
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

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DEVELOPMENT MANAGEMENT)**

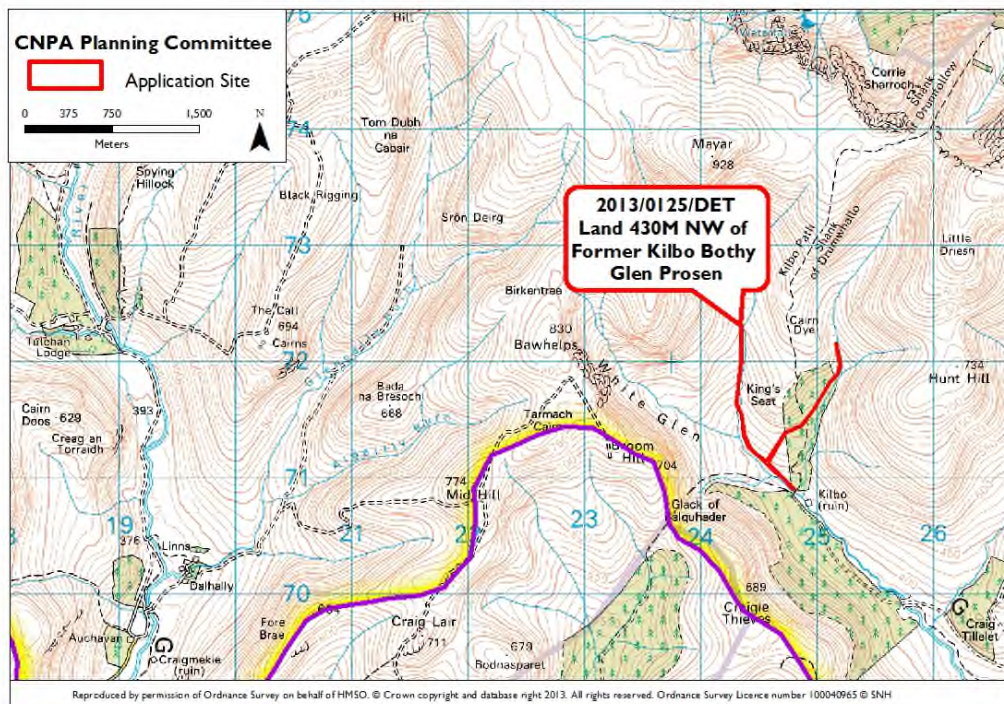
**DEVELOPMENT PROPOSED: SMALL SCALE RUN OF RIVER
HYDRO SCHEME AT LAND 420M
NORTH WEST OF FORMER KILBO
BOTHY, GLEN PROSEN.**

REFERENCE: 2013/0125/DET

APPLICANT: SAVILLS ENERGY

DATE CALLED-IN: 22 MARCH 2013

**RECOMMENDATION: APPROVAL SUBJECT TO
CONDITIONS**



Grid reference: 324638 E / 771525 N

Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. This application seeks full planning permission for a small scale run of river hydro scheme at Glenprosen Estate, Angus, approximately 10 miles north of Kirriemuir. The scheme is located approximately 430m north west of the former Kilbo Bothy. The proposed scheme would generate up to 100kW of energy exported to the national grid.
2. The proposal comprises a run-of-river scheme with two separate intakes on the Kilbo and Mayar Burn. The pipelines feeding into each intake are to be buried and are approximately 1300m in length and 355mm in width (Figure 2). The intake weirs are concrete structures of approximately 1m height.

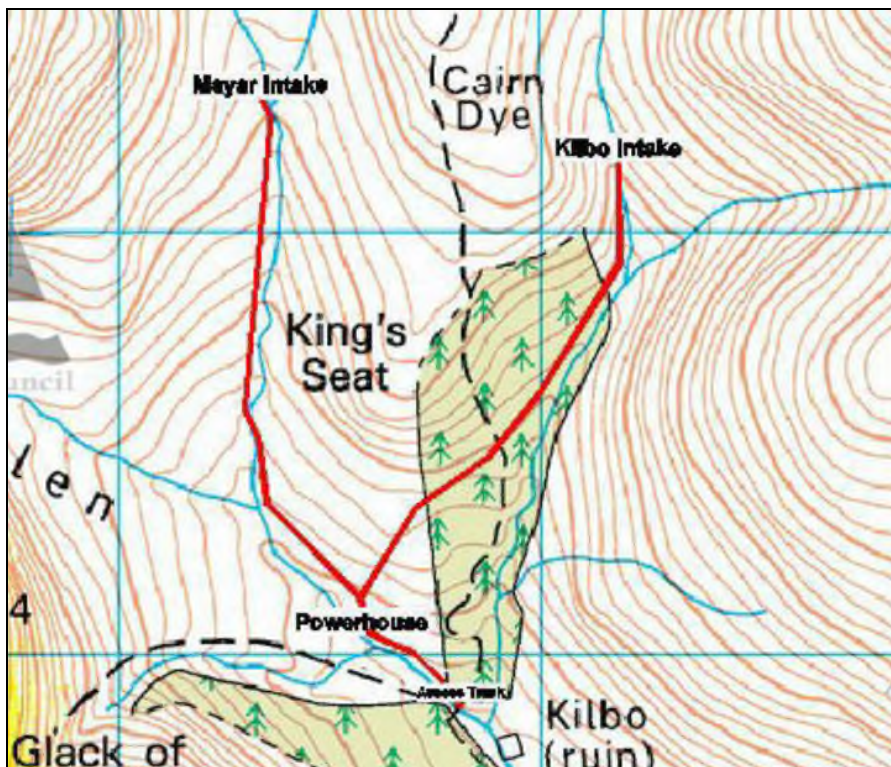


Figure 2. Site Plan

3. Access to the site will be on existing estate roads, ending at the powerhouse over an existing ford. Beyond the powerhouse there will be a temporary access road for construction to reach both intakes. Following construction, these tracks will become tracks for all terrain vehicles to allow for occasional maintenance.
4. A grid connection to the site will be underground for approximately 3.2km to Old Craig. Old Craig is also the nearest residential property.

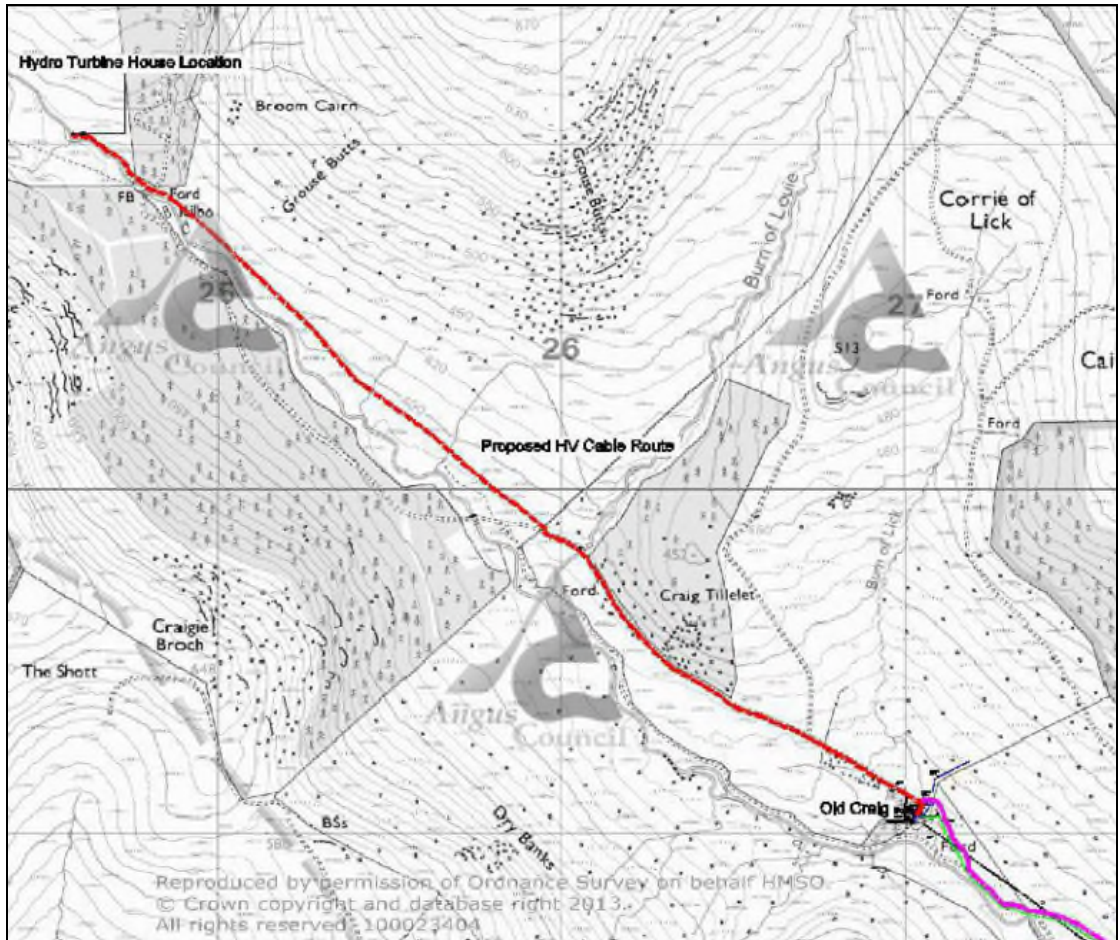


Figure 3. Underground grid connection route

5. A turbine house will be located on the Prosen water. It will be mainly underground with only the south western face exposed. The building will be similar to existing bothies on the estate, faced in stone and include an entrance door and ventilation louvres. Figure 4 shows the elevation drawings of the powerhouse. The outfall will be an underground conduit discharging into a short length of open channel connection into the Mayar Burn.

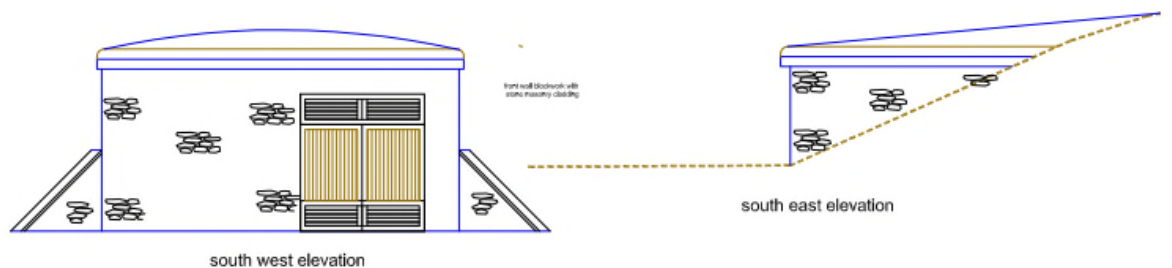


Figure 4. South west and South east elevations of the turbine/powerhouse

6. Supporting information has been submitted as part of this application and includes an environmental risk assessment, draft construction method statement and various technical and environmental appendices. Specifically, details of the hydrology, ecology, geology and landscape have been provided with mitigation measures where necessary to minimise any potential impacts.

DEVELOPMENT PLAN CONTEXT

National Policy

7. **Scottish Planning Policy (SPP)** is the statement of the Scottish Government's policy on nationally important land use planning matters. SPP emphasises the core principles of the planning system, highlighting the key role of development management to 'operate in support of the Government's central purpose of increasing sustainable economic growth'.
8. **SPP** includes broad 'subject policies' which may apply to the proposed development including Landscape and Natural Heritage, Sustainable Development and Rural Development. Of particular relevance to this application, paragraph 183 states that 'there is potential for communities and small businesses in urban and rural areas to invest in ownership of renewable energy projects...Planning authorities should support communities and small businesses in developing such initiative in an environmentally acceptable way.' Paragraph 194 goes on to state that 'there may be an increasing number of proposals for small run-of-river projects. Development plans should identify the issues which will be taken into account in decision making on hydro-electric schemes such as impacts on the natural and cultural heritage, water environment, fisheries, aquatic habitats and amenity, and relevant environmental and transport issues.'
9. **SPP** concludes with a section entitled 'Outcomes' in which it is stated that the "planning system should be outcome focused, supporting the creation of high quality, accessible and sustainable places through new development, regeneration and the protection and enhancement of natural heritage and historic environmental assets."

Strategic Policies

Cairngorms National Park Partnership Plan (2012 - 2017)

10. The Cairngorms National Park Partnership Plan 2012-2017 sets out the vision and overarching strategy for managing the park at a time of limited financial resources. The Plan provides the strategic context for the Local Development Plan and shows how the four aims of the National Park can be achieved together, benefitting people and place.
11. The long-term outcomes of the Park Partnership Plan address the interaction of three characteristics of the Park as an internationally important area for nature conservation, a fragile rural economy and an internationally known tourism destination. The interdependence and successful delivery of these outcomes is at the heart of the National Park.

12. Specifically, Policy 1.3 identifies the desire for the development of a low carbon economy. This includes a particular focus on ‘increasing renewable energy generation, especially biomass and hydro, that is compatible with conserving the special qualities of the National Park and maintaining integrity of designated sites’ and ‘promoting high standards of sustainable design and efficient use of energy and materials in construction’.

Local Plan Policy

Cairngorms National Park Local Plan (2010)

13. The Cairngorms National Park Local Plan was formally adopted on 29th October 2010. The full text can be found at:
<http://www.cairngorms.co.uk/parkauthority/publications/results.php?publicationID=265> All policies of the Plan apply to new development and the following paragraphs refer to the key policies which are applicable to the site.
14. Policy 1: Natura 2000 Sites This policy specifies the need for an appropriate assessment to be undertaken where development is likely to have a significant effect on a Natura 2000 site. Where an assessment is unable to ascertain that a development will not adversely affect the integrity of the site, the development will only be permitted where there are no alternative solutions and there are imperative reasons of overriding public interest, including those of a social or economic nature.
15. Policy 4: Protected Species Development that would have an adverse effect on any European Protected Species will not be permitted unless there are reasons of overriding public interest, no satisfactory alternative 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.
16. Policy 5: Biodiversity This policy aims to protect any habitats or species identified in the Cairngorms Local- or UK- Biodiversity Action Plan or Scottish Biodiversity List by permitting development only where it can be demonstrated that the need and justification for the development outweighs the local, national or international contribution of the area of habitat or populations of species or where significant harm or disturbance to the ecological function is unavoidable and appropriate compensatory measures are provided.
17. Policy 6: Landscape There will be a presumption against any development that does not complement and enhance the landscape character of the Park, and in particular, the setting of the proposed development. Proposed development that does not complement and enhance the landscape character of the Park and the setting of the proposed development will be permitted only where any significant adverse effects on the landscape character of the Park are clearly outweighed by social or economic benefits of national importance and all adverse effects on the setting of the proposed development have been minimised and mitigated through appropriate siting, layout, scale, design and construction to the satisfaction of the planning authority.

18. Policy 12: Water Resources There will be a presumption against development which does not minimise the use of treated and abstracted water; result in the deterioration of the current or potential ecological status or prejudice the ability to restore water bodies to good ecological status; have no significant impact on private water supplies or wastewater treatment and treats surface water and foul water discharge separately.
19. The policy also aims to protect the water resource through a presumption against development which is not free from significant risk of flooding; does not increase the risk of flooding elsewhere; does not add to the area of land that requires flood prevention measures and does not affect the ability of the functional floodplain to store or move flood waters.
20. Policy 15: Renewable Energy Generation Development for small scale renewable energy schemes which support the aims of the Cairngorms National Park and the National Park Plan strategic objective regarding energy production, will be favourably considered where they contribute positively to the minimisation of climate change, and where they complement the sustainability credentials of the development. Development will be sited to have no significant adverse visual or landscape impact on neighbouring properties or any unacceptable impact on the environment.
21. Policy 16: Design Standards for Development This policy identifies the requirements for development to include principles of sustainable development. This includes, where appropriate, design which minimises the effect of development on climate change; reflects traditional pattern and character in the local area; uses materials and landscape that will complement its setting; sustainable use of resources; enables recycling; reduces travel; protects the amenity of neighbouring properties and is in accordance with the design standards set out in the Sustainable Design Guide.

Supplementary Planning Guidance

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

CONSULTATIONS

23. **Scottish Water** have been consulted and have no objection to the planning application.
24. **SEPA** have no objection to the proposed scheme and note that an application for a Controlled Activities Licence is consentable and will be issued for the scheme. SEPA have also requested conditions be applied to any planning permission granted for a site specific Construction Method Statement and to avoid disruption to wetlands including peatlands.

25. **CNPA Landscape Officer** has no objection to the proposal. It was noted that there is potential for a development of this nature and scale to be accommodated in upper Glen Prosen without significant adverse long-term landscape and visual impacts. It is recommended that the applicant undertakes a scheme of mitigation/compensation planting in order to enhance the landscape and in agreement with the CNPA Landscape Officer.
26. **The CNPA Ecology Officer** advised that there are no significant issues with regard to protected mammal or breeding bird species. The most significant botanical interest is the occurrence of mountain willow species which are identified in the Cairngorms Nature Action Plan 2013-2018. In order to mitigate and compensate for the potentially significant, but localised ecological impacts resulting from the proposal the Ecology Officer advised that planting of willow species of local provenance should be undertaken surrounding the Kilbo Burn.
27. **The Esk District Salmon Fisheries Board** have been consulted and have provided no comments at the time of writing.
28. **Scottish Natural Heritage** identified that a Habitats Regulations Assessment was not necessary. SNH state that there may be indirect impacts resulting from the construction phase. However, they are content that through a Construction Method Statement the proposal is unlikely to have an effect on the qualifying interests of the River South Esk SAC.
29. **The CNPA Access Officer** advised that the proposal raises no issues in relation to Outdoor Access.
30. **Angus Council Flood Prevention Team** have no objection to the proposal. A Flood Risk Assessment was undertaken by the applicant and Angus Council Flood Prevention Team are content that proposal raises no issues in relation to flood risk to the turbine house and access roads.
31. **Angus Council Infrastructure Department** have been consulted and have no objection to the proposal.
32. **Kirriemuir East Community Council** has been consulted and have provided no comments at the time of writing.

REPRESENTATIONS

33. The application was advertised in The Courier on 26th April 2013. No representations have been received.

APPRAISAL

Principle

34. National and local planning policies support the principle of renewable energy proposals including small scale hydro schemes. Local plan policy specifically (Policy 15) supports this type of development providing they are suitably sited and designed.
35. This proposal has been subject to considerable pre-application discussions to ensure a suitable design and siting whilst measures have also been proposed to protect and enhance the surrounding area. In addition, the principle of supporting development on a traditional sporting estate allows for continued economic development in a rural area, a policy widely promoted within the Park.
36. Given the principle of the development is generally considered acceptable, consideration must be given to any potential environmental impacts resulting from the proposal.

Environmental Impacts

37. The proposed development has only localised environmental impacts, relating to the excavation of two new pipelines and potential changes to the water environment.
38. The potential for impacts upon the River South Esk Special Area of Conservation (SAC) has been considered by SNH and found to have no adverse impacts on the qualifying interests of the river provided a construction method statement (CMS) has been agreed prior to any development. A draft CMS is currently under consideration by the CNPA and relevant bodies.

Ecology

39. The proposal is considered to have potential for significant but localised ecological impacts however, a series of mitigation measures have been proposed which include 1km of riparian montane scrub on both sides of the Kilbo Burn. These measures are intended to ensure sufficient mitigation and enhancement in line with planning policy and wider ecological objectives.

Landscape and Visual Effects

40. The landscape impacts of this proposal are minor, given the scale of the development and the location in the upper Glen Prosen. Conditions relating to the construction phase of the development have been proposed to minimise any short term impact. In addition, the set of mitigation measures proposed are likely to have a positive impact on the development site in the long term.

Residential and Recreational Amenity

41. The closest house to the proposed development is located at considerable distance (~3.2km) and as such there will be no issues to residential amenity. Any impacts resulting from construction activity will be of a short term nature.
42. The proposed development does not identify any issues in relation to outdoor access outside of the construction period.

Conclusion

43. It is considered that the proposed development complies fully with planning policies. The provision of a renewable energy scheme on a traditional sporting estate can be considered to be in accordance with the aims of the National Park, in particular through the sustainable use of the area and supporting economic development. Subsequently, approval of this application is recommended subject to planning conditions.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

44. The proposal is not considered to have an adverse effect on the landscape or ecology of the National Park. The proposal includes conservation and enhancement measures for the natural heritage interests on the site, in particular for riparian woodland species identified in the Cairngorms Nature Action Plan.

Promote Sustainable Use of Natural Resources

45. The proposed development will provide a renewable source of energy therefore meeting this aim.

Promote Understanding and Enjoyment of the Area

46. The location of the site and scale of development will ensure that the development does not detract from the enjoyment of the Park. The proposed landscaping and ecology measures provides an opportunity to enhance the area.

Promote Sustainable Economic and Social Development of the Area

47. The proposed development will help support the economic and social development of the area through the investment in a rural estate. There is also potential for construction materials and employment to be sourced locally further supporting economic development.

RECOMMENDATION

That Members of the Committee support a recommendation to GRANT full planning permission for a small scale run of river hydro scheme at land 430m north west of former Kilbo Bothy, Glen Prosen, subject to the following planning 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 as amended by Section 20 of the Planning etc (Scotland) Act 2006.

2. No work shall commence on the development hereby approved until a site specific construction method statement has been submitted to and approved by the Cairngorms National Park Authority acting as Planning Authority, in consultation with SEPA. The details of this statement shall cover the reinstatement and restoration of all earthworks associated with the development, details of any temporary diversions of watercourses during construction of intakes, soil storage and order of replacement together with proposals to reinstate vegetation cover around the new structure.

Reason: To control the pollution of air, land and water and to ensure the development fits well into the landscape in accordance with planning policies.

3. No work shall commence on the development hereby approved until a landscape restoration plan specific to the turbine house and surroundings, and showing access arrangements, is submitted to and approved in writing by the CNPA acting as planning authority.

Reason: To mitigate and compensate for landscape and visual impacts and to meet planning policies.

4. The external finishes of the turbine house shall be completed in accordance with the approved plan to be approved prior to development by the CNPA acting as planning authority.

Reason: To achieve a sensitive construction and high quality finish and ensure that the new building fits into its surroundings in accordance with planning policies.

5. No work shall commence on the development hereby approved until the exact specifications and methods for the compensatory creation of riparian montane scrub is submitted to and approved in writing by the CNPA acting as planning authority.

Reason: To mitigate and compensate for ecological impacts in accordance to planning policies.

Information Notes

1. The applicant should be aware that the proposal requires a CAR Licence under the Water Environment (Controlled Activities) (Scotland) Regulations 2005 (as amended) and that no development should commence until this is received.
2. An application for a Building Warrant may be required.
3. It is suggested that a small explanatory panel is provided attached to the intake structure to describe the system and its benefits and enable walkers and cyclists visiting the area to understand the role of the development in this remote area. The CNPA will advise further on this issue if requested to do so.

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02 September 2013

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