
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

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DEVELOPMENT MANAGEMENT)

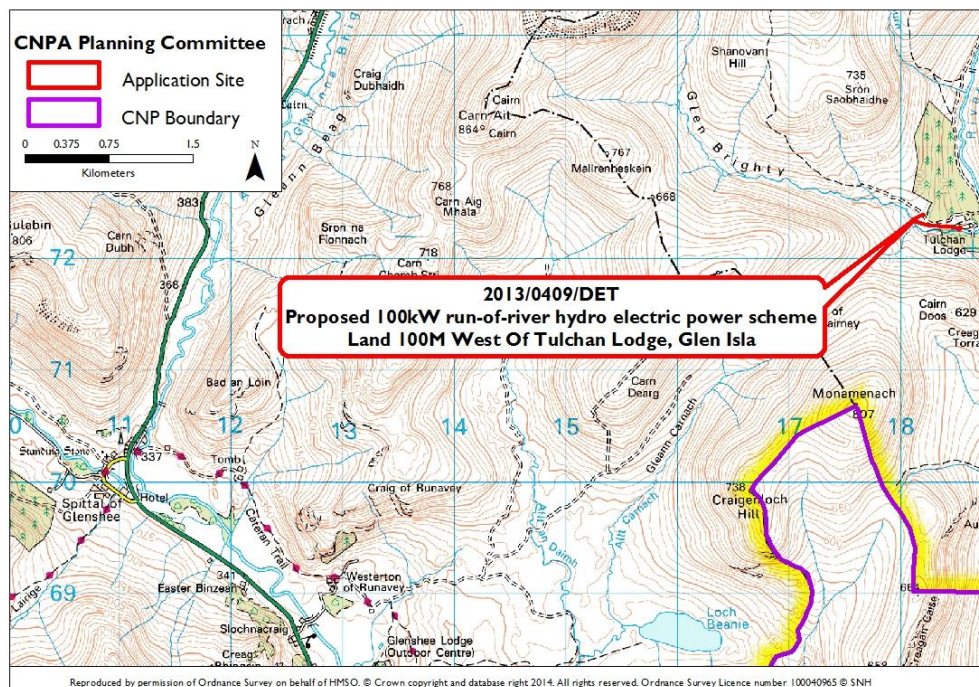
DEVELOPMENT PROPOSED: Proposed 100kW run-of-river hydro electric power scheme at Land 100M West of Tulchan Lodge, Folda, Glen Isla

REFERENCE: 2013/0409/DET

APPLICANT: Mr Florian Kuehnle

DATE CALLED-IN: 23 DECEMBER 2013

RECOMMENDATION: APPROVAL SUBJECT TO CONDITIONS



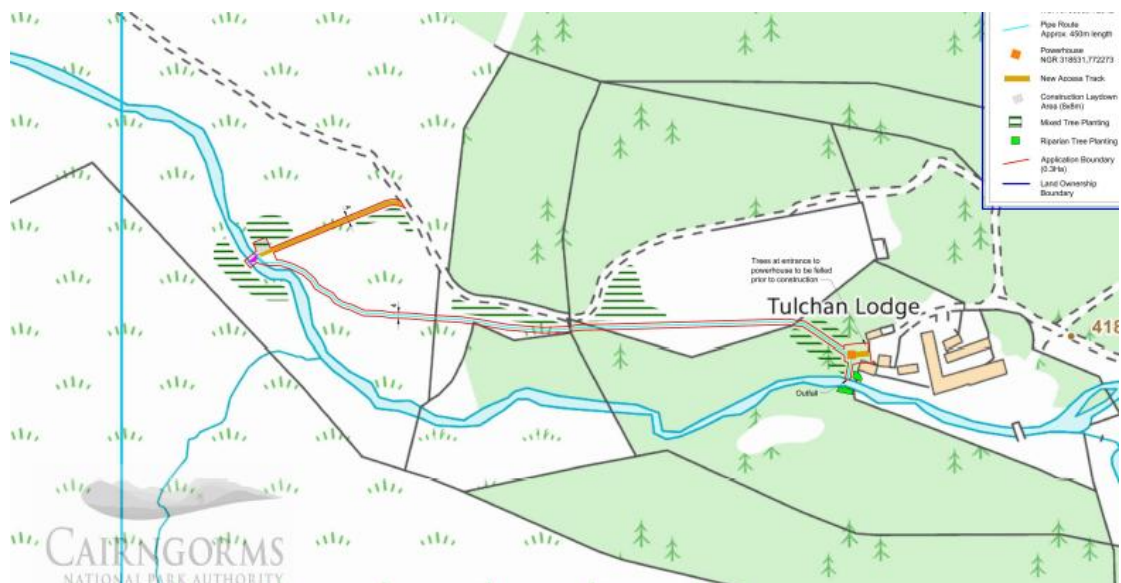
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Fig. I - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. This application seeks full planning permission for a run of river hydro electric scheme at Tulchan Lodge in Glen Isla. The site is located in a relatively remote rural area accessed some distance up a long track leading from Glen Isla up Glen Brightly to the north east of the Spittal of Glenshee.
2. Tulchan Lodge sits in its own grounds and estate beside the Glen Brightly burn which is a tributary of the River Isla. The main house is located beside various outbuildings and bothies, creating typical rural complex with woodland to the north, west and south on the other side of the Glen Brightly burn beside which the Lodge is situated. Upland moorland lies further west.
3. This site lies just outwith the Cairngorms Massif Special Protection Area (SPA) to the north west. The woodland to the west of Tulchan Lodge is designated as ancient woodland and part of the pipeline route will pass at the edge of this area. A core path (Eastern Cairngorms – Glen Isla) is located to the far east of the site leading up Glen Isla, this will be unaffected by the development itself. This part of the Angus Glens is an attractive upland landscape.
4. The proposed site involves a number of different elements. An intake is proposed some 680 metres upstream of Tulchan Lodge on the Glen Brightly burn. A pipeline will then down from this across sloping moorland, through a field and then through the trees down to the new generator house which is proposed beside the abovementioned complex of buildings. **Figure 2** shows the various elements of the proposal and the relationship to Tulchan Lodge

Figure 2 Site Layout



Development Proposal

5. As noted above there are a number of elements to this scheme which will provide 100 kw of electricity.
6. Firstly an intake is proposed on the Glen Brightly burn and a visualisation of this is shown below in **Figure 3**. This does not include a fish pass as there are no migratory fish here due to a number of obstacles further downstream. The watercourse will be diverted during construction with details provided. 165 metres of new access track is proposed to link from the existing estate tracks down to the intake.

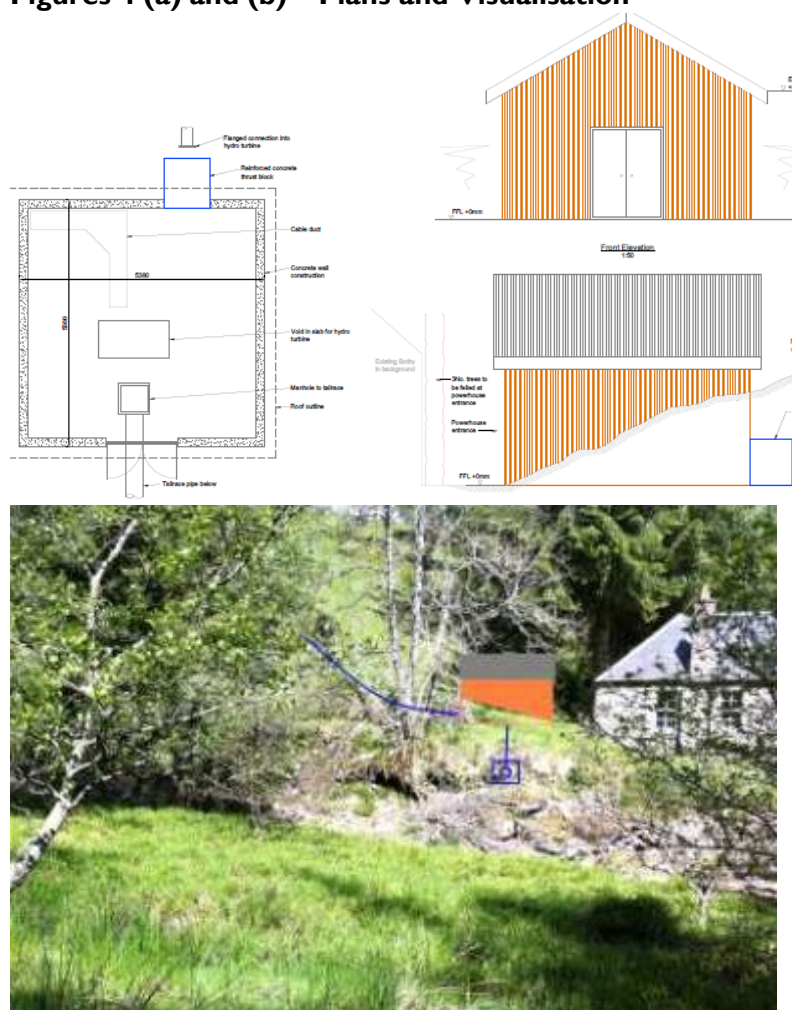
Figure 3 Photomontage of Intake



7. The pipeline from this intake will cross sloping land up from the intake for around 450 metres (and buried to depth of around 600 mm) through a small field which is enclosed by trees and then through woodland down to the generator house. Supporting information has been submitted to show cross sections of the route of the pipeline together with information on the impacts on trees. This clarifies that the route has been chosen to avoid any loss/damage to trees. Areas for enhancement and replacement planting have been identified and the applicants have set out a general approach to planting of native species. A construction method statement with full details of restoration and reinstatement has also been provided.
8. The generator house is of simple pitched roof design and will measure 5.3 metres by 5.3 metres. Proposed finishes are wooden cladding and profiled tin roof. The building will be located beside the existing estate complex and partly dug into the backdrop of the existing embankment to the rear. Three trees will require to be removed to accommodate the development in view of their proximity to the building. A short

section of new access track here (10 metres) is proposed. Figure 4 (a) and (b) below shows plans and visualisations of the power house.

Figures 4 (a) and (b) – Plans and Visualisation



9. It is also proposed to construct the building to ensure there are no noise emissions affecting the adjacent complex and notably a small stone bothy building to the south. A tail race (in the form of a buried concrete duct) will then be constructed from the generator house to the burn
10. The grid connection will be made by underground cable from the generator sub-station in the powerhouse to an existing and upgraded 11 Kv overhead line which currently serves Tulchan Lodge.
11. Ecology reports have also been submitted including habitat survey; protected species survey; breeding bird survey; survey for Northern February Stonefly and reptile survey and these conclude that there are unlikely to be any adverse impacts. An ecology mitigation plan has also been submitted which details the measures to be taken to protect breeding birds, reptiles and trees during construction works. A supporting statement has also been submitted to summarise the key impacts and proposals.

Site History

12. There is no specific planning history on this site. Prior to submission of the planning application Angus Council confirmed that an Environmental Impact Assessment would not be required.

DEVELOPMENT PLAN CONTEXT

National policy

13. **Scottish Planning Policy (SPP)** is the statement of the Scottish Government's policy on nationally important land use planning matters. It sets out that 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 and has the basic aim "to achieve the right development in the right place."
14. The key topic in this case is renewable energy which restates the Scottish Government's commitment to renewable energy and notes that hydro and wind are currently the main sources of such energy. Further advice on hydro is contained in the Scottish Government on line information note setting out issues to be considered and the key role of SEPA.

Strategic Policies

Cairngorms National Park Partnership Plan (2012-2017)

15. The Cairngorms National Park Plan sets out the vision and overarching strategy for managing the Park and provides focus and priorities at a time of limited financial resources. The Plan also provides a strategic context for the Local Development Plan and shows how the four aims of the National Park can be achieved together. It sets out the strategic direction and priorities for the Park.

Three long term outcomes for the Park are set out as follows:

- a) A sustainable economy supporting thriving businesses and communities;
 - b) A special place for people and nature with natural and cultural heritage enhanced; and
 - c) People enjoying the park through outstanding visitor and learning experiences.
16. These outcomes address the interaction of the three main characteristics of the National Park these being that the Park is an internationally important area for nature conservation; a fragile rural economy, and an internationally known tourism destination. Recognising the relationship of these outcomes is at the heart of the National Park. Specific policies of the Plan seek to promote and enhance the special qualities of the Park. In addition policy 1.3 seeks to increase renewable energy generation within the Park especially biomass and hydro that is compatible with conserving the special qualities of the National Park and maintaining the integrity of designated sites.

Local Plan Policy Cairngorms National Park Local Plan (2010)

17. 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>
18. The Local Plan contains a range of policies and new development requires to be assessed in relation to all policies contained in the Plan. The following paragraphs list a range of policies that are appropriate to consider in the assessment of the current development proposal.
19. *Policy 15: Renewable Energy Generation* which supports small scale renewable energy schemes which support the aims of the National Park and the Park Plan's strategic objective regarding energy production, and where they contribute positively to the minimisation of climate change and complement the sustainability credentials of the development. Developments, including ancillary works, to be sited and designed to have no significant adverse visual or landscape impact and to have no adverse impacts upon neighbours or the environment.
20. *Policy 2: National Natural Heritage Designations* which sets out the need to ensure that new development does not adversely affect such designations which include the Cairngorms National Park.
21. *Policy 3 Other Important Natural and Earth Heritage Sites and Interests* which seeks to ensure that any adverse impacts upon such areas, including ancient woodland, are mitigated and that the overall interests are not compromised.
22. *Policies 4: Protected Species and 5: Biodiversity* which presume against any development which would have an adverse effect on habitat or species identified in the Cairngorms Local Biodiversity Plan or upon European Protected Species. These policies are supported by natural heritage supplementary guidance.
23. *Policy 12: Water Resources* which seeks to promote good use of water resources and to ensure that criteria are met in relation to flooding.
24. *Policy 6- Landscape* which seeks to ensure that development complements and enhances the landscape
25. *Policy 16: Design Standards* which sets out design standards to be met in order to reinforce and reflect the pattern and character of the surrounding area. This is supported by the sustainable design guide.
26. *Policy 11: The Local and Wider Cultural Heritage of the Park* which seeks to conserve and enhance features, or uses, of local/wider or cultural significance,
27. *Policy 34: Outdoor Access* which seeks to improve opportunities for responsible outdoor access.

Supplementary Planning Guidance

28. In addition to the adoption of the Cairngorms National Park Local Plan (2010) on 29th October 2010, a number of Supplementary Planning Guidance documents were also adopted. Key for the current proposal is the sustainable design guide which sets out guidance on design and also the supplementary guidance on natural heritage.

CONSULTATIONS

29. **Angus Council's Flood Prevention Team** note that sections of the development lie within the 1 in 200 year flood envelope level of the Glenbrightly Burn but due to the nature of the development it is not considered that this will adversely affect proposed structure. Accordingly they have no objection to the proposal.
30. **Angus Council Environmental Health Service** advise that a planning condition be attached regarding noise levels from the generator house to protect residential amenity.
31. **Angus Council Roads Service** has no objections.
32. **Kirriemuir West Community Council** was consulted and no response has been received to date.
33. **Esk Fishery Board** advised verbally they have no comments on this proposal as there are no migratory fish this far upstream.
34. **Scottish Water** has no objections
35. **Scottish Natural Heritage** has no comments.
36. **Scottish Environment Protection Agency** initially sought further information on the relationship to groundwater dependent communities. On receipt of this information they have confirmed no objections to the proposals subject to conditions covering use of flood resilient measures in the generator house; all new access tracks maintained at ground level to ensure there is no increase in flood risk to any adjacent properties; and provision of site specific construction environmental management plan (this is also required for the CAR Licence). SEPA confirm that a CAR license has been issued for this development whereby they consider the impacts of this proposal to be acceptable.
37. **CNPA Ecology Officer** has confirmed, following receipt of additional information requested on various ecology surveys and mitigation reports, that the proposal is considered to have a minor impact upon ecology which can be satisfactorily addressed by the mitigation measures proposed by the applicants' agents.
38. **CNPA Landscape Officer** initially raised concerns regarding the need for further detail on access track/pipeline route construction and width, quality of photomontages and impacts upon trees. The Officer considered that as the proposal was located in relatively close association with Tulchan Lodge and an area of mature

conifer woodland, there was a feeling of seclusion rather than wildness. During initial construction there would be significant disruption and landscape impact, but that the longer terms landscape and visual impacts could be reduced by careful attention to detail and high quality restoration and reinstatement together with enhancement planting being undertaken.

39. Further information was submitted by the applicants to address these issues including enhancement and compensatory planting, cross sections of the pipeline; pipeline re routed slightly to bring it further from steeper areas: access track width reduced, and further details on reinstatement/restoration. The officer advises that subject to appropriate conditions being imposed the development is considered to be satisfactory overall but recommends monitoring construction on site to ensure a good quality of restoration.

REPRESENTATIONS

40. No representations have been received. The applicants' agent has requested to be **heard** at Committee.

APPRAISAL

Principle

41. National and local planning policies (Local Plan Policy 15 in particular) support the principle of renewable energy proposals such as this, providing they are suitably sited and designed, and comply fully with other local plan policies on landscape, biodiversity etc. It is therefore the detail of the proposal which requires to be considered in terms of environmental impacts and technical issues.

Technical/Servicing Issues and Residential Amenity

42. There are no particular technical issues with this proposal which largely uses existing roads for access and benefits from a recently granted CAR licence from SEPA. The relevant consultees do not consider there is any adverse impact in relation to the flood risk area around the burn subject to imposition of planning conditions.
43. The powerhouse can be constructed to ensure there is no loss of amenity for the nearest property which is a seasonal both to the immediate west.

Environmental/Ecological Impacts

44. Satisfactory information, including surveys and mitigation has been submitted to demonstrate that there will be no adverse impacts upon the environment in terms of habitats or species. Relevant planning conditions can be imposed to ensure that the development is constructed in accordance with the mitigation measures outlined in the applicants' submissions which include provision of reptile shelters and protections of trees during construction.

45. In terms of impacts upon the watercourse SEPA have granted a license for the proposals and both SEPA and the Fishery Board have confirmed that there will be no issues for migratory fish in this case.
46. The provision of compensatory planting in relation to the three trees which will be lost as a result of construction of the powerhouse will be of benefit to biodiversity particularly when coupled with the enhancement planting proposed to enhance the landscape. In these circumstances the application is considered to comply with Local Plan policies on environmental interests and designations.

Landscape and Visual Impacts

47. The built elements of the development are discretely located, with the intake not readily open to view being located in a lower lying riverside location, whilst the powerhouse will relate well to the existing complex of buildings at Tulchan in terms of materials, siting and simple design. The main visual impacts will be the new track which has been re- designed so that over time it will resemble a traditional estate track with planting in the middle. It will also tie in well visually with the existing network of tracks on the estate.
48. As noted by our Landscape Advisor the short term construction impacts related to the pipeline which crosses sloping ground, will be visually intrusive but these can be minimised by following the measures set out in the construction method statement and supporting information. The revised information submitted by the applicants shows satisfactorily sized areas for compensatory and enhancement landscape which will ultimately be of benefit to the landscape and meet the requirements of Local Plan policy 6 which requires new development to conserve and enhance the landscape. This planting will also help to provide a setting for the new pieces of infrastructure such as the intake.

Other Issues

49. As noted earlier a core path runs to the far east of the site branching off from the entrance to Tulchan Lodge. This will not be affected by the development. In terms of economic benefits, the generation of renewable energy is of benefit not only to the landowner but to the wider National Park by supporting the aims of the National Park to support the development of a low carbon economy.

Conclusion

50. Overall this development is considered to comply with Local Plan policies and providing construction proceeds in accordance with the applicants' detailed submission and appropriate planning conditions the long terms impacts, both economic and environmental should be positive. Approval is therefore recommended. In conclusion, is considered that the environmental impacts of this proposal can be satisfactorily mitigated and that technical issues can be readily addressed.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

51. This proposal has the potential to conserve and enhance the natural and cultural heritage provision of compensatory and enhancement planting, which will be of benefit to both biodiversity and landscape over time. The development is not considered to have any adverse impacts upon the natural and cultural heritage and thus is considered to comply with this aim.

Promote Sustainable Use of Natural Resources

52. The proposed development readily supports this aim by using a local resource to generate energy, and returning the water used back to the environment to the satisfaction of the Scottish Environment Protection Agency. Natural resources which may be impacted upon (e.g. trees) will be compensated for by replanting at a greater scale.

Promote Understanding and Enjoyment of the Area

53. The proposal does not directly relate to this aim as it is not located directly adjacent to walking areas, but it does not detract from this aim.

Promote Sustainable Economic and Social Development of the Area

54. The proposed development may help support the social and economic development of the area by providing income to the local estate thus supporting its employees and future. Construction of the development and future maintenance also offers opportunities to support the local economy.

RECOMMENDATION

That Members of the Committee support a recommendation to GRANT FULL PLANNING PERMISSION for Proposed 100kW run-of-river hydro electric power scheme at Land 100M West Of Tulchan Lodge, Folda, Glen Isla subject to the following planning conditions:

- I. No development shall commence until a detailed landscape scheme has been submitted to and approved by the Cairngorms National Park acting as Planning Authority. This plan to show trees to be removed/trimmed, areas of trees to be protected and all new compensatory and replacement planting (species, location, planting distance) together with details of maintenance, fencing and monitoring. This landscape scheme to reflect the principles and details set out in the approved construction method statement, GLM Ecology Report and document entitled "Landscape Advisor's Points and concerns with response from Green Cat Renewables" and the indicative areas for planting shown on the approved site plan (drawing number APP-012 dated 9 May 14) The approved scheme shall thereafter be implemented in accordance with the approved details in the first planting season following completion of the development hereby approved and thereafter be maintained in accordance with the approved maintenance scheme.

Reason: to ensure the development complements and enhances the landscape character of the National Park in accordance with Local Plan policies.

2. No development shall commence until the existing trees are protected in accordance with the requirements set out in the approved construction method statement, GLM Ecology Report and document entitled "Landscape Advisor's Points and concerns with response from Green Cat Renewables".

Reason: to ensure the development complements and enhances the landscape character of the National Park in accordance with Local Plan policies.

3. No development shall commence until details of the arrangements to ensure that the public can safely by pass the construction work have been submitted to and approved by the Cairngorms National Park acting as Planning Authority. The works shall thereafter proceed in accordance with these approved details.

Reason: to ensure that public access is not impeded in accordance with Local Plan policies.

4. The development shall be constructed, reinstated and restored in accordance with the approved construction method statement, GLM Ecology Report and document entitled "Landscape Advisor's Points and concerns with response from Green Cat Renewables". All construction and excavation works shall be reinstated within 3 months of completion of the development unless otherwise agreed with the Cairngorms National Park Authority acting as Planning Authority – this shall include the removal of laydown areas and construction compounds. All measures relating to reptile protection shall be implemented in accordance with the approved details and no work shall commence on site until the access and pipeline route has been surveyed by a suitably qualified Ecologist with reptile refuges provided in accordance with the measures outlined in the Ecological Mitigation report. Measures to protect breeding birds shall be implemented in accordance with section 1.3 of the approved GLM Ecology Report.

Reason: to ensure the development complements and enhances the landscape character of the National Park in accordance with Local Plan policies.

5. The pipeline, access track, intake and powerhouse shall be constructed in accordance with the approved plans and sections. The central strip of the access track shall be seeded in accordance in the first planting season following completion of the works and the width of the track shall not exceed 2.5 metres.

Reason: to ensure the development complements and enhances the landscape character of the National Park in accordance with Local Plan policies.

6. No work shall commence on the construction of the powerhouse until details (including samples or brochures) of the proposed roof finish have been submitted to and approved by the Cairngorms National Park acting as Planning Authority. The building shall thereafter be completed in accordance with the approved details.

Reason: to ensure the development complements and enhances the landscape character of the National Park in accordance with Local Plan policies.

7. If any lighting is proposed at the site details shall be submitted to and approved by the Cairngorms National Park acting as Planning Authority before any such lighting is installed. The details to reflect the requirement that lighting does not shine directly into the water and shall avoid any light spillage. Any works shall thereafter be installed in accordance with the approved details.

Reason: To ensure that there is no adverse environmental or river habitat impacts in accordance with planning policies.

8. The electricity connection from the powerhouse to the grid shall be underground.

Reason: to ensure the development complements and enhances the landscape character of the National Park in accordance with Local Plan policies.

9. Noise emissions from the powerhouse shall not give rise to a noise level assessed with windows open within any dwelling or noise sensitive building in excess of that equivalent to a Noise Rating Curve 30 between 0700 hours and 2300 hours and Noise Rating Curve 20 at all other times. (The noise measurements shall be taken with windows open at least 50mm).

Reason: To ensure there is no loss of residential amenity in accordance with Local Plan policies.

10. The power house shall incorporate flood resilient measures with all plant which may be vulnerable to flooding sited to minimise risk of damage from flooding. Access track and ground works shall be maintained at ground level adjacent to the watercourse to ensure that there is no increase in flood risk to any adjacent property.

Reason: To minimise any impacts from potential flooding in accordance with Local Plan policies.

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.
2. It is recommended that construction work (including the loading/unloading of delivery vehicles, plant or other machinery) should not take place outwith the hours of 0700 hours to 1800 hours Mondays to Fridays, 0700 hours to 1300 in order to minimise disturbance to residents in the area.

Officer Name: Katherine Donnachie

planning@cairngorms.co.uk

Date: 23 May 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.