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## CAIRNGORMS NATIONAL PARK AUTHORITY

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**Title: REPORT ON CALLED-IN PLANNING APPLICATION**

**Prepared by: MARY GRIER (PLANNING OFFICER, DEVELOPMENT MANAGEMENT)**

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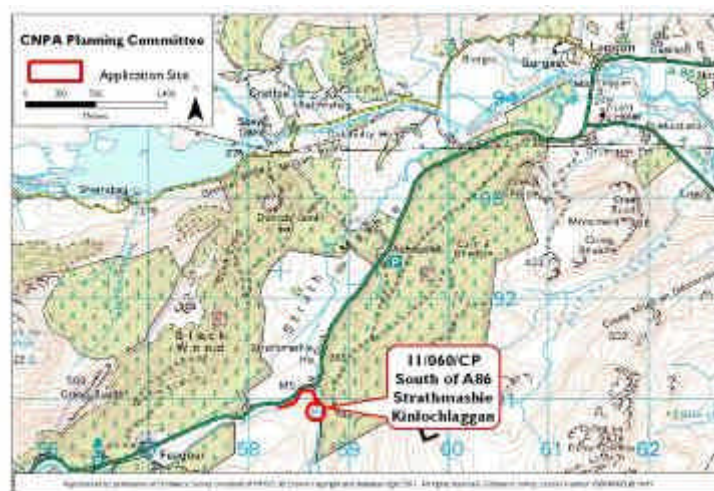
**DEVELOPMENT PROPOSED: PLANNING PERMISSION FOR THE FORMATION AND WORKING OF A BORROW PIT IN ASSOCIATION WITH BEAULY-DENNY OVERHEAD LINE PROJECT FOR ACCESS TRACK CONSTRUCTION ON LAND SOUTH OF A86, STRATHMASHIE, NEAR KINLOCHLAGGAN**

**REFERENCE: 11/060/CP**

**APPLICANT: MR. GARY KNOX, SCOTTISH HYDRO ELECTRIC TRANSMISSION LTD., DUNKELD ROAD, PERTH**

**DATE CALLED-IN: MARCH 4 2011**

**RECOMMENDATION: APPROVE WITH CONDITIONS**



Grid reference: 258648 790910 (easting northing)

Fig. 1 - Location Plan

## SITE DESCRIPTION AND PROPOSAL

1. Planning permission is sought for the formation and working of a borrow pit on land to the south of the A86 trunk road, at Strathmashie, near Kinlochlaggan, in the south western area of the National Park. The borrow pit extraction is required in connection with the access track construction in the area, as part of the Scottish Government permitted Beaully Denny overhead line project. The subject site extends to an area of approximately 0.64 hectares. Planning permission is sought for a period of five years. Although it is anticipated by the applicants that extraction work at the proposed borrow pit would only have a duration of 2 months, the five year period is intended to include the restoration period, which would occur towards the latter end of the Beaully Denny project works in the area.
2. The proposed site is on land which is within the Ben Alder Estate. The location already accommodates stockpiled material which has arisen from dredging of the adjacent River Mashie and has been in position for a number of years. The dredging work occurred some time ago and has been described by the applicants as having been undertaken in connection with the Lochaber Hydro Scheme infrastructure. A total of 7,500 m<sup>3</sup> would be extracted from the site. This would generate in the region of 100 daily vehicle movements over the two month period of extraction works, with vehicles using the existing rough gravelled track which leads from the site to the A86, from where they would travel eastwards towards the Achduchil junction and the upgraded track which leads from there towards Spey Dam and the Corrieyairack Pass.



**Fig. 2: Proposed site, showing existing stockpile**

3. The identified site boundaries include the area of the existing stockpile and the adjacent proposed car parking / vehicular turning area, as well as the existing access track which leads into the site (a length of approximately 0.55 kilometres). The site sits above the adjacent River Mashie which is located to the east. The area in which car parking / turning movements and welfare facilities are proposed is a grassy hard standing area, which appears to have been levelled in the past. The proposed welfare location would consist of a small store, a waste skip, spill kits and safety bins, a fuel storage area and car

parking provision. Heras fencing is proposed around the perimeter of the welfare location.



Fig. 3: Proposed site layout plan

4. Material which would be extracted from the site consists of already dredged material / cobbles. The nature of the material would require minimal crushing, screening and processing. A mobile crusher would be located in a central position within the stockpile area. The submitted plans indicate that the existing stockpile would be reduced by approximately 5 metres. The site would be worked from east (closest to the river) to west. It is proposed to install debris / silt fencing to the base of the stockpile in order to prevent material entering the River Mashie during the excavation process. Upgrading works are also proposed along the access track leading to the existing stockpile. The width of the track currently varies between 3.0 metres and 4.0 metres and passing places would be installed, using materials from the stockpile.



Fig. 4: Section of existing access track which runs parallel to the A86 trunk road

### Restoration

5. The applicants and their consultants have engaged in discussions with the CNPA's **Landscape Officer** in order to establish the nature of restoration proposals required at the site. The most recently submitted restoration proposals include proposals for three areas of the site –

- Compound site restoration: prior to the commencement of development a photographic record of the site would be compiled, following which vegetation would be stripped using an excavator bucket – topsoil would be removed separately from subsoil. At the end of the working period all buildings and materials would be removed from the site. Natural regeneration is the preferred option to restore the site, but it is also indicated that depending on the health of the vegetation returned to the site, some reseeded may be necessary. Any reseeded would involve the use of appropriate native species. The site would be monitored by a Project Landscape Architect for a minimum of three months in order to check on the re-vegetation success;
- Dredged spoil storage area: The stockpile of dredged material would be removed from the site as the main element of the work associated with this planning application. The cleared area is proposed to be reseeded with native grass species.
- Temporary stockpile area: The temporary stockpile area is proposed adjacent to the site compound. Vegetation, topsoil and subsoil would all be stored separately, with the topsoil and subsoil being sheeted as necessary. Bunds would be formed to a maximum of 1.5 metres in height. The restoration details refer to the fact that the borrow pit is only intended to be operational for a short time and stock piled material is expected to be returned to its place of origin before any degradation to the underlying vegetation occurs. Following removal of this, the site would be inspected by a Project Landscape Architect.

### **Justification**

6. Supporting information provided by the applicants refers to the Beaully Denny powerline project and describes the need to construct temporary tracks and upgrade some existing tracks, at various locations in order to provide access and facilitate construction of new tower positions. The tracks have already been granted consent by the Scottish Government under Section 37 of the Electricity Act 1989. The works to the new and existing tracks are intended to be constructed using locally supplied crushed aggregates and / or suitable sands and gravel from either commercial quarries or local borrow pits, located in close proximity to the access tracks.
7. The proposed site has been identified by the applicants as an appropriate borrow pit location, due to a combination of the availability of previously dredged material and its proximity to the proposed route (within 1 kilometre) of the new 400Kv overhead line and it being the nearest site to tower FT93. Material which would be extracted from the proposed site is intended to complement the stockpile of similar dredged materials located at the Spey Dam borrow pit, which was granted permission by the CNPA in 2009.<sup>1</sup>

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<sup>1</sup> CNPA ref. no. 09/093/CP.

## DEVELOPMENT PLAN CONTEXT

### National policy

8. **Scottish Planning Policy<sup>2</sup> (SPP)** is the statement of the Scottish Government's policy on nationally important land use planning matters. It supersedes a variety of previous Scottish Planning Policy documents and National Planning Policy Guidance. Core Principles which the Scottish Government believe should underpin the modernised planning system are outlined at the outset of **SPP** and include:
  - The constraints and requirements that planning imposes should be necessary and proportionate;
  - The system should .....allow issues of contention and controversy to be identified and tackled quickly and smoothly; and
  - There should be a clear focus on quality of outcomes, with due attention given to the sustainable use of land, good design and the protection and enhancement of the built and natural environment.
9. **SPP** emphasises the key part that development management plays in the planning system, highlighting that it should “operate in support of the Government's central purpose of increasing sustainable economic growth.” Para. 33 focuses on the topic of Sustainable Economic Growth and advises that increasing sustainable economic growth is the overarching purpose of the Scottish Government. It is advised that “the planning system should proactively support development that will contribute to sustainable economic growth and to high quality sustainable places.” Planning authorities are encouraged to take a positive approach to development, recognising and responding to economic and financial conditions in considering proposals that would contribute to economic growth.
10. Under the general heading of Sustainable Development, it is stated that the fundamental principle is that development integrates economic, social and environmental objectives, and that the “aim is to achieve the right development in the right place.”
11. As a replacement for a variety of previous planning policy documents the new **Scottish Planning Policy** includes ‘subject policies’, of which many are applicable to the proposed development. Topics include economic development, rural development, and landscape and natural heritage. The following paragraphs provide a brief summary of the general thrust of each of the subject policies.
12. *Economic development*: Planning authorities are encouraged to respond to the diverse needs and locational requirements of different sectors and to take a flexible approach to ensure that changing circumstances can be accommodated. The benefits of high environmental quality are also recognised and planning authorities are therefore required to ensure that new development safeguards and enhances an area's environmental quality and where relevant, also

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<sup>2</sup> February 2010

promote and support opportunities for environmental enhancement and regeneration.

13. *Rural development*: Para. 92 of **Scottish Planning Policy** states in relation to rural development that the “aim should be to enable development in all rural areas which supports prosperous and sustainable communities whilst protecting and enhancing environmental quality.” All new development is required to respond to the specific local character of the location, fit in the landscape and seek to achieve high design and environmental standards.
14. *Landscape and natural heritage*: The **Scottish Planning Policy** document recognises the value and importance of Scotland’s landscape and natural heritage. It is accepted that landscape is constantly changing and the aim is to facilitate positive change whilst maintaining and enhancing distinctive character. As different landscapes have different capacities to accommodate new development, the siting and design of development should be informed by landscape character. There is also an acknowledgement that the protection of the landscape and natural heritage may sometimes impose constraints on development, but the potential for conflict can be minimised and the potential for enhancement maximised through careful siting and design.
15. *Minerals*: SPP advises that an adequate and steady supply of minerals is essential to support sustainable economic growth. Para. 229 deals specifically with ‘small workings’ or ‘borrow pits’, noting that such works are commonly associated with roads and wind farm construction, forestry or agriculture and they essentially allow for extraction near to or on the site of the associated development. Applicants are expected to demonstrate the particular operational, community or environmental benefit of such proposals. It also advises that they should be time limited consents, tied to a particular project and accompanied by full restoration proposals.
16. Scottish Planning Policy also advises that development management decisions should aim to minimise significant negative impacts from mineral extraction on the amenity of local communities and the natural heritage and historic environment and should encourage sensitive working practises during extraction. SPP places an obligation on operators / applicants to provide sufficient information to enable a full assessment to be made of the likely effects of the development, together with proposals for appropriate control, mitigation and monitoring.
17. **Scottish Planning Policy** concludes with a section entitled ‘Outcomes’ in which it is stated that the “planning system should be outcome focused, supporting the creation of high quality, accessible and sustainable places through new development, regeneration and the protection and enhancement of natural heritage and historic environmental assets.”

## Strategic Policies

### Cairngorms National Park Plan (2007)

18. The Cairngorms National Park Plan sets out the vision for the park for the next 25 years. The plan sets out the strategic aims that provide the long term framework for managing the National Park and working towards the 25 year vision. Under the heading of 'conserving and enhancing the special qualities' strategic objectives for landscape, built and historic environment include maintaining and enhancing the distinctive landscapes across the Park, ensuring that development complements and enhances the landscape character of the Park, and ensuring that new development in settlements and surrounding areas and the management of public spaces complements and enhances the character, pattern and local identity of the built and historic environment.
19. Under the heading of 'Living and Working in the Park' the Plan advises that sustainable development means that the resources and special qualities of the national park are used and enjoyed by current generations in such a way that future generations can continue to use and enjoy them.

## Structure Plan Policy

### Highland Council Structure Plan (2001)

20. **Highland Council Structure Plan** is founded on the principles of sustainable development, which are expressed as –
  - Supporting the viability of communities;
  - Developing a prosperous and vibrant local economy; and
  - Safeguarding and enhancing the natural and built environment.A variety of detailed policies emanate from the principles.
21. The following provides a brief summary of the policies applicable to a development of this nature. **Policy NI – Nature Conservation** advises that new developments should seek to minimise their impact on the nature conservation resource and enhance it wherever possible. The Plan refers to the socio-economic benefits of the nature conservation resource and advises that it should be optimised by a high level and standard of interpretation and understanding wherever possible.
22. The Structure Plan also includes a section on biodiversity, defining it as “natural richness and diversity of nature – the range of habitats and species and the uniqueness of each and every organism.” Biodiversity is not the same as natural heritage, but is one of the key functional components. As a key part of the natural heritage of an area it is important to protect, and where possible enhance biodiversity and to monitor any change.
23. Section 2.4 of the Plan concentrates on the subject of landscape, stating that “no other attribute of Highland arguably defines more the intrinsic character and nature of the area than its landscape.” Similar to national policy guidance, there is a recognition that landscape is not a static feature and that the

protection and enhancement of landscape and scenery must be positively addressed. **Policy L4 Landscape Character** states that “the Council will have regard to the desirability of maintaining and enhancing present landscape character in the consideration of development proposals.”

24. Section 2.11 focuses on Minerals and Peat and states at the outset that integrating the commercial and socio-economic potential of mineral workings with the high environmental quality is a key issue for the Plan and is also consistent with the Structure Plan’s sustainability principles. Whilst recognising that mineral workings are an important rural activity, the Plan also acknowledges that mineral extraction can be an environmentally disruptive activity with effects on the landscape, scenery, biodiversity and water quality. The Plan stresses the importance of mineral extraction being carefully carried out, “with full regard for restoration and after-use of the site upon cessation of workings.” **Policy M2 Mineral Extraction** states that applications for mineral extraction will be supported provided they conform to the General Strategic Policies and that there are no significant adverse environmental or socio-economic impacts. **Policy M2** also states that approvals for mineral extraction will 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. It also advises that “where necessary a financial guarantee in respect of restoration and aftercare will be sought.”

### **Local Plan Policy**

#### **Cairngorms National Park Local Plan (2010)**

25. The Cairngorms National Park Local Plan was formally adopted on 29<sup>th</sup> October 2010. The full text can be found at :  
<http://www.cairngorms.co.uk/parkauthority/publications/results.php?publicationID=265>
26. The Local Plan contains a range of policies dealing with particular interests or types of development. These provide detailed guidance on the best places for development and the best ways to develop. The policies follow the three key themes of the Park Plan to provide a detailed policy framework for planning decisions:
- Chapter 3 - Conserving and Enhancing the Park;
  - Chapter 4 - Living and Working in the Park;
  - Chapter 5 - Enjoying and Understanding the Park.
27. Policies are not cross referenced and applicants are expected to ensure that proposals comply with all policies that are relevant. The site-specific proposals of the Local Plan are provided on a settlement by settlement basis in Chapter 6. These proposals, when combined with other policies, are intended to meet the sustainable development needs of the Park for the Local Plan’s lifetime. The following paragraphs list a range of policies that are appropriate to consider in the assessment of the current development proposal.



28. Policy 4 Protected Species: development which would have an adverse effect on any European Protected Species will not be permitted unless there are imperative reasons of overriding interest, including public health or public safety; there is no satisfactory alternative solution; and the development will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range. The policy is intended to ensure that the effects of development proposals on protected species are fully considered by the planning authority. Developers will be required to undertake any necessary surveys for species at their own cost and to the satisfaction of Scottish Natural Heritage and the planning authority.
29. Policy 5 – Biodiversity : development that would have an adverse effect on habitats and species identified in the Cairngorms Biodiversity Action Plan, UK Biodiversity Action Plan, or by Scottish Ministers through the Scottish Biodiversity List, will only be permitted where
- (a) The developer can demonstrate that the need and justification for the development outweighs the local, national and international contribution of the area of habitat or population of species; and
  - (b) Significant harm or disturbance to the ecological functions, continuity and integrity of the habitats or species populations is avoided, or minimised where harm is unavoidable, and appropriate compensatory and / or management measures are provided and new habitats of commensurate or greater nature conservation value are created as appropriate to the site.
30. Policy 6 – Landscape: there will be a presumption against any development that does not complement and enhance the landscape character of the Park, and in particular the setting of the proposed development. Exceptions will only be made where any significant adverse effects on the landscape are clearly outweighed by social or economic benefits of national importance and all of the adverse effects on the setting of the proposed development have been minimised and mitigated through appropriate siting, layout, scale, design and construction.
31. Policy 13 – Mineral and Soil / Earth Resources : On the subject of Minerals, the Local Plan policy states that there will be a presumption against approvals for new mineral extraction or processing and any extension to existing development unless :
1. The developer can demonstrate the market within the Cairngorms National Park where the extracted or processed material will be used or provide other social or economic benefits; and
  2. No suitable and reasonable alternatives to the mineral are available; or
  3. The material furthers conservation or restoration of the distinctive landscape character and built environment of the Park.

Policy 13 also advises that developers must incorporate measures to minimise potential effects on the environment and communities and ensure appropriate restoration, aftercare, and after use. The Local Plan policy also advises that bonds will be used where appropriate and secured by a Section 75 agreement.

### **Supplementary Planning Guidance**

32. In addition to the adoption of the Cairngorms National Park Local Plan (2010) on 29th October 2010, a number of Supplementary Planning Guidance documents were also adopted.

### **Sustainable Design Guide**

33. The guide highlights the unique nature and special quality of the Cairngorms National Park and the consequent desire to conserve and enhance this distinctive character. The guidance has at its core the traditional approach to design which aims to deliver buildings which provide a resource efficient, comfortable and flexible living environment. The **Sustainable Design Guide** requires the submission of a Sustainable Design Statement with planning applications. It is intended that applicants would use the Sustainable Design Statement to demonstrate how standards set out in the Sustainable Design Checklist will be achieved.
34. One of the key sustainable design principles referred to in the document is that “future development in the Park should be sensitively located, reflect existing development pattern and setting, and respect the natural and cultural heritage of the Park.” Developments are also required to reflect traditional materials and workmanship, and take on board innovation, contemporary design and the emergence of modern methods of construction.

### **Natural Heritage SPG**

35. The guidance sets out how the natural heritage of the National Park will be taken into account when considering development proposals. The following is an extract from the Natural Heritage Supplementary Planning Guidance which sets out the six key principles used to assess planning applications in relation to natural heritage.
- Principle 1 – development should result in no net loss of natural heritage interest of the Cairngorms National Park. This includes natural heritage interest which may be outside the boundaries of the development site;
  - Principle 2 – in any situation where loss of, or damage to, natural heritage interest is unavoidable then the loss of damage will always be minimised as far as possible;
  - Principle 3 – if the loss or damage to the natural heritage is unavoidable then it will be fully mitigated on the development site;
  - Principle 4 – if full mitigation is not possible on site then it should be completed with a combination of on site mitigation and off site compensation;
  - Principle 5 - where full mitigation or compensation measures are not possible, financial compensation will be required. This will be used to benefit natural heritage within the National Park;
  - Principle 6 - Calculation of compensation will take into account the quality of outcomes over time.

## CONSULTATIONS

36. The consultation response received from **SEPA** addresses the subject of flood risk and it is noted that the proposed site lies adjacent to the 1 in 200 year flood envelope of the Indicative River and Coastal Flood Map (Scotland) and as such may be at medium to high risk of flooding. However, it is conceded that given the nature of the development “it seems unlikely that any significant impact would arise from the risk of flooding.”
37. Comment is also made on other matters including the specifics of the borrow pit location, construction environmental management and pollution prevention measures, air quality and noise and waste management and site restoration, SEPA request that a number of conditions are included in the event of the granting of planning permission. In the event that the conditions are not included, SEPA advise that it’s response should be treated as an objection. Conditions include :
- a requirement for the provision of a detailed Construction Environmental Management Document incorporating Site Specific Environmental Management Plan and Construction Method Statement for the agreement of the Planning Authority in consultation with SEPA. The documents are expected to be developed in line with current good practise and the adopted Beaulieu Denny Construction Procedures Handbook;
  - a requirement to provide a Dust Mitigation Strategy as part of the aforementioned Construction Environment Management Document; and
  - the provision of appropriate site restoration plans.
38. **Transport Scotland** as the Trunk Roads Authority was invited to comment on the proposal and have advised that there is no objection. The consultation response does not recommend any conditions to be attached in the event of the granting of planning permission.
39. Highland Council’s **Environmental Health Service** considered the proposal and raise no objection, provided that the supporting information supplied with the application is adopted in its entirety. It is also recommended that a condition is included in any permission which might be granted in order to limit weekend working hours and prevent disamenity from noise at residential properties in the vicinity.
40. The advice from the CNPA’s **Ecology Officer** considers that the proposed site is likely to have a low ecological value. It is advised that a pre-construction mammal survey should be undertaken at the site and that a 50 metre buffer zone be established. It is also advised that no works should be initiated within the bird breeding period (from March to August inclusive) unless otherwise agreed with the CNPA.
41. The CNPA **Landscape Officer** notes that the landscape character of the immediate area is strongly influenced by the obvious hand of man in the access track, dam, intake, fencing and the existing stockpile. It is noted that at a distance, the most obvious elements within the subject site at present are the lighter coloured material of the stockpile and the access track. It is suggested

that the presence of the development would be emphasised by plant, buildings, noise dust and site activity. In discussing visual sensitivity, it is noted that from the A86 public road views are screened by rising landforms, although the bellmouth and access track is visible. From a greater distance, such as the more elevated ground near Dun Da Lamh fort and the Core Path UBS22 (both lying to the west of the proposed site), the development would be visible.



Fig. 5: Proposed site, as viewed from Core Path UBS22

42. The **Landscape Officer** accepts that due to the lie of the land relative to key viewpoints “there is little that can be done to screen the development during its period of operation.” Despite this, there is an acknowledgement of the opportunity which exists to restore and reinstate the site in a way which, in the longer term, would improve upon the present situation. The initial response from the **Landscape Officer** accordingly requested further detail on restoration proposals, including a site specific method statement. The restoration details which were provided in June 2011, as detailed in paragraph 5, do not sufficiently address the requirements of the **Landscape Officer**. In order to address this, it is recommended that a condition is included in the event of the granting of planning permission requiring the submission of a statement on the objectives for landform restoration and enhancement, accompanied by indicative sections through the whole site and including the River Mashie. It is also suggested that the landform restoration should be agreed with the CNPA on site, prior to any subsoiling or topsoiling operations taking place. The overall restoration details are also expected to include phasing proposals. Further details of a maintenance programme are also required in order to ensure that vegetation cover is successfully established.

### REPRESENTATIONS

43. The proposed development was advertised in the Badenoch and Strathspey Herald on 2<sup>nd</sup> March 2011. No representations have been received in connection with the proposal.

### APPRAISAL

44. 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

Beaully Denny overhead transmission line. Although planning permission is being sought for a period of five years in this application, extraction work would be undertaken over a condensed period of time of approximately 2 months. Final restoration work would be undertaken at the latter end of the five year period when many of the tracks on which the material was used would be removed. 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.

45. The general area in which the borrow pit is proposed is relatively sparsely populated. The nearest residential properties are approximately 515 metres to the north (Strathmashie House) and 600 metres to the west (Strathmashie Cottage). 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 2 months. The impact of development activity and the associated movement of vehicles in the area would therefore be over 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.
46. Due to the limited nature of extraction activities at the site, mainly involving the removal of already dredged and stockpiled material on the site, actual intervention and activity on the site will be limited, thereby making restoration proposals relatively straightforward. As described in paragraph 5 of this report, some restoration proposals have been submitted and although the CNPA's **Landscape Officer** requires further detail, and accepts that this could be provided through compliance with a planning condition attached to any consent.
47. Some concern has been expressed in the advice received from the **Landscape Officer** about the impact of the site, in both its present form and in the course of the proposed extraction activity on the site, particularly when viewed from distant areas. There is an acceptance that little can be done to minimise the impact during the period of operation of the borrow pit. However, an appropriate and final restoration of the site would deliver an overall enhancement of the actual site, and would significantly enhance views of this area from distant vantage points. The extraction activity would result in the removal of already dredged and stockpiled mounds of material from the site and restoration works would eliminate a significant degree of the current impact associated with the light coloured material in the stockpiles.

## **IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK**

### **Conserve and Enhance the Natural and Cultural Heritage of the Area**

48. 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 consists of taking already stockpiled dredgings from the site. Appropriate measures to ensure that there will be no significant adverse effects on heritage interests, would be put in place, including pre-commencement mammal surveys and a restriction on working during the bird breeding season. The restoration of the site offers the opportunity in the longer term to enhance it from its present state.

#### **Promote Sustainable Use of Natural Resources**

49. The material that would be extracted from the site is a resource required to construct / upgrade access tracks to facilitate the construction of the Beaully Denny overhead line. The use of materials sourced from this site which is in the immediate vicinity of the overhead line works would assist in reducing transport requirements.

#### **Promote Understanding and Enjoyment of the Area**

50. 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**

51. The development has limited direct economic benefit to the area, although it is being proposed to assist in a larger scale infrastructural project – the Beaully 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 planning permission for the formation and working of a borrow pit in association with the Beaully-Denny overhead line project for access track construction on land to the south of the A86, Strathmashie, near Kinlochlaggan, Newtonmore, subject to the following conditions :**

1. This grant of planning permission is for a temporary period only of five years only and shall expire on 22<sup>nd</sup> July 2016.

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

2. 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.

**Reason:** In the interests of ensuring adequate protection of breeding bird species in the area.

3. Prior to the commencement of development, a pre-construction mammal survey shall be undertaken on the site and within a 50 metre buffer zone. The survey details shall be provided for the written approval of the Cairngorms National Park Authority acting as Planning Authority, and no work shall commence until written approval has been provided.

**Reason:** In the interests of conserving and enhancing the natural heritage of the area.

4. 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 all proposed improvement works on the track which provides access from the junction of the A86 trunk road and the main site area.

**Reason:** In the interests of clarity and to ensure that all development is undertaken in a manner which is sympathetic and appropriate to its setting.

5. 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.

**Reason:** To ensure that the risk of pollution of watercourses is minimised.

6. 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.

**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.

7. 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 watercourse. 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.

**Reason:** To ensure that sediment does not enter any watercourse.

8. Prior to the undertaking of any subsoiling and topsoiling operations, comprehensive site restoration proposals shall be submitted for the written agreement of the Cairngorms National Park Authority acting as Planning Authority. The details shall include
- (a) a statement of the objectives for landform restoration and enhancement on the site;
  - (b) indicative section(s) through the whole site and including the adjacent River Mashie;
  - (c) measures to achieve a covering of ground floor vegetation to be complete across all disturbed areas of the site within 2 years, following cessation of operations at the site;
  - (d) a planting plan showing proposals for strategic tree planting, and annotated with planting specification details;
  - (e) detailed phasing proposals for all restoration works; and
  - (f) detailed maintenance programme for the restoration and reinstatement of the site, over a sufficient period to ensure that vegetation cover is successfully established.

All agreed restoration and enhancement measures shall be implemented in full thereafter.

**Reason:** To ensure that the area is appropriately restored and that the restoration measures enhance the natural heritage of the area.

9. Unless otherwise agreed in writing with the Cairngorms National Park Authority acting as Planning Authority, in 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 Friday) and 0700hrs to 1300 hrs (Saturday). No operations shall take place on Sundays.

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

**Advice note:**

**A.** Information required in fulfilment of the Environmental Management Plan and Construction Method Statement required in condition no. 5 includes but is not exclusive to the following :

- Surface Water and Water Quality Management Plan;
- Fuel / chemical storage areas;
- Vehicle refuelling areas;
- Vehicle washing areas;
- Operation of mobile crusher;
- Stock piling areas and Materials Management Plan;



- Site Specific Waste Management Plan;
- Staff facilities, including any sewage disposal arrangements;
- Full details of temporary storage and drainage arrangements for stockpiled material; and
- Site restoration proposals.

The documents are expected to be developed in line with current good practise and the adopted Beauldy Denny Construction Procedures Handbook.

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