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## CAIRNGORMS NATIONAL PARK AUTHORITY

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

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DEVELOPMENT CONTROL)

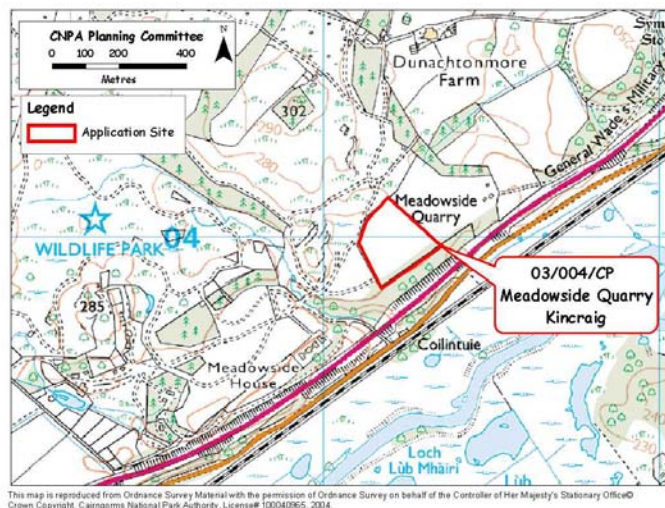
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**DEVELOPMENT PROPOSED:** FORMATION OF CENTRE TO RECYCLE ROAD CONSTRUCTION MATERIAL AT MEADOWSIDE QUARRY, KINCRAIG (FULL PERMISSION FOR A TEMPORARY PERIOD OF 5 YEARS)

**REFERENCE:** 03/004/CP

**APPLICANT:** SCOTTISH EXECUTIVE, PER BEAR SCOTLAND LTD, BEAR HOUSE, INVERALMOND ROAD, INVERALMOND INDUSTRIAL ESTATE, PERTH, PH1 3TW

**DATE CALLED-IN:** 12<sup>TH</sup> SEPTEMBER 2003



**Fig. 1 - Location Plan**

## SITE DESCRIPTION AND PROPOSAL

1. The Scottish Executive c/o BEAR Scotland Ltd. are the applicants in this proposal for full permission for the formation of a centre to recycle road construction material at Meadowside Quarry, Kincaig. Permission is being sought for a temporary period of five years. The recycling facility is required for road construction materials being recovered from various schemes on the A9 trunk road between Drumochter and Inverness.
2. The proposed site is on disused land immediately adjacent to the perimeter of the existing Meadowside Quarry. Access to the proposed facility involves using the existing access arrangements that involve departing from the B9152 road and traversing approximately 300 metres to the north west under the A9, leading towards the Highland Wildlife Park and Meadowside House Holiday Country Cottages before the junction of that road with the private road leading to the existing quarry.



**Fig. 2 : junction of public and private rd**



**Fig. 3 : private road leading to quarry**

3. The land on which the development is proposed is generally elevated relative to the surrounding land to the south west, south and east. The total land area identified within the site boundaries is approximately 9 acres. The existing worked area of Meadowside Quarry is located to the north and north east of the proposed site. A temporary 10 year consent was granted by Highland Council in 1999 for the renewal of permission for the extraction of minerals in that area. In addition a further application is with the Cairngorms National Park Authority for consideration (ref. no. 05/015/CP) where Ennstone Thistle as the applicants are proposing an extension of the quarry area and an extension of the extraction period for the continuation of rock processing and concrete production.
4. Aside from the existing quarrying activity, the area in which the proposed site is located is essentially rural, lying between the settlements of Kincaig and Kingussie. The Highland Wildlife Park which is operated by the Royal Zoological Society of Scotland is located approximately 240 metres to the west of the proposed site and encompasses a large area of land. Also to the west are a number of residential properties and holiday cottages. A further residential

property is located on lower ground to the south of the proposed site adjacent to the junction of the B9152. Also to the south, within 0.2 km of the proposed site is an area heavily designated for nature conservation purposes – the River Spey and Inch Marshes Site of Special Scientific Interest (SSSI), Special Protection Area (SPA) and Ramsar Site, and the River Spey and Inch Marshes Special Areas of Conservation (SACs).

5. The recycling plant is proposed to consist of a mobile plant for crushing and recycling road material, together with three stockpile areas and two portacabins. The existing private access road serving the on-going quarry operations runs through the site and one stockpile area and the proposed portacabins are to be located south of that road, with the remainder of the development located on land to the north. In addition two existing derelict structures are to be retained on the southern area, adjacent to the proposed portcabins. Photographs of a typical portocabin and mobile crushing plant have been provided. It is envisaged that there will be approximately 70,000 tonnes of material transported annually with between 7 and 8000 lorry movements into and out of the site per year. However the operation of the site will not be constant but will be dependent on contract periods for the improvement works.



Fig. 4 : Existing derelict structures to the south of existing access road

## DEVELOPMENT PLAN CONTEXT

### Highland Structure Plan 2001

6. The proposed recycling facility for road construction material is required as part of the Scottish Executive's road improvement works on the A9 between Drumochter and Inverness. The proposal may therefore be considered to have linkages to the Strategic Issue of 'Transport pressures' as detailed in section 1.3.1 of the **Highland Structure Plan**, where the need for continued improvements to the existing road network is recognised. Section 1.5 of the Plan alludes to the importance of adopting a proactive approach to the wise use of the

natural environment, where the environment is regarded as a key strength of the Highlands, stating that *“a strategy that adopts a proactive approach to the wise use of the natural environment, that seeks to treat it as a resource on which to base businesses (and) that encourages tourism”* has considerable merit. Section 1.5.7 highlights the fact that the high quality environment of the Highlands can be relatively easily damaged by poor building development and ill sited industry amongst other things.

7. 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.”*
8. Section 2.11.20 of the Plan refers specifically to the issue of Mineral Wastes, and refers specifically to the focus of the Structure Plan on working towards sustainability principles in development and concludes that *“opportunities for the recycling of mineral and demolition wastes will be supported.”* **Policy M6 on Mineral Waste** states that proposals for the positive utilisation of mineral wastes and the recycling of demolition materials and other appropriate wastes as an alternative to primary aggregates extraction will generally be welcomed.
9. The **Highland Structure Plan** in its section on Nature Conservation advises that all nature conservation interests are not confined to designated sites and that all development proposals should be evaluated for their implications for 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 N1 on Nature Conservation** is that new developments should seek to minimise the impact on the nature conservation resource and enhance it wherever possible.
10. **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**

11. The land on which the development is proposed is identified in the **Badenoch and Strathspey Local Plan 1997** for industrial/business uses. **Policy 2.2.3. (Minerals)** suggests that worked out or abandoned mineral sites adjacent to the main road network could be suitable for after-use. Industrial activity at such a location is one of the suggested uses. Large scale single users enterprises are identified as being potentially acceptable, subject to detailed assessment of environmental impact and specific site criteria. **Policy 2.2.9. (Tourism and Recreation)** acknowledges that tourism and recreation activities will continue to make a vital contribution to the economy. There is a priority to ensure that broadening the range and quality of facilities is balanced with protecting the areas exceptional scenic and heritage resources.
12. 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.*"

### **CONSULTATIONS**

13. **Scottish Natural Heritage** state that in principle they support the recycling of road material in the way proposed. The consultation report details the proximity of the proposed development site to sites designated for natural heritage purposes, as detailed in para. 4 of this report. The River Spey and Inch Marshes SSSI is designated for its flood plain mire, open water and river habitats, alder woodland, assemblage of breeding birds, wintering bird population, and populations of freshwater pearl mussel, otter and atlantic salmon. The River Spey and Inch Marshes SPA is classified for its populations of hen harrier, osprey, spotted crake, wood sandpiper, whooper swan and wigeon. The RAMSAR site designation is due to its wetland habitats and associated species. The River Spey SAC has been identified for its populations of sea lamprey, Atlantic salmon, freshwater pearl mussel and otter, whilst the Inch Marshes SAC has been designated for its mire, bogs, alder woodland, lochs and population of otters. They conclude that the proposal is unlikely to have a significant effect on the site if drainage and airborne pollution can be adequately controlled, and in order to achieve this they recommend that a condition be included in the event of a grant of planning permission

requiring that arrangements for the control of drainage and airborne pollution should be approved by SEPA prior to any development commencing. In addition, **SNH** have no objection to the proposal on landscape grounds, noting that there are no formal landscape designations on the proposed site (although it is within 1 km of the Cairngorm Mountains National Scenic Area), and also referring to the fact that the quarry is well screened and has a limited impact on landscape in terms of both near and distant views.

14. Extensive consultation was undertaken with **SEPA** at various stages in the assessment of the development proposal. In initial correspondence received in September 2003, **SEPA** stated that the application broadly agrees with principles set out in the '**National Waste Strategy:Scotland**' and the Area Waste Plan for the Highland Area which sets out Best Practicable Environmental Option for municipal wastes. The principles include the reuse of materials close to the source, reduction in the use of primary materials and a reduction of reliance on landfill. It is stated that from the perspective of the **National Waste Strategy:Scotland**, **SEPA** supports the application.
15. The comments from **SEPA** at that time however also highlighted the need to ensure that the proposed scheme would be designed and managed well in order to be environmentally acceptable. A number of conditions were recommended to be included in the event of consideration being given to the granting of planning permission, including the submission of a detailed drainage scheme in line with SUDS principles prior to the commencement of development, and in particular the need to ensure that no water likely to be contaminated leaves the site without passing through appropriate treatment. On this point, the agents for the applicants have considered an initial design for SUDS which will reduce coarse and fine contaminants from surface water run-off from the crushing/recycling and stockpile areas. This will involve the use of a main collector swale, feeding into a proposed detention basin, sized to retain the design treatment volume for 24 hours. A piped outlet would then connect from the detention basin to the existing discharge point. **SEPA** are content with the principle of this design and level of treatment but there is still a requirement for a detailed scheme to be designed and submitted for further approval. Reference was also made to the fact that depending on the nature of operations, the use of some plant could require an authorisation from **SEPA** under which a site boundary would be delineated and conditions incorporated into the authorisation prohibiting the deposition of particulate matter i.e. dust, outwith the site boundary.
16. The initial consultation response from **SEPA** also refers to the fact that the proposal has been considered, separate from the planning process, under the Waste Management Licensing Regulations and the applicant advised of entitlements under those regulations to store on a site, waste, consisting of road planings and road base, if no more than 50,000 tonnes and for no longer than 6 months.

17. Various issues were raised by the CNPA with the applicant in accordance with the issues highlighted in the initial **SEPA** correspondence. The information received in relation to the issue of dust / particulate matter clarified that a mobile plant is intended to be used for crushing purposes. In response to this **SEPA** stated that in the event of the applicant seeking authorisation from **SEPA** for the plant to be used as a mobile plant, *“then there is no designated site boundary and reliable, enforceable dust control could be achieved only by a planning condition requiring there to be no particulate matter deposition from the quarry outside the site boundary.”* **SEPA** conclude on this point that *“whether or not this is achievable in this case is a matter for the Planning Authority to consider.”*
18. Under delegated powers, Highland Council's **Area Planning and Building Control Manager**, refers to the fact that the site is relatively well screened from surrounding property and from the A9. He also highlights the fact that there *“is an extant planning permission for extraction and processing of minerals adjacent to the site and on the face of it the proposed use would fit well with that.”* However, it is stated that the significant impact of the proposed development would be in relation to the predicted vehicle movements of up to 7,000 to 8,000 annually, which would *“have a significant impact on the local road network and on visitors to the Highland Wildlife Park and the Meadowside Holiday Homes nearby”*, both of which use the same access road. The consultation response concludes with a word of caution that although the proposal to recycle road material is laudable, the sustainability of that, needs to be measured against the amount of road vehicles using the site and the distances over which material will be carried.
19. At the outset of the consultation process, the response from the **Area Roads and Community Works Manager** of Highland Council referred to a preference from a local road perspective that the development be served by a temporary dedicated access connecting directly to the A9 Trunk Road. The consultation response continues on to recommend a number of conditions to be attached in the event of a grant of planning permission in circumstances where access to the B9152 Kingussie – Aviemore road is absolutely necessary. Recommended conditions include the achievement of adequate visibility splays at the junction of the minor road and the B9152, with the report noting that the removal of roadside trees and vegetation and the setting back of an existing sign would be required to satisfy this requirement in a northerly direction and also advising that although the condition can be satisfied in engineering terms, control of the land necessary to meet the condition has not been investigated and will require to be determined; a restriction on the means of vehicles accessing the proposed site, where it is recommended that access between the site and the A9 Trunk Road should be curtailed to the Kerrow junction only, north of Kingussie; and a condition requiring the applicant to enter into an agreement with Highland Council, under Section 96 of the Roads



(Scotland) Act 1984 in respect of additional road maintenance costs that may be incurred by the Council as a consequence of the development. As a result of circulation of the comments of Highland Council to the applicants agent, a response was received from BEAR Scotland indicating that *“it will not be possible to provide a dedicated access connecting the quarry directly to the A9 Trunk Road”* and also stating that *“the Scottish Executive are not prepared to enter an agreement with the Highland Council in respect of additional road maintenance costs for the B9152 as a consequence of this development.”*

20. In further correspondence received from the **Area Roads and Community Works Manager**, the correspondence from BEAR Scotland referred to in para. 19 is noted, and in particular the commitments given to achieve junction visibility at the B9152 and the minor access road. The correspondence refers to a telephone conversation of 17 February 2004 between the route manager of the National Roads Directorate of the Scottish Executive and the Area Roads manager of the Council in which it was confirmed that the Scottish Executive *“would indeed be prepared to enter into an agreement with Highland Council in respect of additional road maintenance costs for the B9152.”*
21. Following an on-site meeting attended by the **Area Roads and Community Works Manager** and representatives of the applicant, a further consultation response was received confirming agreement with proposals by BEAR Scotland to satisfy the required junction visibility requirements. On the subject of necessary works to achieve visibility, some of which occur on land outside the applicants control, the response notes that *“ideally, relocation of the sign referred to should be carried out by the applicant in agreement with the owner of the sign”* and suggests that in the event this is not possible, *“it will be necessary to arrange for removal or relocation of the sign under planning powers.”* Reference is also made to the Scottish Executive’s entry into an agreement with Highland Council regarding maintenance costs on the B9152 and advising that the granting of any planning permission will require to be conditional upon the applicant entering into and bearing the cost of preparing such an agreement.
22. **Highland Council’s Environmental Health Officer** assessed the development proposal from the perspective of noise and dust implications. The initial consultation response received in September 2003 raised a number of queries (information on noise levels likely to be produced by the plant, intended hours of operation and precautions to prevent the escape of dust to the local area), all of which were raised with the applicants. A further consultation response was received from the **Environmental Health Officer** in February 2004 following receipt of the applicants response. The response endorsed the earlier expressed sentiments of SEPA requiring the attachment of a condition in the event of the granting of planning permission, controlling and



monitoring dust emissions. The **Environmental Health Officers** correspondence of February 2004 raised some concerns regarding the applicant's predicted noise levels.

23. Further to the comments of the **Environmental Health Officer** on the issue of noise, the CNPA engaged in an extensive process of information gathering and discussion with the applicants in order to establish whether or not adherence to the recommended noise thresholds could be achieved in the operation of the proposed plant. A Noise Assessment was submitted and was duly assessed by the Environmental Health Officer. In a consultation response received in March 2005 some concern is expressed that some predictions in the report may have underestimated the impact of vehicle movements when calculating noise levels. The response recommended that daytime noise generated from the development should not exceed 50dBLAeq when measured from the entrance to the curtilage of the nearest residential property i.e. Meadowside House, and also recommended that operations be restricted to daytime hours, noting that night time noise would be particularly intrusive at neighbouring dwellings given the quite rural nature of the area. Further to some concern expressed by the applicants at the noise levels required, final correspondence was received from the **Environmental Health Officer** in April 2005 setting out the background to the recommended noise thresholds and referring to the fact that reference is frequently made in sections 30 – 42 of PAN 50 (Controlling the Environmental Effects of Surface Mineral Workings) which refers to consideration of local circumstances. The applicants agent subsequently confirmed acceptance of the recommended noise restrictions.
24. **RSPB Scotland** were consulted on the development proposal and in their initial response in September 2003 the main concern is detailed as whether or not the proposed development would impact on the adjacent River Spey – Inch Marshes SPA and Inch Marshes and River Spey SACs. At that time **RSPB Scotland** were unable to fully assess the implications as they considered that the application contained only minimal information, particularly regarding noise, operation of plant and drainage issues, and requested that a determination be withheld until all relevant details were provided by the applicant. Following receipt of further information, **RSPB Scotland** re-examined the proposal and concluded in correspondence received in February 2004 that *“the predicted noise levels will not adversely affect birds at Insh”* but note that conditions should be placed on any approval such that noise levels are kept within the limits. Measures proposed to manage drainage were also considered sufficient to prevent water entering sensitive areas. **RSPB Scotland** conclude in their submission that the proposed development would not have an adverse impact upon bird conservation concerns in the area.

25. Consultation responses were invited from **Kincraig and Vicinity Community Council** and the correspondence received is an **objection** to the proposed development. Correspondence received in September 2003 highlighted the Community Council's objection to the proposed development and included an extensive list of issues which they suggested required to be addressed prior to the application being given further consideration. Issues raised included whether or not alternative sites were considered and the location of same; noise control mechanisms and the effects of noise on adjacent businesses; the unsuitability of the B9152 for the likely traffic increases associated with the development proposal; details of whether or not the predicted annual vehicle movements would be spread throughout the year; concerns regarding dust and the need for dust suppression measures; mechanisms for the control of run off from the site during periods of heavy rain; concerns regarding the likelihood of contamination from oils and other substances. Reference is made to representations made to the Community Council by existing businesses – Meadowside Holiday Cottages and the Highland Wildlife Park, and the fact that **Kincraig and Vicinity Community Council** fully support the objections raised by those parties. The consultation response from the Community Council concludes with a request that in the event of the granting of planning permission that a condition is attached requiring the formation of a new access directly off the A9 to serve the proposed development site.
26. The issues raised in the initial response from **Kincraig and Vicinity Community Council** were raised by the CNPA in the course of dialogue with the applicants, and further to receipt of responses the details were re-examined by the Community Council, and a further consultation response was received in February 2004 confirming their wish to maintain their objection to the proposed development. Concerns regarding noise and dust are reiterated, as is a concern that the *"the impact of the applicants proposed operations on both the Meadowside Self-Catering business and the Highland Wildlife Park could be extremely serious, perhaps terminal."*
27. The **Visitor Services and Recreation Group** of the CNPA have examined the proposal and have noted that there does not appear to be any recreational access issues directly on the application site. It is however noted that the increased use of the relatively quiet B9152 and the minor road leading to the Highland Wildlife Park and other properties may *"raise issues in relation to the visitor experience and safety of those accessing the Highland Wildlife Park and also the surrounding area and paths, both by motorised and in particular non-motorised means."*

28. The response from the **Economic and Social Development Group** of the CNPA raises a number of points. They state that; there is limited benefit for local road construction; the proposal is to service areas in and outside the Park and therefore it is inappropriate that such a site should be placed within the Park but service roads outwith it; the local community is against the development due to increased heavy haulage; nearby holiday homes will be adversely affected by dust and noise; the nearby Highland Wildlife Park will be affected by increased lorry movements; the site entrance shares a road with the Wildlife Park and is in view of the entrance booth and therefore cars visiting the Park would have to compete with lorries; and there are no local jobs created at the site. To conclude, they state that the development has limited benefits and many disbenefits for the Cairngorms National Park. There are no local economic benefits to the community or businesses. The development is likely to have an adverse affect on local tourism and will not add to the economic diversity of the area or boost the local Gross Development Product. The recycling of road materials would appear to be a low-grade activity that should be placed well away from sensitive businesses and communities. They conclude that the Park Authority has an obligation to support communities and businesses and should carefully consider all the effects such a development will have.

## REPRESENTATIONS

29. A number of representations have been received in respect of the proposed development. The Royal Zoological Society as the operators of the Highland Wildlife Park (HWP) have objected to the proposal on the grounds that the proposed development would have an *“unacceptable and direct impact on the amenity and viability of the HWP due to dust, noise and heavy goods vehicle travel movements.”* The Highland Wildlife Park is described as being a unique form of sustainable green tourist development, recognised as a national centre for excellence. The letter of representation provides details of its contribution to the area in terms of employment generation, attraction of visitors and financial achievement, stating that the Wildlife Park brings in over £500,000 a year to the local economy and that its *“financial viability is threatened by the proposed development.”*
30. The submission on behalf of the Royal Zoological Society states that the proposed development is incompatible with Highland Structure Plan policies to maintain features of internationally and nationally designated areas (River Spey and Insh Marshes SSSI, SACs and RAMSAR sites). The submission refers to ‘material considerations’ in assessing the application and in particular the *National Parks (Scotland) Act 2000* and the four aims of the National Park. It is stated that the application “clearly conflicts with and undermines all of the statutory aims”. The *Conservation (Natural Habitats)&c. Regulations 1994* is also referred to as a material consideration and raises concerns that there are no measures in place to stop water and silt run

off from the site draining into and contaminating the local burns which feed into environmentally sensitive areas. The submission also expresses the sentiment that “there are undoubtedly alternative sites for this proposed development and it could not on any informed basis fall within the definition of a development needed in the interests of overriding public interest.

31. The Royal Zoological Society submission also refers to other concerns which they consider constitute material considerations, including road and pedestrian safety, the proposed development threatening the financial viability of the Highland Wildlife Park, and the lack of an Environmental Assessment in accordance with Environment (Scotland) Regulations 1999.
32. Mr. Peter Cairns on behalf of Kincaig Promotions – a group of 38 locally based businesses – wrote to object to the proposed development. The submission raises concerns about the impact of the development on the enjoyment of the area by visitors, due to the predicted increase in heavy traffic, together with noise and dust. Concern is expressed that “*there is no indication of any form of impact study has been carried out in connection with the proposed development*”, and suggests that such a study should be the minimum requirement for a proposal of this nature within the National Park and in close proximity to Insh Marshes NNR and the Highland Wildlife Park.
33. A letter of representation was submitted from Mr. Jamel Karim, the proprietor and operator of Meadowside House Highland Country Cottages and ‘other concerned parties’ – Mr. David Delgano of Orkney Cottage, Meadowside and Mr. Wilson Munro, Shetland Cottage, Meadowside. The parties object to the proposed development on five grounds – 1. the detrimental effect on the tourism amenity and viability of the business being conducted at Meadowside;; 2. the noise and dust likely to be generated would be unacceptable to customers and residents at the Meadowside complex, which it is stated is within 250 metres of the proposed development site; 3. concerns regarding traffic movement and significantly increased volumes of traffic and a suggestion that the access road from the B9152 “*could not safely handle the increase in traffic;*” 4. a number of issues are raised under the general title of health and safety, including the dangerous interaction of tourist traffic and proposed site traffic, and the potential impact of noise and dust on “*varied and protected species in the adjacent Wildlife Park and surrounding area*” creating unacceptable levels of stress and alarm; 5. it is stated that the objectors believe that the “*proposed industrial development will be against the aims and principals of the new National Park.*”
34. In addition to the above detailed letter of representation, Mr. Jamel Karim also submitted an eleven page petition, signed by local residents and holidaymakers(323 signatures) objecting to the proposed development.

35. Mr. Nigel Russell of Dunachton Road, Kincaig in his letter of representation voiced his concern about the proposal and refers to the fact that *“this area of Scotland is famed for its beauty”* and urges people to *“think of the visitors to the bird sanctuary and the wild life park and what they will think of heavy lorries and the sound of grinding machinery interspersed with curlews etc..”* Mr. Russell concludes by referring to the fact that the area struggles to prosper in light of competition from overseas destinations and urges *“please don’t permit another burden to be added.”*
36. Copies of these letters and the petition are attached to the report. **At the time of writing, the Community Council have made a formal request to address the Committee.**

## APPRAISAL

37. There are a number of complex issues to consider in the assessment of the proposed development including the proposed location, whether or not there is a need for the facility at this location and the nature, scale and impacts of the development on the surrounding area. As Members will be aware the development proposal has been before the Cairngorms National Park Authority for a considerable period of time, and this in itself is an indication of the complexity of the issues which it was considered necessary to investigate in the assessment process. In considering the positive and negatives of the development proposal, it is important to bear in mind the reasons for which the application was called in for determination by the Cairngorms National Park Authority, and to examine whether or not satisfactory evidence has been advanced since that time to allay concerns regarding its impacts. Call-in reasons included the fact that the proposal was considered to have the potential to have a significant environmental impact on the local community and adjacent protected site via dust, noise, vibration and drainage at the proposed site, and also the potential adverse impacts of the development of local businesses. The Highland Wildlife Park and Meadowside House tourist accommodation were specifically mentioned, and the call-in reason referred to concerns regarding safety and environmental issues, particularly referring to the impact of up to 8,000 lorries per annum using the existing minor access road serving the aforementioned tourist enterprises. All of these considerations are assessed below.

### Environmental Impacts – Landscape

38. The objections received indicate considerable concern about the impact of the development on the landscape of the surrounding area. The site is located in an elevated position and it can be viewed from various locations including at a distance from across the valley to the east. However, it is seen in the context of the existing adjacent quarry

and there is a degree of tree cover in particular along the eastward boundary between the site and the public roads. Due to the level differences between the site and the A9/B9152, the site is not seen from these public vantage points. The type of development (some portacabins, mobile plant and stockpiling areas) is not of a significant visual scale especially when compared to the adjacent quarry face. The site is not within the Cairngorms National Scenic Area and SNH have advised that the existing quarry and the proposed site is well screened and has limited impact in terms of both near and distance views. They do not believe that the proposed development would have a further detrimental impact on the landscape character of the area. For these reasons, I cannot put forward objections to the development on visual and landscape grounds.

### **Environmental Impacts – Surface Water Drainage**

39. The site is close to some of the most heavily designated areas of the National Park. The potential for impacts from the development on these natural heritage designations comes from surface water drainage, which at present drains into the designated areas, and airborne pollution. Both of these matters have been extensively examined with SEPA and Highland Council's Environmental Health Service being the advisers. SNH are content that there will be no adverse impacts on the designations, provided SEPA are satisfied. With regard to surface water, the applicants have been required to design an, in principle scheme, for the treatment and disposal of surface water at the site. Engineers, on behalf of the applicants, have worked up an initial scheme, which, at this stage, does not involve infiltration as part of the process. The use of a swale and wetland/detention basin will provide the necessary levels of treatment to reduce contaminants in the run-off and they will be designed to be of a size to accommodate the levels of surface water predicted, and to contain and prevent flooding. SEPA are content with these proposals, subject to a detailed design being worked up and agreed prior to the commencement of operations. On this basis, a condition could be imposed, and there should be no adverse impacts on the designated areas.

### **Environmental Impacts – Airborne Pollution**

40. In relation to airborne pollution, the applicant has stated that the material to be crushed and handled at the site would be hard in nature and as such will crumble less easily resulting in the production of less dust particles. The greatest effect from dust would be only within the first 100m from the source. It is stated that the crushing activity, which will be carried out by a piece of mobile plant, will not be an extensive activity and is only expected to be undertaken over approximately 8 weeks each year. Planning advice on this matter is contained in PAN 50, Annex B (The Control of Dust at Surface Mineral Workings). This states that for crushing and grading activities, control is largely through

the Environmental Protection Act (1990). However, SEPA have advised that because mobile plant is being used for the crushing operations, reliable, enforceable dust control can only be achieved by a planning condition, requiring that there be no particulate matter deposition from the site outside the boundaries of the site. PAN50, Annexe B suggests that dust can be adequately controlled and monitored through the imposition of planning conditions and Highland Council's Environmental Health Service have agreed that planning conditions in line with PAN50, Annexe B would be sufficient. The Environmental Protection Agencies are therefore content that, on the basis of the nature of the operations, and with appropriate conditions, airborne pollution to designated natural heritage areas or to other nearby properties will not be a technical problem.

### **Environmental Impacts - Noise**

41. The potential for noise pollution from the proposed development has been a significant factor, especially because of the level of concern from objectors about the potential for nuisance and disturbance to nearby noise sensitive properties. I am aware that complaints have been made to Highland Council over the years about noise generating from the nearby quarry activities. Indeed, in February/March of this year, complaints were made about noise emanating from crushing activities taking place at the quarry. This matter was investigated by Highland Council and it was found that sub-contractors of BEAR, working on road improvements on the A9 had undertaken the bringing in and crushing of raw material for road sub-base, with the local permission of the operators of the quarry (Ennstone Thistle). However, because of safety reasons with the quarry face at the time, this had taken place outwith the quarry bowl. Noise had been exacerbated by the fact that the sub-contractors had undertaken unauthorised recycling activities as well. When an Ennstone Thistle Director became aware he immediately put a stop to the activities.
42. BEAR were made aware of this at the time and explained that the sub contractors recycling activity was not under their control, but they provided reassurance that if granted permission, *"the contract documents for each road scheme will specify all the necessary conditions to be met and will be subject to supervision and monitoring by BEAR to ensure compliance. Our management of the recycling process will ensure that it will be undertaken in a controlled manner and will prevent random activities happening again."*
43. While this matter has been resolved, it demonstrates the sensitivity of the area and neighbouring uses to noise nuisance. The unauthorised activities that took place were located further away from noise sensitive properties, than the proposed site. Planning advice on Control of Noise at Surface Mineral Workings is contained in PAN 50, Annexe A. This recommends that the daytime noise limit at noise sensitive properties should be 55dB. However, it also advises that in quieter



rural areas 55dB may exceed existing background levels by more than 10dB which, as stated in BS 4142 (Method for Rating Industrial Noise Affecting Mixed Residential and Industrial Areas) is likely to lead to complaints of disturbance. As such, a Noise Assessment Report was requested and submitted. This analysed the noise likely from the crushing activities (recorded as the worst case scenario at 48.7dB, at the nearest noise sensitive property – Meadowside House) in comparison with the existing background noise level which was recorded at 42dB. In theory this would comply – the maximum permissible level for the site being 52dB. Highland Council's Environmental Health Officer, in considering his response to the Noise Assessment, therefore recommended that the maximum noise level generated should be 50dB (max. 8dB above recorded background levels).

44. The applicants were reluctant to accept this lower level because it was more restrictive than the PAN guidance. However, in response, Highland Council's Environmental Health Officer stated that, in making this recommendation, he took into account several factors, which included; the fact that the background level measurements were a single set taken in a 2 hour period on one day – it is likely that there will be occasions when the background level is lower than this; PAN 50 makes reference to the need to take account of local circumstances – in this case Meadowside House where there are self-catering holiday properties and the Highland Wildlife Park are likely to be particularly sensitive to noise – therefore important to control noise as much as possible; ideally it is always sensible to have a limit less than 10dB above background levels; and the Noise Assessment stipulated a worst case scenario of less than his recommended level and that this was before any attenuation which would be provided by positioning the crusher behind the stockpiles. In conclusion, the applicants have now agreed to the 50dB noise limit. In addition, they are agreeable to Highland Council's other conditions which would limit operations and the delivery and collection of materials from 08:00 to 17:00, with no work or traffic movements on Saturday afternoons or Sundays.
45. On the basis of the above, in terms of the purely technical side of the noise issue, the development is found to meet the requirements stated in guidance. However, this does not mean to say that if permission is granted, complaints will not be forthcoming. Any complaints received will require to be investigated.

### **Traffic Impact**

46. Considerable levels of concern have been raised about the impact of the lorry movements to and from the proposed development, on the local road network, and on the access road to the site which also serves Meadowside House Country Cottages and the Highland Wildlife Park. As the Committee will be aware, the CNPA are currently assessing an application to extend the adjacent Meadowside Quarry.

This application is accompanied by an ES which states that the quarry is currently limited to producing 50,000 tonnes per annum. This equates to an average of approximately 22 vehicle movements into and out of the site per day. Of course, this is an average, and is dependent on demand at any particular time. Although the application is to extend the quarry, its purpose is to extend its life rather than increase input. It is stated therefore that, **if permission is granted**, there will be no increase in traffic movements to and from the quarry as a result of the extension.

47. The amount of traffic movements for the recycling proposal must therefore be considered **in addition** to those already serving the quarry. The current application states that there will be between 7-8000 lorry movements in and out of the site per annum. This equates to an average level of between 19 and 22 movements per day. On average, per day, therefore, the amount of lorry movements using the shared access road will be doubled. In reality though, the applicants have advised that movements would not be constant throughout the year but would be dependent on the length of particular contracts which they envisage as being mainly in the spring and autumn.
48. The assessment of the general impact of this increase of lorry movements on this shared access and the general character and amenity of the area and the adjacent tourism businesses is considered in the next section. However, in terms of purely technical traffic matters, the applicants have agreed to specifying in their contracts that access between the site and the A9 Trunk Road will be by the A9/A86 Kerrow junction and that they would be prepared to enter into an agreement with Highland Council in respect of additional roads maintenance costs to cover any damage caused to the B9152. Nevertheless, creation of the required visibility splays at the junction of the B9152 and the access road is not as clear cut. In order to achieve the requirements, an existing sign advertising Meadowside House Country Cottages requires to be relocated. This sign lies outwith the highway boundary and was erected under an Advertisement Consent granted by Highland Council in 1990. Advertisement Consent lasts for 5 years only so technically its existence can be challenged if necessary. However, Highland Council Planners have advised that it would be difficult to challenge bearing in mind the time that has lapsed. They feel that it would be best to negotiate a relocation of the sign with its owner. In this instance, the owner is one of the objectors to the development. This would not make any negotiations easy. It is possible to impose a suspensive condition which would prevent the proposed development commencing until such time as the sign was relocated. However, it would only be logical to impose such a condition when there is a likelihood of its requirements being fulfilled. I am not convinced that this would be the case. This matter remains outstanding but has a bearing on the final recommendation.

### **Principle, Policy and General Impact on Area and Existing Tourism Businesses**

49. As discussed above, from a technical point of view, it is not possible to sustain, with any strength, resistance to the proposal on strictly technical environmental nuisance grounds. However, it is important to consider the wider implications of the proposal in terms of its impact on the general amenity and character of the area and in particular the nearby tourism businesses. This must be also be considered in tandem with the principle of the development in relation to policy and the need for the development at this particular location.
  
50. The principle of recycling waste and material from road improvement works, as an alternative to primary aggregate extraction is a laudable one, and one which planning policy generally supports. However, the sustainability benefits of this must be weighed up against the appropriateness of this operation in this National Park location, and the wider impacts that the development creates. In this instance, the site has been chosen essentially because of two reasons. The first is that it is located on a site, which is zoned in the Local Plan as an existing industrial/business site. This is because of the existence of the adjacent Meadowside Quarry. However, this zoning is because of this historical use. While policy supports potential compatible uses (such as other industrial uses) on such sites, this is subject to detailed assessment of environmental impact and specific site criteria. It therefore only provides general encouragement. The second is that it is positioned in a location which can be relatively easily accessed from the source of the improvement works - the A9. However, the applicants state that these improvement works will be carried out between Drumochter and Inverness, and therefore it is clear that not all of the waste material being transported for recycling at the site will be sourced from within the National Park boundaries. While there may be environmental benefits from reducing the need to dispose of the existing road construction waste by reusing it and possibly some economic benefits to the developers, the applicants have stated that the proposed operation will allow them to quantify these benefits more precisely, and the development could therefore serve as a model for the future.
  
51. The CNPA's Economic and Social Development Group have advised that they do not feel that there will be local economic benefits to the community or to businesses, nor will the development contribute to the economic diversity of the area or boost local GDP. They feel that in general terms, because of the nature of the development, there are likely to be adverse effects on tourism. While it is acknowledged that it is proposed for a temporary period, it also appears to be a "test" for the applicants, in order that they can gauge the environmental and economic benefits that may accrue. It is questionable that the National Park should be a location for this, particularly when local benefits are

negligible, there is a significant level of local opposition, and the development is not serving works created entirely within the Park.

52. The argument for resisting the principle of the development begins to carry more weight when the general impact of the increased lorry movements along the shared access road are considered. Doubling the existing heavy lorry movements, particularly when you consider that they are likely to be intensive during specific contract periods, will undoubtedly impact on the character of the shared access road, the nature of its current tourism traffic and consequently the visitor experience. The entrances to the Highland Wildlife Park and the Meadowside Cottages sites are both close to and visible from the point of entry to the proposed site. The nature and rural location of these existing businesses, mean that they are sensitive to significant changes in terms of the character of the immediate surrounding area and the potential for disturbance to their general amenity. This sensitivity is highlighted in the stance taken on noise by Highland Council's Environmental Health Officer, where he felt that general standards needed to be increased in this particular instance. The outstanding problem of the ability to achieve the visibility splays at the road junction because of the sign for one of the businesses affected, is also an indication that the increased use of the shared access road for the development is not compatible in general terms with the nature, use and character of it at present. The CNPA Visitor Services and Recreation Group have also expressed a degree of concern in this respect.
53. The National Park has its four statutory aims. The implications for each are detailed below. However, it seems to me that to grant permission, even on a temporary, perhaps experimental basis, because of the likely impact on the general amenity and character of the adjacent tourism businesses, will not promote the enjoyment of the special qualities of the area by the public. This is especially so when overall benefits to the economic and social development of the Kinncraig community and the wider National Park are very limited.

## CONCLUSION

54. The application has raised a significant number of issues. In terms of planning policy, general encouragement is provided for this type of development but only where the location is deemed to be acceptable. It is possible to impose planning conditions to mitigate some of the site specific technical environmental impacts of the development. However, due to the nature of the development, and in particular the increase in the use of the shared access road, and the character and nature of that increase, it is submitted that there will be detrimental effects created for the wider general amenity of the surrounding area and in particular the adjacent tourism businesses. During times when the development will be in operation, there will be a general perception of significant industrial activity in a quiet rural area in close proximity to

important sustainable tourism activities. This is not likely to create a positive experience for visitors and users of these adjacent businesses and as such the development cannot be viewed as promoting the enjoyment of the special qualities of the area. These negative implications are not outweighed by any significant other benefits to the community or the National Park, and I cannot find any significant justification for supporting the proposal, even on a temporary, experimental basis. I conclude by submitting that the development fails to comply with the general principles of Policy G2 (Design for Sustainability) of the Highland Structure Plan because it impacts on individual and community amenity, and does not contribute to the economic and social development of the Kinraig community as a whole. I also view the proposal as contrary to Badenoch and Strathspey Local Plan Policy 2.2.9. (Tourism and Recreation) which recognises the importance of tourism and recreational activities to the economy of the area and seeks to ensure that the range and quality of facilities are broadened. The proposal also has negative implications for the general aims of the National Park.

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

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

55. The development has no direct negative implications for this aim in terms of its impact on natural heritage designations, landscape or cultural heritage features. However, due to the development's nature and its rural position close to sustainable tourism businesses, which are part of the National Park's general natural and cultural identity, the proposal cannot be seen as conserving or enhancing the wider natural or cultural heritage of the area.

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

56. The proposal to recycle road construction material is considered to constitute a sustainable development in principle. It reduces the general need for extracting natural resources at source and adding to landfill. However, the sustainability benefits of this must be measured against the number of vehicle movements created, distances which material will be carried and the fact that not all of the material will be sourced from within the Park.

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

57. The development will have significant negative implications for this aim. The nature and type of increased heavy goods vehicles using the shared access road and the probability of some general industrial type disturbance will impact on the quality of the experience of users of the adjacent tourism activities, and the general character and amenity of this popular rural location.

## **Promote Sustainable Economic and Social Development of the Area**

58. The development has very limited, if any, positive benefits for the economic and social development of the local area. Indeed, because of the potential detrimental impacts on the adjacent tourist related businesses, it can be argued that the proposal has negative implications for this aim.

## **RECOMMENDATION**

59. **That Members of the Committee support a recommendation to:**

**Refuse Full Planning Permission for a Temporary Period of Five Years for the Formation of a Centre to Recycle Road Construction Material, at Meadowside Quarry, Kincaig, for the following reason:**

- a. **Due to the nature and type of increased heavy goods vehicles using the shared access road and the potential for general industrial type disturbance, the development will have a detrimental impact on the quality of the experience of users of the adjacent tourism activities at the Highland Wildlife Park and Meadowside House Highland Country Cottages, and the general character and amenity of this popular rural location. These negative implications are not off-set by any significant social, economic or environmental benefits to the local community or the wider National Park area. As such, the development is deemed to be contrary to Highland Structure Plan Policy G2 (Design for Sustainability) and Badenoch and Strathspey Local Plan Policy 2.2.9. (Tourism and Recreation). In addition, the proposal raises significant negative implications for the collective aims of the National Park, in particular the third and fourth aims which seek to promote the understanding and enjoyment of the special qualities of the area, and promote the sustainable economic and social development of the area's communities.**

## **Determination Background**

This application was the first one called-in by the CNPA in September 2003. There have been several complex technical issues to address in the determination of this application. Following receipt of consultation responses over several months, a considerable amount of additional information was sought in late 2003 and up to March of 2004. The requested information was received in July and August 2004, whereupon further re-consultation took place. There were considerable delays in getting some of the consultation responses (one in particular took 5 months). Some of these raised further issues which required addressing. In particular the technical noise issue was not finally resolved until the end of April 2005.

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**18 August 2005**

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