

THE HIGHLAND COUNCIL

**SOUTH PLANNING APPLICATIONS COMMITTEE
1 April 2015**

Agenda Item	5.2
Report No	PLS/016/15

**Planning Application 14/03270/FUL
Dalmagarry, Tomatin**

Report by Head of Planning and Building Standards

SUMMARY

Description: Sand and Gravel Quarry including the operation of an Asphalt Plant.

Recommendation: Grant Temporary Planning Permission with Conditions.

Ward: 20 - Inverness South.

Development category: Major.

Pre-determination hearing: None.

Reason referred to Committee: Major application.

1 Background

1.1 At its meeting on 23 December 2014 the South Planning Applications Committee (SPAC) considered a planning application to open the sand and gravel resource at Dalmagarry Quarry / Wood, by Tomatin. The application was for a phased and temporary working of the resource over a 15 year period including the operation of an Asphalt plant, set within the site. The committee report is Appended. Having considered the report, two key issues were highlighted by Members, with a request for further information and clarification, prior to the committee determining the planning application. This report responds to these outstanding issues.

2 Access Arrangements onto the A9(T) Road.

2.1 Members raised concerns over the proposed site access arrangements between the quarry onto the A9(T) road. The application submission proposed that there should be no right turning into and out of the site, with north-bound lorries into and out of the site having to utilise the existing set-back laybys which were located north and south of the quarry entrance.

2.2 The Member concerns included the impact on A9 (T) traffic flows at the quarry entrance, but more particularly with the use of the set back laybys, which were considered well used by traffic and would not always be available for turning movements.

- 2.3 In addition, the southern set-back layby was close to the existing Tomatin Junction, just north of the Slochd – Tomatin dual carriage- way, with visibility limitations at the exit of the lay-by, and operated in combination with separate bus stop. Given the combination of functions of the A9 (T) road in this location, Members felt the turning of quarry vehicles using the set-back layby would affect road safety.
- 2.4 In response to the request of the Committee the Applicant, the Trunk Roads Authority and the Council considered alternative options. Following a combined visit to site: -
- The quarry access was seen as having a good level of visibility in both directions.
 - The set-back laybys had adequate room for all road type vehicles to pass through the layby, whilst also allowing some vehicles to park (short-term).
 - The southern setback layby had limited visibility at its exit onto the A9(T), particularly to north bound traffic, which would require additional work to achieve the required visibility.
 - The north bound set back layby had good visibility in both directions.
- 2.5 Given the above, an alternative design solution was proposed, which would do away with the need to use the southern set-back layby, but retain the use of the northern set-back layby.
- 2.6 This requires a standard “limited” access design (Layout 7 in TD41/95) at the quarry (see plan attached). It prevents access into the site from the northbound carriageway. It allows access into the site for south bound vehicles turning left into the quarry, and for quarry traffic leaving the site to turn left or right onto the A9(T).
- 2.7 Traffic arriving from the south would be required to utilise the set back layby north of the quarry site. Given that the market for this resource lies primarily to the north in Inverness, the required use of the set-back layby is not expected to be significant.
- 2.8 In this manner the Trunk Road Authority is content with the revise proposed means of access for the quarry. It still relies upon the use of one set back lay-by, which is acceptable practice. It maintains a request that any consent granted for the development would require by planning condition the developer of the quarry to submit final design drawings for its approval of both the site access and set back layby, the latter of which would need to be improved to assist vehicles return to the A9(T).

3 A9 (T) Dualling Project

- 3.1 The A9(T) dualling project (Perth – Inverness) has been split into 3 sections and consultants appointed to design the alignment for each of these sections.

- 3.2 The consultants for the section at Tomatin have just been appointed (Feb 2015) and have not yet had an inception meeting. No design work has been started.
- 3.3 The current stage will be to identify a 200 metre wide corridor within which the road will fit and decide on a junction strategy. This will not be ready for some time yet, probably late summer / autumn 2015.
- 3.4 The grant of this planning application will not jeopardise the progress of the intended dualling scheme.

4 Recommendation

- 4.1 Given the amended arrangements now presented by the applicant, which have the support of the Trunk Roads Authority, the Committee is invited to support the application. Such a decision needs to recognise the amended access plan and the continued utilisation of the existing northern set-back layby on the A9(T) road for the turning of northbound vehicles wishing to access the quarry.

Designation: Malcolm Macleod, Head of Planning and Building Standards
Author: Ken McCorquodale
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Report to South PAC of 23 December 2014

THE HIGHLAND COUNCIL

**SOUTH PLANNING APPLICATIONS COMMITTEE
23 DECEMBER 2014**

Agenda Item	
Report No	PLS/098/14

**14/03270/FUL: Pat Munro (Alness) Ltd
Land 300M NW of Invereen, Dalmagarry Wood, by Tomatin.**

Report by Head of Planning and Building Standards

SUMMARY

Description : Sand and gravel quarry (Dalmagarry Quarry) with associated mobile crusher and asphalt plant.

Recommendation - Grant temporary planning permission with conditions.

Ward : 20 - Inverness South.

Development category : Major.

Pre-determination hearing : None.

Reason referred to Committee : Major application.

1. PROPOSED DEVELOPMENT

1.1 The application seeks to undertake sand and gravel extractions at Dalmagarry quarry, by Tomatin, Inverness. The previous workings by the Forestry Commission ceased following the upgrading of the A9 in the 1970's. The plans are to work the resource eastwards from the previous workings in a phased manner, over an area of approximately 5.5ha. The quarry is estimated to contain 1 million tonnes of sand and gravel. The resource is expected to be extracted over a period 15 years in two phases and then the land returned to forestry use.

1.2 The following plant is expected to be used on site: -

- A hydraulic excavator to extract the sand and gravel.
- A wheel loader to load the articulated truck at quarry.
- A second loader to load lorries at the screening plant and stockpiles.
- An articulated truck for hauling as dug sand and gravel.
- A mobile inclined screening plant to screen material.
- A mobile cone crusher plant to crush large stones.
- A closed circuit washing plant.
- An asphalt batch mix coating plant to produce coated road-stone.
- A small scale sprinkler system comprising tractor and bowser to suppress dust.

- Lorries hauling material off site.
- 1.3 The mobile crushing and screening plant, the asphalt coating plant, the closed circuit washing plant and stockpiles will be located in a processing area in the previously worked quarry. The mobile screening plant and the stockpiles will be moved to follow the working face as it progresses eastwards. The working area will be fenced with a 2 metre security fence and secure site access gates. The gate will be locked except during working hours. Requested hours of working are between 07.00 to 18.00 Monday to Friday and 07.00 to 12.00 Saturday.
- 1.4 A site office, a mess room for staff, and a weighbridge will be located about 100 metres into the site from the A9 upgraded access point. These will be connected to the public water supply. A septic tank and soakaway system will handle waste water from the toilets and washing facilities in these buildings. The buildings will be connected to the local electricity supply network and the telecoms network. Operational lighting at the working face and in the processing area during dark working hours in winter will be provided by the plant and vehicles.
- 1.5 A fuel storage tank, bunded to contain any spillage or leakage in compliance with SEPA guidance, will be located in the processing area for refuelling the plant and vehicles. Fuel tank valves will be locked and protected from unauthorised use. Oil spill kits will be held in the site offices to deal with any spillage during operations. These will include absorbent mats to soak up spillages which will be disposed to a suitable waste facility. Fuel contaminated soil will be removed at the same time. Plant based on site will use vegetable rather than oil based lubricants.
- 1.6 The batch mix asphalt plant will not operate continuously but as required for road surfacing activity for about 25 weeks in any year. It comprises:
- Aggregate feed hoppers from which cold aggregate is fed via a conveyor to a gas fired rotary dryer to reduce moisture content and fines from the aggregate.
 - A ducted extraction system to take hot gases and particles from the dryer unit via filters to an emission stack. The exhaust from this stack comprises hot gases and should not emit a visible steam or dust plume.
 - A batch store where aggregate is separated into hot bins according to size and fed into a mixer unit which combines various grades of aggregate and fine sand as a filler with hot bitumen from a bitumen storage unit to coat and bind the material.
 - The hot asphalt is stored in an insulated unit until it is loaded into lorries for onward transport.
- 1.7 The asphalt plant will be located at the lowest part of the quarry and the stack, which is the highest part of the plant at about 12 metres, should not be visible over the retained tree screen. The insulated storage unit, with a capacity of 150 tonnes, will keep asphalt hot overnight so the batch processing and lorry transport will operate only during the working day. The bitumen storage unit is also insulated so that hot bitumen deliveries will be made only during the working day.
- 1.8 The current access to the A9 is to be improved. The proposed design will only allow traffic to turn left in and left out of the site by placing an island with bollards at

the bell-mouth. This will prohibits right turns both in and out of the site. Traffic wishing to enter the site from the south will travel north to the Dalmagarry lay-by and turn there. Traffic wishing to exit northwards will travel south and turn at the lay-by near the Tomatin junction.

2. SITE DESCRIPTION

- 2.1 The site 3km north of Tomatin extends to approximately 11 hectares. It is currently commercial woodland being the subject of a forest plan approved in January 2012. This woodland sits on a fluvio-glacial terrace, undulating at between 285 metres and 300 metres AOD, projecting eastwards from the Aviemore to Inverness railway line and the A9 trunk road. This terrace is about 30 metres above the River Findhorn which lies further to the south and the Funtack Burn to the north and east of the site. Some trees in the former quarry area, felled in 2004 to allow excavation / investigation remain at an early stage of regeneration.
- 2.2 The local public road to Ruthven skirts the northern edge of the forest. The old quarry and current woodland is however served by a forest track access on the east side of the A9 Trunk Road. A watercourse, rising in the moorland to the west of the A9 and railway line, crosses the terrace to join the Dalmagarry Burn and Funtack Burn at the Funtack Bridge, which is a (C) Listed Building. There are no recorded archaeological features or historic buildings in the commercial forest. Two 18th century animal traps within the woodland site are to be recorded prior to development.
- 2.3 There is a scatter of rural housing in this area, including houses accessed from the Ruthven Road. Two nearby properties, Milton of Moy to the east and Invereen to the south, have been assessed for potential impacts, particularly noise levels from the principal operations. Background noise at these properties from both the Railway and A9(T) road is evident.
- 2.4 The site and its immediate environment is not designated as ecologically or historically important. Given its use as commercial woodland there are no significant conservation interests on the site, with only a little evidence of its use by red squirrels. No evidence of use by other protected species such as otter, badger or wildcat. Water quality is high within local streams Dalmagarry Burn and Funtack Burn, which the site and there are clear fishing and conservation interests within the River Findhorn catchment.

3. PLANNING HISTORY

- 3.1 **03.03.2014** – EIA Scoping response on project to work land for its sand and gravel resource (14/00333/SCOP).
08.01.2014 – EIA Screening response on project to work land for its sand and gravel resource (13/04750/SCRE).

4. PUBLIC PARTICIPATION

- 4.1 Advertised : EIA advert / Neighbour Notification / Schedule 3 – 28 days.

Representation deadline : 10.10.2014

Timeous representations : 2 highlighting concerns / objection.

Late representations : 0

4.2 Material considerations raised are summarised as follows:

- Access / Lorry Movements on and off the A9(T) road.
- Impact of the environment from the tar plant.
- Dust management.
- Noise.
- Concerns over extent of forestry screening from forest edge retention.
- Concerns over use of public water supply.
- Concerns of consequential future development.

4.3 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet www.wam.highland.gov.uk/wam. Access to computers can be made available via Planning and Development Service offices.

5. CONSULTATIONS

5.1 Strathdearn Community Council has no objection to the application. However, it has raised road safety concern with lorry movements into traffic on the A9(T) road.

5.2 Access Officer has no objection to the application. Request is made for a condition to secure an outdoor access statement to ensure continued public access through the site is maintained, through positive management and signage.

5.3 Archaeology Unit has no objection to the application. Request is made for a planning condition to secure the evaluation of two putative wolf / fox traps.

5.4 Conservation Officer has no objection to the application. Concern is highlighted of impact on the setting of the category C listed bridge over the Funtack Burn by Milton of Moy. The proposal will divert the unnamed water course through the site. Reassurance is requested that the works to the water course will not increase water levels and flow in the Funtack Burn with potential implications for the listed bridge.

5.5 Forestry Officer has no objection to the application. The submitted Woodland Management Plan is supported. Planning conditions are requested to protect retained trees and for consultation over re-stockings.

5.6 THC Flood Risk Management Unit has no objection to the application. It notes particular provisions within the supporting submissions which need to be secured by condition to minimise flood risk to accommodate the 1:200 years plus climate change flows.

5.7 THC Transport Planning has no objection to the application.

- 5.8 Transport Scotland has no objection to the application. Request is made for a planning condition to secure final approval of construction drawings of the access alterations into and out of the site as set out in the supporting information.
- 5.9 Scottish Natural Heritage has no objection to the application.
- 5.10 Scottish Environmental Protection Agency has no objection to the application. Particular note has been made of the supporting Environmental Statement that incorporates an Environmental Management Plan, Waste Management Plan and water course buffers on both the existing and then diverted burn. Planning conditions are also requested to address some uncertainties for example on ground water levels and dewatering.
- 5.11 THC Environmental Health has no objection to the application. Request is made for conditions to apply with regard to dust and potential noise and the need to minimise the risk of complaints for the nearest noise sensitive properties.

6. DEVELOPMENT PLAN POLICY

- 6.1 The following policies are relevant to the assessment of the application: -

Highland Wide Local Development Plan 2012

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|-----|-----------|---------------------------------------|
| 6.2 | Policy 28 | Sustainable Design. |
| | Policy 51 | Trees and Development. |
| | Policy 52 | Principle of Development in Woodland. |
| | Policy 53 | Minerals. |
| | Policy 54 | Mineral Wastes. |
| | Policy 57 | Natural, Built and Cultural Heritage. |
| | Policy 58 | Protected Species. |
| | Policy 61 | Landscape. |
| | Policy 63 | Water Environment. |
| | Policy 64 | Flood Risk. |
| | Policy 66 | Surface Water Drainage. |
| | Policy 72 | Pollution. |
| | Policy 77 | Public Access. |

Inverness Local Plan (2006) (as retained in force)

- 6.3 None.

Inner Moray Firth Local Development Plan

- 6.4 None.

7. OTHER MATERIAL CONSIDERATIONS

The Highland Council Supplementary Planning Policy Guidance

- 7.1 • Construction Environmental Management Process for Large Scale Projects

(August 2010).

- Developer Contributions (March 2013)
- Highland Historic Environment Strategy (Jan 2013)
- Highland's Statutorily Protected Species (March 2013)
- Standards for Archaeological Work (March 2012)
- Trees, Woodlands and Development (Jan 2013)

Scottish Government Planning Policy and Guidance

7.2 The Scottish Government has published its updated policy statement and advice. It advances policies on Sustainability and Placemaking, and subject policies on A Successful, Sustainable Place; A Low Carbon Place; A Natural, Resilient Place; and A Connect Place. It also highlights that the Development Plan continues to be the starting point of decision making on planning applications. The content of the SPP is a material consideration that carries significant weight, although it is for the decision maker to determine the appropriate weight to be afforded to it in each case. There is no indication within SPP of a lessening of policies which are focused upon protecting the natural, built and cultural environment.

7.3 SPP advises that minerals make an important contribution to the economy, providing materials for construction, energy supply and other uses, and supporting employment. NPF3 notes that minerals will be required as construction materials to support the ambition for diversification of the energy mix. The planning system should: -

- Safeguard workable resources and ensure that an adequate and steady supply is available to meet the needs of the construction, energy and other sectors.
- Minimise the impacts of extraction on local communities, the environment and the built and natural heritage; and
- Secure the sustainable restoration of sites.

7.4 Additional advice is available through other publications which remain current including: -

- Management of Extractive Waste (Scotland) Regulations 2010
- PAN 50: Controlling the Environmental Effects of Surface Mineral Workings including:
 - Annex A Control of Noise at Surface Mineral Workings
 - Annex B Control of Dust at Surface Mineral Workings
 - Annex C Control of Traffic at Surface Mineral Workings
 - Annex D Control of Blasting at Surface Mineral Workings
- Planning Advice Note 64: Reclamation of Surface Mineral Workings
- Circular 34/1996: Environment Act 1995 Section 96

8. PLANNING APPRAISAL

- 8.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 8.2 The determining issues are:
- Does the proposal accord with the Development Plan?
 - If it does, are there any material considerations for not approving the proposed development?
 - If it does not accord, are there any material considerations for approving the proposed development?
- 8.3 To address the determining issues, the Planning Authority must consider the following issues:
- Development Plan;
 - Design, Phasing, including Restoration;
 - Roads / Traffic Impact;
 - Public Access;
 - Water / Drainage and Flood Risk;
 - Cultural Heritage;
 - Natural Heritage;
 - Landscape and Visual Impact;
 - Amenity Issues - Noise, Dust etc.;
 - Cumulative Impact;
 - Economic Impact; and
 - Other Material Considerations within representations.

Development Plan Policy Assessment

- 8.4 The Development Plan comprises the adopted Highland-wide Local Development Plan (HwLDP) and associated statutory supplementary guidance, Inverness Local Plan (as continued in force) and emerging Proposed Inner Moray Firth Development Plan. There are no site specific policies affecting this application site within the Inverness Local Plan or within the proposed Inner Moray Firth Development Plan.
- 8.5 The principal HwLDP policy on which the application needs to be determined is Policy 53 Minerals. The plan is up to date and consistent with Scottish Government policy and advice. The Council is supportive of mineral extraction which comprises the re-opening of a dormant quarry. Applicants are required to provide information on pollution prevention, restoration and mitigation proposals. Restoration should be carried out in parallel with excavation where possible. Otherwise it should be completed in the shortest time practical.
- 8.6 The Council will expect all minerals developments to avoid or satisfactorily mitigate any impacts on residential amenity, the natural, built and cultural heritage, and

infrastructure capacities. After uses should result in environmental improvement rather than just restoring a site to its original state. After-uses should add to the cultural, recreational or environmental assets of an area. A financial guarantee may be sought. If the Council is satisfied on these matters the application will accord with the Development Plan.

Design, Phasing, including Restoration

- 8.7 The former workings and forestry activities have left tracks within the site including routes to the western end of the site, which will be used to open the working of this resource. The previously worked area is lower and is already screened by commercial woodland to the north, west and south, the latter of which runs adjacent to the A9(T) road. This mature forest edge is to be retained, with measures to protect the trees from harm. The central and more eastern sections of commercial woodland will be felled to allow the working of the resource, with replanting in phases as the quarry develops. This will expose views of workings from some angles to travellers on the lower Ruthven road and A9 (T) road. These openings will be temporary, with subsequent replanting returning the area to forestry use.
- 8.8 The proposed working of the quarry presents a logical sequential development of the resource, with clear setback from the edges of the site retained for screening purposes. The office and asphalt plant will each be established on site as a constant feature, with the extractor, crushing, screening plant and stockpiles being more temporary and mobile, moving eastward the working area. The office with a mess room for staff, and a weighbridge will be located about 100 metres into the site from the A9 access point. The asphalt plant, including a flue stack, will be set within the lower area formed from previous workings.
- 8.9 The development involves working the sand and gravel deposit as a dry quarry down to 280 metres AOD. At the end of the year 10 it is proposed to divert the unnamed stream that passes through the site, to allow the final 5 years of working at the eastern end of the site. Phase 1 extends to 3.6ha and contains approximately 700,000 tonnes of sand and gravel minerals. Phase 2 extends to 2 hectares, contains approximately 300,000 tonnes. A haul road with a crossing over the diverted stream will be retained to maintain the link between Phase 2 and the asphalt plant. Final design details for the road and crossing of the diverted stream remain to be developed.
- 8.10 The working of the quarry will be dictated by market demands for sand, gravel and asphalt (tar). Whilst demand fluctuates, it is clearly expected this can be managed within some clear parameters including: -
- Working hours including Mon – Friday and reduced hours on Saturday.
 - Asphalt production being retained hot overnight for early dispatching.
 - Stockpiling of materials to release for sale.
 - Average annual extraction of about 70k tonnes but will not exceed 100k tonnes.
 - Use of mobile working units for approximately 3 months in any year.
- 8.11 The existing forest edge will be retained along the north and west boundaries of the

site to minimise visibility of the proposed quarry from the properties at Dalmagarry Farm, along the Ruthven Road, and from the A9. These trees will be protected in accordance with best practice. The working area will be cleared of trees. Timber will be sold to the local market. Brash and woody undergrowth will be chipped and removed as bio-fuel. No wastes from the felling will be left at the site of the proposed quarry. Such approaches are welcomed by consultees.

- 8.12 On completion the areas of phase 1 that are not required for Phase 2 operations will be reinstated as a commercial Scots pine forest. The exception to this will be the land below the 280m contour beside the Ruthven Road which will be replanted with a mixed native woodland edge comprising Scots pine, birch and rowan. The ground will be de-compacted, ripped, and the retained soil will be returned to the site. Cell grown trees will be planted. The restoration of Phase 2 will also be as a commercial forest with a mixed native woodland edge of Scots pine, birch and rowan. As a matter of good practice, as reinforced by SPP, the Council would require security (insurance / bond) for final site restoration works via legal agreement.

Roads / Traffic Impact

- 8.11 The site already has direct access onto the A9(T) road which is of a design standard consistent with its current woodland use (benign). The proposal requires that the access is improved, with particular consideration to road safety interests and minimising disruption to traffic flows on the trunk road. These were particular concerns raised in the consultation response by Strathdearn Community Council.
- 8.12 The number of lorry movements (empty in and loaded out) will peak during periods when the asphalt plant is in operation. The plant capacity will provide for a 20 tonne lorry load every 15 minutes, so there will be 8 lorry movements per hour between 0700 and 1400 during asphalt production periods. Depending on contracts, asphalt production is likely to take place for about 25 weeks each year. In addition lorries will take material from the stockpiles to construction sites and to the Inverness concrete plant adding a further 4 lorry movements per hour at peak.
- 8.13 The solution presented with the application is to prevent any right turn into or from the site from the A9(T), with vehicles using nearby "set back" laybys both north and south of the site access. The Trunk Road Authority is content with the proposals requesting by condition the final junction design to be submitted for approval. This will ensure a central island within the junction to prevent right hand turns in to and out of the site. Concerns relating to the expected dualling of the A9(T) road were not raised by Transport Scotland.

Public Access

- 8.14 This woodland currently allows for public access including routes forming part of the wider path network in this locality. The proposals need to ensure as the workings are established and progressed in phases that good signage ensures safe public access is managed across the path network in a manner compatible to both interests public access and safe mineral extraction. This can be secured by condition requiring approval of an outdoor access statement.

Water / Drainage and Flood Risk

- 8.15 The proposal raises a number of issues that require particular attention to ensure that the existing water environment, which is of a high quality, is protected not just by design, but also in the management of the operations to prevent and reduce the risk of pollution, contamination, flooding, etc. This includes taking account of the local water table, the existing and then diverted watercourse within the site, adjacent watercourses and downstream fishing interests and 5 known private water supplies in the surrounding area. The design and engineering of the site needs to recognise rainfall / watercourse discharge for a 1 in 200 year plus 20% to take account of climate change. Connection to the public water supply is being sought to provide for the office and welfare facilities and potentially to supply the water bowser for dust suppression. This will involve an extension of the supply from Invereen farm with agreement from Scottish Water. Importation of water is the fall back position, should a connection prove difficult.
- 8.16 The applicant has submitted an Environmental Management Plan, Waste Management Plan and proposes a buffer to the existing and then the diverted water course. These submissions have highlighted a commitment to best practices and robust environmental management overseen by an on-site environmental clerk of works. It is noteworthy for example that plant based on site will use vegetable rather than oil based lubricants. As each working area is opened, after felling, soil will be stripped and will be retained in a stockpile and protected in accordance with BS3882:2007 at the processing area for use at reinstatement. All material extracted will be screened, washed (closed water system) and stockpiled. All fines and silts will be retained on site.
- 8.17 SEPA is content with what is set out in these plans which highlight key issues such as staff waste water treatment via septic tank and soakaway provisions; fuel storage with bunding to contain spillage or leakages; kits to tackle oil spillage; production; stockpiles of worked materials; production and storage of hot asphalt; washing plant; dust management including a dust sprinkler system; tree felling proposals; etc. SEPA has requested that these detailed plans be secured by condition to ensure all preventative measures and mitigation are implemented with the operations to control impact and manage risk on the water environment.
- 8.18 The applicant has acknowledged that there is ongoing work to monitor the water table and ground water characteristics. To-date all 10 boreholes have been found to be dry. The applicant only wishes to operate this resource where it is dry i.e. min 1m above the water table. Both SEPA and the Council's Flood Team have acknowledged this highlighting that should the applicant wish to pursue deeper working with reference to the water table this would need to be assessed under an amending or further application. The Flood Team have recommended that the applicant undertake some further work with regard to borrow-hole 8 within Phase 2 to more fully understand the "bottom response zone". This can be acknowledged within planning permission decision notice. SEPA has also provided further regulator advice to the applicant under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended).

- 8.19 The assessment of the site recognises existing drainage channels and culverts are not designed to cater for a 1 to 200 year flood event plus an allowance (20%) for climate change. Given the proposed water course management to be adopted across this site, including a diversion of the unnamed stream to the north of its existing channel, it will be important to ungraded existing culverts to minimise flood risk and ensure water discharge does not revert back to original flow paths. Requests have been made for culvert upgrades. This can be set by condition.
- 8.20 The diversion of the unnamed water course that crosses the site will present a significant step change to the workings as it moves after ten years from Phase 1 to Phase 2. There should be no adverse impact below the site on the existing water courses of the Dalmagarry Burn or Funtack Burn and thereby (impact) on the Ruthven Bridge. This was a particular concern raised by the Council's Conservation Officer.

Cultural Heritage

- 8.21 To the north of the site is Category C Listed Structure Ruthven Bridge, which forms part of the local road network and remains in good condition. It is a fine example of past engineering and together within its setting below the river terrace presents an attractive feature. The application proposes that the immediate wooded river terrace, south of the Ruthven, upstream of the bridge will remain largely undisturbed. A small section of roadside trees will be felled and replanted in Year 7 of the workings. At Phase 2, in year 10, as the unnamed stream through the site is diverted, the commercial forest edge south of the bridge be felled and replanted, with all ground below 280m AOD contour being undisturbed. The bridge lies at approximately 270m AOD. In this manner the immediate landform setting of the bridge will remain largely undisturbed. The applicant has advised that the setting will not be changed significantly by the proposed development. This view is not contested.
- 8.22 The applicant has offered to survey two known animal traps for their archaeological interest, prior to the area being worked. This can be secured by condition.

Natural Heritage

- 8.23 The site is not designated for ecological interests and surveys to date have highlighted only limited habitats of interests and some use of the site by protected species including red squirrel and potentially otters, badgers and bat. SNH has raised no objection to the application and supports the recommendations set out in the supporting ES to: -
- Undertake any tree felling outwith bird breeding season.
 - Further pre-felling bat surveys.
 - Pre commencement surveys by a mammal ecologist.
 - Day to day environmental management of the site until restoration is completed.
 - General site management to ensure no significant adverse effects on protected species, habitats, and the water environment in the vicinity of the proposed development site during its operational life.
 - Ensure the environmental clerk of works discusses and agrees any

amendments proposed to the environmental management measures during the lifecycle of the quarry in consultation with the Highland Council, Scottish Environment Protection Agency and Scottish Natural Heritage.

Landscape and Visual Impact

- 8.24 An assessment has been undertaken of the likely landscape and visual impact of the proposal. The start point for assessment was to establish the extent of the likely impact using the Zone of Theoretical Visibility (ZTV) and to identify viewpoints to reflect on the likely impacts on the landscape and other receptors (residents, communities, transport networks, hill tops / rights of way, fishing interests, etc.). A study area extending to 5km distance was seen as sufficiently appropriate to review, together with 8 viewpoints, giving the low lying nature of the proposal.
- 8.25 In land use terms the impact of the development is relatively short – medium term, involving the loss of existing commercial forestry, which will be replaced, albeit at a lower height. In landscape terms the impact is contained to the farmed strath of Strathdearn which sits within Rolling Uplands landscape block of the Monadhliath Hills. This strath, and its river system, is host to a busy transport corridor between Inverness and the Slochd for road traffic, rail transport, and cyclists. It also accommodates a range of rural activities, including woodland and farm blocks, as well as containing the small communities of Moy and Tomatin, which also hosts a significant distillery complex. To the west (Farr) and north east (Moy) largescale wind farm developments have emerged.
- 8.26 The removal of the sand and gravel resource will impact on this raised river terrace at Dalmagarry, but a significant section of this terrace will remain to the east. The proposal will bring about change to the local landscape but not to a degree that is considered significant. The re-profiled ground, when restored, will leave the landscape with a usable area of land for future forestry, potentially even agricultural use, generally compatible with surrounding land uses and interests.
- 8.27 The visual impact of the development to the surrounding community involves a number of elements, although the impacts will be short to medium term given the nature of the proposal. Impacts arise principally from the felling of the commercial woodland in stages, which will leave areas of the proposed workings partially exposed until replanting can take effect. Retention of woodland edges will also help to minimise exposure of the workings, with felling and replanting of such areas only being undertaken on the completion of the mineral operations. This phased felling and replanting of the woodland, presents a different impact to the normal rotation of such woodlands when felling and replanting might have been more significant.
- 8.28 With the retention of the woodland edges to the north and west, the key visual impacts are considered to be:-
- At Year 1 with felling of the area around access and south east of the access, which is to be replanted in Year 1. This will open views of the quarry entrance particularly to travellers on the A(T) road north bound – until replanting mature.
 - At Year 7 and then Year 10 tree felling on the north side of the site by the

Ruthven Bridge will open up the site, to users of this local road, particularly west bound traffic. The topography if the rising terrace from the road side will retain a degree of enclosure for the workings. The trees when felled will be replanted almost immediately, to retain a wooded buffer to the principle quarry workings.

- In combination with effect above, felling at Year 7 of the eastern heart of the propose quarry will become more evident, with replanting not being undertaken until completion of the workings.

8.29 The surrounding area, impacted by the development, contains very few properties. The property Corrie Beg, 500m east of the development will have views of the site and particularly will note changes to the forest holding in year 7 and 10 as noted above, with replanting not taking effect for several years after. The retained landform will reduce impact for residents at this property from the actual workings. It is acknowledged that there will be adverse effect on the property, but the effect is quite local and temporary and is not seen as significant.

8.30 The proposed asphalt plant, extends to 12m in height set is to be set 10 – 15 m below the A9(T) road. This together with the retained woodland screening should ensure limited visibility to most road users, both of the workings and the asphalt plant. West of the A9(T) road is the main rail line which is set higher than the road. However further tree screening on the rail embankment restrict views of the development by rail users when passing by. Equally receptors using the national cycle route will be impacted by the development, but the effect of the development will be limited, temporary and not in any way significant.

Amenity Issues - Noise, Dust

8.31 The application gives rise to a range of activities that may impact on the surrounding area generally. The potential impacts have had regard for the local context including existing noise levels from traffic on the A9(T) road, the north rail line but also the general peace and quiet that numerous householders and other receptors in this rural area. Key impacts are likely to arise from: -

- Working of the sand and gravel.
- Vehicle movements including dispatching.
- Crushing and handling of materials via conveyors.
- Asphalt Production / Coating.

8.32 These activities give rise to noise of many types both of short and long duration, can be partial as well as having other impacts such as vibration, dust creation, etc. PAN 50 states that during working week a daytime nominal limit at noise sensitive properties used as dwelling should normally be 55dB LAeq1h, where 1h means any one hour periods during the defined working day. However, a lower nominal daytime limit might be appropriate in quieter rural areas if a limit of 55LAeq,1h, for noise from the proposed development would exceed the existing background noise levels by more than 10db(A).

8.33 The predicted levels indicate that the maximum noise level is 45 LAeq,1h which is between 3-6dB(A) above the measured background levels. Assessment has shown that the workings will not significantly impact on nearby property, but the

operations should be controlled by condition to assist compliance and means of effective monitoring. This should be slightly amended from the requested hours of working to comply with Council standards of Saturday working commencing at 08.00 am.

- 8.34 A Dust Management Plan dated August 2014 has been submitted by the applicant. The plan identifies that there is a potential for dust from mineral extractions to adversely affect residents at Milton of Moy and properties on the Ruthven Road which are within 1km of the source, although the most concerns about dust are likely to be experience near to dust sources generally within 100 meters. Environmental Health team has recommended a condition to assist with the handling of dust complaints.

Cumulative Impact

- 8.35 Scottish Government (PAN 50) advice requires consideration of the cumulative impact of the development with similar developments in the vicinity / general area. The nearest active workings are some distance from Dalmagarry within Strath Nairn / Daviot. Given the separation from other mineral workings, there is not seen to be any significant cumulative impact on local residents on account of this quarry and workings of a similar nature in the area.

Economic Impact

- 8.36 The application is being advanced by an existing Highland business with considerable experience in sand and gravel extraction serving the Inner Moray Firth market. The Inverness area is an expanding market for the company. The company has premises in Inverness where it is intended to erect a concrete batching plant supplied by aggregate from the proposed quarry at Dalmagarry. The scale of the proposal is not expected to adversely impact the current local market / operators. Other sources of sand and gravel in the Nairn to Inverness area are limited given designations and current land uses. (For example the quarries at Flemington Kames and Littlemill, are sites of scientific interest.) Elsewhere the deposit underlies very productive farmland. The potential market area for products from this quarry lies both north and south of the site in Inverness and Nairn as well as Badenoch and Strathspey. The project is expected to secure 4 additional jobs.

Other Material Considerations within representations.

- 8.37 There are no relevant material factors highlighted within representations for consideration of this application by the committee.

Matters to be secured by Section 75 Agreement

- 8.38 Following the completion of any extractive works, there is a need to ensure that all disturbed ground is satisfactorily restored for future use and environmental gain. This will include removal of equipment and temporary buildings. The Council needs to secure financial provision for final site restoration through legal agreement. This will provide either for a financial bond or membership of the

Mineral Products Association (MPA) in order that the Council may call upon the MPA's Restoration Guarantee Fund in the event of the operator failing to restore the application site. The applicant is working with the Council on this matter, which can only be concluded following a decision of the committee. This requires to be completed within 4 months from the date of any final committee decision or the application will be refused using delegated authority.

9 CONCLUSION

- 9.1 The application presents a phased programme for the working of a known sand and gravel resource at Dalmagarry Quarry, supported with a detailed Environmental Statement and plans. It proposes two principal phases of working, with phase 2 commencing following the diversion of the water course that runs across the site. 5.5 hectares of the 11 hectares site is to be worked, as a dry quarry. Working of the quarry is expected to be approximately 3 months in any calendar year. The proposal also includes an asphalt plant that may operate for 25 weeks in any calendar the year dictated largely by road work requirements.
- 9.2 Consultation responses to the application have been positive with consultees' content with the proposal as presented. Particular reference was made by consultees to the supporting Environmental Statement which sets out a best practice approaches to the workings; mitigation for example of buffer zones to the watercourse (existing and diverted); retained forestry with tree protection; site management by an environmental clerk of works and a commitment to phase working with an early implementation of site restoration. Subject to key issues being secured by planning condition no objections have been raised by statutory bodies.
- 9.3 Consultees have requested some key details be submitted for final approval including for example the upgraded access to the site with the A9(T) road; public access through the area; details on hydrology confirming the water table. These are in addition to matters highlighted by the applicant including the need for final plans for the haul road with bridging over the diverted water course and implementation of ground restoration as the working are progressed. These are matters that can be addressed by condition with detailed plans being submitted prior to the commencement of workings or before Phase 2 is commenced.
- 9.4 Concerns have been raised over some of the details of the application, including from the local community council, one household and a further householder objecting to the application. The concerns raised including those of the objector are material issues as listed at paragraph 4.2 above, which have been examined as part of the assessment of this application. The assessment concludes that there will be some clear impacts arising from the development but that these matters can be effectively minimised and managed using best practices and planning conditions. The development does provide safeguards to the water resource, it presents considerable woodland buffers to screen the development from the A9(T) road and it seeks to work a resource that would be of value to the local economy
- 9.5 The Council's Development Plan is supportive of mineral extraction which

comprises the re-opening of a previously used quarry. Support can also be given where the working of a resource can be effectively managed and where potential concerns can be controlled with appropriate mitigation and by planning conditions. This support can also recognise the application being part of a business plan of an existing and experienced Highland business, which is seen as important to the local economy. Given that there are no significant factors relating to the local amenity, public health and safety, transport and heritage, which would be significantly detrimental, the application is one which is seen to comply with the policies of the Development Plan.

- 9.6 All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

10. RECOMMENDATION

Action required before decision issued	N
Notification to Scottish Ministers	N
Notification to Historic Scotland	N
Conclusion of Section 75 Agreement	Y
Revocation of previous permission	N

Subject to the above, it is recommended the application be **Granted** subject to the following conditions and reasons.

1. The permission hereby granted shall endure until 31 January 2032 by which time all workings shall have ceased, all plant and equipment removed and the site restored to commercial forestry with a mixed woodland edge to the satisfaction of the Council. In the event that working ceases for a period of more than 24 months prior to the expiry of this permission then the site shall be restored to the satisfaction of the Council within 36 months from the cessation of working, or in any case before the expiry of this permission.

Reason : to clarify the terms of the permission and ensure the site is fully restored to forestry use.

2. The development shall to be undertaken entirely in accordance with the submitted application, the mitigation highlighted within the supporting Environmental Statement, and the approved plans as amended by the specific conditions attached to this planning permission or by the prior written approval of the Planning Authority. For the avoidance of doubt: -

1. The maximum output of the quarry shall not exceed 100,000 tonnes in any calendar year.
2. Extraction of sand and gravel shall be limited to the dry working of the resource

with reference to the predicted on site water table and the extraction limit of 280m AOD as indicated on the approved plans.

3. No additional sand and gravel material is to be imported to the site in order to maintain production of the Asphalt plant.

Reason : to ensure the production capacity of this quarry does not exceed levels approved by the Planning Authority in the interests of road safety.

- 3 The development shall be progressed in two distinct phases as set out in approved Phase 1 Figure 9 dated August 2014 and Phase 2 Figure 10(a) dated December 2014. Prior to the commencement of Phase 2, final drawings shall be submitted for approval highlighting: -

1. Full details for the diversion of the un-named watercourse and its 10m buffers. This may include additional flood elevation / settlement ponds.
2. Final details of the haul road and bridging structure over the diverted water course.
3. Final details of site restoration programme currently as indicated within Drawing Figure 10(a) dated December 2014 to be undertaken in tandem with the continued working of the resource and ensuring early completion of the restoration of areas to be restored within Phase 1.

Phase 2 must then proceed in compliance with the above noted approved plans.

Reason : to ensure the final designs comply with the requirements of the relevant water authorities to safeguard downstream hydrological interests and manage flood risk to a 1 in 200 year flood event standard plus 20% allowance for climate change.

4. Unless as amended by the specific conditions attached to this planning permission or by the prior written approval of the Planning Authority the development shall be undertaken in full compliance with the submitted: -

1. Site Environmental Management Plan (2014) (Draft)
2. Waste Management Plan (2014)
3. Woodland Retention for Visual Screening (Crosscut Forestry) Report (28 April 2014)

Reason : to ensure the range of environmental interests within and surrounding this site are sustained or enhanced.

5. The operator of Dalmagarry Quarry shall submit an annual statement and illustrative drawings to the Planning Authority by 28 February each year following the commencement of this permission. The annual statement will present an audit of the workings undertaken in the preceding calendar year, illustrating: -

1. The rates of extraction against the projected operations,
2. Areas of final restoration delivered on site, and
3. The results of monitoring from the mitigation actions as presented in the application, the Site Environmental Management Plan and or in compliance with the conditions attached to this planning permission.

4. The results of ongoing groundwater monitoring to sufficiently demonstrate a seasonably high ground water level.

Reason: - to ensure the planning authority can monitor the workings undertaken and retain effective control over the dry quarry operations.

6. Prior to any development commencing the full details of the layout of the Asphalt Plant and its surrounding production / processing area which are not part of the mobile operations associated with extraction activities shall be submitted for the approval of the Planning Authority. The layout shall then be implemented as approved.

Reason: - to ensure the planning authority can retain effective control over the final design and siting of the principal production and storage areas of the quarry.

7. Prior to any development taking place, detailed drawings of the proposed alterations to the site access and turning areas shall be submitted and approved by the Planning Authority, after consultation with Transport Scotland, as Trunk Road Authority. These detailed drawings shall include the layout, construction detail and any temporary traffic management required for their construction. The layout shall then be implemented as approved.

Reason: To ensure that the standard of access layout complies with the current standards and that the safety of the traffic on the trunk road is not diminished.

8. Prior to any site excavation or groundworks, all retained trees are to be protected against construction damage using fencing located no less than 5m from retained trees. Such fencing is to remain in place throughout the quarrying period and must not be moved or removed without the prior written approval of the Planning Authority.

Reason: To ensure the full provision of protection of retained trees throughout the quarrying period.

9. Prior to the replanting of woodland areas as set out in Figure EMP 02 Forestry Felling and Replanting dated August 2014 further details of restock planting must be submitted for approval of the planning authority. Details to be provided include planting species, species sizes, planting times and future maintenance provisions. All approved restock planting details are then to be implemented in full unless otherwise agreed in writing by the planning authority.

Reason: In the interests of woodland management of this forest holding.

10. Prior to the commencement of development, a programme of work for the evaluation, preservation and recording of any archaeological and historic features affected by the proposed development, including a timetable for investigation, all in accordance with the attached specification, shall be submitted to and agreed in writing by the Planning Authority. The agreed proposals shall be implemented in accordance with the agreed timetable for investigation.

Reason: In order to protect the historic interest of the site.

- 11 Prior to the commencement of development an access management statement shall be submitted for approval of the planning authority. The access arrangements shall then be implemented as approved.

Reason : to sustain existing public access connections across this site, away from quarry activities.

- 12 Except in emergencies or with the prior written agreement of the planning authority, site operations (other than water management, servicing maintenance and testing of plant) shall be undertaken only during the following times:

1. 7:00 to 18:00 Monday to Friday; and
2. 8:00 to 13:00 Saturday.

Reason: To protect residential amenity of nearby properties in line with Council standards..

- 13 The noise levels at the nearest noise sensitive receptors at the time of the commencement of this planning permission, Invereen and Milton of Moy, shall not exceed 45dB LAeq,1h, where 1h means any one hour period during the defined working day. Noise monitoring must be carried out at the start of each new phase of workings and a report of the monitoring thereafter to be submitted to the Planning Authority. Monitoring to be undertaken during typical normal working hours and should avoid meal breaks and periods of plant breakdown. All noise monitoring is to be carried out by a competent person. Monitoring to be carried out in accordance with BS4142:1997. In the event of a valid complaint in relation to noise, the operator shall at his own expense carry out an investigation into the complaint, including undertaking noise monitoring to assess compliance with the permitted noise levels detailed above, and where necessary cease the operations giving rise to the complaint until such time as appropriate mitigation measures have been implemented.

Reason : To ensure the operations cause no adverse impact on amenity of nearby residents.

- 14 The Site Management protocols and the Dust Mitigation Measures detailed in Dust Management Plan (dated August 2014) shall be implemented in full and maintained during course of the operations of the site. The operator must also notify the Planning Authority in writing of site personnel who will oversee the implementation and adherence to the dust management plan, and in the event of a valid complaint in relation to dust emissions, the operator shall at his own expense carry out an investigation into the complaint, including undertaking a scheme of dust monitoring and where necessary cease the operation giving rise to the complaint until such time appropriate mitigation measures have been implemented.

Reason : To ensure the operations cause no adverse impact on amenity of nearby residents, road users and other activities in the surrounding area.

- 15 From the date of any commencement of this development until completion of the final restoration, a copy of this planning permission, all approved plans and associated documentation together with any approved amendments shall be made available for inspection at the site offices during approved working hours.

Reason: - To ensure the site operator and visiting officials are aware of the details of the planning permission and any approved amendments.

REASON FOR DECISION

The proposals accord with the provisions of the Development Plan and there are no material considerations which would warrant refusal of the application.

FOOTNOTE TO APPLICANT

Initiation and Completion Notices

The Town and Country Planning (Scotland) Act 1997 (as amended) requires all developers to submit notices to the Planning Authority prior to, and upon completion of, development. These are in addition to any other similar requirements (such as Building Warrant completion notices) and failure to comply represents a breach of planning control and may result in formal enforcement action.

1. The developer must submit a Notice of Initiation of Development in accordance with Section 27A of the Act to the Planning Authority prior to work commencing on site.
2. On completion of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Act to the Planning Authority.
3. A notice must be displayed on or near the site while work is being carried out. (See section 27C of the Town and Country Planning (Scotland) Act 1997 (as amended) and Schedule 7 to the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008. The planning authority can provide more information about the form of that notice and where to display it.

Copies of the notices referred to are attached to this decision notice for your convenience.

Accordance with Approved Plans & Conditions

You are advised that development must progress in accordance with the plans approved under, and any conditions attached to, this permission. You must not deviate from this permission without consent from the Planning Authority (irrespective of any changes that may separately be requested at the Building Warrant stage or by any other Statutory Authority). Any pre-conditions (those requiring certain works, submissions etc. prior to commencement of development)

must be fulfilled prior to work starting on site. Failure to adhere to this permission and meet the requirements of all conditions may invalidate your permission or result in formal enforcement action

Flood Risk

It is important to note that the granting of planning permission does not imply there is an unconditional absence of flood risk relating to (or emanating from) the application site. As per Scottish Planning Policy (p.198), planning permission does not remove the liability position of developers or owners in relation to flood risk.

Scottish Water

You are advised that a supply and connection to Scottish Water infrastructure is dependent on sufficient spare capacity at the time of the application for connection to Scottish Water. The granting of planning permission does not guarantee a connection. Any enquiries with regards to sewerage connection and/or water supply should be directed to Scottish Water on 0845 601 8855.

Septic Tanks & Soakaways

Where a private foul drainage solution is proposed, you will require separate consent from the Scottish Environment Protection Agency (SEPA). Planning permission does not guarantee that approval will be given by SEPA and as such you are advised to contact them direct to discuss the matter (01349 862021).

Mud & Debris on Road

Please note that it is an offence under Section 95 of the Roads (Scotland) Act 1984 to allow mud or any other material to be deposited, and thereafter remain, on a public road from any vehicle or development site. You must, therefore, put in place a strategy for dealing with any material deposited on the public road network and maintain this until development is complete.

Environmental Impact Assessment

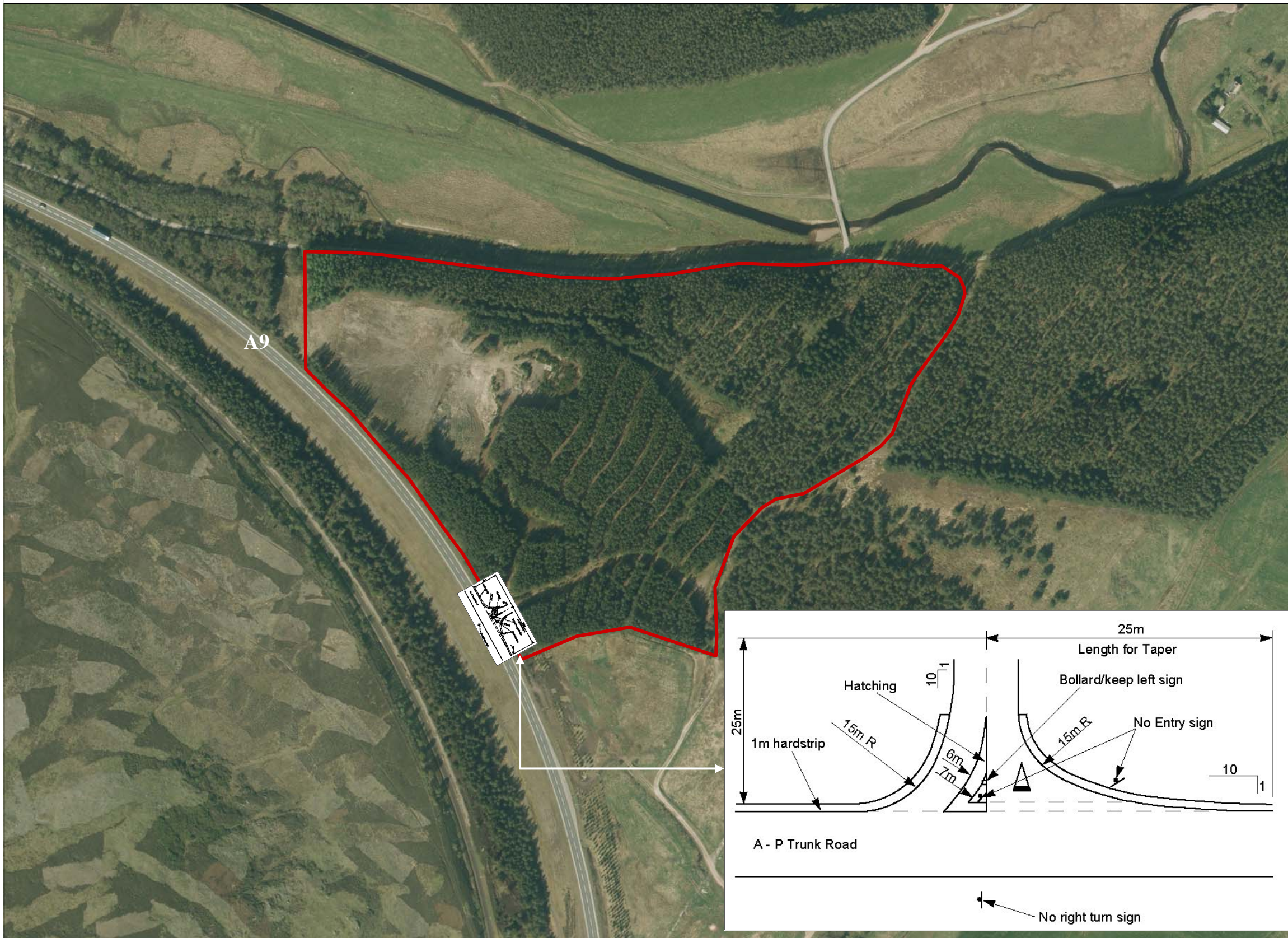
The development granted permission with this development has been assessed under the provisions of the Environmental Impact assessment (Scotland) Regulations 2011. Changes to the approved scheme may require further assessment against key parameters and acknowledged mitigation.

Signature:


Designation: Head of Planning and Building Standards

Author: Ken McCorquodale

Background Papers: Documents referred to in report and in case file.



Legend

 Application Site Boundary

Note : There is space at the junction between the Proposed Sand and Gravel Quarry and the A9 to accommodate the dimensions set out on the inset plan (Layout 7- TD41/95). The detailed design of the junction to be finalised with Transport Scotland and The Highland Council.



0 50m 100m 200m

Bar Scale

Proposed Sand and Gravel Quarry Dalmagarry, Tomatin

Drawing Title: Improvements to Site Access
Works to Bellmouth

Date: August 2014

Figure: Figure 13 Revision A



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