
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

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

DEVELOPMENT PROPOSED: FULL PLANNING PERMISSION FOR AN EXTENSION OF THE TIME LIMIT ON PLANNING CONSENT 03/46/FULBS (HIGHLAND COUNCIL REFERENCE).

REFERENCE: 08/051/CP

APPLICANT: HQC LTD., UNIT 3, 15 LOTLAND STREET, INVERNESS, IV1 1ST.

DATE CALLED-IN: 22ND FEBRUARY 2008

RECOMMENDATION: APPROVE WITH CONDITIONS AND SUBJECT TO A SECTION 75 LEGAL AGREEMENT



Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. Full planning permission is sought in this application for an extension of the time limit on a planning consent granted by Highland Council in 2003 for the extraction, crushing and screening of rock at Broomhill Quarry (Highland Council planning ref. no. 03/46/FULBS refers). The applicants are seeking a five year extension in order to facilitate continued working of the quarry. The site is an existing rock quarry on the western side of the A95 trunk road, located between Mains of Curr Farm to the south and the former Auchendean Lodge Hotel to the north. The subject site is approximately 2 kilometres to the south of Dulnain Bridge.
2. Supporting information submitted with the planning application indicates that 30,000 tonnes of material would be extracted per annum over the proposed five year period. The extraction process would include drilling and blasting. The applicants also estimate that the rate of extraction would generate approximately five loads per day being transported from the site, and routed onto the A95.



Fig. 2 : Extent of quarrying activity undertaken to date

3. The applicants are seeking an extension of the time limit on the planning consent, for a further period of five years from the date of any planning permission granted. The applicants have also confirmed in the event of the permission being granted “it will be the final period of working.” The need for the continued use of the quarry has also been investigated with the applicants, and HQC Ltd. have indicated that although there has only been a small volume of extraction in the most recent period of activity from 2005 – 2008, they are aware that various improvement works are planned for the A9 and the A95 over the next few years and the quarry aggregates requirement may therefore increase, hence the request to extract a maximum of 30,000 tonnes per annum.

Planning History

4. HQC Ltd. submitted a planning application to Highland Council in February 2003 (planning ref. no. 03/46/FULBS refers) in which full planning permission

was sought for a resumption of a previous working of the hard rock quarry at Broomhill, with the work involving the crushing and screening of material in order to form various grades of sub-base and fill. Prior to that time, a number of temporary consents had been issued for the extraction of rock, with the consents being granted in December 1990, August 1994 and May 1996.

5. The planning file relating to the development proposal in 2003 contains information regarding the history of working the resource. It was initially worked by Seafield Estate (the landowners), but in more recent years came to be used on a commercial basis as a source of material for road widening and realignment projects in the vicinity. In the 2003 application, the applicants, HQC Ltd., proposed to extend the working face further westwards towards Curr Wood. The predicted extraction rate at that time was approximately 150,000 tonnes of rock over an estimated five year period. Planning permission was granted on 7th July 2003, consenting to the extraction, crushing and screening of rock for a temporary period, expiring on 31 May 2008. The planning permission was subject to a number of conditions including a requirement that there be no disturbance of existing ground levels and vegetation within 10 metres or less of a Twinflower Colony on the site; that stock proof fencing was erected to enclose the quarry; restrictions on quarry blasting to ensure that it was not undertaken more than three times a year and also requiring that public notice was given 7 days prior to the blasting occurring; a condition requiring the submission of a scheme of restoration and aftercare for the quarry; the installation of a wheel wash facility at the exit from the site; and also restrictions on the hours of operation of the quarry.

DEVELOPMENT PLAN CONTEXT

National Policy

6. **SPP 4 – Planning for Minerals** is a national policy document which recognises minerals as being an important primary resource. While acknowledging that there is a continuing need for an adequate and steady supply of minerals for a variety of purposes, SPP4 also recognises that all working must be fully reconciled with policies to protect local communities and the wider environment.
7. Paragraph 5 of the document alludes to the fact that the process of extraction can be disruptive and in the event that it is not regulated and managed appropriately can give rise to adverse environmental and community impacts. **SPP4** lists a number of objectives for mineral working, all of which are intended to encourage a sustainable approach to mineral extraction while reconciling the need for minerals with concern for the natural and built environment and the communities affected. Objectives include ensuring that an adequate and steady supply is maintained to meet the needs of society and the economy; encouraging sensitive working practices during extraction in order to minimise the environmental and transport impacts; ensuring sites are reclaimed to a high standard and where possible enhance the value of the

wider environment; protecting international, national and locally designated areas of acknowledged natural or built heritage importance from adverse impacts; and minimising the potential adverse impact of mineral extraction on communities.

8. **SPP4** discusses a number of locational considerations, one of which is the conservation of the natural and built heritage, and advises that planning permission should only be granted where there will not be a significant adverse effect on the special features and qualities of the area. The rural economy is also listed as another locational consideration, and although it is noted that mineral working can play an important role in supporting the economy of rural communities through employment creation, the case is also made that in many areas tourism and recreation likewise support local economies and also depend on the quality of the environment. In such instances **SPP4** advises that in such cases the likely long term or cumulative impact of mineral extraction on local economic activity will be a relevant material consideration.
9. The purpose of **PAN 50 – Controlling the Environmental Effects of Surface Mineral Workings** is to provide advice on the more significant environmental effects arising from mineral working operations. It is acknowledged that the main issues that give rise to concerns associated with surface mineral workings include the effects of road traffic; effects of blasting, noise and dust; visual and landscape effects; and the potential contamination of surface water discharges by solids. The advice contains a section entitled ‘Proximity of mineral workings to communities’ in which it is acknowledged that residents living in close proximity to proposed workings may be exposed to some of the effects. **PAN 50** advises that good practise for planning authorities is to consider the possible cumulative effect of proposals; encourage dialogue between operators and the community; and encourage effective monitoring, particularly of noise, dust and vibration.

Highland Structure Plan

10. Section 2.11 of the **Highland Structure Plan** on Minerals and Peat states that a key issue is integrating the commercial and socio-economic potential of mineral workings with the high environmental quality of the area. Mineral activity is identified as being an important rural activity and the Plan cites the example of providing aggregate and dimension stones for construction projects. In addition to outlining the benefits and indeed the need for mineral activity, the potential negative effects are also detailed including environmental disruption with effects on landscape scenery, biodiversity and water quality, and also adverse impacts on the quality of life of residents in close proximity, as well as potential “negative economic impacts through damaging tourism and recreational resources.”
11. Section 2.11.6 of the Plan concedes that there is likely to be a continued requirement for small scale aggregate workings “because of the reduction in transport movements that the winning of a localised source provides.” However, it also warns that this has to be balanced against the disbenefit of

opening up a new working, albeit temporarily, and the potential loss of custom to established quarries some distance away.

12. The need to re-establish worked out sites to a future beneficial use is also promoted in section 2.11.8 of the Structure Plan. It is suggested that this can be achieved in a variety of forms, ranging from agriculture and woodlands to recreational facilities and habitats for nature conservation.
13. **Policy M2** of the **Highland Structure Plan** summaries the general policy on mineral extraction, stating that “applications for mineral extraction will be supported provided that they conform to General Strategic Policies and that there are no significant adverse environmental or socio-economic impacts.” It is also stated that approvals for mineral extraction should 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.” Where necessary, the seeking of a financial guarantee in respect of restoration and after-care is also advocated.
14. The **Highland Structure Plan** in its section on Nature Conservation advises that nature conservation interests are not confined to designated sites and that all development proposals should be evaluated for their implications on nature conservation, both direct and indirect. The Plan does however highlight the fact that “the existence of designations does not necessarily preclude development from taking place within or affecting the sites” provided they are compatible with maintaining the features for which the sites are designated. The general thrust of **Policy NI on Nature Conservation** is that new developments should seek to minimise the impact on the nature conservation resource and enhance it wherever possible.
15. **Policy L4 on Landscape Character** refers to the need to have regard to the desirability of maintaining and enhancing present landscape character in the consideration of development proposals. **Policy G2 on Design for Sustainability** states that proposed developments will be assessed on the extent to which they, amongst other things, make use of brownfield sites, existing buildings and recycled materials; are affected by safeguard zones where there is a significant risk of disturbance and hazard from industrial installations, including noise, dust, smells etc; impact on individual and community residential amenity; impact on resources such as habitats, species, landscape, scenery, cultural heritage, air quality and freshwater systems; and contribute to the economic and social development of the community.

Badenoch and Strathspey Local Plan (1997)

16. The **Badenoch and Strathspey Local Plan** acknowledges that scope exists for mineral extraction and advises that the “suitability of specific sites will be subject to assessment of environmental impact, servicing and safety aspects, together with prospects for site rehabilitation.” Section 2.2.3 of the Plan also advises that worked out or abandoned sites adjacent to the main road network could be suitable for after-use.

17. In its section on **Conservation Objectives**, the Local Plan refers to the exceptional quality of the natural environment of the area, and states that it is the Council's policy to "promote sustainable development of the area's resources and ensure an acceptable balance between economic growth and safeguards for the outstanding heritage."

Cairngorms National Park Plan (2007)

18. The Cairngorms National Park Plan sets out a number of strategic objectives under three broad headings – conserving and enhancing the Park; living and working in the Park; and enjoying and understanding the Park. In terms of natural heritage, section 5.1.2 of the Plan advises that all new development and management of the landscapes and settlements within the Park should be based on a sound understanding of the natural and cultural heritage. Strategic objectives to achieve the vision of conserving and enhancing the Park include maintaining and enhancing the distinctive landscapes of the Park; and ensuring development complements and enhances the landscape character of the Park.
19. Under another of the broad headings of 'Living and Working in the Park' one of the strategic objectives for economy and employment is to promote opportunities for economic diversification across all areas of the Park and it is noted that the Park currently has a relatively narrow economic base which is dependant upon a few key sectors for employment.

CONSULTATIONS

20. The proposal has been assessed by Transport Scotland and it is recommended that conditions are attached in the event of the granting of planning permission. Two conditions are recommended, one of which requires that the existing access is upgraded to a layout and type of construction to be agreed by the Planning Authority, after consultation with the Roads Authority, and prior to the commencement of the extension of time. The second condition requires that measures are implemented to ensure that all drainage from the site does not discharge onto the trunk road (A95).
21. The consultation response from **SEPA** states that there is no objection to the proposal. However, **SEPA** recommend that a number of issues are addressed in order to reflect current best practise guidance. Three issues are detailed including hydrology / hydrogeology, pollution prevention and biodiversity and restoration. In terms of the hydrology / hydrogeology aspect, **SEPA** consider that it would be appropriate for a planning condition to be imposed requiring the submission of and subsequent adherence to a Surface Water Management Plan (to be approved by the planning authority in consultation with **SEPA**). Reference is made to *Planning Advice Note 50 : Controlling the Environmental Effects of Surface Mineral Workings*, which provides guidance on the information required in a Surface Water Management Plan.¹

¹ Information should include management of general site surface water run off; flow balancing by sumps and pumps; control of particulates by settlement in sumps and pumps; control of water

22. On the subject of pollution prevention, **SEPA** request that a condition is attached to any grant of permission requiring that a detailed site specific work method statement for the site be submitted for the agreement of the planning authority, in consultation with **SEPA**, prior to the commencement of works on site and must also be implemented in full during works on site. **SEPA** also advise that all potential pollution risks associated with the proposals during the periods of operation and restoration be systematically identified, along with preventative measures, mitigation measures and emergency procedures.²
23. The final issue discussed by **SEPA** is biodiversity and restoration, and it is commented that it is good practice for mineral permissions to be subject to conditions requiring the submission of a restoration and aftercare scheme. **SEPA** also note that the preference would be for an after-use which would create new habitat or enhance existing habitats in the area, and recommends a restoration condition which requires the re-vegetation of appropriate areas of the site.
24. **Scottish Natural Heritage** has considered the proposal and the consultation response makes reference to the casework procedural agreement, confirming that consideration of the impact of the proposal on natural heritage and landscape interests in the Cairngorms National Park rests with the CNPA. Notwithstanding this, the response from **SNH** provides information concerning the fact that Broomhill Quarry lies adjacent to Curr Wood, noting that it is an important woodland area for twinflower (*Linnaea borealis*). Reference is also made to the specific condition of the planning permission granted in 2003 which required that “no disturbance of existing ground levels and vegetation shall take place within 10 metres or less of the twinflower colony at or near the south west corner of the site boundary.” In 2006 **SNH** noted that the twinflower colony had been destroyed and the matter was brought to the attention of Highland Council planning officials. Discussions took place between the applicants (HQC Ltd.), Highland Council and **SNH**. The applicants said that the destruction of the twinflower was an oversight due to the fact that people working at the quarry were not aware of the planning condition or the location of the twinflower colony. The applicants were shown a remaining area of the twinflower colony and it was suggested that the area was fenced off to protect the remaining twinflower plants. In the current consultation response from **SNH** reference is also made to an offer by HQC Ltd. to make a donation to Plantlife for the conservation of the twinflower.
25. **Dalnain Bridge and Community Council** considered the proposal. The response makes reference to a number of complaints in the past in connection with blasting activity at the quarry, and notes that residents in

chemistry; oil and scum removal; use of water in processing plant and treatment of effluent including vehicle washing water; containment of spillage from storage and processing areas; use of water in dust control; use of appropriate water to counteract groundwater lowering; and regular cleaning and maintenance of water systems.

² The method statement is required to address surface water run off; fuel and chemicals; and waste.

Skye of Curr and Dulnain Bridge expressed concern about the lack of notification of blasts. In conclusion it states that “**Dulnain Bridge and Vicinity Community Council** have no objection to the proposed extension of time, but believe that there is a case to be made for smaller charges to be set, notification to villagers about timing of proposed explosions and improved safety measures.”

26. The CNPA’s **Visitor Services and Recreation Group** considered the proposal from an access perspective and note that a proposed core path skirts around the outer boundary fence of the subject site.³ **VSRG** have no objection to the proposal as long as the path remains outside the existing fence line. In the unlikely event of workings occurring close to the boundary, the **VSRG** access officer would expect that appropriate action be taken through a robust risk assessment process, implementing measures such as signage and improved fencing. The applicants have since confirmed that the existing path is approximately 30 metres away from the final extraction.
27. The Economic Development Officer in the CNPA’s **Economic and Social Development Group** has examined the proposal and notes in his response that the quarry does not employ anyone full time, but is accessed on a casual basis for local aggregate use. There are no objections from an economic perspective and it is concluded that “there is a good local economic effect, and local extraction reduces lorry miles.”
28. The CNPA’s **Heritage and Land Management Group** considered the proposal from the perspectives of landscape and ecology. Firstly in terms of landscape issues, the landscape officer notes that despite the amount of material being removed from the quarry, its form is long and thin and the narrowness of it results in views of the quarry being limited to a glimpse when passing immediately outside it. There is a more significant impact when viewed in the distance from Castle Roy (approximately 1.5 km to the south east). The landscape officer notes that Castle Roy is a scheduled ancient monument and is a highly sensitive visual receptor. Despite this concern it is acknowledged that there is already a view to this location, and this planning application to extend the time period of extraction activities at the quarry would not result in any significant changes to that view.
29. It is noted however that distant views of the subject site highlight the importance of the trees on the skyline to the rear of the site, as they form a continuous line that reflects the general landform. In response to the concerns of the Landscape Officer the applicants have confirmed that it is not proposed to remove any trees.
30. The landscape officer also highlights the need for a comprehensive landscape scheme to be approved for the restoration of the site upon the cessation of activities. It is important that additional planting is provided at the top (back) of the site, as well as along the sides of the quarry. Effective planting

³ The response from VSRG noted that initial desk based studies showed that the proposed core path was located within the boundary of the quarry site. A site visit by VSRG confirmed otherwise.

measures would ensure a continuity of tree cover and skyline over time, as well as improving the screening from the roadside.



Fig. 3 : View from top of quarry



Fig. 4 : View of Broomhill Quarry from Castle Roy

31. In terms of the ecological assessment of the proposal, the main concern is in relation to any negative impacts of the woodland habitats around the quarry site. It is noted that the woodland above the site is typical Caledonian Forest habitat, with a ground flora consisting mainly of cowberry, blueberry and heathers, and also supporting colonies of the rare twinflower. Curr Wood is a particular stronghold for this species. It is accepted, in the event of all development being restricted to the zone within the red line depicted on the site layout plan (see Fig 5), that there should not be any impacts on woodland vegetation.⁴ The area of the application site has already been greatly disturbed during the existing permission period, and there is evidence of much bare rock and spoil, and virtually no established vegetation present.

32. The ecology officer stresses that it is imperative that no further damage occurs to the surrounding woodland habitats, referring to the high ecological value of habitats immediately bordering the site, and the unsatisfactory damage that occurred in the past to the twinflower colony, as already detailed in the consultation response from **Scottish Natural Heritage**.

⁴ The applicants have confirmed that the extent of the extraction area is within the red line identified.

The area currently fenced at the top of the quarry, which includes the remaining twinflowers, must be protected from further damaging activity and it is vital that no quarrying activity occurs within the enclosed area, or beyond the existing perimeter fence around Broomhill Quarry. The applicants have indicated that they are willing to mark the extraction limits on the site if required and in addition have highlighted the fact that there is already a stock fence in place to protect the twinflower.

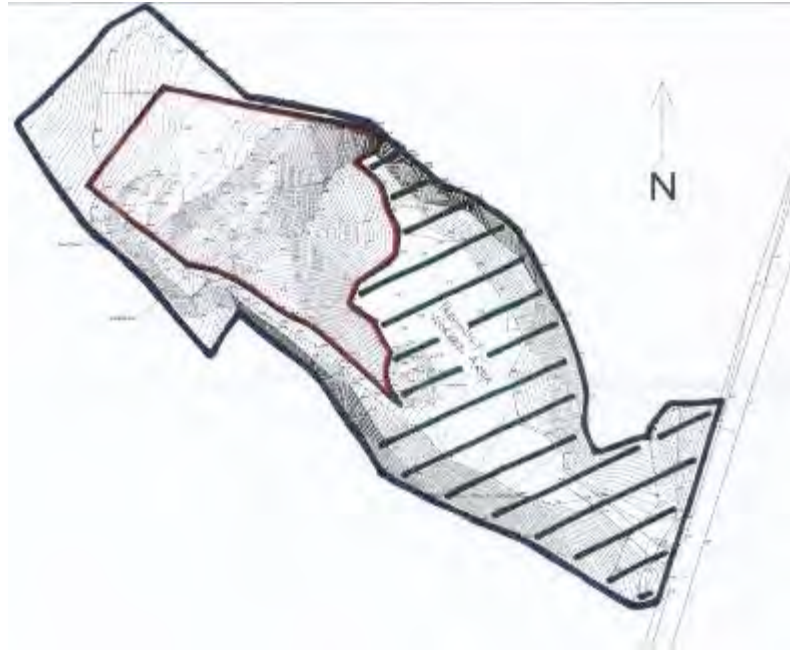


Fig. 5 : Site plan – the red line depicts the extent of area to be worked over the duration of the five year extended time period.

33. The response from the ecology officer also discusses the impacts of blasting. There is a risk that considerable noise and vibration generated by blasting could impact on sensitive species at certain times of the year when they are most vulnerable to disturbance. It is recommended, in line with the previous permission on the site, that blasting is restricted to three times per year. It is also suggested that it should not occur between March 1st and June 30th in order to avoid disturbing any lekking capercallie and other nesting woodland bird species. This requirement has been brought to the attention of the applicants who have confirmed acceptance of this.
34. The consultation response also makes reference to invasive, non-native plants, noting that care should be taken to avoid their spread. In the event that it becomes apparent that such species have arrived at the site due to quarrying activities, it should become the responsibility of the applicant to effectively remove them as soon as possible and dispose of them appropriately with specialist guidance. Finally comment is also made on the subject of site restoration, with the ecology officer concurring with the point made by the landscape officer on the requirement for a detailed restoration plan. In addition to the landscaping being necessary from the point of view of visual and landscape enhancement, it should also take into account how the site can be enhanced ecologically.

REPRESENTATIONS

35. A number of representations have been received in respect of the proposed development. Scottish Woodland Ltd. have submitted an objection on behalf of their client Prof. HJ Beke, owner of Curr Wood, in which it is stated that the proposed development would have an unacceptable and direct impact on the amenity and viability of the woodland at Curr Wood due to dust, noise, ground vibration and the travel movements of heavy goods vehicles. It is noted that the development is in close proximity to the ancient semi-natural pinewood habitat of Curr Wood, which is described in the correspondence as playing host to capercallie, red squirrel and the rare Twinflower plant. It is suggested in the letter of representation that planning permission should be refused on the basis that the proposal conflicts with Development Plan policy and conflicts with and undermines the statutory aims of the National Park.
36. A letter of representation from Ernest E. Emmett from Kingussie suggests that planning permission should be refused. The applicants are described as having behaved irresponsibly since the granting of the most recent planning permission in 2003. Reference is made to poor communications regarding blasting activities, as well as unauthorised access to Curr Wood to gain access for heavy vehicles, and the damage that occurred to the Twinflower colony in the area.
37. P.W. Robertson of Dulnain Bridge has written to express unhappiness about the proposed extension to the time period at the quarry. Reference is made to property damage at the authors property when there have been past explosions, and the lack of notice given to householders of blasting activities. Concern is also expressed about the entrance to the quarry off the A95 trunk road, where there is water running down the road, resulting in freezing and hazardous conditions when temperatures fall.
38. Mr. and Mrs. F McNeilage, also of Dulnain Bridge, object to the planning application on the basis of the consequential damage to their property⁵ caused by blasting. Concern is also expressed that the applicants, HQC Ltd., have not always shown due diligence in informing householders of their intention to blast.
39. In a representation from Mr. and Mrs. Hollingsworth of Mid Curr, Dulnain Bridge, concern is raised about blasting activity and its effect on their property which is described as being half a mile from the quarry. Reference is also made to the damage that has occurred in the past to the Twinflower colony.
40. Ian Kirk and Derek Hart of Auchendean Lodge object to the proposal on the basis that the company “flouted health, safety and conservation issues which were part of their previous planning permission” with reference being made to blasting and the lack of notification associated with that, destruction of the twinflower patch and the bulldozing of a track through Curr Wood.

⁵ The property is described as being 400 metres from the site, neighbouring the former Auchendean Lodge Hotel.

APPRAISAL

41. The issues that require consideration in this application are, the principle of permitting an extension to the time period for the working of this existing quarry, the impact of its continued development and its eventual restoration in visual and landscape terms, and the impact on the surrounding area.
42. The thrust of planning policy at national, regional and local level is to support the principle of mineral extraction because of its importance in meeting the need for raw materials, creating employment opportunities, and generally contributing to economic growth, particularly in rural areas. However, this has to be balanced with the requirement to consider closely the potential environmental, socio-economic and community impacts that may occur. The principle of quarrying activity at this location has been established through the granting of a number of previous permissions for extraction works, with the most recent of those expiring in May 2008.
43. Due to the history of quarrying at the site the effects of this type of activity at this location can, to a certain extent, already be gauged. There are no natural heritage designations affecting this area. This proposal is for an extension of the time period that extraction is permitted at the existing established quarry. While it involves additional workings, it does not represent the formation of a new mineral extraction source or site. The proposed continued extraction from the existing quarry would not exacerbate the landscape impacts, and the applicants have confirmed that it would not necessitate the removal of any trees, which currently form an important backdrop to the quarried area.
44. As referred to in the consultation responses from **Scottish Natural Heritage** and the CNPA's **Heritage and Land Management Group**, as well as in a number of letters of representation, damage has been caused to the twinflower colony in the area, despite a condition on the previous planning permission requiring its protection. As detailed in paragraph 24 of this report, discussions and a site meeting subsequently took place to highlight the significance of the twinflower to the applicants. As a result an area of land was fenced off to protect remaining twinflower plants from further damage. That fence remains in place and the quarry operators are now sufficiently familiar with their obligations to protect this species. In the event of the granting of planning permission, it is however a situation which I would suggest requires regular monitoring by the Planning Authority in order to ensure that any further damage does not occur.
45. Concern has been expressed in a number of letters of representation regarding blasting activities at the site in the past and a significant degree of dissatisfaction appears to exist regarding the inadequacy of notification in advance of undertaking blasting. This is a matter which I believe can be addressed through the inclusion of an appropriate condition in the event of the granting of planning permission. Concerns expressed by the **Heritage and Land Management Group** regarding the potential disturbance of capercallie due to blasting activities could also be addressed through a condition prohibiting blasting between March 1st and June 30th and as detailed

earlier in this report, the applicants have indicated their acceptance of this potential prohibition. In overall terms the effects of noise and dust can be mitigated against by the inclusion of appropriate conditions in the event of the granting of planning permission.

46. In conclusion, the proposal generally accords with planning policy. The proposed works would be of a limited duration, with the quarry operators confirming that this would be the final five year period for which permission would be sought. At the end of that period, appropriate restoration of the quarry would be required. Consistent with the approach that has been employed by the CNPA in the course of determining planning applications for quarrying activity elsewhere in the park, I recommend that this is a matter which would be most appropriately regulated through a Section 75 legal agreement in order to secure the delivery of the restoration proposals, together with the provision of a financial bond as a guarantee of this.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

47. By its nature, quarrying cannot be perceived as conserving and enhancing the natural or cultural heritage of the area. However, this particular site is long established, is not located within any designated area, and with appropriate mechanisms for control and monitoring, there will be no additional adverse effects on heritage interests. The appropriate restoration of the quarry at the end of the period of working would also assist in the longer term in enhancing the natural heritage of the area.

Promote Sustainable Use of Natural Resources

48. The principle of extraction of a finite hard rock resource cannot be perceived as being positive in terms of promoting the sustainable use of natural resources. However, the materials are a required resource and some evidence has been provided to demonstrate that continued extraction from this site would serve the local market area.

Promote Understanding and Enjoyment of the Area

49. A quarry already exists in this location and further excavations within the quarry area are not considered to give rise to additional negative implications for this aim. The area would continue to experience the same impacts, primarily noise and traffic, over the working period for which planning permission is being sought. The final restoration of the quarry would however have potential in the longer term to provide enhanced opportunities for the enjoyment of the area.

Promote Sustainable Economic and Social Development of the Area

50. The development has limited direct economic benefit to the area and would not generate any significant level of new employment opportunities.

RECOMMENDATION

That Members of the Committee support a recommendation to:

Grant full planning permission for an extension of the time limit on planning consent 03/046/FULBS at Broomhill Quarry, Dulnain Bridge, subject to the completion of a Section 75 Legal Agreement requiring the implementation of a final restoration scheme, and the provision of a bond or other financial measure guaranteeing the availability of funds to ensure the implementation of the final restoration of the site in the event of default by the operators of the quarry, and also subject to the following conditions :-

1. This grant of planning permission is for a temporary period only and shall expire five years from the date of issue of the decision notice (*exact date to be inserted at the time of issuing the decision notice*).
2. Unless otherwise agreed in writing with the Cairngorms National Park Authority acting as Planning Authority, the extraction over the five year period of this permission shall not exceed 30,000 tonnes per annum. A detailed record of extraction amounts shall be retained by the quarry operator and submitted within one month of the end of every calendar year for the further written approval of the Cairngorms National Park Authority acting as Planning Authority.
3. Prior to the resumption of any quarrying operations at the site, a site layout plan shall be submitted for the written agreement of the Cairngorms National Park Authority acting as Planning Authority, to identify the limit of the working area. No extraction of rock shall be undertaken beyond the limits of the working area.
4. Prior to the resumption of any quarrying operations at the site, a detailed landscaping and restoration plan shall be submitted for the written agreement of the Cairngorms National Park Authority acting as Planning Authority.

Following expiry of this temporary consent the site shall be cleared of all plant and machinery and reinstated in accordance with the restoration plan.

5. Prior to the resumption of any quarrying operations at the site, the existing access shall be upgraded to a layout and type of construction to be approved by the Cairngorms National Park Authority acting as Planning Authority, in consultation with the Roads Authority. The layout shall be as described in the Department of Transport Advice Note TA41/95 (Vehicular Access to All-Purpose Trunk Roads) (as amended in Scotland) complying with Layout 3 and utilising 10m corner radii.
6. Prior to the resumption of quarrying operations at the site, measures shall be implemented to ensure that all drainage from the site does not discharge onto the trunk road. Details of the measures shall be submitted for the written agreement of the Cairngorms National Park Authority acting as Planning Authority, prior to the resumption of quarrying operations.

7. Prior to the resumption of quarrying operations at the site a Surface Water Management Plan shall be submitted for the written agreement of the Cairngorms National Park Authority acting as Planning Authority, in consultation with SEPA. The agreed Surface Water Management Plan shall be adhered to.
8. Prior to the resumption of quarrying operations at the site a Work Method Statement shall be submitted for the written agreement of the Cairngorms National Park Authority acting as Planning Authority, in consultation with SEPA. The agreed Work Method Statement must be implemented in full during works on the site.
9. Unless otherwise agreed in writing with the Cairngorms National Park Authority acting as Planning Authority, following 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 1400hrs (Saturday). The quarry shall not operate on Sundays.
10. The noise level from this development shall not exceed 45dB_{L_{aeq}} when measured at any neighbouring property.
11. Quarry blasting shall not be undertaken more than three times a year and no blasting shall be undertaken in the period between 1st March and 30th June. Prior to each blast, at least seven days notice shall be provided to the public in the area by means of a publication of a notice in the local press; the display of a notice in a publicly accessible location within the village of Dulnain Bridge; the display of appropriate warning notices within the boundaries, or otherwise visible from public roads within 400 metres of the site; and individual written notification to all residential and commercial properties within 800 metres of the site.

At least 7 days in advance Highland Council's Environmental Health Service shall also be given notice of the dates when blasting operations are to occur on the site.

Evidence of all forms of notification (including delivery confirmation for individual notifications) shall be made available for inspection by the Cairngorms National Park Authority acting as Planning Authority, upon request.
12. Unless otherwise agreed in writing with the Cairngorms National Park Authority 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 1400hrs (Saturday). No blasting activity shall be undertaken on Sundays.

- 13.** 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.

- 14.** The stock proof fence in place to protect the Twinflower colony shall be maintained in position at all times. No disturbance of existing ground levels and vegetation shall take place within 10 metres or less of the Twinflower colony.

- 15.** Wheel washing facilities shall be provided within the site. All commercial vehicles associated with the development shall be routed through the wheel wash prior to exiting from the site.

- 16.** All commercial vehicles exiting the site with extracted material shall be sheeted.

Advice notes :

- 1.** The Surface Water Management Plan required in connection with condition no. 7 of this permission shall be prepared in accordance with guidance contained in Planning Advice Note 50 : Controlling the Effects of Surface Mineral Workings. Sufficient information should be provided in order to determine the position of the water table in relation to the base of the excavated area. Details of the depth and areas which are to be excavated should also be provided, as well as any proposals for water abstraction or effluent or waste discharges. The impacts that any abstraction or discharges would have on groundwater quality or quantity should be assessed and this should include consideration of how any proposed abstractions could affect dependent surface water systems and groundwater users in the vicinity.

- 2.** The Work Method Statement required in connection with condition no. 8 of this permission must address pollution issues in relation to receptors on and off site. SEPA advises that all potential pollution risks associated with the proposals during the periods of operation and restoration must be systematically identified, along with preventative measures, mitigation measures and emergency procedures. The method statement should address the following –
 - Surface water run-off – measures to prevent erosion, sedimentation or discolouration of controlled waters should be provided, along with monitoring proposals and contingency plans;
 - Fuel or chemicals – measures to ensure any fuel/ chemicals from plant does not cause pollution;
 - Waste – all waste streams associated with works should be identified.

- 3.** Care should be taken to avoid the spread of invasive, non-native species to the site arising from quarrying activities, restoration plans etc.. In the event of any such species arriving at the site as a result of quarrying activities, it is

recommended that they are removed as soon as possible and disposed of appropriately.

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12 June 2009

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