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## CAIRNGORMS NATIONAL PARK AUTHORITY

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

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DEVELOPMENT MANAGEMENT)**

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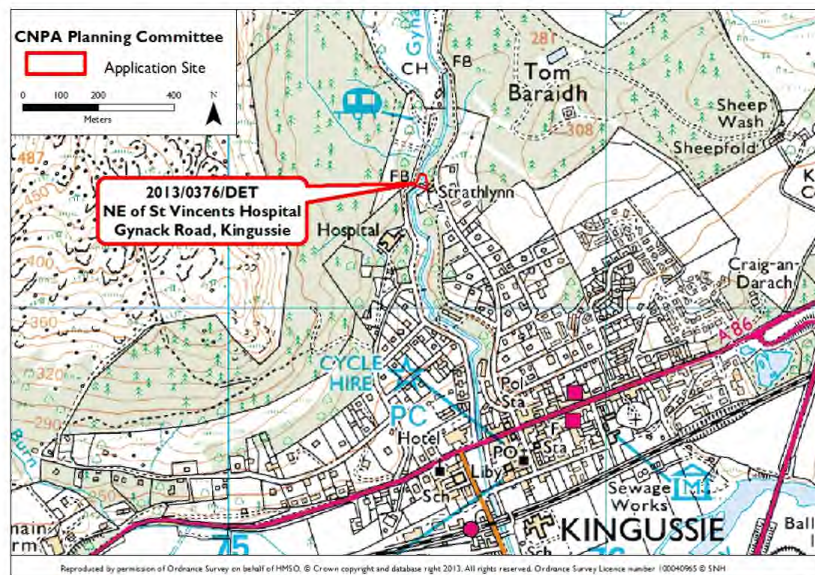
**DEVELOPMENT PROPOSED: RESTORATION OF MICRO HYDRO SCHEME (AMENDED PROPOSAL REF 10/424/CP) ON RIVER GYNACK 150M NORTH EAST OF ST VINCENT'S HOSPITAL GYNACK ROAD KINGUSSIE**

**REFERENCE: 2013/0376/DET**

**APPLICANT: KINGUSSIE COMMUNITY DEVELOPMENT COMPANY**

**DATE CALLED-IN: 3 DECEMBER 2013**

**RECOMMENDATION: APPROVAL SUBJECT TO CONDITIONS**



**Fig. 1 - Location Plan**  
**Grid reference: 275516 / 801342 (Easting / Northing)**

## SITE DESCRIPTION AND PROPOSAL

1. This application seeks full planning permission to revise a previously approved hydro scheme on the River Gynack, Kingussie which involved a new concrete lade, turbine house and “Archimedes Screw”. This scheme was approved by the CNPA Planning Committee on 1 April 2011 and has not been implemented to date. There has been ongoing discussion regarding amending the scheme as the economic feasibility of the original Archimedes Screw proposal has proved to be problematic for the applicants, who are a community development company.
2. As a result the applicants have considered various options to develop a scheme which would deliver their aspiration of creating a funding source for their work in the Kingussie area. They now propose a reduced scale of scheme which involves material changes to the original proposal and required submission of this planning application.
3. The site is located within Kingussie, north of St Vincent’s Hospital and just south of the Golf Club. It is located on the river Gynack, with infrastructure proposed to the north and south of a pedestrian bridge over the river. **Figure 2** below shows the site layout south of the bridge. To the west of the river lies Gynack Road and to the east Arbroilach Road.

**Figure 2 – Site Layout**



4. This is a very attractive wooded area on the edge of Kingussie, with a well used network of local paths in and around this area, some of which have been promoted and delivered by the applicants. There are remnants of a previous historic hydro scheme evident here, including a weir to the north of the bridge and the concrete base of the former power house to the south of the bridge in a gorge area and some redundant pipe works. This scheme provided power to the former sanatorium at St Gynacks and there is an interpretive panel explaining this history on the east river bank.

### Development Proposal

5. The current proposal generally involves reinstating the historic run of river hydro useage on the river Gynack to provide output of 14 kw. There are a number of components as follows
- Casting of a new weir against the old weir across the full width of the river ( same crest level) with short walls on either side of the weir tying into river bank with a slot formed on east side of the weir to control flows
  - Coanda screen to be mounted between the weir and support wall.
  - Provision of a new pipeline which will, as far as practicable, be disguised by boulders. The existing pipework from the original historic scheme will be removed and replaced by plastic pipework of larger diameter (700mm)
  - *These elements will replace the previously approved concrete side weir and lade*
  - Erection of new powerhouse of simple design with wooden walls and sheeting roof to be located to the north of the original plinth which is too undercut by the river to be safely used as a base again. Steel stairs will be installed to access this powerhouse.
  - Temporary construction compound will be provided in apart of the Golf club car park, and the expected construction period is from March to July 2014.

The figures below show these key components

**Figure 3: Coanda Screen and Weir Photomontage**



**Figure 4 Proposed Route of Pipeline**



**Figure 5 : Proposed Power House Photomontage**



6. The applicants have submitted supporting information including design proposal document which explains the history and rationale for the revisions with photomontages and photographs included: construction method statement; Environmental Study (which considered impacts upon mammals, concluding there should be no adverse impacts); and summary of changes to design report for original scheme. The design proposal statement provides a useful summary and description of the changes, and is attached as **Appendix I**.

## Site History

7. As noted earlier full planning permission was granted in 2011 for a hydro scheme here would have provided more power (20 kW). Amendments are however required to achieve economic viability in terms of cost of construction and funding streams. Prior to submission of the current applications, the applicants had considerable pre application discussion with planning officers to establish the extent of information required to support their application and have provided the information sought.
8. Finally in terms of planning history, full permission was granted by the CNPA planning committee in 2011 for two hydro schemes further upstream on the Pitmain Estate (reference 2011/0281/DET) To date these schemes have not been implemented.

## DEVELOPMENT PLAN CONTEXT

### National policy

9. **Scottish Planning Policy (SPP)** is the statement of the Scottish Government's policy on nationally important land use planning matters. It sets out that planning authorities are encouraged to take a positive approach to development, recognising and responding to economic and financial conditions in considering proposals that would contribute to economic growth and has the basic aim "to achieve the right development in the right place."
10. The key topic in this case is renewable energy which restates the Scottish Government's commitment to renewable energy and notes that hydro and wind are currently the main sources of such energy. Further advice on hydro is contained in the Scottish Government on line information note setting out issues to be considered and the key role of SEPA.

### Strategic Policies

#### Cairngorms National Park Partnership Plan (2012-2017)

11. The Cairngorms National Park Plan sets out the vision and overarching strategy for managing the Park and provides focus and priorities at a time of limited financial resources. The Plan also provides a strategic context for the Local Development Plan and shows how the four aims of the National Park can be achieved together. It sets out the strategic direction and priorities for the Park.  
Three long term outcomes for the Park are set out as follows:
  - A sustainable economy supporting thriving businesses and communities;
  - A special place for people and nature with natural and cultural heritage enhanced; and
  - People enjoying the park through outstanding visitor and learning experiences.

12. These outcomes address the interaction of the three main characteristics of the National Park these being that the Park is an internationally important area for nature conservation; a fragile rural economy, and an internationally known tourism destination. Recognising the relationship of these outcomes is at the heart of the National Park. Specific policies of the Plan seek to promote and enhance the special qualities of the Park

### **Local Plan Policy**

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

13. 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/parkauthority/publications/results.php?publicationID=265>
14. The Local Plan contains a range of policies and new development requires to be assessed in relation to all policies contained in the Plan. The following paragraphs list a range of policies that are appropriate to consider in the assessment of the current development proposal.
15. *Policy 15: Renewable Energy Generation* which supports small scale renewable energy schemes which support the aims of the National Park and the Park Plan's strategic objective regarding energy production, and where they contribute positively to the minimisation of climate change and complement the sustainability credentials of the development. Developments, including ancillary works, to be sited and designed to have no significant adverse visual or landscape impact and to have no adverse impacts upon neighbours or the environment.
16. *Policy 1: Natura 2000 Sites* which sets out that any development likely to have an effect on a Natura 2000 site will be subject to an appropriate assessment and where this is unable to ascertain that the development will not adversely affect the integrity of the site, the development will only be permitted where there are no alternative solutions or there are imperative reasons of overriding public interest including those of a social or economic reason
17. *Policy 3 Other Important Natural and Earth Heritage Sites and Interests* which seeks to ensure that any adverse impacts upon such areas, including ancient woodland, are mitigated and that the overall interests are not compromised.
18. *Policies 4: Protected Species and 5: Biodiversity* which presume against any development which would have an adverse effect on habitat or species identified in the Cairngorms Local Biodiversity Plan or upon European Protected Species. These policies are supported by natural heritage supplementary guidance.

19. Policy 12: Water Resources – this policy seeks to promote good use of water resources and to ensure that criteria are met in relation to flooding.
20. Policy 6- Landscape seeks to ensure that development complements and enhances the landscape
21. Policy 16: Design Standards which sets out design standards to be met in order to reinforce and reflect the pattern and character of the surrounding area. This is supported by the sustainable design guide.
22. Policy 11: The Local and Wider Cultural Heritage of the Park which seeks to conserve and enhance features, or uses, of local/wider or cultural significance,
23. Policy 34: Outdoor Access which seeks to improve opportunities for responsible outdoor access.

### Supplementary Planning Guidance

24. In addition to the adoption of the Cairngorms National Park Local Plan (2010) on 29th October 2010, a number of Supplementary Planning Guidance documents were also adopted. Key for the current proposal is the sustainable design guide which sets out guidance on design and also the supplementary guidance on natural heritage.

### CONSULTATIONS

25. **The CNPA Landscape Officer** advises that the landscape impacts of the scheme will be less than those of the original submission, and recommends that appropriate conditions be imposed to ensure that the detail of the scheme is of a suitable standard for this location in order to ensure that the development complements and enhances the landscape as required by policy.
26. **The CNPA Ecology Advisor** has no additional comments.
27. **The Spey Fishery Board** has been consulted and to date have not responded.
28. **Scottish Environment Protection Agency (SEPA)** has no objections to this revised scheme. They advise that a detailed site specific construction method statement should be provided by condition to cover matters of detail. (The applicants have been asked to begin work on this now in order to avoid future delays in the event of the application being supported). SEPA also asked that flood risk be considered if a new bridge was proposed, but the applicants have confirmed that no new bridges are proposed- the bridge referred to in their submission is the existing timber footbridge over the river. SEPA also recommend that water resilient materials be used in the construction of the turbine house. Finally they have advised that a CAR License has been granted for a hydro scheme here and no variation is

required. The license attached relevant conditions to protect the water environment.

29. **Scottish Natural Heritage (SNH)** advised that the site lies within the River Spey Special Area of Conservation (SAC) which is designated for its Atlantic Salmon, freshwater pearl mussels, sea lamprey and otter interests. At this location pearl mussels and sea lamprey are not known to occur.
30. With regard to salmon they note that the existing weir is an effective barrier. Salmon use the area below the weir for spawning and brown trout will be present above and below the weir. Constant recharging of the river bed with gravels is important in salmonoid rivers and substrate from upstream will continue to come down the Gynack. With regard to otter, SNH note that the surveys were carried out in 2010 and otter are a mobile species. However they recommend that if otter are encountered when work commences then effective delivery of the measures outlined in the Construction Management Plan will avoid any likely significant effects.
31. SNH conclude that it is unlikely that the development will have a significant effect, either directly or indirectly on any of the qualifying interests whereby an Appropriate Assessment is not required. They further note that effective management of the measures contained in the Construction Environmental Management Plan will avoid any likely significant effects.
32. **Kingussie and Vicinity Community Council** advise that they wholeheartedly support this application for a significant community project which they believe will have no detrimental effect on the environment. Once completed they believe it will be of great benefit to the community for years to come.

## REPRESENTATIONS

33. The application has been advertised and no objections have been received. The applicants have requested the opportunity to be **heard** at Committee.

## APPRAISAL

### Principle

34. The principle of a hydro scheme on the River Gynack is already established by the existing consent which is still valid until 7 April 2014. In addition National and local planning policies (Local Plan Policy 15 in particular) support the principle of renewable energy proposals such as this, providing they are suitably sited and designed, and comply fully with other local plan policies on landscape, biodiversity etc. It is therefore the detail of the proposal as compared to the original approval which requires to be considered in terms of environmental impacts and technical issues



### **Technical Issues**

35. There are no particular technical issues with this proposal which uses existing roads for access and benefits from an existing CAR licence from SEPA. No new access tracks are required and the proposal largely involves development on the site of existing redundant infrastructure.

### **Economic and Social Impacts**

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

### **Landscape and Visual Effects**

37. The original application proposed considerably more construction and engineering works in term of concrete lade and archimedes screw aspects. The current proposal is much lower key visually, with the provision of the pipeline having potential to be partly disguised by careful boulder placement. The pipeline however will have less visual impact in any event than the concrete lade with side walls as originally proposed.
38. The final component is the proposed turbine house with functional steel steps leading down to it. This is a small scale structure of simple construction and providing care is taken with the roof materials I am satisfied it will fit into its wooded setting comfortably. Replacement planting can be undertaken to compensate for any tree loss in this ravine area and the applicants are agreeable to this, and have successful experience in such work.

### **Environmental Impacts**

39. The environmental impacts of this proposal are again likely to be less due to its reduced scale with SEPA satisfied there are no adverse impacts upon the river environment. Similarly SNH has assessed the potential for impacts upon the River Spey Special Area of Conservation and have concluded that, providing construction takes place in accordance with an agreed construction environmental management plan, there should be no adverse impacts upon the qualifying interests of the SAC.
40. In these overall circumstances it is considered that overall the scheme should not have any adverse environmental impact and that measures can be put in place to ensure that any impacts are mitigated and compensated for. Appropriate conditions may be imposed to this end

## **Conclusion**

41. The reduced landscape impact of this scheme is welcomed. It is considered to readily comply with Local Plan policies on renewable energy and landscape, providing care is taken with the detail of its implementation on the ground.
42. Overall there will be considerable economic and social benefits arising out of this proposal in terms of this being a community project, whilst it also offers an opportunity to further interpret and promote the qualities and aims of the National Park in an area which is popular and well used by the public.
43. In these overall circumstances it is considered that the proposed development complies with planning policies and with the aims of the National Park. Approval is therefore recommended subject to suitable planning conditions.

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

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

44. The proposal has the potential to conserve and enhance the natural and cultural heritage by providing further interpretation of hydro in this popular area which forms part of the walking routes in and around Kingussie. It offers the opportunity to enhance and bring back into use redundant infrastructure and to provide replacement planting of benefit to the natural environment. It therefore readily supports this aim.

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

45. The proposed development supports this aim by using a local resource to generate energy, and returning the water used back to the environment to the satisfaction of the Scottish Environment Protection Agency. Natural resources which may be impacted upon (e.g. trees) will be compensated for by replanting.

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

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

## Promote Sustainable Economic and Social Development of the Area

47. The proposed development will help support the social and economic development of the area by providing income to the local community for reuse in other community projects. Construction of the development and future maintenance also offers opportunities to support the local economy.

## RECOMMENDATION

**That Members of the Committee support a recommendation to GRANT FULL PLANNING PERMISSION for Restoration of micro hydro scheme (amended proposal ref 10/424/CP)) on River Gynack 150M North East Of St Vincent's Hospital Gynack Road Kingussie subject to the following planning conditions:**

- I. No development shall commence on site until a detailed, site specific Construction Environmental Management Plan (CEMP) has been submitted to and approved by the Cairngorms National Park Authority (CNPA) acting as Planning Authority in consultation with SEPA. The plan shall cover the following matters
- construction methods for all aspects of the scheme
  - details of proposed access for construction and maintenance of intake structure, this to include identification of trees for retention and protection, trees for felling and tree removal.
  - Details of disposal of surface water during and post construction including roof waters from powerhouse.
  - Site waste management
  - Watercourse engineering including the requirements for mitigation measures to ensure that any infrastructure does not become a preferential pathway for the flow of groundwater. ( The use of clay "stops" or "bunds" in sections of penstock trench is recommended in addition to/instead of "tamping down" trench material.)
  - Storage and disposal of materials (including materials for re-use, e.g. boulders, rocks, peat, soils and vegetated turves),
  - Construction site facilities including the location of construction site huts, vehicle equipment, materials storage and location of parking area for construction workers
  - Duration, timing and phasing of works ( including any in river works)
  - Details of restoration and reinstatement of entire site post construction, this to include a landscape planting plan

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

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

2. No work shall commence on the construction of the powerhouse and its associated pipeline/steps until a landscape scheme has been submitted to and approved by the CNPA acting as Planning Authority. This scheme shall cover the following matters:

- Details of any trees to be felled or lopped in order to construct the power house
- Details of replacement planting – species, size, position and planting distances. These details to reflect the requirement for planting of native species.

The scheme shall thereafter be implemented in accordance with the approved details in the first planting season following completion of the development hereby approved.

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

3. No work shall commence on the construction of any of the components of the scheme until the following details have been submitted to and approved by the CNPA acting as Planning Authority:

- Details of the boulder placement for the pipeline which shall reflect the requirement for a natural finish to be achieved.
- Details of the finishes of the side walls to the weir in terms of tying into the river banks
- Details of the final finish of all concrete work which shall reflect the requirement to encourage natural weathering and colonisation by algae. (e.g. use of textured formwork)Details for any protective fencing, and railings.

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

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

4. No work shall commence on the construction of the powerhouse until details (including samples or brochures) of the proposed finishes have been submitted to and approved by the Cairngorms National Park acting as Planning Authority. These details to reflect the requirement for the roof to be finished in corrugated roof sheeting of “wavy” profile and dark green or grey colour, a traditional style of timber cladding with a dark stain finish and for any handrails to be constructed in timber. The building shall thereafter be completed in accordance with the approved details.

**Reason:** To ensure the development complements and enhances the landscape character of the National Park in accordance with Local Plan policies.

5. All construction work shall be carried out in accordance with recommendations contained in section 6 of Appendix 4 Environmental Study (dated 18/11/13) relating to measures to minimise disturbance to mammals in the area.

**Reason:** To ensure there are no adverse impacts upon mammals and protected species in the area in accordance with Local Plan policies.

- 6 If any lighting is proposed at the site details shall be submitted to and approved by the Cairngorms National Park acting as Planning Authority before any such lighting is installed. The details to reflect the requirement that lighting does not shine directly into the water and shall avoid any light spillage. Any works shall thereafter be installed in accordance with the approved details.

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

**Advice notes:**

- Please note the comments of SEPA available on our website which outline that water resilient materials should be used in the construction of the turbine house and recommend that contact be made with Highland Council's Flood Prevention Unit for further advice on flood study work they are carrying out on the lower reaches of the River Gynack.
- It is recommended that interpretative material be provided on site relating to the existing and proposed hydro infrastructure. The CNPA would be happy to provide input and advice as necessary on content and wording.
- It is recommended that construction work (including the loading/unloading of delivery vehicles, plant or other machinery) should not take place outwith the hours of 0800 hours to 1900 hours Mondays to Fridays, 0800 hours to 1300 hours on Saturdays or at any time on Sundays or Bank Holidays in order to minimise disturbance to residents in the area.
- In accordance with section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended), this permission lapses on the expiration of a period of 3 years beginning with the date on which this permission is granted unless the development to which this permission relates is begun before that expiration.

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**Date: 30 December 2013**

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