

---

## CAIRNGORMS NATIONAL PARK AUTHORITY

---

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

**Prepared by: KATHERINE DONNACHIE  
(PLANNING OFFICER,  
DEVELOPMENT MANAGEMENT)**

---

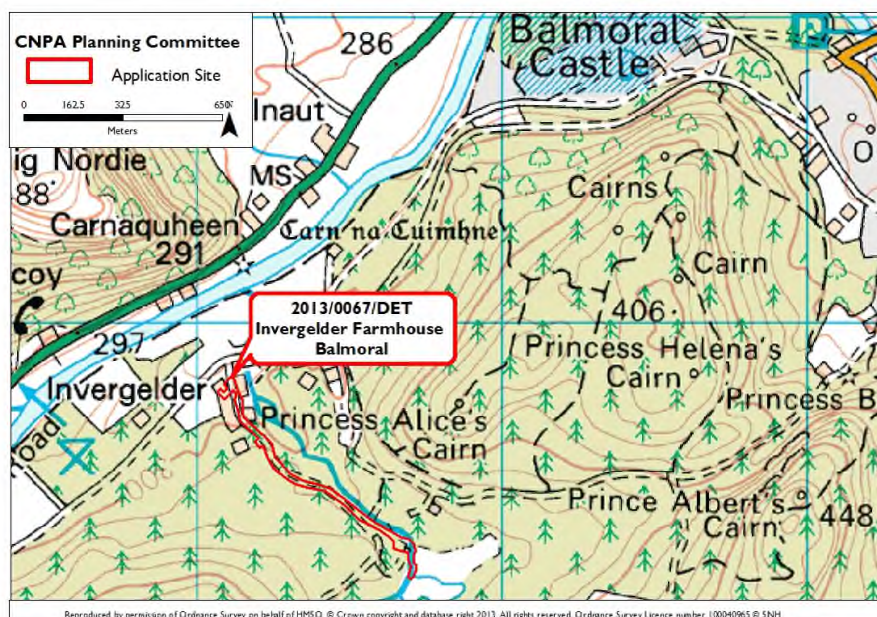
**DEVELOPMENT PROPOSED: UPGRADING OF 40KW HYDRO GENERATING PLANT TO 100KW, NEW FISH PASS AND FISH MANAGEMENT PROPOSALS, ERECTION OF TURBINE HOUSE AND DEMOLITION OF IMPLEMENT SHED**

**REFERENCE: 2013/0067/DET**

**APPLICANT: BALMORAL ESTATE**

**DATE CALLED-IN: 11 MARCH 2013**

**RECOMMENDATION: APPROVAL SUBJECT TO CONDITIONS**

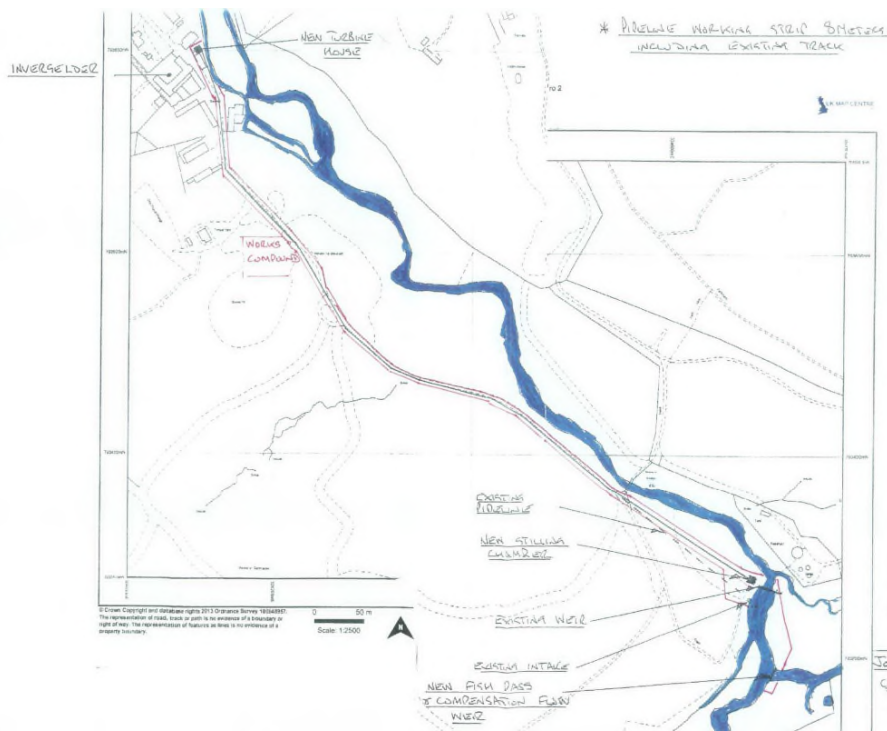


**Grid reference: (E) 287421 (N) 768025**

**Fig. 1 - Location Plan**

## SITE DESCRIPTION AND PROPOSAL

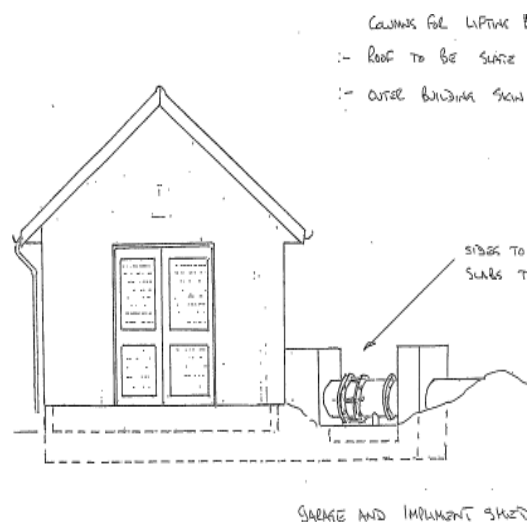
1. This application seeks full planning permission for works to reinstate and upgrade an historic hydro scheme at Invergelder, on Balmoral Estate. The new scheme will provide around 100 kw of energy to provide heating for Balmoral Castle as opposed to the original scheme which provided 40 kw of power exported directly to the national grid. The scheme will also provide improved fish passage by revising the infrastructure to ensure adequate flows in the river.
2. The proposals basically involve an intake structure, settling tank, replacement weir and new fish pass to be located at an area of managed water bodies south of Invergelder. A short section of new pipeline is proposed from this infrastructure through woodland before connecting onto the route of the original pipework, which will be replaced. A new turbine house is proposed beside Invergelder Farm with buried connection thereafter to Balmoral itself. **Figure 2** below shows the overall layout



**Fig. 2 Site Plan**

3. The intake is to be formed within the existing dam structure with a new pipe linking to the settlement tank and penstock/pipeline. Rock armour is to be installed alongside the intake weir in place of the former fish pass and a new fish pass is to be constructed in a parallel watercourse.

4. The pipeline and access track run through managed Scots pine woodland, and the first section of new pipeline will run through trees which have grown in over the line of the original pipeline so some felling will be inevitable. The woodland is fairly open with some sizeable and attractive individual granny/veteran pines.
5. The majority of the scheme is located within areas of managed pine woodland south east of Invergelder Farm on Balmoral Estate, with limited views into, or out of, the area. The intake weir will be situated on an existing water body within an area of open wetland surrounded by pine plantation woodland. Within this area there is evident management of a network of water channels. The site lies outwith the Balmoral Castle Gardens and designed landscapes inventory site. The River Gelder forms part of the River Dee Special Area of Conservation (SAC) being a tributary of the Dee. The qualifying interests of this SAC relate to otter, fresh water pearl mussels and salmon.
6. Invergelder farm steadings are category B listed buildings of architectural and historic importance. They are unaffected by the proposals, with part of an existing lean to building to the east of the farm complex to be demolished to make way for the new generator building. This building is a pitched roof rectangular building of functional design, which will house the new generator and associated equipment. Proposed finishes are natural wood walls, and slate roof and the building will measure some 7 metres by 5 meters. **Figure 3** shows gable elevation.



**Fig. 3: Turbine House**

7. No new access tracks will be required as access will be taken via the existing track running south from Invergelder farm to the site. The nearest residential property is at Invergelder itself.

8. Supporting information has been submitted in the form of a short environmental statement which concludes that there will be no adverse impacts arising from the development. A mammal survey, fish habitat survey and supporting statement explaining the context of the proposals have been submitted also, and these conclude that any impacts may be mitigated. A construction method statement has also recently been submitted outlining how the works will be carried out to minimise any environmental impacts. This also explains that an Environmental Clerk of Works will be employed
9. A further tree survey has been commissioned to consider the best routing for the pipeline to avoid individual veteran trees, but at this stage the agent is keen for the application to be considered as the opportunities to carry out works in the river will be limited so they need to receive an early decision on the overall scheme.

## DEVELOPMENT PLAN CONTEXT

### National policy

10. **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."
11. 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

12. 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.

13. 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.

### Local Plan Policy

14. 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>
15. The Local Plan contains a range of policies and new development requires to be assessed in relation to all policies contained in the Plan.
16. Key planning policies are as follows:
17. 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.
18. 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
19. 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.
20. 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.
21. 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.

22. Policy 6- Landscape seeks to ensure that development complements and enhances the landscape
23. 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.
24. Policy 9 Listed Buildings and Policy 7 Gardens and Designed Landscapes which seek to ensure that new development preserves, protects and enhances the character and quality of the designations.

### Supplementary Planning Guidance

25. 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 guidance on natural heritage.

### CONSULTATIONS

26. **The CNPA Landscape Officer** notes that the proposal is to upgrade an historical hydro scheme which has an existing weir, impoundment and intake. Changes are largely modifications, with the new generator house to be located within a complex of buildings. The only issue likely to cause any landscape impacts is the construction of the pipeline and any impacts upon the pine woodlands here and individual granny pines. It is therefore important to ensure that this component avoids any adverse effects upon the special landscape qualities. It is concluded that such impacts could be mitigated by conditions covering submission of details of the construction corridor and tree survey and management plan.
27. **The CNPA Ecology Officer** is assessing additional recently submitted information provided by the applicants on a construction method statement in consultation with SEPA and will provide detailed comment in due course. In relation to the wider scheme, The officer advises that the proposed remodelling of the current long-established, hydro scheme by improving access for fish and ensuring that channels no longer dry up, represents an ecological enhancement of riverine ecology.
28. In relation to impacts upon the Ancient Woodland the officer advises that any damage can be minimized by routing works so that negative impacts on veteran pines and mature broadleaves are avoided. It is noted that the protected mammal survey highlighted a red squirrel drey in an area of pine which may be subject to felling. This would require a licence from SNH, although the loss of one drey to the red squirrel population is unlikely to be significant.

29. Any tree felling should also avoid disturbing nesting birds, either by ensuring that felling occurs outside the woodland bird nesting season or by undertaking pre construction survey. Remaining impacts on woodland ecology could be compensated for through the enhancement planting of riparian native broadleaves.
30. Finally it is advised that biodiversity could be further enhanced through the installation of two bat boxes to be located on the new turbine house.
31. **Grampian Police** have no objections.
32. **Aberdeenshire Council's Flood Prevention Team** has been consulted and have no objection subject to the new plant house incorporating flood resilient measures in the construction.
33. **Aberdeenshire Council's Environmental Health Service** has no objection subject to a condition being imposed regarding noise levels from the plant room to ensure no disturbance to houses in the vicinity.
34. **Scottish Environment Protection Agency (SEPA)** has no objections, noting that an application for a technical variation to the license under the Controlled Activities Regulations (CAR) will be required under their legislation and advise that the scheme is broadly capable of being consented under this legislation. They further note that they advised the applicants to submit a construction environmental management plan for all elements regulated by SEPA e.g. weir, intake etc but that a construction method statement should be sought by planning condition for those elements not regulated by SEPA such as the construction of turbine housing and demolition of implements shed. They therefore recommend that the applicant may wish to submit a joint document to cover all matters.
35. **Scottish Natural Heritage** initially raised concerns regarding the potential impacts of the development upon the qualifying features of the River Dee Special Area of Conservation (SAC) in terms of lack of information to fully assess these impacts, principally upon salmon and freshwater pearl mussels as a result of any reduced flows. (They did not have particular concerns regarding otters and further noted that if any trees were to be felled which contained squirrel dreys then a license from SNH would be required.) On receipt of revised information and plans clarifying a number of points, SNH have confirmed that it is now understood that the proposals will lead to an improvement in water habitat. Accordingly they have confirmed that a freshwater pearl mussel survey will not be required.
36. They conclude that they have no objection to the proposal in terms of the impacts upon the qualifying interest of this *providing* it is carried out in accordance with a construction method statement (CMS). They would object if the application was not made subject to this mitigation as the construction impacts from the scheme do have potential to have a significant effect. They further note that an appropriate assessment of the impacts of the development would not be required if the works were carried out in

accordance with a CMS which set out the measures required to minimise the risk of sediment being mobilised in the watercourse during construction.

37. SNH were consulted on the recently submitted CMS and advise that they have no comments, being content for the CNPA and SEPA to assess whether the document adequately identifies the necessary measures to prevent pollution of the watercourse.
38. **Dee District Salmon Fishery Board** have highlighted that the Gelder burn is part of a the River Dee SAC which is of international nature conservation value. The proposed scheme offers the opportunity to improve fish habitats as compared to the existing scheme which is essential here. Recommendations made by the Fishery Board have been incorporated in the final proposals and on this basis the Board have no objections subject to a number of conditions being met, these relating to timing of works, carrying out works in accordance with a Construction method statement , (it being essential that no sediment enters the watercourse, as salmon require a clean , sediment free environment) control of lighting plus other matters relating to the water environment which may be more properly regulated by SEPA.
39. **Ballater and Crathie Community Council** have been consulted and have not provided any comments at the time of writing.

## REPRESENTATIONS

40. The application was advertised and no representations have been received. The applicant's agent has indicated they can be available at Committee to answer questions if required.

## APPRAISAL

### Principle

41. 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. In this case the proposal involves the upgrading of an historic hydro scheme to provide electricity for an important tourist attraction and historic building. As such the principle of the development complies with policies for sustainable development and for cultural heritage. It is therefore the detail of the proposal which requires to be considered in terms of environmental impacts.

### Technical Issues

42. There are no particular technical issues with the proposal which largely uses existing infrastructure and does not involve construction of new tracks.



### **Residential Amenity**

43. The site is located a reasonable distance from the nearest house and appropriate conditions can be imposed to ensure no noise nuisance arises. Any impacts arising out of construction activities will be short term, and it is therefore considered that there will be no adverse impacts upon neighbours.

### **Environmental Impacts**

44. The proposed development has minimal environmental impacts as, with the exception of a short section of new pipeline, it utilises or replaces existing infrastructure with minor modifications. However there could be impacts arising from the construction of the new pipeline in terms of running through woodland. This matter can be addressed by planning conditions as the applicants will be able to route the pipeline to avoid any significant trees and there is time to submit such information, as the pipeline will not be constructed until later in the year.
45. The potential for impacts upon the environmental designations (River Dee Special Area of Conservation) have been considered by SNH who have concluded that, providing construction takes place in accordance with an agreed construction method statement, there should be no adverse impacts upon the qualifying interests of the SAC. It is however essential to ensure the construction method statement is of a satisfactory standard and this is presently being assessed by SEPA, Dee District Salmon Fishery Board and the CNPA Ecologist rather than being reserved as a planning condition.
46. Finally in relation to environmental impacts both SNH and the Dee Fishery Board consider that the proposal will improve the fish habitat by improving water flows and fish passage. Similarly SEPA have no objections. On this basis it is considered that overall the scheme should have positive environmental benefits.

### **Cultural Heritage Impacts**

47. The discrete location of this site is such that there will be no impact upon any historic buildings in this important designed landscape, with the application site itself lying outwith the designated landscape. The new turbine house will relate well to the building complex at Invergelder being of appropriate design and finishes.

### **Landscape and Visual Effects**

48. Again the landscape impacts of this proposal are minor, given the relationship to existing infrastructure and the small scale of the proposals. Providing the construction corridor and impacts on trees are minimised (as suggested by our Landscape Advisor) the proposal is considered to be visually satisfactory, with conditions suggested to ensure that the relevant detail is provided.

## **Conclusion**

49. In these overall circumstances it is considered that the proposed development complies fully with planning policies and with the aims of the National Park. Upgrading an existing scheme minimises environmental impact, and overall this development is welcomed. Approval is 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**

50. The proposal is not considered to have an adverse effect on Balmoral Castle, or other important historic buildings in the area due to its location and nature. Indeed the purpose of the scheme to provide sustainably sourced heating for Balmoral will help to conserve and enhance the cultural heritage. Similarly the scheme is not considered to have any adverse effect on the designed landscape or listed buildings in the area. Finally it should improve natural heritage interests by improving fish passage and river habitat.

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

51. The proposed development supports this aim by providing locally sourced renewable energy which will be used to heat Balmoral Castle. The upgrading of the existing hydro scheme infrastructure (together with the fact that the long term benefits of renewable energy are the sustainable use of natural resources) helps ensure this aim is met.

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

52. The proposal may help support this aim by offering the opportunity to provide interpretive facilities for the many visitors to Balmoral to explain how the energy for the Castle is generated. In addition the location of the site, and the scale of the development, will ensure that it does not should 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**

53. The proposed development will help support the social and economic development of the area by providing heating to an important tourist attraction and local employer. There is also potential for construction materials and work to be locally sourced thus supporting economic development.

## RECOMMENDATION

**That Members of the Committee support a recommendation to GRANT full planning permission Upgrading of 40kW Hydro Generating Plant to 100kW, New Fish Pass and Fish Management Proposals, Erection of Turbine House and Demolition of Implement Shed Subject to:**

(a) **SEPA, Dee District Salmon Fishery Board and the CNPA Ecology Officer confirming that the submitted construction method statement satisfactorily addresses any environmental impacts with any additional conditions required incorporated in the final decision notice**

(b) **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.

2. The finishes of the turbine house shall be completed in accordance with the approved plans, these being slate roof and natural wood finishes. Unless otherwise agreed, no work to commence on the construction of the turbine house until details of two bat boxes to be installed on the turbine house have been submitted to and approved by the Cairngorms National Park Authority acting as Planning Authority. The boxes to be installed in accordance with the approved details before the turbine house is brought into operation

**Reason:** To ensure that the new building fits into its surroundings, and in particular relates well to the adjoining listed buildings, in accordance with planning policies and to enhance the biodiversity of the area.

3. All construction works shall be carried out in accordance with the approved construction method statement document with all excavation works reinstated within 3 months of completion of the development unless otherwise agreed 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 new turbine shed shall incorporate flood resilient measures and materials with all plant which may be vulnerable to flooding sited to minimise risk of damage from flooding

**Reason:** To minimise any impacts from potential flooding in accordance with Local Plan policies

5. During construction all exposed pipes and trenches shall be covered when the contractors are off site, or a plank or similar provided so that otters may escape.

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

6. The design, installation and operation of equipment at the generator house shall ensure that noise does not exceed NR25 at any of the standard octave bands 31.5 Hz to 8 kHz when measured or calculated within a living apartment at any of the nearby noise sensitive receptors with windows open for ventilation purposes

**Reason:** To ensure there is no loss of residential amenity in accordance with Local Plan policies

7. No work shall commence on the construction of the pipeline until a tree survey and tree management plan has been submitted to and approved by the Cairngorms National Park acting as Planning Authority. This plan shall include full details of the proposed construction corridor (location and width). I shall reflect the need for the pipeline route to minimise loss of trees, minimise any impact upon existing mature trees such as granny pine and include details of mitigation of any impacts upon trees and upon wildlife including detailed proposals for riparian planting to compensate for the loss of trees. A tree protection plan shall be included in the details together with details of the removal, storage and re use of ground flora turfs. The works shall thereafter be implemented in accordance with the approved details and mitigation measures before the scheme is brought into use. All tree felling to be undertaken outwith the bird nesting season (February to mid August) unless a pre construction survey is undertaken to demonstrate that there are no nesting birds.

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

8. No in river works shall take place outwith the following dates in any year – 1 June to 15 October

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

9. 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 to shine directly into the water. 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

## Information Notes

1. It is recommended that the opportunity be taken to provide interpretive material at to explain how the hydro scheme works and its role in providing locally sourced electricity for the Castle. The Cairngorms National Park Authority would be happy to assist with any comments on potential wording if this would be helpful.
2. Please note that you will require to obtain consent from SEPA for these works under their legislation so you should contact that Agency separately.
3. Please note that the Dee District Salmon Fishery Board have requested that an appointed staff member from the Board should have access to the site during all stages of construction – contact 013398 80411

**Katherine Donnachie**

[planning@cairngorms.co.uk](mailto:planning@cairngorms.co.uk)

**8 July 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.