
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: CONSULTATION REPORT: CNPA RESPONSE TO HIGHLAND COUNCIL ON PLANNING APPLICATION REF NO. BS/99/31.

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DEVELOPMENT PROPOSED: EXTRACTION OF GRAVEL AND SAND ON LAND NEAR NUIDE FARM, NEWTONMORE

REFERENCE: HIGHLAND COUNCIL PLANNING APPLICATION REF. NO. BS/99/31

APPLICANT: ALEXANDER ROSS AND SONS (SAND AND GRAVEL) LTD, C/O ALASDAIR D.L. FORBES, HIGHLAND SURVEYS, FARR, INVERNESS-SHIRE, IV2 6XB.

DATE OF CONSULTATION: 30 OCTOBER 2006

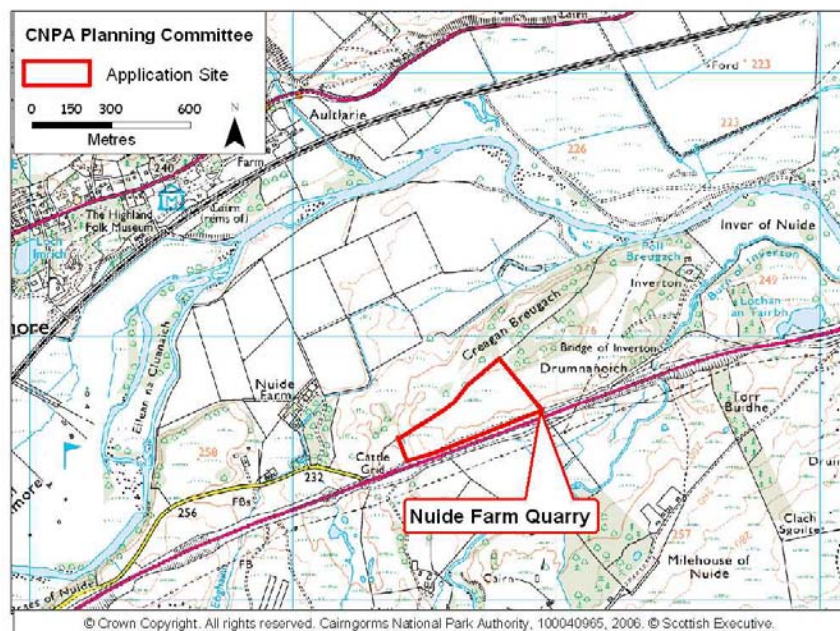


Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. The CNPA has recently been consulted by Highland Council on a planning application which was submitted to that Planning Authority in February 1999. Full planning permission is sought in Planning Ref. No. BS/99/31 for the extraction of sand and gravel on land close to Nuide Farm, to the east of Newtonmore. The quarry is proposed to extend over a site area of 5.5 hectares and the proposal is described as forming phase 1 of the quarry operations. Phase 1 operations are described in the application documentation as having an approximate life of 8 years, with the overall extraction project at the site envisaged to have a 14 year lifespan. Planning permission is not however being sought in this current application for Phase 2 operations, although an indicative location plan has been submitted to identify the extent of the phase 2 area, which would extend over an area of 5.9 hectares.
2. The 5.5 hectares of land which is proposed to form phase 1 of the quarry development lies adjacent to the north / north western side of the A9 Trunk Road. The landform rises above the level of the public road, generally from west to east, to form a type of plateau towards the northern area of the site. The proposed site mainly consists of grassland which appears to be used at present for grazing purposes. Much of the northern area is surrounded by a significant woodland area (Creagan Breugach), whilst the southern / south eastern boundary i.e. adjacent to the A9, is relatively open, with the boundary only being defined by the existence of a post and wire fence.



Fig. 2 : Proposed site, looking northwards along the A9

3. The nearest residential properties are at Nuide Farm, which is approximately 330 metres to the north west of the site boundary, and Milton of Nuide, which is located on the opposite side of the A9, some 450 metres from the subject site. The U406 road runs south westwards (towards Ralia and the B9150 access to Newtonmore) from its junction with the A9, close to the southern site boundary. The use of this road is of significance in providing access to and from the proposed quarry and more details will be provided on this aspect of the

proposal later in this report. At its closest point the River Spey is approximately 850 metres to the north west of the currently proposed site.

4. The details accompanying the application are quite limited and are largely confined to a site location plan, a layout plan, cross sections of proposed phases 1 and 2 and a brief supporting statement. An environmental impact assessment has not been undertaken.
5. The introductory section of a supporting statement provides some background to the development proposal. A brief history of the applicants is provided, stating that Alexander Ross and Sons (Sand and Gravel) Ltd. have been carrying out quarrying activities in the Daviot area of Inverness-shire since 1948 and the company “finds that many journeys are made with quarry material from the Daviot site, to points south of Newtonmore.” The case is therefore advanced that if a site such as Nuide, could be developed, it would “limit the need for so many journeys of laden and unladen lorries along the A9 between Daviot and Newtonmore.” The subject site is owned by Ralia Estate and it was indicated in the documentation that the applicants, in the event of the granting of planning permission, would enter into an agreement with the Estate regarding extraction and the haulage route.

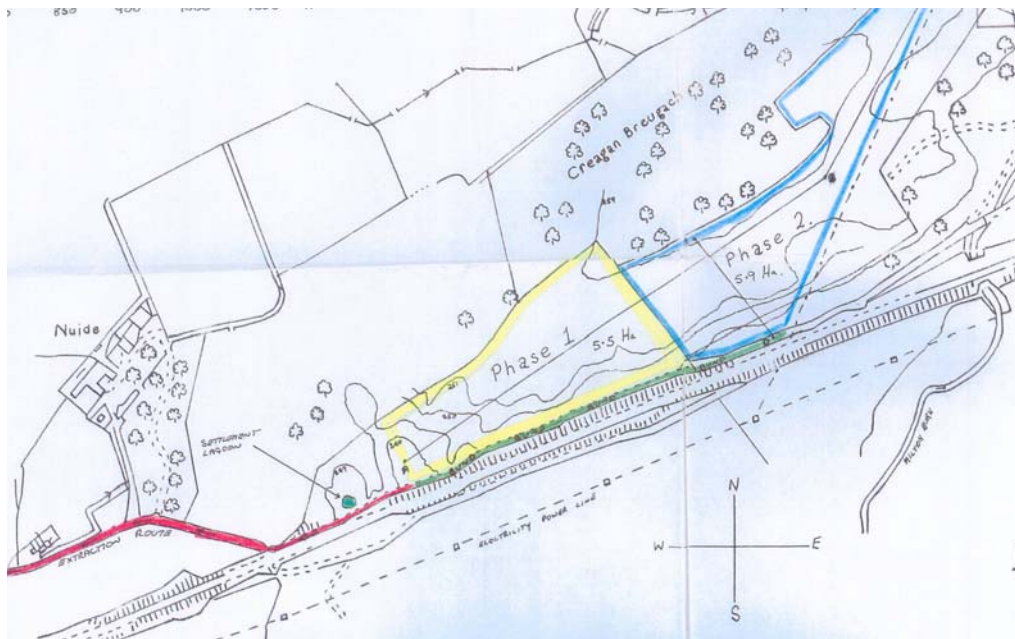


Fig. 3 : Proposed development site (Phase 1 – yellow), and also showing a potential later Phase 2 proposal (blue). Red route identifies initially proposed extraction route.

6. The following sections summarise the details of the proposed development as described under various headings in the original supporting statement accompanying the application. However, it should be borne in mind that some aspects of the proposal altered in response to concerns and queries arising from the initial consultation and assessment process.

Proposal : The proposed extraction would be undertaken in two phases (with planning permission only being sought for Phase 1 in this current application). Phase 1 would last approximately 8 years and would result in the production of 200,000 tonnes (100,000 cubic metres) of material each year. Phase 2 would have a similar annual production level over a 6 year period. In terms of employment creation, it is stated that “in the beginning it is expected that there will be 3 full time extra jobs at the site and this will rise to 5 full time jobs at a later date.”

Extraction : The extraction face would lie at right angles to the A9 Trunk Road and all operations would stay at a distance from all electric power lines as required by the electricity company.

In describing the extraction process, reference is made to the accompanying cross section (please refer to Appendix A at rear of report), referring to extraction commencing at Point A, continuing through Point B and finishing at Point C. It should be noted however that Points B and C are within Phase 2.

Processing : Site preparation is detailed in the supporting statement as involving the stripping of vegetable top-soil and its subsequent storage for future reinstatement works. It also states that some of the stripped top-soil would be used to create a 2.0 metre high bund for screening purposes alongside the southern site boundary, parallel to the A9.

The removal of the top soil is proposed as a phased operation which would “not involve stripping an area greater in size than necessary.” It is proposed that gravel will then be excavated, loaded onto dumper trucks and transported to on site mobile processing plant.¹ According to the supporting statement, where necessary the removal of gravel from the quarry face would be stepped to form varying levels in the interests of safety. It is proposed that all processed and un-processed material would be on site, with stock-piles “limited to a height not exceeding that of the excavation face.”

Screening of operations : The supporting statement describes the location chosen for the commencement of excavations as having been “carefully selected” and set in an existing deep hollow, giving natural screening from the west and south and “hiding it from north bound traffic on the A9 and residents of Newtonmore.” It is proposed that the excavation face would be kept at right-angles to the A9 in an effort to reduce the potential of a scarred appearance on the immediate landscape. In addition as detailed in the ‘processing’ section above, it is proposed to create a 2.0 metre high bund along the southern end of the site, parallel to the A9, with planting of a variety of tree species native to the area being undertaken.

¹ No details have been provided of the mobile processing plant.

Water : As the gravel processing will require a source of water, it is proposed to use an existing pond at the extreme west of the site as a small lagoon for this purpose. "The water itself which, once obtained is then recycled for repeated use, will be drawn from a source provided by Ralia Estate. Information provided in Highland Council's 'questionnaire for planning applications involving mineral workings' initially suggested that the water may possibly be pumped from Milton Burn.

Dust : It is anticipated in the supporting statement that dust produced by the processing plant would "not be sufficient, under any circumstances, to influence matters outside the site." It is proposed that the plant should be set far enough back from the A9 to avoid any problems and reference is also made to the site lying in a hollow which would ensure shelter from the prevailing wind. Additionally, it is proposed that the plant would have a built in spray mechanism to retain all dust at the plant itself.

Noise : The supporting statement claims that the size and type of plant proposed for the operation would not produce high levels of noise. Reference is made to the only residential property in reasonably close proximity being Nuide Farm, where it is claimed "little, if any, noise would reach it due to the fact that a hill lies between the two."

Reinstatement works : Details are provided of a series of proposals for the 'ultimate reinstatement of the site', although no timescale or details of phased restoration has been provided. The proposals include -

- (i) slopes, graded to no greater than 1 : 2 designed to conform with their surroundings;
- (ii) top-soil stored beside the site to be carted back onto the area using dumper trucks and left in heaps throughout it;
- (iii) a track machine with leveller blade to spread the heaps of soil over the site;
- (iv) spreading of a balanced compound fertiliser a rate of 250 kgs/ hectare;
- (v) sowing of a permanent grass seed mixture at a rate of 40 kgs/ hectare;
- (vi) light harrowing of the surface to cover the grass seed.

An estimate of the costs of restoration is also provided, totalling £9,620, calculated on the basis that a local contractor would be employed, although it is stated that the applicants would actually undertake the work themselves.

7. A number of points of further information were advanced on behalf of the applicants in response to consultations and objections. The applicants indicated that there would not be any discharge to adjacent watercourses. The developer also revised the proposals regarding water supply and indicated that it is the intention to sink a well on site in order to obtain water, rather than the initial proposal of abstracting

water from any of the tributaries of the River Spey. On the issue of screening, additional information indicated that the developers intend to screen the site adequately with bunding to obscure all sight of workings from the A9. Although the planting of trees of a suitable height and appearance on the bund was detailed as a means of providing screening, additional comments referred to the fact that there would be adequate topsoil available to build a bund high enough to obscure the proposed site without the added benefit of trees.

8. A further point raised related to the possible payment of a Bond to ensure restoration, with the applicants indicating in response that they would be willing to enter into a Bond to the value of £10,000, which equates to their estimated cost of restoration works.
9. Other pertinent aspects of the proposal relate to transport issues. A basic site layout plan was submitted with the application identifying the site of a proposed weighbridge and offices / stores and also a proposed new 'haul road' from the weighbridge onto the U406 road close to its junction to Nuide Farm. The haul road identified would extend approximately 350 metres, with the vast proportion of that outside the boundaries identified in connection with this application.

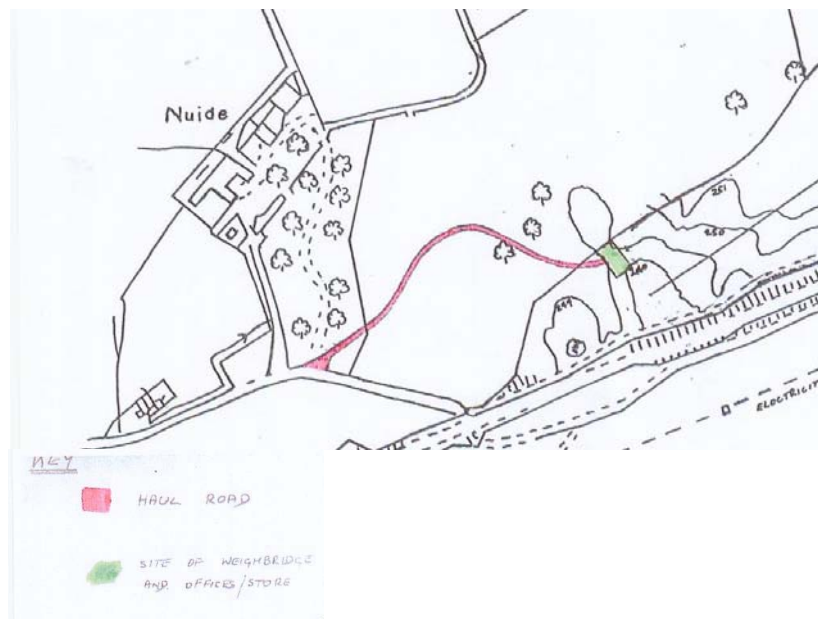


Fig. 4 : Proposed haul route and weighbridge and office / stores.

10. An site location plan (please refer to Fig. 4) identified the proposed extraction route, which would involve utilising the U406 minor road from Nuide Farm to Raliabeag (junction with the B9150). At the time of submission of the application the road was the responsibility of Highland Council's Roads Department. However, the supporting statement made reference to it only being Ralia Estate staff who tend to use it and it was also indicated that "an offer was made to the estate some years ago that they assume responsibility for it." The offer was apparently refused at that time by the Estate. However, the submission documents indicated in the event of the currently proposed

development gaining planning approval that Ralia Estate would be prepared to assume responsibility and come to an arrangement with the applicants regarding improvement and maintenance of the road during extraction operations. Other transport related information provided in the application submission indicated that approximately 32 lorry journeys per day would be undertaken to and from the site.

HIGHLAND COUNCIL POSITION TO DATE

11. Further to carrying out consultations and assessing the development proposal, the application was considered by Highland Council's Badenoch and Strathspey Area Planning Committee in August 1999, with the Committee expressing their intention to grant planning permission subject to a number of conditions and the conclusion of a Section 75 Agreement to secure the reinstatement of the site and upgrading and repair of the minor road leading to the site (U406).
12. However, a consent has not been issued to date, as the required Section 75 Agreement had not been concluded in the intervening years since 1999. I understand that this was due to the landowner altering their position with regard to the previously expressed commitment to assume responsibility for the upgrading and maintenance of the U406 road, as a means of providing access from the proposed quarry site to the junction of the U406 and the B9150 at Raliabeag. Contrary to the thrust of the Section 75 Agreement, the landowner / applicants have made efforts to persuade the Trunk Roads Authority to accept a direct access onto the Trunk Road from the proposed quarry site.
13. The landowners have now accepted that direct access onto the A9 Trunk Road is unobtainable. Consequently the applicant is seeking to conclude the required Section 75 Agreement, with a view to the planning permission being issued. In light of the significant period of time that has elapsed since the resolution of Badenoch and Strathspey's Area Planning Committee in 1999 and changes in a number of circumstances, including the establishment of the Cairngorms National Park Authority; confirmation of the River Spey as a Special Area of Conservation; a current proposal to remove the U406 from the list of public roads, at least for the duration of any potential extraction of sand and gravel in the area; and also upgrades which have taken place on the A9 creating a 2 plus 1 overtaking lane, Highland Council's Acting Area Planning and Building Standards Manager has taken the decision to engage in further consultations to seek the views of consultees on "whether the Council should issue Planning Permission and, if so, subject to different conditions and requirements from those previously agreed by Members."

14. In the planning report prepared in 1999 by Highland Council planning officials approval of planning permission was recommended, subject to a number of conditions. Conditions dealt with the duration of the planning permission, proposals for restoration of the site as per the details submitted by the applicants, restrictions on noise levels and the hours of operation, a requirement for dust suppression measures, the containment of all wash water within a settlement lagoon and restrictions on direct access onto the A9 trunk road. In addition, a large number of conditions were included requiring the submission of further details on a number of issues to be agreed with the Planning Authority prior to the commencement of development. The details to be agreed included a scheme of landscaping for the site, details of the proposed extraction of ground water for washing purposes at the site, details of a re-routing and screening of the proposed haul road away from the A9, specification of all plant and equipment to be used and a plan showing the location of all such equipment, and details of all lighting within the subject site.

DEVELOPMENT PLAN CONTEXT

National Policy

15. **SPP4 – Planning for Minerals** was published in September 2006 and replaces **NPPG 4 – Land for Mineral Workings** as the national policy document on the subject. **SPP4** in setting the policy context discusses minerals in the context of the economy and the environment. It acknowledges that the availability of minerals is essential to support economic development and prosperity, and in turn recognises the strategic importance of the construction industry to the economy and the need for minerals to serve it. In terms of mineral extraction and the environment it is conceded in **SPP4** that the extraction process can be disruptive and “if not managed and regulated satisfactorily can lead to adverse environmental and community impacts.” The document advises that mineral extraction should accord with the principles of sustainable development and environmental justice. One of the key elements of environmental justice is to ensure that accessible information and opportunities to participate in decision making are provided in order to shape the environments in which communities are situated.
16. Paragraph 8 of the planning policy advises that “a sustainable approach to mineral extraction should reconcile the need for minerals with concern for the natural and built environment and communities in a manner that –
 - Safeguards minerals as far as possible for future use;
 - Ensures a steady and adequate supply is maintained to meet the needs of society and the economy;
 - Encourages sensitive working practices during mineral extraction that minimise the environmental and transport impacts

and once extraction has ceased, ensure sites are reclaimed to a high standard to enhance the value of the wider environment;

- Promotes the use and recycling of secondary materials in development plan policies in addition to those for the release of sites for extraction of primary materials;
- Protects international, national and locally designated areas of acknowledged natural or built heritage importance from adverse impacts; and
- Minimises the potential adverse impacts of minerals extraction on communities.

17. Paragraph 21 of **SPP4** discusses mineral workings in the context of the conservation of the natural and built heritage. The commitment of the Scottish Executive to safeguarding and enhancing Scotland's natural and built heritage is affirmed. Although acknowledging that the designation of areas for their natural heritage value may impose constraints on development, **SPP4** nonetheless states that the potential for conflict can be reduced, with careful planning. Reference is made to guidance contained in other policy documents such as **NPPG 14 : Natural Heritage** which sets out the policy on how to assess development proposals whilst protecting, conserving and enhancing natural heritage interests.
18. The issue of mineral workings on agricultural land is addressed in paragraph 24 of **SPP4**. Prime quality land is recognised as a national resource and it is advised that such land should normally be protected against permanent irreversible development. It is acknowledged however that the reclamation of land to a high standard is now feasible on shallow mineral workings, through careful restoration and aftercare. The potential of mineral workings to contribute to the diversification of the rural economy is also alluded to and it is stated that in appropriate circumstances it could "offer opportunities to remove valuable minerals and to restore sites to a quality which would allow them to contribute to any upturn in the demand for agricultural production." The potential benefits or impacts of mineral workings to the rural economy are discussed in paragraph 25. The potential employment benefits of mineral workings are recognised. However, it is also acknowledged that "in many areas tourism and recreation support local economies which depend on the quality of the environment. Where this is the case, the likely long term or cumulative impact of mineral extraction on other local economic activity will be a relevant material consideration." It is stated that settlements reliant on environmental assets to sustain rural life and attractive as locations for promoting investment may be more economically important in the long term than new mineral operations.

19. In terms of the provision of construction aggregates nationally, it is the view of the Scottish Executive that the city regions for the four largest cities should form the principal market areas. Paragraph 42 of **SPP4** states that elsewhere it is the responsibility of individual planning authorities to decide on an appropriate 10 year landbank. It also advises that new consents should not be permitted if they are in locations which in planning terms are unsuitable or which lead to landbanks significantly in excess of market requirements.

Highland Structure Plan

20. 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.”
21. 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.”
22. 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.
23. **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.

24. 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.
25. **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)**
26. Section 2.2.3 of the **Badenoch and Strathspey Local Plan** refers specifically to minerals. 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.
27. 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 Draft Interim Policy No. 4 on Mineral Workings

28. The Executive Summary of the CNPA's Draft Interim Policy on Mineral² 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 draft 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.
29. Whilst the **Draft 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 MW2.³

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

- (i) The proposal does not affect designated sites;
- (ii) 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;
- (iii) 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;
- (iv) There are no adverse impacts on the social and economic well-being of local communities which cannot be satisfactorily mitigated;

² 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).

³ Policy MW2 refers to Borrow Pits.

- (v) Satisfactory arrangements can be made for dealing with associated traffic, blasting, overpressure and flyrock, noise and dust;
- (vi) A satisfactory method statement is submitted dealing with methods of extraction, working of the site and storage, removal and disposal of wastes;
- (vii) 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.

CONSULTATIONS

- 30. **The following details refer to consultation responses received by Highland Council during the assessment of the proposal in 1999 and the response details are as presented in Highland Council's Planning Officers report presented to Committee in 1999.**
- 31. **Trunk Roads Authority** : The Trunk Roads Authority do not object but would require the existing nearby access to the A9 to be permanently closed off prior to works starting at the site. Adequate screening will be required from the A9 along with details of lighting.
- 32. **Scottish Natural Heritage** : the initial response from SNH advised that there was insufficient information provided to gauge whether or not there would be significant effects on the River Spey Inch Marshes SSSI and the then proposed River Spey Special Area of Conservation. In order to determine this SNH required details of discharges from the proposed development to adjacent watercourses and details of any water abstractions from the tributaries of the Spey. In the absence of the information, the consultation response stated that SNH objects to the proposed development. The SNH response noted that the proposed site does not lie within any designated landscape. Reference was made to the fact that only minimal detail was provided on aspects such as screening, bunding and phasing to minimise landscape impact, required access improvements and restoration design and that further attention would be required in this regard. Reference was also made to the subject site lying within an area that was proposed at that time as a possible future National Park and also on a major access route for visitors to the Highlands. The SNH response referred to national guidance (**NPPG 14**) advising that Planning Authorities take particular care to safeguard the landscape, flora and fauna of the Cairngorms.
- 33. Further to the submission of additional information by the applicants / agent on water extraction and discharge and also following an examination of the planning officers recommended conditions in the event of the granting of planning permission, Scottish Natural Heritage ultimately withdrew the objection to the proposal. 34. **SEPA** : SEPA

have no objection subject to satisfactory drainage arrangements and suitable arrangements being in place for the bunding of any oil storage tanks. The consultation response expressed a preference that all wash water be abstracted from ground water and not from the Milton Burn and also stipulated that all wash water should be contained on site and in the event that it is not, advised that a discharge consent would be required. It also stipulated that no material may be imported to the site and deposited for infilling unless a Waste Management License has been granted. The response also advised that the integrity of the (then proposed) River Spey SAC requires to be taken into account.

35. **Highland Council Area Roads and Transport Manager** : the consultation response recommended that the application be refused, and concern was expressed at the fact that the application is dependant upon public road access to the new quarry being taken from the B9150 Ralia / Newtonmore Road via the U406 Nuide Road, with the latter being described as being a weak, single track with no passing places. It noted that substantial redesign and upgrading would be necessary in order to upgrade the proposed daily quarry traffic. In the event of consideration being given to the granting of planning permission, the report urged Members to give consideration as to how the road would be upgraded and maintained to sustain quarry traffic and provide access for the seven dwellings which use the road as their sole means of access.
36. **Newtonmore and Vicinity Community Council** : the Community Council expressed concern in relation to the use of the existing Nuide Road, describing it as narrow and with a lack of passing places, noting that the size of lorries involved would make passing very difficult. Concern was expressed that the amount of traffic and the number of vehicles of considerable size would cause considerable damage to the road surface.
37. At the time of writing this report I have not had the benefit of knowledge of any further or amended consultation responses, as a result of the reconsultation process recently initiated by Highland Council on this application. However, as part of the CNPA consultation response on the proposal, the advice of the CNPA's **Natural Heritage Group, Visitor Services and Recreation Group** and the **Economic and Social Development Group** was sought.
38. In a detailed response from the **Natural Heritage Group** the proposal and its implications was assessed from the perspectives of landscape, ecology and 'impact significance and compliance to park aims.' In setting the locational context, the area around the proposed site is described as having a very distinctive landform created by large glacial deposits. It also notes that the site is adjacent to the A9 and is very visible from this important strategic route, with the site being highly visible on the southern and northern approaches. In addition the site is described as being highly visible from the Nuide Moss to the south west and also from the course of the Milton Burn, as well as elevated areas to the south west including the peaks of Creag Druim Gheallogaidh and Creag na Bodach. Due to the existence of the

wooded hillside near Inverton, the currently proposed phase 1 site would not be visible from Newtonmore, Kingussie or the railway line.

39. In terms of landscape, the consultation response from **NHG** states that the quarrying activity would remove much of the undulation in the site and result in a landform that is very artificial. Reference is made to the fact that the details are limited and somewhat unclear. The details imply that the quarrying activity would result in a level base with an even and steep back which would face southwards towards the A9. The length and depth of the workings are described as considerable and it is noted in the event that Phase 2 was also undertaken as well as the currently proposed Phase 1 that it would result in the creation of a very large man-made feature in the landscape, extending over 1 kilometre in length.
40. In response to the proposal to create a bund along the roadside, the **NHG** response states that this would do little to prevent views into the workings, noting that the majority of the proposed cut face is considerably higher than the 2 metre bund proposed. It is also pointed out that the bunding would be ineffective when viewing the proposed site from the aforementioned elevated view points. The bund would provide some screening from the A9, mostly from low level vehicles, but not from coaches or lorries. The **NHG** response also considers that the provision of planting on the proposed bund would take many years to have any significant effect and would be highly unlikely to screen the development during the eight years of the proposed extraction process.⁴ It is also commented that the form of the planting would be highly contrived, consisting of a long line of trees along a 'mechanical' bund. This would ultimately result in a feature which would be out of character with the surrounding area.

In discussing the ecology of the area it is noted that the use of the existing pond at the western end of the application site as a settlement lagoon would dramatically alter the ponds hydrology and sediment load, with consequent negative effects on its vegetation and aquatic life. It is suggested in the event of the development proceeding that an alternative location be sought for the settlement lagoon, which would not disturb features of ecological value.

42. Reference is made to the creation of a steep quarry back which would be in close proximity to the adjacent aspen and birch woodland. Although **NHG** describe the soils on the site as being typically free-draining, the response nonetheless notes that the hydrology of the woodland could be altered by a significant lowering of the water table, which could have negative implications for the health of this biodiverse wooded environment. Additionally, concern is expressed that dust from

⁴ The consultation response from the CNPA's Natural Heritage Group details a number of reasons for potential poor growth of any landscaping, including the fact that the compaction of material necessary to make the bund often prevents good root penetration from young plants. Reference is also made to the strip of land close to the public road in which planting would be undertaken which is likely to suffer from various pollutants which inhibit plant growth, such as excessive dust and salt spray. In addition, the consultation response notes that the growth rates of the site would generally be slow due to the exposed nature of the site.

the proposed quarrying operations could settle on vegetation on the southern most edge of the woodland, thereby reducing the capacity for photosynthesis and consequently affecting the health of the trees, other plants and dependant species.

43. The consultation response from the CNPA's Natural Heritage Group also states that there is a strong possibility that the grassland habitats on the site have a high ecological value. However, it notes that there is no botanical survey information available for the grasslands and it is considered that such information is necessary before any decision is made.
44. Reference is made to breeding wading birds in the area, with the Strathspey Wader Survey of 2000 indicating the presence of high densities in the nearby Nuide survey area. NHG comment that it is possible that the grassland areas of both the currently proposed Phase 1 and the potential future Phase 2 are used in spring and summer by nesting oystercatchers and lapwings. It is noted that lapwings have recently declined considerably in Badenoch and Strathspey. The proposed extraction of gravel on the site could remove nesting habitats and could lead to increased human disturbance in the remaining grassland immediately adjacent to the proposed quarry zone.
45. **NHG** note that the original details submitted to Highland Council referred to the possibility of using water pumped from the Milton Burn for washing. The burn is part of the River Spey SAC and should not be used for water abstraction for the proposed quarry unless an appropriate assessment demonstrates that there will be no adverse impact upon the qualifying features of the SAC.⁵ Based on the applicants later undertakings and proposals not to discharge water from the site and the provision of a water supply by sinking a borehole, the consultation response from the Natural Heritage Group states that it is unlikely that this would negatively impact on the SAC. However, it is stated that it is a matter for Highland Council as the competent authority to be convinced of this prior to consideration being given to the granting of planning permission.

⁵ River Spey SAC qualifying features are otters, Atlantic salmon, freshwater pearl mussels and sea lampreys.

46. In a section of the report from the Natural Heritage Group entitled 'Impact significance and compliance to park aims' the consequence of the proposed extraction works is described as resulting in an irreversible change to the distinctive landform of the area and its replacement by an artificial and mechanical landform. The mitigation measures would be ineffective in either the short or medium term and would also result in an inappropriate landscape feature. The workings and resultant landscape would be highly visible to a large number of people. The size of the proposal itself increases the magnitude of the impact and consequently increases its significance. The development would result in a highly significant and detrimental change to the localised character of the area. The NHG consultation response does not consider the landscape and ecological impacts to be in accordance with the first aim of the Cairngorms National Park. In conclusion, the response notes that significant and negative effects would be created by the proposed development and in addition comments on the lack of adequate mitigation or compensation, all of which make the proposal highly undesirable. The CNPA's Natural Heritage Group recommend that permission be refused for the development. In the event that Highland Council are minded to grant planning permission it is requested that Highland Council consult further with the CNPA to discuss possible mitigation of the negative impacts of the proposal.
47. The CNPA's **Visitor Services and Recreation Group** examined the proposal primarily from the access perspective. The response detailed the fact that in the course of a recent round of public consultation on outdoor access as part of the CNPA's Core Path Planning exercise, members of the Newtonmore community identified the need to improve opportunities for both an extended network of paths around the community and for more cycle routes, preferably off main roads. The Core Path Planning exercise involved members of the community drawing routes on a map to indicate those that they used, as well as those they desired. One route identified was the minor road (Nuide farm road) that features as part of the planning application. Other routes identified were on the opposite side of the A9 and utilising this route to link the community to the Wade Road.
48. The consultation response from VSRG also notes that the National Cycle Network enters Newtonmore along the B9150, where this section of the route is currently on the road. Concern is expressed that exposure to quarry traffic at this section would have a significant negative effect on cycle use and could pose a serious hazard to cyclists.

49. The comments advanced by the CNPA's **Economic and Social Development Group** refer to the proposed development having both positive and negative potential impacts. It is noted that a number of jobs would be associated with the proposed development and this is welcomed from the perspective of diversifying the local economy. However, some concern is expressed regarding the potential visual impact for people travelling along the A9.

REPRESENTATIONS

50. An examination of Highland Council's planning file on this application indicated that three letters of objection had been received in the course of the assessment of the proposal in 1999. Concerns raised in the letters of objection included the following –
- Visibility of the development, particularly from the A9 and the old Wade Road opposite which is described as a “much visited amenity;”
 - Considerable volume of traffic using the old road between Nuide and Ralia;
 - Potential dangers arising from heavy lorries pulling out of the Ralia junction onto the A9;
 - If planning permission is granted for the proposed Phase 1, a scar will already have been created and there may be a presumption in favour of allowing yet more damage in a more sensitive site in the area indicated for future Phase 2;
 - Prevailing winds would be towards Inch Marshes Rover Spey SSSI, where woods adjoining the site are where Red Kites were re-established in the area and the development may impact on their habitat;
 - Concern that the prevailing wind would give rise to noise, dust and smell nuisance at Inverton House, which is 400 metres from the area indicated for future Phase 2 of the development;
 - Queries on whether there is a need for the extraction works in such a public place;
 - Reference to the proposed site lying within an area which at the time of writing in 1999 was within a proposed National Park, where such a feature is described as ‘unacceptable;’
 - Concern that an environmental assessment was not carried out.
51. Three letters of support were also submitted, two of which made specific reference to the potential employment creation. One of the letters included a comment that “Badenoch should not become an area suitable only for retirement and leisure but should continue to be a well balanced rural economy.”

APPRAISAL

52. There are a number of complex issues to consider in the assessment of the proposed development including 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; whether or not the proposal is in compliance with planning policy and its implications on the aims of the National Park.
53. The actual locational context of the subject site has already been detailed at the outset of this report. The overriding locational issue is the fact that the proposed site is within an area designated as a National Park. The site does not have any other natural heritage designations, although it is close to the River Spey SAC. The development is proposed on land adjacent to the A9, which is the most heavily trafficked route and one of the most important strategic routes through the National Park.
54. This is an application for quarrying activity in the Cairngorms National Park and as such the CNPA's draft 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 draft interim policy. On the basis of the limited information put forward in the application regarding the need for the sand and gravel that is proposed for extraction, I do not consider that the proposal fulfils the requirements of Policy MW1 (a) of the CNPA's Interim Policy on Mineral Workings. As detailed in paragraph 5 of this report the applicants existing quarrying activity is at Daviot, south of Inverness. Reference has been made in supporting documentation to journeys being made with quarry material from that site to points south of Newtonmore. Despite this statement no indication has been provided of the volume of traffic or the tonnage involved in such journeys and it is not therefore possible to gauge the actual level of demand at the points referred to south of Newtonmore. Indeed the limited information offered in the application does not establish whether or not that demand is even within the National Park or whether it is a case that the A9 is merely used as a route through the Park to serve demand outwith the southern boundaries of the Park. In addition, it should also be borne in mind that the 'need case' advanced dates from 1999 and no up to date information has been submitted to verify whether the need that was perceived to exist at that time continues to exist at the present time. The scant level of information provided with the application does not allow for any analysis of whether or not the locations (particularly those detailed as being 'south of Newtonmore' which are highly likely to be outside the Park boundary) at which sand and gravel are required could be serviced more efficiently from existing extraction works within or outwith the National Park. Similarly no evidence has been offered to suggest that the products that would be produced in the proposed new quarry would be required to service the mineral needs of the National Park. I would

therefore contend that the proposal also fails to comply with the provision of Policy MW1(C) of the CNPA's Interim Policy on Mineral Workings.

55. 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 such material is normally 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.
56. In considering the proposal in the context of national planning policy, and specifically **SPP4 : Planning for Minerals**, it is necessary to bear in mind that a sustainable approach to mineral extraction requires reconciling the need for minerals with concern for the natural and built environment. The protection of international, national or locally designated areas of acknowledged natural or built heritage importance from adverse impacts is required. The detailed consultation response from the CNPA's Natural Heritage Group clearly demonstrates that the proposed development would have a significant and negative ecological impact, as well as resulting in a significant and detrimental change to the landscape character of this area of the National Park. A national designation of the stature of the National Park 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.
57. In the event of quarrying operations being undertaken as proposed it would result in an irrevocable change to the existing landform, which is within the proposed Phase 1 area of the quarry and is currently represented by a number of undulations interspersed with dips and hollows. The creation of a level base through the proposed excavation works, and the resultant even and steep back that would be created would be a completely alien feature in this prominent and exposed landscape. In addition, attempts at mitigation measures in the form of a 2 metre high planted bund close to the boundary of the site adjacent to the A9 would simply serve to further compound rather than mitigate against the adverse visual impact and uncharacteristic landform changes. 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. In addition to the landform changes which would be immediately evident to the naked eye, the proposed excavation works would also impact significantly on the ecology of the area, as detailed in paragraphs 41 – 46 of this report.

58. 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. Tourism and recreation is of tremendous importance to the local economies of the National Park, and the tourism / leisure industry is dependant to varying degrees on the quality of the environment. The proposal to open a new quarry in this location is, as already alluded to, adjacent to the most heavily trafficked route through the National Park, with this area representing many visitors early impressions of the Park, and it would in my view have a general negative impact 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 ecological and physical landscape impacts as well as the potential negative perceptions in the sphere of the tourism economy, I do not consider that the proposal makes any positive contribution towards achieving the aims of the National Park. In addition, as detailed in paragraphs 49 – 50 of this report the development is also likely to have a negative impact on access provision in the area, in particular due to the use of the minor road between Ralia and Nuide, identified by the local community as a route used by walkers and cyclists, which would experience significantly increased levels of heavy traffic travelling to and from the proposed quarry on a daily basis.
59. Finally, I feel that it is necessary to make reference to the poor quality of the application, which has provided very limited information, lacking in details to substantiate the need for a quarry at this location or provide any real indication of market demand; the submission of a poor cross section as the only means of illustrating extraction activity and the resultant alterations to the existing landform; the lack of any detailed assessment of environmental impacts; and the omission of vital information such as detailed phasing or restoration proposals, detailed landscaping plans, details of machinery / plant and the associated locations at which they would be operated, and also the omission of lighting details. Much of the omitted information, which I consider to be fundamental in determining the appropriateness of a proposal of this nature in the location proposed, was intended to be dealt with by way of conditions attached to a planning permission, requiring submission of the information for the agreement of the Planning Authority prior to the commencement of development. I would respectfully suggest that it is inappropriate to pursue such a course of action. I would strongly recommend in the first instance that the changed circumstances since the submission of the application in 1999 be fully recognised, in particular the fact that the subject site is within an area which has now been designated as a National Park and the fact that the proposal is inconsistent with the aims of the National Park, and accordingly I would recommend that permission be refused for the proposed development.

60. In the event of Highland Council considering the granting of planning permission, I would suggest that further information is sought prior to doing so on the issues detailed, and also as suggested by the CNPA's Natural Heritage Group that further discussions be undertaken with the CNPA to discuss further mitigation of the many negative impacts of the proposal.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

61. The development would have negative impacts on the landform characteristics of the area, would have a significant visual impact and would also adversely effect the ecology of the area. Given 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

62. The need for the opening of a new quarry at this location is unjustified and in this respect is not considered to promote the sustainable use of natural resources.

Promote Understanding and Enjoyment of the Area

63. 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

64. 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

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

Object to the proposal for the extraction of gravel and sand on land near Nuide Farm, Newtonmore, for the reasons listed hereunder : -

1. The proposed development would result in unacceptable physical and visual alterations to the landscape character of this rural area of the Cairngorms National Park, as well as negatively impacting on the ecology of the area. It also has the potential to have a negative impact on the tourism and recreation interests of the area and consequently on this aspect of the economy of local communities, as well as potentially on the wider economy of the National Park. The cumulative effects of the development proposal render it inconsistent with national planning policy, as detailed in **SPP 4 – Planning for Minerals** which advocates the protection of international, national and locally designated areas of acknowledged natural heritage importance from adverse impacts and also advocates minimising the potential adverse impact of mineral extraction on communities.
2. The proposed development by reason of its environmental impacts, as well as potential impacts on the tourism and recreation economy of this area of the Park, is contrary to Highland Council Structure Plan Policy M2 on mineral workings which provides support for mineral extraction only where “there are no significant adverse environmental or socio-economic impacts.” The development is also contrary to Structure Plan Policy L4 on Landscape Character as it would irrevocably alter and therefore fail to maintain or enhance the landscape character of the area.
3. The proposed development would involve significant alterations to the existing landforms 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.
4. The proposed opening of sand and gravel extraction works is considered to be contrary to the Cairngorms National Park Authority’s policy on mineral workings as expressed in Draft Interim Planning Policy No. 4 : Mineral Workings. No evidence has been provided to justify a need for sand and gravel aggregates to serve the needs of the National Park, which it is believed can be readily sourced at existing operating sites within and outside the Park area and neither is there a 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.

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4th January 2007.

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