
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

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(PLANNING OFFICER,
DEVELOPMENT MANAGEMENT)**

DEVELOPMENT PROPOSED:

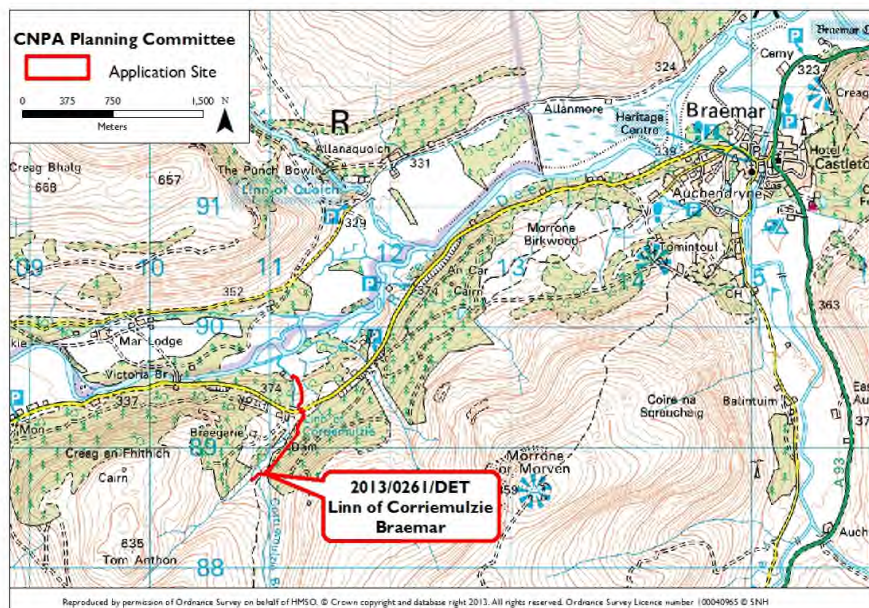
INSTALLATION OF HYDROPOWER SCHEME INCLUDING CONSTRUCTION OF TWO INTAKES, PIPELINE, POWERHOUSE, ELECTRO-MECHANICAL EQUIPMENT AND UPGRADING OF ACCESS TRACK AT LINN OF CORRIEMULZIE, BRAEMAR

REFERENCE: 2013/0261/DET

APPLICANT: DAVID GEDDES - BRAEMAR COMMUNITY COUNCIL

DATE CALLED-IN: 26 August 2013

RECOMMENDATION: APPROVAL SUBJECT TO CONDITIONS

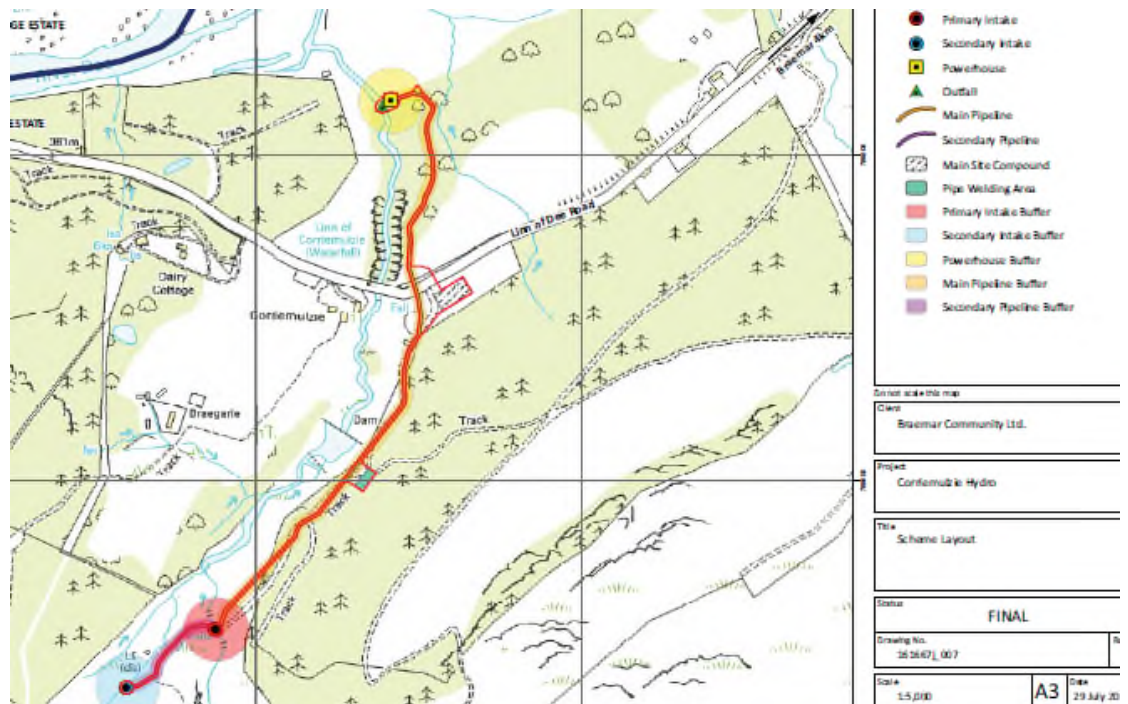


Grid reference: 311191E 789579N

Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. The application site is located at Corriemulzie some 4 km to the south west of Braemar on the road towards Mar Lodge. The site is located on both sides of this road, to the north and south of the bridge over the Corriemulzie Burn which leads northwards into the River Dee. To the north of this road bridge lie the impressive Corriemulzie falls, which since the construction of this modern road bridge, are not readily open to view being set in a gorge and surrounded by woodland. The gorge leads north towards the flood plain of the River Dee. To the south of the bridge the land rises towards the mountains beyond
2. The site lies within an area covered by numerous environmental designations. It lies within the Deeside and Lochnager National Scenic Area, and part of the site (north of the bridge) is within the River Dee Special Area of Conservation (SAC) which is designated for its qualifying features of Atlantic salmon, freshwater pearl mussel, and otter. A part of the Cairngorms Massif Special Protection Area (SPA) – qualifying feature golden eagle- also overlaps with the uppermost parts of the site. Finally, parts of the site lying east of the Corriemulzie burn overlap or border with woodland identified on the Ancient Woodland Inventory (AWI).
3. There is a redundant historic hydro scheme here comprising a former dam upstream of the bridge. This has fallen into a semi derelict state, together with the remains of a former generator house located downstream towards the Dee. The applicants originally considered refurbishment of the original dam, but this proved to be unviable, hence the current proposal for two new intakes upstream of the road bridge, with new pipeline from these intakes largely following the route of an existing track leading to the public road. After crossing under the public road the pipeline will head northwards, following an existing track across fields, to feed into a new generator house located on lower lying land. A short section of new track will be required to serve the generator house. The overall scheme is illustrated in **Figure 2** below



4. There are a number of components to this proposal as follows

- Primary intake point to be constructed on the Corriemulzie Burn to the east of an existing track and bridge leading up to the hills beyond. This intake is around 6 metres wide and 1.5 metres high.
- A smaller secondary intake point constructed on a tributary of this burn to the west. This intake is around 3 metres wide and 1 metre high. A buried pipeline will transport water from this intake to the primary intake where it will enter the main pipeline.
- Pipeline (or penstock) transporting the water from the intakes to the powerhouse and largely following the route of existing access tracks for around 1 km. A short section of pipeline will not follow the existing tracks. This is the section required from the primary intake which will run through trees to join the existing track. (The pipeline will be laid in a trench around 1.4 metres deep and 1 metre wide, with pipeline diameter of 0.5 metres.)
- New generator house with timber walls and sheeting roof, and measuring 5 metres by 6 metre, 4 metres high. This will be located just downstream of an existing footbridge over the burn.
- Tailrace (or buried pipeline) transporting water from generator house to outfall where water is returned to the burn.
- The existing access point from the public road leading south into the site will be upgraded and a car parking/construction area will be formed here whilst a track across the field leading north to the generator house will be upgraded and used too.
- A short section of new track will be required to serve the generator house.
- Other smaller construction areas and pipe welding areas are proposed beside the primary intake, generator house, and off the southern track.

- Electricity will be distributed to the national grid via a transformer and wooden H pole, leading to a new underground line to connect to the existing network.
 - These works will result in a depleted section or river of around 1 km – no fish passes have been incorporated as it is understood that migratory fish do not reach this part of the watercourse. Fish friendly features such as plunge pools have been included to ensure that downstream fish passage is not impeded.
5. Following discussion the applicants have now provided a supporting statement (together with photomontages) outlining their general agreement to a number of mitigation measures suggested by our Landscape Advisor to try and reduce the visual impact of the various components of the scheme, and to compensatory works where they are not in agreement to further amendment. Limited revised plans have been provided, the applicants' preference being to control such matters through imposing planning conditions. Photomontages of the intakes are shown in **Figure 3 (a) and (b)** below

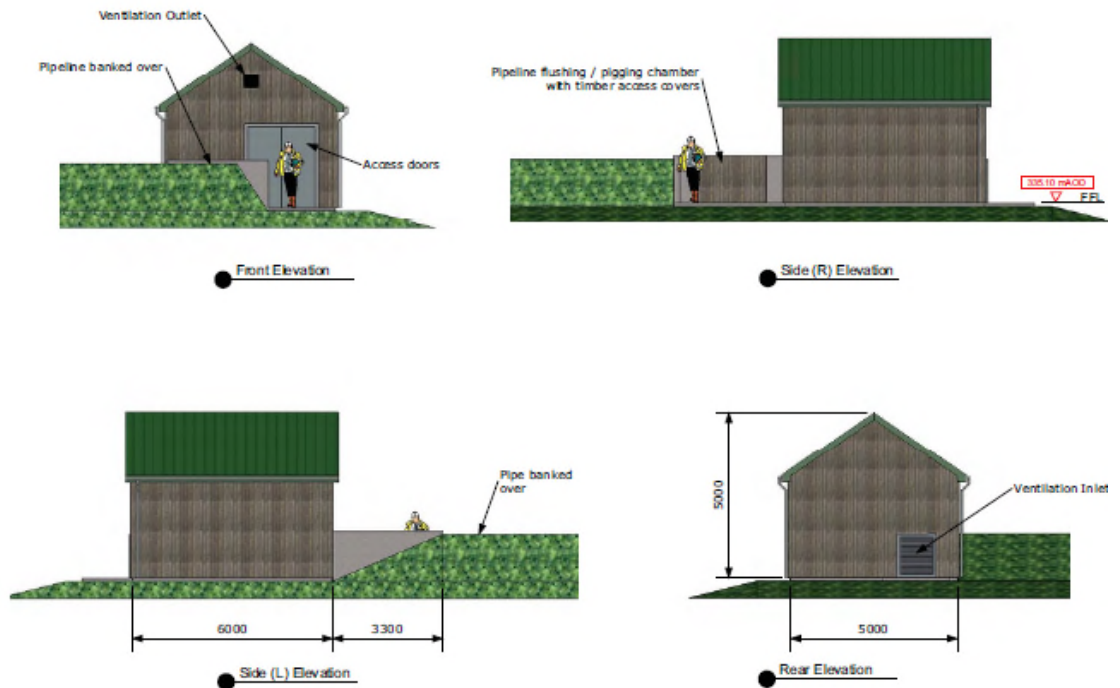
Figure 3 (a) Primary Intake



Figure 3 (b) Secondary Intake



6. Plans of the generator house are shown in **Figure 4** below



7. This application is submitted on behalf of Braemar Community Council and is a community project initiated by Braemar Community Ltd in order to generate funds for community projects in the area. Energy produced will be exported to the grid to generate income. The installed capacity of the scheme will be approximately 100 kw. It is anticipated that the working life of the development will be around 50 years and thereafter the applicants indicate that the scheme will be decommissioned and components removed apart from buried pipeline.
8. The application is accompanied by an Environmental Impact Assessment which sets out the key environmental impacts and proposed mitigation. Key areas which have been addressed are noise, water environment, landscape and visual, and ecology. The Environmental Statement concludes that there will be no significant impacts as a result of the development and that it will contribute to the natural and cultural heritage of the Park. A draft construction method statement has also been provided.
9. The applicants have indicated that Braemar Community Ltd are also considering the potential for improved access to the waterfall at Corriemulzie, although this could present safety and construction difficulties. Accordingly they propose with this application to seek to erect interpretative material at the development site which will also cover interpretation of cultural heritage and the falls.

Site History

10. There have been no specific planning applications on the site itself. To the west at Corriemulzie Aberdeenshire Council have granted consent for a small temporary wind monitoring mast (reference APP/2011/2961) -there are no other planning applications in the vicinity.
11. Pre application advice was provided in conjunction with Aberdeenshire Council (who determined that the application should be accompanied by an Environmental Impact Assessment) to identify and scope the key issues which should be addressed in any future application. The importance of conserving and enhancing the special qualities of the National Park was highlighted along with the opportunity to enhance the visitor experience by providing interpretation and enhanced access to artefacts of interest here. Detailed advice on ecological information to be submitted was also provided by the CNPA.

DEVELOPMENT PLAN CONTEXT

National policy

12. **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."

13. 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)

14. 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 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.

15. 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

Local Plan Policy

Cairngorms National Park Local Plan (2010)

16. 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>
17. 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.
18. *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.

19. Policy 1: Natura 2000 Sites which sets out that any development likely to have an effect on a Natura 2000 site will be subject to an appropriate assessment and where this is unable to ascertain that the development will not adversely affect the integrity of the site, the development will only be permitted where there are no alternative solutions or there are imperative reasons of overriding public interest including those of a social or economic reason
20. 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.
21. 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.
22. Policy 12: Water Resources – this policy seeks to promote good use of water resources and to ensure that criteria are met in relation to flooding.
23. Policy 6- Landscape seeks to ensure that development complements and enhances the landscape
24. 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.
25. 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,
26. Policy 8: Archaeology which seeks to preserve nationally and regionally important archaeological resources and to preserve other archaeological interests in situ where feasible.
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. **The CNPA Landscape Officer** notes that the scheme lies within the Mar Lodge Landscape character area, and is part of an area characterised by a rich combination of parkland and native woodland, and the dramatic floodplain of the River Dee. The upper part of the scheme lies in moorland, and below this is the former dam and impoundment, conifer plantations and broadleaved woodland. This area encompasses a number of the special landscape qualities of the National Park.
30. The officer advises that the proposal is in the vicinity of a pre existing scheme, the remnants of which are still evident in the landscape and in principle considers that a small hydro proposal ought to be able to meet the policy tests of the Local Plan and the National Park Partnership Plan. However there is a general lack of detail on matters that could make the difference between significant and non significant impacts, in particular the location of the primary intake. This intake will be located within a small but very scenic area, a “gem” of a location within the NSA and National Park. If it is not possible to move this location then the scheme could fail to complement and enhance this small part of the National Park.
31. The officer concluded that further detail was required in respect of the component parts of the scheme and provided detailed advice on how to mitigate the visual impacts - a copy of these comments are attached as **Appendix I**
32. As noted earlier, the applicants provided a response to these recommendations, taking on board some of the suggestions, providing photomontages, but not providing more detailed plans, preferring instead that these matters be covered by planning conditions
33. The CNPA Heritage Manager was re consulted on this response and has noted the lack of detail in the applicants’ response which introduces ambiguity as to whether sufficient mitigation can be achieved. The officer is also concerned regarding insufficient allowance being made for enough compensatory planting. The officer considers that, although the principle of development remains acceptable, the wide range of outstanding issues means that applying complicated conditions is the only way to ensure an acceptable outcome. Whilst this is undesirable it could be managed in this particular case, and a potential range of conditions are set out in the response.
34. The outstanding issue, however, is the mechanism for delivery of additional planting (mitigation, compensation and enhancement) which will lie outwith the application site thereby raising issues as to whether it can be delivered. It is essential that a suitable level of compensatory and mitigation planting can be delivered in order to meet policies on landscape and ecology.

35. **The CNPA Ecology Officer** has assessed the application and notes that at the pre application stage the applicants were advised to provide the following surveys - NVC habitat surveys; Fungi; Invertebrates; Nesting birds; Squirrel drey survey.
36. The officer concludes that careful construction work should help safeguard fungi at the construction stage within the area to the east of the Corriemulzie burn, whilst compensatory planting will be required in relation to the potential for tree damage through the construction of the pipeline –this should be at a ratio of 3 to 1 to meet policy requirements and in the form of riparian planting. The officer notes that the ES has concluded that there should be no adverse impacts upon protected species
37. In relation to invertebrates, the Officer notes that there are two Scottish Biodiversity List/UKBAP/Cairngorms Nature Action Plan invertebrate species which are dependent on riverine or riparian habitats and whose conservation has not been satisfactorily dealt by the application submission. These are the northern February red stonefly and northern stiletto fly. The larval stage of the northern February red stonefly is dependent on in-stream habitats, and the National Park is a critical area for this endemic species. The northern stiletto fly species is dependent on exposed riparian sands and gravels as breeding habitat. These sands must not be too dry that they vegetate over, and so flow levels are key for the species. For both species the principal threat from hydro schemes comes from reduced in-stream flows between intake and outfall.
38. In order to assess the impacts on these threatened species, surveys will be required. The northern February red stonefly requires kick sampling for larvae in autumn and winter. If exposed sands and gravel habitats are absent from the relevant stretch of Corriemulzie Burn, then a survey would not be required for northern stiletto fly. (The species is best surveyed for adults in fine weather between late May and late July.)
39. Subject to these above matters being satisfactorily addressed the officer has no objections to the application.
40. **The CNPA Access Officer** advises that there are no core paths or rights of way in the locality of the development. The falls are of interest and there is use by the public walking over from Glen Eye to the west as a short circuit. The team have no concerns in relation to access and welcome improved access to the falls.
41. **Aberdeenshire Council's Archaeology Team** notes that there are a number of historic structures within the development area which should be considered. Otherwise they welcome the intention to provide interpretation for the kilns and consider this should be extended to the disused dam structure. They have no objection to the application subject to a number of conditions being attached including the requirement for an archaeology survey, watching brief and fencing of any features of interest.

42. **Aberdeenshire Council's Planning Gain Team** advises that there is no requirement for developer contributions in this instance.
43. **Aberdeenshire Council's Flood Prevention Team** has no comments
44. **Aberdeenshire Council's Roads Service** has no objection subject to upgrading of access points in order to accommodate construction vehicles.
45. **Aberdeenshire Council's Environmental Health Service** advise that they are in agreement with the applicant's assessment of potential noise impact and have no further comments.
46. **Scottish Environment Protection Agency (SEPA)** has noted that an application for a license has been submitted to them under the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR) and advise that the scheme is potentially consentable under this legislation. They highlight that under any such license SEPA would control protection of the water environment whereby there is no requirement for the Planning Authority to duplicate this. The license will not however cover visual appearance.
47. On receipt of further information on wetlands and peat they have confirmed they have no objection to the scheme subject to a planning condition being imposed requiring submission of a site specific environmental management plan (EMP). They are generally satisfied with the principles of the outline construction method statement and have provided information to assist in the preparation of this EMP
48. **Scottish Natural Heritage** has noted that the scheme lies upstream of, and partly within, the River Dee Special Area of Conservation. Having considered the information in the Environmental Statement (ES) they consider that the development is unlikely to have a significant effect on any qualifying interests, either directly or indirectly, whereby an Appropriate Assessment is not required. They consider that the mitigation as proposed in relation to impacts upon migratory fish as set out in the draft construction method statement (including sediment management plan) together with downstream riparian planting will help ensure no significant impacts
49. In relation to European Protected Species, they note that the ES found signs of otter and welcome the recommendation of a pre construction otter survey. SNH set out the legal requirements should this demonstrate that otter holts or places of rest exist within 30 metres of the works.
50. **Historic Scotland** was consulted as this is an EIA application and they consider that the proposed development is unlikely to have significant impacts on any heritage assets within their remit.
51. **Transport Scotland** was consulted as this is an EIA application and has no comment.

52. **Dee District Salmon Fishery Board** has been consulted and have advised they have no objections subject to a detailed construction method statement being agreed, which should include provision to avoid sediment release which could harm fish. They also advise that in order to off-set potential reductions in salmon production within the depleted stretch between the waterfall and the outflow they would recommend the planting of native riparian trees along the lower Corriemulzie burn and its confluence with the Dee.
53. **Ballater and Crathie Community Council** has been consulted and have not provided any comments at the time of writing.

REPRESENTATIONS

54. The application was advertised and no representations have been received. The applicants have indicated they wish to be **heard** at Committee.

APPRAISAL

Principle

55. 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 Issues

56. There are no particular technical issues with the proposal which largely uses existing servicing (tracks) and existing access points onto the public road which can be upgraded to meet road safety requirements.

Residential Amenity

57. The site is located a considerable distance from the nearest house and the Environmental Health Service agree with the findings of the applicant's Environmental Statement that there will be no adverse impacts. Suitable planning conditions can be attached in the event of the application being supported to ensure that commitments to working methods at the construction stage in order to minimise noise are kept to, although it is appreciated that any impacts from construction activities will be short term.

Cultural Heritage Impacts

58. The application has the potential to impact positively on cultural heritage by providing an opportunity to interpret in a proactive way the localised heritage, namely – the historic dam, kilns, Corriemulzie falls and any features of archaeological interest in the area which are discovered as a result of meeting the conditions suggested by the Archaeology team. The development should

not impact upon these features in a negative way, but rather will be “read” in the cultural landscape in combination with these existing features, and with appropriate interpretation will help to provide an ongoing history of the evolution of this area.

Economic and Social Impacts

59. There are considerable economic and social benefits arising from this development, which is proposed by the local community, with any economic benefits then fed back into the community to support other projects. This is generally welcomed as a sustainable way forward and represents a positive aspect of this scheme.

Environmental Impacts

60. The environmental impacts of this proposal, in terms of the new pipelines, have been limited by following lines of existing tracks which is welcomed. However there are still impacts from new sections of pipeline and it is important to ensure that this does not adversely affect the qualities of the designations here, nor have any adverse impacts upon protected species
61. Any potential impacts arising from the construction of the short section of new pipeline running through woodland could be minimised by careful siting and updated pre construction surveys to ensure no impacts upon squirrels. Planning conditions can be imposed to this end.
62. In terms of the environmental impacts of the intakes and other structures, this has been assessed by SEPA in relation to the river environment and they are satisfied with the proposals. Similarly, the Dee Salmon Fishery Board has no adverse comments.
63. In relation to impacts upon environmental designations, SNH has assessed the potential for impacts upon the River Dee Special Area of Conservation and they have concluded that, providing construction takes place in accordance with an agreed construction method statement, and that further updated pre construction otter surveys are undertaken, there should be no adverse impacts upon the qualifying interests of the SAC. They are also satisfied that there should not be any adverse impacts upon European Protected Species.
64. Our Ecology Advisor has assessed the local impact and is generally satisfied that impacts can be satisfactorily dealt with, subject to suitable planning conditions, further work on surveying invertebrates and providing compensatory planting of sufficient size and in suitable locations is undertaken.
65. In these overall circumstances it is considered that overall the scheme should not have an adverse environmental impact and that measures can be put in place to ensure that any impacts are mitigated and compensated for. Appropriate conditions may be imposed to this end.

Landscape and Visual Effects

66. A key aspect of any hydro scheme within the National Park is its landscape impact. In this case the site is located within the National Scenic Area, a designation which recognises the quality of the landscape here. The development will be located in a relatively settled landscape, characterised by a level of development, ranging from access tracks, bridges, dykes, and ruins to the substantial remains of a former dam. There is therefore a degree of development in this area whereby it is not an untouched, remote landscape. In general terms it is considered that a suitably designed and sited hydro scheme would be acceptable within this particular landscape, offering as noted earlier a good opportunity to interpret the cultural, and indeed the natural, heritage of this area. The use of existing tracks will also minimise landscape impacts and is to be generally welcomed.
67. Generally the visual impacts of this development will be localised, with the intakes visible from closer when walking along the existing access tracks. The generator house will be visible when driving along the public road and looking towards the Dee where it will be set against a wooded backdrop.
68. The key planning issue here is whether or not the submitted information satisfactorily illustrates that the proposed development will complement and enhance the landscape as required by policy.
69. It is good practise to obtain all detailed landscape and restoration information at this stage prior to issuing a planning consent. In this case the applicants have provided sufficient information to assess the general visual impact of the proposal and have provided their explanation as to why they are not able to relocate the primary intake. They have also in their supporting information outlined general agreement to mitigation by way of enhanced and compensatory planting proposals in principle. As compensatory planting will be provided outwith the drawn red line around the application site confirmation has been sought that this is deliverable and the applicants have now confirmed that the landowner is signed up to delivery
70. Whilst the precise detail of the compensatory planting , final finishes of infrastructure and restoration/construction methods requires to be agreed I am generally satisfied that, based upon the information provided to date that appropriate mitigation can be secured by suspensive planning conditions. It is of course essential that the applicants submit the necessary level of detail required to discharge any planning conditions and this requires to be highlighted to them at this stage.

Conclusion

71. In conclusion. is considered that the environmental impacts of this proposal can be satisfactorily mitigated and that technical issues can be readily

addressed. The landscape impact of the development is localised and I am confident that the development can be implemented in a manner that will not adversely affect this landscape, and over time, providing restoration and compensatory planting is undertaken, does offer the opportunity to enhance the landscape. As noted earlier the primary intake is the most visually intrusive part of the development and I consider this can be mitigated by careful use of finishes, detailing and landscaping.

72. Overall there will be considerable economic and social benefits arising out of this proposal in terms of this being a community project, whilst the relationship to existing heritage remnants of public interest is also an important opportunity to interpret and promote the qualities of the National Park.
73. In these overall circumstances it is considered that the proposed development complies with planning policies and with the aims of the National Park. Approval is therefore recommended subject to suitable planning conditions.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

74. The proposal has the potential to conserve and enhance the natural and cultural heritage by providing interpretation of existing features of interest such as the former dam, Corrieumulzie falls and archaeological remains. It offers an opportunity to secure further information about natural heritage through environmental surveys and to provide compensatory habitats to mitigate any landscape and ecological impacts.

Promote Sustainable Use of Natural Resources

75. The proposed development 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 at a greater ratio.

Promote Understanding and Enjoyment of the Area

76. The proposal helps support this aim by offering the opportunity to provide interpretive material to explain how the energy is being produced and used, how this relates to the former use of the area and also to provide opportunities to explain the history and attractions of this part of the National Park. In addition the location of the site, the scale of the development, and the measures recommended to ensure a quality development should help to ensure that it does not detract from the enjoyment of the visual qualities of the Park, but rather may add to it.

Promote Sustainable Economic and Social Development of the Area

77. The proposed development will help support the social and economic development of the area by providing income to the local community for reuse in other community projects. 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 the Installation of a Hydropower Scheme Including Construction of Two Intakes, Pipeline, Powerhouse, Electro-Mechanical Equipment and Upgrading of Access Track at Linn Of Corriemulzie, Braemar, subject to the following planning conditions:

Ecology and Environmental Conditions

1. No work shall commence on site until an updated pre construction survey has been undertaken to establish whether there will any disturbance to otter or their holts/resting places, and no work shall commence on the felling or trimming of any trees on site until an updated pre construction survey has been undertaken to establish whether any squirrel dreys will be disturbed by the works. The results of the surveys to be submitted to and approved by the Cairngorms National Park Authority acting as Planning Authority in consultation with Scottish Natural Heritage. If these surveys demonstrate that there will be any impacts no further work shall take place until such time as appropriate licenses have been secured or appropriate mitigation measures implemented in accordance with the survey results. In addition, during construction all exposed pipes and trenches shall be covered when the contractors are off site, or a plank or similar provided so that otters may escape.

Reason: To ensure the protection of European Protected Species and the promotion of biodiversity in accordance with Local Plan policies, and to ensure that there is no adverse impacts upon protected species and the special qualities of the area in accordance with planning policies

2. No work shall commence on site until an assessment of the potential impacts upon Northern February Red Stonefly and Northern Stiletto Fly has been submitted to and approved by the Cairngorms National Park Authority acting as Planning Authority. This assessment to include kick sampling for larvae of Northern February Red Stonefly and consideration of whether there will be any impact upon Northern Stiletto Fly in relation to any impacts upon exposed sand and gravel habitats. Mitigation (including timetable for any works or compensation measures) for any impacts shall be identified within this assessment, and thereafter implemented in accordance with the approved assessment and conclusions.

Reason : To ensure compliance with Local Plan policies on biodiversity.

3. No work shall commence on site until an Ecological Clerk of Works (ECOW) has been appointed by the developer who shall thereafter oversee the site works and ensure compliance with the environmental monitoring plan and construction method statement during the construction and restoration phases of the development hereby approved. Prior to appointing the ECoW, a “scope of works” for that person shall be submitted to, and approved in writing by, the Cairngorms National Park Authority acting as Planning Authority (CNPA) and thereafter details of the appointed person shall be supplied to the CNPA.

Reason : To ensure the agreed construction techniques and ecological mitigation are followed during construction to avoid any adverse environmental effects, in accordance with Local Plan policies.

4. No work shall commence on site until a detailed, site specific Construction Method Statement (CMS) has been submitted to and approved by the CNPA acting as Planning Authority in consultation with SEPA. The CMS shall cover the following matters
 - construction methods for all aspects of the scheme
 - rolling approach to construction and restoration
 - details of construction compound preparatory works
 - details of drainage for all works , including access tracks.
 - Pollution prevention safeguards and sediment management plan – this information should pay due regard to SEPA guidance
 - Details of working practises to minimise any noise nuisance (as set out in page 7 of the Environmental Statement volume I)
 - Details of disposal of surface water during and post construction including roof waters from powerhouse.
 - Storage and disposal of materials (including materials for re-use, e.g. boulders, rocks, peat, soils and turves),
 - Construction site facilities including the location of construction site huts, vehicle equipment, materials storage and location of parking area(s) for construction workers
 - Duration, timing and phasing of works (including any in river works) and including restoration timetable – such details to reflect the requirements of the Dee and District Salmon Fishery Board as set out in their consultation response dated 27 August 2013
 - Contingency measures should excavations reveal the pre existing pipeline.
 - width of the working corridor for construction works (to be shown on plan)
 - details of vegetation and soil management during and after construction
 - details of how works will be undertaken to protect and conserve botanical and fungi interest on neutral grassland land to the east of the Corriemulzie burn and to the north of the road. This shall reflect the requirement for turves to be dug down to a depth of 30-50 cm , stored on plastic membrane and for no more than 2 days and thereafter restored to the trenched ground
 - details of restoration and reinstatement of entire site post construction, including removal of all compounds, softening of edges of upgraded access works, and timetable for restoration.

The development shall thereafter be implemented in accordance with the approved CMS.

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

5. No work shall commence on site until a detailed, site specific Environmental Management Plan (EMP), has been submitted to and approved by the CNPA acting as Planning Authority in consultation with SEPA. This EMP shall cover the following matters:
- the steps that shall be taken by the applicant/Ecological Clerk of Works to monitor the environmental effects of the Development during the construction phase and operational phase
 - a methodology for developing avoidance and mitigation measures to address any adverse environmental effects identified during the course of the monitoring:
 - the marking of exclusion and avoidance zones;

The development shall thereafter be implemented in accordance with the approved EMP

Reason: To ensure that there is no adverse environmental impact in accordance with planning policies

Landscape and Environmental Conditions

6. No work shall commence on site until a detailed landscape scheme has been submitted to and approved by the CNPA. This scheme to cover the proposals for landscaping and restoration of the site and shall cover the following matters:
- Screening of Sluice box and level control box and restoration and reinstatement of ground above intake chamber at primary intake
 - Planting between the bridge and the primary intake on the north side of the river to deflect views of this infrastructure.
 - Planting of native broadleaf trees to enhance the edges of the conifer plantations , and in the vicinity of the intakes
 - landscaping around the primary intake.
 - Use of grass seeded Geogrid to hard standing and turning areas
 - Migratory planting to compensate for any loss of vegetation on the pipe welding area
 - Restoration of sides of access tracks and provision of a central planted strip on the tracks
 - Removal and restoration of all works compounds
 - Restoration of stone dyke at road crossing
 - Details of ongoing maintenance of all landscaping works
 - Details of the impact upon trees arising out of pipeline route. A tree protection plan shall be included. (Unless otherwise agreed in writing with the CNPA acting as Planning Authority all tree felling shall be undertaken outwith the recognised bird breeding period between April and August

(inclusive) bird nesting season unless a pre construction survey is undertaken to demonstrate that there are no nesting birds)

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 that the development complements and enhances the landscape character of the National Park in accordance with Local Plan policies

7. No works shall commence on site until a compensatory planting plan has been submitted to and approved by the CNPA in consultation with Scottish Natural Heritage (SNH) and the Dee Fisheries Board. This plan to cover the following points:
- Details (including position, size, planting distances and species) of native riparian planting at a ratio of 3 to 1 in relation to any area of vegetation lost in addition to compensatory planting to mitigate the landscape impacts of the primary intake. The plan to reflect the requirement for use of birch, willow, aspen, bird cherry and rowan
 - Identification of the areas to be planted following discussion between the developer, CNPA, SNH and the Dee Fisheries Board.
 - Confirmation that the applicant has the legal right to plant and use these areas.
 - Details of ongoing maintenance and tree protection
 - Timetable for planting

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 that the development complements and enhances the landscape character of the National Park in accordance with Local Plan policies

8. No work shall commence on site until the following details relating to siting, design and finishes of infrastructure have been submitted to and approved by the CNPA acting as Planning Authority:
- Cross sections of location of power house to demonstrate its fit in the landscape and location as close to backdrop of hillside as possible
 - Mitigation of visual impact of piggling chamber and concrete pad by inclusion within powerhouse building or careful use of finishes/landscaping.
 - intake chamber for primary intake to be finished below ground level with only chamber hatch visible
 - details of the concrete finishes of the wing walls at the primary intake to reflect the requirement for use of structured and textured formwork to reflect the pattern of natural stonework, reduce reflectivity and encourage colonisation

- use of wooden handrails at the intake and at generator house
- A green roof to the power house
- Removal and reinstatement of former power house
- Cross sections details for pipeline corridor and access tracks

The development shall thereafter be completed in accordance with the approved details.

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

9. No work shall commence on the construction of the powerhouse until details (including samples) of the proposed finishes have been submitted to and approved by the Cairngorms National Park acting as Planning Authority. These details to reflect the requirement for the roof to be finished in a green turf roof, corrugated roof sheeting of “wavy” profile and dark green colour, turf roof or wooden shingles. 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.

Other Conditions

10. No work shall commence on site until an archaeological survey of all extant structures along the intended footprint of the development site has been carried out by an archaeological organisation acceptable to the Cairngorms National Park acting as Planning Authority(in consultation with Aberdeenshire Council’s Archaeology Service who will set the scope of the archaeological survey.) Details of the organisation to be retained by the developer for this survey shall be submitted to and agreed by the CNPA (in consultation with Aberdeenshire Council’s Archaeology Service) in writing before the survey commences. The resulting survey shall be deposited in the National Monuments Register for Scotland and in the local sites and monuments record within 3 months of completion

Reason – to ensure the cultural and historic interest of the area is recorded in accordance with Local Plan policies.

11. No work shall commence on site until protective fencing has been erected around all features of historic interest –details of the fencing to be submitted to and approved by the CNPA acting as Planning Authority prior to its erection

Reason – to ensure the cultural and historic interest of the area is protected in accordance with Local Plan policies

12. An archaeological watching brief shall be secured during any ground breaking and development work that directly affects any archaeological features identified by the archaeological survey. Details of the organisation to be retained by the

developer for this work shall be submitted to and agreed by the CNPA (in consultation with Aberdeenshire Council's Archaeology Service) in writing before any ground breaking or development work starts and the retained organisation shall be afforded access to record and recover items of interest and finds. (Terms of reference for the watching brief will be supplied by Aberdeenshire Council's Archaeology Service)

Reason – to ensure the cultural and historic interest of the area is recorded in accordance with Local Plan policies.

13. No work shall commence on construction works on site until the access points onto the public road have been upgraded in accordance with the following requirements to the satisfaction of the CNPA acting as Planning Authority in consultation with Aberdeenshire Council Roads Service:
- maximum gradient of first 5 metres of access shall not exceed 1 in 20
 - first 10 metres of accesses to be surfaced in hard material (i.e. bitmac)
 - visibility splays measuring 2.4 metres by 120 metres to be formed on either side of the access points and thereafter kept free of all permanent obstructions above adjacent carriageway level.
 - Provision to be made for internal surface water to ensure that it does not run from the site onto the road or vice versa

Reason – to ensure safe access is provided in the interests of road safety and in accordance with Local Plan policies

14. No work shall start on the construction of any of the components of the scheme until details of interpretative material (including location and design) has been submitted to and approved by the Cairngorms National Park acting as Planning Authority. This material to include interpretation of:
- the existing and proposed hydro infrastructure
 - archaeological interest in area including kiln
 - information about the landscape and Corriemulzie Falls including proposals to improve viewing of the falls.

Thereafter the interpretive material shall be provided in accordance with the approved details before the development hereby approved is brought into operation

Reason – to ensure that the cultural heritage of the area is conserved and enhanced in accordance with Local Plan policies.

15. Unless otherwise agreed with the CNPA acting as Planning Authority no work shall start on construction of the powerhouse and associated access until details of proposals (including timetable for provision) to improve access to viewing the Corriemulzie falls have been submitted to and approved by the Cairngorms National Park acting as Planning Authority. The works thereafter to be implemented in accordance with the approved details and timetable

Reason – to ensure that the cultural heritage of the area is conserved and enhanced in accordance with Local Plan policies

16. 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

17. 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

Advice notes:

1. Please note that you will require to obtain consent from SEPA for these works under their legislation so you should contact that Agency separately.
2. Please note that specialist advice on the storage of turves to ensure minimal damage to fungi interest can be obtained from the Cairngorms National Park Authority or local mycologists – please refer to detailed comments of CNPA Ecology Advisor.
3. Please contact Aberdeenshire Council’s Roads Service for advice on road excavation permits and to ensure the works affecting the public roads are to their requirements – telephone 019755 64920
4. Please note that as this site lies within a National Scenic Area and a Special Area of Conservation normal “permitted development” rights do not apply –please contact the Planning Authority if any changes/alterations are proposed.

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Date: 20 November 2013

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.