

17/01862/MIN

7th December 2017

Establishment of a sand and gravel quarry including site restoration at Nether Dallachy Quarry Beaufighter Road Nether Dallachy Moray for Limehillock Quarries Ltd

Comments:

- A SITE VISIT has been carried out.
- Application is a “major” development as defined under the Hierarchy Regulations 2008 (and the approved Scheme of Delegation) because the development is subject to the EIA Regulations and the site area exceeds 2 hectares.
- Advertised under Schedule 3 of the Development Management Regulations 2013.
- Advertised for neighbour notification purposes.
- 2 objections received.

Procedure:

- None

Recommendation

Grant Planning Permission - Subject To The Following:-

Conditions/Reasons

1. Unless otherwise agreed in writing with the Council, as Planning Authority, the approval hereby granted is for a limited period only expiring 15 years from the date of this consent.

Reason - In order to avoid ambiguity over the temporary nature of the permission hereby approved.

2. One year prior to the exhaustion of minerals in Phase 1 a finalised restoration plan for the whole site, based upon the approved conceptual restoration plan, must be submitted to and approved in writing by the Council, as Planning Authority (in consultation with SEPA). This plan must be accompanied by details of a finalised aftercare scheme including potential water management post-operation.

Reason - In order to ensure the timeous provision of the landscaping restoration and aftercare details.

3. Once mineral extraction has been exhausted or the permission duration expires (whichever is the sooner) the final restoration of the approved quarry shall be carried out in accordance with the approved final restoration plan referred to in the previous condition. The restoration works shall be carried out within 12 months of the quarry ceasing to operate.

Reason - In order to ensure, upon expiry of the mineral extraction, that the quarry is landscaped to minimise any long term visual impact and to encourage biodiversity back to the area.

4. Any trees or plants within the site and proposed on the finalised restoration plan (within a period of 5 years from the planting) die, are removed or become seriously damaged or diseased shall be replaced in the following planting season with others of similar size, number and species unless this Council, as Planning Authority gives written consent to any variation of this planning condition.

Reason - In order to ensure that the approved landscaping works are properly maintained in a manner to ensure the appropriate landscaping and quarry restoration is achieved.

5. Prior to any development works commencing:
 - i) a detailed drawing (scale 1:500) showing proposed road edge markings across the access of the site onto the U8E shall be submitted to and approved by the Council, as Planning Authority in consultation with the Roads Authority; and
 - ii) the road markings shall be provided in accordance with the approved drawing prior to any quarrying works commencing

Reason - To enable an acceptable vehicular access is provided to the development in the interest of road safety.

6. Programme of archaeological works:

No works in connection with the development hereby approved shall commence unless an archaeological written scheme of investigation (WSI) has been submitted to and approved in writing by the Council, as Planning Authority and a programme of archaeological works has been carried out in accordance with the approved WSI. The WSI shall include details of how the recording and recovery of archaeological resources found within the application site shall be undertaken, and how any updates, if required, to the written scheme of investigation will be provided throughout the implementation of the programme of archaeological works. Should the archaeological works reveal the need for post excavation analysis the development hereby approved shall not be brought into use unless a post-excavation research design (PERD) for the analysis, publication and dissemination of results and archive deposition has been submitted to and approved in writing by the Council, as Planning Authority. The PERD shall be carried out in complete accordance with the approved details.

Reason - To safeguard and record the archaeological potential of the area.

7. All quarry operations shall be carried out and permitted between 07:30-17:00 hours, Monday to Friday, and 07:30-12:00 hours on Saturday, and at no other times (including Bank and National Holidays) shall operations be undertaken without the prior written consent of the Council, as Planning Authority in consultation with the Environmental Health Manager.

Reason - In the interests of amenity so as to ensure that the development does not cause a nuisance or disturbance to residents in the area.

8. During the normal daytime working hours defined in the above condition, the free field Equivalent Continuous Noise Level (LAeq, 1hr.) for the period, excluding soil and overburden handling activity in connection with bund formation in Phases 1 and 2, shall not exceed 50 dB(A), as determined at any existing noise sensitive dwelling.

Reason - In the interests of amenity so as to ensure that the development does not cause a nuisance or disturbance to residents in the area.

9. Soil and overburden handling in connection with soil stripping operations in Phase 1 and 2, as referenced in Table 3.1 to 3.3 of the supporting document by Vibrock Limited, referenced as "Assessment of Environmental Impact of Noise at Nether Dallachy Quarry, Moray. Johnson Poole & Bloomer R17.9652/2/AF. Date of Report: 31 May 2017", shall not exceed the free field Equivalent Continuous Noise Level (LAeq, 1hr.) of 70 dB(A) at any existing noise sensitive receptor and be limited to a period not exceeding 8 weeks in a year.

Reason - In the interests of amenity so as to ensure that the development does not cause a nuisance or disturbance to sensitive receptors in the area.

10. No quarry blasting operations are permitted at the development.

Reason - In the interests of amenity so as to ensure that the development does not cause a nuisance or disturbance to residents in the area.

11. At the reasonable request of the Planning Authority, following a complaint relating to noise from quarry operations at the development, the developer shall measure at its own expense noise emissions as they relate to the permitted consent limits, having regard to measurement locations and methodologies as detailed in Planning Advice Note "PAN 50, Annex A: The Control of Noise at Surface Mineral Workings". The results of such monitoring shall thereafter be forwarded to the Planning Authority. In the event that the results of the subsequent monitoring specified above records levels exceeding those specified in conditions 8 and 9 above further timeous mitigation measures will be required to be identified in a scheme agreed in writing by the Planning Authority, in consultation with the Environmental Health Manager, and thereafter implemented.

Reason – In order that adequate mitigation can be sought in the event of noise complaints, if found to be justified and in the interests of amenity so as to ensure that the development does not cause a nuisance or disturbance to residents in the area.

12. Prior to the expiry of the first planting season following the grant of planning permission the 2 hectares of compensatory tree planting proposed at Bogend Quarry, Buckie must be planted in accordance with the 'Nether Dallachy – Proposed Compensatory Planting Areas' submitted on the 8 August 2018 in so far as it relates to Bogend Quarry, Buckie.

Reason – In order to compensate for the loss of woodland that will result from the development.

13. For the areas of compensatory planting off and on site, following planting, if any trees (within a period of 5 years from the planting) die, are removed or become seriously damaged or diseased shall be replaced in the following planting season with others of similar size, number and species unless this Council, as Planning Authority gives written consent to any variation of the planning condition.

Reason - In order to ensure that the approved areas of compensatory planting are managed and maintained until the new planting can establish itself.

14. Unless other suitable compensatory planting areas are agreed in writing with the Council, as Planning Authority (in consultation with the Forestry Commission) no extraction of any materials below the water table in Phase 1 shall be permitted to occur (no deeper than 5m below the current ground level). These areas, shall then be restored and planted with trees of a species, and density of planting that will have been agreed in writing in advance by the Council as Planning Authority. If off site compensatory planting and timescales are agreed for the area covered by Phase 1, then the extraction may occur to the depth as shown on approved 'Cross Sections' plan drawing no OG220/PA/F/02.

Reason – In order to compensate for the loss of woodland that will result from the development.

15. Unless other suitable compensatory planting areas are agreed in writing with the Council, as Planning Authority (in consultation with the Forestry Commission) no extraction of any materials below the water table in Phase 2 (no deeper than 5m below the current ground level). These areas, shall then be restored and planted with trees of a species, and density of planting that will have been agreed in writing in advance by the Council, as planning authority. The only exception to this shall be an area of 2 hectares within Phase 2, which shall be defined on an amended plan and cross section and agreed in writing with the Council, as planning authority prior to mineral extraction commencing on Phase 2. If off site compensatory planting is agreed for the area covered by Phase 2, then the extraction may occur to the depth as shown on approved 'Cross Sections' plan drawing no OG220/PA/F/02.

Reason – In order to compensate for the loss of woodland that will result from the development.

16. In the event that no other compensatory planting areas are proposed beyond the area agreed at Bogend Quarry, Buckie, prior to the commencement of each

phase, a revised cross section plan, and finalised restoration plan (also in accordance with the information required in condition 2 above) must be submitted to and approved in writing by the Council, as planning authority showing the revised quarry depths. The approved restoration plan shall be implemented in accordance with the details and timescales.

Reason - In order to avoid any ambiguity regarding the terms of the consent and to ensure the further consideration of the final site restoration details.

17. A radiological site walkover is required once tree felling has been completed for each phase. This will establish whether or not radium 226 is present within the top 20-30cm of soils on site and if present further radiological screening is required during the extraction of these soils to establish suitability for re-use on site. Findings of the radiological surveys (and if necessary proposals for further screening) must be submitted to the Council (in consultation with SEPA) for prior written approval before soils can be reused on site. If radium 226 is present the soils must be disposed of or treated to satisfaction of both SEPA and Moray Council.

Reason – In order to ensure that suitable checks for radioactive material are undertaken and suitable mitigation is undertaken if required given the historic use of the site as a military airfield.

18. Unless otherwise agreed in writing with the Council, as Planning Authority in consultation with SEPA there shall be no dewatering of the site.

Reason – To avoid impacts on groundwater flow.

19. Unless otherwise agreed in writing, no development shall commence until a strategy to assess and then, where subsequently appropriate, a strategy to deal with potential contamination on the site, including assessment of risk from explosive ordnance, have been submitted to, and accepted in writing by, the Council, as Planning Authority. The strategies shall be devised and overseen by an appropriately qualified person in accordance with relevant up-to-date authoritative technical guidance, e.g. BS10175 'The Investigation of Potentially Contaminated Sites - Code of Practice', and shall include:
- i) an appropriate level of characterisation of the type, nature and extent of contamination on the site and accompanying risk assessment as described in Planning Advice Note 33 Development of Contaminated Land (Revised 2000);
 - ii) how any identified contamination will be dealt with during construction works;
 - iii) details of remedial measures required to treat, remove or otherwise mitigate contamination to ensure that the site is suitable for the proposed use, and that it does not represent a risk to health or of pollution in the wider environment; and
 - iv) a means of verifying the condition of the site on completion of the remedial measures.

Thereafter, no development shall commence (other than those works required to investigate and remediate contamination on the site) until written confirmation has

been issued by the Council, as Planning Authority that the works have been implemented and completed in accordance with the agreed details.

Reason - To ensure that the site is suitable for the proposed use, and that risks to the wider environment and to users of neighbouring land from on-site contamination are appropriately assessed and managed.

Reason(s) for Decision

The Council's reason(s) for making this decision are:-

The proposal subject to the conditions recommended complies with the relevant policies of the Moray Local Development Plan 2015 and there were no other material considerations arising otherwise to prevent approval.

List of Informatives:

MANAGER (DEVELOPMENT MANAGEMENT) has commented that:-

While no consultation response was received from the Health and Safety Executive (Quarries), any separate licensing or modification of license required from the HSE Quarries should be obtained before the quarry expansion takes place.

In relation to the compensatory planting provided, any separate licenses or permissions that might be required from the Forestry Commission should be obtained prior to planting.

The applicant should adhere to the practices and means of operating the quarry and contained within the Extractive Waste Management Plan submitted as part of this application.

It is noted that an active squirrel drey was found on site, and prior to any works including tree felling at or within 30m of a drey, contact should be made with SNH regarding the possible prior need for a license to remove the drey.

All tree felling upon the site should take place outwith the bird breeding season (March-August) to minimise the impact on wildlife.

THE TRANSPORTATION MANAGER, DIRECT SERVICES has commented that:-

No deleterious materials of whatever nature shall be deposited onto the road from vehicles using the access, so as to create or be likely to create a danger or substantial inconvenience to road users. Failure to remove material as soon as reasonably practicable is committing an offence under Section 95 of the Roads (Scotland) Act 1984.

The applicants shall free and relieve the Roads Authority from any claims arising out of his operations on the road or extension to the road.

The Transportation Manager must always be contacted before any works commence. This includes any temporary access, which should be agreed with the Roads Authority prior to work commencing on it.

Planning consent does not carry with it the right to carry out works within the public road boundary and the applicant is obliged to contact the Transportation Manager for road opening permit in accordance with the Roads (Scotland) Act 1984. This includes any temporary access joining with the public road.

THE ENVIRONMENTAL HEALTH MANAGER has commented that:-

The developer shall ensure dust emissions are suitably controlled so as not to give rise to a statutory nuisance in terms of the Environmental Protection Act 1990.

THE ARCHAEOLOGY SERVICE, ABERDEENSHIRE COUNCIL has commented that-

Application directly impacts upon the former WWII airfield of Dallachy (SMR Ref No NJ36SE0051). Please note that owing to the nature of this site, there is low potential for unexploded ordnance to be uncovered during quarrying works, and due caution should be taken in the event of this happening. I would recommend an appropriate plan of action is established as a precautionary measure, including evacuation and notification procedures.

MORAY FLOOD RISK MANAGEMENT TEAM have commented that:-

Should drainage be required at the accesses associated with this development, suitable Sustainable urban Drainage System (SuDS) adopting current best practice shall be applied and be achieved. Design calculations and drawings should be submitted.

THE SCOTTISH ENVIRONMENT PROTECTION AGENCY have commented that:-

Any radioactive wastes arising from the works should be addressed in accordance with the Radioactive Substances Act 1993 (and the associated exemption orders).

The submitted waste management plan (Management of Extractive Waste by Limehillock Quarries Limited) is acceptable and we have no further comments. Please refer to all of our standard advice on extractive waste management in our guidance - Standing Advice for Planning Authorities on Extractive Waste Management Plan consultations submitted under the Management of Extractive Waste (Scotland) Regulations 2010

Authorisation is required under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR) to carry out engineering works in or in the vicinity of inland surface waters (other than groundwater) or wetlands. Inland water means all standing or flowing water on the surface of the land (e.g. rivers, lochs, canals, reservoirs). Please note that a licence will be required under CAR for any abstraction required for the infill of the worked site.

Management of surplus peat or soils may require an exemption under The Waste Management Licensing (Scotland) Regulations 2011. Proposed crushing or screening will require a permit under The Pollution Prevention and Control (Scotland) Regulations 2012. Consider if other environmental licences may be required for any installations or processes.

You may need to apply for a construction site licence under CAR for water management across the whole construction site. These will apply to sites of 4ha or more in area, sites 5 km or more in length or sites which contain more than 1ha of ground on a slope of 25 degrees or more or which cross over 500m of ground on a slope of 25 degrees or more. It is recommended that you have pre-application discussions with a member of the regulatory team in your local SEPA office.

Details of regulatory requirements and good practice advice for the applicant can be found on the Regulations section of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulatory team in your local SEPA office at: 28 Perimeter Road, Pinefield, Elgin, IV30 6AF, Tel: 01343 547663.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT		
Reference No.	Version No.	Title/Description
OG220/PA/F/01		Site location plan
OG220/PA/F/06		Conceptual restoration plan
OG220/PA/F/02		Cross section
OG220/PA/F/03		Phase 1 extraction plan
OG220/PA/F/04		Phase 2 extraction plan



PLANNING APPLICATION COMMITTEE SITE PLAN

Planning Application Ref Number:
17/01862/MIN

Site Address:
Nether Dallachy Quarry
Beaufighter Road Nether Dallachy

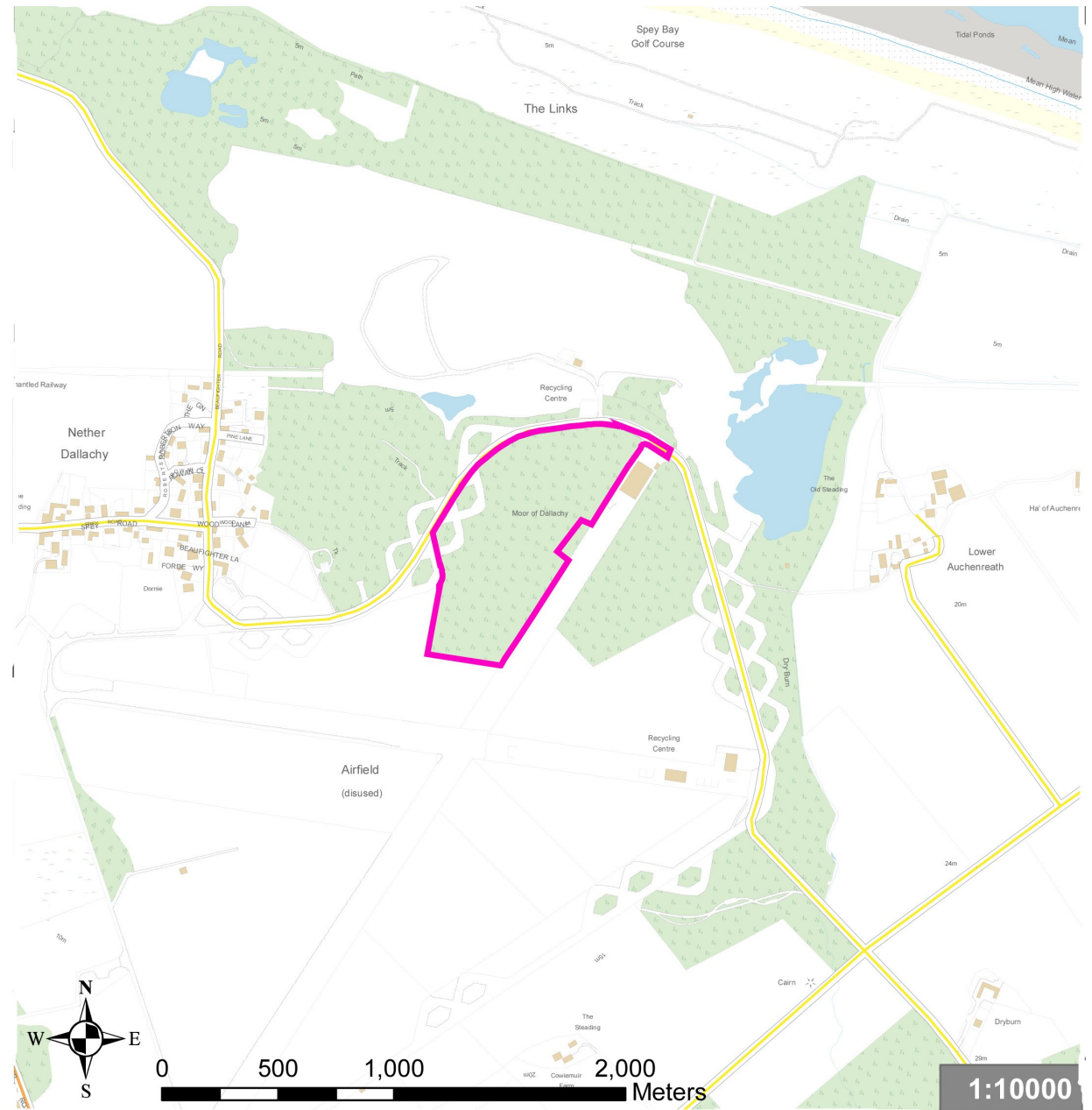
Applicant Name:
Limehillock Quarries Ltd

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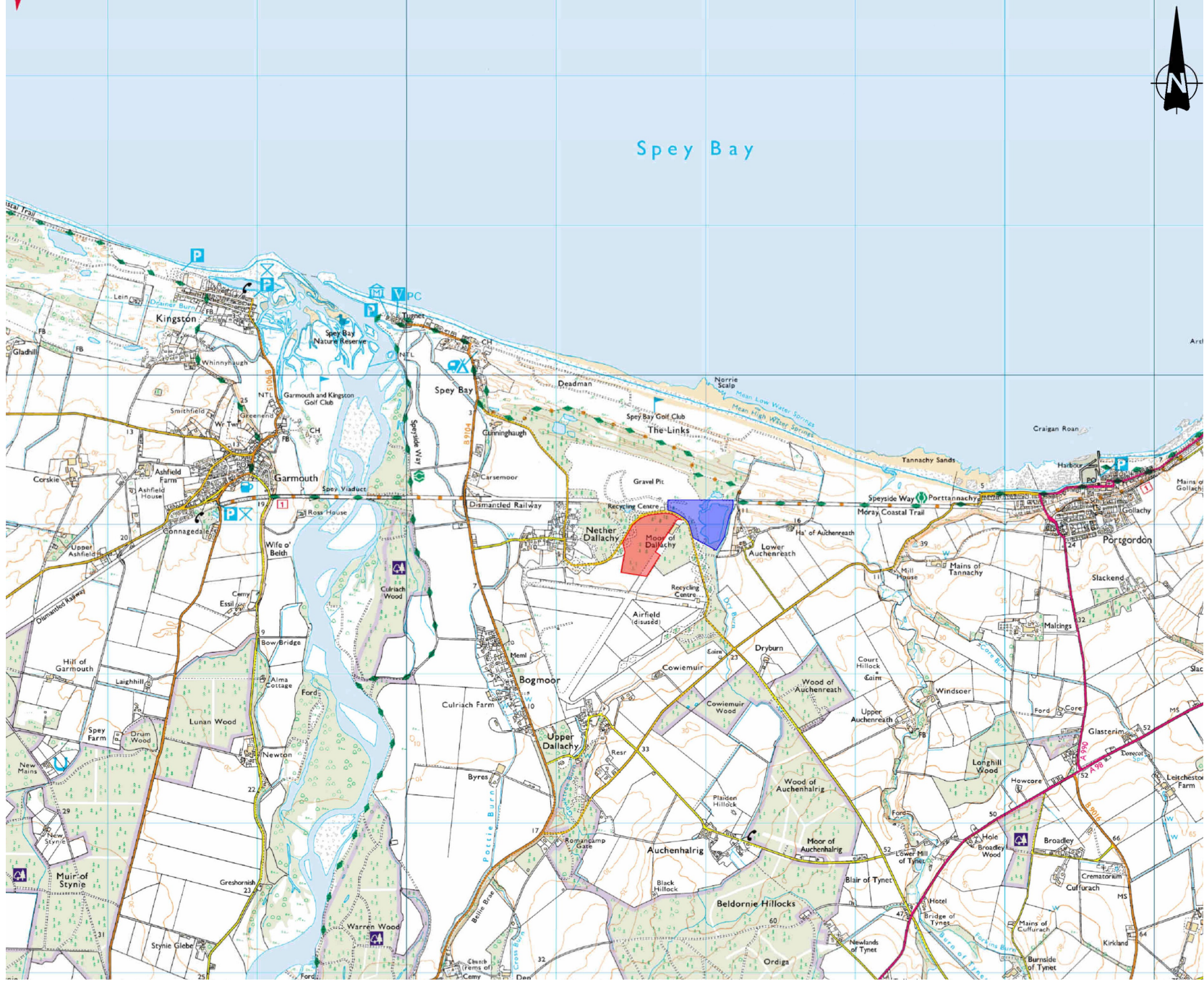
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Location Plan



Site Location



Site plan











PLANNING APPLICATION: 17/01862/MIN

In the event that a recommendation on this planning application is overturned the Committee is reminded of the advice contained on the front page of the agenda for Reports on Applications

THE PROPOSAL

- This application seeks to form a sand and gravel quarry to extract up to 65,000 tonnes per annum for a duration of 15 years. This amount may be less if compensatory planting is required to be provided on site, and extraction would not occur below the water table across 5.5 hectares of the site.
- The extraction would involve mechanical extraction only with no need for blasting. A mobile screening plant comprising a series of conveyors and screens would separate the material into the various products.
- The area of new extraction will cover 7.2 hectares, but the overall site area includes areas of bunding around the edges of the quarry. Existing banks of trees along the north west side of the quarry will be retained.
- Two phases, with the existing forestry cover to remain on Phase 2 until Phase 1 is exhausted.
- The quarry material will be used in conjunction with the existing neighbouring salvage and recycling business, located to the east of the site which also produces concrete, concrete blocks and other construction materials.
- The proposal includes the provision of an area of compensatory planting off site adjacent to Bogend Quarry, near Buckie (to account for 2 hectares of the felling) and conditions ensuring the provision of the balance of compensatory planting to be either replanted on site, if alternative off site provision cannot be found.
- A conceptual landscape restoration plan has been submitted which shows the intent to restore the site to include a substantial water feature, unless the site replanted as part of the compensatory planting requirement (see observations).
- The proposals include the felling of approximately 7.5 hectares of woodland.
- The applicants intend to work the quarry 5½ days a week excluding Sundays on hours that were similarly operated for Spey Bay Quarry nearby when it was operational.

THE SITE

- The site lies within the bounds of the former World War 2 fighter airfield at Nether Dallachy. Beaufighter Road which bounds the site to the north and west formed the northern edge of the airfield. The site is bound by a recycling/construction supply business to the east and by former airfield land to the south, now used as grazing land. The village of Nether Dallachy sits 300m to the west of the site. The previous Nether Dallachy Quarry, which has now been depleted and restored sits to the north east of the site.
- The site is predominantly covered in coniferous woodland, with some naturally seeded mixed woodland around the edges. The eastern part of the site covers an area of former runway, which is covered in concrete.

- The site applied for is approximately 9.7 hectares of which approximately 7.5 hectares will be excavated.
- There are no national or local environmental designations covering the site. Given its previous wartime use, there is an archaeological designation covering the site.
- The site is covered by the National Forest Inventory as being host to woodland.

HISTORY

On site;

16/01571/SCN - Screening Opinion request for proposed new sand and gravel quarry near Spey Bay Quarry, Spey Bay, Nether Dallachy. A screening opinion was issued by Moray Council in 2016 and did not seek requirement for the EIA process to be undertaken for the proposal.

17/00090/PAN – Proposal of Application Notice – submitted to the Council in February 2017.

On neighbouring land;

97/00372/FUL - Extension to the existing quarry to extract sand and gravel at Spey Bay Quarry, Nether Dallachy, Spey Bay. Approved in 2008 and the quarry has now been exhausted and restored. This quarry was located to the north east.

99/01552/FUL - Renewal of temporary consent (5 years) for proposed use of part of yard space for storage of building materials for bulk distribution and public works contractor's plant and material at Spey Bay Auto-Salvage, Nether Dallachy, Spey Bay, Fochabers, Moray. This site is located immediately east of the current application site on the former runway area.

00/00316/FUL - Proposed alterations and extension of existing building at Spey Bay Auto-Salvage, Nether Dallachy, Spey Bay, Fochabers, Moray. Approved in April 2000.

03/02682/FUL - Vary the working scheme approved under consent 97/00372/FUL at Caledonian Quarry Products Limited, Spey Bay Quarry, Nether Dallachy, Spey Bay approved in May 2004 (quarry now exhausted and restored). This site is located north east of application site.

05/00538/FUL - Proposed use of part of yard space for storage of building material for bulk distribution and for public works contractors' plant and materials at Spey Bay Auto-Salvage, Nether Dallachy, Spey Bay, Fochabers, Moray. Approved in May 2005. This consent sought the permanent approval of the temporary consent granted under 99/01552/FUL above.

POLICY - SEE APPENDIX

ADVERTISEMENTS

- Advertised for Neighbour Notification purposes.

- Advertised as a Schedule 3 Development (Development Management Regulations 2013 refer).

CONSULTATIONS

Development Plans – Identifies various policy issues, and in particular the absence of compensatory planting.

Transportation - No objection subject to a condition and informatives. It was noted in discussion with the applicant that the material from the site, would be used also in the adjoining established business which supplies building materials, screened quarried material and manufactures concrete blocks on site. This business currently imports minerals for this purpose, which will now be won from the adjoining quarry. The condition recommended relates to the provision of further details on the proposed access to the quarry.

Environmental Health - No objection subject to conditions and informative regarding noise, hours of operation and the avoidance of blasting are recommended.

Contaminated Land – A suspensive condition relating to contaminated land is required which includes the assessment of risk from explosive ordnance.

Moray Access Manager – No objections.

Archaeology - No objection subject to condition relating to a written scheme of investigation. A further informative regarding the sites previous use is also attached.

Moray Flood Risk Management - No objection, subject to an informative regarding surface water drainage.

Forestry Commission – Objection on the grounds of lack of compensatory planting.
Planning Officer Note - subsequent consultation between the applicant and the Council, Forestry Commission and the applicant has led to the conditions now being recommended.

SNH - No objection, as it was noted they had no remit.

SEPA - No objection subject to conditions and informatives regarding protection of ground water and investigation of possible historic radioactive pollutants on the site soil.

Scottish Water - No objection.

Health and Safety Executive (Quarries) - No response received at the time of writing this report.

Lennox Community Council – No response received at the time of writing this report.

OBJECTIONS-REPRESENTATIONS

NOTE: Following the determination of this application, name and address details will be/have been removed (i.e. redacted) in accordance with the Data Protection Act (paragraph 3 of Minute, Planning & Regulatory Services Committee 16 September 2014).

LIST OF OBJECTIONS:

A total of 2 representations have been received from;-

[REDACTED]

Where issues raised are common to all representations, the below summary will not reiterate/repeat issues clearly stated at least once. All objections/representations have been read and where material, given the appropriate consideration prior to the recommendation now reached.

Headings of objection reasons selected by objectors from objection/representation weblink are as follows;-

- Affecting natural environment
- Dust
- Lack of landscaping
- Noise
- Poor design
- Procedures not followed correctly
- Road access
- Road safety
- Traffic

The specific grounds for objection are summarised as follows;-

Issue: Noise - The noise emanating from the existing Grays recycling centre when operational is a continuous drone and spoils the peace of the area, especially when blowing from a North or North Easterly direction.

Comment (PO): Noise concerns from existing neighbouring uses, would not be grounds to refuse the current application. It is acknowledged that proposal intends to utilise quarry related machinery in the adjoining land, which would contribute to noise in the area but this machine would otherwise still be used to crush/sort imported quarry materials. Conditions are recommended for the quarry to limit hours of operation and noise output.

Issue: Levels of HGV traffic using the road between the B9104 turn off and Portgordon (past the crossroad for Upper Dallachy and Auchenthalrig) are a concern. There are already a large number of these vehicles heading to and from the Gray's Recycling Centre, the landfill site and to the Murphys construction site (offshore cable instillation towards Portgordon).

Comment (PO): The proposal would see traffic turning east out of the proposed quarry and avoiding approach or departure via Nether Dallachy. The other roads leading to the B9104 and the A98 have previously been upgraded to deal with quarry HGV traffic and are considered to be acceptable to the Transportation Manager. It is further noted that

material from the quarry will partly be used within Grays Recycling building material fabrication, reducing the number of HGV's importing material to the location.

Issue: There have been road incidents close to the access to the proposed quarry on Beaufighter Road, when the road was icy in the winter which would be worse with more HGV's on the road. The road was not designed for HGV's.

Comment (PO): The Transportation Manager has not objected to the proposed use of the local road network. Any incidents of traffic accidents in the locality during periods of extreme winter weather and poor conditions would not be grounds to refuse the current application.

Issue: Dust - concerned about the levels of dust which will come from the quarry. The developers cite the fact that a previous quarry had been there for 30 years; the objector would counter this by saying that there were not as many residential properties in the area when the original site was started and operating.

Comment (PO): The point raised in terms of increase in rural housing in the wider locality is noted, but the proposed quarry is an adequate distance away from the nearest residences. Furthermore the predominant wind direction would take any dust away from Nether Dallachy eastward. See the observations section of the report.

Issue: Need - why allow this quarry when there are other quarries available and some are closing because they are not busy.

Comment (PO): Provision of competing quarries elsewhere would not be grounds for refusal. The observation section below considers the provision or over provision of mineral resources.

OBSERVATIONS

Section 25 of the 1997 Act as amended requires applications to be determined in accordance with the Development Plan i.e. the adopted Moray Local Development Plan 2015 (MLDP) unless material considerations indicate otherwise.

Scottish Planning Policy 2014 (SPP) gives further direction of mineral extraction proposals and the need to secure appropriate provision of mineral resources, subject to appropriate site restoration.

Also relevant to the application being for mineral extraction development is the advice contained within Planning Advice Note 50 Controlling the Environmental Effects of Surface Mineral Workings and its associated Annexes. The development would also be subject to consideration under The Management of Extractive Waste (Scotland) Regulations 2010.

Background

In terms of the Hierarchy for planning, as the quarry output and area exceeded 2 hectares, it qualifies as a 'major' development under the Hierarchy of Developments Regulations 2009. The application has therefore been subject to pre-application consultation, following submission of a Proposal of Application Notice. A public event was advertised in the local press (Northern Scot) and carried out in on 15 February 2017 at Spey Bay Village Hall. The event was attended by 16 members of the public and it is reported that while the proposal was generally well received there were a number of concerns regarding HGV vehicle movements, general quarrying activities potentially causing noise, dust,

disturbance and also the environmental impact. The applicant in the Pre-Application Report has demonstrated where possible how they sought to mitigate those impacts.

The applicant has carried out relevant investigations to inform their submission and in support of the planning application. Submission included various surveys/investigations including a Noise Assessment, Visual Impact Assessment, Supporting Statement (including Environmental Considerations), an Ecological Appraisal and Waste Management Plan.

The main issues are considered below.

Principle of proposed quarry (PP2, ER3, ER4 and IMP1)

Policy ER3 Safeguarding Mineral Reserves seeks to safeguard existing workable mineral reserves from incompatible development. The current proposal is to provide access to additional reserves and is therefore compliant with policy ER3. Policy PP2 seeks new development to be located in sustainable locations that make efficient use of land and infrastructure.

The proposal is being assessed as a new quarrying operation, although historic nearby quarrying activities in the area have had an impact upon the character of the area. The former Spey Bay quarry and previous large quarry (and now capped landfill site) adjacent to Nether Dallachy. Land to the north of the site is still used a Moray Council recycling centre.

The proposed development is subject to Policy ER4 Minerals which states that new sites for construction aggregates will only be permitted where it has been evidenced that there is less than the minimum 10 year supply available. A mineral audit in 2017 identified that there was an adequate supply of sand and/or gravel in Moray until 2029 which might bring into question the necessity for the proposal. However, the proposal is in a good, accessible location and would contribute towards long-term planning for the provision of construction aggregates in Moray. Scottish Planning Policy para 237 states that “Plans should support the maintenance of a landbank of permitted reserves for construction aggregates of at least 10 years at all times in all market areas through the identification of areas of search.” While policy ER4 presumes against proposals for new mineral workings unless under a 10 year supply is available or has been exhausted or are no longer viable with specific reference to construction aggregates, in reality this quarry would not now become operational until 2019 at the earliest. The 2017 audit predicts that after 2029 the supply of sand and gravel (construction aggregates) would drop considerably whereupon supply is unlikely to meet demand. It is noted in the audit that several other sand and gravel quarries in Moray are predicted to be exhausted within the next 4-6 years, and while remaining supplies from the two remaining sand and gravel quarries would suffice until 2029, it would provide a more secure degree of supply if the proposed quarry were permitted to operate over and beyond this period.

The audit specifically makes reference to the recent exhaustion of Spey Bay Quarry and notes the current application nearby at Nether Dallachy would continue sand and gravel extraction in the same locality, it is therefore considered on balance that the proposal would comply with Policy ER4. As the predicted critical supply down turn would occur around 2029, the proposal (albeit just over 10 years from that time) would be established timeously to see the provision of a further local sand and gravel quarry to meet local and wider demand in the longer term.

It is further noted that there are a number of major developments underway (or consented) in Moray in both the private and public sector (including MoD, power/roads infrastructure and consented housing developments) that have and will likely call upon local mineral resources over the next 10-15 years. This demand may also increase notably once sections of the A96 duelling commence. This increase in construction activity will impact upon the required production capacity of construction aggregates and will reduce predicted reserves over the next 10 year period. This increase in production requirement is not currently accounted for in the 2017 Audit.

The proposed quarry is also specifically intended to supply the existing concrete batching and block plant based at the adjoining premises which makes products for the construction industry so there is a locational justification for the new quarry also.

On this basis, the proposal is considered acceptable under Policy ER4.

Visual impact of proposed quarry (ER4 and IMP1)

Policy ER4 Minerals and IMP1 Developer Requirements both require minerals application to give consideration to the landscape and visual impact.

In terms of landscape the quarry would be located in a very open and flat landscape and involves the downward excavation rather than any horizontal extraction of hillsides or sloping land. This means that views of the intrusive excavations are localised and limited to the immediate vicinity. The landscape does rise southward at Upper Dallachy and further to the south east, where there may be some limited views from elevated positions toward the proposed quarry. These will be limited however and will not be visually intrusive when viewed in the context of other ongoing uses at the airfield.

The applicant has carried out a visual appraisal of the proposed quarry activity. The proposed quarry would be obscured from site by surrounding woodland to the north west and east, and is bound to the north by a recycling centre/landfill site which itself is bound by an area of landscape planting. The more prevalent views are from the south and south west, and for passing vehicles, cyclists (Sustrans route) and pedestrians on Beaufighter Road. The applicants have shown the retention of a narrow belt of trees along the edge of Beaufighter Road on the north and northwest sides of the quarry. The subsequent bunding between Phase 1 and Phase 2 will further obscure views across the whole working area until such time as both phases are restored to provide a water environment, or possibly replanted with woodland if workings do not go below the water table.

The south and south west side of the quarry, during Phase 2 of the quarry extraction may be visible from the southern end of Nether Dallachy and from Upper Dallachy approximately 1km to the south. Over these longer distances, with the proposed earth bund along the south and south western corner of Phase 2, views of the operations, machinery and plant will be largely obscured from view.

Compensatory tree planting (E4 and ER2)

As the site proposes the felling of approximately 7.5 hectares of woodland, which is identified as lying within the national forest inventory, compensatory tree planting is required in accordance with policies E4 Trees and Development and ER2 Development in Woodlands. Policies E4 and ER2 seek to ensure, where a development removes an area of woodland (in this case active coniferous forestry land), it must be compensated for to ensure the woodland asset within Moray is not diminished or removed by development.

Replacement of this woodland would be an acceptable option where it is of limited value in terms of amenity, landscape, biodiversity, economic or recreational value where such woodland should possibly be retained in accordance with policy ER2.

The applicant has been in discussion with the Council and Forestry Commission regarding this requirement, and has secured an area at Bogend Quarry, Buckie not within the current forest inventory to provide 2 hectares of compensatory planting. This means the remaining balance of 5.5 hectares must be provided.

The applicants have committed that the remaining 5.5 hectares will be replanted on site, and that in order to facilitate this, working within an area of 5.5 hectares will not go below the water table. This would see the planting of 2 hectares at Buckie, and approximately 3.5 hectares on Phase 1 before excavations progressed substantially on Phase 2. The applicants have however asked if conditions could allow for the possibility of the provision of 5.5 hectares to be provided off-site, and conditions are recommended to allow for this possibility. Any alternative location would be subject of consideration and approval by the Moray Council in consultation with the Forestry Commission.

As the default remains that the compensatory planting would be provided between Bogend Quarry, Buckie and re-established on site post extraction, the proposals are considered to comply with the compensatory planting requirements of the above policies E4 and ER2.

Environmental issues (E3, ER4, and IMP1)

The applicant submitted for this application several assessments pertinent to the consideration of the impact upon the environment. Beyond the detailed planning statement, an ecology appraisal was submitted.

Whilst no longer operational, there have been a number of quarries historically in this location to the north of Beaufighter Road. The salvage and recycling company that operates on the adjoining land to the east and the site itself was subject to historic use as part of an airfield. The site does constitute a better habitat than the open, grassed areas and remaining concrete runways on the land to the south. Whilst the majority of the woodland is coniferous plantation, there is evidence of naturally seeded woodland at the periphery of the site which offers better biodiversity.

The ecological appraisal submitted concluded there were no signs of protected species but a squirrel drey was found and these animals are afforded protection under the Wildlife and Countryside Act 1981. Prior to tree felling the developer should obtain a license from Scottish Natural Heritage to remove the drey prior to any felling in its vicinity. The appraisal further recommended that felling should be undertaken outwith the bird nesting season and an informative is recommended to that effect given nesting birds are offered similar protection to squirrels under the Wildlife and Countryside Act 1981.

Blasting, noise, dust and other amenity issues (EP8, EP12, ER4 and IMP1)

Policy EP8 states that development likely to cause significant pollution such as noise must be supported by detailed assessment which also allows for a meaningful assessment of what mitigation could be provided.

In terms of dust, the application 'Supporting Statement and Environmental Considerations' document considers the circumstances when dust would possibly cause an amenity issue for properties in the localities, most settled areas are in excess of 700m away from the

proposed quarry, but Nether Dallachy sits only 300m to the west. The statement concludes however that the incidence of periods of dryness (required to trigger significant dust movement) would need to coincide with strong easterly winds (which are rare in this area) which would allow for a conclusion that wind blown dust will unlikely be experienced from the quarry at Nether Dallachy. Vegetation in the form of tree cover in the locality of the site to the west and east would further reduce the dust impact.

It is acknowledged that the site is bound to the north by a Sustrans Coastal Cycle path that follows Beaufighter Road and may be noticeable/audible from the core path further to the north. Given the long established character of this area for quarrying, recycling and former use as a landfill site, the impact upon the character or amenity of passers-by is not considered to be significant. Following the 15 year consent period, the site would be restored and would not detract in the long term from long established paths in the vicinity.

In terms of noise the Environmental Health Manager has recommended a number of conditions as informed by the Noise Assessment submitted by the applicant. The conditions recommended, including hours of operation, will ensure that noise levels can be controlled so as not to cause a nuisance to sensitive buildings (mainly dwellings) in the locality.

The proposal therefore accords with the requirements of policy EP8 pollution and EP12 Air Quality.

Contaminated Land and historic pollution (EP9)

Policy EP9 Contaminated Land is relevant to this site where its previous use may well contain contamination, including potentially explosive ordnance. As the site has been densely wooded over the past few decades, a visual inspection at this time will yield limited success.

A suspensive condition is recommended relating provision of a strategy for dealing with any ground contamination, or ordnance uncovered as the site is excavated. This would be similar to the vigilance required under the archaeological condition.

Drainage and flood issues (EP5 & EP7)

The site is not susceptible to any surface or river flooding at present.

Both SEPA and the Councils own Flood Risk Management team have been consulted and have had access to the supporting information. Following further discussion between the applicant and SEPA, SEPA have removed their previous objection in relation to ground water, and subject to the conditions recommended, raise no objection. These conditions include details of aftercare to ensure maintenance and management of any water features created. A condition restricting 'dewatering' on the site will also ensure that disturbed water is not moved or pumped elsewhere, potentially affecting ground water or drainage off site.

Vehicular Access (T2 and IMP1)

Policy T2 Provision of Access provides a suitable and safe access onto and from the public highway.

The proposed quarry is intended to supply an existing concrete batching and block plant on adjoining land which is currently supplied from remote quarries by HGV's at a rate of approximately 6 HGV deliveries per day. This would equate to 12 two-way HGV

movements per day. It is understood that the proposed quarry would feed the existing concrete plant and that quarried material would not be delivered offsite in raw form. It is also understood that there would not be an increase in production capacity associated with the existing batching and block plant therefore the proposals should result in a reduction in the number of HGV movements on the road network. The building material business approved on adjoining land was approved under 05/00538/FUL (see history section above).

The site is accessed via an access point at the north east corner of the site, but materials will be taken south down the former runway to the concrete and screening plant. Given the local road network leading to this location is well served from the south east and the C16E Byres - Tannachy Road leading to the A98 there is little incentive to travel through Nether Dallachy to the west of the site.

Even in the event that materials were screened and taken directly offsite, the local road network to the south east route which has been used for historic quarries in the area has not met with an objection from the Transportation Manager. The proposals therefore accord with Policy T2.

Extractive Waste Management (ER4, EP8)

The submission of the Extractive Waste Management Plan is a specific requirement of Policy ER4 Minerals. Policy EP8 Pollution seeks to ensure the possible pollution effects of a development have been considered and mitigated where necessary.

The quarry was previously assessed against the Extractive Waste Management (Scotland) Regulations and for the need for a waste management plan in 2011. The applicants have also submitted an Extractive Waste Management Plan with the proposal that concludes that due to the nature of the geology of the quarry, and the intent not to import any extractive waste from elsewhere, no significant action would be required other than the ongoing good practice and management of the quarrying operations. All materials would be inert and SEPA are content subject to conditions about no dewatering of the quarry floor and testing for historic radioactive materials that all topsoil would be stored in a safe manner and gradient.

Subject to the ongoing compliance with the Extractive Waste Management Plan, the proposal will comply with this aspect of policies EP8 and ER4.

Restoration (ER4)

As part of the Planning Statement and other submissions, the applicants have provided detailed information as to how they intend to restore the site once the mineral extraction phase comes to an end. The final restoration of the quarry for this site, may differ from the approved conceptual restoration only if the applicants cannot secure alternative areas of compensatory planting off site. If these cannot be secured off site, then excavations will only occur across the site up to a depth of 5m where compensatory planting has not been provided elsewhere. The exhausted area would be backfilled with the stored soil and replanted in woodland. Various conditions are recommended to ensure that the final restoration plan is given final consideration by Moray Council and SEPA.

Conclusion and Recommendation

Subject to the conditions recommended, inclusive of the provision of compensatory tree planting either on or off site, the proposed quarry will be acceptable in this location.

REASON(S) FOR DECISION

The Council's reason(s) for making this decision are: -

The proposal subject to the conditions recommended complies with the relevant policies of the Moray Local Development Plan 2015 and there were no other material considerations arising otherwise to prevent approval.

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APPENDIX

POLICY

Adopted Moray Local Development Plan 2015

Primary Policy PP2: Climate Change

In order to contribute to reducing greenhouse gas emissions, developments of 10 or more houses and buildings in excess of 500 sq m should address the following:

- Be in sustainable locations that make efficient use of land and infrastructure
- Optimise accessibility to active travel options and public transport
- Create quality open spaces, landscaped areas and green wedges that are well connected
- Utilise sustainable construction techniques and materials and encourage energy efficiency through the orientation and design of buildings
- Where practical, install low and zero carbon generating technologies
- Prevent further development that would be at risk of flooding or coastal erosion
- Where practical, meet heat and energy requirements through decentralised and local renewable or low carbon sources of heat and power
- Minimise disturbance to carbon rich soils and, in cases where it is agreed that trees can be felled, to incorporate compensatory tree planting.

Proposals must be supported by a Sustainability Statement that sets out how the above objectives have been addressed within the development. This policy is supported by supplementary guidance on climate change.

Policy E3: Protected Species

Proposals which would have an adverse effect on a European protected species will not be approved unless;

- there is no satisfactory alternative; and
- the development is required to preserve public health or public safety, or for other reasons of overriding public interest, including those of a social or economic nature, and beneficial consequences of primary importance for the environment; and the development will not be detrimental to the maintenance of the population of species concerned at a favourable conservation status of the species concerned.

Proposals which would have an adverse effect on a nationally protected species of bird will not be approved unless;

- There is no other satisfactory solution
- The development is necessary to preserve public health or public safety
- The development will not be detrimental to the conservation status of the species concerned.

Proposals which would have an adverse effect on badgers or their setts must be accompanied by a Badger Protection Plan to avoid, minimise or compensate for impacts. A licence from Scottish Natural Heritage may be required as well as planning permission. Where a protected species may be affected a species survey should be prepared to accompany the application to demonstrate how any offence under the relevant legislation will be avoided.

Policy E4: Trees and Development

The Council will serve Tree Preservation Orders (TPO's) on potentially vulnerable trees which are of significant amenity value to the community as a whole, or trees of significant biodiversity value.

Within Conservation Areas the Council will only agree to the felling of dead, dying, or dangerous trees. Trees felled within Conservation Areas or subject to TPO protection should be replaced, unless otherwise agreed with the Council.

Woodland removal will only be permitted where it would achieve significant and clearly defined additional public benefits. Where woodland is removed in association with development, developers will generally be expected to provide compensatory planting. The Council may attach conditions on planning consents ensuring that existing trees and hedges are retained or replaced.

Development proposals will be required to meet the requirements set out in the Council's Trees and Development Supplementary Guidance. This includes carrying out a tree survey to identify trees on site and those to be protected. A safeguarding distance should be retained between mature trees and proposed developments.

When imposing planting or landscaping conditions, native species should be used and the Council will seek to promote green corridors.

Proposals affecting woodland will be considered against Policy ER2.

Policy EP5: Surface Water Drainage: Sustainable Urban Drainage Systems (SUDS)

Surface water from development should be dealt with in a sustainable manner that has a neutral effect on the risk of flooding or which reduces the risk of flooding. The method of dealing with surface water should also avoid pollution and promote habitat enhancement and amenity. All sites should be drained by a sustainable drainage system (SUDS). Drainage systems should contribute to enhancing existing "blue" and "green" networks while contributing to place-making, biodiversity, recreational, flood risk and climate change objectives.

Specific arrangements should be made to avoid the issue of permanent SUD features becoming silted-up with construction phase runoff. Care must be taken to avoid the introduction of invasive non-native species during the construction of all SUD features.

Applicants must agree provisions for long term maintenance of the SUDS scheme to the satisfaction of the Council in consultation with SEPA and Scottish Water as appropriate.

A Drainage Assessment (DA) will be required for developments of 10 houses or more, industrial uses, and non-residential proposals of 500 sq metres and above.

The Council's Flood Team will prepare Supplementary Guidance on surface water drainage and flooding.

Policy EP7: Control of Development in Flood Risk Areas

New development should not take place if it would be at significant risk of flooding from any source or would materially increase the possibility of flooding elsewhere. Proposals for development in areas considered to be at risk from flooding will only be permitted where a flood risk assessment to comply with the recommendations of National Guidance and to the satisfaction of both the Scottish Environment Protection Agency and the Council is provided by the applicant. This assessment must demonstrate that any risk from flooding can be satisfactorily mitigated without increasing flood risk elsewhere. Due to continuing changes in climatic patterns, the precautionary principle will apply when reviewing any application for an area at risk from inundation by floodwater.

The following limitations on development will also be applied to take account of the degree of flooding as defined in Scottish Planning Policy;

- a) In areas of little to no risk (less than 0.1%) there will be no general constraint to development.
- b) Areas of low to medium risk (0.1% to 0.5%) will be considered suitable for most development. A flood risk assessment may be required at the upper end of the probability range (i.e. close to 0.5%), and for essential civil infrastructure and most vulnerable uses. Water resistant materials and construction may be required. Areas within this risk category will generally not be suitable for civil infrastructure. Where civil infrastructure must be located in these areas or is being substantially extended, it should be designed to be capable of remaining operational and accessible during extreme flooding events.
- c) Areas of medium to high risk (0.5% or above) may be suitable for:
 - Residential, institutional, commercial and industrial development within built up areas provided flood protection measures to the appropriate standard already exist and are maintained, are under construction, or are a planned measure in a current flood management plan;
 - Essential infrastructure within built up areas, designed and constructed to remain operational during floods and not impede water flow;
 - Some recreational, sport, amenity and nature conservation uses, provided appropriate evacuation procedures are in place and

- Job related accommodation e.g. for caretakers or operational staff.

Areas within these risk categories will generally not be suitable:

- Civil infrastructure and most vulnerable uses;
- Additional development in undeveloped and sparsely developed areas, unless a location is essential for operational reasons, e.g. for navigation and water based recreation, agriculture, transport or utilities infrastructure (which should be designed to be operational during floods and not impede water flow), and
- An alternative, lower risk location is not available and
- New caravan and camping sites.

Where development is permitted, measures to protect against or manage flood risk will be required and any loss of flood storage capacity mitigated to achieve a neutral or better outcome. Water resistant materials and construction should be used where appropriate. Elevated buildings on structures such as stilts are unlikely to be acceptable.

Policy EP8: Pollution

Planning applications for developments that may cause significant pollution in terms of noise (including RAF aircraft noise), air, water and light emissions will only be approved where a detailed assessment report on the levels, character and transmission of the potential pollution is provided by the applicant. The assessment should also demonstrate how the pollution can be appropriately mitigated. Where the Council applies conditions to the consent to deal with pollution matters these may include subsequent independent monitoring of pollution levels.

Policy EP9: Contaminated Land

Development proposals on potentially contaminated land will be approved provided that:

- a) The applicant can demonstrate through site investigations and risk assessment, that the site is in a condition suitable for the proposed development and is not causing significant pollution of the environment; and
- b) Where necessary, effective remediation measures are agreed to ensure the site is made suitable for the new use and to ensure appropriate disposal and/or treatment of any hazardous material.

The Council recommends early contact with the Environmental Health Section, which can advise what level of information will need to be supplied.

Policy EP12: Air Quality

Development proposals, which, individually or cumulatively, may adversely affect the air quality in an area to a level which could cause harm to human health and wellbeing or the natural environment must be accompanied by appropriate provisions (deemed satisfactory

to the Council and Scottish Environment Protection Agency as appropriate) which demonstrate how such impacts will be mitigated.

Some existing land uses may have a localised detrimental effect on air quality, any proposals to locate development in the vicinity of uses and therefore introduce receptors to these areas (e.g. housing adjacent to busy roads) must consider whether this would result in conflict with the existing land use. Proposals which would result in an unacceptable conflict with existing land use and air quality will not be approved.

Policy ER2: Development in Woodlands

All woodlands

Development which involves the loss of woodlands will be refused where the development would result in unacceptable adverse effects on the amenity, landscape, biodiversity, economic or recreational value of the woodland or prejudice the management of the forest. Woodland removal will only be supported where it can be demonstrated that the impact on the woodland is clearly outweighed by social or economic benefits of national, regional and local importance, and if a programme of proportionate compensatory planting has been agreed with the Planning Authority.

Protected Woodlands

Woodland removal within native woodlands, ancient semi natural and woodlands within sites protected under the terms of policies E1 and E2 will not be supported.

Tree surveys and new planting

Development proposals must take account of the Council's Trees and Development supplementary guidance. The Council will require the provision of compensatory planting to mitigate the effects of woodland removal.

Where appropriate the Council will seek opportunities to create new woodland and plant native trees in new development proposals. If a development would result in the severing or impairment of connectivity between important woodland habitats, mitigation measures should be identified and implemented to support the wider green network.

Policy ER4: Minerals

The Council will support, in principle, mineral extraction in the following circumstances;

- Extension to existing operations/sites,
- Reopening of a dormant quarry,
- A reserve underlying a proposed development where it would be beneficial to extract prior to development.

New minerals sites will only be permitted where it has been demonstrated that existing reserves have been exhausted or are no longer viable and for construction aggregates it has been evidenced that there is less than the minimum 10 year supply available.

Borrow pits will be supported to allow the extraction of minerals near to or on the site of associated development (e.g. wind farm and roads construction, forestry and agriculture) provided it can be demonstrated that the operational, community and environmental

benefits of the proposal can be evidenced. These consents will be time limited, tied to the proposal and must be accompanied by full restoration proposals and aftercare.

Taking into account PAN 50 Controlling the Environmental Effects of Surface Minerals Workings sufficient information should be provided to enable a full assessment of the likely effects of the mineral development together with proposals for appropriate control, mitigation and monitoring.

Minerals developments should avoid or satisfactorily mitigate impacts, in determining proposals the Council will give consideration to the following issues;

- Impact on natural heritage and historic environment including landscape and visual impact,
- Disturbance and disruption from noise, blasting vibration, and potential pollution of land, air and water,
- Effect on communities,
- Cumulative impact,
- Transport impacts,
- Restoration and aftercare proposals.

Once a mineral working has ceased the land should be reinstated at the earliest opportunity. Restoration should be designed and implemented to the highest standard and after uses should result in environmental improvement and add to the cultural, recreational or environmental assets of the area. If operators cannot demonstrate that their programme of restoration (including the necessary financing, phasing and aftercare of the sites) is sufficient a financial guarantee may be sought;

Proposals should be accompanied by an Extractive Waste Management plan.

Policy T2: Provision of Access

The Council will require that new development proposals are designed to provide the highest level of access for end users including residents, visitors, and deliveries appropriate to the type of development and location. Development must meet the following criteria:

- Proposals must maximise connections and routes for pedestrian and cyclists, including links to active travel and core path routes, to reduce travel demands and provide a safe and realistic choice of access.
- Provide access to public transport services and bus stop infrastructure where appropriate.
- Provide appropriate vehicle connections to the development, including appropriate number and type of junctions.

- Provide safe entry and exit from the development for all road users including ensuring appropriate visibility for vehicles at junctions and bends.
- Provide appropriate mitigation/modification to existing transport networks where required to address the impacts of new development on the safety and efficiency of the transport network. This may include but would not be limited to, the following measures, passing places, road widening, junction enhancement, bus stop infrastructure and drainage infrastructure. A number of potential road improvements have been identified in association with the development of sites the most significant of these have been shown on the Settlement Map as TSPs.
- Proposals must avoid or mitigate against any unacceptable adverse landscape or environmental impacts.

Developers should give consideration to aspirational core paths (under Policy 2 of the Core Paths Plan) and active travel audits when preparing proposals.

New development proposals should enhance permeability and connectivity, and ensure that opportunities for sustainable and active travel are protected and improved.

The practicality of use of public transport in more remote rural areas will be taken into account however applicants should consider innovative solutions for access to public transport.

When considered appropriate by the planning authority developers will be asked to submit a Transport Assessment and Travel Plan.

Significant travel generating proposals will only be supported where:

- Direct links to walking and cycling networks are available;
- Access to public transport networks would involve walking no more than 400m;
- It would not have a detrimental effect on the capacity of the strategic road and/or rail network; and
- A Transport Assessment identifies satisfactory mechanisms for meeting sustainable transport requirements and no detrimental impact to the performance of the overall network.

Access proposals that have a significant adverse impact on the surrounding landscape and environment that cannot be mitigated will be refused.

Policy IMP1: Developer Requirements

New development will require to be sensitively sited, designed and serviced appropriate to the amenity of the surrounding area. It should comply with the following criteria

- a) The scale, density and character must be appropriate to the surrounding area.
- b) The development must be integrated into the surrounding landscape

- c) Road, cycling, footpath and public transport must be provided at a level appropriate to the development. Core paths; long distance footpaths; national cycle routes must not be adversely affected.
- d) Acceptable water and drainage provision must be made, including the use of sustainable urban drainage systems (SUDS) for dealing with surface water.
- e) Where of an appropriate scale, developments should demonstrate how they will incorporate renewable energy systems, and sustainable design and construction. Supplementary Guidance will be produced to expand upon some of these criteria.
- f) Make provision for additional areas of open space within developments.
- g) Details of arrangements for the long term maintenance of landscape areas and amenity open spaces must be provided along with Planning applications.
- h) Conservation and where possible enhancement of natural and built environmental resources must be achieved, including details of any impacts arising from the disturbance of carbon rich soil.
- i) Avoid areas at risk of flooding, and where necessary carry out flood management measures.
- j) Address any potential risk of pollution including ground water contamination in accordance with recognised pollution prevention and control measures.
- k) Address and sufficiently mitigate any contaminated land issues
- l) Does not sterilise significant workable reserves of minerals or prime quality agricultural land.
- m) Make acceptable arrangements for waste management.

Policy IMP3: Developer Obligations

Contributions will be sought from developers in cases where, in the Council's view, a development would have a measurable adverse or negative impact upon existing infrastructure, community facilities or amenity, and such contributions would have to be appropriate to reduce, eliminate or compensate for that impact.

Where the necessary contributions can be secured satisfactorily by means of planning conditions attached to a planning permission, this should be done, and only where this cannot be achieved, for whatever reason, the required contributions should be secured through a planning agreement.

The Council will prepare supplementary guidance to explain how the approach will be implemented in accordance with Circular 3/2012 on Planning Obligations. This will detail the necessary facilities and infrastructure and the scale of contributions likely to be required.

In terms of affordable housing, developments of 4 or more units will be expected to make a 25% contribution, as outlined in policy H8.