.
34. The **CNPA's Landscape Advisor** objects to the application considering that the development neither complements nor enhances the landscape character of the Park. The form and extent of development and the small-scale nature of the landscape mean that there is no possibility that it could complement or enhance the landscape character even over a protracted time scale.
35. The **CNPA's Ecologist** recommends conditions that require the area of the borrow pit to be reinstated in the event the application is approved.

REPRESENTATIONS

36. The application was advertised in the *Badenoch and Strathspey Herald* on 5 January 2011. No representations have been received.

APPRAISAL

37. In determining this planning application regard is to be had to the development plan and the determination shall be made in accordance with the plan unless material considerations indicate otherwise. The current statutory plans are those listed above, with the planning policy applicable outlined in paragraphs 10 – 28 of this report.
38. This appraisal section considers the retrospective nature of the works, the principle of the development, and the potential effect on the land and any subsequent impact on landscape and natural heritage.
39. It should be highlighted that this report comes before the CNPA Planning Committee, following on from the retrospective use of land at Granish Farm for screening and the storage of spoil and large quantities of sand and gravel. Highland Council advised the applicant that there was an apparent breach of planning control and that a planning application would be required. The CNPA called the application in due to concerns about the potential landscape and natural heritage impacts associated with this type of development. Following on from this CNPA Officers visited the site and noted that there appears to be a significant level of construction related activity over and above those set out in the application.

Principle of Development

40. In terms of the principle of the development, there is generally a recognition in the CNP Local Plan that mineral extraction (and by an extension of this,

processing and screening) can have a significant negative impact on the amenity of local communities, and the environment of the National Park. It further suggests that sensitive working practices should be encouraged. Particularly of relevance, Policy 13 Mineral and Soil/Earth Resources states that there will be a presumption against the extraction of minerals or processing unless no suitable or reasonable alternatives to the material are available and furthers the conservation or restoration of distinctive landscapes and the built environment. In this instance there has been no justification set out by the applicant citing a shortage of sand and gravel in the area – the recycling of minerals is something to be encouraged, albeit it is considered that the manner in which it is currently being done does not complement and enhance the character of the National Park.

41. It is considered that the proposal is not compatible with the existing area, typically screening and processing of materials such as this would be undertaken within a quarry or existing industrial land site. CNP Local Plan Policy 31 Waste Management allows for new waste processing sites only on existing employment and industrial land sites where appropriate pollution prevention and control measures can be put in place. This site does not comply with this requirement. The applicant has not demonstrated why this site is the only or most appropriate location for this type of activity or whether they have investigated alternative sites. It is recognised that some winning of materials is permitted for agricultural use under Class 18 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992. However this is for use solely for agricultural purposes within an agricultural unit. It is contended that the winning and screening of materials at Granish Farm falls outwith this.
42. Looking at the further use of Granish Farm, it has become clear that the use of the farmyard, the associated buildings and an extensive area of land immediately to the rear has moved away from agriculture being its principal use and is now being extensively used as a construction storage yard. The farm buildings appear to be widely used for the storage and maintenance of plant, vans and other construction equipment – a recent application was approved by Highland Council to allow for the change of use of the recently erected shed to a workshop. While the remainder of the site is being used for the storage of further large piles of spoil, large quantities of sand and gravel and builder's supplies. It is considered that the construction activities are now are in excess of what could be considered incidental to the farm activities.
43. Policy 25 Business Development supports economic development proposals where the proposal is compatible with the existing area, supports an existing business and is located within an allocated site. Outwith settlements it requires proposals to be located in an existing business park or estate, or where it can be demonstrated that no more sequentially appropriate sites are available. Further to this the policy also suggests the activity should be appropriate to the current rural location. In this instance the applicant has not demonstrated that there are no more appropriate alternative sites available in the local area. It is considered that the use of Granish Farm as a

construction storage yard is inappropriate and detrimental to the character and amenity of the area.

Natural Heritage, Landscape Impacts and other issues

44. The area in which the screening of the dug ground is extensive and unsympathetic to the farmyard and its setting, resulting in an untidy extraction and processing site totally at odds with the prevailing simple but highly valued landscape character. There are significant concerns at the nature of the earthworks that have taken place as part of the clearance and modifications of both the application site and the greater area affected which extends considerably outwith the red line boundary of the planning application. These areas, located to the rear (west) of the farm buildings appear to have been extensively widened and altered resulting in an expansive area for storing materials and minerals, equipment and various builders supplies. The scale of the engineering works; the physical change in the appearance of the land is considered visually intrusive and the quarrying and depositing of material to make up the ground has obviously required significant works and tree removal.
45. It is considered that the landscape experience at the site is dominated by a sense of disregard for the environment. The piles of materials currently on site are visible from the B9152 as un-vegetated mounds along the edge of a woodland backdrop, which makes up a key part of the landscape character experience of the journey into and out of Aviemore both on the B9152, the mainline railway, and the Strathspey railway. It is considered that the development does not complement and enhance the character of the National Park as is required by CNP Policy 6 Landscape and L4 of the Structure Plan. Other policies including the Highland Council Structure Plan - Policy G2 (Design for Sustainability) states that development will be assessed on the extent to which they impact on resources such as habitats, species, landscape and are sensitively sited. It is considered that the proposal fails to give sufficient recognition to the impact of the development on the site.
46. In looking at the consultations, SEPA have objected to the screening and storage of waste materials, brought from outwith the site, without indication of a proper pollution prevention and control system being in place or without a Waste Management Licence or any other consents. Aviemore Community Council also raises concerns about amenity, landscape and traffic concerns. It should be noted that Highland Council TECS Environmental Health have no concerns over noise and dust issues affecting nearby residential properties suggesting suspensive conditions. Similarly, there are no concerns about road traffic impacts. It should be noted that there are no significant residential amenity concerns; in general the closest domestic properties are a suitable distance away.

Enforcement Action

47. It is recommended that if the Planning Committee are minded to refuse the application that they also authorise the use of formal enforcement action.

This action would require that the current unauthorised use of the site is stopped and that it reinstated and restored as best possible to its former character.

Conclusion

48. In conclusion, it is considered that the use of land at Granish Farm for screening materials and minerals, various construction-related activities and as a storage yard is not appropriate in policy terms nor or is the use compatible with its surroundings in terms of land use and landscape. The existing earthworks have had a significantly detrimental effect on the site, undermining the landscape quality and visual amenity of the area, located in the Cairngorms National Park. The applicant has not provided information to demonstrate that the proposal can meet appropriate pollution prevention and control measures or whether they have a Waste Management Licence. It is recommended that the application be refused and the committee approve formal enforcement action to reinstate the excavated areas.

IMPLICATIONS FOR THE AIMS OF THE PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

49. The proposal has a detrimental impact on the natural and cultural heritage of the area by the nature of the intrusive and environmentally degrading earthworks and activities that have been carried out and are ongoing.

Promote Sustainable Use of Natural Resources

50. The proposal has some benefits for this aim, recognising that the recycling and reuse of materials and minerals is more sustainable than quarrying new deposits. However no details or information has been provided to demonstrate how this could be sensitively managed.

Promote Understanding and Enjoyment

51. The proposal undermines this aim by devaluing the landscape character of the area, introducing mounds of earth and minerals contrasting with the woodland backdrop of this site.

Promote Sustainable Economic and Social Development

52. The proposal would provide facilities for an established local construction company, however these types of activities should be provided in existing industrial estates and quarries. It should be noted that some limited construction activities eg servicing of vehicles and carpentry is allowed in one of the agricultural buildings where a change of use has been approved.

RECOMMENDATION

A. That Members of the Committee support a recommendation to REFUSE RETROSPECTIVE PLANNING PERMISSION for the use of land for the purposes of recycling dug ground into suitable material for reuse at Granish Farm, Aviemore, for the following reasons:

1. The proposed development, by reason of the intrusive and harmful impact of the unauthorised activities is considered to have a detrimental effect on the landscape character, setting and amenity of the area, the approaches to Aviemore and the overall National Park. The proposal does not therefore comply with Policy 13 Mineral and Soil/Earth Resources, Policy 6 Landscape of the Cairngorms National Park Local Plan 2010, Policy L4 of the Highland Structure Plan 2001 and the aims of the National Park.
2. The proposal fails to demonstrate satisfactorily whether the site can provide adequate pollution prevention and control measures can be put in place as is outlined in Policy 31 Waste Management of the Cairngorms National Park Local Plan 2010, Policy G2 of the Highland Structure Plan 2001 and contrary to the advice of SEPA.
3. Approval of the proposal would establish a poor precedent for the proliferation of inappropriate industrial processes and construction storage yards in similar rural areas.

And;

B. That members of the Committee support a recommendation to pursue formal enforcement action against the unauthorised activities should it be required.

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21 February 2011

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.