

AGENDA ITEM 8

APPENDIX 3

2015/0154/DET

ORIGINAL CONSENT
DECISION NOTICE
05/015/CP

CAIRNGORMS

NATIONAL PARK AUTHORITY

DECISION NOTICE

Application Reference: 05/015/CP

Type of Application: Local Application

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT, 1997, AS AMENDED BY THE PLANNING ETC
(SCOTLAND) ACT 2006
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND)
REGULATIONS 2008**

**The Cairngorms National Park Designation, Transitional and Consequential Provisions (Scotland) Order 2003
National Parks (Scotland) Act 2000**

APPLICANT:

**Ennstone Thistle Limited
Ennstone House
Ethiebeaton Quarry
Kindennie
Monifieth
DD5 3RB**

AGENT:

**Johnson Poole And Bloomer
50 Speirs Wharf
Glasgow
G4 9TB**

CNPA in exercise of its powers under the above mentioned Act and Regulations

grants conditioned planning permission for:

**Extension of quarry area and extraction period and continuation of rock
processing and concrete production**

at;

Meadowside Quarry, Kinncraig, Kingussie, Inverness-Shire

and in accordance with the particulars contained in the accompanying application form and the following plans/drawings:

Dwg. title	Dwg. no.	Date received:
Topographic survey	EG321/PA/F/03	28 January 2005
Cross sections	EG321/PA/F/05	28 January 2005
Extraction design	ED321/PA/F/04	28 January 2005
Indicative Water Treatment Proposals	EG321/PA/F/3B	05 July 2005

Subject to compliance with the following condition(s):

Albert Memorial Hall, Station Square, Ballater, Aberdeenshire AB35 5QB
Tel: 013397 53601 Fax: 013397 55334

1. This permission shall endure for a period of 20 years from the date of the consent by which time all quarry workings shall have ceased and the site shall have been restored in accordance with the approved restoration/reinstatement plan.

Reason: To reflect the temporary nature of the proposal and to ensure the Planning Authority retain effective control.

2. That unless otherwise agreed in writing with the CNPA acting as Planning Authority, the rate of extraction shall not exceed 50,000 tonnes in any single calendar year. Unless otherwise agreed in writing with the CNPA acting as Planning Authority, a detailed record of extraction amounts shall be retained by the quarry operator and submitted within one month of the end of every calendar year for the further written approval of 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.

3. That unless otherwise agreed in writing with the CNPA acting as Planning Authority, all extraction, processing and storage operations (not including restoration/reinstatement) at the site, shall be carried out in accordance with the working procedures, methods and practices stated in the Johnson Poole & Bloomer Land Consultants "Statement of Intent and Environmental Statement" dated January 2005.

Reason: In the interests of general amenity and safety and in order to protect the landscape of the National Park.

4. For the avoidance of doubt, all crushing and screening operations using mobile plant, shall be carried out within the approved application quarry void, unless otherwise agreed in writing with the CNPA acting as Planning Authority.

Reason: In the interests of minimising the visual impact of the development and in the interests of protecting the general amenity of the area.

5. For the avoidance of doubt, all storage and stockpiling of processed materials shall be located within the approved application quarry void, unless otherwise agreed in writing with the CNPA acting as Planning Authority.

Reason: In the interests of minimising the visual impact of the development and in the interests of protecting the general amenity of the area.

6. That unless otherwise agreed in writing with the CNPA acting as Planning Authority, following consultation with Highland Council's Environmental Health Service, extraction and processing operations at the quarry shall be restricted to the hours of 0700hrs to 1800hrs (Monday to Friday) and 0700hrs to 1400hrs (Saturday). There shall be no extraction or processing operations on Sundays.

Reason: To protect the general amenity of the area and to protect the residential amenity of properties in the vicinity.

7. In addition to Condition No. 6 above, and unless otherwise agreed in writing with the CNPA acting as Planning Authority, following consultation with Highland Council's Environmental Health Service, crushing and screening operations at the site shall be restricted to 0800hrs to 1700hrs (Monday to Friday) and 0800hrs to 1200hrs (Saturday) during the months of April to October.

Reason: To protect the general amenity of the area and to protect the residential amenity of properties in the vicinity.

8. In addition to Condition Nos. 6 and 7 above, and unless otherwise agreed in writing with the CNPA acting as Planning Authority, following consultation with Highland Council's Environmental Health Service, blasting operations at the site shall be restricted to 0900hrs to 1700hrs (Monday to Friday) and 0900hrs to 1200hrs (Saturday).

Reason: To protect the general amenity of the area and to protect the residential amenity of properties in the vicinity.

9. That unless otherwise agreed in writing with the CNPA acting as Planning Authority, following consultation with Highland Council's Environmental Health Service, noise measured at any noise sensitive property, shall be limited to the noise levels stated in the Johnson Poole and Bloomer Land Consultants "Statement of Intent and Environmental Statement" dated January 2005. For the avoidance of doubt, during normal weekday working hours, the free field Equivalent Continuous Noise Level for the period due to the temporary operations of soil and overburden handling and drilling, shall not exceed 55dB free field, and at all other times, for other operations, the free field Equivalent Continuous Noise Level, for the period shall not exceed 50dB.

Reason: In the interests of protecting the general amenity of the area and to ensure that there is adequate protection of the environmental quality of the area.

10. That unless otherwise agreed in writing with the **CNPA acting as Planning Authority, following consultation with Highland Council's Environmental Health Service, the mitigation measures for minimising the deposition of dust from the quarry outside the application site boundary, as stated in Paragraph 3.3.6. (Air Quality – Mitigation) of the Johnson Poole and Bloomer Land Consultants "Statement of Intent and Environmental Statement" dated January 2005, shall be implemented at all times in the future.**

Reason: To protect the general amenity of the area and to protect the residential amenity of properties in the vicinity.

11. That unless otherwise agreed in writing with the **CNPA acting as Planning Authority, following consultation with Highland Council's Environmental Health Service, vibration levels from production blasting at the quarry shall be restricted to those stated in the Johnson Poole and Bloomer Land Consultants "Statement on Intent and Environmental Statement" dated January 2005. For the avoidance of doubt, the peak particle velocity at any neighbouring residential property, shall not exceed 6mms^{-1} at a 95% confidence level.**

Reason: To protect the general amenity of the area and to protect the residential amenity of properties in the vicinity.

12. In addition to Condition No. 11 above, the quarry operator shall implement a programme of blast monitoring, including the results of blasts measured at the nearest vibration sensitive location, and indications of compliance with the approved and established vibration levels and criteria. Such a programme shall be submitted to the **CNPA acting as Planning Authority and Highland Council's Environmental Health Service upon request.**

Reason: To enable the effects of the development to be adequately monitored during the course of operations.

13. In addition to Condition Nos. 11 & 12 above, the quarry operator shall be required to notify, at least 7 days in advance, **Highland Council's Environmental Health Service of the dates when drilling and/or blasting operations are to occur on site.**

Reason: To protect the general amenity of the area and to protect the residential amenity of properties in the vicinity.

14. That unless otherwise agreed in writing with the CNPA acting as Planning Authority, following consultation with SEPA, surface water drainage from the site shall be discharged following three levels of on-site treatment, as stated in the Johnson Poole and Bloomer Land Consultant's letter of 28 June 2005 (Reference EG321-25/TL/LP) and as shown on approved Drawing No. EG321/PA/F/3B. For the avoidance of doubt, all surface water drainage shall be disposed of in accordance with the Sustainable Urban Drainage Systems Design Manual for Scotland and Northern Ireland (CIRIA C521 2000) and Planning Advice Note (PAN) 61 (Sustainable Urban Drainage Systems).

Reason: To protect and safeguard the local water environment.

15. That unless otherwise agreed in writing with the CNPA acting as Planning Authority, following consultation with Highland Council's Area Roads Manager, visibility splays of not less than 4.5m by 180m shall be provided in both directions at the junction of the shared access road with the B9152, and thereafter maintained free from any obstructions exceeding a height of 1m above the adjacent road channel levels.

Reason: In the interests of traffic safety.

Advice note:

Please refer to Johnson Poole and Bloomer Land Consultant's "Statement of Intent and Environmental Statement (Volume 2)" dated January 2005, for the specific details and proposals referred to in Condition no's 3, 9 and 11 of this consent. A copy of the said document may be inspected at the offices of the Cairngorms National Park Authority acting as Planning Authority.

Variations: None

During the processing of the application the following variations were made to the proposal:

Section 75 Obligation:

An obligation in terms of Section 75 of the 1997 Planning Act relates to this development. The terms of the Section 75 are as follows:

Requiring the phased implementation of a final restoration scheme, and the provision of a bond or other financial measure guaranteeing the availability of funds to ensure the implementation of the final restoration of the site in the event of default by the operators of the quarry.

The full Section 75 Obligation can be inspected at the local planning office.

Reason(s) for approval

1. The proposal is considered to accord with the aims of the Cairngorms National Park.
2. The proposal complies with the relevant provisions of the development plan and there are no material considerations that indicate otherwise.

Informatives:

1. Prior to the commencement of development, a notice of the intended date of initiation of development shall be submitted to the CNPA acting as Planning Authority and such notification shall contain the information set out in the 'Notification of Initiation of Development' Notice as appended, pursuant to Section 27A(1) of the Town & Country Planning (Scotland) Act 1997.
2. Following the completion of the development, a notification of the completion shall, as soon as practicable, be submitted to the CNPA acting as Planning Authority and such notification shall contain the information as set out in the 'Notification of Completion of Development' Notice as appended, pursuant to Section 27B(1) of the Town & Country Planning (Scotland) Act 1997.

Dated: 27 June 2011

Don McKee - Head Planner

For details of how to appeal to Scottish Ministers regarding any aspect of this Decision Notice please see the attached notes.

**THIS IS A LEGAL DOCUMENT -
PLEASE RETAIN WITH YOUR TITLE DEEDS**

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT, 1997, AS
AMENDED BY THE PLANNING ETC (SCOTLAND) ACT 2006
TOWN AND COUNTRY PLANNING (DEVELOPMENT
MANAGEMENT PROCEDURE) (SCOTLAND) REGULATIONS 2008**

1. If the applicant is aggrieved by the decision of the planning authority to refuse permission in respect of the proposed development, or to grant permission or approval subject to conditions, he may appeal to Scottish Ministers under Section 47 of the Town and Country Planning (Scotland) Act 1997 within three months of the date of this notice. The appeal should be addressed to the Chief Reporter, Directorate for Planning and Environmental Appeals, 4 The Courtyard, Callendar Business Park, Falkirk FK1 1XR.
2. If permission to develop land is refused or granted subject to conditions, whether by the planning authority or by Scottish Ministers, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out any development which has been or would be permitted, he may serve on the planning authority a purchase notice requiring the purchase of his interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

NOTES

It should be understood that this permission does not carry with it any necessary consent from the Buildings Authority or Scottish Environment Protection Agency, or approval to the proposed development under other statutory enactments.

It should be understood that this permission does not imply

- that there are no physical restrictions upon development, such as overhead or underground services, diversion or protection of which will be the developer's responsibility, with the prior consent of the appropriate supply authority;
- that the mains water, drainage or other public services are, or will be available:
or
- that financial assistance from public funds is available towards the cost of provision of services or any aspect of the development.

Enquiries should be directed to the appropriate supply authorities.

NOTICE OF REQUIREMENT FOR NOTICES

Notification of Initiation of Development

The person who intends to implement the development must inform the CNPA acting as Planning Authority of the date they intend to start work on the development as soon as it is practicable using the enclosed Notice of Initiation of Development. This Notice must be submitted before starting work. Failure to do so would be a breach of planning control under Section 123(1) of the Town & Country Planning Act 1997 and the CNPA acting as Planning Authority may take enforcement action.

The permission may contain pre-conditions that require specific matters to be approved before development can commence. This means that a lawful commencement of the approved development cannot be made until the particular requirements of the condition(s) have been met. The person who intends to start development must ensure that all conditions are properly complied with. If you are in any doubt about the meaning or implications of any of the conditions you should contact the CNPA acting as Planning Authority or seek professional advice. If you do not comply fully with the conditions the CNPA acting as Planning Authority may serve a Breach of Condition Notice on you or take enforcement action and you may be prosecuted or fined. Please note, there is no right of appeal against a Breach of Condition Notice.

Notification of Completion of Development

The person who completes the development must, as soon as practicable after doing so, give notice of completion to the CNPA acting as Planning Authority using the enclosed Notice of Completion.

Please note, the CNPA acting as Planning Authority may take enforcement action where such notice is not given.

**PLEASE NOTE –
THE ABOVE REQUIREMENTS ARE IN ADDITION TO ANY SIMILAR
REQUIREMENTS UNDER THE BUILDING REGULATIONS OR ANY
OTHER LEGISLATION**