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## CAIRNGORMS NATIONAL PARK AUTHORITY

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

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**DEVELOPMENT PROPOSED: CONSTRUCTION OF DISTRICT HEATING BUILDING (AMENDED PROPOSAL), UNIT 15 DALFABER INDUSTRIAL ESTATE**

**REFERENCE: 04/324/CP**

**APPLICANT: ROBERTSON CONSTRUCTION**

**DATE CALLED-IN: 2 JULY 2004**



**Fig. 1 - Location Plan**

## SITE DESCRIPTION AND PROPOSAL

1. The proposal is for the erection of a district heating building in the Dalfaber Industrial Estate in Aviemore (allocated in the Badenoch and Strathspey Local Plan for business and industry) to serve the affordable element of the Robertson development for 208 residential units on the opposite side of the Highland Main Line. A previous application was submitted to Highland Council last year for plots 4B and 4C on the industrial estate. This application was withdrawn and replaced by the current proposal on Plot 15, which is located at the northern, opposite end of the estate from the entrance off Dalfaber Drive. The site is bordered to the north by the access road and beyond this is a builder's storage site. To the west is the Highland Main Line embankment, to the south another industrial unit and to the east a vacant industrial plot. Plot 15 itself is flat barren ground.
2. This current application has been amended several times with the size of the building and the chimneys being reduced as a result of concerns raised. In addition, changes to the layout at the request of the Area Roads and Community Works Manager have been made.
3. The current proposal is for a single storey pitched roof industrial building measuring 17 metres by 11 metres with a ridge height of 6.4 metres. The building would be constructed using profiled metal sheet cladding for the roof with stained timber cladding to walls with timber windows and doors stained to match the cladding. The building would contain a boiler house and two chimneys 9 metres tall positioned in the middle of the building. The earlier version of this application included chimneys at a height of 15 metres above ground level, concern was raised with the applicant regarding the landscape impact of such high chimneys and as a result these have been reduced to 9 metres in total height above ground level.
4. The building will be linked to the housing development by means of a thrust bore underneath the railway embankment.

## DEVELOPMENT PLAN CONTEXT

5. **Highland Structure Plan (approved March 2001) Policy G2 Design for Sustainability**, lists a number of criteria on which proposed developments will be assessed. These include service provision (water and sewerage, drainage, roads, schools, electricity); accessibility by public transport, cycling, walking and car; energy efficiency in terms of location, layout and design (including the utilisation of renewable energy sources). **Policy E1** of the Plan relates to renewable energy developments and considers that the council supports the utilisation of the region's renewable energy resource. Although this policy is primarily aimed at wind, hydro and wave power, the preamble to the policy recognises that forestry, biomass would also contribute to renewable energy sources in the future. **Policy E7 (Centralised Renewable Energy Developments)** of the Plan considers that the council will support the development of centralised renewable

energy facilities, including biomass, agricultural and forestry wastes provided that proposals conform with above mentioned strategic **Policy G2** and that schemes are compatible with neighbouring land uses; traffic movements can be satisfactorily accommodated; methods of disposal of any by products are acceptable: and satisfactory connections to the grid or other utiliser are provided.

6. **Policy B3 of the Highland Structure Plan** considers that provision will be made for a supply of land for general industry and business development so that their will always be availability of employment land.
7. The **Badenoch and Strathspey Local Plan** indicates the site as being allocated employment land for business and industry and that a range of uses could be located at the site such as transport related haulage uses.

## CONSULTATIONS

8. **Scottish Natural Heritage** has no objection to the development. However, do raise some concerns in relation to landscape and note that the site is located within the Cairngorms National Scenic Area and SNH consider that the building will be highly visible when entering the village from the northern gateway approach along the B9152 with magnificent views over Aviemore towards the Cairngorms. SNH also have concerns that the new heating plant would be highly visible from the A9 and the B970. SNH recommend that the roof, chimney and wall material colouring should be designed to blend in with the surrounding landscape.
9. Concern is raised that there would be conspicuous emissions from the chimneys which would, dependent upon the prevailing weather conditions, have the potential to obscure views over Craigellachie and the Cairngorms massif. SNH suggests that technological solutions should be sought to reduce the smoke emissions from the chimneys as far as practicable.
10. The **Highland Council Environmental Health Officer** originally requested a range of technical information. This has subsequently been supplied and there is no objection in principle to the siting of the building. However, it is noted that a noise survey should be carried out given that there are some residential properties recently constructed approximately 30 metres from the site. The officer notes that the building would be regulated by the Highland Council Environmental Health and not SEPA. It is also noted that the chimneys may require consent under the Clean Air Act. Concern is raised about potential noise during deliveries.
11. The **Health and Safety Executive** has been consulted upon the proposal, but have no comment.
12. **SEPA** raised concerns regarding surface water run off being directed to a public drain and that a sustainable drainage option would be preferable. This has been put to the applicant who has produced a full drainage

impact assessment and plans for a SUDS system based upon 2 levels of treatment. The off loading and storage of fuel will take place under cover. These arrangements are acceptable to SEPA.

13. **Highlands and Islands Fire Brigade** have been consulted upon the proposal and make no comment.
14. **Network Rail** has been consulted upon the proposal and has no objection in principle. However, they do make a range of comments in relation to their interests, which the developer would need to comply with under their general guidance relating to construction work on, or near railway land (a copy of this response would be attached to any decision notice). A boundary fence has been requested for security reasons and this can be achieved by planning condition.
15. **Highland Council Area Roads Manager** raised concern regarding the original access and loading layout. This has subsequently been amended and the Manager has no objection to the proposal but recommends a range of planning conditions to be incorporated in any decision notice.

## REPRESENTATIONS

16. **Aviemore Community Council** have raised concern that residents of Lockhart Place and Craiggowrie Crescent are not aware of the project.
17. A range of questions are raised by the Community Council (see attached at back of report) including why is a 20,000 litre fuel tank needed, the question is raised regarding what is biomass fuel and in relation to the provision for dealing with waste and residual ash.
18. The Community Council ask whether it is ethical to locate a boiler house and oil tank in close proximity to a housing estate rather than within the boundaries proposed for the housing development for which the district heating unit is being proposed.
19. Further questions are asked regarding what will be the level of pollution from the boilerhouse chimney and what issues do network rail have regarding the thrust bore and where it will be located. Concern is also raised that the intention is to employ only one person in relation to the maintenance of the unit and question whether this would be adequate in terms of health and safety and how many hours a week staff would work on the site.
20. The applicants have responded to these points (copy of response attached at back of report) and the Community Council have written back with just one outstanding point and note that they still question the need for an oil tank of the size proposed.

## APPRAISAL

21. The key issues relating to this proposal involve the principle of a district heating station at the site and beyond this a range of detailed issues raised by consultees become apparent, a section of this report will be dedicated to answering the questions raised by Aviemore Community Council's response. Potential pollution from the building and landscape impact will also be considered.
22. The application is essentially for a district heating building to serve the affordable element of a recently approved application for 208 residential units between the B9152 and the Highland Main line. The plant would also serve the affordable element (approx 30 houses) of the Cairn Housing site to the south (whole site known as Aviemore North). The intention of these housing developments is to provide an exemplar in terms of affordable housing but also in terms of physical layout and energy consumption. The district heating building is a major element in achieving a good measure of sustainability for the site as well as a good assessment on the eco-homes scale.
23. **Policy E7 (Centralised Renewable Energy Developments)** supports this application in principle. The site is allocated in the Local Plan for industry/business. This proposal does not constitute a classic employment use such as manufacturing or storage and distribution, but is essentially a use that produces energy as a product. A classic employment use would perhaps be expected to provide a greater level of employment at the site where this proposal only provides employment for a single person. However, the character of the use and the general layout and design of the building would certainly appear appropriate to an industrial estate and the overall positive nature of the use in terms of promoting sustainability leads me to the conclusion that the site is appropriate for the use. It must also be recognised that the building has to be located at a site relatively close by the housing developments, which it is intended to serve. At one point it was intended that the building be located within the Aviemore North housing site itself, but this would of course have implications for the wider layout of the site and the number of houses, and consequently affordable houses that could be provided. The agent has further pointed out that the need to accept deliveries of woodchip by heavy articulated vehicles makes the industrial estate eminently more suitable and removes the need for goods vehicles to travel through a residential area.
24. In terms of the location in relation to residential property concerns have been raised by Aviemore Community Council regarding why properties at Craiggowrie Crescent and Lockhart Place were not consulted. This was raised with the agents for the application. However, it was pointed out that there is no legal requirement to notify parties of an application beyond the contiguous boundaries of the site. The agent is correct in stating this and it is also recognised that because of the nature of the proposal, the application was advertised in the local press.

25. The Community Council raise concerns about the oil tank and why this is needed. The agent has confirmed that this is purely a back up system should the biomass boiler fail, in case of peak loadings and to provide back up during times of maintenance. The agent has also confirmed that the biomass fuel consists of woodchips, probably supplied by the local sawmill at Boat of Garten.
26. In relation to emissions the agent points out that these would be mainly carbon dioxide and water and that emissions from the oil flue will conform to the standards covering all burning appliances. The applicants point out that Network Rail have already agreed in principle to a thrust bore being positioned under the railway line.
27. SEPA have been consulted upon the proposal and consider that a PPC permit will not be required. This means that Highland Council Environmental Health Officers would be responsible for environmental control of the unit. The applicants have produced a full drainage impact assessment, which is considered acceptable to SEPA in terms of water quality.
28. With regard to pollution at the site this in effect will be covered by other legislation. The proposal can be considered acceptable if there is considered to be no fundamental issue regarding pollution that could not be addressed by other legislation. In cases such as this it has to be pointed out that potential pollution comes from the way in which the unit is operated rather than the fact that it is there in the first place. The question comes down to the technical issue of whether the fuel would be burnt efficiently or not. This issue cannot be controlled by planning but can be controlled by Environmental Health legislation under the Clean Air Act.
29. With regard to noise the Environmental Health Officer notes that the site is located within an industrial estate, but also notes that some newly constructed residential properties are approximately 30 metres from the site. The applicants have stated that the boiler proposed is virtually silent in operation. However, given the Environmental Health Officer's response a noise assessment survey is recommended to be carried out with mitigating measures if required. This can be achieved by condition. Deliveries of wood chip would be infrequent with only 2-3 deliveries a week in winter and probably just one per week in summer. Given the overall activity levels at the industrial estate such a small number of movements is considered acceptable.
30. Scottish Natural Heritage has no objection to the application but raised some concern with regard to landscape and potential views of the chimneys from the north. This concern was raised with the applicant and the chimneys have been reduced in height from 15 to 9 metres (and this has been calculated as the absolute maximum height for the amount of fuel to be burned at the plant) above ground level. While the chimneys may be visible from the north they are viewed in the context of the industrial estate as a whole and are divided from the main public view

south to the mountains on the B9152 by the field that is to be developed for the Aviemore North housing scheme. Given this, it is my view that the chimneys would have minimal impact at such a distance, being divided from the main views from the B9152 by a large housing development. The site for the plant has an existing industrial building of a similar height immediately behind it, so this unit would result in little additional impact being viewed in the context of and within an existing and long standing industrial site. The applicants have confirmed that there would be little visible smoke from the chimney.

31. In terms of design the stained timber cladding with timber windows and doors makes the building appear of an unusually high quality for such an industrial building.
32. Overall, the building is considered to comply with planning policy and with the conditions proposed would ensure that neighbouring amenity is protected. A scheme of this type linked to the Aviemore North housing development would provide a good practical solution that can also be considered as a demonstration project promoting sustainability and minimising impacts upon the use of natural resources.

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

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

33. The site is located within an industrial estate on a piece of bare ground on plot 15. There are no natural heritage implications from the siting of the building. Limited concern has been raised regarding the visual impact of the chimneys when viewed from the north. However, the site is divided from the B9152 by the housing development, which this plant seeks to serve, and the main highland railway line. The chimneys are only 0.6 of a metre in diameter and would be viewed in the context of the industrial estate. In addition SNH have raised no formal objection.

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

34. The proposal performs highly in terms of this aim, not only is such a heating system more environmentally friendly in principle but the proposal also utilises local forest materials in the form of wood chip meaning that as well as the energy not having to travel far to reach its users, the raw material for the process can also be sourced locally

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

35. The proposal has little direct relevance in terms of this aim. However, the project could prove to be one that would be of interest to architects, planners and councillors from other areas and the scheme has led to interest from other national parks.

## Promote Sustainable Economic and Social Development of the Area's Communities

36. The proposal would be likely to source material from local sawmills and would be a sustainable form of social and economic development in terms of the basic heating that it provides.

## RECOMMENDATION

37. That Members of the Committee support a recommendation to: **GRANT** Full Planning Permission for a District Heating Building on land at Unit 15 Dalfaber Industrial Estate, Aviemore.

1. The development to which this permission relates must be begun within 5 years of the date of this decision notice.
2. The development shall be landscaped and maintained in accordance with a scheme which shall be submitted to and approved by the Cairngorms National Park Authority acting as planning authority before development commences. The scheme shall include indications of all existing trees and landscaped areas on the land, and details of any to be retained, together with measures for their protection in the course of the development and shall include a phasing programme for implementation and shall indicate the siting, numbers, species and heights (at the time of planting) of all trees, shrubs and hedges to be planted and to the extent of any areas of earthmounding, and shall ensure:-
  - (a) Completion of the scheme during the planting season next following the completion of the development, or such other date as may be agreed in writing with the Planning Authority.
  - (b) The maintenance of the landscaped areas in perpetuity in accordance with the detailed maintenance schedule/table. Any trees or shrubs removed, or which in the opinion of the Planning Authority, are dying, being severely damaged or becoming seriously diseased within three years of planting, shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.
3. Exact details and specifications of all proposed external finishing materials (including roofing materials and chimneys) shall be submitted for the further approval of the Cairngorms National Park Planning Authority acting as planning authority before any work commences on site. The scheme shall then be implemented in accordance with the approved detail.



4. The works listed in the following paragraphs (a-d) shall be constructed to the satisfaction of the Cairngorms National Park Authority acting as planning authority in consultation with Highland Council Area Roads Manager and ready for use prior to the building first being brought into use.
  - a) the road layout shall be in accordance with the layout drawing No DHP-P100 Rev. G, and the parking provision referred to shall be provided at an appropriate location within the site.
  - b) No walls, gates, fences, trees or shrubs shall be established within 2 metres of the nearside edge of the public road carriageway and any gates to be provided at the property shall open into the property only.
  - c) The access shall be hard surfaced for a distance of at least 10 metres from the edge of the public road carriageway. The construction shall be in accordance with the requirements of Council Guidelines for a General Access Road. Elsewhere access road construction shall consist of a minimum of 350mm thick type 1 sub base on a sound formation.
  - d) The kerbed arrangement at the vehicular access point to the site shall be modified to the satisfaction of the Highland Council Area Roads Manager.
  
5. That no development pursuant to this planning permission shall take place until a detailed noise assessment of the likely sources and levels of noise arising within, and those audible outwith, the premises has been submitted to and approved in writing by the Cairngorms National Park Authority acting as planning authority in consultation with Highland Council Environmental Health Officer. The noise assessment shall be carried out by a suitably qualified independent noise consultant. All noise attenuation measures identified by the noise assessment which are required in order to prevent any adverse impact on the amenity of adjoining and nearby residents shall be installed prior to commencement of the use hereby approved and shall remain fully operational.
  
6. A security fence the design and dimensions of which shall be agreed with Cairngorms National Park Authority acting as Planning Authority in consultation with Network Rail shall be erected along the boundary of the site with the Highland Main Line. The agreed fence design shall be erected prior to the development hereby approved first being brought into use.

**Andrew Tait**

***Date 29 April 2005***

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