The Proposal

- Proposed sand and gravel quarry i.e.
  - Extraction of 750,000 tonnes of sand and gravel over a ten year period covering a 5.2ha site;
  - Estimated maximum depth of the extraction to be 21 metres (highest part of the site), less than 15 metres (majority of the site) less than 5 metres (many parts of the site);
  - Site layout shows a hardstanding area, turning area, loading, wheel washing and car parking and plant parking;
  - Plant will consist of a mechanical loading shovel and two screening machines to grade the extracted material;
  - Temporary Steel portable building 8m x 3m x 2.5m (office and welfare space including toilet and sink facilities);

- Existing access track to be upgraded with access onto the A940 Grantown Road;
- A major application (as defined), application accompanied by Pre-Application Consultation Report (See Objections/Representations).

The Site

- The site covers an area of 5.2ha and is an irregular shaped parcel of ground located approx. 0.9km from the edge of Forres on the east side of the A940 road (Grantown to Forres), off which an existing rough access track (150m in length) provides access (through the wood) to the site.
- The site lies within the Findhorn Valley Site of Interest to Natural Science (SINS) and the Forres Countryside Around Towns (CAT) Local Plan designation.
- The site is located within a wider area of mixed natural and plantation woodland to the south of Forres. To the north and west the site is bounded by dense woodland and to the east and south, there are recently planted areas of commercial forestry. A large group of mature thinned conifers is arranged around the eastern and south eastern boundary.
- The site is undulating land covered with a mixture of bracken, gorse, whin, heather as well as young conifer and birch trees. The land rises to a summit towards the north east of the site.
- The existing site and surrounding area affords habitats for varying species and is also used as a local recreational source for walkers on adjacent paths.
Policy / Objections-Representations / Consultations - See Appendix

History

For the site:

09/01826/PAN – Proposal of Application Notice submitted (11 August 2009) for planning application for Extraction of up to 750,000 tonnes of sand and gravel and upgrading of access track at Fairyhills Wood, Altyre, Forres. The response, as issued by the Council (25th September), confirms that the proposed arrangements meet the statutory minimum consultation activity, i.e. with Forres Community Council and one public event, with additional consultation required with Forres Footpaths Trust and Forres Community Woodlands Trust.

For the surrounding area:

10/00136/APP – Upgrade access track and form car parking area on Land to the North of Old Blairs, Altyre - Approved 2 April 2010 and now implemented.

Advertisement

- Advertised for neighbour notification purposes, where notification not possible because no premises situated on land to which notification can be sent. Advertised as a development of a class specified in within Schedule 3 of the Development Management Regulations 2008 and as a potential departure to the Development Plan.

Observations

This proposal seeks permission to form a sand and gravel quarry over a 5.2ha site, for a 10 year extraction period. The extraction process is relatively simple as the sand and gravel lies on the surface of the ground and can be extracted without the need for drilling or blasting.

Following consideration and subject to conditions as recommended there are no objections to the proposal (see below).

With a site area exceeding 2ha, the proposal is a major application and has been subject to pre-application consultation (PAC). Despite opportunities provided by the applicant the response has been limited as described in the PAC report (see Objections/Representations). Within the formal application, and after undertaking notification and advertisement procedures, only one objection has been received.

Impact on the Surrounding Locality (ER5, ED8, E10, E2, E3, IMP1 & IMP2)

In relation to minerals policy ER5 the site is located within a ‘Tier 3’ designation where dependant on location, (in this case the site is within the Countryside Around Towns (CAT) designation and a SINS designation (see below)) and on a case-by-case basis, extraction will only be permitted if the integrity of the local environment is not compromised.
The proposal was assessed as not giving rise to any significant environmental effects, hence in terms of IMP2: Development Impact Assessments, the proposal was not subject to EIA procedures and requirements. The proposal is also not considered to compromise the integrity of the local environment, including the SINS (Findhorn Valley) designation and CAT within which it is located (see below). In principle, and subject to conditions as recommended, the proposed quarry is not considered to conflict with polices ER5, ED2, ED8 and E10.

The proposal does not conflict with policy E2: Nature Conservation Sites and Biodiversity, although the proposal will destroy the features of the SINS within the immediate development site where extraction occurs. However, it is anticipated that this will not pose a significant impact on the SINS as a whole due to the large area of SINS designation. The site is separated from the primary feature of the River Findhorn as it situated east and across the A940 from the River Findhorn. The impact of the development will be localised and contained through the phasing of works natural screening and habitat corridors. The loss of some of the mature, thinned conifers is not considered to be significant since the mixed woodland character of the general area will continue to evolve through natural growth, commercial timber production and harvesting. This loss is not considered to prejudice the bio-diversity and habitat given the availability of woodland resource surrounding the site. A detailed Visual Impact Assessment has been submitted in support of the application giving careful consideration to the potential impact of the proposal on the surrounding landscape during both the operational and post restoration stages of the development. The assessment looks at the site from varying view points around the site concentrating on the main vehicular and pedestrian access points and routes. As the site is screened by dense and mature woodland and plantation it is considered that there will be limited impact upon the wider landscape also assisted by a change in ground levels to the south. The north central area contains the highest part of the site and during extraction on this part of the site this will result in changes to the horizon when viewed at long distances from the north of the edge of the settlement boundary and the west. Due to these views being distant and being partially screened by existing woodland it is considered that the change will not be significant. From the adjoining public roads and paths surrounding the site would be screened. However the proposal will not be entirely screened but it is considered that the impacts will have a short term local impact through the operational aspects and the changes to the land form. Subject to the mitigation proposals being covered by planning condition to ensure existing screening around the site is retained for the duration of the operations, creation of a buffer zone and bunding the short-term impact would be minimal.

Further environmental information has also been submitted which describes the site of having a mixture of habitats and age structures which should support a variety of plants and animals. The report states that there was no evidence of protected mammals identified during the walk over site surveys. Some evidence of roe deer using the site was found and it was also established that the site would be suitable for badger, red squirrel and bats although no sitings were made. In relation to birds the main impact would relate to the impact on feeding and nesting habitats. The report details how the proposed phasing will assist in limiting the impact and allow dispersal of species rather than their reduction. Natural corridors are also proposed to be left where possible. If any protected species are found prior to work commencing contact with SNH would be required along with compliance with all wildlife legislation. In summary the report concludes that the impact on the wider context is not likely to be significant subject to the proposed mitigation and monitoring during and prior to work commencing.

SNH have been given the opportunity to assess both the visual impact assessment and the additional environmental information covering protected species. SNH have advised that the natural heritage and landscape impacts will be both local in nature and that the mitigation
proposals set out in both reports will assist in reducing these impacts. Conditions and
informatives are recommended to ensure that the mitigation proposals set out in both reports are
adhered to. This would include pre-construction and pre-tree felling surveys to check for the
presence of red squirrel, bats, badger setts and tree nesting birds to ensure that they are not
present and to ensure that mammal activity has not extended into the site.

In relation to policy E10: Countryside Around Towns, the application was initially advertised as
a potential departure because it had not demonstrated that the integrity of the local environment
would not be compromised (as per policy ER5). Additional supporting information has
subsequently been received including a species survey, landscape and visual assessment and a
detailed restoration and aftercare strategy to address this requirement. These are considered to
be acceptable following consultation with SNH and in light of this, the proposal satisfies all
three criteria contained in policy ER5. As there is now full compliance with policy ER5 and the
integrity of the local environment would not be compromised criteria b) of policy E10 has also
been met and therefore the proposal no longer departs from this policy.

There are several paths and tracks around Fairyhills Wood and some of these are used regularly
by local people for dog walking. The connection between the paths and the edge of the site has
been given consideration and a 5 metre wide safety and amenity zone is proposed as part the
mitigation proposals. The proposal also indicates which paths can remain open during
extraction and a number of routes for walkers would still be available. The land at the site
entrance is currently used for informal parking by walkers which will no longer be possible once
the access is upgraded. As part of an ongoing public access management plan planning
permission was granted in 2010 for a new walker’s car park and the applicant has confirmed that
this has now been implemented. The Moray Access Manager has been consulted and subject to
the paths being reinstated in a similar position following extraction no objections are raised.
The reinstatement of the paths forms part of the proposed restoration strategy.

Site Restoration (ER5)
SPP 2010 (Scottish Planning Policy) indicates that operators should incorporate proposals for
phased working and if applicable progressive restoration.
A site reinstatement strategy has been submitted by the applicant which has the stated aim of
bringing “the site back into a form and condition which is compatible with its current character
and the surrounding woodland and landscape”. The strategy sets out the aims for returning the
site to a natural condition following the completion of the quarrying operations. Three specific
objectives are outlined for the mitigation and restoration scheme and are as follows:

- Reduce the permanent landscape and visual impacts of the extraction operation by
  integration of the site with local landforms and vegetation;
- Leave the site in a self-sustaining, natural condition contributing to the local biodiversity;
- Create a safe and unpolluted environment.

The proposed quarrying operations would be divided into distinct, phases with the first phase
relating to the formation of the access and compound works providing the necessary
infrastructure prior to the commencement of quarrying operations. Phase 1 would commence at
the north part of the site where the highest ground levels and deepest sand and gravel deposits
are. Phase 2 would move south into the central area with the phase 3 being at the furthest
southern part of the site. As part of the strategy storage and re-use of subsoils and topsoils will
be carried out to assist with the restoration process. The access road is proposed to be removed
and reinstated as an access track and path along with the removal of the compound. Site
sections are included which demonstrate the finished ground levels after reinstatement.
To speed up the reinstatement process proposals for planting of native species and local provenance tees are included which would be supplemented by natural regeneration. Where possible during excavation native trees species and spoil is proposed to be stored until reinstatement of the areas are complete. The tree planting programme of 90% Scots Pine and 10% Broadleaf also meets the Estates long-term woodland management objectives. The planting pattern proposed to be followed accords to best practice according to UK Forestry Standard, Scottish Forestry Strategy and associated Forest Guidelines. All areas of reinstatement would be monitored annually to ensure the success of the vegetation for a period of five years following planting. SNH has confirmed that they are satisfied with this reinstatement and restoration scheme. SEPA have also had the opportunity to comment and subject to the conditions previously recommended, no other comments have been received.

Conditions are recommended requiring additional restoration details towards the end of the life of the quarry incorporating SEPA’s requirements. These recommend supplementing the concept and details already outlined in the proposed reinstatement strategy.

Advice contained in PAN 64 refers to securing a financial bond with any consent unless the restoration programme is sufficient. In this case, restoration of the quarry would be achieved by preparing the landform for natural colonisation and additional on-site planting. As this approach has been detailed extensively in the site reinstatement strategy and is supported by the landowner who is also the applicant, a bond is considered to be unnecessary.

**Access & Traffic (T2 & T5)**

The proposed quarry is accessed via a junction onto the A940 to the south of Forres. The applicant has prepared a supporting statement including a response to issues raised by Transportation Officers. This includes details of the likely traffic generated by the quarry and estimates that on average there will be 3596 loads per annum. This equates to an average of 12.5 loads per day. The assumed distribution of loads on the A940 is 75% north (towards) Forres and 25% south.

The Transportation Manager has been consulted on this proposal and has raised no objection to the granting of planning permission, subject to the provision of a section 75 legal agreement and a number of conditions being imposed. These cover a traffic management plan, access improvements at the junction, provision of visibility splays, road sweeping and wheel cleaning. The Traffic Management Plan will require heavy traffic to utilise the A940 north and south to reach the Forres bypass/A96 or destinations towards Grantown on Spey. These vehicles will not be permitted to use identified back roads through Mundole and Whiterow.

A legal agreement would also be completed to ensure that in the event of heavy vehicles servicing the site causing damage to these restricted routes, the Council will seek payment from the site operator for any appropriate reinstatement works to repair damage. A bond will also be lodged to cover appropriate repair costs where the site operator is unwilling or unable to meet the agreed terms. In addition the Council would be able to use the bond to implement a Road Traffic Regulation Order to prevent unauthorised use of back roads if problems occur. This approach has been negotiated by Transportation Officers and confirmed as being acceptable by the applicant.

In light of the above it is considered that the terms of policies T2 and T5 have been fully met.
Noise, Contamination and Water Management (EP8, EP5 & IMP1)
Subject to conditions as recommended there are no objections to the proposals from relevant consultees. The applicant has carried out a noise assessment which has been assessed by the Environmental Health Manager and a condition is recommended to ensure noise emissions do not impact on the amenity of the locality, including any nearby properties. SEPA have recommended a ground water risk assessment and environmental management plan to be undertaken prior to work commencing to ensure appropriate pollution prevention measures are in place.

Recommendation:
Approval subject to conditions.

Procedure

This major development is considered to accord with rather than depart from planning policy and as there is no identified significant departure from the development plan, no rep-determination hearing and subsequent referral to The Moray Council is required.

Gordon Sutherland
Planning and Economic Development Manager

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APPENDIX

POLICY

Moray Structure Plan 2007 and/or Moray Local Plan 2008

Policy 1: Development and Community

The policy set out below identifies the strategic community development requirements for the delivery of the structure plan strategy-

The Moray Structure Plan Strategy will be supported by:

a) the identification within the local plan of the business and industrial land allowances set out in Schedule 1 and the provision of strategic business locations at Elgin and Forres Enterprise Park and business park opportunities at Buckie, Keith and Lossiemouth;

b) the encouragement of tourism development opportunities;

c) the identification within the Local Plan of the housing allowances set out within Schedule 2;

d) the provision of affordable housing in association with new housing development where a demand is identified in the Local Housing Strategy;

e) the encouragement of low impact, well-designed development in the countryside to support local communities and rural businesses;

f) sustaining the vitality and viability of town centres through the support of opportunities and proposals for retail and commercial development in accordance with the sequential approach;

g) promotion of the strategic transport links as set out in Proposal 2;

h) the protection and enhancement and new provision of facilities for community use, healthcare, sport and recreation;

i) the inclusion within Local Plans of a policy requiring appropriate developer contributions towards healthcare and other community facilities.

Policy 2: Environment and Resources

The Moray Structure Plan Strategy will be supported by: -

a) protecting international, national and local nature conservation and scenic designations from inappropriate development;
b) protecting the wider natural environment and local biodiversity from inappropriate development and promote opportunities for environmental enhancement and restoration where possible;

c) working in partnership with the Cairngorms National Park Authority and other interested parties to implement the objectives of the National Park;

d) restricting development within coastal areas outwith settlements to only that in which social and economic benefits outweigh environmental impact;

e) providing protection from development to the countryside around the towns of Elgin, Buckie, Keith, Forres and Lossiemouth;

f) conserving and enhancing the areas built heritage resources and their settings;

g) supporting proposals aimed at regenerating the area’s natural and built environment including good design;

h) providing waste management facilities to deliver Area Waste Plan and National Waste Plan objectives and ensuring that new development is designed to facilitate waste management practices and promotes the minimisation of waste;

i) promoting sustainable urban drainage systems (SUDS) in all new developments;

j) promoting schemes to alleviate flooding in a sustainable and sensitive way using natural ecosystems and features where possible and also restricting development within flood risk areas following the guidance set out in the Risk Framework in SPP7: ‘Planning and Flooding’ and promoting flood risk management schemes to tackle flooding that threatens existing development and considering development proposals against the Flood Risk Framework set out in Table 5;

k) safeguarding the area from pollution and contamination;

l) promoting opportunities for the sensitive development of renewable energy and promoting renewable energy in new development;

m) safeguarding resources for the production of minerals, preferred forestry areas, and prime agricultural land.

**ED8: Rural Business Proposals**

New business developments, or extensions to existing industrial/economic activities in the countryside will be permitted if they meet the following criteria:

a. careful control over siting, design, landscape and visual impact, and emissions. In view of the rural location, industrial estate/urban designs may not be appropriate,

b. a locational justification for the site concerned if serviced industrial land is available nearby,

c. the capacity of the local infrastructure to accommodate the proposals,
d. environmental considerations, including the impact upon natural and built heritage designations, with appropriate protection for the natural environment; the use of enhanced opportunities for natural heritage integration into adjoining land, and

e. the location of the development close to populated rural areas where appropriate.

Proposals involving the rehabilitation of existing properties (e.g. farm steadings) to provide business-premises will be encouraged, provided access and parking arrangements are acceptable. Where noise emission or any other aspect is considered to be incompatible with surrounding uses, there will be a presumption to refuse.

**Policy T2: Provision of Road Access**

The Council will require that a suitable and safe road access from the public highway is provided to serve new development and where appropriate any necessary modifications to the existing road network to mitigate the impact of development traffic, and the provision of appropriate facilities for public transport, cycling, and pedestrians. Access proposals that have a significant adverse impact on the surrounding landscape and environment that cannot be mitigated will be refused.

SPP17 details that there will be a presumption against new accesses onto a trunk road, and that the Scottish Executive will consider the case for such junctions where nationally significant economic growth or regeneration benefits can be demonstrated.

**T5: Parking Standards**

Proposals for development must conform with the Council’s policy on parking standards.

**E2: Local Nature Conservation Sites and Biodiversity**

Development proposals which will adversely affect Local Nature Reserves, Sites of Interest to Natural Science, Ancient Long Established or Semi Natural Woodland, raised peat bog, wetlands, protected habitats or species or other valuable local habitats or conflict with the objectives of Local Biodiversity Action Plans will be refused unless it is demonstrated that;

a. local public benefits clearly outweigh the nature conservation value of the site, and

b. there is no suitable alternative site for the development.

Where there is evidence to suggest that a habitat or species of importance exists on the site, the developer will be required at his own expense to undertake a survey of the site's natural environment.

Where development is permitted which could adversely affect any of the above designated sites the developer must put in place acceptable mitigation measures to conserve and enhance the site's residual conservation interest.

Development proposals should protect and where appropriate, create natural and semi natural habitats for their ecological, recreational, landscape and natural habitat values.
Policy E3: Tree Preservation Orders and Controls on Trees

Policy E10: Countryside Around Towns

Development proposals within the Countryside Around Towns (CATs) areas identified around Elgin, Forres, Buckie, Keith and Lossiemouth will be refused unless they:

a. involve the rehabilitation, conversion, limited extension, replacement or change of use of existing buildings, or

b. are necessary for the purposes of agriculture, forestry, low intensity recreational use or specifically allowed under the terms of other Local Plan policies within these areas, or

c. are a designated "LONG" term housing allocation, released for development under the terms of policy H2.

BE1: Scheduled Ancient Monuments and National Designations

National Designations

Development proposals will be refused where they will adversely affect Scheduled Ancient Monuments and nationally important archaeological sites or their settings unless the developer proves that any significant adverse effect on the qualities for which the site has been designated are clearly outweighed by social or economic benefits of national importance.

Local Designations

Development proposals which will adversely affect sites of local archaeological importance, or their settings, will be refused unless it can be demonstrated that:

a. local public benefits clearly outweigh the archaeological value of the site, and

b. there is no suitable alternative site for the development, and

c. any adverse effects can be satisfactorily mitigated at the developers expense.

Where, in exceptional circumstances, the primary aim of preservation of archaeological features in situ does not prove feasible, the Council shall require the excavation and researching of a site at the developers expense.

The Council will consult Historic Scotland and the Regional Archaeologist on development proposals which may affect Scheduled Ancient Monuments and archaeological sites.

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

Surface water from development should be dealt with in a sustainable manner that avoids flooding and pollution and promotes habitat enhancement and amenity. All sites should be drained by a SUDS system or equivalent. A Drainage Assessment will be required for developments of 10 houses, or greater than 100 sq metres for non residential proposals.
Applicants must agree provisions for long term maintenance to the satisfaction of the Council, SEPA and Scottish Water.

**EP9: Contaminated Land**

Development proposals on potentially contaminated land will be approved if:

a. site specific risk assessments are undertaken by the applicant to identify any actual or possible significant risk to human health or safety, or to the environment and that any previous historic uses are not continuing to cause significant pollution to the water environment, and

b. effective remediation measures are agreed to ensure the site is made suitable for any new use granted consent, and

c. appropriate measures for the disposal of any contaminated material is agreed with the Council.

The Council will consult SEPA in respect of pollution of controlled waters and licensing issues arising from remediation works.

**ER5: Minerals**

The Council will operate a four tier policy for controlling proposals for mineral extraction, based on the environmental circumstances of the site. The four tiers and their policy approach are set out in Table 2 below. Maps of the four tiers are held within the Environmental Services Department and are available for public reference.

Proposals conforming to the four tier approach will be permitted where applications:

a. are submitted in detail

b. include proposals where possible for phased land restoration, after care and after use to the satisfaction of the Council, or

c. provide for monitoring of the proposal by the Council to ensure compliance with planning conditions and details of the consent.

**IMP1: Development Requirements**

New development will require to be sensitively sited, designed and serviced appropriate to the amenity of the surrounding area. It must meet 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. adequate roads, public transport, and cycling and footpath provision must be available, at a level appropriate to the development,

d. adequate water, drainage and power provision must be made,
e. sustainable urban drainage systems should be used where appropriate, in all new developments
f. there must be adequate availability of social, educational, healthcare and community facilities,
g. the development should, where appropriate, demonstrate how it will incorporate renewable energy systems and sustainable design and construction. Supplementary Guidance will be produced to expand upon some of these criteria,
h. provision for the long term maintenance of public landscape and amenity areas must be made,
i. conservation of natural and built environment resources must be demonstrated,
j. appropriate provision to deal with flood related issues must be made, including the possibility of coastal flooding from rising sea levels and coastal erosion,
k. pollution, including ground water must be avoided,
l. appropriate provision to deal with contamination issues must be made, and
m. the development must not sterilise significant workable reserves of minerals, prime quality agricultural land, or preferred areas for forestry planting.
n. where appropriate, arrangements for waste management should be provided.

Policy IMP2: Development Impact Assessments
The Council will require applicants to provide impact assessments in association with planning applications in the following circumstances:

a. an Environmental Assessment (EA) will be required for all developments that are likely to have significant environmental affects under the terms of the EA regulations.

b. a Transport Assessment (TA) is required for developments that raise significant transport implications such as additional peak hour traffic, traffic late at night in a residential area or road safety concerns. The indicative thresholds contained in the related guidance to SPP17 will be used. However it should be noted that Transport Assessments could be required no matter the size of the site. Moray Council will develop its own thresholds and promote these through Supplementary Guidance which will be subject to stakeholder consultation before adoption. Moray Council's Roads Service can assist in providing a screening opinion on whether a Transport Assessment will be sought.

c. a full Retail Impact Assessment (RIA) will be required for all retail proposals of 1000 square metres gross or more outwith designated Town Centres. For smaller developments the Council may require a retail statement to be prepared by the applicant.

d. where appropriate, applicants will be asked to carry out other assessments e.g. noise; air quality; flood risk; badger or bat surveys to confirm the compatibility of the development proposal.
OBJECTIONS-REPRESENTATIONS

a) Following neighbour notification and advertisement procedures 1 letter of objection received from the following:

• Mr Simon Swanson, 1 Gean Cottages, Forres, Moray
  The main points of the letter are:
  • Affecting Natural Environment Degradation of a beautiful wooded area and the subsequent detrimental affect to local and adjacent wildlife, some of which is adjacent to what I understand to be a SSSI or site of similar environmental protective grading.

  Applicant’s comment: the wooded area is not protected by any designation and is not of particularly high quality. Whilst is provides a pleasant local area for walking, it remains part of a working rural estate, as the adjacent timber plantations indicate. The area has not been planted in recent years, as there has been a long standing intention to extract the sand and gravel from the site. The importance of this mineral resource is recognised by Local Plan Policy as set out above. The planning permission will be for a limited period, following which the site will be reinstated with new planting and trees, to an agreed plan controlled by conditions. SNH are understood to be satisfied that the proposals will cause no unacceptable impacts upon wildlife and habitat.

  Comment: SNH have been consulted and no objections have been raised. Appropriate planning conditions have been recommended to protect the local environment and wildlife. See observations section.

Contrary to Local Plan/Precedent


  Applicant’s comment: It is unclear which part of the Structure Plan Policy 2 is referred to. I assume it may be ‘b’ which seeks to protect the wider environment from inappropriate development. The supporting information submitted with this application explains that this is an appropriate development for the proposed site. It is also noted that Policy 2 directly supports the proposed development in point ‘m’ which seeks to safeguard resources for the production of minerals. I don’t agree that the proposal is a departure from the Development Plan, or that it is contrary to Local Plan Policy E10: The Countryside Around Towns policy states in section ‘b’ that development which is specifically allowed under the terms of other Local Plan policies is permissible... Policy ER5 ‘Minerals’ sets out terms for consideration of the current application. Since the application meets these terms, it cannot be said to be contrary to the Development Plan.

  Comment: See observations section which advises that there is no departure issue as compliance with policy ER5 has been achieved.
Dust, Noise & Smell

- Proposal will increase background noise and dust to adjacent areas.
  Applicant’s comment: Information on anticipated noise levels has been provided in conjunction with the application, illustrating levels will be within acceptable levels. A planning condition can control noise.

  Comment: The Environmental Health Manager has been consulted and no objections are raised subject to conditions being imposed covering working hours and noise levels.

Road access and safety.

- The proposal will increase large volume and large vehicles with regard to transportation and extraction of the materials. The increased traffic will also degrade what is a poor condition road as is evident from the opening Springfield development just down the road. Request that all site traffic not be permitted to use the short cut to the A96 past Lime kilne Wood and Mundole as this is a single track road with regular use by cyclists, dog walkers and horse riders. However, should the traffic be permitted to transit directly through Forres past Knockomie on the A940, then this would substantially increase traffic movements through heavily populated areas and could increase the risk to children/others there.

  Applicant’s comment: There will be an increase in traffic volumes on the A940 Grantown Road. However, this is not a major minerals application by any means and the number of additional vehicle movements on this major road route will be insignificant in terms of the capacity of this route. Comments received from your Transportation colleagues are noted and the suggested planning conditions and S.75 agreement are acceptable to the applicant. The issue of damage cause by site traffic at the Springfield development could be raised with the contractor.

  Comment: The Transportation Manager has been consulted and no objections are raised subject to a number of conditions being imposed and the provision of a S.75 legal agreement/bond. See observations section.

b) Supporting documents submitted with application

Pre-application consultation (PAC) report – confirms that the proposal was subject to a Proposal of Application Notice (PAN), where the Moray Council confirmed consultation arrangements were acceptable i.e. plans deposited at The Hub, invite interested parties to attend open question and answer session, form sent to Forres Community Council, Forres Footpaths Trust & Forres Community Woodlands Trust.

The PAC report notes that 7 people visited the public event (held at The Hub, 20 Tolbooth Street, Forres on Saturday 7th November 2010), including a representative from the Forres Community Woodlands Trust. Two e-mails were received requesting information. Discussion at the public event generally related to questions concerning the scale and type of operations proposed at the site. The fact that no heavy quarrying or blasting is proposed appeared to encourage most visitors that the process would not cause excessive noise. One visitor commented on the need for lorries to pass through
Forres if taking materials in a northerly direction but noted this is already a major road route which is used by heavy vehicles. The PAC report states that there appeared to be general support for the proposals, reflecting the opportunity to create economic development and meet local construction needs from a local source. No negative comments were expressed or recorded. In view of the lack of significant comments to the proposal and the general support at the consultation event, no adjustments have been made to the application proposals. With no written responses or comments have been received.

**CONSULTATIONS**

**Transportation** – Approval is recommended subject to a S.75 legal agreement/bond and the imposition of planning conditions and informatives.

**Environmental Health Manager** – Approve subject to conditions.

**Environmental Health Manager, Contaminated Land** – No conditions or informatives required.

**Environmental Health Manager, Private Water** – no objections subject to an informative being added.

**Scottish Environmental Protection Agency** – No objections subject to conditions being imposed to cover impact on ground water, restoration and Environmental Management Plan.

**Scottish Natural Heritage** – The site lies within the Findhorn valley Site of Interest to Natural Science (SINS); the interest of this site include woodland plants and birds. No objections are raised. Protected species, badgers may be present on site and may be appropriate to have a badger survey carried out before any excavation works start in specific area and monitors the position over the life of the consent.

**Moray Access Manager** – Approve subject to conditions. The woodland is currently crossed by numerous informal paths and tracks some of which are affected by the development site. It is accepted that for safety reasons these paths will not be available during the extraction period. These paths should be reinstated in a similar position once the material has been extracted to allow public access to be enjoyed once more to the area. The proposal to develop a public car park to the south of the site is welcomed as part of a plan to enhance public access and this should be conditional prior to commencement of the sand and gravel extraction.

**Health & Safety Executive** – The only comment is that the applicant may wish to consider fencing in those areas that are adjacent to the footpaths within the vicinity.

**Forres Community Council** – no comments received.