
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

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(DEVELOPMENT CONTROL)**

DEVELOPMENT PROPOSED: PLANNING PERMISSION FOR THE REOPENING AND EXTENSION OF A QUARRY AT TULLOCHGRIBBAN QUARRY, DULNAIN BRIDGE (FULL PERMISSION)

REFERENCE: 05/157/CP

**APPLICANT: ENNSTONE THISTLE LTD.,
C/O JOHNSON POOLE & BLOOMER,
LAND CONSULTANTS, SPEIRS WHARF,
GLASGOW**

DATE CALLED-IN: 8TH APRIL 2005

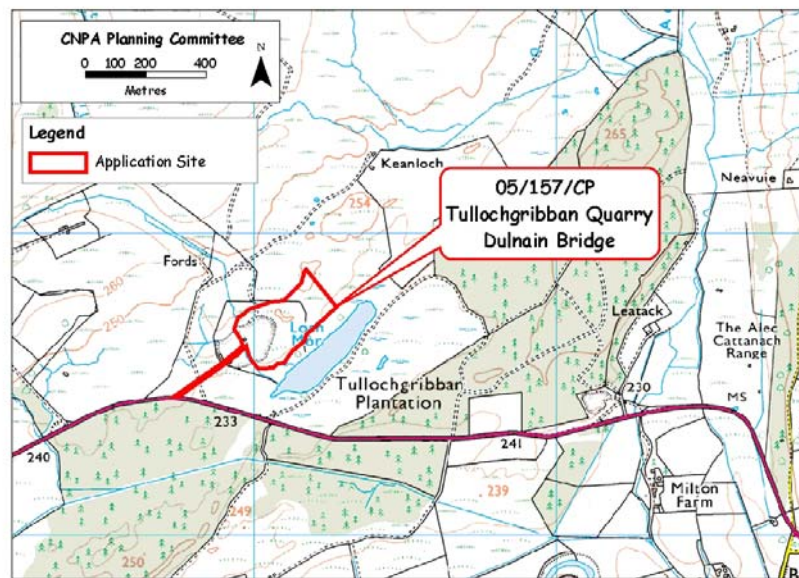


Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. Planning permission is sought in this current application for the reopening of Tullochgribbin Quarry and also for an extension to the quarry. The subject site consists of a total area of approximately 6.5 hectares, and is located in a rural area between the settlements of Carrbridge and Dulnain Bridge (6 kilometres to the east and 4 kilometres to the west respectively). The subject lands are located a short distance off the A938 (Carrbridge – Dulnain Bridge road), and access is gained via an existing track leading approximately 280 metres from the public road. Of the total 6.5 hectare site, quarrying activity has previously been undertaken on 4 hectares. The quarrying activity is believed to have commenced at the site in the 1950's, although records indicate that planning permission was not granted on the site until 1965 (Highland Council planning ref. no. 1964/798 applies). It has however lain dormant¹ for several years and that area of the site still retains the appearance of a disturbed quarry area, having not had the benefit of any restoration works, and where the majority of the topsoil from the previously worked area of the site has been stored around the site boundary. There is however evidence of vegetation slowly colonising some areas. The remaining 2.5 hectares of the currently proposed site, which extends to the rear (north east) of the quarried area, is in the form of grazing land. The site is bounded to the north, south and west by agricultural land and Loch Mor forms the boundary to the east, with the Tullochgribbin coniferous plantation further eastwards.



Fig. 2 : Existing quarried area at Tullochgribbin

¹ Tullochgribbin Quarry was classified by Highland Council as a 'dormant site' following a statutory review of mineral permissions under the Environment Act 1995 (now covered under Section 74 of the Town and Country Planning (Scotland) Act of 1997). The Act provides that a site is "dormant" if no minerals development has been carried out to any substantial extent in, on, or under the site at any time in the period beginning on 22 February 1982 and ending 6 June 1995. Furthermore, after 1 January 1997 it became unlawful to work a dormant site until full modern planning conditions have been approved by the planning authority.

2. A three phase plan for the re-opening of the quarry, in conjunction with a proposed expansion by a further 2.5 hectares, has been put forward in this application, with the proposed works projected to have a total lifespan of 12.5 years, equating to total extraction of 500,000 tonnes of sand and gravel (at the rate of approximately 40,000 tonnes per annum). Phase 1 works are proposed within the existing quarried area, with the extraction process at that location intended to progress in a south west to north easterly direction, and to be carried out within an anticipated working period of three and a half years. Phases 2 and 3 encompass the proposed new extension area on land currently used for grazing, with each phase projected to have a duration of approximately four and a half years. The submission documents indicate that the site would be worked in “two / three benches of 6 – 7.5 metres in height in order to accord with Health and Safety at Quarries.” It is proposed that the majority of the area would be worked to a level of 232 metres AOD with “localised deepening to a level of circa. 228 metres AOD to facilitate the formation of shallow ponds on restoration.”



Fig. 3 : Existing agricultural grazing land surrounding the site (west)



Fig. 4 : Loch Mor forms the eastern boundary

3. The submission documents include details of a site restoration programme, with the overall intention being to restore the full extent of the application site to a mixture of agricultural grazing and “nature conservation after use.” The restoration programme involves progressive restoration of the site at the end of each of the proposed phases. For example it is indicated that Phase 1 would be “restored first using soils stripped from phase 2 and placed directly within Phase 1.” Upon establishment of grassland (which is intended to be similar to the terrain that exists at present in the undeveloped area), it is proposed that additional tree and shrub planting would be carried out. The proposed tree planting would consist primarily of birch, and would also incorporate occasional willow. In addition, the restoration proposals for phases 2 and 3 include the creation of pond areas, which it is suggested would “provide a suitable habitat for wading birds etc.” The submission details also propose the planting of ‘spiny shrubs’ around the water bodies, intended to have the effect of protecting the margins from puddling and also protecting the marginal planting from poaching by farm stock.

4. Extraction and processing operations are proposed to take place intermittently during the year in accordance with demand. Details in the application suggest that extraction at the proposed site would result in four types of products – concreting aggregate, single sized aggregate, concrete sand and general fill material. The methods of extraction are dependant on the use of mobile plant, including a wheeled loading shovel to extract the sand and gravel from the working face. Following extraction the sand and gravel would be fed directly into a mobile screening and washing plant. It is proposed that this mobile plant would be regularly moved in order to position it between 30 and 75 metres behind the working face. The screening and washing plant is intended to consist of a barrel washer and a series of screens, in order to wash and screen the material into the various products. A mobile crushing plant is proposed to be brought into the site once or twice annually to crush down any oversized cobbles within the deposit. A wheeled loading shovel would be used to load the quarry products into vehicles.
5. The proposed hours of operation at the subject site are 07:00 to 17:30, Monday to Friday; 07:30 to 13:00 on Saturdays; and maintenance work only to be undertaken on a Sunday. The proposed quarrying activity is predicted to create two new employment positions to undertake on-site operations, and in addition reference is made in the submission documentation to the creation of further indirect employment of hauliers, fitters etc..
6. An **Environmental Impact Assessment**² has been included with the submission documentation. In the interests of providing a full description of the proposed works and the predicted impacts of a development of this nature, the following sections will include a brief summary of the salient factors under each of the categories dealt with in the EIA such as landscape and visual impact, hydrogeology and hydrology, noise, air quality etc..

Landscape and Visual Impact

7. The area of the site which has not been quarried is described as being typical of the “strath landscape of the Speyside Character Area” – predominantly an agricultural landscape, with large agricultural and pastoral fields, with woodlands and copses also forming occasional field boundaries and often enclosing farmsteads and cottages. The EIA concedes that the previously quarried area of the application site is of a different character to the surrounding landform due to its unrestored condition.

² The proposed development is a Schedule 2 development, in accordance with the Environmental Impact Assessment (Scotland) Regulations 1999. As the proposed site area is under the threshold level of 25 hectares, it is at the discretion of the Planning Authority whether an EIA is required. The Cairngorms National Park Authority in consultation with Highland Council indicated at the pre-application stage that an EIA would be required.

8. The visual impacts of the proposed development were assessed, with a series of photographs taken from representative viewpoints, illustrating the site in the context of the surrounding landscape (see attached), following which an analysis was carried out to determine whether or not the development would give rise to any effect and if so whether it would be temporary, permanent, reversible or irreversible. In summary, the EIA suggests that the “visual impacts of the proposed development are limited through a combination of existing tree cover and the existing landform” and that the proposed additional screen planting would mitigate further impacts. In terms of the visual impact, it is concluded that “the overall visual impacts of the site at present are slight negative and through mitigation can be kept of the same magnitude during the operational phase of the development”, with progressive restoration having a slight beneficial impact.
9. Landscape impacts are gauged according to their level of significance, based upon the scale or degree of change to the landscape resource, and the sensitivity of the surrounding landscape. It is admitted in the EIA that previous quarrying activity at the site has resulted in a loss of landscape resources and it also concedes that further quarrying would result in the removal of “a small area of improved grazing land for a temporary period.” However, in defence of this loss, the EIA suggests that grazing land is not a particularly scarce or valuable landscape resource, with the surrounding area having an abundance of similar landscape resources, and that restoration proposals would result in the reinstatement of that land, as well as the land lost through previous quarrying, thereby resulting in an overall gain in landscape resources.
10. It is noted in terms of impact upon landscape character that the surrounding landscape has a high sensitivity given the location of the site within the Cairngorms National Park. However, in overall terms, the impacts of the development upon the landscape character is described as having only a ‘slight negative’ impact in the operational phase, with a ‘slight beneficial’ impact upon final restoration.

Air Quality

11. The potential impacts upon air quality as a result of quarrying mainly relate to dust release from the application site. In assessing the potential for dust impacts, it is noted in the EIA that the proposed site is subject to high rainfall (with rainfall presumed to decrease dust emissions) and in addition it is stated that the closest residential property³ to the site is located 800 metres away, in the opposite direction to the prevailing wind. It is suggested that the birch on the southern and western site boundaries together with the Tullochgribbin plantation to the south and east would provide a vegetative screen that would help contain dust close to the site, and the EIA therefore concludes that there is limited potential for dust impacts. Having

³ Reference to residential properties in the EIA is understood to refer to properties that are currently in a habitable state.

regard to this, a number of mitigation measures are proposed, including the seeding of soil and overburden storage mounds as soon as possible following formation; planting of a birch screen to the south and west; exposed quarry area to be kept to a minimum by progressive restoration; the positioning of the processing plant in the quarry void in an effort to minimise any wind blown dust; and the use of water to dampen down stockpiles and also to treat unsurfaced roads during periods of dry weather.

12. As a result of a letter of objection (which will be detailed in later sections of this report) raising concerns about the potential impact of the development on an uninhabited property, known as Keanloch, and located approximately 410 metres to the north east of the proposed quarry boundary, further assessments were carried out in respect of noise and dust. In relation to dust, the submission on behalf of the applicants refers to advice contained in a publication entitled *The Environmental Effects of Dust from Mineral Workings (HMSO 1995)* on the matter of the sensitivity of residential properties to dust. The document advises that receptors with a standoff of less than 100 metres to a minerals development are considered to be at the highest risk in terms of dust sensitivity, whilst receptors 200 – 250 metres away from a dust emitting source have a low risk of dust sensitivity. Taking into account the fact that the Keanloch property is over 400 metres from the subject site and also having regard to the dust mitigation measures proposed in the EIA, the supporting information concludes that “it is anticipated that potential impacts upon the property will not be significant.”

Hydrogeological and hydrological assessment

13. Superficial deposits located within the subject site consist of glacial sand and gravel. On the basis of the thick sequence of sand and gravel deposits recorded in the vicinity of the application site, the EIA contends that such deposits will contain groundwater at an elevation of approximately 231 metres AOD. The water table of the site is also expected to be at an elevation of approximately 231 metres AOD. With the exception of proposed settlement lagoons and the excavation of shallow ponds on restoration (level of 228 metres AOD), phases of working are proposed to be above the groundwater table. As working would be ‘dry’ it is indicated that the majority of site activities would not give rise to hydrogeological impacts. Mitigation measures are proposed to counteract any slight impacts include the drawing of water from the settlement lagoons when required for use in the processing plant, with any unclean water pumped back into the ponds to minimise the volume of fine silty material in the extraction area; all refuelling and servicing of mobile plant will take place at the specially constructed bunded storage tank and hardstanding area; and the storage of all drums and containers in a secured and locked container.

14. With reference to hydrological conditions the EIA sets the locational context of the application site being bounded to the south by Loch Mor, and to the west by a minor burn, with drainage from the burn and loch ultimately entering the burn. In analysing the hydrological conditions, the presence of thin granular topsoil and the significant thickness of unsaturated granular sand and gravel soils are noted and interpreted as an indication that surface run-off rates will be low. It is also considered in the EIA that due to the granular nature of the materials "surface infiltration will percolate down to the water-table, which will indirectly recharge the underlying groundwater and Loch Mor." In terms of hydrological impacts the EIA states that development of a working area will have no significant effect on flows into the adjacent burn, and correspondingly no effect on Loch Mor.
15. A number of measures to mitigate any impacts upon hydrology are detailed in the EIA. Proposals include –
- directing surface water run-off generated from roads and hard standing areas into swales in order to allow run off to infiltrate and be treated, thereby minimising the volume of surface water run off directed to the settlement lagoons;
 - lagoons to be adequately designed in order to adequately retain surface water run-off within the settlement lagoon areas;
 - the use of a closed recirculatory system of settlement lagoons, drawing clean water from one large lagoon and pumping it to the processing plant. Once used to wash sand and gravel the unclean water "will be led by pipe to a second large lagoon."

Noise

16. In an assessment of the potential noise impacts of the proposed development, it is noted that the closest and potentially most noise sensitive locations include the inhabited properties at Tullochgribbin High, located 900 metres to the west of the proposed site; Tullochgribbin Holiday Cottages located 800 metres to the west of the site; and Mains of Tullochgribbin which is located 800 metres to the south of the site. Reference is made in the EIA to advice contained in 'Planning Advice Note 50, Annex A – The Control of Noise at Surface Mineral Workings' and in particular refers to the fact that the daytime nominal limit at noise-sensitive properties used as dwellings should normally be 55 dB L_{aeq} , although a lower nominal daytime limit might be appropriate in quieter rural areas, and PAN 50 suggests a daytime limit below 45 dB L_{aeq} , being more tolerable to most people in rural areas. The noise levels predicted at Tullochgribbin High vary between 22 dB L_{aeq} and 41 dB L_{aeq} , depending on the activities being undertaken. The noise levels at Tullochgribbin Holiday Cottages are proposed to vary between 25 dB L_{aeq} and 42 dB L_{aeq} , with the higher levels likely to be recorded during potential screening and washing activities. The EIA predicts noise levels of between 19 dB L_{aeq} and 40 dB L_{aeq} , at the residence of Mains of Tullochgribbin, with the latter noise level predicted only for limited periods of time during the proposed operation of a crusher.

17. In summary, the EIA concludes in terms of noise predictions that all predicted noise levels referred to are worst case scenarios “when operations are undertaken at their closest distances and highest topographic level to the sensitive property”. It is categorically stated that the intermittent use of the processing plant that is proposed to be based at the quarry would “result in noise levels at the closest residential properties that fully comply with the normally justifiable limit at surface mineral workings” as recommended in PAN 50.
18. As detailed in para. 12 of this report, in response to objections raised a further assessment of noise impacts has been carried out at Keanloch i.e. the uninhabited property located approximately 410 metres to the north east of the subject site. The same methodology was adopted in the assessment as that used at the other three properties. It is stated in submission material that “all of the predicted noise levels for Keanloch satisfy either the temporary operation noise limit of 70dB $L_{Aeq, 1h}$ when relevant or the normally justifiable limit of 55 dB $L_{Aeq, 1h}$ for the majority of operations.”

Ecology

19. The proposed development would result in the removal of improved grassland and quarry habitat. The improved grassland is described as an extensive habitat, with the dominant grass species being fescue and bent, with numerous locally common herbaceous species, including daisy, thistle, clover and dandelion. Within the previously quarried area of the site, the EIA notes that a number of species have colonised the pit, all of which are invasive creatures commonly associated with disturbed ground, and include birch, broom, rosebay willow herb and gorse. No evidence was found of protected species using the site, although the EIA refers to the fact that “consultations with the gamekeeper for the area revealed that otters have a holt on a stream to the east of the site” and although they have not been seen on the site, they are known to feed on Loch Mor.
20. Neither the improved grassland nor the quarry habitat is described as being ecologically significant, and the habitat loss associated with the proposal is promoted in the EIA as being temporary, with works only affecting habitats of low ecological value. The ecology section of the report concludes with a statement that the “reinstatement proposals will replace the lost habitat with a like habitat and also introduce valuable standing water habitat”, thereby resulting in an overall benefit to the ecology of the area.

Cultural Heritage

21. Consultations were undertaken with Historic Scotland and Highland Council in the course of the EIA preparation, and following this it is stated that the proposed activities would not affect any sites under the remit of Historic Scotland, nor does the Scheduled Monuments Record indicate that there are any known sites of local archaeological interest within the area. Reference is made to the fact that the majority of the

site has been quarried previously and is now unlikely to yield archaeological discoveries. The potential for future archaeological finds in the 2.5 hectares into which the quarry expansion is proposed, is considered small, although the EIA recommends that an archaeological brief be carried out on future soil stripping operations, to ensure that any archaeological finds that may be encountered are appropriately recorded.

Transport

22. Sand and gravel output from the site is projected to be in the range of 40,000 tonnes per annum, all of which would be transported from the site by use of the road network. It is anticipated that based on an average payload of 17 tonnes, an average of 8.7 vehicle movements would be likely to leave the site daily. The documentation suggests that traffic emerging from the site would use the A983 in both directions, with 50% going either direction, eastwards towards Dulnain Bridge or westwards towards Carrbridge. The traffic movement is predicted to equate to an average of one vehicle every two hours, using the road in each direction. It is conceded in the EIA that localised improvements works would be required in order to improve upon the present condition of the access and achieve adequate visibility at the junction of the access lane and the public road. Further to the required mitigation measures, the EIA finds that the public road has the capacity to accept the volume of traffic proposed, both structurally and environmentally, and therefore suggests that the transport impacts of the proposed development would not be significant.

Need Statement

23. In response to a request for further information issued by the CNPA planning officer in June 2005, a detailed 'need statement' was submitted on behalf of the applicants in December 2005. The analysis of the need for aggregates within the Cairngorms National Park is intended to demonstrate compliance with the CNPA's Interim Planning Policy No. 4 : Mineral Workings and reference is also made in the document to conformity with emerging policy contained in the **Consultation Draft of the Cairngorms National Park's Local Plan** (both policy documents referred to will be discussed in more detail in subsequent sections of this report). The total market for aggregates in the National Park has been calculated through extrapolation from the total volume of aggregates known to be produced and used in the Highlands. On this basis the need statement suggests that the consumption of aggregates within the National Park area is circa 200,000 tonnes per annum, of which approximately 110,000 tonnes would be sand and gravel. The statement alludes to the physical division of the National Park by the Cairngorm Mountains and concedes that due to its location Tullochgribbin would be likely to supply the north and west of the Park, "primarily within the area of Badenoch and Strathspey where the majority of aggregates from the site will be utilised."

24. The 'need statement' refers to the fact that aggregates are required in significant quantities just to maintain existing housing, farms, forestry and associated infrastructure and that housing expansion, as well as other new developments and associated infrastructure will also increase the requirement for aggregates. The 'need statement' details the extent of land allocated for development in the existing Badenoch and Strathspey Local Plan, as well as referring to land proposed to be identified in the Cairngorms National Park – Consultation Draft Local Plan. In addition to identifying the extent of potential development activity on lands in the northern and western areas of the National Park, reference is made to current house building consents and recent house building completions. Based on information collected from Highland Council's planning department, within Badenoch and Strathspey "there are presently approximately 500 houses that have planning consent and are waiting to be built" and that 188 houses were built in Badenoch and Strathspey during the most recent period for which information was available (1 January 2004 to 30 June 2005). In estimating future need anticipated road projects and maintenance requirements have also been taken into account and it has been possible to obtain "a more accurate estimate of aggregate tonnage requirements than was possible with regard to housing and other developments" due to the applicants position as part of the BEAR partnership which maintains trunk roads in the National Park, and also the applicants relationship as supplier to Highland Council Technical Services Department. Annual maintenance requirements for the local and trunk road networks are anticipated to require the supply of 20,000 tonnes of 'dry aggregates' per annum. In terms of trunk road improvements, it is estimated that a minimum of 2 road improvement schemes are required over the coming five years, with each scheme estimated to take approximately 12,000 tonnes of aggregates.
25. It is stated that the 'needs' analysis is intended to demonstrate that (i) the population of Badenoch and Strathspey will increase substantially over the next few years; (ii) there are significant allocations for new housing within the existing adopted Local Plan; (iii) the CNPA's Consultation Draft Local Plan proposes to allocate double the volume of housing within the Plan period as has been built within the Park within the last five years; (iv) annual new house building is already being carried out on a large scale; and (v) substantial volumes of aggregates are required in the Cairngorms National Park area for road maintenance.
26. In examining sand and gravel reserves available within the National Park, it is estimated that the current production of sand and gravel within the Park is 60,000 tonnes per annum, extracted from Alvie Quarry⁴ and Granish Quarry⁵ near Aviemore. With an annual

⁴ The 'Need Statement' states that planning consent for the extraction and processing of sand and gravel was granted in January 2002. "The anticipated output from the site is 30,000 tonnes per annum over 10 years from 8 phases of working.....it is understood the site has approximately 6 years of consented reserves remaining."

consumption of 110,000 tonnes of sand and gravel within the Park, the 'Need Statement' concludes that there is currently a shortfall of circa. 50,000 tonnes per annum, which is currently sourced from outside the Park area.

DEVELOPMENT PLAN CONTEXT

National Policy

27. **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**, in setting the policy context refers to the Governments recognition "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." **NPPG 4** strongly advocates the principle of sustainable development and 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.
28. Conservation of the natural heritage is discussed in detail in **NPPG 4** 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." Within areas of international designation, such as SPA's and SAC's, it is the general policy that mineral workings will only be allowed in exceptional circumstances, which are only likely to arise where it can be demonstrated conclusively that the development would not adversely affect the habitats or species being safeguarded or that there is an overriding national interest in allowing development to take place and that there is no reasonable alternative. Within national designations, **NPPG 4** outlines a policy where mineral extraction will only be permitted where "it can be demonstrated that the underlying objectives and overall integrity of the designated area will remain largely unaffected" or where "any adverse effects on the environmental qualities for which the site has been designated are outweighed significantly by the national benefits that could accrue from the mineral extraction." In order to evaluate the

⁵ According to the 'Need Statement' planning consent was granted for the quarrying of sand and gravel and development of a waste transfer station in November 2001. Planning consent was granted to extract 30,000 tonnes of unprocessed sand per annum for 14 years and the quarry does not provide quality processed sand and gravel due to this restriction on processing.

proposal in light of this policy, 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."

29. Reference is also made in NPPG 4 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.
30. 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 (para. 29, NPPG 4).
31. **NPPG 4** also highlights 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.

Highland Structure Plan

32. 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."

33. 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.”
34. 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.
35. **Policy M2** of the **Highland Structure Plan** summaries the general policy on mineral extraction, stating 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 is also advocated.
36. The **Highland Structure Plan** in its section on Nature Conservation advises that nature conservation interests are not confined to designated sites and that all development proposals should be evaluated for their implications on nature conservation, both direct and indirect. The Plan does however highlight the fact that “*the existence of designations does not necessarily preclude development from taking place within or affecting the sites*” provided they are compatible with maintaining the features for which the sites are designated. The general thrust of **Policy N1** on **Nature Conservation** is that new developments should seek to minimise the impact on the nature conservation resource and enhance it wherever possible.
37. **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. **Policy G2** on **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; are affected by safeguard zones where there is a significant risk of disturbance and hazard from industrial installations, including noise, dust, smells etc; 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.

Badenoch and Strathspey Local Plan (1997)

38. Section 2.2.3 of the **Badenoch and Strathspey Local Plan** refers specifically to minerals, stating that “the Council will apply their Development Control Policy No. 5 governing the Control of Mineral Workings throughout the Local Plan area.” Whilst acknowledging that scope exists for mineral extraction, the Local Plan 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.” Section 2.2.3 of the Plan also advises that worked out or abandoned sites adjacent to the main road network could be suitable for after-use.
39. 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.*”

Cairngorms National Park Interim Policy No. 4 on Mineral Workings

40. The Executive Summary of the CNPA’s Interim Policy on Mineral⁶ 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 and social and economic conditions of 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.
41. 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** is as follows:
There will be a presumption against new mineral workings and extensions to existing mineral workings in the Park unless :
- a) The required materials cannot be sourced at any sites outwith the Park – justification will be required; or
 - b) There is a case of overriding national need for the extraction of the mineral; or
 - c) The mineral working proposal is of a scale that is clearly related to the mineral needs of the National Park; or
 - d) The mineral working is a borrow pit which conforms with policy MW2.⁷

⁶ The term ‘Minerals’ is taken to refer to substances or materials, commercially extracted or recycled, normally through mining or quarrying operations (para. 12 – CNP Interim Policy on Mineral Workings).

⁷ Policy MW2 refers to Borrow Pits.

Where proposals meet criteria a, b, c or d, the presumption against development will remain unless the following conditions are met :

- e) The proposal does not affect designated sites;
- f) 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;
- g) 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;
- h) There are no adverse impacts on the social and economic well-being of local communities which cannot be satisfactorily mitigated;
- i) Satisfactory arrangements can be made for dealing with associated traffic, blasting, overpressure and flyrock, noise and dust;
- j) A satisfactory method statement is submitted dealing with methods of extraction, working of the site and storage, removal and disposal of wastes;
- k) 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.

42. **For information purposes only** : The subject site is located within General Policy 1 Area in the CNPA's **Consultation Draft Local Plan**. 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.

43. The **Consultation Draft Local Plan** also includes a specific section on Mineral Resources. Section 3.34 refers to the General Policies as outlined above and also notes that size, scale and location of mineral development proposals will be an important consideration in planning decisions. **Policy 16 on 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.

CONSULTATIONS

43. **Scottish Natural Heritage** was consulted on the development proposal and it is understood that pre-application discussions had also been undertaken with the organisation. The **SNH** response states that there is no objection to the proposed development. The proposed site does not have any natural heritage designations, although adjacent Loch Mor has an overflow that ultimately flows into the River Dulnain, which is part of the River Spey SAC, identified for its populations of Atlantic salmon, sea lamprey, otter and freshwater pearl mussels. **SNH** make reference to a statement in the EIA that no discharge will be made into Loch Mor or any water course. It is the view of **SNH** that it is “unlikely that any qualifying feature will be affected significantly either directly or indirectly.” However, as a safeguard to ensure that the River Spey SAC will not be affected, the **SNH** response recommends that SEPA should approve the arrangements for water treatment and any discharge from the quarry.
44. With reference to European Protected Species, it is noted that the EIA refers to a survey being carried out for otters. No evidence was found of otters using the site, although they are known to feed at Loch Mor and also to use a stream to the east of the site. **SNH** do not however consider that the working of the quarry would present a fundamental problem for the otter population of the area. Nonetheless the consultation response makes reference to the fact that a license to disturb otters may be required from the Scottish Executive.
45. In terms of landscape and visual impacts, the **SNH** response notes that the proposed site is not within a National Scenic Area, but concedes that it is visible from the A938. **SNH** recommend, in the event of the granting of planning permission, that the proposals to mitigate the visual impact of the proposed workings as outlined in the EIA should be made a condition of planning permission. **SNH** affirm their support for the proposed restoration of part of the site to pond areas and woodland.
46. Reference is briefly made in the **SNH** response to ‘other natural heritage interests’, and in particular the proximity of the site to Loch Mor, which is described as being of considerable local natural heritage interest, such as woodland and swamp, and being of value to wildfowl during the winter, particularly from September to November. **SNH** state that they would be “concerned if the water quality of the loch were to be compromised or the fringing habitats damaged or disturbed.” However it is noted that the EIA states that such habitats will not be affected by the proposed works.

47. In a consultation response in April 2005 **SEPA** requested that further information be provided in respect of the proposed water crossing (i.e. where the access road crosses a small watercourse near the entrance to the quarry). Further details were also required on foul drainage arrangements. The applicants engaged in direct discussions with **SEPA** in relation to the matters detailed above, and in correspondence received from **SEPA** in January 2006 both the water crossing and drainage proposals were deemed acceptable. It is proposed to cross the watercourse by means of oversized pipes to be sunk below the watercourse bed level. **SEPA** also noted that foul drainage would be by means of a chemical toilet and deemed this to be acceptable.
48. **SEPA** also noted that a noise assessment was provided in the Environmental Statement submitted with the application and recommend that an appropriate planning condition be attached in the event of the granting of planning permission, to address any noise issues relating to the development, in consultation with the relevant Environmental Health Department.
49. In terms of pollution prevention **SEPA** noted that consideration is given in the Environmental Statement to the need to implement measures to prevent pollution, including the incorporation of Sustainable Urban Drainage (SUDS) measures. **SEPA** requests that a condition is attached in the event of the granting of planning permission requiring that a detailed site specific work method statement for the site be agreed with the Planning Authority, in consultation with **SEPA**, prior to the commencement of any development and implemented in full during works on the site, in order to prevent potential water pollution. The method statement is intended to address issues such as surface water run-off, timing of works, measures to ensure that any fuel or chemicals from the plant does not cause pollution, landscaping works and waste.
50. **SEPA** note that the main objective of the restoration proposals is to achieve as natural a land form as possible and provide habitat for a range of flora and fauna. **SEPA** request that a condition is included in any planning permission requiring the applicant to submit details of the proposed restoration scheme within a short timescale, and in line with the guidance provided in PAN 64 Reclamation of Surface Mineral Workings.
51. **Dalnain Bridge Community Council** have not raised any concerns regarding the proposed development, and have stated in their submission that the applicants, Ennstone Thistle, had been in contact with the Community Council, had attended a meeting to explain the nature of the proposed workings and had also organised a site visit.

52. The development proposal has been examined by the **Area Roads and Transport section of Highland Council** and the consultation response includes details of a number of works that are required to be completed prior to the undertaking of any work connected with the proposal. The required works include upgrading of the vehicular access to the site, including the creation of a bell mouthed access, surfacing of the access road, and the provision of at least 3 no. passing places; the provision of visibility splays and their on-going maintenance at either side of the access; and also the carrying out of off-site improvements works on or alongside the A938 public road, the details of which were outlined at a meeting between the applicant and Area Roads and Community Works Manager of Highland Council in the course of pre-application discussions. Direct dialogue has taken place between the applicants / their agent and the **Area Roads and Transport section** regarding the provision of adequate vehicular access to the site and in correspondence dating from November 2005 that section have advised that the road layout proposed as a result of discussions satisfies the requirements in relation to vehicular access to the site.



Fig. 5 : access from the public road



Fig. 6 : access track within site, leading towards public road

53. The TEC Services **Environmental Health Officer** at Highland Council has indicated that the service has no objection to the development, but requests that a number of conditions be attached in the event of the granting of planning permission. The conditions recommended refer to restrictions on working hours in accordance with the hours proposed by the applicants in their submission, and a condition relating to noise, requiring that during normal weekday working hours the free field equivalent noise level for the period due to quarry operations shall not exceed 45dB as recorded at any existing noise sensitive property.
54. The CNPA's **Natural Heritage Group** has examined the proposal and note that the natural heritage value of the site is currently limited. It is also stated that on the whole, the ecological value of the overall site area is low. In terms of other conservation interests however NHG note in their report that "the hummocks associated with the fluvio-glacial deposits are of some geomorphological interest." The consultation response notes that the hummocky formations are

considered to be part of the special character of the Park and that the quarry would result in the removal of much of the hummocky ground.

55. **NHG** acknowledge that the ecological value of adjacent habitats immediately to the east, south and south west is considerably greater. There is agreement with the views of **Scottish Natural Heritage** that the water quality and fringing habitats of Loch Mor are important features which must not be negatively impacted upon by the proposed development.
56. The **Natural Heritage Group** have made a number of specific recommendations focusing on the topics of sand martins, the existing culvert, trees on site and the proposed creation of ponds.
57. The consultation response from **NHG** notes that the availability of nesting sites and the proximity of the loch for feeding makes the quarry suitable for sand martins and evidence was found of sand martin nests in the course of the **NHG** site visit. Between 20 – 30 sand martin nest holes were noted near the top of one small sand wall. The consultation response from **NHG** highlights the fact that sand martin nests are protected by the Wildlife and Countryside Act (1981) and it is an offence to knowingly disturb them during the breeding season, which runs approximately from April to August. Consequently **NHG** advise that quarry operations should not be permitted on faces where sand martins are actively excavating or occupying nest holes. In light of the fact that sand martins can commence nest hole excavations on a face which is actively being worked over as short a period as a weekend when human activity ceases, **NHG** suggest that efforts should be made to discourage this in the event of development occurring at the site. A simple preventative measure suggested is the draping of a tarpaulin over the face. It is also recommended that this act could be counterbalanced by the creation of nesting opportunities elsewhere. This could be achieved by quarry operators providing nesting opportunities for sand martins by exposing a new face in a quiet area of the quarry not earmarked for excavation during the summer months.
58. On the issue of the existing culvert where the burn flows under the access road leading to the worked area, concern is expressed by **NHG** that there is no clearance between the surface of the water and the roof of the culvert. There is a need to reduce the barrier effect of the culvert on aquatic mammals, such as otters, and reduce the likelihood of them having to cross over the access road with the associated risk of vehicular collisions. In order to achieve this **NHG** recommend that the culvert should be removed during the redesign of the access road and note that the creation of a small bridge would be preferable to a culvert.

59. The planting of birch and willow trees, as detailed in the proposed restoration programme, is considered by **NHG** to be appropriate, particularly due to the potential to mitigate against the potentially negative impacts of the development. **NHG** also recommend that aspen should be included in any tree planting programme and that all trees used should be of local origin.
60. In terms of landscape considerations, the **NHG** response provides a brief summary of the site area (largely open and hummocky ground made up of fluvio-glacial deposits; pockets of birch trees occurring close to and within the confines of the former worked quarry area). It is noted that despite the lack of restoration work at the cessation of former quarrying activity, the quarry void is largely hidden from view from outwith the site area. The existing quarry faces are not particularly obtrusive as they do not breach the ground profile and are instead contained within the undisturbed landforms, with the tops of the glacial hummocks rising up to the rear. As seen from a distance the natural appearance of the landform is largely retained. **NHG** express concern at the prospect that the proposed works would result in the removal of existing hummocks, would unnaturally simplify the uneven topography and would significantly reduce the level of the ground profile as viewed from the public road. Concern is also expressed that the Environmental Statement fails to provide photomontages to support or illustrate proposals by the operator to “recreate the hummocky topography at a lower level in the floor of the worked out quarry” or to demonstrate how this might appear from the public road or elsewhere. As a further example of potential landscape impacts, the response from the **Natural Heritage Group** refers to the fact that the Environmental Statement rates the visibility of the quarry from Tullochgribbin High and the associated holiday cottages as being limited, whilst the photomontages provided in relation to that appear to “indicate that a large proportion of any extension would be visible from these receptors.” In concluding the appraisal of landscape impacts, the **NHG** response raises the possibility that the proposed quarry activity would become much more obvious in the landscape than suggested in the Environmental Statement.
61. The final point raised by **NHG** is in relation to restoration, where it is noted that the extent of worked quarry area could benefit from work to restore it to a safer condition and after-use. In relation to the proposed new quarry extension it is recommended that in the event of consideration being given to the granting of planning permission that a more detailed restoration and after use plan be prepared, with restoration works proposed fitting more comfortably with the surrounding ground levels and forms than currently indicated.

62. The proposal has been examined by the CNPA's **Economic and Social Development Group** where it has been noted that previous workings at the site ceased several years ago and the proposal is therefore effectively regarded as a new quarry. **ESDG** refer to the creation of two jobs but note that there is no indication as to whether or not they would be local jobs. It is noted that the site will operate according to demand and in this respect it is possible to assume that the jobs could possibly be based elsewhere.
63. **ESDG's** response raises some concern about whether or not the road leading west to Dulnain Bridge and east to Carrbridge is suited to additional heavy traffic. **ESDG** note that the road has several tourism businesses on it as well as the aforementioned settlements, and consequently consider that additional heavy traffic could affect tourism businesses in the area.
64. In terms of the actual material that it is proposed to quarry, the response notes that aggregate is "a product widely available from sites around Scotland." It notes that the need for aggregates within the Park is not fully clarified, but comments that if the "need exists and the quarry is opened, then longer distance lorry movements may be reduced within the Park." Despite this the final comment describes aggregate quarrying as "a low-grade industrial activity and it should be questioned if such an activity has a place within the Park unless real need is identified." The consultation response concludes by referring to objections received and suggesting that the proposal should be carefully considered in relation to land management, land use, noise and the adverse affect on business.
65. In addition to the consultations instigated by the Cairngorms National Park Authority in the course of this application, the applicant undertook a number of detailed pre-application consultations and the responses received are included in Appendix 3 of the EIA. In addition to discussions with SNH, SEPA and the Area Roads and Community Works Manager of Highland Council, responses are also included from Historic Scotland and the Archaeology Unit of Highland Council. Historic Scotland in their response confirmed that the proposed development would not adversely affect any scheduled ancient monuments, but nonetheless advised seeking the comments of the Archaeology Unit with regard to unscheduled archaeology. Further to discussions with Highland Council's Archaeology Unit, a response was issued from that department confirming that the archaeological potential of the proposed site is considered to be moderate to low and the development of the site would not impact on any recorded archaeological features, not does it "appear to contain any sensitive archaeological issues."

REPRESENTATIONS

66. A number of letters of representation have been received in respect of the development proposal, all of which raise concerns, objecting to the proposed development. David Ritchie and Sons Ltd. of Carrbridge express concern at the proposed reopening of Tullochgribbin Quarry. Reference is specifically made to the National Parks Interim Planning Policy No.4 on Mineral Workings, where the author is of the view "that with the proposals put forward in the National Park's mineral workings policy it would be unfair to allow a quarry to open up and operate when all existing quarries within the National Park may not be permitted to extend their planning permissions."
67. A letter of representation has been received from Savills (L&P) Limited, acting as Authorised Agents for Muckrach Estate. A number of issues are raised in the objection to the proposed development. Firstly, it is stated that the application site is surrounded by land in the ownership of Muckrach Estate and there is an objection on the grounds that access proposals have not been sufficiently addressed within the application. It is stated that no discussions have been held with the estate regarding the potential impacts of boundary fencing or the proposed upgrading works to the A938, which the author considers would result in negative effects on the Scots Pine plantation to the south of the road. A further concern raised in the letter is in relation to the fact that the Estate has a general right of access over the application site. It is noted that the application details fail to include mitigation measures to re-route the right of way, and the author therefore takes the view that the proposed workings would "in effect extinguish enjoyment of this right throughout the course of the lifetime of the working."
68. On the subject of environmental impact, it is conceded that aspects of this have been addressed in the application. However, Muckrach Estate is concerned "that the detrimental effect on the surrounding landscape will be substantial, particularly the impact on Loch Mor." Concern is expressed regarding the potential impact on a known feeding ground for otters. It is the view of the Estate that the proposed 30 metre 'stand off' around the loch would be insufficient to protect the fresh water habitat, and it is suggested in the letter of representation that the minimum separation distance between the Loch and the proposed workings should be 150 metres. In addition, concern is raised regarding the potential negative effect of noise on any breeding and rare birds making use of the natural wetland habitat. In this regard it is the view of Muckrach Estate that the proposed workings, if granted planning permission, would be in direct breach of the National Parks (Scotland) Act 2000, and in particular the aim of conserving and enhancing the natural and cultural heritage of the area.

69. Under the heading of Hydrogeological and Hydrological Impacts, concern is raised that the potential negative impact on Loch Mor as an area has not been sufficiently addressed in the course of the application. Concern is expressed regarding potential run-off into Loch Mor and the adjacent burn, and ultimately into the Special Area of Conservation, and the belief is expressed that the potential would be heightened by high rainfall and continual flooding in the area causing the settlement lagoons to flood. Further concern is expressed at the fact that no detailed measures have been proposed in the application for the survey, monitoring and control of leachates or suspended materials returning to natural ground water supplies.
70. In relation to landscape and visual impact, the letter of representation raises concerns at the lack of details regarding additional screen planting, land form proposals or restored land form contours, and it is suggested that "considerable additional landscape surveys will be required to assess the pre- and post-extraction land forms and visual landscape outlines from the highway, nearby properties and Loch Mor." On the subject of 'Restoration and After Care' concern is expressed in the letter of representation regarding the lack of detail regarding the use of over-burden or topsoil. Although the introduction of pond areas within the proposed restoration scheme is welcomed, it is also stated that the retention of water which would otherwise recharge Loch Mor as well as adjacent watercourses and groundwater supplies "may be detrimental."
71. Other points raised refer to traffic and noise. In relation to traffic issues, there is concern at the possibility of 50% of all traffic from the site passing through Dulnain Bridge, posing a "safety hazard to the residents," adding that large haulage vehicles travelling through the village will have a negative effect on both the community's safety and its social development.
72. On the subject of noise, the letter of representation from Savills, on behalf of Muckrach Estates, states that "no noise assessment has been carried out to measure potential noise impacts (above 55dB L) on Loch Mor, Tullochgribbin Plantation and residential properties at Tullochgribbin High and Mains of Tullochgribbin." Potential noise disturbance is attributed with adversely affecting the Estate's tenants enjoyment of their fishing rights over Loch Mor and also note that the "noise disturbance will have a large effect on other sporting rights in and around the quarry area which are also let on a commercial basis to a local business."
73. Other comments made in concluding the letter of representation include the significant detrimental effects upon the local communities and visitors enjoyment of the area in the event of the re-opening of the quarry. Reference is made to the economic structure of the local area being at best fragile and although noting the employment opportunities associated with the proposal it is stated that the "loss of potential

visitors through tourism will far outweigh the potential benefits.” Finally, it is argued that “all agricultural land is both locally and nationally important and the potential loss of grazings and disturbance of livestock from the surrounding area is in direct contravention of the Good Agricultural Environmental Conditions laid out by the Scottish Executive.”

74. A detailed representation (received by e-mail and post) has been submitted by William Hamilton of Tullochgribbin Mains, Dulnain Bridge on behalf of Grant Hamilton. Objections are raised on five grounds.
- a. The applicant’s legal obligation to reinstate the existing quarry, and how reinstatement is to be affected : the author of the letter contends that under the title to the land (“Registered in the Register of Sasines 6 July 1967”) the applicant is under an obligation to restore the land to the same condition as it was prior to the mineral extraction, within two years of the permanent cessation of their operations. Given that operations had permanently ceased at the site, Mr. Hamilton contends that the two year time scale for reinstatement had already commenced. The required restoration works were not undertaken and the obligation to carry out the works remains with the current owner and the reinstatement should not be “held out as something in favour of the application.”
 - b. Significant increase in traffic : reference is made to the general nature of quarrying being sporadic in nature and given this ‘stop-go’ nature the author considers that it is wholly inappropriate to consider the effect on the roads by using the average number of loads per day. Mr. Hamilton contends that in a quiet period there would be no haulage activity, while in a busy period “the number of lorries could easily be three or four times the average amount, a lorry arriving or leaving every 7 – 8 minutes.” The effects of traffic increases on the road next to Loch Mor, in the direction of Dulnain Bridge is also questioned. The view is advanced that in order to avoid problems with the roads, the size and weight of the lorries involved would have to be reduced, increasing the number of journeys to and from the site per day.
 - c. The well being of the National Park : the employment potential of the development is questioned, with the author of the letter noting that application documentation refers to the quarry resulting in two jobs. It is questioned whether or not any job would be created at all “or if someone commuted to the site (not necessarily from within the National Park) merely to fulfil a part-time role.” The author refers to the proposal as a major development and states that “there are no exceptional circumstances of national need, and there are alternative sources that are less damaging to the National Park.

- d. Flora and Fauna : reference is made to the proximity of the proposed quarry site to Loch Mor, with the boundaries extending to within 30 metres of the loch, and the fact that the use of the loch by otters has been raised on a number of occasions in the EIA. The letter of representation highlights the fact that the otter is a protected species and continues on to state that “it is impossible for the applicant to show that quarrying 30 metres from the edge of the loch is not going to adversely affect the otters or their habitat.” In terms of the potential impact on otters, reference is made in the letter of representation to **NNPG4 Clause 17**.
- e. Planning policy : detailed sections are contained within this part of the letter of representation quoting extracts from NPPG4 Land for Mineral Workings, and the CNPA’s Interim Planning Policy on Mineral Workings, as well as extracts from planning policy on mineral workings in Exmoor National Park and the Peak District National Park.
75. The concluding summary of Mr. Hamilton’s letter refers to this application as a ‘major development’ and states that it is to produce aggregates, not specialist local building materials. “There is no overriding national interest for these aggregate” and “there is an overriding national interest to conserve the otters in the adjoining loch, and their habitat and an overriding interest to prevent such major developments within a National Park.”
76. A detailed representation has also been received from George Hamilton, with an address also at Tullochgribbin Mains, Dulnain Bridge. The letter raises “legal question over the land concerned” stating that the land has constituted a secure agricultural lease since 1934, that no agricultural notification has been received and that the author of the letter believes “that this application is consequently invalid.”
77. Keanloch,⁸ an uninhabited residential property (previously referred to in para. 12 and 17 of this report, is also mentioned in detail in the letter of representation. It is stated that the house lies in the prevailing wind direction downwind of the quarry and that dust has not been considered in relation to this house.
78. Concern is also expressed that the effects of dust on grazing land bordering the proposed quarry have not been considered and the author advises that at the time of writing he was awaiting information from the Scottish Agricultural College on the effects of dust on grazed grass and conserved grass. The effect on rainfall dampening down the dust is also considered by Mr. Hamilton as being overstated and that there has been no assessment of the wind speed in the area.

⁸ The objection letter states that the residential property known as Keanloch has not been in occupancy for a number of years and would need sanitation and modernising before occupancy.

APPRAISAL

79. There are a number of complex issues to consider and understand in the assessment of the proposed development including the two fold nature of the proposal i.e. reopening of a previously worked quarry area, and a new extension of quarrying activity onto previously unworked land; the proposed location; whether or not there is a need for the facility at this location; the nature, scale and impacts of the development on the surrounding area; and whether or not the proposal is in compliance with planning policy.
80. In terms of the two fold nature of the proposal referred to in earlier sections of this report there is some difficulty (due to the discarding of old records by the original determining planning authority) in determining the precise site boundaries associated with the original permission and consequently relating to the extent of land classified as a 'dormant' minerals site. This assessment is based on the understanding that the "dormant" classification refers to the worked quarry area, with the second part of the proposal for an extension to the quarry occurring on agricultural land outwith the site boundaries of the original permitted quarry.
81. I feel that it is necessary to highlight at this stage that there are mechanisms, other than through the submission of an application for planning permission, by which the applicants could gain authorisation to recommence work within the permitted quarry area. Under Schedule 13 of the Environment Act 1995, para. 9 makes provision for "any person who is the owner of land or has an interest in any relevant mineral which is or forms part of the dormant site to apply to the planning authority to determine a new set of conditions" which the planning permission relating to that site would become subject to. As part of this approach applicants / owners are given the opportunity to set out their proposed conditions. The planning authority subsequently determine the application either confirming the proposed conditions, or where appropriate amending or attaching new conditions.
82. The applicants have not chosen to pursue this approach to date, although the option of submitting two applications, one for each element of the proposal, was flagged up to the applicants and their representative in the course of pre-application discussions with officials of the CNPA.⁹ From the very outset of pre-application discussions the impression has been conveyed that there are two distinct components

⁹ In a letter to Mr. Tom Lewis (applicants agent) dated 6th April 2004, from a CNPA planning official, it was stated that "the bringing of the existing dormant quarry back into use and its extension may cause a bit of concern." It was further advised that the re-introduction of the use after a lengthy period of time is bound to make the proposal more high profile, particularly since the birth of the National Park. The CNPA pre-application response also outlined two possible options by which to proceed – 1. to submit one application covering all elements of the proposal or 2. to submit two applications, one for each element of the proposal, noting that "if one element was found to be unacceptable at the end of the day then the other could still be progressed."

in the applicants intentions to develop the overall land area at Tullochgribbin in which they have an interest – firstly, a reopening of the previously worked quarry area which was granted planning permission in 1965 and secondly, a extension of quarrying activity onto adjacent agricultural land which did not form part of the original planning permission.

83. The actual locational context of the subject site has already been detailed at the outset of this report. The site does not have any natural heritage designations, although it is immediately adjacent to Loch Mor which ultimately flows into the River Dulnain, which is part of the River Spey Special Area of Conservation. Regardless of the lack of natural heritage designations this is an application for quarrying activity in the Cairngorms National Park and as such the CNPA's interim planning policy presumes against new mineral workings and extensions to existing mineral workings within the Park. It is therefore necessary to assess in detail whether or not the proposal complies with the interim policy.
84. This planning application is for the extraction of sand and gravel aggregates, which although necessary in the interests of facilitating general economic development through the construction industry and the provision of infrastructure etc., is not a rare commodity or one which could not be supplied from existing quarrying locations within a reasonable distance, although outside the Park boundaries. An estimate is made in the 'Need Statement' that 110,000 tonnes of sand and gravel are required per annum to serve the needs of the National Park, and 60,000 tonnes of the required amount is already produced within the Park area. Although this suggests a shortfall of 50,000 tonnes per annum in the extraction of sand and gravel within the national park to serve the park area, it is conceded in the need statement that the proposed quarrying activity at Tullochgribbin would be unlikely to serve the needs of the eastern area of the Park. Reference is made to the fact that the eastern area, including the settlements of Ballater and Braemar are more likely to be served by existing quarries outside the Park boundaries, with quarrying operations near Banchory mentioned as an example. It can therefore be assumed that part of the perceived shortfall of 50,000 tonnes, at least to serve the eastern area of the Park, is already being met by alternative sources and the proposal at Tullochgribbin would not alter or improve this supply mechanism. Therefore, any perceived shortfall which the applicants suggest the Tullochgribbin quarry proposal would meet is mostly in relation to the Badenoch and Strathspey area of the National Park. The 'need statement' refers to examples of existing quarries operating outside the national park boundaries, but in relatively close proximity. Mid Lairgs Quarry at Daviot¹⁰ is credited with the potential to supply the main population centres of the Park,

¹⁰ Planning consent was granted in 2002 for the extraction of 315,000 tonnes of sand and gravel per annum over a 19 year period.

although reference is made to the distances of 20 – 30 miles being “close to the limit for the economic viability of the movement of aggregates.” The ‘need statement’ also refers to existing sand and gravel quarries located close to Nairn and Elgin, suggesting that they may have the potential to serve Grantown-on-Spey, “but not the other population centres within the Park or the majority of the road networks within the park.” I would put forward the view that the aforementioned quarries at Nairn and Elgin are strategically located to supply a wider area of the National Park than simply the settlement of Grantown-on-Spey and could potentially supply for example further south in the Strath as well as areas of Morayshire located within the Park.

85. On the basis of the information put forward in the ‘need statement’ I do not consider that the proposal fulfils the requirements of Policy MW1 (a) of the CNPA’s Interim Policy on Mineral Workings. It has been demonstrated that the required minerals can be sourced from sites outside the Park. In addition, given the nature of the minerals that it is proposed to extract i.e. commonly sourced sand and gravel aggregates, and the fact that the material is required for general construction and infrastructure as opposed to being essential for a specific project or programme of works, a case cannot be advanced to fulfil the criteria of Policy MW1 (b), as there is not an overriding national need for the extraction of the material.
86. In considering the proposal in the context of national planning policy, and specifically NPPG 4 : Land for Mineral Workings, it is necessary to bear in mind Government policy which seeks to protect wherever possible the environmental assets represented within national areas of landscape and nature conservation interest. Although Scotland’s National Parks had not been created at the time of the adoption of NPPG 4 and are therefore not specifically mentioned in the policy guidance, a national designation of this stature surely signifies a clear need to protect the general area for its landscape and nature conservation interests, a fact which is backed up by the first aim of the Cairngorms National Park. In landscape terms, the existing condition of the worked area of the subject site is one of disturbed ground, with loose sand evident on steep exposed slopes evident. There is however also some evidence of vegetation slowly colonising areas and camouflaging the appearance of disturbed ground. The proposed new area for quarrying is generally farmland, characterised by heavily grazed grassland over hummocky terrain. Despite the fact that a portion of the site has previously been worked and a programme of restoration had not been undertaken, it does not readily manifest itself as a visual scar on the landscape when viewed from surrounding areas. The quarry void is in fact largely hidden from view from outwith the site.



Fig. X : View over existing quarried ground from proposed new quarry area

87. However, in the event of quarrying operations being undertaken as proposed it would result in the loss of the existing hummocky terrain that currently forms a backdrop to the worked quarry faces. As alluded to in the consultation response from the **Natural Heritage Group** of the CNPA the proposed quarry extension would remove the existing hummocks and significantly reduce the level of the ground profile as viewed from the public road in particular. Despite proposals to recreate the hummocky topography at a lower elevation in the floor of the worked out quarry, it is my view that the development would result in a significant alteration to the existing landscape and would effectively create a significant visual scar in the National Park, where the adverse impact would be evident for many years to come, and as has been contended in previous paragraphs of this report, is unnecessary.
88. In addition to the physical impact on the landscape quality of the area, it is also important to take into account the potential negative impacts likely to arise from such a development in terms of tourism and recreation. As detailed in NPPG 4, the importance of tourism and recreation to the local economies is highlighted, referring to the fact that this industry is dependant to varying degrees on the quality of the environment. The proposal to reopen and extend quarry workings at Tullochgribbin would in my view have a general negative impact on the environmental quality of the area as well as on the visitor experience of this typical rural area of the National Park. It is not an activity that would be perceived by the tourist as being compatible with the image of a National Park. In light of the physical landscape impacts as well as potential negative perceptions in the sphere of the tourism economy, I do not consider that the proposal is generally in accordance with guidance contained in NPPG 4 nor does it make any positive contribution towards achieving the aims of the National Park.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

89. The development has no direct negative implications for this aim in terms of its impact on natural heritage designations or cultural heritage features. However, due to the nature of the development, its physical impact on the landscape of the area and its rural position all of which are part of the National Park's general natural and cultural identity, the proposal cannot be seen as conserving or enhancing the wider natural or cultural heritage of the area.

Promote Sustainable Use of Natural Resources

90. The use of an existing resource at the present time is unjustified and in this respect is not considered to promote the sustainable use of natural resources.

Promote Understanding and Enjoyment of the Area

91. The development will have significant negative implications for this aim. The general industrial nature of the activity, the levels of heavy vehicles associated with the development, and the physical alterations to the landscape will all impact on the quality of general character and amenity of this rural location and could diminish the experience of visitors to this area of the National Park.

Promote Sustainable Economic and Social Development of the Area

92. The development has limited direct economic benefit to the area, with limited employment opportunity, and it could be argued that the positive benefits would be diminished by negative effects on the tourist and recreation appeal of the National Park.

RECOMMENDATION

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

Refuse planning permission for the reopening and extension of a quarry at Tullochgribbin, Dulnain Bridge, for the reasons listed hereunder.

1. The proposed reopening of a quarry area in which the use has been discontinued for a significant period of time, together with the proposed new quarry extension is considered to be contrary to the Cairngorms National Park Authority's policy on mineral workings as expressed in Interim Planning Policy No. 4 : Mineral Workings. Sand and gravel aggregates to serve the needs of the National Park can be readily sourced at existing operating sites

within and outside the Park area and there is no case of overriding national need for the extraction of the minerals. The proposed development is therefore unnecessary within the National Park and would set a precedent for further developments of this nature within the area.

2. The proposed development would result in unacceptable physical and visual alterations to the landscape character of this rural area of the Cairngorms National Park. It also has the potential to have a negative impact on the tourism and recreation interests of the area. The cumulative effects of the development proposal render it inconsistent with national planning policy, as detailed in **NPPG 4 – Land for Mineral Workings** which advocates a policy of permitting mineral extraction within national designations only where the underlying objectives and overall integrity of the designated area will remain largely unaffected.
3. The proposed development would involve significant alterations to the existing landscape form within the subject site, creating an obtrusive and visually prominent scar on the landscape. The physical changes to the landscape, which is in its own right an important component of the natural heritage of the area, are likely to be of a scale that would negatively impact on the enjoyment of the special qualities of the area by the general public and the development would therefore fail in particular to promote the first and third aims of the Cairngorms National Park.

Determination Background :

94. The application was called in for determination by the Planning Committee of the 31st March 2005. Following an initial assessment of the proposal as well as receipt of consultation responses from external as well as internal CNPA sources, a detailed request for further information was issued on 24th June 2005. An on site meeting was held between a representative of the applicant and his agent and the relevant CNPA planning official in August 2005 to discuss the proposal. The response to the request for further information was received by the CNPA on 28th December 2005, following which the re-consultation period commenced, ultimately leading to the preparation of this report and recommendation.

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