

CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

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DEVELOPMENT MANAGEMENT)**

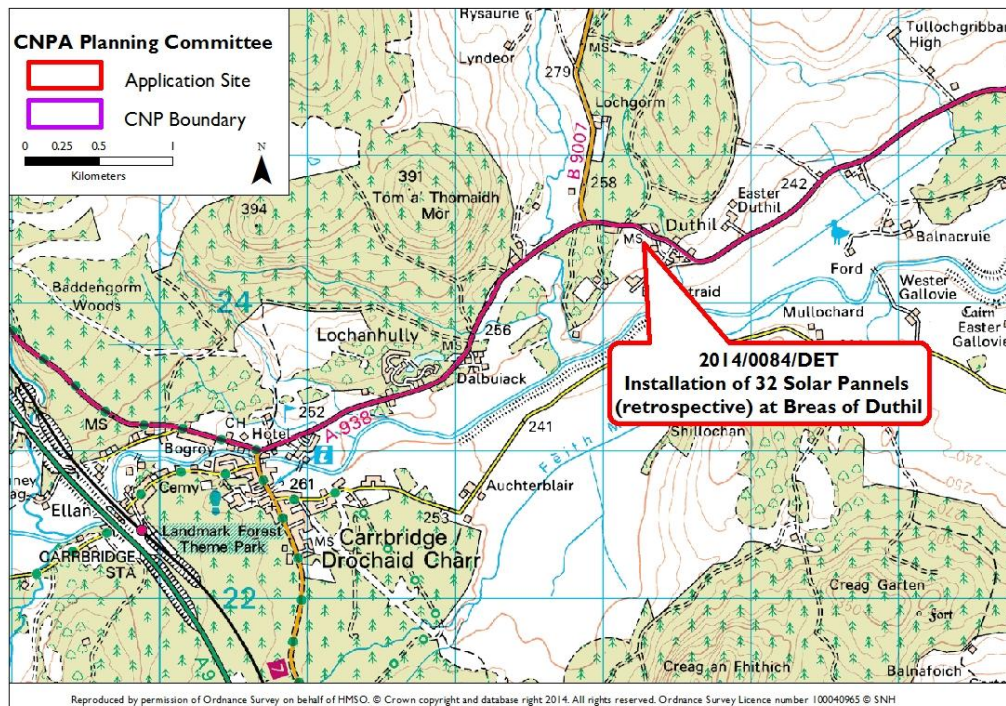
**DEVELOPMENT PROPOSED: INSTALLATION OF 32 SOLAR PANELS
1.65M LONG X 1M HIGH X 40 DEGREES
(RETROSPECTIVE) AT BRAES OF DUTHIL,
CARRBRIDGE**

REFERENCE: 2014/0084/DET

APPLICANT: Mr ALAN HOPE

DATE CALLED-IN: 17 MARCH 2014

RECOMMENDATION: APPROVAL SUBJECT TO CONDITIONS



Grid reference: E/293376, N/824391

Fig. I - Location Plan

REASON FOR REPORT

1. Consideration of this application was deferred at the 9 May 2014 meeting of the Cairngorms National Park Planning Committee to give the applicant a chance to explain the contents of the two vertical structures covered in black plastic.
2. The agent has provided additional information.
3. Changes to the original Committee Report of 9 May 2014 arising from this situation are now highlighted in bold throughout this Committee Report of 6 June 2014 for ease of reference.

SITE DESCRIPTION AND PROPOSAL

4. The application site forms part of the grounds of the property known as the Braes of Duthil, which lies in the centre Duthil to the south of the A938.



Photo I Site Viewed from the A928

Development Proposal

5. This application is retrospective and relates to the installation of 32 ground-based solar panels arranged at the top of the slope behind (west) of the house. The site is currently covered in rank grass. The panel frames have been hidden from view by a mound of field stone that has been laid along the eastern side. There are also two black plastic-covered structures here which have not been shown in the drawings. The purpose and permanency of these structures is not apparent.

6. The applicant has advised that the structures house the inverters and other electrical apparatus for each of the 16 panel 4kW systems. The polythene cladding was a temporary cover and is in the process of being replaced with a minimal timber enclosure made of lapped boarding around the sides to allow air circulation around the inverters. The applicant has planted broom along the east side and considers that there is no need for a landscape plan and maintenance schedule for this.
7. The applicant further advises that this is a householder application and that the roof of the property does not lend itself to installing the panels on the roof. The system is twice the size of a normal domestic PV system and is done this way because of the electricity supply to the house.
8. The solar panels and their mountings have been designed to:
 - Provide 256kW of electricity
 - Withstand high wind loads and snow loads
 - Are constructed of anti-reflective highly transparent, low iron tempered glass
 - Include a whole black frame feature, giving a solid more solid appearance

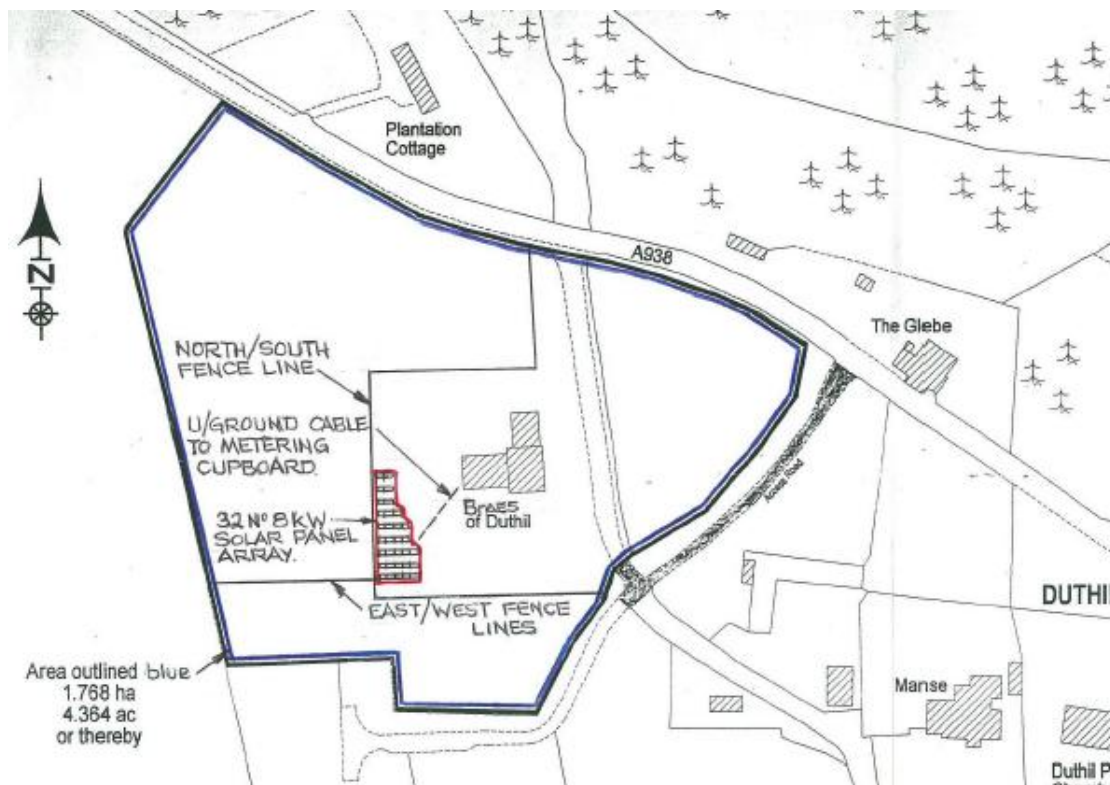


Figure 2: Site Plan as Proposed

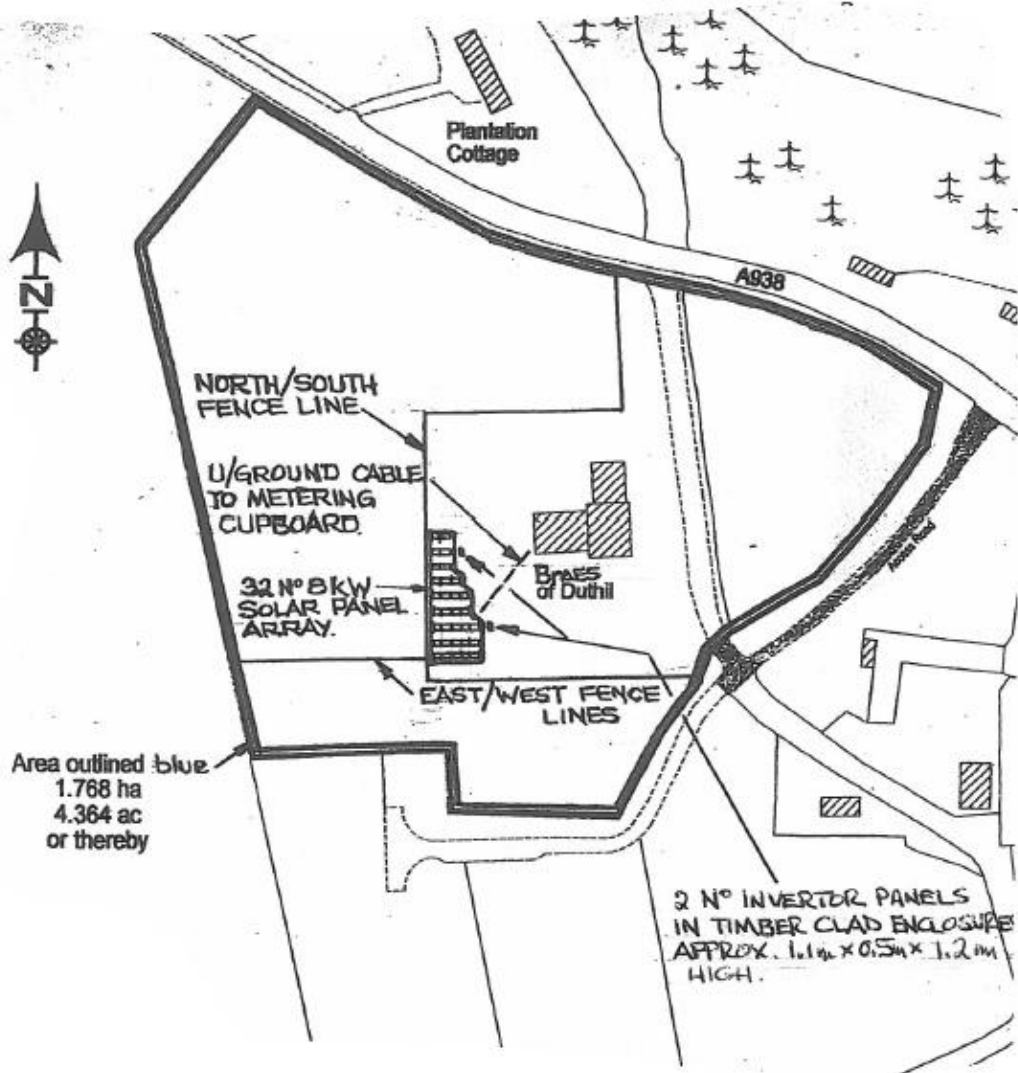


Fig 2A Revised Site Plan As Proposed



Photo 2 Detailed View of the Development from the East (22.04.14)



Photo 2 Detailed View of the Development from the East (28.05.14)

DEVELOPMENT PLAN CONTEXT

National Policy

9. **Scottish Planning Policy¹ (SPP)** is the statement of the Scottish Government's policy on nationally important land use planning matters. It supersedes a variety of previous Scottish Planning Policy documents and National Planning Policy Guidance. Core Principles which the Scottish Government believe should underpin the modernised planning system are outlined at the outset of **SPP** and include:
 - The constraints and requirements that planning imposes should be necessary and proportionate;
 - The system should allow issues of contention and controversy to be identified and tackled quickly and smoothly; and
 - There should be a clear focus on quality of outcomes, with due attention given to the sustainable use of land, good design and the protection and enhancement of the built and natural environment.
 10. **SPP** emphasises the key part that development management plays in the planning system, highlighting that it should “operate in support of the Government's central purpose of increasing sustainable economic growth.” Para. 33 focuses on the topic of Sustainable Economic Growth and advises that increasing sustainable economic growth is the overarching purpose of the Scottish Government. It is advised that “the planning system should proactively support development that would contribute to sustainable economic growth and to high quality sustainable places.” Planning authorities are encouraged to take a positive approach to development, recognising and responding to economic and financial conditions in considering proposals that would contribute to economic growth.
 11. Under the general heading of Sustainable Development, it is stated that the fundamental principle is that development integrates economic, social and environmental objectives, and that the “aim is to achieve the right development in the right place.”
 12. As a replacement for a variety of previous planning policy documents the **SPP** includes subject policies, of which ‘Renewable Energy’ is applicable to the proposed development.
 13. **SPP** concludes with a section entitled ‘Outcomes’ in which it is stated that the “planning system should be outcome focused, supporting the creation of high quality, accessible and sustainable places through new development, regeneration and the protection and enhancement of natural heritage and historic environmental assets.”
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Strategic Policies

Cairngorms National Park Partnership Plan (2012 - 2017)

14. The Cairngorms National Park Partnership Plan 2012 – 2017 is the management plan for the National Park for the next 5 years. It sets out the vision and overarching strategy for managing the Park and provides a strategic context for the Local Development Plan. Three long term outcomes have been identified to deliver the vision for the Park, to continue the direction set out in the first National Park Plan and to together deliver the four aims of the National Park. The outcomes are :
- A sustainable economy supporting thriving businesses and communities;
 - A special place for people and nature with natural and cultural heritage enhanced; and
 - People enjoying the park through outstanding visitor and learning experiences.

Local Plan Policy

Cairngorms National Park Local Plan (2010)

15. The Cairngorms National Park Local Plan was formally adopted on 29th October 2010. The full text can be found at :
<http://www.cairngorms.co.uk/parkauthority/publications/results.php?publicationID=265>
16. The Local Plan contains a range of policies dealing with particular interests or types of development. These provide detailed guidance on the best places for development and the best ways to develop. The policies follow the three key themes of the Park Plan to provide a detailed policy framework for planning decisions:
- Chapter 3 - Conserving and Enhancing the Park;
 - Chapter 4 - Living and Working in the Park;
 - Chapter 5 - Enjoying and Understanding the Park.
17. Policies are not cross referenced and applicants are expected to ensure that proposals comply with all policies that are relevant. The site-specific proposals of the Local Plan are provided on a settlement by settlement basis in Chapter 6. These proposals, when combined with other policies, are intended to meet the sustainable development needs of the Park for the Local Plan's lifetime. The following paragraphs list a range of policies that are appropriate to consider in the assessment of the current development proposal.
18. *Policy 6: Landscape* There will be a presumption against any development that does not complement and enhance the landscape character of the Park, and in particular, the setting of the proposed development. Proposed development that does not complement and enhance the landscape character of the Park and the setting of the proposed development will be permitted only where any significant adverse effects on the landscape character of the Park are clearly outweighed by social or economic

benefits of national importance and all adverse effects on the setting of the proposed development have been minimised and mitigated through appropriate siting, layout, scale, design and construction to the satisfaction of the planning authority.

19. *Policy 15: Renewable Energy Generation* Development for small scale renewable energy schemes which support the aims of the Cairngorms National Park and the National Park Plan strategic objective regarding energy production, will be favourably considered where they contribute positively to the minimisation of climate change, and where they complement the sustainability credentials of the development. Development will be sited to have no significant adverse visual or landscape impact or neighbouring properties or any unacceptable impact on the environment.

Supplementary Planning Guidance

20. In addition to the adoption of the Cairngorms National Park Local Plan (2010), a number of Supplementary Planning Guidance documents were also Adopted; none of which are directly relevant to the current application.

CONSULTATIONS

21. **CNPA Landscape Adviser** advises that this development risks having an impact upon people's experience of the character and special landscape qualities of the immediate area and may affect views from further afield. Screening the toothed outline of the panels from the east and reducing the risk of glint affecting people walking in the area or nearby properties would reduce this impact to low or neutral significance and potentially provide some landscape enhancement in the medium to long term, and meet policy 6 Landscape.
22. The Landscape Adviser recommends that the applicant should provide a landscape plan (plan at 1:100, specification, protection and maintenance schedule) encompassing an area to the south, east and west of the panel array to show proposals for planting to screen or partially screen the panels in views from the A938 and within the settlement.

REPRESENTATIONS

23. None

APPRAISAL

24. The application requires to be determined in accordance with Development Plan policies unless there are material considerations which would indicate otherwise. In terms of the Development Plan, the policies are supportive of projects based on the generation of renewable energy, provided there is no detrimental impact on the environment or landscape.
25. It has been demonstrated that the panels have a local impact on the landscape and amenity of Duthil but that this has the potential to be addressed over time by appropriate mitigations measures, which may be required by means of a landscaping condition.

Conclusion

26. It is considered that the proposal is in compliance with the current Development Plan policies and that there are no material considerations which would indicate that planning permission should not be granted.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

27. The proposal will not have a direct impact on this aim.

Promote Sustainable Use of Natural Resources

28. The proposal will harness solar energy.

Promote Understanding and Enjoyment of the Area

29. The proposal will not have a direct impact on this aim.

Promote Sustainable Economic and Social Development of the Area

30. The proposal will not have a direct impact on this aim.

RECOMMENDATION

That Members of the Committee support a recommendation to GRANT planning permission for the installation of 32 solar panels 1.65 long x 1m high x 40 degrees (retrospective) subject to the following conditions:

(With the exception of Condition 2 – that is now proposed to be deleted – and Condition 3 – that is now proposed to be amended)

1. Within two months of the date of this permission, a landscape plan (plan at 1:100, specification, protection and maintenance schedule) encompassing an area to the south, east and west of the panel array shall be submitted for the written approval of the Cairngorms National Park Authority acting as Planning Authority. The approved landscape plan shall be implemented within six months of the date of this permission.

Reason: To help screen the panels from views from the A938 and within the settlement, in the interests of reducing the impact of the panels on the landscape character.

2. **DELETE** Within two months of the date of this permission, the two vertical structures covered in black plastic shall be removed.

Reason: These are intrusive features in the landscape and have not been included in the planning application proposals.

3. **AMEND** Within three months of the solar panels becoming obsolete or redundant, the solar panels shall be removed and the site reinstated to rough pasture with trees and shrubs, this to include removal of all elements of the installations and the bund of field-stone.

Reason: To minimise the level of visual intrusion, and ensure the reinstatement of the site to reflect local landscape character.

Advice Notes:

1. In accordance with section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended), this permission lapses on the expiration of a period of 3 years beginning with the date on which this permission is granted unless the development to which this permission relates is begun before that expiration.

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Date 25 April 2014

The map on the first page of this report has been produced to aid in the statutory process of dealing with planning applications. The map is to help identify the site and its surroundings and to aid Planning Officers, Committee Members and the Public in the determination of the proposal. Maps shown in the Planning Committee Report can only be used for the purposes of the Planning Committee. Any other use risks infringing Crown Copyright and may lead to prosecution or civil proceedings. Maps produced within this Planning Committee Report can only be reproduced with the express permission of the Cairngorms National Park Authority and other Copyright holders. This permission must be granted in advance.