
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

Prepared by: ANDREW TAIT, PLANNING OFFICER
(DEVELOPMENT CONTROL)

DEVELOPMENT PROPOSED: CONTINUATION OF PERMISSION TO EXTRACT PEAT FROM EXISTING SITE AT FEITH GEAL, TOMINTOUL

REFERENCE: 05/125/CP

APPLICANT: Mr A C Keith

DATE CALLED-IN: 24 March 2005

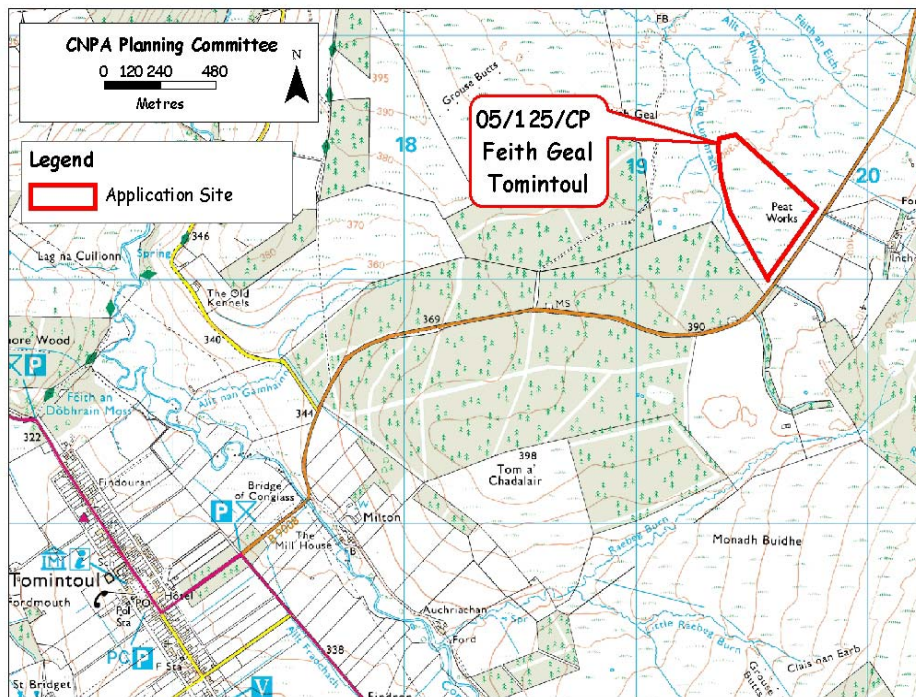


Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. This application relates to an existing peat extraction site approximately 3 kilometres to the north east of Tomintoul immediately adjacent to the B9008. The site is bordered to the south west by a forestry plantation, to the south east by the B9008 where access is taken from, the remaining boundaries are formed by open moss.
2. This application purely relates to the 15.5 hectares already being worked and does not exceed the existing physical boundaries of the site. There is an access, storage pile area and car park close against the road where fuel is also stored.



Fig 2 views of existing peat operation on site

3. Operations for extraction of peat from this site commenced in May 1986 as a result of a planning consent from Moray Council. The consent is valid until May 2006. This consent was subject to a restoration condition. However, this actually required that the site be drained at the end of the extraction period and improved to accommodate forestry or agriculture. The proposed period of continued operations for the site is 20 years and it is estimated that a typical depth of 1.5 metres of peat would be removed.
4. The application originally just stated that at the end of operations the land would be levelled and left to regenerate, commenting that this should take about 2 years. More detailed information regarding how the site would be restored was requested and details from the applicant are attached at the back of the report.
5. All access, processing, stockpiling and despatch would take place as it currently does in an area close by the road. A list of machinery that is used on the site is included at the back of the report.

DEVELOPMENT PLAN CONTEXT

6. **National Planning Policy Guidance Note 15 1994 (NPPG 15) Land for Mineral Working** recognises that commercial peat cutting can present particular environmental and developmental concerns. The guidance notes that peat is cut principally for horticultural uses but also for fuel and is used in the whisky making industry. However, at the same time peat extraction represents an important source of rural jobs.
7. **Scottish Planning Policy 4 (SPP4) Mineral Working (Draft for Consultation)** recognises that commercial peat cutting can raise particular environmental concerns and notes that the use of peat is primarily related to horticulture. As a matter of policy Scottish Ministers wish to encourage the use of peat substitutes, although it is recognised that there are a limited number of specialist industries such as distilling for which alternatives do not exist. The policy goes on to consider that the working of peat will only be acceptable in areas of degraded peat where areas have already been damaged by human activity.
8. There are no planning policies in the **Moray Development Plan (incorporating Structure and Local Plan)** which relate directly to peat extraction proposals. However, **Policy L/ED15 Rural Business Operations** may have some relevance to this proposal. The policy recognises the role of traditional, established land uses related to indigenous industries such as agriculture, forestry, distilling, fishing and food processing and that they will be supported in principle subject to strict control over siting, design, visual impact and emissions.
9. The site is located within an **Area of Great Landscape Value (AGLV)** in the Moray Local Plan (this is a local authority landscape designation). **Policy L/ENV7** considers that development proposals within AGLV's will only be permitted where they incorporate high standards of siting and design for rural areas and where they will not have a significant adverse effect on the landscape character of the area. The Council will require detailed proposals covering site layout, landscaping, boundary treatment, building design and material finishes to be provided with planning applications.
10. For information the **Consultation Draft of Cairngorms National Park Local Plan includes Policy 17: Commercial Peat Extraction** which considers that proposals for new areas of commercial mechanised peat extraction will not be permitted within the Cairngorms National Park. The background to this policy recognises the value of peat forming habitats and that areas of peat may play a role in the world's climate through storing carbon. The removal or disturbance of peat allows release of carbon to the atmosphere which may contribute to climate changes.
11. There is one commercial peat extraction operation in the National Park and the **Cairngorms National Park Biodiversity Action Plan** notes

that it is not a significant threat to the habitat within the Park at its current level.

CONSULTATIONS

12. **Moray Council Environmental Health** recommends approval of the scheme subject to a standard advice note on noise emissions.
13. **Moray Council Transportation Manager** recommends approval of the application.
14. **Moray Council Contaminated Land Officer** recommends that the application is approved.
15. **Scottish Natural Heritage** does not object to the planning application. However, the application provides very little information as regards the restoration of the site and considers that it may be worthwhile requesting some details for restoration of the site once extraction ceases.
16. The applicant provided a background restoration statement attached at the back of the report, subsequent to this SNH have consulted their peat experts and comment that the applicant's plans to use seeds harvested from nearby sites and spread across the site is most likely to be successful and does not risk introducing species that are not found in the locality. If left alone the site would be unlikely to regenerate as a peat moss or heathland and may well be colonised by neighbouring conifer trees. Unless actively managed the site would be unlikely to revert to bog or heath vegetation and thought may need to be given to monitoring the reinstatement as some areas may not take as well as others. This would help to ensure that the whole site can ultimately be reinstated. Any problems with regeneration of vegetation will need to be actively managed.
17. **SEPA** have been consulted upon the application and requested more information which has been in part satisfied the requirements SEPA requested by condition. SEPA recommend that more information be included by a method statement regarding measures to prevent erosion, sedimentation and discolouration of controlled waters, the monitoring of the site drainage and contingency plans for any accidental spillage of fuel, oils or other types of pollutant.

REPRESENTATIONS

18. No representations have been received.

APPRAISAL

19. The key issues relate to the principle of continued peat working at the site and more detailed issues relating to the environmental and potential landscape impact of the proposal.
20. There are few direct policies to turn to in considering the principle of extending working at the site for a further 20 years. National Policy in the guise of **NPPG 4 Land for Mineral Working** recognises the potential environmental problems of peat cutting but also recognises that such industries can make an important contribution in terms of jobs in rural areas. However, it must also be recognised that this guidance is over 10 years old now.
21. While NPPG 4 takes a balanced approach it must be recognised that the sustainability agenda and issues regarding climate change have gathered pace since this guidance was published. This is recognised by the draft consultation guidance published by the Scottish Executive in the form of **SPP4 Land for Mineral Working** in 2005 where Ministers are committed to encouraging the use of substitutes for peat. The importance of peat bogs as carbon storage sinks is recognised as is the release of carbon into the atmosphere from both disturbance and burning. Indeed, this is recognised by the Cairngorms Biodiversity Action Plan and the draft policy in the CNPA Local Plan which considers that **new** areas of mechanised peat extraction will not be permitted. While not directly relevant to this site within Moray the Highland Council Structure Plan Policy on commercial peat extraction adopts a similar approach.
22. The policy analysis clearly indicates a move away from peat and that proposals are only acceptable on sites that have been degraded and subject to human disturbance. In this case, the site has a 20 year history of peat extraction and what is proposed is essentially a continuation to work the existing area with additional cuts down to approximately 1.5 metres. This will enable the business to carry on providing local employment in relation to the extraction and distribution and it is noted that the main use of the peat is for domestic burning within a 50 mile radius of Tomintoul. Peat is also provided to distilleries, a specialist use recognised by SPP4 again, this emphasises the local market that the business helps to foster.
23. Given the above I consider that the proposal is acceptable in principle, although based on emerging policy if this was a new site or an extension to the site my recommendation would probably be one of refusal. Support is offered to this proposal as it is the only commercial peat extraction site within the Park, and although of a modest scale it provides direct and indirect employment within the local economy. The applicant confirms that this is the last time that consent will be sought for this site.

24. In terms of environmental impact both SEPA and SNH have been consulted upon the application. There are no designated nature conservation sites in the area and neither organisation has an in principle objection to the scheme, but have requested more details. SNH are now largely happy with the type of reinstatement measures proposed, although these would need to be formalised into a full plan by condition. SEPA have requested details regarding the water table and this has been provided, some of the other elements that SEPA have requested information on by condition have been provided up front by the applicant, the remainder can now be dealt with in the form of a less onerous planning condition than would have been required originally.
25. As noted in the development plan context section of the report the site lies within a local authority landscape designation as an Area of Great Landscape Value identified in the Moray Local Plan. In such areas development will only be permitted where it has a high standard of siting and design and where proposals will not have a significant adverse impact on the character of the area.
26. In this instance, the additional landscape impact is likely to result in negligible change to the existing character. The site is fully open as it exists and the peat is exposed over the whole area of the site operation, so certainly from any distance there will be little appreciable change. The only degree of visual impact change will be from the fact that the peat is being cut down to a further depth and this will be apparent from the public road. The overall change will result in additional depth of approximately 1.5 metres. However, it is important to note that the method used involves a gradual cutting method with the operation starting at the outside of the site and moving towards the centre, approximately 75mm would be removed at any one time, this would result in a very gradual progressive change to the levels of the site rather than a digging approach which involves exposing a series of deep trenches which can be unsightly. In addition, while the front of the site appears lower than the roadside and surrounding land, the vast majority of the moss is at a higher level than the surrounding site levels. The change in levels may result in very limited visual impact from the road but this is a degree of change that would in no way warrant refusal. In addition, the impact from the site is temporary, in the sense that a full restoration scheme will be required at the end of the proposed continuation. This can be viewed as a positive long term outcome as the existing permission for operations at the site includes very little in terms of restoration requirements and what is included requires the site to be drained at the end of operations to a standard to enable the land to be used for agriculture or forestry. A more modern approach would be the opposite, that drainage channels should be blocked to help aid regeneration of the site for its intrinsic nature conservation and peat development value. Therefore, in the longer term the landscape impact of the site will eventually be greatly improved upon the current situation and what would be the resulting

from the existing permission. In the meantime, the operator will be able to carry on their operations which contribute to the local economy. It is understood that no further permissions would be sought and a minimum peat depth of 50 cm would be left.

27. Overall, I am of the view that the scheme is acceptable subject to the conditions proposed. While a new area of operation would have presented serious concerns this application purely relates to an existing area of operation that is an important aspect of the local rural economy and provides the opportunity for a modern restoration approach rather than the site being drained and turned over to forestry or agriculture as required by the existing permission.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

28. It is recognised that there are wider global policy issues in relation to peat extraction and policy indicates that a brand new site would be unlikely to be deemed acceptable. In terms of detailed natural heritage impact at the site there are no particular nature conservation designations relating to the site which has been subject to significant human intervention over the last 20 years. SNH have no objection to this proposal providing an appropriate method of reinstatement is provided at the end of the operation to address environmental and landscape concerns. This is witnessed by the comments of SNH. It must also be recognised that the terms of the existing permission requires the site to be drained and turned over to agriculture or forestry, this would be detrimental to the natural heritage aim. Granting the permission enables fresh conditions to be placed on the operation so that practical steps are taken to ensure that the site is restored to a peat moss or heathland at the end of operations. This is unlikely to happen if the site is left with no reinstatement work and it may be colonised by neighbouring conifer trees. Granting permission would result in an active reinstatement scheme that could be considered positive in terms of the natural heritage aim of the Park. An experimental cordoned off area is already on the site where test seeding has taken place.
29. In terms of cultural heritage the proposal represents an integral element in the local economy in the sense that it supplies local users and industries such as distilleries which are an important part of the cultural make up of the area. The proposal can be viewed as positive in this sense. There are several items of machinery on the site that are no longer in use. A condition will ensure that these are removed within 6 months of the date of the decision notice which will help to tidy up the front of the site.

Promote Sustainable Use of Natural Resources

30. In a global sense the proposal cannot be considered to promote the sustainable use of natural resource in the widest sense given the valuable carbon sink that peatland provides. Policy is now moving away from the use of a resource which takes thousands of years to build up but only a short time to remove. However, it must also be recognised that this is a land based industry that in the instance of this particular operation is closely linked to the area in terms of its market and in terms of the very short distances required to take the product to its market. However, given the policy background it is unlikely that any new commercial peat extraction sites would be found acceptable.

Promote Understanding and Enjoyment of the Area

31. Initially, the proposal may not appear to be directly relevant to this aim. However, in terms of cultural heritage this is the only commercial peat extraction site within the Park and it is understood to attract a certain level of interest from tourists and if this application received permission the applicant would like to form a lay-by at the road side with some simple interpretation panels. It is understood that tourists often stop at the site to ask about the works and local children schoolchildren also visit the site.
32. The site has a significant level of detrimental landscape impact. However, this has been the case for approaching 20 years the continued and gradual level of extraction from the site would have little additional impact from what is seen at the moment.

Promote Sustainable Economic and Social Development of the Area

33. The proposal contributes quite strongly to this aim in that the approval of the scheme contributes to protecting existing employment in the area but also contributes towards a wider local economic network in terms of the distribution of the peat for local domestic use and for use by distilleries.

RECOMMENDATION

34. That Members of the Committee support a recommendation to:
GRANT Planning Permission for continued use for peat extraction for a further 20 years from the date of this decision notice at Feith Geal, Tomintoul, subject to the following conditions:-
 - I. The continued extraction hereby permitted is for a period of 20 years from the date of this decision, all operations shall cease exactly 20 years from this date.

- II. That on the expiry of permission or the completion of the extraction, whichever is the sooner, any structure, plant, machinery or materials brought onto the site before and during the extraction shall be removed.
- III. The permission hereby granted is purely for the extraction of peat within the existing site as indicated on the submitted drawings and does not give permission for any extension to the current boundaries of the site.
- IV. Prior to the commencement of peat extraction under the terms of this permission a detailed plan shall be submitted showing the exact positions and maximum height of stockpiles of any peat that is to be stored on the site.
- V. An absolute minimum of a 50 cm depth of peat across the whole of the site shall be left in situ as this is the depth required to aid regeneration of the peat moss.
- VI. Within 12 months of the date of this permission a full restoration plan and method statement shall be submitted to and approved by the CNPA/planning authority in consultation with SEPA and SNH. The plan and statement shall cover the following matters:
 - a) detailed plan of proposed ground levels and how they would assimilate with ground levels surrounding the site.
 - b) re-seeding plan for site including, species, seed source, method of harvest and method of seeding.
 - c) drainage, particularly details of how drainage ditches would be blocked/treated.
 - d) estimates of remaining peat depths across the site.
 - e) details of aftercare scheme once site has been re-seeded.
 - f) timing details of above steps to be agreed by planning authority.
- VII. A separate landscaping scheme shall be submitted to and approved by the CNPA for the front of the site where storage and loading take place. The scheme shall be submitted to the CNPA acting as planning authority within 6 months of the date of this permission and implemented in the first planting season following approval unless otherwise agreed in writing.
- VIII. A method statement setting down details of fuel/chemical storage facilities and measures to ensure that no erosion, or sedimentation/pollution/discolouration of controlled waters occurs shall be submitted to the CNPA acting as planning authority in consultation with SEPA prior to the commencement of operations under this permission. The statement shall also include plans to control accidental spillage of fuel/chemicals.

- IX. Within 6 months of the date of this decision all old machinery not detailed in the applicants letter dated 1 March 2006 shall be removed from the site. No machinery other than that detailed in the applicant's letter shall be on the site, or brought onto the site unless otherwise agreed in writing by the Cairngorms National Park Authority acting as planning authority.

ADVICE NOTES

- 1) Noise emissions associated with the development shall not cause a statutory nuisance as defined by the Environmental Protection Act 1990.

DETERMINATION BACKGROUND

Main background issues involved in the processing of this application have related to gaining additional information as requested by SEPA and SNH and re-consulting those bodies upon the new information.

Andrew Tait
planning@cairngorms.co.uk
6 March 2006

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.