

AGENDA ITEM 12

APPENDIX 1

2015/0154/DET

COMMITTEE REPORT
18 SEPTEMBER
2015

CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

**Prepared by: MATTHEW TAYLOR
(PLANNING OFFICER,
DEVELOPMENT MANAGEMENT)**

DEVELOPMENT PROPOSED: Application under Section 42 to vary Condition 2 (rate of extraction) (approved under ref: 05/015/CP (05/00008/FULBS)) seeking an uplift in the rate of annual extraction from 50,000 T to 150,000 T).

REFERENCE: 2015/0154/DET

REASON FOR CALL IN: Type I – minerals application that is directly related to applications that have previously been determined by CNPA. May make a significant visual impact within the principal transport corridor.

APPLICANT: Breedon Aggregates Scotland Ltd

DATE CALLED-IN: 18 May 2015

RECOMMENDATION: APPROVAL SUBJECT TO CONDITIONS and variation to S75 or new S75 for site restoration bond

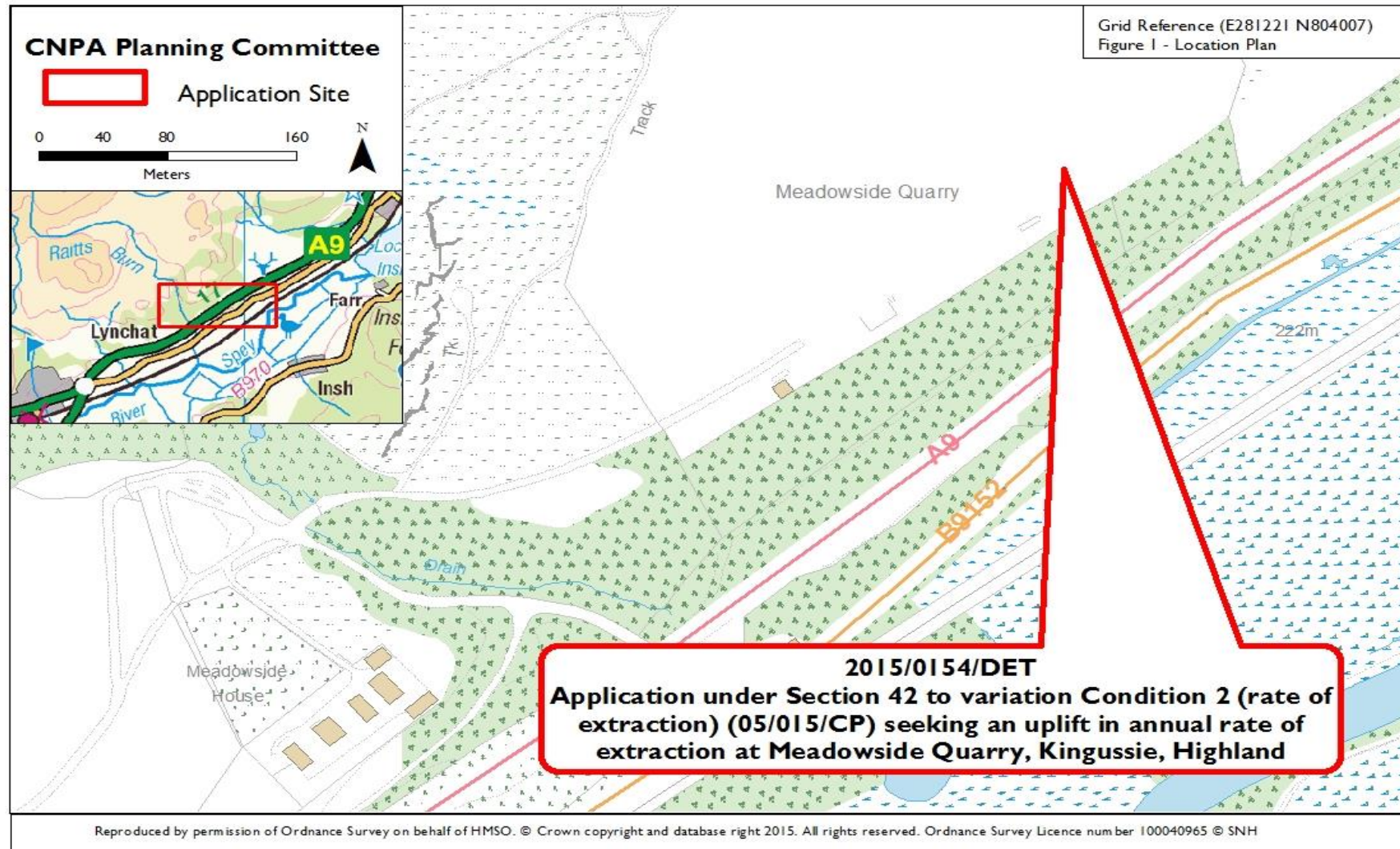


Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. 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=NOCIN0SI0C000>

Title	Drawing Number	Date on Plan	Date Received
Plan Proposed	M02/PA/15/01C	March 2015	18 May 2015
Supporting Statement		May 2015	18 May 2015

Development Proposal

2. The site subject to this planning application, for a temporary increase in the permitted rate of mineral extraction, is located at Meadowside Quarry approximately 2km south-west of Kincaig. **See Figure 1 Location Plan.** The applicant states that the operational hard rock quarry currently produces up to 50,000 tonnes per year of premium aggregates and concrete for use by the local construction industry within the National Park.
3. The application is submitted by Breedon Aggregates Ltd who employs over 650 people in Scotland and is one of the leading producers of material and construction products throughout Scotland.
4. The S42 planning application is submitted seeking permission to develop the site without complying with the conditions (specifically condition 2) of planning permission 05/015/CP (granted 27 June 2011) in so far as the applicant seeks to vary the extraction limit set by condition 2 for a temporary period. The applicant does not seek to vary the remaining terms of the active planning permission and they would remain to be transferred to any new permission that may be issued along with any additional conditions that are required.
5. A statement was submitted by the applicant in support of the proposed increase in extraction, temporary access road (outwith the quarry site) and mobile asphalt plant (outwith the quarry site) at/and adjacent to Meadowside Quarry for the supply of asphalt, aggregates and concrete. The additional materials are required to supply the construction of the duelling of the A9 (T) between Kincaig and Dalraddy.
6. This application is submitted as one of 3 separate planning applications, 2015/0154/DET, 2015/0152/DET, and 2015/0151/DET (subject to determination by the Planning Committee), and a further prior approval

under permitted development afforded quarry operations to Highland Council.

7. The permitted quarry area comprises approximately 6.9 hectares of ground, the majority of which is currently subject to quarrying activity **See Figure 2**. The land to the north and east is farmland and woodland with the A9 (T) to the south. The area immediately west of the quarry is previously developed land having been subject to quarrying and some historical industrial use. The Highland Wildlife Park lies approximately 500m to the west, with holiday properties forming the Meadowside House complex approximately 500m south west of the quarry perimeter.



Figure 2 - Quarry location and surrounds.

Site History

8. The existing quarry operation was consented by the CNPA on 27 June 2011 under planning permission reference 05/015/CP. Permission was granted for a period of 20 years from the date of the consent (to expire 27 June 2031). The quarry currently produces both dry aggregates, and concrete from an on-site concrete plant with the quarried material being used locally, mainly in the Aviemore, Kincaig, Kingussie and Newtonmore areas to serve road maintenance and local construction projects.
9. The quarry was originally opened as part of the construction on the original A9 (T) and also housed an asphalt plant to facilitate these works. The quarry previously operated under Highland Council planning consent reference 97/00112/FULBS which was granted on 22 January 1999. That permission was for a renewal of a previous 10 year permission originally granted in August 1986 (with quarry working having ceased in May 1995 following the expiry of the operators lease and the 1999 application renewing the extraction period).

10. In addition to the full planning permission with conditions granted under 05/015/CP (condition 2 being subject to variation as part of this application), there is a section 75 legal agreement which relates to the restoration of the quarry and a bond of financial guarantee in respect of these works.
11. The 2005 planning application was accompanied by a detailed Environmental Statement outlining all relevant environmental considerations taken against the development. The outcome of the assessment which determined that the development was acceptable in environmental terms, with appropriate controlling conditions, was applied to ensure that the development proceeded within the parameters assessed under EIA.
12. The quarry site has seen an almost continual commercial operation since 1986.

DEVELOPMENT PLAN CONTEXT

National policy

13. **Scottish Planning Policy** (SPP, revised 2014) sets out national planning policies that reflect Scottish Ministers priorities for the operation of the planning system and for the development and use of land. Under planning law, planning applications must be determined according to the development plan unless material considerations indicate otherwise. The content of SPP is a material consideration in planning decisions that carries significant weight. The SPP promotes consistency in the application of policy across Scotland while allowing sufficient flexibility to reflect local circumstances.
14. The SPP sits alongside four other Scottish Government planning policy documents:
 - a) The **National Planning Framework** (NPF) which provides the statutory framework for Scotland's long term spatial development. The NPF sets out the Scottish Government's spatial development policies for the next 20 to 30 years;
 - b) **Creating Places**, the policy statement on architecture and place, containing the Scottish Government's policies and guidance on the importance of architecture and design;
 - c) **Designing Streets**, a policy statement putting street design at the centre of placemaking. It contains policies and guidance on the design of new or existing streets and their construction, adoption and maintenance; and
 - d) **Circulars**, which contain policy on the implementation of legislation or procedures.

Strategic Policies

Cairngorms National Park Partnership Plan (2012-2017)

15. The Cairngorms National Park Plan sets out the vision and overarching strategy for managing the Park and provides focus and priorities at a time of limited financial resources. The Plan also provides a strategic context for the Local Development Plan and shows how the four aims of the National Park can be achieved together. It sets out the strategic direction and priorities for the Park.
16. Three long term outcomes for the Park are set out as follows:
 - a) A sustainable economy supporting thriving businesses and communities;
 - b) A special place for people and nature with natural and cultural heritage enhanced; and
 - c) People enjoying the park through outstanding visitor and learning experiences.

These outcomes address the interaction of the three main characteristics of the National Park these being that the Park is an internationally important area for nature conservation; a fragile rural economy, and an internationally known tourism destination. Recognising the relationship of these outcomes is at the heart of the National Park. A series of work programmes to help deliver the outcomes is set out in the Plan.

Local Plan Policy

Cairngorms National Park Local Development Plan (2015)

17. 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/park-authority/planning/local-development-plan>. Key policies relevant to the proposed development are summarised below:
18. *Policy 2: Supporting Economic Growth* seeks to ensure that sustainable growth in the economy of the park is at the heart of supporting our communities, helping them become and remain vibrant and attractive places for people to live and work. The economy of the National Park is based on a number of sectors, including land management, tourism, recreation etc. The policy aims to assist existing businesses and create a flexible framework whilst ensuring that new development is supported by robust and 'fit for purpose' infrastructure, which makes access to the wider economy as simple as possible. This must all be achieved in a way which protects the special qualities that make the park an attractive place to invest.
19. *Policy 4: Natural Heritage* ensures that development conserves and enhances the outstanding natural heritage of the National Park. It offers the necessary level of protection from adverse development and enables enhancement. It

supports the international reputation of the Cairngorms National Park as a high quality place for nature and the contribution of the National Park to Scottish biodiversity targets. It also enhances the special qualities which make the Cairngorms an attractive place to live and work. Development that would adversely affect the Cairngorms National Park will only be permitted where it will not adversely affect the integrity of the area or the qualities for which it has been designated, or any such adverse effects are clearly outweighed by social, economic or environmental benefits of national importance, and compensated by the provision of features of commensurate or greater importance than those that are adversely affected. Development that would have an adverse effect on any European Protected Species will only be permitted in cases of special justification.

20. Policy 5: Landscape does not seek to keep landscapes unchanged, but to ensure that they evolve in ways that conserve and enhance the special qualities. In practice this means making the most of every opportunity that comes as a result of a development proposal to ensure that development conserves and enhances the distinctive characteristics we value, making changes where opportunities for enhancement exist, and avoiding change that would erode the characteristics that make the Park a special place. The policy supports development that contributes to landscape enhancement and protects against development that would erode the landscape qualities we value.
21. Policy 10: Resources ensures that new development or engineering works requiring planning permission protects our important resources. Development to exploit mineral reserves will only be considered favourably where:
 - a) the developer can demonstrate the market within the Cairngorms National Park where the mineral will be used to provide other social economic benefits; and
 - b) there are no adverse environmental impacts; and
 - c) the material furthers conservation of the distinctive landscape character and built environment of the Park; and
 - d) full restoration details are incorporated as part of the proposal; and
 - e) no suitable and reasonable alternatives to the material are available.
22. Policy 11: Developer Contributions development which necessitates decommissioning of plant, structures or associated infrastructure will be required to provide an appropriate bond to cover the costs of remedial, restoration or reinstatement work.

Statutory and Non-statutory Planning Guidance

23. Current planning guidance on sustainable design, natural heritage and landscape sets out the issues to be considered and these are largely reflected in the statutory Supplementary Guidance and non-statutory Planning Guidance which are proposed for adoption by the Board.

CONSULTATIONS

24. **Community Council** the Kincaig and Vicinity Community Council decided to endorse the planning applications for the temporary development of Meadowside Quarry. The diverting of quarry traffic away from the B9152 will be welcomed, especially as this road will be carrying A9 traffic during the construction of the dual carriageway.
25. **CNPA Landscape Officer** states that the increased extraction rate involves the removal of consented material only and will not involve increasing the size of the quarry area beyond that already consented. There is an existing restoration plan which should be implemented following the completion of the current permitted extraction phase. Should the permitted volumes of material be extracted sooner than expected this will trigger the earlier implementation of the restoration plan. Whilst there are no landscape impacts beyond the development already permitted, a revised restoration plan can take account of the regeneration trees and other vegetation on the benches at the rear to retain natural mitigation.
26. **CNPA Ecological Advisor** states that the increased extraction rate involves the removal of consented material only and will not involve increasing the size of the quarry area. As such there are no impacts on ecology and I have no comments to make.
27. **Highland Council Environmental Health** No response at the time of reporting.
28. **Highland Council Archaeology** There are no historic environment issues.

REPRESENTATIONS

29. When deciding an application for planning permission, the authority must also take into consideration representations received timeously under the provisions. Representations have been received, objecting to this and associated proposals. The representations are included and attached as **Appendix I**.
30. A representation was received from the Property and Estate Manager of the Highland Wildlife Park. They consider the temporary access (officers note: subject to a separate application) to be of the utmost importance on the grounds of public safety as the existing access is shared by visitors to the park and Meadowside House. Details of the effects of the new tar and concrete plants would help to determine possible issues for customers, staff, and the animal collection.

31. Representations were submitted by two individuals, both owners of holiday cottages at the nearby Meadowside House complex, with one of the objectors also acting on behalf of the other owners of further properties at Meadowside House. The basis for the objections being:
- a) That the proposal is for the large scale expansion of operations;
 - b) The likelihood of continued use beyond the temporary period;
 - c) Concerns over the operators use of the site;
 - d) Possibility of vibration, noise, dust, smell, traffic impacts etc;
 - e) Change in the existing views;
 - f) Concern that the alternative access will not be used;
 - g) If approved it is essential that the temporary access be approved;
 - h) Blight on a valuable tourism enterprise.

APPRAISAL

Principle

32. When determining a planning application the planning authority is required to make the determination in accordance with the provisions of the development plan unless other material considerations indicate otherwise. This creates a presumption in favour of development proposals which are in accordance with the provisions of the development plan.
33. The proposal is submitted by Breedon Aggregates Scotland Ltd to provide material for the immediate demands of the A9 (T) duelling project led by Scottish Ministers through Transport Scotland. The quarrying activity at the site is established and consented. Therefore the principle of mineral extraction at the site is agreed.
34. The S42 application seeks to vary the terms of the existing consent, in this case being to seek an increase in the allowable rate of annual extraction, but on the proviso that material exported above the current allowance be taken via a new temporary access route subject to a separate consent. It should be noted that in deciding the application, the CNPA can only consider the conditions and there is not risk of the applicant losing the current permission. If the CNPA decides that permission should be granted subject to the same conditions (as applied to the 2005 consent) then this application would be refused. If this application is successful then a new permission would be granted subject to different conditions or unconditionally.
35. It should be noted that a separate planning permission is being sought under planning application 2015/0152/DET for a temporary access (up to 2 years) from the eastern extent of the quarry area directly to the A9 (T) construction site. The applicant proposes that any additional extraction of material beyond the 50,000 tonnes per year that is already consented, be transported via the temporary alternative access route. Therefore any consent should be tied to the further development.

Landscape and Environmental Impacts

36. The current proposal to increase the rate of extraction from the quarry site is wholly contained within the consented extraction area. There is no requirement for a further extension to the quarry to supply the temporary increase in extraction rate.
37. In respect of the long term landscape restoration, the proposal would entail an increased rate of extraction without exhausting the mineral reserve. Therefore the existing restoration proposals, secured by the 2005 permission and S75 restoration bond, would be sufficient to control the site restoration and mitigate for the long term landscape and environmental impacts. However, it was noted on the site inspection that some natural regeneration on benches has occurred, with the CNPA Landscape advisor suggesting that the restoration proposals be modified to take advantage and safeguard this natural regeneration and take account of any additional bunding to the east of the site. It is proposed that should planning permission be granted the restoration plan be updated accordingly as part of a variation of the S75, or entering into a new S75 for restoration that would be required to take account of the new permission.
38. In respect of noise, whilst we have no record of a response from the Highland Council EHO at the time of reporting, the Highland Council's Principal Environmental Health Officer at the time of the application for the active permission advised that he had no objection to the quarrying proposal. He did, however, suggest that planning conditions be imposed to minimise potential impacts on neighbouring properties. These relate to restricting hours of operation (Monday to Friday 0700hrs until 1800hrs, Saturday 0700hrs until 1400hrs, with no processing on Sundays) methods of dust control (requirement to employ measures contained within the EIA), maximum levels of noise (requirement not to exceed levels measured in the EIA), and vibration control (comply with levels stated in the EIA). It is proposed that all planning conditions regulating environmental controls be transferred to any permission and it should be noted that any resident would still have recourse of contact with the local EHO or planning authority if it were considered that an issue arose.
39. The applicant states that the additional blasting requirement to extract the extra 100,000 tonnes per year would need a further 4-5 blasts per year. No increase in measured vibration would occur which would be below specified limits of the consent and regulatory advice. It is also a requirement for a blast monitoring programme to be maintained and that the operators are required to notify the EHO of dates when drilling and blasting would occur. Therefore on account of the infrequent nature of the blasting and controls applied on the consent there would be no unacceptable detrimental impacts upon the residential and general amenity of the area.
40. Whilst representations raise concern over the existing quarry operations, a search of the CNPA enforcement register did not identify that any formal investigation of operator performance at the Meadowside Quarry had

occurred. It should be noted that any neighbouring land owner or resident may contact the CNPA planning enforcement officer should they be concerned with any particular issues of the ongoing quarry operations.

41. It is considered that the continued implementation of measures set by planning conditions under the terms of the existing permission, to be re-issued with the S42 revision, remain sufficient to manage the environmental impact arising from the development. Therefore it is considered that appropriate control measures are maintained.

Access

42. Access to the site is currently via the B9152 public road leading to the shared minor road which also serves the Highland Wildlife Park and Meadowside House **See Figure 3 & 4**. Existing traffic leaving the site currently turns north towards KinCraig and Aviemore or south towards Kingussie and Newtonmore on the B9152.



Figure 3 – Current shared access with Meadowside House and Wildlife Park from the B9152



Figure 5 – location of proposed alternative access

46. The use of the temporary access road for the delivery of approximately 100,000 tonnes of material per annum directly to the A9 (T) Kincaig to Dalraddy duelling section would result in significantly less HGV kilometres travelled in comparison to the use of the existing quarry access, provide significant journey time savings, and all other associated environmental benefits.
47. It is recommended that, should permission be granted, a condition of the consent be applied to permit an increase in the rate of extraction beyond 50,000 tonnes only when the direct temporary access is provided.

Other Material Considerations

48. A material consideration in this case is one of 'need'. Ordinarily to require a landowner, such as Breedon Aggregates Scotland Ltd, to show the need for a proposed development is excessive interference with rights of ownership. However, in this particular case the applicant has volunteered information to demonstrate a clear 'need' for the temporary increase in rates of extraction to supply the major infrastructure project demands of the A9(T) duelling (Kincaig to Dalraddy) immediately adjacent to the quarry site.
49. It is also relevant to consider what development can be carried out on the site in terms of existing permissions or by exercising permitted development rights. In this particular case the site benefits from a current planning consent, albeit with a limit on extraction of 50,000 tonnes. The operator may continue under the terms of the existing planning permission but see a need to react to the immediate local demand as the driver for the current proposal to increase the rate of extraction on a temporary basis and to minimise the environmental disruption of the A9(T) duelling.

CONCLUSION

50. Meadowside Quarry is a consented and established quarry which has been supplying the needs of local construction projects, including the original A9 (T) construction, since 1986.
51. The quarry operator wishes to supply the immediate local demand for material as part of the ongoing A9 (T) duelling project which is now coming on stream.
52. The proposal seeks permission for a temporary increase in the amount of material to be extracted annually from the quarry reserve (overall reserve in the region of 1,000,000 tonnes) from 50,000 tonnes, to 150,000 tonnes for 2 years only.
53. The environmental impacts of the proposal were considered fully during the assessment of the merits of the most recent application (05/015/CP) with planning consent issued and restoration proposals agreed in 2011. The quarry consent has a further 16 years remaining with any increase in extraction to the applied amount being within the parameters of the assessment.
54. Provided that any export of material beyond 50,000 tonnes be taken via an alternative access directly to the A9 (T) construction site (subject to a further permission for access) the environmental impacts, including dust, noise etc arising from a temporary increase in extraction are within the parameters set and agreed under the terms of the 2005 consent and would not have any additional significant direct impact upon nearby land owners and uses.
55. It is considered that on account of the established nature of the development, the quarrying activity is proven to be compatible with existing business activity in the area. It supports the vitality and viability of the broader economy of the park by providing direct employment whilst providing a sustainable supply of materials for both the ongoing local demand, and an immediate strategic demand. Mineral extraction for works near to source would reduce the load on the existing road network whilst reducing the potential for conflict between large vehicles and other road users. Therefore the proposal complies with Policy 2 of the CNP LDP 2015.
56. The submitted documentation including supporting statement demonstrates a sustainable approach to the development with cognisance of the existing permissions for the site. Therefore the proposal complies with the relevant provisions and intent of Policy 3 of the CNP LDP 2015.
57. On account of the established quarrying activity and significant capacity of the mineral reserve, it is considered that there would be no adverse impact on habitats or species of interest and therefore the proposal complies with the provisions of Policy 4 of the CNP LDP 2015.

58. The development proposal will have no impact upon the landscape character and special qualities of the National Park in accordance with Policy 5 of the CNP LDP 2015. A bond is to be in place for site restoration.
59. The development proposal seeks to make use of an existing quarry site and mineral reserve to supply an immediate local demand, with the host quarry having been subject to EIA and full assessment. The proposal therefore complies with the provisions and intent of POLICY 10 (5) of the CNP LDP 2015.
60. A bond, being subject to variation, would cover the cost of restoration work and so the proposal complies with the relevant provisions of Policy 11 of the CNP LDP 2015.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

61. The proposed increase in mineral extraction is wholly contained within the consented development at Meadowside Quarry. There are no detrimental impacts upon the Natural and Cultural Heritage of the Area.

Promote Sustainable Use of Natural Resources

62. A temporary increase in extraction to serve an immediate demand in close proximity of the quarry site, would avoid the need to import heavy materials from a distance to the A9 (T) duelling construction, and would efficiently draw from the established mineral resource.

Promote Understanding and Enjoyment of the Area

63. The proposal is contained within the quarry area, and when viewed in association with the A9 (T) duelling works would have minimal impact upon the understanding and enjoyment of the area.

Promote Sustainable Economic and Social Development of the Area

64. The proposal would assist in securing direct employment within the Park and reducing transportation costs and impacts from distant import of materials. The conditioning of any consent to the approval of a temporary alternative access would ensure that there are no additional impacts to the business and recreational interests within the area.

RECOMMENDATION

That Members of the Committee support a recommendation to GRANT PLANNING PERMISSION to vary Condition 2 (rate of extraction) (approved under ref: 05/015/CP (05/00008/FULBS)) seeking an uplift in the rate of annual extraction from 50,000 T to 150,000 T) for a period not exceeding 2 years subject to the confirmed variation of the S75 legal agreement securing the restoration bond, or the entering into a new S75 legal agreement for a replacement restoration bond to reflect the new permission, and the following conditions:

- 1 This permission shall endure until 27 June 2031 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 retains effective control.

- 2 The rate of extraction shall not exceed 50,000 tonnes in any given year, unless a minimum of 14 days written notice is submitted to and approved in writing by the CNPA acting as planning authority, thereafter a temporary increase in the rate of extraction to no more than 150,000 tonnes per year for a continuous period of no more than 2 years from the date of acceptance of that written notice is permitted, upon the expiry of the two year period, the rate of extraction shall revert back to the original limit and not exceed 50,000 tonnes in any given year for the lifetime of the development.

A detailed record of extraction amounts shall be retained by the quarry operator and submitted within 1 month of the end of every calendar year or at the request of the CNPA.

Reason: to regulate the rate of extraction in the interests of general and residential amenity and to allow the Planning Authority to monitor the workings undertaken and retain effective control over quarry operations.

- 3 Notwithstanding condition 2 above, material export from the site via the existing access to the B9152 shall be limited to no more than 50,000 tonnes.

Reason: to regulate the export of material to minimise the transport and environmental impacts arising from the development on surrounding land uses and residents.

- 4 Notwithstanding condition 2 and 3 above, there shall be no export of material from the site above the agreed 50,000 tonne limit unless the route of export is first agreed in writing by the CNPA as Planning Authority.

Reason: to regulate the export of material to minimise the transport and environmental impacts arising from the development on surrounding land uses and residents.

- 5 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.

- 6 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.

- 7 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.

- 8 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.

- 9 In addition to Condition No. 8 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.

- 10 In addition to Condition Nos. 8 and 9 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.

- 11 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.

- 12 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.

- 13 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.

- 14 In addition to Condition No. 13 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.

- 15 In addition to Condition Nos. 13 & 14 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.

- 16 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.

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.

Officer Name: Matthew Taylor

planning@cairngorms.co.uk

Date: 04/09/2015

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.