
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: AMENDMENT TO PLANNING CONDITION

**Case Officer: MATTHEW TAYLOR
(PLANNING OFFICER,
DEVELOPMENT MANAGEMENT)**

DEVELOPMENT: 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

APPLICANT: Breedon Aggregates Scotland Ltd

DATE CALLED-IN: 18 May 2015

RECOMMENDATION: APPROVAL OF AMENDMENT (officer recommendation to alter the previously agreed condition 1 wording on site restoration prior to the issue of decision notice)

BACKGROUND

1. In September 2015, the Planning Committee agreed to approve this Section 42 planning application to vary condition 2, allowing for an increase in the rate of extraction. The approval was subject to an updated Section 75 legal agreement being signed to secure site restoration and aftercare. **(See earlier report attached as Appendix).**
2. In order to provide a secure S75 agreement for the new consent, officers and the CNPA's legal adviser reviewed the earlier S75 Agreement and bond provision. This review identified that while the S75 Agreement can include specific obligations to restore and carry out aftercare, a cheaper and more easily enforceable approach would be to require appropriate restoration and aftercare directly through a planning condition and limiting a S75 agreement to an appropriate guarantee that those works would be funded.

3. Officers have worked with our legal adviser to identify a suitable revised wording to condition 1 (for restoration and aftercare) that would provide a robust mechanism for the CNPA as planning authority to secure restoration and aftercare for the site. The proposed wording is flexible enough to apply to the end of the temporary period for extraction, or earlier, should the extraction be completed or cease for a period of 2 years.
4. The suggested amendment has been discussed with the site operator (Breedon Aggregates) who are agreeable to the proposal. The Planning Committee and CNPA as planning authority can modify the wording of conditions attached to the consent where they see fit.

RECOMMENDATION

That the Committee agree to the amended wording of condition 1 as follows:

Condition 1 Amended Wording

All quarry workings hereby permitted shall cease by 27 June 2031. Site restoration in accordance with the approved restoration/aftercare plan shall be completed within 12 months from the earlier of (1) 27 June 2031 or (2) the date when the winning and working of minerals has either (a) been completed or (b) has ceased for a continuous period of 2 years. Thereafter, aftercare comprising the woodland planting maintenance measures detailed in the approved restoration/aftercare plan shall be implemented over the periods specified in the approved restoration/aftercare plan.

Reason: To reflect the temporary nature of the proposal and to ensure the Planning Authority retains effective control over site restoration in the interests of landscape and ecology in accordance with Local Development Plan Policy 4: Natural Heritage and Policy 5: Landscape.

All other wording and terms shall remain as previously agreed for issue of decision notice upon the conclusion of the S75 Legal Agreement