
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

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DEVELOPMENT MANAGEMENT)**

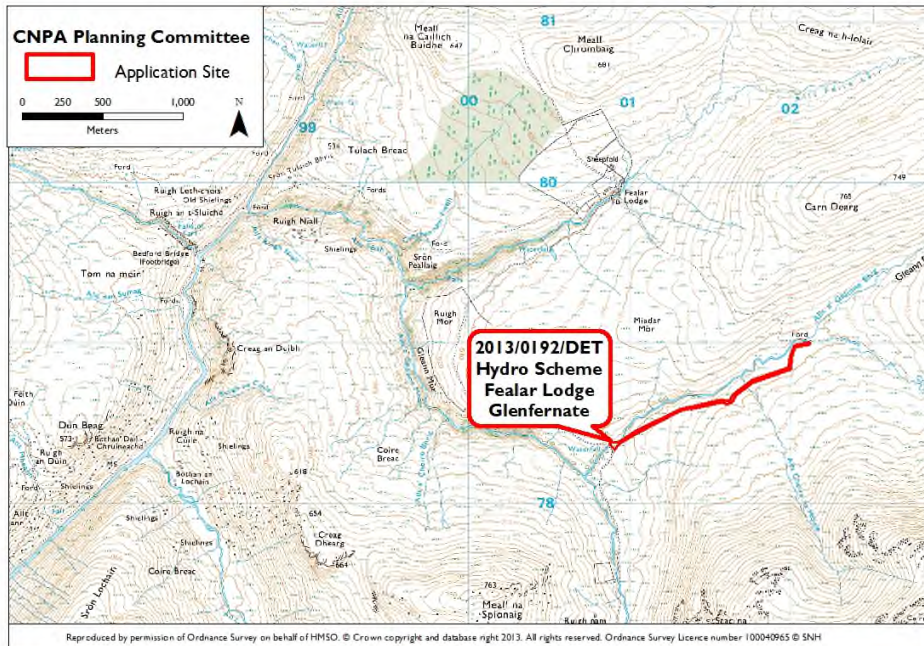
DEVELOPMENT PROPOSED: INSTALLATION OF AN OFF-GRID MICRO HYDRO SCHEME AT HYDRO SCHEME, FEALAR LODGE, GLENFERNATE

REFERENCE: 2013/0192/DET

APPLICANT: MR HUGH MELLOR, BLACKLAND FARM, STEWKLEY, LU7 OEU

DATE CALLED-IN: 24 JUNE 2013

RECOMMENDATION: APPROVAL SUBJECT TO CONDITIONS



Grid reference: 300085 E / 078040 N

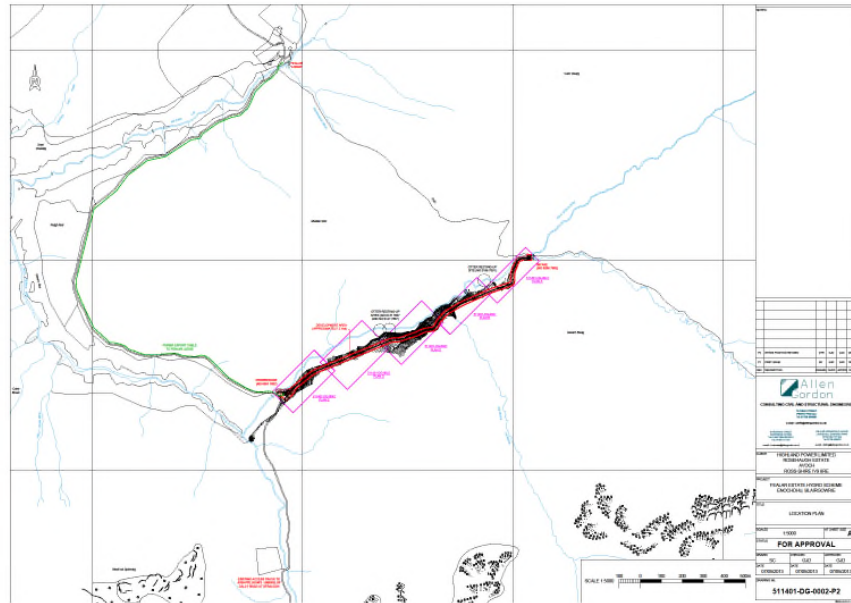
Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. Planning permission is sought for the formation of a small scale hydro generation scheme at Fealar near Enochdhu east of Pitlochry. The proposal is for a 100kw run of river scheme with an intake point on the Allt a' Ghlinne Bhig burn. The site is very remote, with the nearest public road located more than 12 miles from the Lodge.
2. There are two access tracks in the localised area. The main access track along which walkers and vehicles travel to the Lodge and a rough path that is barely visible and very seldom used which crosses the Burn travelling from Fealar Lodge in a south easterly direction. This is about 20 metres upstream from the intake site. The main access track is single vehicle width, with several right angle bends and narrow bridges. It is a private road that is privately maintained.
3. The properties served by the track include Fealar Lodge, the shepherd's cottage and the shepherd's assistant's cottage and two holiday lets.
4. The area is characterised by long, often narrow glens and complex topography. The glens are relatively grassy and surrounded by steep hillsides and scree clad slopes, with broadleaved woodlands on some steeper slopes and along gulleys and gorges. Substantial areas of fenced regenerating broadleaved woodland are a feature in the vicinity of this proposal.
5. The proposed hydro scheme would be located on the Allt a' Ghlinne Bhig, a tributary of the River Tilt, which runs through the Fealar estate. The affected burn flows into the Allt a' Ghlinne Mhoir, the lower section of which is part of the River Tay SAC. The qualifying features of the SAC are otter, Atlantic salmon, brook lamprey, sea lamprey, and river lamprey. The Beinn a Ghlo SAC almost borders the proposal site by extending eastwards as far as the road bridge over the Allt a' Ghlinne Bhig. This SAC's qualifying features are two species of whorl snail as well as 12, mainly upland, habitat types, several of which are base-rich, and serve to illustrate this area of the National Park's interesting geology and botany.
6. The riparian landscape in this area, including within the length of the proposal area, is characterized by discontinuous remnants of mixed broad-leaved riparian woodland and species-rich botany, often growing in gorges or along steep and rocky faces, where grazing by sheep and deer is less intense, which sit within a wider mosaic of upland heath and grassland. Downstream of the road bridge a sizeable area of native riparian broadleaves is being conserved and protected from high grazing levels by a stock fence and an off-set electric wire.

Development Proposal

7. The development includes the construction of a single intake, a buried pipeline, a powerhouse and a submerged outfall back into the burn. It is estimated that construction phase will be completed within two months.



8. The Fealar scheme is a run of river scheme which will operate without storage according to the flow of the burn. This involves abstracting a proportion of the flow, passing it via a pipeline to a conventional water turbine and then returning the water to the Allt a' Ghlinne Bhig Burn. The proposed scheme will generate up to 100kw of electricity to serve the properties at Fealar Lodge and will not be connected to the national grid.
9. The site of the intake is not visible from the main track. The powerhouse will be visible as it is located quite close to the track but it will have the appearance and siting of a traditional building.
10. The proposed intake structure is a simple coanda screen grate set into a Corten steel weir box, secured in the river bed. This will filter the water of impurities such as stones and grass and divert a proportion of water into the pipe. The remainder of the river water will continue downstream in the stream bed in accordance with SEPA's CAR licence. At times of low flow the intake will be visible and at times of medium/high flow or flood the intake will be covered by the water torrent and be invisible. Even at times of low flow the intake will not be easy to see as it will be rust coloured and therefore blend with the colour of the background heather and riverbed. Wing walls will be constructed to ensure that water does not erode the edges of the river bed and all the water remains in the channel and rocks will be concreted in to help the structure blend more readily into the environment.

11. It is proposed to bury the pipeline route throughout its length and the proposal includes natural land re-instatement so that very soon after installation, the pipeline will become virtually invisible. The route of the pipeline will be pegged as a corridor 6 metres wide. The corridor will act as a route along which small tracked construction vehicles will pass in order to transport materials and machinery to the intake site. The corridor will be approximately 1300 metres long. The line of the pipeline has been purposely positioned away from the river channel so as to prevent debris from falling into the watercourse.
12. The pipe will be constructed of MDPE (medium density polyethylene) as it will involve less disturbance and time on site than comparable pipe types. The pipe line installation will only take place during dry periods so as to minimise ground disturbance. No chemicals are required to seal the pipes. The pipe will be lifted into position by helicopter as the access track from the main road is too fragile and has too many tight turns. The laying of the MDPE pipe involves excavating a trench 110 cms deep and 90 cms wide. The sections of pipe are thermally fused together. The trench is backfilled with local material.
13. After the works are complete the corridor surface will have the local vegetation replaced by hand to minimise any visual impact that remains from the project. With the corridor remediated with the original heather and Nardus grass turfs, the agent anticipates that evidence of the pipeline installation will be hard to identify within three growing seasons.
14. The powerhouse is to be located adjacent to the existing access track which leads to Fealar Lodge. This will contain the turbine, the control systems and transformer. The turbine house is positioned so as to give the impression that it is semi-submerged into the landscape. It is a simple structure with a pitched roof. Following negotiations, the pitch of the roof has been increased and the proposed materials have been amended to include vertical timber cladding to the walls and traditionally profiled corrugated metal sheeting on the roof.
15. The tailrace will be constructed so as to create a strong durable open channel along which the discharge water can travel without eroding the river bank or creating unnatural turbulence or features when the water re-enters the main river.
16. A cable will take the electricity from the turbine to the point of use. This is to be laid on the surface of the ground. It is anticipated that the cable, being heavy and laid on wet soft peat, will sink into the peat across the moor within a couple of seasons.
17. Upon completion, virtually all of the project will be underground and not visible, with the exception of the intake structure and the turbine house. Remediation work is planned to all disturbed ground in the immediate term.

18. The agent contends that the project holds wide ranging benefits to local people and the environment, as the properties at the top of the glen will no longer be reliant on the delivery of diesel for all their power needs. It is estimated that the direct carbon footprint of the farm and dwellinghouses will fall to virtually zero from in excess of 100 tons of carbon dioxide per annum. It is also anticipated that the change in power source will help make the business financially sustainable.
19. In terms of the impact of the proposals on the area, walkers will neither be affected by the works nor by the completed project. The agent is unaware of any human users of the Burn, which is unsuitable for canoeing and less interesting than other areas in the vicinity for birdwatchers. The area has been reviewed by an archaeologist and no archaeological interests have been found in the area. The site has no European or national habitat or visual designations. Fish, otter, water vole and bird surveys have been commissioned and the area has been found to be not a favoured area for this wildlife.
20. The application includes a Construction Method Statement.



Photo 1 – Allt a' Ghlinne Bhig Burn



Photo 2 – Intake site



Photo 3 – Powerhouse site

Site History

21. Planning permission was granted subject to conditions by Perth and Kinross Council on the 15th April 2010 for a similar proposal (Application No 09/01593/FLL). It differed insofar as the intake was lower down the burn and the power generation was 50kw.
22. An earlier application to Perth and Kinross Council (Application No 09/00318/FUL) was withdrawn.

23. The agent considers that the impact of this smaller scheme on the landscape and environment would have been greater, as the route of the pipe from the intake to the power house would have crossed a steep slope, where the impact on the soil and vegetation of digging a trench for the pipe would have been greater. The CNPA Landscape Adviser supports this view. The revised proposal which forms the subject of the current application has been designed to create the pipe route further back from the bank of the burn through flatter moorland.

DEVELOPMENT PLAN CONTEXT

National Policy

24. **Scottish Planning Policy¹ (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 shouldallow 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.
25. **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 would 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.
26. 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.”

¹ February 2010

27. 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 rural development, renewable energy and landscape and natural heritage. The following paragraphs provide a brief summary of the general thrust of each of the subject policies.
28. *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.
29. *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.
30. *Renewable Energy*: The document sets out the Scottish Government’s commitment to increase the amount of electricity generated from renewable resources as a vital part of the response to climate change. Paragraph 183 considers that there is potential for communities and small businesses in urban and rural areas to invest in ownership of renewable energy projects or to develop their own projects for local benefit. Planning Authorities should support communities and small businesses in developing such initiatives in an environmentally acceptable manner.
31. **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.² 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.”

² Para. 256.

Strategic Policies

32. The Strategic Development Plan for the area is TAYplan 2012-2032.
33. TAYplan ensures consistency between Local Development Plans in fulfilling Scottish Planning Policy requirements to define areas of search for renewable energy infrastructure and it applies this to a wide range of energy infrastructure. The plan seeks to contribute to Scottish Government ambitions for mitigation and adaptation to climate change.
34. Policy 6 of TAYplan considers that development proposals are to be justified on the basis of the following considerations:
 - Specific land take requirements associated with the infrastructure technology and associated statutory safety exclusion zones;
 - Proximity of resources to customers and grid connections and distribution networks
 - Anticipated effects of construction and operation on air quality, emissions, noise, odour, surface and groundwater
 - Sensitivity of landscapes, the water environment, biodiversity, geo-diversity, habitats, tourism;
 - Impacts of associated new grid connections
 - Cumulative impacts of the scale and massing of multiple developments; and,
 - Impacts upon neighbouring authorities

Cairngorms National Park Partnership Plan (20012 - 2017)

35. The Cairngorms National Park Plan sets out the vision and overarching strategy for managing the Park and provides focus and priorities at a time of limited financial resources. The Plan also provides a strategic context for the Local Development Plan and shows how the four aims of the National Park can be achieved together. Three long term outcomes address the interaction of three characteristics of the National Park recognising that: the Park is an internationally important area for nature conservation; the CNP is a fragile rural economy, and; the CNP is an internationally known tourism destination.
36. The heading - 'Success in being a sustainable economy supporting thriving business and communities means that' the special qualities of the Park will have stimulated growth and diversification in the economy. Under this heading Policy 1.3 supports the development of a low carbon economy by increasing renewable energy generation especially biomass and hydro that is compatible with conserving and enhancing the special qualities of the Park. The heading 'Success in being a special place for people and nature with natural and cultural heritage enhanced means that' the distinct character of the Park's landscape and its diverse mix of mountains, straths, glens, forest and farmland will continue to be conserved and enhanced. The sense of wildness, particularly in the high mountain areas, will be enhanced and

renowned as a particular special quality that continues to be enjoyed by many. The Park will also continue to have a rich and enhanced biodiversity which will be better connected and able to adapt to changing climate.

Local Plan Policy

37. The CNPA Local Plan does not apply in the Perth and Kinross Area of the National Park. The relevant Plan is the Perth and Kinross Eastern Area Local Plan 1998. The relevant policies are as follows:-

38. Policy 2 Eastern General Development Policy

All developments within the Plan area not identified as a specific policy, proposal or opportunity will also be judged against the following criteria:-

- (a) Rural sites should have a landscape framework capable of absorbing or, if necessary, screening the development; where required, opportunities for landscape enhancement will be sought.
- (b) In the case of built development, regard should be had to the scale, form, colour and density, of existing developments within the locality.
- (c) The development should be compatible with its surroundings in land use terms and they should not result in significant environmental damage or loss to the amenity or character of the area.
- (d) The road network should be capable of coping with traffic generated by the development and satisfactory access on to that network provided.
- e) Where applicable there should be sufficient spare capacity in drainage, water and education services to cater for new development.
- (f) The site should be large enough to accommodate the development satisfactorily in site planning terms.
- (g) Buildings and layouts for new development should be designed so as to be energy efficient.
- (h) Built development should, where possible, be built in those settlements which are the subject of inset maps.

39. Policy 9 Eastern Renewable Energy

The Council will encourage, in appropriate locations, developments which contribute towards the Scottish Renewables Obligation. In the absence of a detailed Council wide policy on renewable energy production, developments will be assessed against the following criteria:

1. That provision can be made for construction traffic, without danger to road traffic safety or the environment.
2. That the development will not have a significant detrimental effect on sites of nature conservation interest or sites of archaeological interest.
3. That the development will not result in an unacceptable intrusion on the intrinsic landscape quality of the area.
4. That the development will not result in a loss of amenity to neighbouring occupiers by reasons of noise emission, visual dominance, electromagnetic disturbance or reflected light.
5. The cumulative impact of having two or more windfarms in the same area will be considered.

The proposed transmission lines between development and the National Grid will be considered an integral part of the development and their impact will also be assessed in relation to the above criteria. Developers will be required to enter into an agreement for the removal of the development and the restoration of the site, following the completion of the development's useful life.

40. Policy 12 Eastern Environment and Conservation
In the absence of imperative reasons of overriding public interest, the Council will not grant consent for, or support, development which would damage the integrity of Sites of Special Scientific Interest, National Nature Reserves, Special Protection Areas, Ramsar Sites and Special Areas of Conservation.
41. Policy 13 Eastern Environment and Conservation
The Council will not normally grant consent for any development which would have an adverse effect on sites of local nature conservation interest and will seek to protect the integrity of such sites identified on the proposals maps and any others approved by the Council, which may be identified by Scottish Natural Heritage, SWT and others with the owners' agreement during the Plan period. The Council will apply the same policy to principal wildlife corridors.
42. Policy 14 Eastern Environment and Conservation
The Council will not normally grant consent for any development which would have an adverse effect on:- sites supporting species mentioned in Schedules 1, 5 and 8 of the Wildlife and Countryside Act, 1981 as amended; Annex II or IV of the European Community Habitat and Species Directive; Articles 1.4 and 1.2 of the European Community Wild Birds Directive.
43. Policy 15 Eastern Environment and Conservation
The Council will not normally grant consent for any development which would have an adverse effect upon those habitats and species listed in Annex I and II of the EC Habitats and Species Directive.
44. Policy 21 Eastern Archaeology
The Council will seek to protect unscheduled sites of archaeological significance. Where development is proposed in such areas, there will be a strong presumption in favour of preservation in situ and where in exceptional circumstances preservation of the archaeological features is not feasible, the developer, if necessary through appropriate conditions attached to planning consents, will be required to make provision for the excavation and recording of threatened features prior to development commencing.

CONSULTATIONS

45. **Scottish Natural Heritage** advises that the application site lies outwith the boundaries of the River Tay SAC and the Beinn a 'Ghlo Site of Special Scientific Interest and Special Area of Conservation. SNH recommend that if the Construction Method Statement is approved as part of the planning consent, it is unlikely that the proposal will have a significant effect on any qualifying interests. SNH also advise that the otter survey should be updated, with a licence required if the survey shows that otters are likely to be affected by the proposals.
46. **Scottish Environmental Protection Agency** has no objections to the proposals in a planning context. However, SEPA advises that an application was made and authorised under the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR/L/1037205) which is currently undergoing a variation to move the intake point 0.8km upstream of the licensed intake point. The scheme breached environmental standards causing a deterioration of status of the Allt A'Ghlinne Bhig which was classified as HIGH ecological status. The abstraction resulted in a downgrade of the waterbody status from HIGH to POOR however, the waterbody recovers 1km downstream where the water is returned and SEPA's assessment concluded that the above adverse impact of the proposal was outweighed by the socio economic benefits.
47. SEPA also advises that the engineering works do not cause a failure of any morphological conditional limits. The intake (including the variation) is not part of any designated site and the water is returned before the boundary of the Benn a Ghlo SSSI/SAC. Mitigation minimises the impact to the water environment as the licence contains a hands off flow and maximum abstraction controlled through the CAR licence. SEPA further advises that the variation to the licence does not affect any designations and is in the process of being issued.
48. SEPA welcomes the general mitigation principles and pollution prevention measures set out in the Construction Method Statement Considerations document (undated). Some of proposed measures relate to works which may be regulated by SEPA. However, some of the works will not be regulated by them and need to be covered by condition. SEPA therefore requests that a condition is attached to any grant of planning consent requiring a detailed construction method statement is prepared and implemented in full.
49. SEPA also requires that peat excavation should be kept to a minimum to prevent the unnecessary production of waste soils and peat.
50. **Scottish Water** – No objection.
51. **Perth and Kinross Environmental Health** – No objection subject to conditions relating to noise and vibration.

52. **Tay Fishery** has advised in a telephone call that they have no issues with this application.
53. There has been no response from **Blair Atholl Community Council, Perth and Kinross Outdoor Services, Perth and Kinross Roads** or the **Perth and Kinross Biodiversity Officer**.
54. **CNPA Landscape Adviser** - This is a generally sensitive proposal, the components and construction of which are designed in a way which, with the addition of the mitigation/enhancement measures proposed here, will have a low level of impact. The proposal should meet Policy 3 Landscape "... to conserve landscape features and sense of local identity, and strengthen and enhance landscape character" and Policy 11 Renewable Energy "The development will not result in an unacceptable intrusion into the landscape character of the area". The proposal will meet the first of the Park's aims "to conserve and enhance the natural and cultural heritage of the area". In the event of planning permission being granted, conditions are required to address landscape mitigation and enhancement, including additional planting, together with further clarification of some of the elements within the Construction Method Statement.
55. **CNPA Ecology Adviser** – In line with national park aims and policies the development should seek to both conserve and enhance the natural heritage. He supports the Landscape Advisor's call for the creation of native woodland to mitigate the visual impacts of the turbine house. Furthermore, to ensure that the development does enhance the natural heritage and compensates for any impacts on soils and ground flora brought upon by trench excavation, access tracks and vehicle movements, existing fragments of riparian native woodland upstream of the existing bridge should be brought into conservation management. Their conservation must therefore be ensured through fencing appropriate to the grazing threats (i.e. sheep, red deer and roe deer) and be protected from burning. The area enclosed by the fencing should be sufficient to allow the woodland to expand, both along the watercourse (thus maximizing the interface of trees and water and therefore the ecosystem services benefit) as well as up the banks, so that the riparian woodland corridor can become relatively thick and ecologically robust. Fencing should be permeable to smaller mammals, e.g. otters. An assessment of the existing trees within the length of the proposal area could determine if there are any species local to the wider environment that are absent on this watercourse. Local seed stock could then be collected and young trees planted within the enclosure to optimize species diversity.

REPRESENTATIONS

56. None.

APPRAISAL

57. Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. This section of the report considers the principle of the proposed development then assesses the more detailed potential environmental impacts of the proposal in terms of landscape and ecology. This, in turn, is followed by a brief summary of technical considerations.

Principle

58. This application proposes a run of river hydro scheme. The proposal would result in renewable energy being provided to Fealar Lodge and nearby properties and would contribute to Scottish Government targets for renewable energy. The CNP Local Plan does not cover the Perth and Kinross area so the proposal must be considered against national policy, the National Park Partnership Plan and existing local planning policy for the area.

59. At the strategic level Tayplan provides support for renewables, in line with Scottish Planning Policy, subject to a range of criteria relating to environmental impact in particular. The CNP Partnership Plan provides specific support for increased renewable energy generation where compatible with conserving and enhancing the special qualities of the Park. While dated, the Eastern Area Local Plan 1998 does provide explicit policy with regard to renewable energy. There is no specific zoning for such development. However, Policy 9 Eastern Renewable Energy holds criteria for developments to meet as do the protective environmental policies contained within the plan. Consequently, the proposal is considered on its own merits against the protective environmental policies of the Eastern Area Local Plan. Such schemes have to be carefully considered in terms of their potential impacts on ecology, landscape, the water resource itself as well as general design standards applicable to all development.

Ecology

60. The CNPA Ecology Adviser has visited the site and provided detailed comments. He has identified the possibility of significant but localised ecological impacts but considers that there is potential to address these by appropriate mitigation measures. He has recommended conditions to address ecology issues.

Landscape

61. The CNPA Landscape Adviser has visited the site and provided detailed comments. A number of issues can be covered by planning condition and these have been recommended at the end of the report. She has advised that the proposal will meet the first of the Park's aims "to conserve and enhance the natural and cultural heritage of the area."

Technical Issues

62. The key technical issues relate to the position and design of the intake, the design of the first 20 metres of penstock pipe, the design of the turbine house and some of the details within the Construction Method Statement.
- a) As a result of negotiations, the position of the intake has been moved slightly lower down the Burn, which was deemed to be preferable in landscape terms.
 - b) Whilst Corten steel has not generally been used for hydro scheme intakes, it is considered appropriate in this remote location due to the construction technique being less environmentally intrusive. It is also considered that the material will blend acceptably with the natural surroundings.
 - c) A drawing of the penstock pipe has been provided to demonstrate that the design is appropriate.
 - d) The turbine house has been redesigned with a steeper roof pitch and more appropriate materials.

Conclusion

63. Overall the application is viewed positively in that it will make a good contribution towards renewable energy supporting the second aim of the Park to promote sustainable use of natural resources. Undoubtedly there will be some impacts upon natural heritage.
64. However, these impacts will be short term being largely associated with the construction of the scheme rather than its future operation. In time given the method statement, mitigation proposals and conditions proposed these impacts will be minimised and with the addition of riparian planting a level of enhancement of the natural heritage would occur. Consequently the proposal is considered to comply with the policy of the CNP National Park Partnership Plan where specific encouragement is given to hydro where it is compatible with the special qualities and the application is recommended for approval subject to a range of detailed planning conditions.
65. Furthermore, it is considered that this proposal will have a lesser impact on the immediate environment than the scheme which already benefits from planning permission.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

66. The proposal will not result in any long term adverse impacts upon the natural or cultural heritage that cannot be mitigated or compensated for. The short term impacts of construction have been minimised and with careful mitigation should disappear over a relatively short length of time.

Promote Sustainable Use of Natural Resources

67. The proposal meets the aim of locally providing power with a minimal impact on the environment at a scale that is appropriate to the location.

Promote Understanding and Enjoyment of the Area

68. The inclusion of a small explanatory panel will help visitors using the track to understand the role of the hydro scheme in reducing the carbon footprint of Fealar Lodge.

Promote Sustainable Economic and Social Development of the Area

69. The proposal will contribute to improved living conditions within the properties at Fealar Lodge and help make this a more sustainable base for employees and visitors to the area.

RECOMMENDATION

That Members of the Committee support a recommendation to: GRANT Planning Permission for the installation of an off-grid micro hydro scheme at hydro scheme at Fealar Lodge, Glenfernate 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: In accordance with the terms of 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 development shall commence on site until a revised Construction Method Statement (CMS) has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority, in consultation with SEPA. The revisions shall include the following:-
 - A detailed specification for the wingwall/revetment restoration and reinstatement.
 - The construction corridor shall be taped as well as pegged.
 - Remediation proposals (as per para 4.1 of proposal document) shall be contained in CMS with addition of specific details relating to maintaining variations in surface hydrology along the restored pipeline route.
 - A description of the earthworks on the site of the turbine house (cut slopes should not be steepened beyond angles that occur naturally in the area).
 - Material excavated from the site of turbine house shall be used to restore the borrow pit beside the access track immediately to the south of the site.

- The armoured connection cable to be placed in a shallow slot on slopes up on to and down from Miadan Mor

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

3. All works on site must be undertaken in accordance with the approved Construction Method Statement (CMS) unless otherwise agreed in writing with the Cairngorms National Park Authority acting as Planning Authority.

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

4. The external finishes of the turbine house shall be completed in accordance with the approved plans, these being traditional corrugated metal sheets and natural wood finishes. Written approval shall be obtained from the Cairngorms National Park Authority acting as Planning Authority for samples of the proposed materials prior to the commencement of works on site.

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.

6. Prior to the commencement of the development, a woodland planting plan extending the existing planting up the burn and tying in with natural landform shall be submitted for the consideration and written approval of the Cairngorms National Park Authority acting as Planning Authority. The approved plan shall be implemented during the first growing season following the commencement of the generation of power.

Reason: To mitigate the impact of the turbine house and enhance its setting.

6. Proposals to conserve and manage the fragments of riparian native woodland upstream of the existing bridge, including fencing appropriate to the grazing threats and protection from burning, shall be submitted for the consideration and written approval of the Cairngorms National Park Authority as Planning Authority. The approved proposals shall be implemented within one year of the commencement of generation of power.

Reason: To ensure that the development enhances the natural heritage and compensates for any impacts on soils and ground flora brought upon by trench excavation, access tracks and vehicle movements.

7. All works on site should stop at least one hour before sunset and not commence until at least an hour after sunrise.

Reason: To ensure that the works do not have an adverse impact on wildlife in the vicinity.

Informative:

It is recommend that the CMS is submitted at least 2 months prior to the commencement of any works on site; this is to allow the necessary agencies sufficient time to fully review the mitigation proposals to avoid any potential delays to the project moving forward.

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 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 Cairngorms National Park Authority will advise further on this issue if requested to do so.

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5 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.