
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

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DEVELOPMENT MANAGEMENT)**

DEVELOPMENT PROPOSED: Application under section 42 to vary condition 1 of planning permission 2014/0186/DET (14/02421/S42) at Gravel Pit 220M West of Dell of Killiehuntly Farmhouse, Kingussie, Highland, PH21 1NS

REFERENCE: 2015/0126/DET

REASON FOR CALL IN: Type 1 - Applications which are directly related to applications that have been previously determined by CNPA. Development potential to promote the sustainable use of the natural resources of the area; contribute to the sustainable economic development of the area's communities; and to conserve and enhance the natural heritage of the area.

APPLICANT: AMW Arboreal Ltd

DATE CALLED-IN: 05 May 2015

RECOMMENDATION: APPROVAL SUBJECT TO CONDITIONS

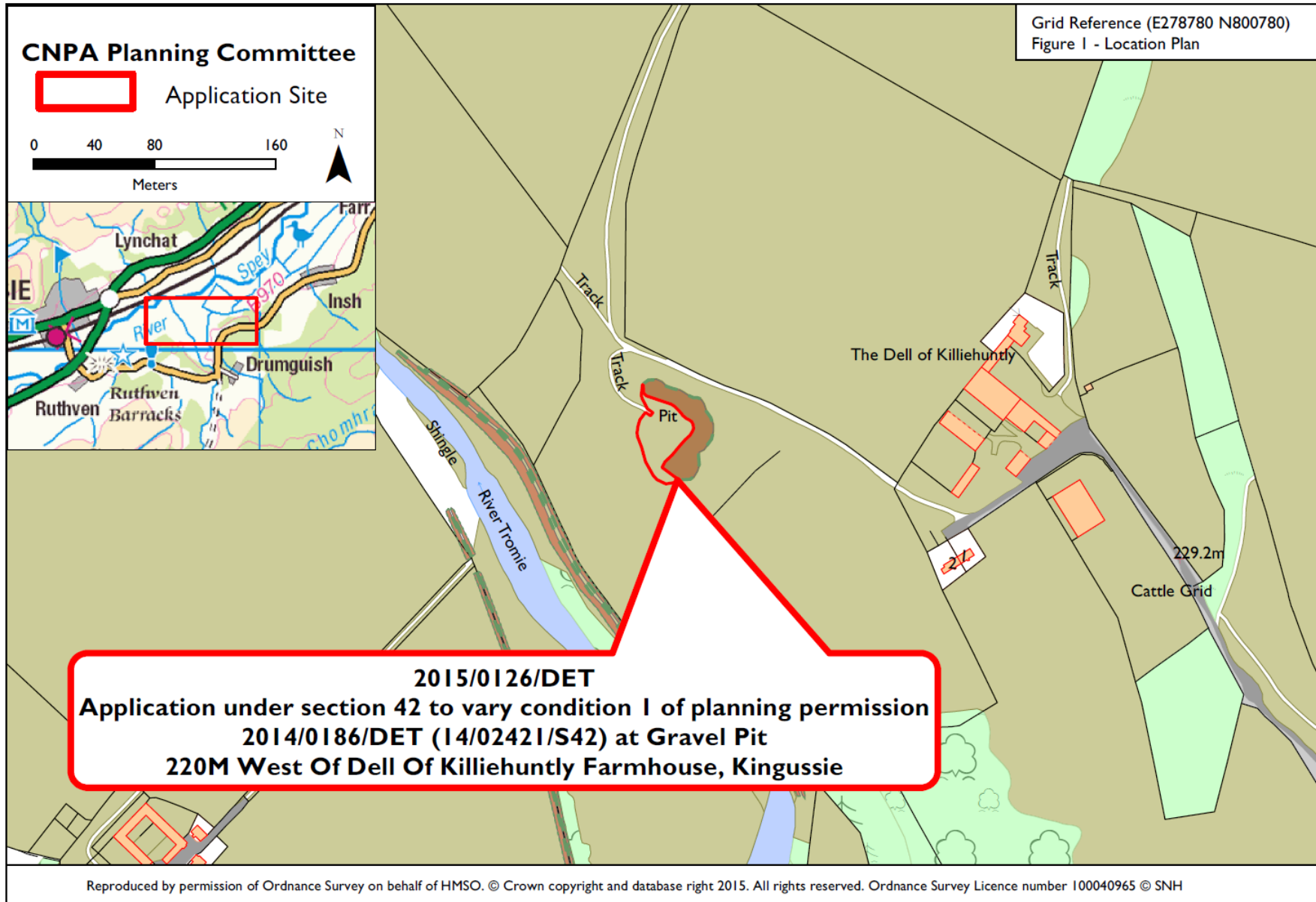


Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

1. The drawings and documents associated with this application are listed below and are available on the Cairngorms National Park Authority website unless noted otherwise:

<http://www.eplanningcnpa.co.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NBBYHOSI0BX00>

Title	Drawing Number	Date on Plan	Date Received
1:2500 scale Location Plan		undated	
Planning Application Supporting Statement by AMW	Project Kade	undated	
Odour Management Plan by AMW	1177-3174 Final VI	July 2013	

Development Proposal

2. This application seeks permission to vary the terms of a planning consent granted for the temporary use of land for a pilot scale research project to produce briquettes from plant feedstock (Reference 2013/0239/DET). The current proposal seeks to continue this use for a further 18 month period. The applicants have explained the reasons for requiring this extra time are to use all remaining biomass stored; refine the technology; continue to assess the economics in order to work towards a complete community energy system; and to demonstrate the technology at a local level. Following further discussion the applicants' agent has advised that they do not seek a permanent consent.
3. The application site is located in a small, disused quarry pit at Dell of Killiehuntly Farm to the north-west of the B970, Ruthven to Inshriach public road, with the River Tromie lying to the west. It is accessed by an existing private track running through Killiehuntly farm and steadings. The project involves using natural materials (rushes, reeds, and willow scrub arisings) from the RSPB's management of the nearby Insh Marshes Nature Reserve as feedstock for a biomass processing plant to then produce electricity, heat briquettes, and digestate.

Site History

4. Planning consent was originally granted in 2013 and a copy of the report to the Cairngorms National Park Authority (CNPA) Planning Committee at that time is attached as **Appendix I**. This explains the proposals in detail and provides the full background. This consent was granted subject to temporary planning condition restricting the operations to 31 March 2014 – i.e. six month period.

5. Following on from this, a further two applications to extend the time period were approved by the CNPA Planning Committee. Firstly in March 2014 for a further 3 months, the application having been submitted due to delays in starting on site because of weather conditions (2014/0016/DET), then again in August 2014 when consent was granted for another year until April 2015 as this experimental project had been invited to continue to third phase under the Small Business Research Initiative (2014/0186/DET).
6. Some Members may recall that following these decisions in May 2014 a Board visit to see these operations in action was undertaken.

DEVELOPMENT PLAN CONTEXT

National policy

7. **Scottish Planning Policy** (SPP, revised 2014) sets out national planning policies that reflect Scottish Ministers priorities for the operation of the planning system and for the development and use of land. Under planning law, planning applications must be determined according to the development plan unless material considerations indicate otherwise. The content of SPP is a material consideration in planning decisions that carries significant weight. The SPP promotes consistency in the application of policy across Scotland while allowing sufficient flexibility to reflect local circumstances.
8. The SPP sits alongside four other Scottish Government planning policy documents:
 - 1) The **National Planning Framework** (NPF) which provides the statutory framework for Scotland's long term spatial development. The NPF sets out the Scottish Government's spatial development policies for the next 20 to 30 years;
 - 2) **Creating Places**, the policy statement on architecture and place, containing the Scottish Government's policies and guidance on the importance of architecture and design;
 - 3) **Designing Streets**, a policy statement putting street design at the centre of placemaking. It contains policies and guidance on the design of new or existing streets and their construction, adoption and maintenance; and
 - 4) **Circulars**, which contain policy on the implementation of legislation or procedures.
9. Scottish Planning Policy seeks to promote sustainable rural development, and to support the development of a diverse range of electricity generation from renewable energy technologies.

Strategic Policies

Cairngorms National Park Partnership Plan (2012-2017)

10. 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.
11. Three long term outcomes for the Park are set out as follows:
 - 1) A sustainable economy supporting thriving businesses and communities;
 - 2) A special place for people and nature with natural and cultural heritage enhanced; and
 - 3) People enjoying the park through outstanding visitor and learning experiences.

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. A series of work programmes to help deliver the outcomes is set out in the Plan.

12. Policy 1.3 seeks to support the development of a low carbon economy with particular emphasis on increasing renewable energy generation especially biomass and hydro where it is compatible with conserving the special qualities of the National Park.

Local Plan Policy

Cairngorms National Park Local Development Plan (2015)

13. Since consideration of previous applications the 2015 Cairngorms Local Development Plan has been adopted and the application now requires assessed in relation to policies contained in the this Plan. The full wording of policies can be found at: <http://cairngorms.co.uk/park-authority/planning/local-development-plan>. Key policies relevant to the proposed development are summarised below:
14. *Policy 3: Sustainable Design* sets out that all new development should, amongst other criteria, be sympathetic to the character of the area, make sustainable use of resources; be appropriately accessed, create opportunities to further biodiversity, protect amenity of neighbours as well as promoting sustainable transport methods.
15. *Policy 4: Natural Heritage Policies 4.5 and 4.6* seek to ensure that all development furthers the conservation of biodiversity through its

maintenance and enhancement. *Policy 4.1* seeks to ensure that development which is likely to have a significant effect on a Natura 2000 site demonstrates that there will be no adverse effect on the integrity of the site.

16. *Policy 5: Landscape* states that there will be a presumption against any development that does not conserve and enhance the landscape character and special qualities of the Cairngorms National Park, and that any adverse effects are minimised and mitigated through appropriate siting, landscaping and design.
17. *Policy 7: Renewable Energy* supports proposals for renewable energy generation where they contribute to minimising climate change, complement the sustainability credentials of the development, conserve and enhance the special qualities of the National Park, minimise cumulative effects and are appropriately serviced. In relation to biomass sufficient storage capacity must be provided to minimise need for delivery to the site.
18. *Policy 10.1: Water Resources* seeks to ensure that there is no deterioration in current or potential ecological status of waterbodies, and that development avoids any unacceptable detrimental impacts on the water environment.

Supplementary Planning Guidance

19. Current supplementary guidance on sustainable design, natural heritage and landscape sets out issues to be considered and these are largely reflected in the Supplementary Guidance recently approved by the Planning Committee which will be passed onto Scottish Ministers with a view to future adoption.

CONSULTATIONS

20. **Scottish Environment Protection Agency (SEPA)** have no objection to the proposals.
21. **Scottish Natural Heritage (SNH)** noted with the original application that an Appropriate Assessment would not be required and they have no additional comments to make.
22. **The Highland Council Environmental Health Service** had no objections to the original application providing the measures outlined in the original odour management plan were followed. They have offered no additional comments with the current application.
23. **The Highland Council Roads Service** has no comments other than to repeat the need for visibility at the junction onto the B970 to be maintained by hard trimming of roses and willows south of the junction point.
24. **CNPA Landscape Advisor** has no additional comments.
25. **CNPA Ecology Advisor** notes that the site lies adjacent to several designated areas (River Spey SAC, Insh Marshes SSSI and SPA, Insh Marshes

RAMSAR site and Insh Marshes SAC) and that SNH has previously advised that there are no impacts upon designated areas. The Advisor concludes that there will be no significant negative effects on designated features and that the project will enable effective management of the wetland which will conserve and enhance the natural heritage in accordance with Local Development Plan policies.

26. **Kincraig Community Council** has not provided any comments at the time of writing.

REPRESENTATIONS

27. None

APPRAISAL

Principle

28. This development has been operating with planning permission at Dell of Killiehuntly since April 2014 and with no apparent adverse impacts or neighbour complaints. As noted earlier a number of time extensions have been agreed in order to allow this pilot project to proceed and the current proposal is simply to extend the time period for a further 18 months. The reasons for the time extension are considered to be reasonable. This slightly longer time period may avoid the need for continued submission of applications to extend the originally approved time scale.
29. The only change in circumstances since the last consideration of these proposals has been that the Cairngorms Local Development Plan has been adopted. Accordingly the application requires to be considered in the light of these policies. These policies are not significantly different in relation to consideration of the proposal and in particular the development is considered, as previously, to comply fully with Policy 7 on Renewable Energy.

Landscape

30. Given that the development is located in an existing gravel pit with little impact on the surrounding landscape, Policy 5 on Landscape is considered to be fully complied with. Indeed the equipment used on site is not dissimilar to standard agricultural plant and machinery with structure painted green, as per the terms of the original consent.

Environmental Impacts

31. Any environmental impacts are minor with no loss of habitat and potential benefits arising from the management of the marshes in a positive way; including the re-use of arisings to produce energy and products. The application is therefore considered to comply with Policies 4 and 10 on Natural Heritage and Resources.

Access and Servicing

32. The site is also satisfactorily serviced and accessed as required by Policy 3 – Sustainable Design. A condition is recommended regarding the need to maintain visibility at the junction of the B970.

CONCLUSION

33. It is considered that the application complies fully with Development Plan policies and there are no material considerations which would indicate that planning permission should not be granted. In addition, the continued use of this site will enable conclusion of an interesting project and provide useful research. Approval is therefore recommended subject to conditions reflecting the time scale now sought and the conditions attached to the latest time extension consent which reflect the fact that some works (road junction visibility upgrade) had been implemented.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

34. The application supports this aim by enabling grassland management to be improved at Insh Marshes Nature Reserve, maximising benefit for breeding wader birds.

Promote Sustainable Use of Natural Resources

35. The application supports this aim by using natural resources in a sustainable manner to create energy and other products with the project seeking to increase the availability of renewable, sustainable, bioenergy whilst addressing the challenges of wetland management.

Promote Understanding and Enjoyment of the Area

36. Whilst the project does not directly relate to this aim the productive management of the Insh Marshes Nature Reserve, as related to this project, is of benefit to the public's enjoyment of this important resource.

Promote Sustainable Economic and Social Development of the Area

37. The generation of energy from renewable sources readily supports this aim.

RECOMMENDATION

That Members of the Committee support a recommendation to GRANT FULL PLANNING PERMISSION for an application under section 42 to vary condition 1 of planning permission 2014/0186/DET (14/02421/S42) at Gravel Pit, 220M West Of Dell Of

Killiehuntly Farmhouse, Kingussie subject to the following planning conditions:

1. The development authorised by this permission shall be removed and the land restored to its former condition on or before 17 January 2017.

Reason: The buildings and works are of a temporary nature and the application has been considered on this basis in relation to planning policies.

2. The visibility at the junction with the B970 shall be maintained by the hard pruning of the roses and willows south of the access point during the period when the facility is active.

Reason: To maintain the visibility at the junction in the interests of road safety in accordance with Local Development Plan Policy 3 Sustainable Design.

3. The plant shall operate in strict accordance with the Odour Management Plan dated July 2013 (that formed part of application 2013/0239/DET).

Reason: To ensure there is no adverse impact on residential amenity due to odours and in accordance with Local Development Plan Policy 3 Sustainable Design.

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Date: 3 July 2015

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.