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# CAIRNGORMS NATIONAL PARK AUTHORITY

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

**Prepared by: DON MCKEE  
HEAD OF PLANNING**

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**DEVELOPMENT PROPOSED: INSTALLATION OF MICRO-HYDRO ENERGY GENERATING PLANT, INTAKE WEIR, TURBINE HOUSE, OUTFALL AND ASSOCIATED WORKS AT MILTOWN BURN, ALLARGUE ESTATE, CORGARFF**

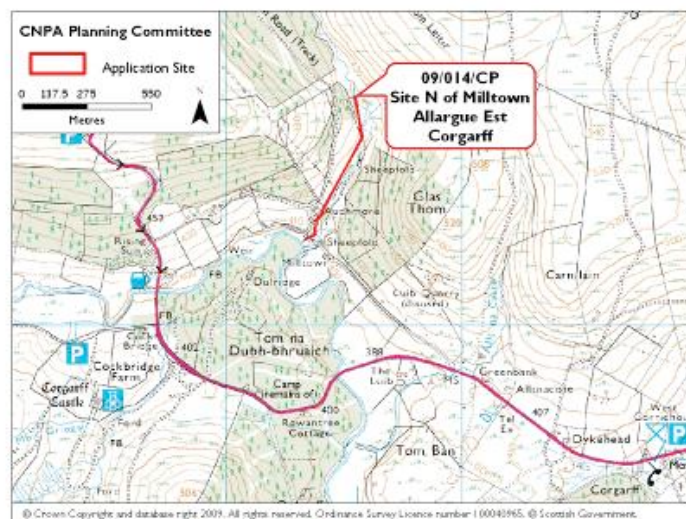
**REQUEST FOR CHANGE TO APPROVED CONDITIONS NOS. 2 & 8**

**REFERENCE: 09/014/CP**

**APPLICANT: ROSEMARY JEAN WINTER WALKER**

**DATE CALLED-IN: 23<sup>rd</sup> JANUARY 2009**

**RECOMMENDATION: REVISE CONDITION 2 AND DELETE CONDITION 8**



**Fig. 1 - Location Plan**



**Fig. 2 Burn and valley section below intake weir**



**Fig. 3 Burn at site of intake weir**



**Fig. 4 site of turbine house to right of old mill building, Don and site of out fall in foreground**



**Fig. 5 Don looking upstream from out fall site**

## HISTORY

1. At the meeting on 18<sup>th</sup> September 2009, the Planning Committee decided to approve this application subject to a number of conditions (**Appendix I**). This followed a deferral at a meeting in July 2009 when the Committee sought information pertaining to the issues under consideration in the Controlled Activities Regulations (CAR) licence application submitted to SEPA, to ensure that that no issue falls between CAR and planning and that its responsibilities towards the First Aim of the National Park are met.

2. Following the resolution of the Planning Committee the applicant requested that the decision notice should not be issued until discussions had taken place with both CNPA and SEPA to ensure that a CAR Licence could be issued which would not conflict with the planning permission and the development would be able to proceed on a practical basis within the terms of the two consents.
3. A meeting between all three parties took place in October 2009, SEPA carried out further investigations in November, and a CAR licence was issued by SEPA on 18 December 2009 (**Appendix 2**). The applicant has now requested that Condition 2 which limits construction to a period of mid-August to mid-November should be revised to take account of the CAR licence which states that construction shall not take place between October and May. The applicant has also requested that Condition 8 which relates to an annual survey of salmonids should be removed as the environmental risk in it is covered by the CAR licence.

## **SITE DESCRIPTION AND PROPOSAL**

4. By way of a refresher, the site of the proposed micro hydro-power generation plant is on the Milltown Burn before it enters the River Don on the Allargue Estate at Corgarff. The whole structure, including the pipe run, is approximately 600metres in length. The Milltown Burn is a side stream arising from springs below a limestone bed in the Coire Riabhach above. This produces a more consistent flow in the burn than usual, supplemented at times of higher rainfall. A track known as the Green Road passes the site at Milltown of Allargue, close to the Don and follows the Milltown valley to the North. This track is on the Scottish Paths Record but is little used. The burn is otherwise hardly visible from points of public access. There is a small original mill building close to the proposed turbine hut and evidence of an old lade leading from a point approximately 400 metres up the burn. The lade is dry and ruinous.
5. The proposed plant comprises three elements;
  - 1) An intake wear built across the burn at a point approximately 600 metres from the confluence with the River Don. The intake wear would be 2.75 metres high by 3.1 metres wide with an in stream length of 2.75 metres, including wing walls. It would be constructed in concrete and would include a fish pass and screens to prevent fish, wildlife and debris from entering the system. This would be connected by underground pipe work to;
  - 2) A turbine house containing an 11Kw turbine housed in a steel portal frame shed on a concrete foundation. The walls would be externally clad in timber and a black corrugated plastic roof with Perspex roof lights is proposed. The shed would measure 3.2metre wide by 3.3metres long by 3.3metres high and would be sited on a bank adjacent to the old mill building and the Green Road. There would be a 1 metre high by 5.2

- metres long retaining wall to the rear. The turbine would be connected by outfall pipe work, over a distance of 31 metres to;
- 3) An outfall structure set into the banks of the River Don. This is the nearest point of discharge to a watercourse. The structure comprises an inspection chamber and revetments and gabions to protect the bank.
  6. There would be no sub-station. Access would be via the existing valley track. A short stretch of track to the weir site (100 metres down a bank) may be required. It is intended to source as many materials and components as possible locally. Annual services and occasional checks will employ local engineers, particularly as more systems are commissioned.
  7. The agent has confirmed that all excavations would be reinstated using sub-soil and top soil separately set aside along side each excavation. Any scouring of steep slopes would be reseeded using appropriate grass seed. Previous experience suggests that recovery can be expected within 2 years.
  8. The agent advises that there is an existing boulder weir at the weir location (see Fig. 3). The design submitted as part of the application will result in a water level rise of around 1m behind the weir. The average gradient of the burn around the intake is 1 in 38 and as a result it is expected that around 38m of bank up-stream to be affected. He has offered to landscape the banks for a short stretch above the intake, in a manner that would encourage Water Voles to colonise it after construction is complete.

## CONSULTATIONS

9. **Heritage and Landscape Management (Ecology):**

The construction period was originally suggested by the applicant's own ecologist. Having reviewed matters this is a little too precautionary. The best way to proceed is to specify that an otter and water vole survey must be undertaken no sooner than 8 weeks prior to construction works beginning (they propose mid-June). If there is no evidence of either species occupying the area then works can proceed. If evidence is recorded then the method of proceeding with construction will have to be agreed with CNPA. As works will be within the breeding bird period a bird nest survey will be required not more than 24 hours prior to any earth works commencing. If nests are recorded work must cease and only proceed in accordance with a scheme to be agreed with CNPA. The CAR licence does require annual monitoring so it is recommended that Condition 8 can be removed.

## APPRAISAL

10. Members have considered this application on two occasions and on the last one resolved to grant planning permission subject to a number of conditions. The principle has therefore been accepted and consideration on this occasion should be restricted to the request from the applicants for a revision to Condition 2 and removal of Condition 8. A lot of the previous discussion has focussed on the role of the CNPA, particularly with regard to the first aim of

the Park, and the overlap that this causes with SEPA and the CAR licensing regime. Scottish Government Planning Advice Note (PAN) 51 advises that when consideration is covered by the CAR licence then it may be best addressed by the relevant environmental regime, but the issue is not clear-cut in a National Park.

11. Now that SEPA has issued a CAR licence it has been possible to consider its content, the compatibility of the conditions with those approved by the Committee and the impact of both consents on the capacity to implement the development. The applicant has identified the conditions which cause difficulties, made the request for re-consideration and these have been looked at by CNPA officers with a view to achieving an outcome that ensures impact on natural heritage is acceptable whilst allowing development to proceed.
12. The CNPA ecologist has considered the request within the context of the CAR licence and has made comments in para. 9. Against this background it is recommended that Condition 2. be revised as indicated below and Condition 8. be deleted as the subject matter is covered by the CAR licence.

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

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

13. Some impact on the local river ecology may be expected but mitigation measures and conditions, a construction management plan and careful future management will assist in conserving the natural heritage interest of the site. Some impact on the landscape very locally may be expected.

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

14. The proposal promotes a renewable and clean form of energy.

### **Promote Understanding and Enjoyment**

15. No implications for this Aim.

### **Promote Sustainable Economic and Social Development**

16. The proposal promotes a technology that may provide local jobs in the construction and operation phases and in the more strategic promotion and implementation of the technology.

## RECOMMENDATION

17. That Members of the Committee support a recommendation to:

### **Grant Full Planning Permission as per the Resolution on 18 September 2009 subject to the following revisions to conditions: -**

2.
  - i) An updated otter and wolverine survey shall be undertaken not less than 8 weeks prior to construction work commencing and the results shall be submitted for approval of the CNPA acting as planning authority. If no evidence of either species occupying the area is recorded then works can proceed. If the surveys do show evidence of either species then work can only proceed in accordance with measures to be agreed by the CNPA acting as planning authority.
  - ii) As the proposed works are within the breeding bird period, a birds' nest survey shall be required to be undertaken prior to any earthworks commencing. If any nests are recorded work must cease and only proceed in accordance with measures to be submitted to and approved by the CNPA acting as planning authority.
  
8. Delete this condition and renumber the conditions which follow.

**Don McKee**  
**27 January 2010**

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