
CAIRNGORMS NATIONAL PARK AUTHORITY

DEVELOPMENT PROPOSED:

Amendment of current time limits (08/00111/FULBS condition 1) on use of land for waste disposal by landfill at Landfill Site Granish B9152 Grampian Road - A95t Junction Aviemore Highland

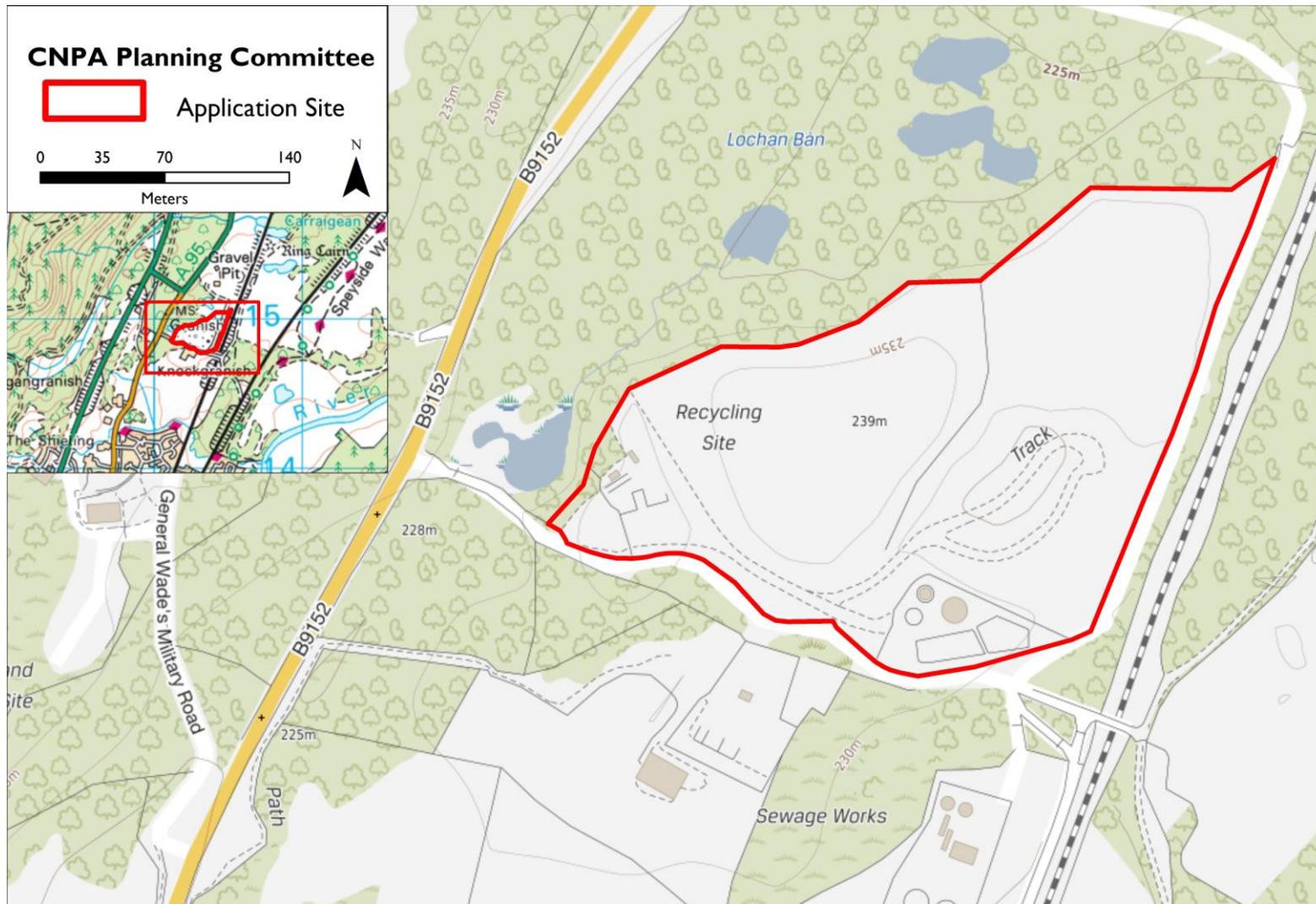
REFERENCE: 2020/0008/DET

APPLICANT: Mr Andy Summers

DATE CALLED-IN: 13 January 2020

RECOMMENDATION: Approve subject to conditions

CASE OFFICER: Stephanie Wade, Planning Officer



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SITE DESCRIPTION, PROPOSAL AND HISTORY

Site Description

1. The application site is an active landfill and recycling centre run by Highland Council, located immediately north of Aviemore within the area known as Granish. The A95 lies approximately 1km to the west of the site and the main railway line lies to the east. Access to the site is via a shared lane off the eastern side of the B9152.
2. To the north of the site is an active sand and gravel quarry commercial business; to the south of the site are the sewerage works and a water treatment plant and a Go-Karting business.
3. The landfill covers most of the site area with a site office, weighbridge, waste containers and areas of hardstanding for parking located within the south-western corner of the site.

Proposal

4. 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=Q3SS2FSI0BY00>

| Title | Drawing Number | Date on Plan* | Date Received |
|-------------------------------------|-----------------------------------|------------------|-----------------|
| Plans | | | |
| Location Plan | YEHBX1004-THC13-LPL-W08-DR-C-0001 | 31 January 2019 | 13 January 2020 |
| Location Plan and Site Boundary | YEHBX1004001 | 18 December 2019 | 13 January 2020 |
| Final Restoration Layout Plan | YEHBX1004002 | 18 December 2019 | 13 January 2020 |
| Final Restoration Cross Sections | YEHBX1004003 | 18 December 2019 | 13 January 2020 |
| Supporting Information | | | |
| Description of Proposed Development | GPA/2019 | | 13 January 2020 |

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

5. The application seeks to vary condition one attached to planning permission ref. 08/0111/FULBS. This application granted permission for the “extension of time limits on use of land for waste disposal” at the Landfill site at Granish. Condition one

attached to that permission states: “The use of the land, together with all engineering, building, and other operations, and subsequent management and operation of the facilities hereby approved, shall at all times be carried out in accordance with application unless expressly approved otherwise by the Planning Authority. Landfill disposal shall cease not later than 31 March 2020 unless otherwise agreed by the Planning Authority.

6. The amendment proposed to the stated condition is to extend the time period in which landfilling may take place to 31 March 2023 to ensure that the void space remaining within the site is utilised effectively.
7. Plans of the proposal are included at **Appendix I**.

History

8. The application has a historic use as a landfill and waste disposal site and has been the subject of two applications in recent years. These are outlined below.
9. As stated above, in 2008 permission was granted for the extension of the time limits for the use of the landfill at Granish until 31 March 2020. Permission was granted on 04 June 2008 and was subject to a number of planning conditions.
10. More recently, planning permission was granted on 12 November 2019 by Highland Council, for the erection of a waste transfer station for recyclable materials, siting of a welfare unit, septic tank and associated car parking.

DEVELOPMENT PLAN CONTEXT

Policies

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

11. All new development proposals require to be assessed in relation to policies contained in the adopted Local Development Plan. The full wording of policies can be found at:

<http://cairngorms.co.uk/uploads/documents/Park%20Authority/Planning/LDPI5.pdf>

Planning Guidance

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

| | | |
|-----------|---------------------------------------------------|---|
| Policy 1 | New Housing Development Non-Statutory Guidance | |
| Policy 2 | Supporting Economic Growth Non-Statutory Guidance | |
| Policy 3 | Sustainable Design Non-Statutory Guidance | X |
| Policy 4 | Natural Heritage Supplementary Guidance | X |
| Policy 5 | Landscape Non-Statutory Guidance | X |
| Policy 7 | Renewable Energy Supplementary Guidance | |
| Policy 8 | Sport and Recreation Non-Statutory Guidance | |
| Policy 9 | Cultural Heritage Non-Statutory Guidance | |
| Policy 10 | Resources Non-Statutory Guidance | X |
| Policy 11 | Developer Contributions Supplementary Guidance | |

Cairngorms National Park Local Development Plan 2020

13. The emerging Cairngorms National Park Local Development Plan (“Proposed Plan”), which will cover the period of 2020 – 2025, is currently being progressed. The proposed plan has been through a public consultation process and the formal response have been assessed and submitted along with all other relevant materials to Scottish Ministers for examination. As the examination of the Proposed Plan is currently underway, the Proposed Plan and its contents currently carry limited weight.

CONSULTATIONS

Summary of the main issues raised by consultees:

14. **Scottish Environment Protection Agency (SEPA)** has no objection to the application, noting that the existing planning permission requires landfill disposal to cease by 31 March 2020 with landscaping to be carried out not later than the spring 2021 planting season and this application seeks to extend the time period in which landfilling may take place to 31 March 2023 to ensure that the void space remaining within the site is utilised effectively. SEPA note they are working with the operator to address regulatory requirements in respect of the proposal.
15. **Highland Council Transport Planning Team** confirms that they have no objection to this application for an extension of time.
16. **Highland Council Environmental Health Officer** was consulted on the application but has not provided any specific comments.

17. **Aviemore Community Council** supports the application noting that it is a sensible and sustainable use of the existing landfill site.

REPRESENTATIONS

18. The application has been advertised for a period of 21 days and no letters of public representation have been received.

APPRAISAL

19. The issues that require consideration in relation to this application are whether the variation of the condition to extend the operation time of landfill on site is considered acceptable by way of its principle, and its impact on the wider area.

Principle

20. **Policy 10: Resources** of the Cairngorms National Park Local Development Plan 2015, under sub-policy 8: Landfill, states that there will be a presumption against the development of new landfill sites and for amendments to or extensions of existing landfill sites unless the development:
- includes appropriate measures for site restoration; and
 - has fully considered site selection to ensure reinstatement of derelict or despoiled land; and
 - includes the principles of self-sufficiency in terms of capacity and location; and
 - provides on-site facilities to allow recycling/ waste treatment.
21. The site has been operating as an active waste disposal unit, together with its recycling centre since its original permission which was subsequently extended in 2008. The principles of those operations were therefore established within those applications. The existing development at this site has been operating since that date with no apparent adverse impacts or neighbour complaints.
22. The Planning Statement which supports the application outlines the reasoning for the extension of operation request. This states that “the continued success of recycling services for householders and businesses in Badenoch and Strathspey has resulted in further reductions in the quantity of municipal wastes requiring disposal at Granish landfill. Mixed municipal waste deposits have reduced by approximately 25% since the last planning operation time extension in 2008, and therefore the site capacity has been used up more slowly than expected at that time. The proposed time extension does not require any physical changes to the extent of landfilling at the site. The submission includes a revised restoration profile for the site, which is lower than that previously approved. By reducing the contours, the remaining void capacity is reduced by approximately 55,000m³ to approximately 32,000m³.”
23. The Scottish Government have legislated for a ban on the landfilling of biodegradable municipal waste (BMW). This was originally due to be implemented from 1st January 2021; however this date has been delayed until 2025. In preparation for this the applicants have recently had planning permission granted for a Waste Transfer Station

at the site and the proposed extension to the operation time of the landfill accords with the Government's legislation.

24. Taking the above justification into account, and noting that the proposal does not physically extend the landfill site, and instead allows restoration to take place on a reduced landfill area, the proposal is considered to accord with Policy 10: Resources of the Cairngorms National Park Local Development Plan 2015.

Environmental Matters

25. **Policy 4:** Natural Heritage of the Cairngorms National Park Local Development Plan 2015 seeks to ensure that there is no adverse impact upon protected species or biodiversity. **Policy 10:** Resources seeks to ensure development does not give rise to harm to resources of the environment.
26. The proposed variation of condition to the operation time of the landfill does not propose to alter any of the existing mitigation measures already in place for the proposal, which ensure the proposal does not adversely impact the environmental qualities of the surrounding areas.
27. SEPA confirm no objection to the application and note that they are working with the operator to address their regulatory requirements in respect of the proposal.
28. The proposed variation of condition is therefore considered to be in accordance with the requirements of Policy 4: Natural Heritage and Policy 10: Resources of the Local Development Plan 2015.
29. The proposed reinstatement works and landscaping shall take place in accordance with the existing and implemented landscaping scheme which covers the areas of filled landfill within the site. This can be secured by way of planning condition.

Landscape Matters

30. **Policy 5:** Landscape of the Cairngorms National Park Local Development Plan 2015 presumes against development which does not conserve and enhance the landscape character and special qualities of the National Park and in particular, the setting of the proposed development.
31. The areas of the landfill, which have been filled in to date, have been subject to a landscaping and reinstatement scheme as approved by condition no. 6 attached to the 2008 permission. An amended final contours plan has been submitted with this variation application to lower the final profile of the cells 2 and 3, and this reduction is welcomed in terms of lessening the visual impact of the works.
32. For the proposed restoration works, it is understood that the topsoil layer of the waste profile will be increased by 1000mm and grassed over with the planting of trees to match the existing landscaping scheme of the previously restored areas of the landfill. A post determination condition is therefore recommended to request the submission of the final landscaping scheme for the remaining area of landfill to be

restored to ensure that its visual impact is acceptable, taking into account the amended profiles of the landfill.

33. Subject to the amendment to the landscaping condition, the proposal is considered to be in accordance with Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2015.

Other Issues Raised in Consultations and Representations

34. The matters raised by consultees and contributors have been addressed throughout this report. Aviemore and Vicinity Community Council supports the application noting that it is a sensible and sustainable use of the existing landfill site.
35. The Highland Council Transport planning Team has no objection to the proposal.

CONCLUSION

36. The proposed variation of condition to extend the operation time of the landfill is considered to be acceptable and in compliance with government legislation which looks for the closure of landfills for municipal waste in 2025.
37. The proposal does not look to alter any of the existing mitigation measures already in place for the landfill, which ensures the proposal does not adversely impact the environmental qualities of the area.
38. In these overall circumstances the development is considered to comply with all relevant policies of the Cairngorms National Park Local Development Plan 2015 and the collective aims of the National Park. There are no other material considerations which would warrant the refusal of planning permission. Approval is therefore recommended subject to appropriate planning conditions.

RECOMMENDATION

That Members of the Committee support a recommendation to APPROVE the Amendment of current time limits (08/00111/FULBS condition 1) on use of land for waste disposal by landfill at Landfill Site Granish B9152 Grampian Road - A95t Junction Aviemore Highland subject to the following conditions:

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

Conditions

- I. The use of the land, together with all engineering, building and other operations, and subsequent management and operation of the facilities, hereby approved, shall at all times be carried out in accordance with the approved plans and documents unless expressly approved otherwise by the Planning Authority. Landfill disposal shall cease not later than 31 March 2023.

Reason: The capacity of the site to accept landfill shall (unless otherwise demonstrated) be fully used by that date and to ensure that work on site proceeds without damage to the environment in accordance with Policy 4: Natural Heritage and Policy 10: Resources of the Cairngorms National Park Local Development Plan 2015.

2. Passive landfill gas ventilation systems shall be installed and thereafter monitored throughout the lifetime of gas production from the development hereby permitted. Monitoring and sampling of landfill gas ventilation systems shall be carried out at a frequency agreed by the Planning Authority. Full records of all monitoring shall be maintained and made available on request of the Planning Authority.

Reason: In the interests of preventing any adverse impacts on the air quality of the area in accordance with Policy 10: Resources of the Cairngorms National Park Local Development Plan 2015.

3. At no time shall any burning take place on site.

Reason: In the interests of preventing any adverse environmental impacts on the area in accordance with Policy 10: Resources of the Cairngorms National Park Local Development Plan 2015.

4. At no time shall excavation or tipping take place below the natural ground water level.

Reason: In the interests of preventing any adverse environmental impacts on the local ground water and watercourses of the area in accordance with Policy 10: Resources of the Cairngorms National Park Local Development Plan 2015.

5. Within one year from the date of this decision notice, there shall be submitted for the approval of the Cairngorms National Park Authority, acting as Planning Authority, a full restoration and landscape plan. This plan shall include:
 - a. details of final land profiles
 - b. details of plants and trees, including: species mix, density, planting locations, planting operation, ground preparation and aftercare;
 - c. a long term management and maintenance plan for the site.

Within six months of the cessation of landfill operations of the development hereby permitted, the restoration works shall commence in accordance with the approved restoration and landscape plan and thereafter shall be implemented in full in accordance with the approved details.

Reason: In the interests of visual amenity and bio-diversity in accordance with Policy 4: Natural Heritage and Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2015.

6. No trees within the landholding as outlined in blue on the approved plans, shall be cut down, uprooted, lopped (including roots) or wilfully damaged unless otherwise agreed in writing with the Cairngorms National Park Authority acting as Planning Authority.

Reason: In the interests of visual amenity and bio-diversity in accordance with Policy 4: Natural Heritage and Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2015.

7. No excavation shall take place within 15 metres of the railway boundary fence and outside of a line running downslope at 45 degrees from that 15 metre buffer.

Reason: To protect the integrity of the Highland main railway line.

Informatives

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

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