
CAIRNGORMS NATIONAL PARK AUTHORITY

DEVELOPMENT PROPOSED:

Recommencement and extension of quarry at Land At Carn Dhomhnuill Bhain Dalwhinnie

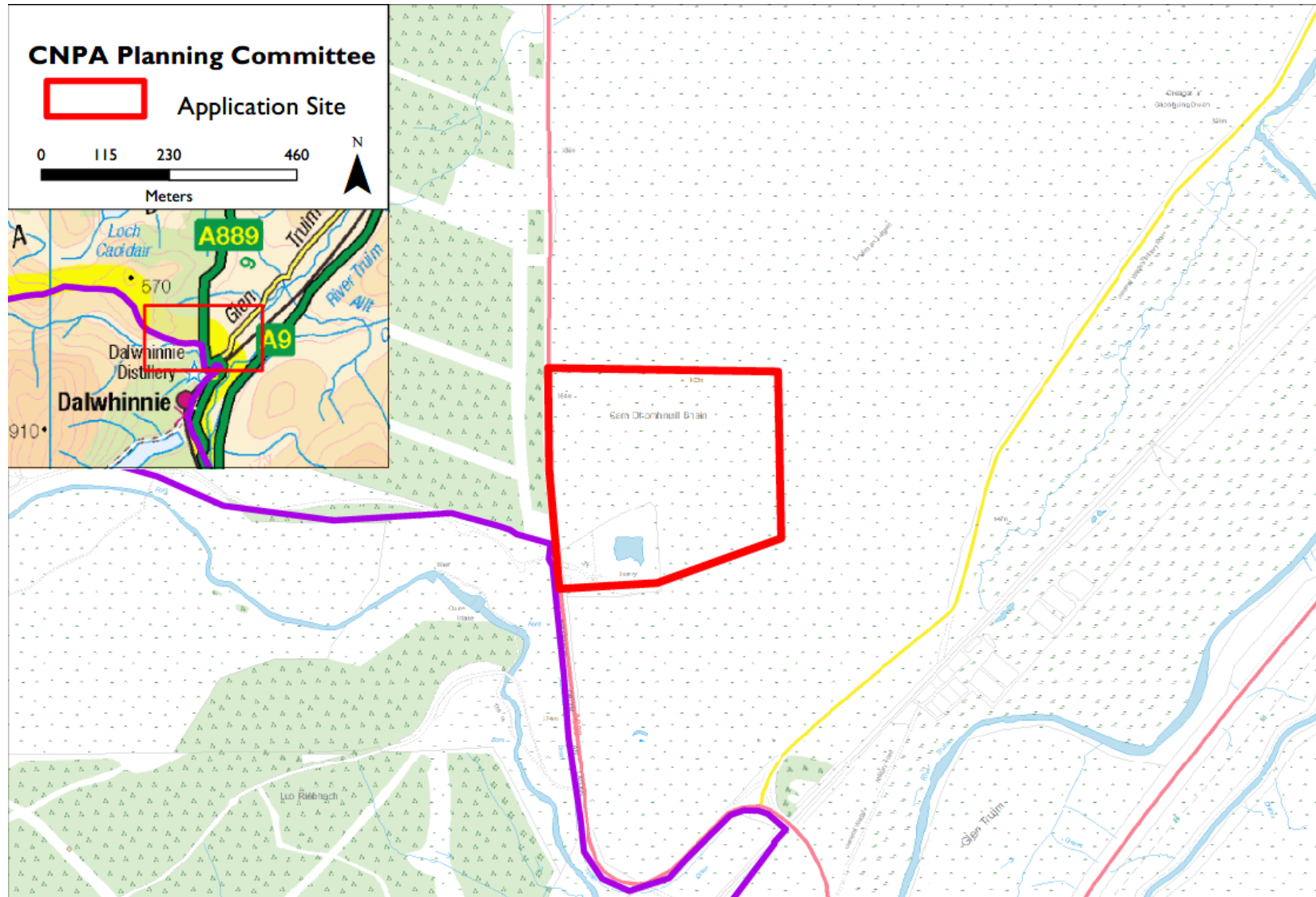
REFERENCE: 2018/0151/DET

APPLICANT: Leiths (Scotland) Ltd

DATE CALLED-IN: 17 April 2018

RECOMMENDATION: Approve

CASE OFFICER: Ed Swales Monitoring and Enforcement Officer



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SITE DESCRIPTION, PROPOSAL AND HISTORY

Site Description

1. Full planning permission is sought for the recommencement and extension of quarrying activities at Carn Dhomhnuill Bhain Quarry approximately 1 mile north of Dalwhinnie on the A889. The existing site has been quarried for a number of years most recently ceasing in 2016 with restoration on hold until determination of this application.

Proposal

2. The drawings and documents associated with this application are listed below and are available on the Cairngorms National Park Authority website unless noted otherwise:
<http://www.eplanningcnpa.co.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=P7BNYMSI0CA00>

| Title | Drawing Number | Date on Plan* | Date Received |
|--|-----------------------|----------------------|----------------------|
| Phase 1 Habitat Map | 369839-001 | 31/07/17 | 23/04/18 |
| Nesting Bird Observation Map | 369839-002 | 31/07/17 | 23/04/18 |
| Phase 2 Design | RG547-PA-F-04 | 01/03/18 | 23/04/18 |
| Maximum Extraction Design (Phase 3) | RG547-PA-F-05 | 01/03/18 | 23/04/18 |
| Location Plan | RG547/PA/F/01 | 01/03/18 | 23/04/18 |
| Topographic Survey (July 2017) | RG547/PA/F/02 | 01/03/18 | 23/04/18 |
| Concept Restoration Design | RG547/PA/F/06 | 01/03/18 | 23/04/18 |
| Sections | RG547/PA/F/07 | 01/03/18 | 23/04/18 |
| U2387/A9 JUNCTION SURVEY | RG547-61/L/F/01 | 25/07/18 | 25/07/18 |
| U2387/A9 JUNCTION SECTION | RG547-61/L/F/02 | 25/07/18 | 25/07/18 |
| Volume 1: Non-Technical Summary | | 01/03/18 | 23/04/18 |
| Volume 2: Planning Forms and Certificates, Supporting Statement and EIA report | | 01/03/18 | 23/04/18 |
| Volume 3: Landscape and Visual Impact Assessment | | 01/03/18 | 23/04/18 |
| Chapter 7.0 Air Quality Assessment | | 01/03/18 | 23/04/18 |
| Chapter 8.0 Hydrology and Hydrogeology Peat Assessment | | 01/03/18 | 23/04/18 |
| Chapter 9.0 Blasting and Vibration Assessment | | 01/03/18 | 23/04/18 |
| Chapter 10.0 Ecological Impact Assessment | | 01/03/18 | 23/04/18 |
| Chapter 11.0 Traffic Statement | | 01/03/18 | 23/04/18 |
| Chapter 12.0 Noise Assessment | | 01/03/18 | 23/04/18 |

| | | | |
|---|----------|----------|----------|
| Chapter 13.0 Historic Environment | | 01/03/18 | 23/04/18 |
| Extractive waste facilities | | 01/03/18 | 23/04/18 |
| Extractive Waste Management Plan Management of Extractive Waste (Scotland) Regulations 2010 | | 01/03/18 | 23/04/18 |
| Breeding Bird Surveys | | 22/06/18 | 22/06/18 |
| National Vegetation Classification Habitat Survey | | 22/06/18 | 19/07/18 |
| Environmental Management Plan | | 01/07/18 | 01/07/18 |
| Supporting document RE: SEPA concerns | | 02/07/18 | 20/07/18 |
| Ground Water & Surface Water Management Plan | RG547-51 | 01/07/18 | 01/07/18 |
| Construction Method Statement | | 01/07/18 | 01/07/18 |
| Woodland Planting Plan | | 01/07/18 | 01/07/18 |
| Revision of Ground Water & Surface Water Management Plan | | 01/07/18 | 01/07/18 |
| EXPLANATORY NOTE - SEPA | RG547-54 | 01/07/18 | 01/07/18 |

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

3. The current proposal is to recommence quarrying and extend the site from 2 to 15 ha. The existing site is currently filled with water to 391m AOD with the proposal to lower the quarry floor to 385 AOD. It is surrounded by open moorland with forestry land on the west side of the A889 adjacent to the site.
4. Proposed extraction rates are to be a maximum of 70,000 tonnes per annum to a maximum of 2.5 million tonnes over the 35 year lifetime of the permission.
5. Extraction will be mainly along the A889, which the quarry is situated on with 2 Lorries exiting the site per hour during the hours of operation of the quarry.
6. The closest residential properties as well as the Dalwhinnie distillery are both approximately 800m to the south of the development site.
7. The applicant has indicated the initial works will consist of the lowering of the peripheral screening bund to a height no greater than 5 metres above the surrounding ground level. Areas where the current bund is steeper than 1:3 will be re-profiled to an angle no greater than 1:3. The re-profiled bund will then be capped with heather covered turf stripped from the footprint of the area to be extracted.

History

8. Planning permission was originally granted in 2000 for the extraction of material for localised road works. In 2000 a temporary consent was also granted for the further

extraction of material, for a period of 2 years. In 2002 a renewal for this application was sought for a period of five years, expiring in 2007.

9. In 2007 planning permission was sought from CNPA for the continuation of quarrying for a further 5 years, finally granted in 2011 by the Cairngorms National Park Authority once a legal agreement covering the restoration bond was secured. That permission expired in August 2016. The current proposal is for a new consent for an expansion of the quarry.
10. Key plans are attached in **Appendix I**.

DEVELOPMENT PLAN CONTEXT

Policies

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

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

Planning Guidance

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

| | | |
|----------|---|---|
| Policy 1 | New Housing Development Non-Statutory Guidance | |
| Policy 2 | Supporting Economic Growth Non-Statutory Guidance | X |

| | | |
|-----------|--|---|
| Policy 3 | Sustainable Design Non-Statutory Guidance | X |
| Policy 4 | Natural Heritage Supplementary Guidance | X |
| Policy 5 | Landscape Non-Statutory Guidance | X |
| Policy 7 | Renewable Energy Supplementary Guidance | |
| Policy 8 | Sport and Recreation Non-Statutory Guidance | |
| Policy 9 | Cultural Heritage Non-Statutory Guidance | |
| Policy 10 | Resources Non-Statutory Guidance | X |
| Policy 11 | Developer Contributions Supplementary Guidance | |

CONSULTATIONS

14. **SEPA** initially objected to the application due to a lack of satisfactory information regarding ground water, surface water management, pollution prevention and environmental management as well as requesting further information on the impact to ground water dependent terrestrial ecosystems.
15. Following subsequent revisions to information SEPA have reviewed their position and have removed their objection to the application although maintain a request for a detailed restoration plan, and have offered advice on waste management that requires to be adhered to.
16. **SNH** - have no comments to make.
17. **Transport Scotland** – does not object.
18. **Highland Council Archaeology** – are satisfied the mitigation proposed is reasonable and provides an adequate level of detail, on the basis that a condition seeking a written scheme of investigation is submitted.
19. **Highland Council Environmental Health** – offer no comment.
20. **Highland Council Transport Planning** – has raised no objections.
21. **CNPA Ecology** – ecological impacts include the loss of 13Ha of dry heath and acid grassland although note that the biodiversity value is relatively low due to grouse management.
22. The initially considered that the proposed restoration would have provided minimal gains to local biodiversity. However, the revised restoration proposals and further information on environmental management are considered to have ecological enhancements upon completion.
23. **CNPA Landscape** – strongly disagreed with the applicant’s original submission that the slow expansion of the quarry over 35 years would reduce its landscape and visual impact. The later submissions of Construction Method Statement and Environment Management Plan and Woodland Planting Plan were considered to significantly improve the long term impacts. It is now considered that once established, the woodland will provide an ecologically beneficial after use and mitigate the landscape impacts of the quarry.

24. **CNPA Outdoor Access** – does not consider the development will significantly affect outdoor access opportunities.

REPRESENTATIONS

25. NEMT objects to the scale of the development and the length of time required for the extraction of material, considering it wholly inappropriate for a National Park.
26. Other representations received after the deadline reflects this comment.
27. A further representation from a resident in Dalwhinnie stated concerns regarding vehicle movements through the village both the number of HGV movements and their speed. Construction will be limited to 70,000 tonnes per annum as per the first recommendation within the representation however the limiting of speeds through the village is not a planning matter, given the involvement of both Highland Council's Transport Planning Team and Transport Scotland.

APPRAISAL

28. The issues that require consideration in this application are the principle of permitting allowing the quarry to continue to be worked for a period of 35 years, the impact of extending the quarry from 2 to 15ha as well as its later restoration in visual and landscape terms and the impacts on the surrounding area.

Principle

29. Policy 10: Resources of the Cairngorms National Park Local Development Plan 2015 provides support for mineral extraction as long as there is a local market for the materials. The principle of quarrying activity at this location has been established through the granting of a number of previous permissions for extraction works, albeit at a smaller scale.
30. SEPA initially objected because of a lack of information on environmental impacts but following the submission of further information on construction methods and environmental management have removed their objections.
31. The proposal includes mitigation planting that will screen the development from the recommencement works and be fully established upon completion of the works in 35 years' time. The proposal complies with Policy 10: Resources of the Cairngorms National Park Local Development Plan.

Environmental Impacts

32. Policy 4: Natural Heritage of the Cairngorms National Park Local Development Plan 2015 seeks to ensure that there is no adverse impact on protected sites, species or biodiversity. There are no natural heritage designations affecting the site.

33. Blasting operations carried out within breeding bird seasons will require a ground nesting bird survey within 100m of the blast site to ensure no disturbance of breeding birds.
34. There are concerns that 13ha of dry heath and acid grassland will be lost as a result of the development although the area is of low quality and low biodiversity value due to grouse management. The submission of information regarding restoration and planting will provide ecological gains. This ensures the proposal complies with Policy 4: Natural Heritage of the Cairngorms National Park Local Development Plan.
35. Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2015 presumes against development that does not conserve and enhance the landscape character and special qualities of the Cairngorms National Park.
36. In this case, the proposal is to recommence and extend the operation of a long-established quarry site and as such the landscape impact of the development is seen as a critical aspect of the proposal. An Environmental Clerk of Works will help ensure the development is undertaken in a sensitive way and to ensure any landscape and ecology issues are addressed early.
37. The proposed development will provide enhanced mitigation planting that will be planted from the outset of development ensuring it becomes fully established upon the completion of development. The proposal complies with Policy 5: Landscape of the Cairngorms National Park Local Development Plan.

Impact on Residents

38. **Policy 3:** Sustainable Design of the Cairngorms National Park Local Development Plan 2015 protects the amenity of nearby properties. There are residential properties close to the distillery, which is half a mile away from the site and the village itself is approximately a mile away. While the impact will be minimal in terms of amenity issues, conditions relating to amenity will be attached to any decision granted in order to comply with Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan.

Roads

39. **Policy 3:** Sustainable Design of the Cairngorms National Park Local Development Plan 2015 protects the amenity of residents in the village of Dalwhinnie. There are a proposed two lorries leaving the site per hour during the operation of the quarry at any peak time of extraction. With construction limited to 70,000 tonnes per year the two lorries per hour represents a maximum of amount of vehicles rather than an average. Transport Scotland, who control the main route through the village have raised no objections to this proposal and as such it complies with Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan.

CONCLUSION

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

RECOMMENDATION

That Members of the Committee support a recommendation to Approve the Recommencement and extension of quarry at Land At Carn Dhomhnuill Bhain Dalwhinnie for the following reasons/subject to the following conditions:

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

Conditions

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

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

2. **No development shall commence on site until full details of an independent party to act as an Environmental Compliance Officer have been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. These details will include details of the scope of works, frequency and method of reporting. Thereafter the development shall be monitored and managed by the Environmental Compliance Officer in accordance with the approved schedule of reporting.**

The schedule of reporting will be on a monthly basis, until after the soil stripping of each phase has taken place, then in line with guidance from the Cairngorms National Park Authority reporting may be reduced to six monthly, unless otherwise agreed in writing with the Cairngorms National Park Authority acting as planning authority.

No later than the end of the first calendar month of each year of construction shall a report be submitted that includes, the tonnage extracted during the previous 12 months, an audit of blasts undertaken and a schedule of proposed blasts to take place during the remaining 11 months as well as a proposed programme of works within the quarry.

Reason: To ensure that there is no adverse environmental impacts in accordance with Policy 4: Natural Heritage, Policy 5: Landscape and Policy 10: Resources of the Cairngorms National Park Local Development Plan 2015.

3. **No development shall commence on site (including site clearance) until a programme of work for the evaluation, preservation and recording of any archaeological and historic features affected by the proposed development, including a timetable for investigation, all in accordance with the attached specification from the Highland Council Historic Environment Team, has been submitted to and approved in writing by Cairngorms National Park Authority, acting as Planning Authority in consultation with the Highland Council Historic Environment Team. The approved programme shall be implemented in accordance with the agreed timetable for investigation and construction shall thereafter proceed in accordance with the approved scheme during construction works on site.**

Reason: To ensure that the archaeological value of an area which has potential for the survival of buried archaeological deposits is evaluated and recorded in accordance with Policy 9: Cultural Heritage of the Cairngorms National Park Local Development Plan 2015.

4. Unless otherwise agreed in writing with the Cairngorms National Park Authority acting as Planning Authority, the extraction rates over the 35 year period of this permission shall not exceed 70,000 tonnes per annum and no more than 2.5 million tonnes over the 35 year period of this permission.

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

5. The development shall be undertaken in accordance with the approved phasing plans (Phase 1 Habitat Map, reference 369839-001, Phase 2 Design, reference RG547-PA-F-04 and Maximum Extraction Design (Phase 3) reference RG547-PA-F-05). No development beyond each phase shall commence until a review of the impact of the development up to that stage on landscape and ecology has been submitted and approved in writing by the CNPA acting as planning authority.

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

6. Following expiry of this temporary permission the site shall be cleared of all plant and machinery and reinstated in accordance with the approved restoration details referenced within the Construction Method Statement and Environment Management Plan no later than the end of the first full calendar year following expiry of the permission unless otherwise agreed in writing with the Cairngorms National Park Authority acting as Planning Authority.

Reason: To ensure that the development conserves and enhances the landscape character of Dalwhinnie and is sympathetic to the character of the area in

accordance with Policy 3: Sustainable Design, Policy 4: Natural Heritage, Policy 5: Landscape and Policy 10: Resources of the Cairngorms National Park Local Development Plan 2015.

7. Unless otherwise agreed in writing by the Cairngorms National Park Authority acting as Planning Authority, following consultation with Highland Council's Environmental Health Service, working operations at the quarry shall be restricted to the hours of 0700hrs to 1800hrs (Monday to Friday) and 0700hrs to 1400hrs (Saturday). Loading and despatch of quarry products from the site shall be restricted to the hours of 0600hrs to 1800hrs (Monday to Friday) and 0600hrs to 1400hrs (Saturday). The quarry shall not operate on Sundays.

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

8. The noise level from this development shall not exceed 45 dB LAeq (1 hour) when measured at the nearest neighbouring property (the distillery). Noise levels during times of soil stripping and overburden handling shall not exceed 70 dB LAeq (1 hour) when measured at 3.5m from the facade of any existing noise sensitive premises. The operator or anyone acting on behalf of the operator shall notify the Cairngorms National Park Authority no later than 24 hours in advance of times where noise levels are likely to be higher.

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

9. Notwithstanding the approved Construction Method Statement, any surrounding properties within 1 mile of the quarry, The Cairngorms National Park Authority, The Highland Council's Environmental Health department and Dalwhinnie Community Council shall be notified of any pre-planned blasting no later than 7 days prior to the proposed blast occurring, with full confirmation to those properties and aforementioned parties containing further details including a maximum five-hour window for blasting no later than 24 hours prior to any blast.

Within the first calendar month of each year a timetable of proposed blasts shall be submitted to the Cairngorms National Park Authority. Prior to any blasting proposed between March and June a ground nesting bird survey shall be undertaken within 100m of the proposed blast site.

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

10. The woodland planting plan, revision 1 dated July 2018 shall be implemented in full. The deer fence within the plan shall be erected prior to any development on the site, with the full planting scheme being completed no later than the first full planting season

following the recommencement of any development on site, not inclusive of Archaeology works associated with the discharge of condition 3.

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

11. Unless otherwise agreed in writing with the Cairngorms National Park Authority acting as Planning Authority, in the event of the quarry not being worked for a continuous period of 24 months and with no realistic expectation of resumption in the foreseeable future, the site shall be reinstated within a period of 18 months in accordance with the restoration plan as detailed in the CMS and EMP.

Reason: To ensure that there is no adverse environmental impacts in accordance with Policy 4: Natural Heritage, Policy 5: Landscape and Policy 10: Resources of the Cairngorms National Park Local Development Plan 2015.

Informatives

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

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