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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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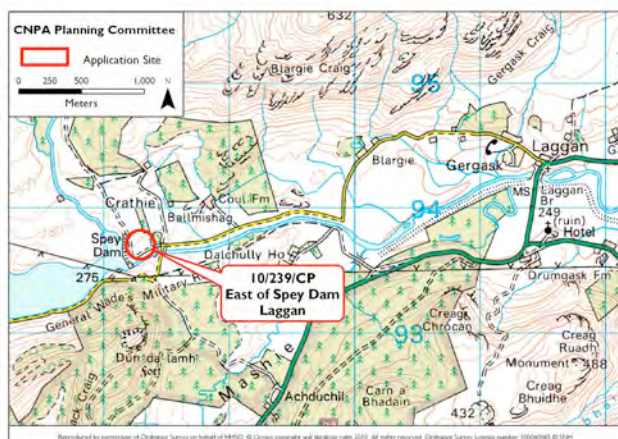
**DEVELOPMENT PROPOSED: PLANNING PERMISSION FOR THE FORMATION OF A TEMPORARY SITE CONSTRUCTION COMPOUND AND ASSOCIATED WELFARE AND ACCOMMODATION FACILITIES IN CONNECTION WITH THE BEAULY DENNY 400KV OVERHEAD ELECTRICITY TRANSMISSION LINE, ON LAND TO THE EAST OF SPEY DAM, LAGGAN**

**REFERENCE: 10/239/CP**

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

**DATE CALLED-IN: 23<sup>RD</sup> JULY 2010**

**RECOMMENDATION : APPROVE WITH CONDITIONS**



**Grid reference (East / North) : 258254 793714**

**Fig. 1 - 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 on land to the east of Spey Dam, Laggan. The proposal is related to the construction of the Beaully 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 approximately 3 kilometres to the west of Laggan. Access to the site would be taken along the unclassified public road, off which an existing track diverges. Approximately 93 metres of the existing track from its junction would be used to access the identified site area. The proposed site is located immediately to the north of the access track and would form an L shaped area of land. It mainly consists of a relatively level rough grazing ground. The land to the north and east outwith the site is higher. The Spey Dam and its substantial infrastructure is located to the west, while the River Spey is to the immediate south of the aforementioned access track. The proposed site is thought to have been used in the 1940's in conjunction with the construction of the Spey Dam. Since that time it has been used as a rough grazing area.



**Fig. 2 : Junction of the existing access track with the public road, with the proposed site to the north (right).**

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 Beaully-Denny project.
4. The proposed development is described by the applicants as a 'satellite compound' and would consist of a number of elements –
  - Office accommodation for 15 people;
  - Meeting room to accommodate up to 20 people;

- A covered storage / assembly facility, extending to approximately 650 square metres;
- Open space storage facility, extending to circa 0.6 hectares within a wider fenced yard area;
- An accommodation area, for up to 25 caravans;
- Fuel storage facilities comprising of two 1,000 litre bunded tanks;
- Parking facilities for up to 10 cars and up to 3 lorries; and
- The provision of communications and telecoms where possible.

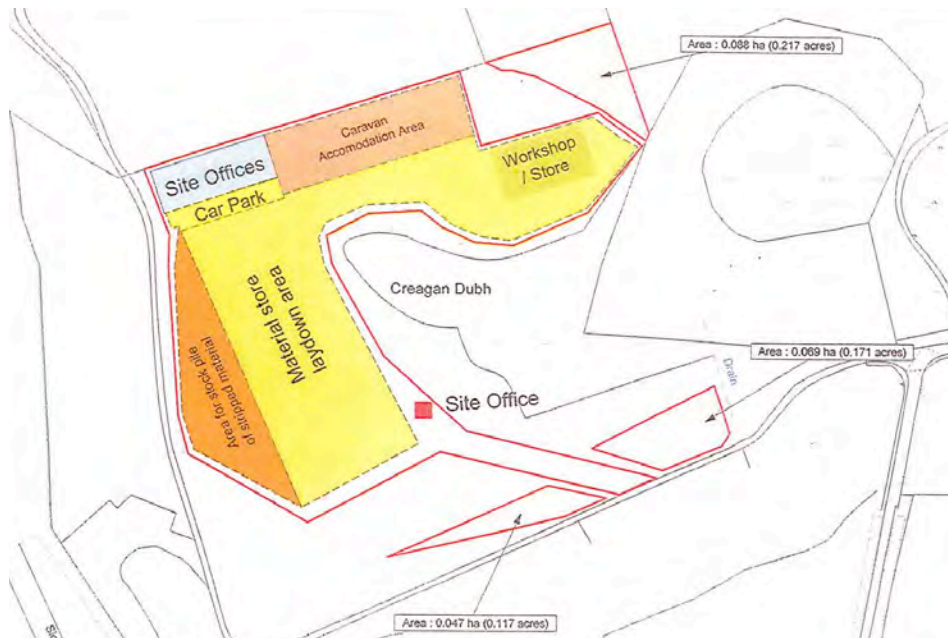


Fig. 3 : Currently proposed site layout

5. The temporary offices are proposed to be accommodated in the north western area of the site, in a single storey, flat roofed modular building, consisting of a series of interlinked units. The accommodation would consist of a meeting room, a large open plan office, two smaller office areas, reception, kitchen, and toilet facilities. The overall building would have a footprint of 21.7 metres x 9.7 metres, with a maximum height of 3.15 metres. A smaller site office / security office would also be positioned in a more central location on the site, close to the access into the main working and storage area. The square footprint of the building would measure approximately 3 metres x 3 metres.
6. Materials stored within the proposed compound would be restricted to a maximum height of 3.0 metres.<sup>1</sup> Indoor storage would be provided in a covered workshop / store. That building would be the largest and highest of the structures on the site. The building would extend to a height of approximately 8.2 metres, with a floor area of 36 metres x 18 metre. It would have a standard industrial type finish of metal profile sheeting. A large 5 metre high vehicular access is proposed on one gable end, as well as a smaller 'personnel door' for pedestrian entry.

<sup>1</sup> It is anticipated that the approximate volume of cut material to be stored would be in the region of 1,364m<sup>3</sup>.

7. Foul drainage is proposed to be provided by means of “contained systems with no discharge to ground water or watercourse.” Foul drainage networks are proposed to terminate in localised cess-tanks, with the tanks being monitored frequently and pumped out by licensed contractors on a weekly basis, or as otherwise required. Mains water is not available in the vicinity and it is proposed to provide a water supply to the site by means of periodic deliveries of water in a tanker and its storage in above ground storage tanks.

#### **Restoration proposals**

8. At the end of the period of temporary permission it is proposed that all portable materials and structures<sup>2</sup> would be removed from the site. Following this the covered store area would be dismantled and removed from the site. All foundations and associated materials would then be extracted and removed. All other infrastructure, including hard surfacing on the compound area, electricity and water supplies and communications infrastructure would all be removed. The final stage of the process would involve soil reinstatement, including the return of overburden to the disturbed areas of the site and modelling of it to follow the final contours. Replaced top soil would finally be levelled and re-seeded / replanted.
9. In addition to the restoration proposals for the identified site area, proposals have also been provided for the planting of three areas adjacent to the site, with a mixture of native broadleaf trees. The additional landscaping proposals came about in response to concerns raised regarding the visual / landscape impact of the temporary development proposal, and the landscaping details are accompanied by a five year management plan.<sup>3</sup>

#### **Justification for the proposed location**

10. The Beaully Denny project has been divided into four geographical sections,<sup>4</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 one of the required supporting satellite compounds to serve the Central area. A separate application for a main compound at Dalwhinnie has also been called in by the Cairngorms National Park Authority and is currently under consideration (CNPA planning ref. no. 10/264/CP refers).
11. The applicants have identified the Spey Dam area as being a critical location for a working compound. The proposed site has been selected on the basis of its close proximity to the route of the overhead line, and the access route – it is approximately 5 kilometres from the overhead line site and is

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<sup>2</sup> Portable materials and structures includes caravans, the portacabin offices, security lodge, fuel bunds and perimeter fencing.

<sup>3</sup> The five year management plan includes the application of granular slow release fertiliser to each tree at the time of planting; weed control to be undertaken by means of herbicide application in April / May each year for 5 years; and the carrying out of annual maintenance work to replace failed plants and to firm up / replace any damaged stakes or tree shelters as necessary.

<sup>4</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.

immediately adjacent to the access track which leads into the Corrieyairack Pass. Other reasons cited for the selection of the proposed site include its past use in connection with the construction of Spey Dam, its proposed access meeting highway authority requirements and the fact that it is relatively level, with no existing tree cover. The location is considered to offer the potential to facilitate activities which would minimise road journey miles during the course of construction activities.

**Applicants' consideration of impacts**

12. Reference is made in supporting information to various impacts which have been considered in connection with the development proposal. The following provides a brief summary of the issues considered.
13. Landscape and visual effects : supporting information states that in order to ameliorate the landscape impact of the proposed development, the site would have 'heras' type fencing on its site boundaries. The fencing would be covered with a green hessian type woven material in order to "provide a degree of boundary softening / camouflage."
14. A visual assessment of the proposal has been undertaken on behalf of the applicants, in which consideration was given to its impact within approximately 2.5 kilometres of the site, including assessing the impact from paths, roads and properties which may form visual receptors. It was concluded that the most obvious visual impact of the proposed development would be from a fort which lies to the south of the site, and from where there would be a view of the site from a range of approximately 700 metres. The applicants accept that it is difficult to mitigate in terms of this viewpoint as it is elevated relative to the surrounding countryside. It is however concluded that the "temporary nature of the proposals are not thought to represent an unacceptable landscape burden."
15. As already detailed in para. 9 above, the applicants have recently submitted proposals for the provision of additional landscaping areas immediately adjacent to the identified site boundaries in recognition of the landscape and visual impact concerned expressed in the assessment of this planning application. The planting would be within areas of 0.217 acres, 0.117 acres and 0.171 acres and would consist of a mixture of species, including birch, alder, aspen and rowan.
16. Ecological, bio-diversity and nature conservation status : Representatives of the applicants undertook site specific consultation has been undertaken with Scottish Natural Heritage in order to identify ecological and nature conservation matters of concern. A site survey assessment has also been undertaken. The site consists of rough, semi-improved grassland. No plants of particular conservation significance have been noted within the immediate vicinity of the proposed site. The site was also considered to have little habitat or species value. A 30 metres exclusion zone is proposed to be maintained around the site and an area of marshy grassland to the east, in order to prevent any disturbance to habitat.

17. The ecological assessment also noted the presence of a conifer plantation to the north of the proposed site, which is potentially a suitable habitat for red squirrel. A 30 metre exclusion zone would also be maintained between the proposed site and the conifer plantation in order to prevent any potential disturbance.
18. Otter are known to be located in the area. However, no resting sites were found in or adjacent to the proposed site. The applicants also accept that there may be a need / requirement to re-survey the site prior to the commencement of development. The proposed site was also considered a suitable habitat for reptiles. However, none were identified in the ecological survey.
19. The supporting information concludes that the proposed development would have very little impact on local ecology and nature conservation.
20. Archaeology and built heritage considerations : The applicants indicate that they are not aware of any archaeological constraints or features located within the proposed site. Reference is made to the existence of Craithie (field system, head dyke and township) although this is located approximately 200 metres north of the proposed site.
21. Flood risk assessment : The proposed site is located to the north of the River Spey and is within a one in two hundred year probability flood risk event identified area, as identified on SEPA's mapping database. Consequently a Flood Risk Assessment has been carried out and included with the application documentation. The applicants also engaged in dialogue with **SEPA** in the course of their pre-application investigations, with **SEPA** indicating at that time that the proposed site is "unlikely to be within the functional flood plan during a flood event."
22. 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 Beauly-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.
23. 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.

24. *Public access and safety considerations* : A public footpath is located to the south and west of the proposed site, along the adjoining access track which leads into the Corrieyairack Pass. The proposed development would not hinder opportunities for public access to the surrounding countryside.

## DEVELOPMENT PLAN CONTEXT

### National policy

25. **Scottish Planning Policy<sup>5</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.
26. **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.
27. 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.”
28. 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.

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<sup>5</sup> February 2010

29. 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.
30. 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.
31. 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.
32. Flooding and drainage : The **SPP** advises 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.
33. **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).
34. 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.



35. **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.”

### **Strategic Policy**

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

36. 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.
37. 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 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)**

38. **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.

39. 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.

40. 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.
41. 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.”
42. **Policy UI – Electricity Distribution Network** Highland Council states that it will welcome the refurbishment and strengthening of the electricity distribution network.

### **Local Plan Policy**

#### **Cairngorms National Park Local Plan (2010)**

43. 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>
44. 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.
45. Policies are not cross referenced and applicants are expected to ensure that proposals comply with all policies that are relevant. The following paragraphs list a range of policies that are appropriate to consider in the assessment of the development proposal.
46. 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.

47. 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.
48. 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.

## CONSULTATIONS

49. Construction traffic to and from the proposed site will access a network of existing tracks in the area from the A86 trunk road and as a result of this **Transport Scotland** were consulted. There is no objection to the granting of planning permission and no conditions have been recommended.
50. The proposal has been considered by **Scottish Natural Heritage (SNH)** and it is stated at the outset that the consultation response follows the roles set out in the protocol agreement between **SNH** and the **CNPA**. Accordingly the advice provided by **SNH** only relates to matters concerning European Protected Species, Sites of Special Scientific Interest, National Nature Reserves, European Protected Species and wider biodiversity issues where they occur within and are an integral part of the designated site.
51. **SNH** has no objection to the proposed development, although some conditions are recommended in order to “further minimise any adverse impacts arising from the proposal.” **SNH** note that the proposed site lies adjacent to the River Spey Special Area of Conservation (SAC) which is

designated for its pearl mussel, sea lamprey, Atlantic salmon and otter, with the two latter species present in this area. **SNH** consider that there is potential for sediments and contaminants to enter the SAC via the Markie Burn as a result of site operations and therefore recommend conditions to prevent this and prevent either direct or indirect affects on the qualifying interests of the SAC. It is recommended that the construction and operation of the site complies with the relevant **SEPA** pollution prevention guidelines. **SNH** also recommend that details of the installation and operational management of the surface water are sufficient to prevent sediments and contaminants from entering all water courses including the field drain, the Markie Burn and the River Spey SAC and it is recommended that such details should be approved by the **CNPA** in consultation with **SEPA** prior to the commencement of any works.

52. Otters are European Protected Species and as detailed above **SNH** note that they are present in the area and also indicate that they are likely to move along the watercourses and use the Spey Dam Reservoir as part of their territory. **SNH** refer to the environmental information submitted with the application, which confirmed the presence of otters, although no holts were identified. **SNH** advise that in this instance a license to disturb otters is unlikely to be required and the mitigation measures proposed in the Ecological Survey and Assessment will ensure that there are no significant impacts on this species.
53. **SEPA** considered the proposal and indicate in the consultation response that they object to the planning application unless a recommended planning 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 Beauly-Denny 400Kv overhead Electricity Transmission Project.
54. Flooding issues have also been considered by **SEPA** and it has been confirmed that there is no objection to the planning application in this regard.<sup>6</sup>
55. There is no objection to the development proposal from Highland Council's **Archaeology Section**. It is noted in the consultation response that the application site lies in the wider area where archaeological remains are recorded and there is a moderate to high potential for the survival of buried archaeological remains. Consequently it is recommended that a condition is attached in the event of the granting of planning permission requiring that a programme of archaeological work for the preservation and recording of

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<sup>6</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.

archaeological features be submitted for the agreement of the planning authority prior to the commencement of development.<sup>7</sup>

56. Highland Council's **TEC Services** division was consulted. There is no objection to the proposal and it is expected that the Traffic Management Plan and off site road improvement works which have been agreed with Highland Council in relation to the construction of the Beaully Denny overhead transmission line would be undertaken. It is also recommended that the roads related conditions attached to a previously granted planning permission for a borrow pit at Spey Dam<sup>8</sup> (CNPA planning ref. no. 09/093/CP) are satisfied in connection with this application.
57. The proposal has also been considered by the CNPA's **Economic Development Officer**, who notes that the applicants have chosen a site which would have minimum disruption, has previously been used during dam construction, and where there would be limited conservation impacts and therefore limited effects on wildlife tourism. It is recognised that the proposal is for a temporary period and as such would reduce its long term impacts on general tourism.
58. The supporting information does not contain a level of detail sufficient to facilitate an estimate being made of how much local businesses might benefit from the project. The Economic Development Officer suggests that positive effects would be limited if all accommodation and meals are to be provided on the site. He also suggests that training and employment benefits are likely to be low, given the distinct and time limited nature of the project and the likelihood that trained contractors would be engaged.
59. The development proposal has also been considered by the CNPA's **Ecology and Landscape Officers**. From an ecology perspective reference is made to the presence of otters in the area, although it is noted that this is an issue which **SNH** have already commented on. The ecology response notes that no birds were recorded as breeding within the site at the time that a survey was carried out by the applicants representatives in April 2010. Nonetheless, as a precaution it is recommended that no ground works take place during the breeding bird period, between April – August (inclusive). The Ecology Officer also notes that the Environmental Plan submitted in support of the application contains detailed information on pollution prevention and site drainage and it is considered that the measures detailed provide a suitable level of environmental protection. The final matter considered from an ecology perspective is in relation to the enhancement of the site, and it is recommended that the site is reinstated by sowing with a conservation seed mix and that a suitable reptile habitat is created.

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<sup>7</sup> Dependent on the results of this work, further study may be required in advance of, and during, construction works. The evaluation will be backed up by desk-based research to produce a report setting out the results and any required mitigation strategy. The applicant will need to engage the services of a professional archaeological contractor.

<sup>8</sup> This involves use of the existing access track leading into the Corrieyairack Pass.

60. In considering landscape issues, some concern was raised in the initial consultation response regarding the potentially prominent location of the proposed caravans which would be directly in view from the public road. As a result the site layout plan was amended to reposition the site offices and caravan accommodation area to a more north westerly direction and also repositioning the proposed workshop / store.



Fig. 4 Originally proposed site layout

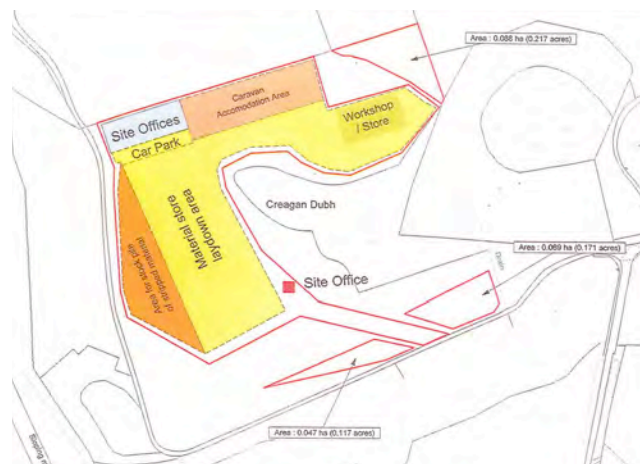


Fig. 5 Amended site layout

61. In addition to the changes to the actual site layout, proposals have also recently been submitted for the provision of additional landscaping in areas immediately adjacent to the identified site boundaries. Areas of 0.117 acres and 0.171 acres, to the west and east of the site access respectively, are proposed to be planted, as well as an area of 0.217 acres on higher ground adjacent to the north eastern corner of the site. Confirmation has been received of the relevant landowners consent to the carrying of this landscaping. The CNPA's Landscape Officer has considered the additional landscaping proposals and welcomes them and she has also provided guidance on the planting of those areas – the species to consist of a mix of birch, alder, aspen and rowan; of transplant size; spacing at 1.5 metre centres; and the use of tubes and stock fence for protection.
62. The consultation response from the CNPA's Landscape Officer also recommends a variety of other measures (which are recommended to be the

subject of conditions attached in the event of the granting of planning permission). Required measures include :

- The form and height of the stockpile of stripped materials to be restricted in height and the material to be kept viable and subsequently used for site restoration;
- The use of an appropriate grass / herb seed mix to seed the constructed stockpile, in order to match existing vegetation;
- The use of locally sourced hardcore on all hard standing areas, in order to reduce prominence and avoid changes to soil chemistry;
- All cut slopes / made up slopes resulting from site levelling to be stabilised and seeded with appropriate grass / herb seed mix;
- Provision of planting either side of the perimeter security fence, with planting to consist of native trees and shrubs such as rowan, elder, dog rose, hazel and honeysuckle.

63. In terms of the restoration and reinstatement of the site post operations, it is recommended that an appropriately detailed plan is provided for the site. The plan should include clarification on any elements to be retained, as well as details of ground works including removal of areas of hard standing, redistribution of soils, soft landscape works and on going management and maintenance. All soft landscaping works are expected to be consistent with the character of the wider area, and accordingly all species should be native.
64. The final point made in relation to landscape is that despite the various measures proposed to reduce the landscape and visual impact of the development, it will nonetheless be a prominent and discordant feature in a well visited landscape for the duration of its operational lifespan. It is suggested that signage and interpretation material should be provided in order to help people to understand the development and its temporary nature and to continue to encourage people to visit the historic site at Craithie.

## **REPRESENTATIONS**

65. The planning application was advertised in the Strathspey and Badenoch Herald on 12<sup>th</sup> July 2010. One letter of representation has been received.
66. The representation is from Ballantynes Property Consultants on behalf of Eighton Investments and Eighton Estates Limited, at Coul Estate, Laggan. The representee objects to the proposed development for a number of reasons. Concern is expressed at the "serious adverse impact the proposed compound will have on the fragile environment around Spey Dam." Reference is also made to the proximity of the proposed development site to the main entrance to the driveway to the representees residential property, Craighoolet. It is also stated that the proposed compound would be sited on the main access road from the low ground of Coul Estate, leading into the main part of the estate in Glen Markie. The representee refers to the existence of a formal right of access across the field in which the compound is proposed to be located. The letter of representation also makes reference

to the public footpath adjacent to the proposed site, which leads from Coul towards Glen Markie.

67. Other points raised in the letter of representation include reference to the nearby River Spey being a habitat for otters and also having a significant spawning stock of salmon; concerns regarding the risks of pollution to the river due to leaking fuel from vehicles and storage tanks, as well as litter and rubbish that may result from the presence of residential caravans on the site; increases in the amount of traffic using the minor road between Laggan and Coul; and comment that the use of a compound to house workers “seems totally bizarre” as people residing there will be away from local amenities.
68. Concern is expressed that there may be a significant increase in the level of traffic using the minor road from Laggan to Coul, although it is acknowledged that the planning application states that the road would not be used by construction traffic.
69. In conclusion it is suggested in the event of the granting of planning permission that “all appropriate steps are taken to ensure that SSE and their contractors are made to take all appropriate mitigation measures to protect the environment, the wildlife and finally (our) clients interests.”

**Response from the applicant**

70. The applicants representatives were made aware of the points raised in the letter of representation and in response chose to meet directly with Mr. Ballantyne in order to clarify a number of points. This was also followed up with a written response (copy also provided to the CNPA and attached in Appendix 1). Reference is made in the response to a site specific Environmental Management Plan which has been prepared and includes details of the arrangements to be put in place to manage the environmental aspects of the site, and it also includes details of actions to be undertaken in the event of an environmental incident / emergency.
71. A variety of other points were also made in the letter of response including :
- Clarification that although seeking consent for 25 caravan parking spaces, but clarification that it is not anticipated that all of the potential spaces would be utilised at any one time;
  - the programme of construction work would lead to periods of higher and lower intensification of use of the yard;
  - 24 hour security would be in place at the site;
  - There is an acknowledgement of concerns that it may be difficult to control employees off site. In recognition of the concerns reference is made to Wayleave Wardens being employed to act as a liaison point for the local community and Balfour Beatty contractors;
  - The site management plan is intended to address the issue of ensuring the safety of users of the track and footpath;
  - Matters of concern such as potential fuel leakage, and litter and rubbish are addressed in the site management plan and in the Flood Risk Assessment which includes a section referring to Surface Water Drainage and proposed mitigation measures.



## APPRAISAL

72. 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.
73. 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 Beauldy 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.
74. The proposed site is in a relatively secluded rural area, and in a location which has in the past been used during works on the large scale infrastructure project at the Spey Dam. In the intervening decades the land has since been returned to agricultural use and has most recently been used as rough grazing ground. In part due to the nature of the usage of the land, the actual site 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, and as detailed earlier include the potential presence of otter, red squirrel and breeding birds. There is no evidence of such species being found within the proposed site, and the recommendations from the various consultees including SNH and the CNPA's Ecology Officer include conditions to ensure that adequate safeguards would be in place to ensure that there is no disturbance of species in the surrounding off site area either. Measures include a restriction on ground works taking place within the bird breeding season, and the implementation of all mitigation measures as proposed in the Ecological Survey and Assessment which was submitted in support of the planning application.
75. Landscape and visual impact was another factor to consider in terms of the specifics of the proposed site. Given the industrial nature of the proposal and the proliferation of structures, storage areas etc., it is reasonable to assume that there would be a degree of landscape impact associated with its establishment regardless of location. In the case of this specific location, efforts have been made to minimise the visual impact, particularly through changes to the proposed site layout, and also the introduction of additional

planting proposals on land immediately adjoining the subject site. It is also accepted that the proposed development would be for a temporary and finite period of five years only, at the end of which time there is a commitment to remove all elements of the development from the site and restore the land to an appropriate condition. The opportunity exists as part of this restoration process to use a conservation seed mix that could create a suitable reptile habitat. In overall terms it is considered that appropriate measures have been proposed to ensure that the visual impact of the development would be minimised; any impacts would be limited in duration; the nature of the structures and the various other components of the development can be relatively easily removed at the end of the period of any planning permission granted; and the land can be appropriately restored, with opportunities to enhance its natural heritage value from its current condition.

76. 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 Beaulieu Denny overhead transmission line, could be considered to accord with this. At the Local Plan level, there are a variety of 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

77. The proposed development is for a temporary period only, and is on land which has a history of usage for grazing purposes. Prior to that it was used during the construction of the Spey Dam. The temporary development does not raise issues in relation to natural heritage issues on the site and adequate measures are proposed to be put in place to ensure that impacts on natural heritage interests in the wider surrounding area are negated. The proposed site would be restored to agricultural use at the end of the period of temporary permission and at this stage, 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.
78. The subject site is located approximately 200 metres to the south of the former township at Craithie, where the remains of the deserted township are evident. The proposed development would not however interfere with the township and would not therefore impact on the cultural heritage of the area.

### Promote Sustainable Use of Natural Resources

79. The nature of the development does not provide the 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 Beaully Denny line, partly in an effort to seek to maximise the efficiency of delivery of the project.

**Promote Understanding and Enjoyment of the Area**

80. The proposed development would not assist in promoting the understanding and enjoyment of the area and could 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 to its original condition after use, thereby ameliorating the visual effects. In addition, public access opportunities adjacent to the site i.e. the existing track which leads into the Corrieyairack Pass, would continue to be maintained and provided for the duration of development on the site.

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

81. 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.
82. 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 along 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 construction of Beaully-Denny 400Kv overhead electricity transmission line on land to the east of Spey Dam, Laggan, 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 limited 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 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. All traffic to and from the subject site shall be in accordance with the Traffic Management Plan and off site road improvement works agreed with Highland Council in relation to the construction of the Beaully Denny overhead transmission line. All vehicular movement to and from the application site shall be limited to the section of the U220 public road between the site access and the Auchduchiloff-road track. No vehicular movement on the U220 shall commence until that section of road has been upgraded in accordance with the terms of the existing agreement between Scottish Hydro Electric Transmission Ltd. and Highland Council.

**Reason :** in the interests of traffic safety and in order to avoid congestion on the local minor road network.

4. Prior to the commencement of development on the subject site, the existing bellmouth area of the junction of the access track (which leads to the subject site) and the public road shall be upgraded to the satisfaction of the Cairngorms National Park Authority acting as Planning Authority, in consultation with Highland Council TEC Services. Construction for at least the first 10 metres from the nearside edge of the public road shall consist of a minimum of 40mm thick Close Graded Wearing Course on 80mm thick Dense Roadbase on a minimum thickness of 330mm Type I sub base, all on a sound formation. (check site boundary issues)

**Reason :** in the interests of traffic safety.

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

**Reason:**

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 including the field drain, the Markie Burn and the River Spey SAC. 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. Prior to the commencement of development, a programme of archaeological work for the preservation and recording of any archaeological features affected by the proposed development, including a timetable for investigation, all in accordance with the attached specification, shall be submitted to and require the approval in writing of the Planning Authority. All arrangements thereby approved shall be implemented by the developer at his expense in accordance with the approved timetable for investigation.

**Reason:** In order to preserve the archaeological and historical interest of the site.

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) Proposals for planting native species either side of the site security fencing (with the planting mix to include rowan, elder, dog rose, hazel and honeysuckle);
  - (b) 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;
  - (c) Detailed proposals for the stabilisation of all slopes resulting from levelling activity on the site, and seeding specifications to demonstrate the use of appropriate grass / herb seed mix; and

- (d) Detailed proposals for the planting of the three additional areas adjacent to the subject site, which shall include the planting of a species mix consisting of birch, alder, aspen and rowan. Species in the three identified areas shall be of transplant size, spaced at 1.5 metre centres. Details shall also be provided of protective measures which shall include tubes and stock fencing.

All works shall thereafter 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 post-operational landscape restoration and reinstatement plan for the subject site shall be submitted for the written agreement of the Cairngorms National Park Authority acting as Planning Authority, and shall be carried out in full following the cessation of use of the temporary compound or at the end of the temporary five year period of this permission, whichever is the sooner.

**Reason :** In the interests of ensuring that the subject site is suitably restored, in order to assist in its assimilation back into the rural area.

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.

14. The existing public path network in the vicinity of the site shall remain unobstructed and free for use at all times during the period of the temporary permission.

**Reason :** In the interests of the general amenity of the area and in order to ensure that access opportunities for the general public are maintained.

**Advice notes :**

- (a) The post-operational landscape restoration and reinstatement plan required in condition no. 11 of this permission should include clarification on the elements to be retained, details of all ground works including the removal of areas of hard standing, redistribution of soils, soft landscape works (which should be consistent with the character of the wider area and should be native species) and proposals for the on going management and maintenance of the restored areas.

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**1 November 2010**

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