
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

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DEVELOPMENT PROPOSED: FULL PLANNING PERMISSION FOR THE EXTRACTION AND PART PROCESSING OF AGGREGATE TO USE IN THE CONSTRUCTION OF UPGRADING AND NEW TRACKS FOR THE BEAULY-DENNY OVERHEAD LINE, ON LAND AT CRATHIE AND 900M WEST OF COUL FARM HOUSE, LAGGAN.

REFERENCE: 09/093/CP

APPLICANT: SCOTTISH HYDRO ELECTRIC TRANSMISSION LTD., DUNKELD ROAD, PERTH.

DATE CALLED-IN: 17 APRIL 2009

RECOMMENDATION : GRANT WITH CONDITIONS

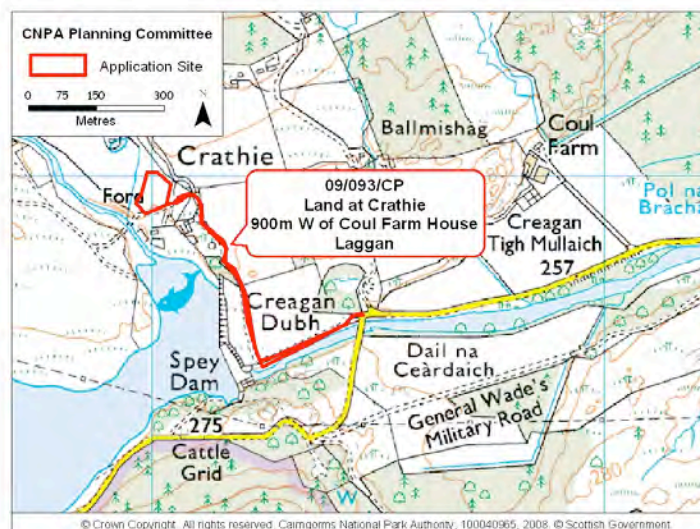


Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. Scottish Hydro Electric Transmission Ltd. (SHETL) are seeking full planning permission in this application for the extraction and part processing of aggregate on land at Crathie, near Spey Dam, approximately 3.2 kilometres to the west of Laggan. The material proposed for extraction is required in connection with the potential construction of upgrading and new tracks for the proposed Beauly-Denny overhead line. The public inquiry into that application concluded in December 2007 and a decision on the matter is expected in the course of 2009. Despite the absence of a decision to date SHETL have chosen to submit planning applications aimed at facilitating potential future works, in an effort to avoid delays in the progression of the overhead transmission line project. In the event of the granting of planning permission for the proposed overhead transmission line between Beauly and Denny, SHETL anticipate that the construction of access tracks would be one of the earliest site operations¹ and they have consequently decided to submit planning applications for a number of borrow pits. Planning permission is being sought at ten sites within the Highland area and of those, two are located within the boundaries of the Cairngorms National Park. In addition to this current application at Crathie, Laggan, the CNPA have also recently called in the second application, where similar extraction processes are proposed at Feagour, Laggan.²
2. The proposed site is located adjacent to Spey Dam and at present accommodates a stock pile of existing river dredgings³ from the Markie Burn. The site extends to encompass the area of the proposed borrow pit, as well as the access into the site from the U220 minor road. An existing rough track leads into the site at present and the proposal for the overhead transmission line includes measures for the upgrading of the track.



Fig. 2 : Existing stockpile of river dredgings at the site, with the existing access track in the foreground

¹ The application for the overhead transmission line included proposals for the development of several temporary access tracks throughout the project area, as well as making use of existing tracks, with many of the latter requiring upgrading.

² CNPA planning ref. no. 09/116/CP refers.

³ Dredging is undertaken annually at this location, usually in May.

3. The stockpiled river dredgings on the site at present generally comprise of unconsolidated coarse sand and angular gravel, with lesser amounts of cobbles and boulders. The applicants have indicated that the cobble and stone material can be used without the need for crushing and screening, although the remainder of the material would require crushing and screening in order to produce good quality aggregate for access track construction. The area surrounding the site primarily consists of rough grazing ground.
4. It is indicated in supporting information that the existing stockpile at the site contains approximately 11,875 cu.m. of stone and it is estimated that this would provide approximately 9,025 cu.m. of aggregate. Through the crushing process a quantity of sand materials (referred to as 'fines') would also be generated. A site compound would be located within the area of the stockpile once material not requiring crushing or screening is removed from the site. Mobile crushing and screening plant would be required on the site and it is proposed that this would either be located on top of the existing stockpile or within the immediate area. No blasting activity would take place.
5. The applicants anticipate that the proposed excavation of material from the site and its processing would take between 3 and 4 months to complete, based on the assumption that this would occur as a continuous operation, and also that there are no delays in the construction of the access track that the material would be used on. Suggested working hours have also been provided in the applicants submission – in the event of work being undertaken in the period between April and September, the suggested week day hours are 7am to 7pm, with weekend hours being 7am to 5pm. The proposed working hours during the period between October and March are 7.30am to 5pm (weekdays and weekends).
6. Details have also been provided to indicate the likely sequence of works at the site –
 - creation of any access requirements;
 - establishment of any perimeter fencing required to protect the site;
 - soil stripping where appropriate, and set aside for reinstatement;
 - removal of the material on the site that is suitable for use in access track construction without requiring screening or crushing;
 - processing of the remainder of the mineral resource (crushing and screening) and stockpiling of material prior to removal from the site; and
 - reinstatement of the site and compound areas.
7. The applicants have identified that there are three types of traffic likely to be associated with the proposed development – daily traffic generated by people employed at the site, delivery to the site of plant and the vehicle movements associated with the transportation of material from the site. Operations would only commence at the proposed borrow pit after the upgrading of a short section of the U220 road from the A86 into the Spey Dam area.⁴ In an effort to reduce the volume of traffic on the local road network it is also

⁴ Works on the public road are not part of this current planning application.

proposed that construction traffic would use an existing off-road track in Achdunchil area, which leads south eastwards for approximately 1.5 kilometres to its junction with the A85 (a short distance from Wolftrax).

8. With reference to reinstatement proposals, the application details indicate that the site would be reinstated to existing ground levels, “with the site returned to agricultural use (grazing) where excavations achieve a suitable ground level and assuming that the underlying ground is capable of supporting a grassed sward.” It is also stated that any remaining unused dredged material would remain within the present stockpile.
9. The subject site lies close to the former township at Crathie. Some of the remains of the deserted township are evident, including several roofless drystone buildings, which lie outside the site boundary.



Fig. 3 : remains of Crathie township, with the existing stockpiled dredging evident in the background

DEVELOPMENT PLAN CONTEXT

National Policy

10. **SPP 4 – Planning for Minerals** is a national policy document which recognises minerals as being an important primary resource. While acknowledging that there is a continuing need for an adequate and steady supply of minerals for a variety of purposes, **SPP4** also recognises that all working must be fully reconciled with policies to protect local communities and the wider environment.
11. Paragraph 5 of the document alludes to the fact that the process of extraction can be disruptive and in the event that it is not regulated and managed appropriately can give rise to adverse environmental and community impacts. **SPP4** lists a number of objectives for mineral working, all of which are intended to encourage a sustainable approach to mineral extraction while reconciling the need for minerals with concern for the natural and built

environment and the communities affected. Objectives include ensuring that an adequate and steady supply is maintained to meet the needs of society and the economy; encouraging sensitive working practices during extraction in order to minimise the environmental and transport impacts; ensuring sites are reclaimed to a high standard and where possible enhance the value of the wider environment; protecting international, national and locally designated areas of acknowledged natural or built heritage importance from adverse impacts; and minimising the potential adverse impact of mineral extraction on communities.

12. **SPP4** discusses a number of locational considerations, one of which is the conservation of the natural and built heritage, and advises that planning permission should only be granted where there will not be a significant adverse effect on the special features and qualities of the area. The rural economy is also listed as another locational consideration, and although it is noted that mineral working can play an important role in supporting the economy of rural communities through employment creation, the case is also made that in many areas tourism and recreation likewise support local economies and also depend on the quality of the environment. In such instances **SPP4** advises that the likely long term or cumulative impact of mineral extraction on local economic activity will be a relevant material consideration.
13. The purpose of **PAN 50 – Controlling the Environmental Effects of Surface Mineral Workings** is to provide advice on the more significant environmental effects arising from mineral working operations. It is acknowledged that the main issues that give rise to concerns associated with surface mineral workings include the effects of road traffic; effects of blasting, noise and dust; visual and landscape effects; and the potential contamination of surface water discharges by solids. The advice contains a section entitled ‘Proximity of mineral workings to communities’ in which it is acknowledged that residents living in close proximity to proposed workings may be exposed to some of the effects. **PAN 50** advises that good practise for planning authorities is to consider the possible cumulative effect of proposals; encourage dialogue between operators and the community; and encourage effective monitoring, particularly of noise, dust and vibration.

Highland Structure Plan

14. 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.”

15. 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.”
16. 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.
17. **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.
18. 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 NI** on **Nature Conservation** is that new developments should seek to minimise the impact on the nature conservation resource and enhance it wherever possible.
19. **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. Part of the existing access track serving the proposed site is located within the Loch Laggan – Ben Alder Area of Great Landscape Value (AGLV).

Badenoch and Strathspey Local Plan (1997)

20. The **Badenoch and Strathspey Local Plan** acknowledges that scope exists for mineral extraction and 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.
21. 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 Plan (2007)

22. The Cairngorms National Park Plan sets out a number of strategic objectives under three broad headings – conserving and enhancing the Park; living and working in the Park; and enjoying and understanding the Park. In terms of natural heritage, section 5.1.2 of the Plan advises that all new development and management of the landscapes and settlements within the Park should be based on a sound understanding of the natural and cultural heritage. Strategic objectives to achieve the vision of conserving and enhancing the Park include maintaining and enhancing the distinctive landscapes of the Park; and ensuring development complements and enhances the landscape character of the Park.
23. Under another of the broad headings of ‘Living and Working in the Park’ one of the strategic objectives for economy and employment is to promote opportunities for economic diversification across all areas of the Park and it is noted that the Park currently has a relatively narrow economic base which is dependant upon a few key sectors for employment.

CONSULTATIONS

24. The proposal has been considered by **Scottish Natural Heritage** and there is no objection to the development.⁵ The response however includes a number of recommendations in order to further minimise impacts arising from the proposal. **SNH** advise that the proposed development site is outwith but adjacent to the River Spey Site of Special Scientific Interest and is within 100 metres of the River Spey Special Area of Conservation (which is designated for the populations of Atlantic salmon, freshwater pearl mussel, sea lamprey and otters. The proposal has also been considered in the context of its potential impact on otters, which are a European Protected Species, as well as Schedule I and Annex I breeding birds.

⁵ SNH clarified at the outset of the consultation response that the response follows the roles set out in SNH and the CNPA agreement. SNH only advise on matters concerning European Protected Sites, Sites of Special Scientific Interest, National Nature Reserves, European Protected Species and wider biodiversity interests where they occur within and are an integral part of a designated site.

25. **SNH** have appraised the likely impacts of the proposal on the natural heritage interests. In terms of the River Spey SAC, **SNH** advise that there is potential for sediments and contaminants to enter the SAC via the Markie Burn and the drainage ditch as a result of the proposed site operations. **SNH** therefore recommend, in order to prevent water borne sediments and contaminants entering the watercourse and prevent impacts on the qualifying interests of the SAC that
- The location of the site compound, storage area, lorry loading area and the mobile crusher and screening apparatus are discussed and agreed with the CNPA and SEPA prior to the commencement of development;
 - That the construction and operation of the site complies with relevant SEPA pollution prevention guidelines; and
 - That details of the installation and operational management of the surface water are appropriate and sufficient to prevent sediments and contaminants from entering the watercourses including the field drain, the Markie Burn and the River Spey SAC and that these should be approved by the CNPA in consultation with SEPA prior to the commencement of works.
26. Reference is also made in the consultation response from **Scottish Natural Heritage** to air borne dust which could be generated as a result of site operations and in particular generated by the screening and crushing of boulders. **SNH** consider that such air borne dust has the potential to be deposited within 100m of the borrow pit, which includes all of the watercourses, causing sediment build up in the River Spey SAC, the Markie Burn and the field ditch. **SNH** recommend in order to prevent this that a dust mitigation plan⁶ should be submitted for the agreement of the CNPA prior to the commencement of development.
27. The response from **SNH** also makes reference to the environmental information submitted which confirms the presence of otters in the vicinity, with evidence of the site being used extensively for foraging and as part of a territory. A holt has also been located, although is it not considered to be used for breeding. **SNH** advice that a license to disturb otters is unlikely to be required. However, in order to reduce disturbance to otters it is recommended that an area within 30 metres of the otter shelter / holt is declared out of bounds to everyone at all times, and that this zone should be demarcated, using coloured tape, prior to the commencement of any works.
28. On the subject of national interests, the boundary of the SSSI coincides with that of the SAC, and the notified features of the SSSI are the same as those of the SAC. The comments detailed in paragraph 16 in relation to the SAC also pertain to the national interests. The response from **Scottish Natural Heritage** also makes reference to 'other interests' among which is the presence of several species of birds which have an enhanced level of

⁶ The dust mitigation plan is required to cover the excavation, screening, crushing, storage and transportation operations. The Plan should refer to guidance in PAN 50 Annex B The Control of Dust at Surface Mineral Workings.

protection under Schedule 1 of the Wildlife and Countryside Act 1981 and Annex I of the EC Birds Directive. The species are summer visitors and some of them use an area within the vicinity of the proposed borrow pit to breed. Consequently SNH advise that any operations at the site should be outwith the breeding season.

29. **SNH** conclude that it is unlikely that the proposal will have a significant effect either directly or indirectly on either the Atlantic salmon or otter qualifying features of the SAC and in **SNH's** view an appropriate assessment is not therefore required. There is no objection to the proposal subject to a number of recommendations, all of which have been outlined in foregoing paragraphs.
30. The development proposal has also been considered by **SEPA**. It is noted in the consultation response that the applicant proposes to utilise the existing stockpile of river dredgings. The dredgings are part of the sediment management regime for the Spey Dam and are undertaken annually in May.⁷ In a planning context **SEPA** do not object to the use of this material, for the production of aggregate for the access tracks. It is recommended that any proposed crushing and screening of material takes place away from water bodies in order to avoid any possible pollution problems.
31. **SEPA** have no objection to the proposed development subject to a recommended condition being included in the event of the granting of planning permission. The condition requires that a detailed site specific Environmental Management Plan (EMP) and Construction Method Statement (CMS) be submitted and agreed prior to any works commencing.
32. **SEPA** also note that the proposed site lies outwith the Indicative River and Coastal Flood Map (Scotland), but also note that the site is adjacent to a small watercourse and consequently consider that it may be at some risk of flooding. However, given the nature of the development **SEPA** consider it unlikely that any significant impact would arise from the residual risk of flooding. The material to be excavated is piled up above natural ground level and therefore its removal and subsequent restoration of the natural ground level is unlikely to have any interference with the water table or have any impact upon flood risk.
33. The proposed development has been considered by the **Area Roads and Community Works Division** of Highland Council. There is no objection to the proposal and a number of conditions are recommended in the event of consideration being given to the granting of planning permission. In terms of the U220 minor public road it is required that all vehicular movement is limited to the section of the road between the site access and the Achduchil off-road track. It is also stipulated that no vehicular movement connected with the development proposal shall be undertaken on the U220 public road until the aforementioned section of road has been upgraded in accordance

⁷ The dredging works are authorised under The Water Environment (Controlled Activities) (Scotland) Regulations 2005 (as amended) (CAR).

with the terms of a current agreement between the applicants and Highland Council. A further condition recommended by the **Area Roads and Community Works Division** is in relation to the required improvement of the existing bellmouth area at the junction of the site access and the public road.

34. Highland Council's **Archaeology Unit** has considered the proposal and responded, and has recommended as a precaution that it would be prudent for an archaeologist to record and mark out the remains of buildings in the vicinity of the site. It is also recommended that a condition is attached in the event of the granting of planning permission to ensure that necessary mitigation is completed.
35. The **Environmental Health** section of Highland Council have also considered the proposal and indicate that provided details contained in the supporting information accompanying this application is adopted in its entirety, there is no objection to the development proposal. It is also recommended that a condition is included in any grant of planning permission to restrict weekend working hours.
36. The CNPA's **Heritage and Land Management Group** considered the proposal in terms of ecology and landscape impact. Issues considered by the ecology officer include protected mammal species, breeding birds and potential pollution of watercourses. On the subject of protected mammal species, reference is made to the environmental statement submitted in support of the application, which states that otters were recorded within the study site. As a European Protected Species this is an issue which is within the remit of **SNH** to comment on, as detailed in paragraph 24. In discussing breeding birds, the ecology officer refers to the protection afforded to nests and the birds and their nests and eggs under Part I of the Nature Conservation (Scotland) Act 2004. The consultation response from **HLM** acknowledges that the detailed breeding bird survey which was undertaken in 2008 did not record any breeding birds within the proposed development site, although breeding and foraging bird species were recorded within a 1000 metre radius of the proposed borrow pit. The ecology officer has made a number of recommendations in respect of breeding birds, including
 - The need to undertake a further breeding bird survey (as recommended in the Environmental Statement submitted in support of the application) at an appropriate time of year, and not more than one breeding season before the operational and restoration work is scheduled to begin;
 - That no work should be carried out during the recognised breeding bird period, between March and August (inclusive); and
 - That contractors should remain vigilant for birds breeding outside the normal season and all work should cease in the event that a nesting bird is found.
37. Advice is also given in respect of the issue of pollution of watercourses. Reference is made to the need to adhere to SEPA's Pollution Prevention Guidelines and that a site drainage design and method statement are agreed

with the CNPA and SEPA prior to any works beginning. It is also recommended that sediment fencing is erected to prevent sedimentation of a drainage ditch which flows from the western side of the existing aggregate heap, and that this should be inspected regularly and replaced in the event of any tears occurring. The ecology assessment concludes with reference to the first aim of the National Park, noting that it is to conserve and **enhance** natural heritage and accordingly the ecology officer urges that steps are taken in the reinstatement of the site to create opportunities for wildlife. The site is to be reinstated by sowing it with a conservation seed mix. It is recommended that Scotia seed 'Highland Meadow Mix' is used.

38. There is no objection to the proposal from a landscape perspective, although it is stressed that measures to protect archaeological remains in the vicinity should be in place prior to any works being undertaken on the site.

REPRESENTATIONS

39. No representations have been received in respect of the proposed development.

APPRAISAL

40. The extraction and processing of aggregate which is proposed in this application is for use in the construction and upgrading of access tracks for the proposed Beaully Denny overhead transmission line, on which a decision is still awaited from the Scottish Government. It is necessary to make clear at the outset of this appraisal that in giving consideration to the determination of this planning application at the present time, it should not be regarded as an endorsement of the Beaully Denny overhead transmission line proposals. The Cairngorms National Park Authority has already made the case in support of its objection in the course of the Public Local Inquiry relating to that proposal. The scheduling of this application for determination at the present time is in response to the applicants' decision to seek planning permission for various necessary works in the vicinity of the proposed transmission line route, in order to avoid any future delays in the event of the Scottish Government permitting the proposed line. To date a variety of applications have been lodged and are being dealt with by the relevant planning authorities. Permissions have been issued by the Highland Council in respect of other borrow pit applications, and also by Perth and Kinross Council for passing places and road widening works. Members will also recall that the CNPA determined an application in January 2009 for the construction of a passing place on the U220 public road, to the south east of Spey Dam, near Laggan.⁸ A suspensive condition was included to ensure that the works could only be undertaken in the event of permission being granted for the Beaully Denny overhead transmission line.

⁸ CNPA planning ref. no. 08/304/CP refers.

41. Although full planning permission is being sought in this application, work would be undertaken over a limited period of time of 3 - 4 months, with this timescale including the re-shaping of the ground to reflect adjacent ground levels, with the site thereafter remaining at the newly formed level and returned to agricultural use. The nature of the development proposal at this location generally accords with Structure Plan policy. The policy accepts the need for aggregates in some rural locations and requires that this is balanced against the need to avoid environmental disruption or adverse impacts on the quality of life of residents in the vicinity.
42. The application site close to Spey Dam is outwith any sites designated for nature conservation, but is nonetheless adjacent to identified SAC and SSSI. The information provided in respect of such issues in the Environmental Statement submitted in support of the development proposal has been considered by **Scottish Natural Heritage**. The proposals are acceptable subject to work being undertaken in accordance with conditions outlined earlier in this report, to prevent waterborne sediments and contaminants entering the watercourses and also conditions to protect otters and breeding birds in the vicinity. Conditions are also recommended by both **SNH** and the **CNPA's Heritage and Land Management Team** to ensure that works take place outwith the bird breeding season.
43. The general area in which the borrow pit is proposed is relatively sparsely populated. The nearest residential properties are approximately 440 metres and 800 metres to the east respectively. The proposed activities at the site do not involve any element of blasting. As already detailed the processing works would have a limited duration of 3 - 4 months. The impact of development activity and the associated movement of vehicles in the area would therefore be for a relatively short period, and measures could be implemented to minimise the impacts. Methods of achieving this include restrictions on working hours and adherence to dust mitigation plans.
44. Given that the material to be extracted is required for specific projects in relatively close proximity, namely the construction of temporary access tracks and the upgrading of tracks to facilitate work on the proposed Beaully Denny overhead transmission line. In the event that Scottish Ministers approve the upgrade of the Beaully Denny Transmission Line, and having regard to all other foregoing factors, the development proposal is considered acceptable and accords with national policy, including the provisions of **SPP4 – Planning for Minerals**, as it can be considered to achieve a sustainable approach to mineral extraction while also addressing environmental factors. However, I would once again reiterate that the recommendation of this report does not signify any endorsement by the **CNPA** of the Beaully Denny transmission line proposal.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

45. By its nature, mineral extraction cannot be perceived as conserving and enhancing the natural or cultural heritage of the area. However, the scale of extraction is limited and for a short temporary period and primarily consists of taking already stockpiled dredgings from the site. Appropriate measures to ensure that there will be no significant adverse effects on heritage interests, in particular the remains of the Crathie township in the vicinity of the site, would be put in place. The return of the land to its former agricultural nature at the end of the short period of working activity would also assist in enhancing the area.

Promote Sustainable Use of Natural Resources

46. The principle of extraction of a finite hard rock resource cannot be perceived as being positive in terms of promoting the sustainable use of natural resources. However, in the event of the Beauly–Denny overhead transmission line project progressing, the materials would be a required resource and would be utilised within the immediate vicinity, thereby reducing transport requirements.

Promote Understanding and Enjoyment of the Area

47. The proposed development at this location, for a temporary period, may have a limited short term impact on the general public's enjoyment of the area, particularly in terms of the impacts of noise, dust, traffic and visual amenity. However, in the longer term, the effects would be mitigated against and agreed appropriate restoration of the site would be implemented.

Promote Sustainable Economic and Social Development of the Area

48. The development has limited direct economic benefit to the area, although is it being proposed to assist in a larger scale infrastructural project – the Beauly Denny overhead transmission line, which may provide some short term benefits in the local economy. In the longer term this may have a less than beneficial impact. However, in itself this proposal will not adversely impact on the fourth aim.

RECOMMENDATION

That Members of the Committee support a recommendation to:

Grant full planning permission for extraction and part processing of aggregate for use in the construction of upgrading and new tracks for the Beauly-Denny overhead line on land at Crathie and 900 metres west of Coul Farm House, Laggan, subject to the following conditions : -

1. This grant of planning permission is for a temporary period only and shall expire on 18th September 2014.

2. No works in relation to the planning permission hereby granted shall commence until works on the related part of the Beauly Denny electricity transmission line (within the sections of the route from towers FT47 to FT74 and FT80 to 102) has been fully consented and a contract for those works formally let.
3. Breeding bird surveys shall be undertaken at an appropriate time of year, not more than one breeding season before the operational works begin. The area surveyed shall be the same as that originally covered in the Environmental Assessment submitted in conjunction with this application. The survey results shall be submitted to the Cairngorms National Park Authority acting as Planning Authority and no work shall be undertaken without the written agreement of the CNPA.
4. No works shall be undertaken during the recognised breeding bird period, between March and August inclusive, unless otherwise agreed in writing with the Cairngorms National Park Authority acting as Planning Authority. In the event that work is required to be undertaken during the period from March to August, a nesting bird survey shall be undertaken immediately prior to any development work. If nesting birds are recorded the works shall stop until the birds have ceased nesting or suitable mitigation has been agreed with the Cairngorms National Park Authority or a license has been obtained from the Scottish Government to permit disturbance.
5. Prior to the commencement of development details showing the location of the site compound, storage area, lorry loading area and the mobile crusher and screening apparatus shall be submitted for the written agreement of the Cairngorms National Park Authority acting as Planning Authority, in consultation with SEPA and shall thereafter be located in the agreed positions.
6. The construction and operation of the site shall comply with the relevant SEPA pollution prevention guidelines (PPG's 04-06).
7. Prior to the commencement of development a Surface Water Management Plan shall be submitted for the written agreement of the Cairngorms National Park Authority acting as Planning Authority, in consultation with SEPA. The Surface Water Management Plan shall include details of the installation and operational management of the surface water and shall demonstrate that it is appropriate and sufficient to prevent sediments and contaminants from entering all watercourses including the field drain, the Markie Burn and the River Spey SAC. The approved plan shall be adhered to and implemented in full thereafter.
8. Prior to the commencement of development a detailed site specific Environmental Management Plan (EMP) and Construction Method Statement (CMS) shall be submitted for the written agreement of the Cairngorms National Park Authority acting as Planning Authority, in conjunction with SEPA. All works shall be carried out thereafter in accordance with the agreed Plan and Statements.

9. Prior to the commencement of development details shall be submitted for the written agreement of the Cairngorms National Park Authority acting as Planning Authority, to show the provision of sediment fencing and to include details of the fencing material, which shall be sufficient to prevent sedimentation of the drainage ditch. The fencing shall be erected immediately following the agreement of the Cairngorms National Park Authority. The applicants shall inspect the fencing on a weekly basis and it shall be immediately replaced in the event that any tears occur.
10. Prior to the commencement of development a dust mitigation plan covering all extraction, screening, crushing, storage and transportation operations at the site shall be submitted for the written agreement of the Cairngorms National Park Authority acting as Planning Authority, in consultation with SEPA. The agreed plan shall be implemented in full thereafter.
11. Prior to the commencement of development a work exclusion zone, extending 30 metres from the otter shelter / holt, shall be demarcated using coloured tape. In the interests of minimising disturbance to otters the zone shall be declared out of bounds to everyone at all times. A site plan to show the extent of the work exclusion zone shall be submitted for the agreement of the Cairngorms National Park Authority acting as Planning Authority, in conjunction with Scottish Natural Heritage prior to the commencement of development.
12. Prior to the commencement of development details shall be submitted for the written agreement of the Cairngorms National Park Authority acting as Planning Authority, in conjunction with the Highland Council Archaeology Service :
 - A site plan identifying all archaeological remains in the vicinity of the site, with all remains having been marked out by an archaeologist;
 - Details of all protection measures, including details of materials and locations, that will be put in place to protect the archaeological remains for the duration of works at the site.All agreed protective measures shall be implemented in full prior to the undertaking of any other development work at the site and shall be retained for the duration of the development.
13. Prior to the commencement of development 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, shall be submitted for the written agreement of the Cairngorms National Park Authority acting as Planning Authority, in conjunction with the Highland Council Archaeology Unit. The agreed proposals shall thereafter be implemented in full in accordance with the agreed timetable for investigation.
14. The construction and operation of the site shall comply with the relevant SEPA pollution prevention guidelines (PPGs 04-06).

15. All vehicular movements to and from the application site shall be limited to the section of the U220 public road between the site access and the Achduchil off-road track. No vehicular movement on the U220 shall commence until that section of road has been upgraded in accordance with the terms of an existing agreement between Scottish Hydro Electric Transmission Ltd. and Highland Council.
16. The existing bellmouth area of the junction of the site access and the public road shall be upgraded to the satisfaction of the Cairngorms National Park Authority acting as Planning Authority, in consultation with the Roads section of Highland Council. Construction for at least the first 10 metres from the nearside edge of the public road shall consist of a minimum of 40mm thick Close Graded Wearing Course on 80mm thick Dense Roadbase on a minimum thickness of 330mm Type I sub base, all on a sound formation.
17. No water shall shed onto the public road.
18. Prior to the commencement of development a detailed restoration plan shall be submitted for the written agreement of the Cairngorms National Park Authority acting as Planning Authority. Comprehensive details shall be provided of the timing of the restoration works. All works shall be carried out in accordance with the agreed restoration plan.
19. Unless otherwise agreed in writing with 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 Saturday). No operations shall take place on Sundays.

Advice notes :

1. The Dust Mitigation Plan required in condition no. 10 of this permission should be provided with reference to guidance contained in PAN 50 Annex B, The Control of Dust at Surface Mineral Workings.
2. The Environmental Management Plan and Construction Method Statement required in condition no. 8 of this permission should be developed in line with current good practice and the Beaulieu – Denny Construction Procedures Handbook. Details should be provided on how the risk of pollution will be minimised. This should include, but is not limited to, details of :
 - Fuel / chemical storage areas
 - Vehicle refuelling areas
 - Vehicle washing areas
 - Stock piling areas
 - Site specific waste management plan
 - Staff facilities including any sewage disposal requirements.

3. Care should be taken to avoid the spread of invasive, non-native species to the site. In the event of any such species arriving at the site it is recommended that they are removed as soon as possible and disposed of appropriately.
4. Please note that the rock crusher which is proposed to be located on site is required to be regulated by SEPA under Part B of the Pollution Prevention and Control (Scotland) (PPC) Regulations 2000 (as amended).

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10 September 2009

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.