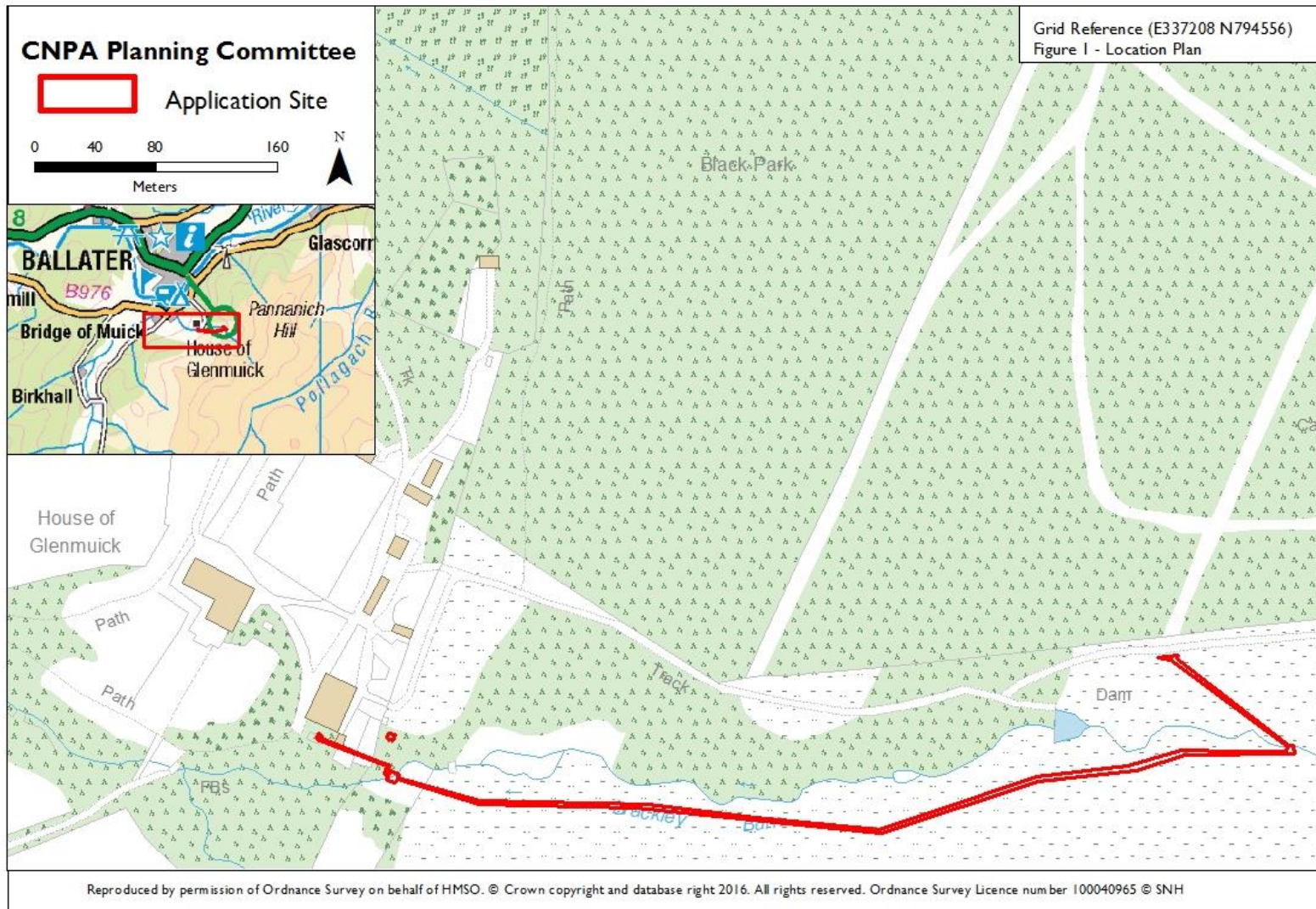

CAIRNGORMS NATIONAL PARK AUTHORITY

DEVELOPMENT PROPOSED:	
Installation of 25kw micro hydro system, low level single wall weir, 200mm buried penstock & turbine house at Site to the south east of House of Glenmuick, Glen Muick, Ballater	
REFERENCE:	2016/0134/DET
APPLICANT:	Okeover Enterprises
DATE CALLED-IN:	9 th May 2016
RECOMMENDATION:	APPROVE WITH CONDITIONS
CASE OFFICER:	David Allan, Planning Technician



SITE DESCRIPTION AND PROPOSAL

Site Description

1. The application site is located at land to the East of the House of Glenmuick, approximately 1 mile South of Ballater. The site comprises a small incised watercourse, Brackley Burn, which flows largely through open moorland and rough grassland with areas of woodland to the North and West. Remnants from an historic hydro scheme remain in situ in the burn between the proposed installation and the estate house.
2. The site is within the Cairngorms Massif SPA, designated for Golden Eagle, and the Brackley Burn is a tributary to the River Dee SAC, designated for Otter, Atlantic Salmon, and Freshwater Pearl Mussel.
3. Access to the site is via the principal Estate access from the B976. From there access to the development is by way of an existing network of estate tracks.

Proposal

4. 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/#searchApplications>

Title	Drawing Number	Date on Plan	Date Received
*Development and Ownership Boundaries, 1:5000	049-06-DWG06-REV02	13/07/2016	13/07/2016
Development and Ownership Boundaries, 1:2500	049-06-DWG05-REV01	14/04/2016	09/05/2016
*Cross Sections – Amended	049-06-DWG08-REV03	27/07/2016	28/07/2016
*Proposed Outfall Arrangement	049-06-DWG04-REV01	10/03/2016	09/05/2016
*Proposed Turbine House	049-06-DWG03-REV02	13/07/2016	13/07/2016
Example Bunding	049-06-DWG09-REV01	13/07/2016	13/07/2016
*Construction Method Statement (revised)	049-06-CMS01-REV02	13/07/2016	25/07/2016
* Additional Information	049-06-PNT04-REV02	05/07/2016	06/07/2016

*Design Statement	049-06-PLA01-REV01	27/04/2016	09/05/2016
*Proposed Abstraction	049-06-DWG02-REV01	09/03/2016	09/05/2016
*Pollution Prevention Plan	049-06-PPP01-REV01	02/06/2016	02/06/2016
Noise Assessment	049-06-DWG07-REV01	20/05/2016	25/05/2016
Fish Habitat Survey		25/02/2016	09/05/2016
Protected Species Survey (Updated)		09/06/2016	13/06/2016

5. The proposal is for the installation of a small-scale run-of-river micro hydro generation scheme to provide a source of renewable electricity for the Estate. The principal elements of the scheme include a concrete single wall weir and abstraction point, 200mm buried penstock, and turbine house incorporating the outfall arrangement. Plans and illustrations are included within **Appendix I**.
6. The penstock will require excavation of a trench 800mm deep and 300mm wide and will be approximately 640 metres in length from the abstraction point to the turbine house. Excavation will be by small plant with turves and substrate stored to the side for future reinstatement. The penstock will be made from High Density Polyethylene pipe and will be welded into sections onsite. Sections will be laid directly onto the base of the trench before final welds are made. The penstock will then be tested and the trench back-filled and turves re-laid.
7. At the abstraction point, a single wing-wall concrete weir is to be installed across the bed of the burn. This is to include a stainless steel intake box with Coanda screen on the downstream face of the dam. Example photographs are also included in **Appendix I**.
8. The turbine house is to be of timber construction measuring 3m x 3m x 2.5m (maximum height excluding roof) and will be finished with single pitch profile sheet roofing in fir green or anthracite grey. An electrical cable is to be connected between the turbine house and a nearby stable block for distribution of electricity to estate buildings, with any excess being exported to the grid.
9. The outfall will be a buried twin wall pipe, which is to be routed from within the footprint of the turbine house and exiting through a stone headwall in the bank of the burn.
10. A laydown area is included and this is located at an area of existing hard standing within the estate complex. This will be used to store all plant and machinery on arrival, which will then be transported to the development site as required. A short access track is proposed at the western end of the site to connect to the existing estate track.

DEVELOPMENT PLAN CONTEXT

Policies

National Policy	Scottish Planning Policy 2014	
Strategic Policy	Cairngorms National Park Partnership Plan 2012 - 2017	
Local Plan Policy	Cairngorms National Park Local Development Plan (2015) Those policies relevant to the assessment of this application are marked with a cross	
POLICY 1	NEW HOUSING DEVELOPMENT	
POLICY 2	SUPPORTING ECONOMIC GROWTH	
POLICY 3	SUSTAINABLE DESIGN	X
POLICY 4	NATURAL HERITAGE	X
POLICY 5	LANDSCAPE	X
POLICY 6	THE SITING AND DESIGN OF DIGITAL COMMUNICATIONS EQUIPMENT	
POLICY 7	RENEWABLE ENERGY	X
POLICY 8	SPORT AND RECREATION	
POLICY 9	CULTURAL HERITAGE	X
POLICY 10	RESOURCES	
POLICY 11	DEVELOPER CONTRIBUTIONS	

4. All new development proposals require to be assessed in relation to policies contained in the adopted Local Development Plan. The full wording of policies can be found at:

<http://cairngorms.co.uk/uploads/documents/Park%20Authority/Planning/LDPI5.pdf>

Planning Guidance

5. Supplementary guidance also forms part of the Local Development Plan and provides more details about how to comply with the policies. Guidance that is relevant to this application is marked with a cross.

Policy 1	New Housing Development Non-Statutory Guidance	
Policy 2	Supporting Economic Growth Non-Statutory Guidance	
Policy 3	Sustainable Design Non-Statutory Guidance	X
Policy 4	Natural Heritage Supplementary Guidance	X
Policy 5	Landscape Non-Statutory Guidance	X
Policy 7	Renewable Energy Supplementary Guidance	X
Policy 8	Sport and Recreation Non-Statutory Guidance	
Policy 9	Cultural Heritage Non-Statutory Guidance	X
Policy 10	Resources Non-Statutory Guidance	
Policy 11	Developer Contributions Supplementary Guidance	

CONSULTATIONS

6. A summary of the main issues raised by consultees now follows:
7. **SEPA** advise that they are satisfied that there will be no unacceptable impact on Groundwater Dependent Terrestrial Ecosystems (GWDTEs). If GWDTEs are encountered during works they should be avoided and it is requested that this be controlled through a planning condition.
8. They note that the proposed activities will require a Controlled Activities Regulation licence through their regulatory regime and acknowledge that an application has been submitted.
9. They further advise that they do not object to the application but request planning conditions be attached to ensure the following:
 - a. that no borrow pits are allowed on site in association with this application;
 - b. that a 10m buffer is maintained between the site construction works and watercourse;
 - c. if peat is encountered during works that it is managed in accordance with the detailed in Section 3.1.4 of the supporting design statement.
10. **SNH** advise that they would object to this proposal unless it is carried out in strict accordance with a pollution prevention plan which should detail measures to mitigate adverse impacts to salmon and freshwater pearl mussels. A pollution prevention plan has been submitted, which SNH requested not to be re-consulted on, and has been assessed by the CNPA's Natural Heritage Officer.
11. They note that it is unlikely there will be a significant effect on golden eagle through disturbance or loss of habitat and as such an appropriate assessment is not required. They further recommend that pre-construction checks for otter are carried out prior to commencement.
12. **Aberdeenshire Council (Archaeology Service)** advise that the application site occupies an area with the potential for buried archaeological remains to survive and, that the proposal may impact upon the remains of a 19th century hydro scheme. Whilst not objecting to this application they have requested a number of planning conditions be attached to ensure the following requirements are met: the implementation of a programme of archaeological works in accordance with a written scheme of investigation; a pre-commencement archaeological walk over survey; and a photographic survey of the remains of the historic dam.
13. **Aberdeenshire Council (Environmental Team)** initially raised concerns over the potential impact on third party amenity as a result of noise emitted from the proposed turbine house. A noise assessment has been submitted which illustrates that nearest receptors are buildings under ownership of the applicant and that there will be no significant noise impact. Further confirmation has been provided by the estate that these buildings include a stable, workshop and

employee cottage. As such there is not considered to be any third party claim to amenity rights and there is no objection.

14. **Aberdeenshire Council (Floods)** have no comments to make on this application.
15. **CNPA Ecology Adviser** states that there will be no impact from the proposed development on the designated features of the River Dee SAC as long as the supplied Pollution Prevention Document is adhered to and works are undertaken outside the salmon spawning and incubation period 15th October to 1st June. There will be no impact on the Cairngorms Massif SPA.
16. Clarification on the width of the working corridor and the siting and construction of the access track was requested to ensure no impact on GWDTE or reptiles. This information has been provided and approved and will be subject to control through planning conditions; specifically through the appointment of a Ecological Clerk of Works, who will monitor and manage the site.
17. **CNPA Landscape Adviser** states that this is a small hydro scheme which in theory should have a low level of landscape impact beyond 2 to 3 years past construction. However, further clarification of the construction corridors and construction processes was requested as there is a risk of local landscape character impacts persisting in the longer term.
18. Further supporting information and revised drawings detailing working corridors, construction methods, bunding works, reinstatement, and Ecological Clerk of Works requirements has been submitted and approved. This can be further controlled by planning conditions.
19. **Dee Fishery Board** has no objection to this application. However, they stress the importance of robust and effective silt mitigation measures during construction. In addition to this they state that works should be timed so that they do not take place during the spawning and incubation period for trout and salmon, 15th October to 1st June.
20. **Braemar Community Council** have not submitted any comments on this application

REPRESENTATIONS

11. No representations have been received for this application.

APPRAISAL

Principle

13. Scottish Planning Policy states that the planning system should support both a transition to a low carbon economy and the development of a diverse range of

electricity generation from renewable energy technologies. It should also guide development to appropriate locations. There is evidence of historic use of hydro generation at this location and as such the principle for a contemporary installation here can be supported subject to acceptable design and mitigation of landscape and ecological impacts.

Landscape and Visual

14. The excavation of the penstock route will result in an unavoidable short-term landscape impact in an area of open moorland. While there are views in towards the site from nearby hills, it is advised that the promoted walking routes are not through this location. The level of excavation required is both small-scale and appropriate to the scale of the proposed scheme. Further to this the landscape impact is temporary as all excavations will be reinstated once the penstock has been laid and tested.
15. The creation of a short access track will further contribute to the immediate landscape impact of this development. Through micro-siting at the time of construction this will allow the creation of a route of least landscape and environmental impact. The access track will be constructed through cut-and-fill techniques and will not require use of imported materials. Upon completion, it is proposed to retain the track as a means of maintenance access. This will require reinstatement to leave a turf-lined track suitable for 4x4 and other small off-road vehicles. Given the proximity of the site to the estate network this will accord with nearby land uses.
16. The use of associated working corridors for both the penstock excavation and haul track will assist in containing all works within the development site. It is suggested that by way of a planning condition that these will be pegged and taped in the presence of a suitably qualified Ecological Clerk of Works, prior to commencement of the development.
17. The installation of the single wall weir will introduce an obvious man-made feature into the burn. Whilst this a largely unavoidable impact of the proposal, this can be satisfactorily mitigated through high quality reinstatement of the surrounding habitat. The abstraction point is also located within an incised channel of the watercourse thereby reducing visibility from within the surrounding landscape area.
18. The turbine house is in a secluded location, in proximity to an existing group of estate buildings. Its size and timber construction are compatible with nearby buildings and it is therefore able to be interpreted as belonging to this grouping. A planning condition is suggested to control the colour options for roofing materials and this will contribute to the structure's ability to be absorbed into the landscape. Sensitive landscape planting of native species in this area will further mitigate any visual impacts whilst adding connectivity to the adjacent existing woodland. A planning condition is recommended to require submission of and implementation of a landscape planting plan to secure this.

19. Any adverse impacts on the setting of the development are able to be mitigated through adherence to approved working methods and plans therefore this proposal is in accordance with Local Development Plan Policy 5: Landscape.

Ecology

20. Although not a designated site, Brackley Burn is a tributary to the River Dee SAC which supports populations of salmon and freshwater pearl mussel. The majority of the construction works associated with the penstock route are within a proximity to the Brackley Burn that has the potential for adverse impacts to qualifying features in the SAC, particularly through siltation and pollution of the watercourse. By maintaining a 10 metre buffer from the watercourse and ensuring that all works are in accordance with the approved pollution prevention plan by way of a condition, these risks are able to be satisfactorily mitigated.
21. The habitat surrounding both the proposed penstock and access corridor has the potential to support reptiles such as Common Lizard and this is a consideration in preparing the site. Hand strimming these areas prior to construction, on a warm day when lizards are most active, will reduce potential for accidental harm. Further to this micro-siting of the access track will allow avoidance of wet flushes further reducing any ecological impacts.
22. Whilst there is no evidence of suitable resting sites for Otter, an ecological survey recorded some evidence that otter may use the site for feeding. As such pre-commencement checks for otter are required to assess any increased use with SNH informed as appropriate. Pre-commencement checks will also be necessary for ground nesting birds if works are proposed during the breeding season.
23. Once in operation, there will be a small impact on the water depth and flow rates of the burn which may result in a change to the assemblage of species present. However, as the scheme will operate as a “hands-off flow” system, abstraction of water will only begin when flow rates are above a specified level. Further to this, as the burn has been subject to historic modifications, including the installation of a dam, these anticipated impacts are likely to have already occurred to some extent and any future impacts will not be significant. Additionally, through the retention of these historic features, populations of amphibians will continue to be supported, which will be of benefit to otters.
24. The appointment of an Ecological Clerk of Works is recommended to undertake a series of reporting both in respect of pre-commencement obligations and throughout the development phase. Whilst the scope, frequency, and method of this reporting is suggested to be agreed through a planning condition, this will enable the works to be responsive to any location specific requirements and provides some assurance that sensitive aspects of the development will progress in accordance with approved plans and documents.

25. As any potential impacts to designated sites and species are able to be mitigated through adherence to approved working methods, and ecological enhancements will be achieved through planting of native tree species, this proposal is in accordance with Local Development Plan Policy 4: Natural Heritage.

Sustainable Design

26. The design of proposed scheme demonstrates that it has taken account of the landscape and environmental sensitivities at this location. This includes: an abstraction point which has been selected for optimum intake potential and ease of connection to the penstock; a buried penstock; and a suitably located turbine house. With the exception of built structures, there is to be minimal use of imported materials.
27. There will be minimal impact from the required access as this will be predominantly through use of existing estate track. The short section of access track will help control vehicle movements within the site and will provide an appropriate level of access as required for future maintenance.
28. In the proximity of the development there is a cottage, which could potentially be affected by noise. The noise assessment submitted demonstrates no significant impact. This cottage is occupied by an employee of the estate. On this basis Aberdeenshire's Environmental Health Officer has confirmed that they and have no objections.
29. In conclusion, the development is considered to satisfy the terms of Local Development Plan Policy 3: Sustainable Development.

Cultural Heritage

30. There are remnants of an historic hydro scheme in Brackley Burn within the vicinity of the proposed development. However, works will be upslope of these locations away from the watercourse and there will be no impact to these features. It is recommended that the existing dam be photographically surveyed and recorded for submission to Aberdeenshire Council Archaeology Service. As such both the physical feature and an archive record will be retained in accordance with Local Development Plan Policy 9: Cultural Heritage.

Renewable Energy

31. It is anticipated that the scheme will be able to produce in the region of 77MW hours per year. As the electricity is to be consumed locally, this proposal will have a direct positive impact on reducing reliance on non-renewable supplies in this location. With any excess being exported this has a double benefit of contributing renewably energy to the grid supply and providing a means of economic diversification for the applicant.
32. Local Development Plan Policy 7: Renewable Energy requires that new hydro power schemes have no detrimental effect on recreational use of watercourses,

quality of the water environment, and peat and soil along the length of the scheme. The Brackley Burn is not of a significant size to accommodate recreational use at this location therefore the proposal will have no detrimental impact in these terms.

33. Works are proposed to be over 10 metres from the watercourse with the exception of exiting the abstraction point. Provided works are carried out in accordance with this, and in combination with the approved plans and pollution prevention document, there is no anticipated adverse impact to water quality or peat and soil environment.

CONCLUSION

34. The proposal seeks to deliver a small-scale run of river hydro scheme which will provide a source of electricity for local consumption and grid supply. Renewable energy installations can be supported by Local Development Plan policies and can contribute positively to climate change and rural diversification. The scale of scope of the works are such that, provided they are undertaken in accordance with the approved documents, any adverse impacts in terms of landscape and ecology can be minimised and will be short-term. Further ecological and landscape enhancements have been sought through sensitive reinstatement and landscape planting.

RECOMMENDATION

**That Members of the Committee support a recommendation to:
Approve full planning permission for the installation of 25kw micro hydro system, low level single wall weir, 200m penstock and turbine house at Site to the South East of House of Glenmuick, Ballater subject to the following conditions:**

Those conditions listed below in bold text are suspensive conditions, which require to be discharged prior to implementation of the development.

1. No development shall take place during the salmon spawning and incubation period of 15 October to 1 June.

Reason: To ensure that there is no impact upon salmon in accordance with the requirements of Policy 4: Natural Heritage of the Cairngorms National Park Local Development Plan 2015.

2. **No development shall commence on site until such time that an Ecological Clerk of Works has been appointed and a schedule of reporting has been submitted to and approved in writing by the Cairngorms National Park Authority, acting as Planning Authority. The schedule must include, but is not limited to, details on the scope, frequency and method of reporting.**

Thereafter the development shall be monitored and managed by the Ecological Clerk of Works in accordance with those approved details.

Reason: To ensure that there is an accurate account of applied working methods in accordance with the requirements of Policy 4: Natural Heritage and Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2015.

- 3. No development shall commence on site until the penstock excavation route, access track, and their associated working corridors have been pegged and taped in accordance with the approved plans and construction method statement, and in the presence of an Ecological Clerk of Works.**

Thereafter the development shall be implemented in accordance with those approved details.

Reason: To ensure that development boundaries are satisfactorily defined on site to prevent unnecessary adverse landscape and ecology impacts in accordance with Policy 4: Natural Heritage and Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2015.

- 4. No development shall commence on site until a detailed landscape planting plan has been submitted to and approved in writing by the Cairngorms National Park Authority, acting as Planning Authority. The landscaping plan shall include an area of nature woodland planting around/adjacent to the turbine house which connects to the existing woodland. The planting plan shall include the species, specifications, numbers and details for the protection from grazing herbivores.**

Thereafter, the landscape planting shall be carried out in the first available planting season in accordance with those agreed details.

Reason: To ensure that any localised landscape impacts due to siting of the turbine house are mitigated in accordance with in Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2015.

- 5. No development shall commence on site until a further detailed construction method statement has been submitted to and approved in writing by the Cairngorms National Park Authority, acting as Planning Authority. The statement shall include, but not limited to, details of construction methods and details of restoration and reinstatement works.**

Thereafter the development shall be implemented in accordance with those agreed details.

Reason: To ensure that working methods will not adversely affect the landscape setting or ecological quality of the development site or River Dee SAC in

accordance with Policy 4: Natural Heritage and Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2015.

- 6. No development shall commence on site until a programme of archaeological works in accordance with a written scheme of investigation has been submitted to and approved in writing by the Cairngorms National Park Authority, acting as Planning Authority, and Aberdeenshire Council Archaeology Service. Thereafter the development shall be implemented in accordance with those agreed details and all recording and recovery of archaeological resources within the development site shall be undertaken to the satisfaction of Cairngorms National Park Authority and Aberdeenshire Council Archaeology Service.**

Reason: To ensure that any archaeological and cultural heritage features encountered during works are appropriately managed and recorded in accordance with Policy 9: Cultural Heritage of the Cairngorms National Park Local Development Plan 2015.

- 7. No development shall commence on site until a walk-over archaeological survey of the development area has been carried out by an archaeological organisation as agreed to be acceptable to the Cairngorms National Park Authority (CNPA), acting as Planning Authority, has been undertaken. The scope of the survey will be set by Aberdeenshire Council Archaeology Service on behalf of the CNPA. The name of the organisation shall be provided to the CNPA and Aberdeenshire Council Archaeology Service in writing not less than 14 days before the survey commences. Copies of the resulting survey shall be deposited in the National Monuments Record for Scotland and in the local Sites and Monuments Record upon completion.**

Thereafter the survey shall be implemented in accordance with those agreed details.

Reason: To ensure that an appropriate assessment of potential archaeological features of interest is undertaken in accordance with Policy 9: Cultural Heritage of the Cairngorms National Park Local Development Plan 2015.

- 8. No development shall commence on site until a photographic survey of the historic dam has been undertaken, submitted to and approved in writing by Cairngorms National Park Authority in consultation with Aberdeenshire Council. Survey requirements include:**
 - a. The site together with its setting shall be clearly annotated on a plan.**
 - b. Photographs of the dam, in a digital format, shall be clearly marked with a place name for the purposes of identification and planning reference and deposited with the Archaeology Service for addition into the local sites and monuments record.**

Reason: To ensure that an accurate record of the historic dam feature is created in accordance with Policy 9: Cultural Heritage of Cairngorms National Park Local Development Plan 2015.

9. All works on site shall be undertaken in accordance with the approved Pollution Prevention Plan (049-06-PPP01-REV01 dated 02 June 2016) and approved Construction Method Statement (049-06-CMS01 – REV02 dated 13 July 2016).

Reason: To ensure that the risk of adverse ecological impacts are mitigated in accordance with Policy 4: Natural Heritage of the Cairngorms National Park Local Development Plan 2015.

10. No borrow pits shall be created in association with the development hereby approved.

Reason: To ensure that the risk of adverse impacts to Groundwater Dependent Terrestrial Ecosystems is mitigated in accordance with Policy 4: Natural Heritage of the Cairngorms National Park Local Development Plan 2015.

11. A ten metre buffer zone shall be maintained between the development working corridor and Brackley Burn.

Reason: To ensure that the risk of pollution or sedimentation to Brackley Burn due to construction is minimised in accordance with Policy 4: Natural Heritage of the Cairngorms Local Development Plan 2015

12. If peat is encountered during construction works then it shall be managed in accordance with detail set out in Section 3.1.4 of the hereby approved Design Statement.

Reason: To ensure that any impacts to peatland habitats are mitigated in accordance with Policy 4: Natural Heritage of the Cairngorms National Park Local Development Plan 2015.

13. The hydro system (single wall weir and abstraction point) and the turbine house, hereby approved, shall be constructed using the materials as outlined in the approved plans. Specifically the turbine building shall be constructed with timber walls and profile sheet roofing, which shall be either RAL6009 Fir Green or RAL 7016 Anthracite Grey.

Reason: To ensure that the development fits within the landscape in accordance with Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2015.

Informatives:

1. 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 three years beginning with the date on which this permission is granted unless

- the development to which this permission relates is begun before that expiration.
2. You are advised that pre-commencement checks should be made for Otter and breeding birds.
 3. Prior to the commencement of development, a notice of the intended date of initiation of development shall be submitted to the CNPA acting as Planning Authority and such notification shall contain the information set out in the 'Notification of Initiation of Development Notice as appended, pursuant to Section 27A(1) of the Town and Country Planning (Scotland) Act 1997.
 4. Following the completion of the development, a notification of the completion shall, as soon as practicable, be submitted to the CNPA acting as Planning Authority and such notification shall contain the information as set out in the 'Notification of Completion of Development' Notice as appended, pursuant to Section 27B(1) of the Town and Country Planning (Scotland) Act 1997.

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.