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## CAIRNGORMS NATIONAL PARK AUTHORITY

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

**Prepared by: MARY GRIER, PLANNING OFFICER (DEVELOPMENT MANAGEMENT)**

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**DEVELOPMENT PROPOSED: PLANNING PERMISSION FOR THE FORMATION OF A TEMPORARY SITE CONSTRUCTION COMPOUND AND ASSOCIATED WELFARE AND ACCOMMODATION FACILITIES IN CONNECTION WITH THE BEAULY DENNY 400KV OVERHEAD ELECTRICITY TRANSMISSION LINE, AT DALWHINNIE LORRY PARK**

**REFERENCE: 10/264/CP**

**APPLICANT: BALFOUR BEATTY UTILITY SOLUTIONS LTD., C/O CKD GALBRAITH, BAROSSA PLACE, PERTH**

**DATE CALLED-IN: 6<sup>TH</sup> AUGUST 2010**

**RECOMMENDATION : APPROVE WITH CONDITIONS**



Grid ref (East / North) 263673 784529

**Fig. I - Location Plan**

## SITE DESCRIPTION AND PROPOSAL

1. Planning permission is being sought in this application for the formation of a temporary site construction compound and associated welfare and accommodation facilities at Dalwhinnie. The proposal is related to the construction of the Beauly Denny 400KV overhead electricity transmission line, which the Scottish Government granted consent for in January 2010 under Section 37 of the Electricity Act 1989. Permission is sought for the proposed compound for a temporary period of five years.
2. The proposed site is located within the settlement of Dalwhinnie, a short distance to the north of the core area of the settlement. The development site encompasses the former tourist information building, the adjacent hard surfaced area which is sometimes used as an informal lorry parking area, and an area of relatively recently planted woodland to the north. The site is bounded to the west by the A889 trunk road, while the eastern boundary is demarcated by the River Truim (which is designated as part of the River Spey Special Area of Conservation). An electricity substation exists to the immediate north of the proposed site, while land to the south accommodates the Loch Ericht Hotel.



**Fig. 2 : Proposed site, as viewed from the adjacent A889 trunk road**

3. Permission is sought for the development on a temporary basis, for a maximum period of 5 years. The compound is proposed to be constructed in a single phase and would be maintained in its developed form for the duration of the period of temporary consent, unless works were completed earlier than anticipated, thereby enabling removal of the compound and restoration of the site area. Supporting information indicates that occupation of the area would be varied in nature and could be quite minimal at times, with occupation increasing during peak construction and dismantling phases of the wider Beauly-Denny project.
4. The compound area would consist of a number of elements –
  - Office accommodation for up to 30 people, which would be provided in the former tourist office building. The proposed development

includes the refurbishment of the property to accommodate the required office space;

- Meeting room for up to 20 people (which would also be accommodated within the refurbished structure on the site);
  - Portacabin accommodation, which would include a security office and welfare facilities (wc's, shower and canteen facilities);
  - Covered storage / assembly area, circa 650 sq m;
  - Open storage facility of circa 0.6 hectares;
  - An accommodation area for up to 25 caravans;
  - Fuel storage comprising of two 1,000 litre bunded tanks;
  - Parking facilities for up to 30 vehicles; and
  - Parking facilities for up to 3 lorries.
5. Access to the site would be taken from the existing access point off the A889. The proposed site layout (please refer to Fig. 3) shows the car parking provision in the vicinity of the existing structure in the southern area of the site, with the caravan accommodation arranged to the rear of the building. The caravans would be standard touring caravans, with dimensions of 2.5 metres x 6.5 metres, laid out in a linear formation with 5 metre spacing between the units. The existing hard surfacing area to the north of the former tourist office would remain, to serve as a general circulation area.

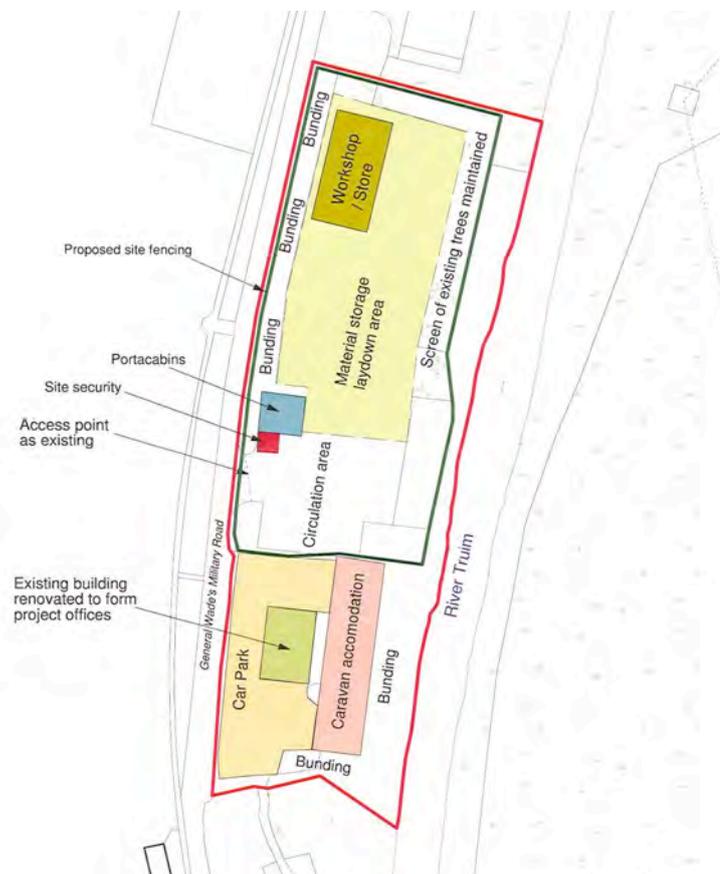


Fig. 3 : Currently proposed site layout

6. The development proposal in the north of the site would necessitate removal of some of the existing trees on the site, in order to accommodate the open

storage facility and the covered storage / workshop. A screen of existing trees is however proposed to be retained on both the eastern and western perimeter of the site. The proposed covered storage / workshop, which would be located in the north eastern area of the site, is a standard industrial type building. It would have a floor area of 36 metres x 18 metres, with a maximum ridge height of 7.7 metres. The structure would be clad in green profile sheeting, with the main opening positioned in the southern elevation.

7. The originally submitted detailed included proposals for the provision of boundary fencing around the entire site perimeter – a ‘heras’ type fencing covered with a green hessian woven material was suggested. The proposals for boundary treatments have since been revised, to reduce the extent of fencing (identified by the green line on the site layout plan, at Fig. 3). The revision to the boundary treatment proposals has come about in part due to the applicants representatives engaging in discussions with Dalwhinnie Community Council. It is now intended to leave the area surrounding the existing building and the proposed car parking and caravan accommodation open in order to minimise the visual impact. The exclusion of fencing in this area of the site would also allow for continued informal access to be maintained to the rover walk along the River Truim.

#### **Restoration proposals**

8. Information has been provided on the restoration process that would occur at the end of the period of temporary permission. All portable materials and structures<sup>1</sup> would be removed from the site. Following this the covered store area would be dismantled and removed from the site. All necessary foundations and associated temporary structures would then be extracted and removed from the site.
9. The southern area of the application site, which includes the former tourist office building and the informal lorry parking area, has previously been in commercial use. It is proposed to leave this area of the site with a repaired and refurbished building structure. The area proposed for temporary caravan accommodation would be left with a clean and tidy hardcore finish, which the applicants suggest could offer the potential for additional car parking to the rear or as a platform for a more beneficial use other than currently available. The area currently used informally by HGV's would also be left in a refurbished condition. The northern section of the site would be graded, top soiled and replanted. The replanting is proposed to consist of “suitable species which are capable of withstanding the exposed location of the subject site.” The applicants’ representatives have also suggested that they will undertake further liaison with the local community in order to determine a suitable planting scheme, and would then revert to the CNPA for approval of the proposals in due course.

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<sup>1</sup> Portable materials and structures include caravans, the portacabin offices, security lodges, fuel bunds and perimeter fencing.

**Justification for the proposed location**

10. The Beaully Denny project has been divided into four geographical sections,<sup>2</sup> of which area 2 (Central : Fort Augustus to Tummel) partially runs through the Cairngorms National Park. Within each geographical section a need has been identified for a centrally located main compound, as well as two or three supporting satellite compounds. The development proposed in this application is the main compound to serve the Central area. A separate application for a satellite compound at Spey Dam, to the west of Laggan, has also been called in by the Cairngorms National Park Authority and is currently under consideration (CNPA planning ref. no. 10/239/CP refers).
11. The applicants identified the proposed site as being suitable for the establishment of a main compound due to its close proximity to the overhead line route / access which is less than 2 kilometres away. In addition, the proposed site is also in close proximity to the A9 trunk road, has a precedent of commercial use in the past and offers the opportunity to utilise an existing structure on the site to provide office accommodation. The existing and previous use of the site was also considered and the applicants indicate that they are unaware of any other brownfield sites in the locality which would be suitable for and available to fulfil their requirements. Supporting information also highlights the benefit of the proposed site in minimising road journey miles during the construction and dismantling processes relating to the overhead line.

**Applicants' consideration of impacts**

12. Reference is made in supporting information accompanying the application to various impacts which have been considered in connection with the development proposal. The following provides a brief summary of some of the issues considered.
13. Landscape and visual effects : The proposed site is described as being principally a brownfield area, with an area of immature pine and sitka spruce to the north end of the site. In order to ameliorate the landscape impact of the development, it is proposed to have 'heras' type fencing along some of the site boundaries, covered with a green hessian type woven material in order to provide a less firm development edge.
14. Consideration has also been given to the visual / landscape impact resulting from the alteration and removal of tree cover. While some of the existing planting in the northern area of the site is proposed to be removed to facilitate development in that area, it is also proposed to retain a semi mature tree belt to the west, north and eastern boundaries of the site.
15. The majority of structures on the site would be single storey, including the refurbished existing building (to be used as office accommodation for the duration of the project), and also the temporary office portacabins and

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<sup>2</sup> (1): North Beaully – Fort Augustus; (2) : Central Fort Augustus – Tummel; (3) : South Tummel – Wharry Burn, Dunblane; and (4) in the licensed area of SPT Wharry Burn, Dunblane to Denny.

security offices. The covered workshop / store would be the largest structure on the site. The external panels on this structure would be green in colour in order to soften the visual impact in the surrounding landscape. The height of materials stored within the compound would be restricted to 3.0 metres.

16. Ecological, bio-diversity and nature conservation status : A site survey assessment has been undertaken and submitted in support of the planning application. No plants of particular conservation value have been noted within the immediate proposal site and the site is described in the submitted information as being of “little habitat and species value.” The following is a summary of the habitats and species referred to in the applicants supporting information –
- a range of bird species exist in the vicinity of the site and mitigation is proposed in the *Environmental Assessment Information* to prevent any potential disturbance to bird species during the bird breeding season;
  - no evidence was found of bats roosting in the derelict building on the site when assessed during the initial ecological survey. The applicants nonetheless accept that the possibility of roosting bats cannot be ruled out and consequently recognise that there may be a requirement to survey the site prior to the commencement of construction;
  - there was no evidence of red squirrels or badger on the site or in the surrounding area;
  - it is accepted that the River Truim is adjacent to the identified site boundaries and measures are proposed in the *Ecological Assessment Information* regarding the treatment of surface water from the development in order to protect the adjoining river and surrounding water courses;
  - otters are known to be located in the area, although no resting sites were found in or adjacent to the proposed site. The applicants accept that there may be a requirement to re-survey the site in the weeks prior to the commencement of any construction.
17. On the subject of ecology and environmental considerations, the supporting information concludes that “there is very little if any impact on local ecology and nature conservation from the proposals.” There are no significant constraints to the development of the site and it is not identified as an area of particular ecological importance.
18. Archaeology and built heritage considerations : The applicants indicate that they are not aware of any archaeological constraints or features on or adjacent to the proposed site. No substantial landform level changes or extraction works are proposed to be undertaken.
19. Flood risk assessment : The proposed site is adjacent to the River Truim and falls on the boundary of a known one in two hundred year probability flood risk event area. A Flood Risk Assessment has been carried out and submitted in support of the planning application. Discussions have also been undertaken directly with **SEPA**.

20. Noise considerations and working hours : The applicants suggest that it is appropriate for the working hours of the compound to be similarly restricted to that stipulated within the Section 37 consent for the Beaulay-Denny line. It is proposed that construction activities would in general be undertaken during daylight periods only, between the hours of 07.00 to 19.00 in summer and 07.30 to 17.00 in winter, from Monday to Friday. It is proposed that the same summer and winter working hours would pertain at weekends. Although commercial activity would be restricted to the above detailed hours, the site would be occupied on a full time basis for 24 hour security purposes and also due to the proposed residential caravan accommodations being inhabited by workers.
21. It is proposed to limit noise outwith the site to a level which would not exceed 45 decibels, in order to accord with PAN 50 Annex A for site operations in exceptionally quiet rural areas. It is not anticipated that any processes being carried out within the proposed site would result in any significant level of constant noise.

## DEVELOPMENT PLAN CONTEXT

- National policy**
22. **Scottish Planning Policy<sup>3</sup> (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.
23. **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 will 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.

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<sup>3</sup> February 2010

24. 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.”
25. As a replacement for a variety of previous planning policy documents the new **Scottish Planning Policy** includes ‘subject policies’, of which many are applicable to the proposed development. Topics include economic development, rural development, and landscape and natural heritage. The following paragraphs provide a brief summary of the general thrust of each of the subject policies.
26. *Economic development* : Planning authorities are encouraged to respond to the diverse needs and locational requirements of different sectors and to take a flexible approach to ensure that changing circumstances can be accommodated. The benefits of high environmental quality are also recognised and planning authorities are therefore required to ensure that new development safeguards and enhances an area’s environmental quality and where relevant, also promote and support opportunities for environmental enhancement and regeneration.
27. *Rural development* : Para. 92 of **Scottish Planning Policy** states in relation to rural development that the “aim should be to enable development in all rural areas which supports prosperous and sustainable communities whilst protecting and enhancing environmental quality.” All new development is required to respond to the specific local character of the location, fit in the landscape and seek to achieve high design and environmental standards.
28. *Landscape and natural heritage* : The **Scottish Planning Policy** document recognises the value and importance of Scotland’s landscape and natural heritage. It is accepted that landscape is constantly changing and the aim is to facilitate positive change whilst maintaining and enhancing distinctive character. As different landscapes have different capacities to accommodate new development, the siting and design of development should be informed by landscape character. There is also an acknowledgement that the protection of the landscape and natural heritage may sometimes impose constraints on development, but the potential for conflict can be minimised and the potential for enhancement maximised through careful siting and design.
29. *Flooding and drainage* : It is advised in the **SPP** that development which would have a significant probability of being affected by flooding or would increase the probability of flooding elsewhere should not be permitted. Prospective developers are required to take flood risk into account before committing to a site or project. Planning authorities also have a responsibility to have regard to the risk of flooding when preparing development plans and determining planning applications.
30. **Scottish Planning Policy** provides a Risk Framework which is designed to provide a basis for planning decision making related to flood risk. There are

essentially three risk categories - little or no risk where the annual probability of flooding is less than 0.1% (1:1000); low to medium risk where the annual probability is in the range of 0.1% and 0.5% (1:1000 -1:200); and medium to high risk, where the annual probability of flooding is greater than 0.5% (1:200).

31. Within the latter category (medium to high risk), in undeveloped and sparsely developed locations, additional development is not generally suitable. Exceptions may however arise if a location is essential for operational reasons. In such instances, infrastructure should be designed and constructed to remain operational during floods. Job related accommodation, for example caretakers and operational staff, may also be acceptable.
32. **Scottish Planning Policy** 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." Planning authorities are required to be clear about the standard of development that is required. Quality of place not only refers to buildings, but also how the buildings work together as well as the relationships between buildings and spaces. Design is highlighted as an important consideration and planning permission may be refused solely on design grounds.<sup>4</sup> Finally it is stated that the planning system should be "judged by the extent to which it maintains and creates places where people want to live, work and spend time."

### **Strategic Policy**

#### **Cairngorms National Park Plan (2007)**

33. The Cairngorms National Park Plan sets out the vision for the park for the next 25 years. The plan sets out the strategic aims that provide the long term framework for managing the National Park and working towards the 25 year vision. Under the heading of 'conserving and enhancing the special qualities' strategic objectives for landscape, built and historic environment include maintaining and enhancing the distinctive landscapes across the Park, ensuring that development complements and enhances the landscape character of the Park, and ensuring that new development in settlements and surrounding areas and the management of public spaces complements and enhances the character, pattern and local identity of the built and historic environment.
34. Under the heading of 'Living and Working in the Park' the Plan advises that sustainable development means that the resources and special qualities of the national park are used and enjoyed by current generations in such a way that future generations can continue to use and enjoy them. Strategic objectives for economy and employment include creating conditions that are conducive to business growth and investment that are consistent with the special

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<sup>4</sup> Para. 256.

qualities of the Park and its strategic location and the promotion of green business opportunities. Section 5.3 of the Plan concerns 'enjoying and understanding the park' noting that the Cairngorms National Park is known for its outstanding environment and outdoor recreation opportunities.

## Structure Plan

### Highland Council Structure Plan (2001)

35. **Highland Council Structure Plan** is founded on the principles of sustainable development, which are expressed as –
- Supporting the viability of communities;
  - Developing a prosperous and vibrant local economy; and
  - Safeguarding and enhancing the natural and built environment.
- A variety of detailed policies emanate from the principles.
36. The following provides a brief summary of the policies applicable to a development of this nature. **Policy NI – Nature Conservation** advises that new developments should seek to minimise their impact on the nature conservation resource and enhance it wherever possible. The Plan refers to the socio-economic benefits of the nature conservation resource and advises that it should be optimised by a high level and standard of interpretation and understanding wherever possible.
37. The Structure Plan also includes a section on biodiversity, defining it as “natural richness and diversity of nature – the range of habitats and species and the uniqueness of each and every organism.” Biodiversity is not the same as natural heritage, but is one of the key functional components. As a key part of the natural heritage of an area it is important to protect, and where possible enhance biodiversity and to monitor any change.
38. Section 2.4 of the Plan concentrates on the subject of landscape, stating that “no other attribute of Highland arguably defines more the intrinsic character and nature of the area than its landscape.” Similar to national policy guidance, there is a recognition that landscape is not a static feature and that the protection and enhancement of landscape and scenery must be positively addressed. **Policy L4 Landscape Character** states that “the Council will have regard to the desirability of maintaining and enhancing present landscape character in the consideration of development proposals.”
39. **Policy UI – Electricity Distribution Network** Highland Council states that it will welcome the refurbishment and strengthening of the electricity distribution network.
40. **Policy G2 (Design for Sustainability)** states that developments will be assessed on the extent to which they, amongst other things make use of brownfield sites, existing buildings and recycled materials; are accessible by public transport, cycling and walking as well as car; are compatible with service provision; demonstrate sensitive siting and high quality design in

keeping with local character and historic and natural environments; and contribute to the economic and social development of the community.

## Local Plan Policy

### Cairngorms National Park Local Plan (2010)

41. The Cairngorms National Park Local Plan was formally adopted on 29<sup>th</sup> October 2010. The full text can be found at :  
<http://www.cairngorms.co.uk/planning/localplan/pdf/19-Aug-10-Local-Plan-with-PIMs-included-for-web-23-Aug.pdf>
42. 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.
43. 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.
44. Policy 4 Protected Species : development which would have an adverse effect on any European Protected Species will not be permitted unless there are imperative reasons of overriding interest, including public health or public safety; there is no satisfactory alternative solution; and the development will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range. The policy is intended to ensure that the effects of development proposals on protected species are fully considered by the planning authority. Developers will be required to undertake any necessary surveys for species at their own cost and to the satisfaction of Scottish Natural Heritage and the planning authority.
45. Policy 5 – Biodiversity : development that would have an adverse effect on habitats and species identified in the Cairngorms Biodiversity Action Plan, UK Biodiversity Action Plan, or by Scottish Ministers through the Scottish Biodiversity List, will only be permitted where
  - (a) The developer can demonstrate that the need and justification for the development outweighs the local, national and international contribution of the area of habitat or population of species; and

(b) Significant harm or disturbance to the ecological functions, continuity and integrity of the habitats or species populations is avoided, or minimised where harm is unavoidable, and appropriate compensatory and / or management measures are provided and new habitats of commensurate or greater nature conservation value are created as appropriate to the site.

46. *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. Exceptions will only be made where any significant adverse effects on the landscape are clearly outweighed by social or economic benefits of national importance and all of the adverse effects on the setting of the proposed development have been minimised and mitigated through appropriate siting, layout, scale, design and construction.

47. *Policy 25 : Business Development* : proposals which support economic development will be considered favourably where the proposal is compatible with existing businesses in the area, supports or extends an existing business, is located within an allocated site on proposal maps, or meets one of four other criteria –

- (a) In identified settlements; or
- (b) Outwith settlements; or
- (c) Other business opportunities; or
- (d) Loss of business.

In the context of the current development proposal, (a) is the most relevant as the proposal is on land which is within an identified settlement. The policy requires developments proposed within identified settlement boundaries to support the economic vitality and viability of the centre.

48. In terms of specific settlement proposals contained in the Cairngorms National Park Local Plan, as already detailed the proposed site is within the identified settlement boundaries of Dalwhinnie.<sup>5</sup> The site has not been identified for any specific land use allocation and as such it is ‘white land’ which allows consideration to be given to various appropriate uses.

## CONSULTATIONS

49. The consultation response received from **SEPA** is in the form of an objection unless a specific condition is included in any planning permission granted. The condition requires that the construction and operation of the proposed compound would be in compliance with the Construction Procedures Handbook for the Beaulay-Denny 400Kv overhead Electricity Transmission Project.

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<sup>5</sup> Dalwhinnie is identified as a rural settlement in the settlement hierarchy.

50. Prior to the submission of the planning application, the applicants representatives engaged in discussions with **SEPA**, particularly in relation to the issue of flooding. The response received from **SEPA**<sup>6</sup> (and submitted in support of the planning application) states that **SEPA** would not object to the proposed development on flood risk grounds. It is noted that the site is a brownfield site which includes a derelict building and a car parking area. **SEPA** note that the site lies on the boundary of the predicted flood extent associated with the estimated I in 200 year flood level.<sup>7</sup>
51. As the A889 is a trunk road, **Transport Scotland** was consulted on the proposal. There is no objection to the development and it is recommended that a condition is included in the event of the granting of planning permission, requiring the provision and maintenance of visibility splays on each side of the access onto the trunk road.
52. The **Contaminated Land** section of Highland Council examined the proposal. Their records indicate that part of the proposed site has a former use as a garage, with associated fuel tanks, which may have resulted in land contamination. It is recommended in the event of the granting of planning permission that a condition is included requiring, prior to the commencement of development, the submission of a scheme to deal with any potential contamination, and subsequent implementation and completion of the scheme.
53. **Scottish Natural Heritage (SNH)** note at the outset of the consultation response that the proposed development is wholly within the boundary of the Cairngorms National Park and the response therefore follows the roles set out in the agreement between **SNH** and the **Cairngorms National Park Authority**.<sup>8</sup> **SNH** state that there is no objection to the proposed development, but also details two recommendations in order to “further minimise any adverse impacts arising from the proposal.” The first recommendation requires that the construction and operation of the site should comply with relevant **SEPA** pollution prevention guidelines, PPGs 04-06. The second recommendation from **SNH** requires that details of the installation and operational management of the surface water are sufficient to prevent sediments and contaminants entering all water courses. It is also recommended that these should be approved by the CNPA in consultation with **SEPA** prior to the commencement of any works.

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<sup>6</sup> Dated February 10 2010

<sup>7</sup> The applicants representatives engaged in detailed discussions with **SEPA** at the pre-application stage, including providing a flood risk assessment. **SEPA** indicated at that time that there was no objection to the proposal. It has been confirmed that the FRA submitted in support of the current planning application contains no substantive change from that prepared earlier in the year and considered by **SEPA**.

<sup>8</sup> In accordance with the agreement, **SNH** will “only advise on matters concerning European Protected Sites, Sites of Special Scientific Interest, National Nature Reserves, European Protected Species and wider biodiversity interests where they may occur or are within and are an integral part of the designated site.”

54. Reference is made in the consultation response received from **Dalwhinnie Community Council** to a recent meeting between the Community Council and the applicants and their representatives. Arising from the discussions at the meeting, **Dalwhinnie Community Council** has no objection to the proposed development. Nonetheless, the response raises two issues for consideration. Firstly it is noted that the 'lorry park' area of the proposed site is used by hillwalkers visiting the area and also by heavy goods vehicles. There is a requirement for such users to be taken account of, and concern is also expressed that the loss of the lorry parking facility could exacerbate problems of irresponsible parking in the wider area. The response from the **Community Council** indicates that the owner of the Dalwhinnie garage is agreeable to land adjacent to the garage being used for parking and also potentially as a turning area for HGV's.
55. The second issue raised in the response from **Dalwhinnie Community Council** is in relation to the area in the north of the site which is proposed to accommodate the material storage area and workshop / store. Reference is made to the lack of plantations in the village of Dalwhinnie and the Community Council are seeking assurances that this area would be reinstated and also suggests that there could also be a possible creation of other such areas in the village. It is also commented that a community project to form a nature hide and possible bio-diversity project will be "placed on hold until the completion of this contract."
56. The CNPA's **Economic Development Officer** considered the application and has provided comment on potential social, community and economic impacts. It is noted that linemen for the project would be accommodated on the temporary accommodation on site and the Economic Development Officer suggests that the close proximity of the site to the existing hotel could provide extra income for this and other local businesses.
57. The **Economic Development Officer** suggests that five years is a considerable period for a development of this nature to be in place within the village. Reference is made in particular to the need to protect Dalwhinnie's small tourist market, which includes the hotel and distillery, and it is suggested that the frontage of the proposed site should be made as aesthetically pleasant as possible, and perhaps include some interpretation information regarding the works. The Economic Development Officer also suggests that options could be considered for renovating the building for use as a community or economic benefit (subject to ownership), at the end of the temporary period of operations. Overall, it is considered that the proposed development is for a distinct and time-limited period, where all works are being reinstated at the end of the project, all of which would reduce the long term impacts on tourism.
58. The CNPA's **Ecology Officer** notes at the outset of the consultation response that the proposed site is adjacent to the River Truim SAC and in accordance with the protocol agreement which exists between **SNH** and the **CNPA**, **SNH** will comment on the impact on the SAC and also on European

Protected Species in the area. Ecological issues considered by the CNPA officer includes mammals and breeding birds.

59. Water voles are discussed under the heading of mammals, and reference is made to the Ecological Survey and Assessment Report which was submitted in support of the application. Evidence of water vole activity was recorded adjacent to the proposed site, although at least 30 metres from the proposed site boundary. The **Ecology Officer** recommends that a survey of mammal species along the riparian habitat be undertaken no more than 6 weeks prior to the start of any works at the proposed compound site. In the event that evidence of water vole burrows are recorded at that time, it will be necessary for the applicants to agree suitable mitigation measures with the CNPA prior to proceeding further. In addition it is also expected that best practise would be adopted on site at all times, in order to ensure that no drains etc. are left open that may trap water vole.
60. On the subject of breeding birds, it is noted in the ecological consultation response that no birds were recorded as breeding within the site during the ecological surveys commissioned by the applicant. Consistent with the suggestions put forward by the applicants in the Ecological Survey and Assessment, the CNPA's **Ecology Officer** recommends that no ground work should take place during the bird breeding season (April to August inclusive). It is also noted in the consultation response that the field to the north of the proposed development site is detailed in the Ecological Survey and Assessment as a breeding ground for several species of ground nesting birds. Consequently it is recommended that adequate screening should be in place before the breeding bird period begins in order to minimise disturbance to these bird species.
61. The landscape impact of the proposed development has been considered by the CNPA's **Landscape Officer** who noted that parts of the site have been substantially disturbed in the past, particularly the circulation area and the car park. One of the most significant points of concern which was raised in the initial consultation response was the position of the workshop / store, which was proposed in very close proximity to a screen of trees on the site which provide critical screening to views from the A9 trunk road. There was concern that the activities associated with the construction of the workshop / store would cause significant damage to the trees, jeopardising their screening potential and long term contribution to the landscape character. As a result the applicants were requested to submit revised siting details to show the workshop / store positioned to give sufficient clearance in order to ensure the retention and protection of the trees. The revised site plan has recently been submitted and the **Landscape Officer** has confirmed that it is acceptable.
62. A number of other issues were considered in the **Landscape Officers** assessment of the development proposal, and it is recommended that various conditions are applied in the event of the granting of planning permission in order to address the issues :

- Details of the form and height of the bunding to be provided to the east of the caravan accommodation; details are also required of the construction, stabilisation and seeding, where the latter should use an appropriate grass seed mix that would prevent any material washing into the adjacent River Truim;
- A requirement that the maximum height of bunding is determined by the safe storage of top soil, in accordance with BS 3882:2007, so that material can be used subsequently for site restoration;
- There is a need for a substantial amount of felling within the area of the site identified for material storage. It is recommended prior to clearance that selected trees are identified for removal, using a mechanical tree spade, and transplanted into existing gaps in the planted area to the west of the site, in order to create a more effective screen belt;
- Detailed proposals to be provided and subsequently implemented to show additional birch, aspen, rowan and scots pine planting on the western tree screen i.e. adjacent to the A889 trunk road;
- A requirement to provide a detailed post-operational landscape restoration and reinstatement plan for the site. The plan should identify landscaping to be retained, detailed proposals for ground works including the removal of areas of hard standing, proposals for the redistribution of soils, and the undertaking of soft landscape works which should be consistent with the character of the wider area. All species are required to be native.

## **REPRESENTATIONS**

63. The planning application was advertised in the Strathspey and Badenoch Herald on 4<sup>th</sup> August 2010. No representations have been received in relation to the development proposal.

## **APPRAISAL**

64. There are several issues to consider in the overall assessment of this planning application, including the proposed location, the nature of the proposed development including the temporary duration for which planning permission is being sought, applicable planning policies, the advice of consultees and also consideration of the proposal in the context of the aims of the National Park.
65. The background and justification for the proposed temporary compound has been detailed in foregoing sections of this report. It is required in connection with the construction of the Beaully Denny overhead transmission line, which was approved by the Scottish Government earlier this year. Approval of the transmission line should not however be taken as an automatic indication of the acceptability of various associated works and as with all other planning applications, this current application must be considered on its own merits. Information submitted in support of the planning application provides detail of the number and size of compounds required at various points in the vicinity of the new overhead line, in order to facilitate efficient construction

practises. The justification for the compounds at various geographic intervals is acceptable and one of the key issues to then consider is the specific location proposed and its site specific characteristics.

66. The proposed site is in a relatively prominent setting, being visible from the heavily trafficked A9 trunk road to the east, and being within the village of Dalwhinnie and adjacent to the A889 trunk road. Part of the site area is brownfield, having accommodated a variety of commercial uses in the past. As such, a proposal for an industrial / commercial type development of the nature proposed has a degree of compatibility with its brownfield status. The proposed works do however necessitate significant alterations to the northern part of the site, which is currently a young woodland area. This is a factor which has been considered extensively from the perspective of landscape impact and as detailed in earlier sections of this report changes have been made to the proposed layout in order to minimise its impact, as well as safeguard a greater amount of existing vegetation around the periphery of the site. The retention of such natural features would assist in minimising the visual impact in the short term for the duration of the proposed five year duration, and would also form a strong basis for long term landscape improvements in this area following the decommissioning of the proposed compound.
67. The actual site area does not have a particularly high natural heritage value. Features of natural heritage significance tend to have more potential to be found in the wider surrounding area, in particular in the adjacent River Truim which is part of the River Spey Special Area of Conservation, and also the detected presence of water voles in the vicinity, and the use of land to the immediate north of the proposed site by breeding birds. Natural heritage issues have been explored in detail in the Ecological Survey and Assessment which was commissioned by the applicants and submitted in support of the planning application. Its findings and recommendations in acknowledging and protecting natural heritage features on and in the vicinity of the site are comprehensive and have been accepted by consultees including **Scottish Natural Heritage** and the CNPA's **Ecology and Landscape Officers**. In the event of the granting of planning permission a variety of conditions could be included to ensure that all points raised are suitably reinforced and implemented.
68. Having regard to the location of the proposed development within a village location and given the industrial nature of the proposal and the proliferation of structures, storage areas etc., it is reasonable to say that there would be a degree of adverse impact. While accepting that the proposed compound development would introduce a more industrial element than at present into this village roadside location, there are three factors to consider – the first is the existing condition of the subject site, which accommodates an unused building in a deteriorating condition, as well as a poorly maintained hard standing area; the second factor to consider is the fact that the proposed compound development would introduce a formal use to the site, with works including the refurbishment of the aforementioned derelict structure, improvements to the hardstanding area, and the introduction of an on site

workforce which should have the potential to boost the economy of the local area through the use of the existing services and facilities of Dalwhinnie; and the final point to consider is the potential offered by the development for restoration of the site to an enhanced state at the end of the five year period.

69. It has been suggested in the consultation response from the CNPA's **Economic Development Officer** that the site could be restored to make it permanently more useful to the community. While this may be a desirable and beneficial outcome, it is not possible in the context of this planning application to seek to regulate the use or availability of the subject site for a particular sector or group at the end of the period of temporary permission, as the land is in private ownership and is not a community asset. The CNPA acting as Planning Authority can ensure through the use of appropriate conditions and monitoring of agreed reinstatement and restoration works that the site and the permanent building which would remain on it is left in an condition which is significantly enhanced from its current state. Details contained in the consultation response from **Dalwhinnie Community Council** indicate that good communication exists between the Community Council and the owner of the site.
70. As detailed in the consultation section of this report, **Dalwhinnie Community Council** raise no objection to the development proposal, but raise the issue of alternative parking provision for users of the informal lorry park which exists on the subject site at present, as well as other vehicle users who sometimes park at the site. The Community Council are seeking to ensure that car parking problems in the village area are not exacerbated by the loss of the parking facility at the site. Their consultation response alludes to a commitment from the site owner, (who is also the owner of Dalwhinnie garage), to provide an area of land adjacent to his garage for parking and as a turning area. While this is outwith the planning application boundaries and cannot be regulated by any planning permission granted for the current temporary compound proposal, this matter has nonetheless been explored with the applicants representatives. They have provided evidence of a written commitment from the landowner to the applicants (Balfour Beatty Ltd.) indicating that he can "offer a like facility as needed to the rear of the Dalwhinnie Filling Station and will be happy to do so" (copy of letter attached at Appendix I).
71. National, structure plan and local plan policies applicable to a development of the nature proposed are quite general. Relevant policies have been detailed in foregoing sections of this report. At national level, **Scottish Planning Policy** supports and encourages sustainable economic growth and given that the policy document advises proactively supporting development that would contribute to sustainable economic growth, the proposed development, due to its linkages with the approved Beauly Denny overhead transmission line, could be considered to accord with this. At the Local Plan level, the proposed site is on 'white land' within the settlement area of Dalwhinnie and this allows consideration to be given to a variety of uses. There are also a number of wider policies to assess the proposal against. It has been demonstrated through the proposals, as well as in supporting information,

and through the various consultation responses, that policies and issues pertaining for example, to protected species, biodiversity and landscape have all been adequately explored and addressed. The proposal is therefore generally considered to accord with current planning policy.

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

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

72. The development which is proposed for a temporary period, is on a brownfield site within the village of Dalwhinnie. Although adjacent to the River Spey Special Area of Conservation, the temporary development does not raise issues in relation to natural heritage issues. Restoration of the proposed site would occur at the end of the period of use. This could offer some opportunities for the restoration to be undertaken in a manner which would assist in conserving and enhancing the natural heritage of the area. Any restoration works would also have the potential to significantly improve the visual qualities of the site from its present condition.

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

73. The nature of the development does not provide opportunity to promote the sustainable use of natural resources. The site has however been selected by the applicants on the basis of its proximity to the Beaulieu Denny line, partly in an effort to seek to maximise the efficiency of delivery of the project. It is also within easy access of the trunk road network and the railway station, as well as being in proximity to the various services and facilities available in Dalwhinnie. The choice of location therefore has the potential to reduce the travel requirements of workers.

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

74. The proposed development would not assist in promoting the understanding and enjoyment of the area and could, for the duration of its existence, be considered to detract from the visual enjoyment of the area. However, permission is only being sought for a limited temporary period and the site would be restored after use, thereby ameliorating the visual effects and improving the site from its existing condition.

### **Promote Sustainable Economic and Social Development of the Area**

75. The proposed development would result in an increase in workforce numbers in the area, many of whom would be resident in temporary accommodation on the site. The additional activity in the area may have the potential to generate increased business and increased revenue in the local economy.

76. The development is proposed for a temporary limited period of five years, with restoration of the site to take place afterwards. The presence of the development may have short term impacts in discouraging a limited number

of visitors to the immediate area, although this is not likely to have long term or lasting effect.

## RECOMMENDATION

**That Members of the Committee support a recommendation to GRANT PLANNING PERMISSION for the formation of a temporary site construction compound and associated welfare and accommodation facilities in connection with the Beauldy Denny 400Kv overhead electricity line, on land at Dalwhinnie Lorry Park, Dalwhinnie, subject to the following conditions : -**

1. The development to which this permission relates must be begun within three years from the date of this permission.

**Reason :** To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997.

2. This is a temporary permission, and shall have a duration of five years only from the date on which development is commenced. The use of the site as a construction compound shall cease at the end of the five year period; all structures (with the exception of the refurbished office accommodation) shall be removed from the site; and the site shall be restored in accordance with the restoration proposals which shall be agreed with the Cairngorms National Park Authority acting as Planning Authority.

**Reason:** in the interests of the general amenity and the visual amenity of the area.

3. Prior to the commencement of development, a scheme to deal with potential contamination on site shall be submitted and agreed in writing with the Cairngorms National Park Authority acting as Planning Authority, in conjunction with Highland Council's TEC Services (Contaminated Land). The scheme shall include :
  - (a) The nature, extent and type of contamination on site and identification of pollutant linkages and assessment of risk (i.e. a land contamination investigation and risk assessment), the scope and method of which shall be submitted to and agreed in writing by the Cairngorms National Park Authority acting as Planning Authority, and shall be undertaken in accordance with PAN33 (2000) and BS10175:2001;
  - (b) The measures required to treat / remove contamination (remedial strategy) including a method statement, programme of works, and proposed verification plan to ensure that the site is fit for the uses proposed;
  - (c) Measures to deal with contamination during construction works;

- (d) In the event that remedial action may be required, a validation report that will validate and verify the completion of the agreed decontamination measures; and
- (e) In the event that monitoring is required, monitoring statements shall be submitted at agreed intervals for such period as is considered appropriate by the Cairngorms National Park Authority acting as Planning Authority.

Prior to the commencement of development, written confirmation that the scheme has been implemented, completed and, if required, monitoring measurements are in place, shall be submitted for the satisfaction and written agreement of the Cairngorms National Park Authority acting as Planning Authority, in conjunction with the Highland Council's TEC Services (Contaminated Land).

**Reason :** to ensure that the land is free from the effects of contamination prior to the commencement of development, and in the interests of public safety.

- 4. Visibility splays shall be provided and maintained on each side of the new access to the satisfaction of the Cairngorms National Park Authority acting as Planning Authority, in conjunction with Highland Council's TEC Services. These splays are the triangles of ground bounded on 2 sides by the first 4.5 metres of the centreline of the access driveway (the set back dimension) and the nearside trunk road carriageway measured 120 metres (the y dimension) in both directions from the intersection of the access with the trunk road. In a vertical plane, nothing shall obscure visibility measured from a driver's eye height of between 1.05 metres and 2.00 metres positioned at the set back dimension to an object height of between 0.26 metres and 1.05 metres anywhere along the y dimension.

**Reason :** To ensure that vehicles entering and exiting the access can undertake the manoeuvre safely and with minimum interference to the safety and free flow of traffic on the trunk road.

- 5. The construction and operation of the proposed compound shall be in compliance with the Construction Procedures Handbook for the Beaulieu-Denny 400Kv overhead Electricity Transmission Project.

**Reason:** to ensure that the development takes place in an orderly and appropriate manner and in the interests of the general amenity of the area.

- 6. The construction and operation of the site shall comply with the relevant SEPA pollution prevention guidelines, PPGs 04-06, listed at [www.sepa.org.uk/guidance/ppg](http://www.sepa.org.uk/guidance/ppg)

**Reason :** To ensure that the development does not give rise to pollution of designated sites in the vicinity.

- 7. Prior to the commencement of development, details of the installation and operational management of surface water shall be provided for the written

agreement of the Cairngorms National Park Authority acting as Planning Authority, in consultation with SEPA, and shall demonstrate that the management of the surface water is sufficient to prevent sediments and contaminants from entering all water courses in the vicinity. The management of surface water shall thereafter be carried out in accordance with the agreed measures.

**Reason :** in order to protect the natural heritage and environmental quality of the area by preventing sediments and contaminants entering water courses.

8. No more than 6 weeks prior to the commencement of any works on the proposed site, a survey of mammal species shall be undertaken along the riparian habitat and the survey details shall be submitted for consideration by the Cairngorms National Park Authority acting as Planning Authority. In the event that water vole burrows are recorded, no works shall commence until a mitigation agreement has been approved by the Cairngorms National Park Authority. All works thereafter shall be undertaken in accordance with the mitigation agreement.

**Reason :** in order to afford adequate protection to mammal species in the area and in the interests of conserving and enhancing the natural heritage of the area.

9. No ground works shall be undertaken during the recognised bird breeding period between April and August (inclusive), unless otherwise agreed in writing with the CNPA acting as Planning Authority. In the event that work is required in exceptional circumstances to be undertaken during the period from April to August, a nesting bird survey shall be undertaken immediately prior to any work. If nesting birds are recorded the works shall stop until the birds have ceased nesting or a license had been obtained from the Scottish Government to permit disturbance.

**Reason:** In order to protect nesting birds and in the interests of conserving and enhancing the natural heritage of the area.

10. Locally sourced hardcore shall be used in the surfacing of all hard standing areas within the site.

**Reason :** In order to minimise the visual prominence of the development and in order to avoid changes to soil chemistry in the long term.

11. Prior to the commencement of development a detailed landscaping plan shall be submitted for the written agreement of the Cairngorms National Park Authority acting as Planning Authority and shall include the following –
  - (a) Details of all boundary treatments, including exact location, and material specifications;
  - (b) Details of the form and height of all bunding, with the maximum height of the bunding determined by safe storage of top soil (BS 3882 : 2007);

- (c) Detailed proposals for the construction, stabilising and seeding of all bunding, including details of seeding specifications to demonstrate the use of appropriate grass / herb seed mix;
- (d) Identification of all trees proposed for felling on the site;
- (e) Identification of and detailed proposals for the removal of specific trees from the internal area of the site and transplanting into gaps in the western screen belt on the site;
- (f) Detailed proposals for the planting of additional birch, aspen, rowan and scots pine on the inner side of the western tree screen (i.e. the tree belt adjacent to the A889 trunk road) in order to provide additional screening over the five year period of operation and to secure longer term enhancement; and
- (g) Detailed measures to ensure that planting is protected from deer / hares / rabbits / voles, and regime proposals for weeding and fertilising to ensure rapid establishment of planted areas.

All works shall be carried out in accordance with the agreed landscaping plan.

**Reason :** in the interests of minimising the visual impact, in order to conserve and enhance the natural heritage of the area.

12. Prior to the commencement of development, a detailed post-operational restoration plan shall be submitted for the written agreement of the Cairngorms National Park Authority acting as Planning Authority, and shall include the following : -
- (a) Identification of all structures to be (i) removed from and (ii) retained on the site at the end of the period of temporary permission;
  - (b) Details of all ground works, including removal of areas of hard standing and the redistribution of soils; and
  - (c) Landscaping proposals for the planting of native species, which shall be consistent with the general character of the wider area.

The restoration works shall thereafter be undertaken in accordance with the agreed measures.

Reason: in order to ensure that the subject site is restored in an acceptable manner which would assist in enhancing this area of the village of Dalwhinnie.

13. Prior to the commencement of development, detailed proposals for the provision of interpretative information about the temporary existence of the compound shall be submitted for the written agreement of the Cairngorms National Park Authority acting as Planning Authority. The interpretative information shall thereafter be erected on the site in a location to be agreed with the Cairngorms National Park Authority.

**Reason :** To assist the general public in understanding the purpose and limited duration of the development.

**Advice notes :**

- (i) The removal of trees required for transplanting (condition no. 11) should be undertaken using a mechanical tree spade. The removal and transplanting

procedures should be carried out by suitably qualified and experienced professionals.

- (ii) The applicants are encouraged to engage in discussions with the landowner regarding the potential provision of an alternative parking area off site, to compensate for the perceived displacement HGV and car parking opportunities which currently exist on the subject site.
- (iii) In accordance with a commitment already made by the applicants representatives, the applicants are encouraged to engage with the local community when formulating proposals for the restoration of the subject site.

**Mary Grier**

[planning@ Cairngorms.co.uk](mailto:planning@ Cairngorms.co.uk)

**1 November 2010**

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