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**CAIRNGORMS NATIONAL PARK AUTHORITY**

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

**Prepared by: FIONA MURPHY  
(PLANNING OFFICER,  
DEVELOPMENT MANAGEMENT)**

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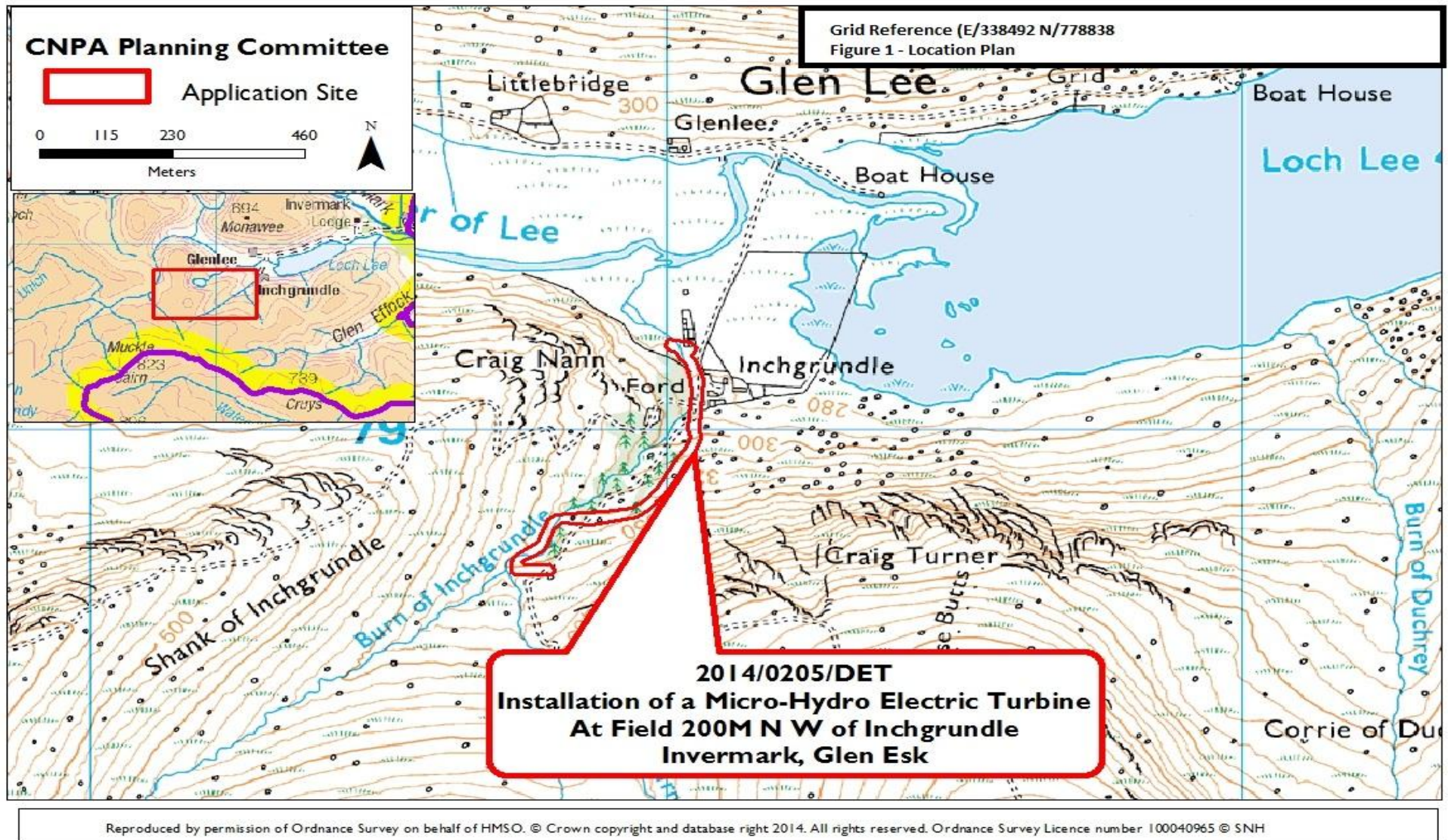
**DEVELOPMENT PROPOSED: Installation of A Micro-Hydro Electric Turbine including Intake, Turbine House and Buried Pipeline – Re-Application – at Field 200 metres North West of Inchgrundle, Invermark, Glen Esk**

**REFERENCE: 2014/0205/DET**

**APPLICANT: Burghill Farms Partnership**

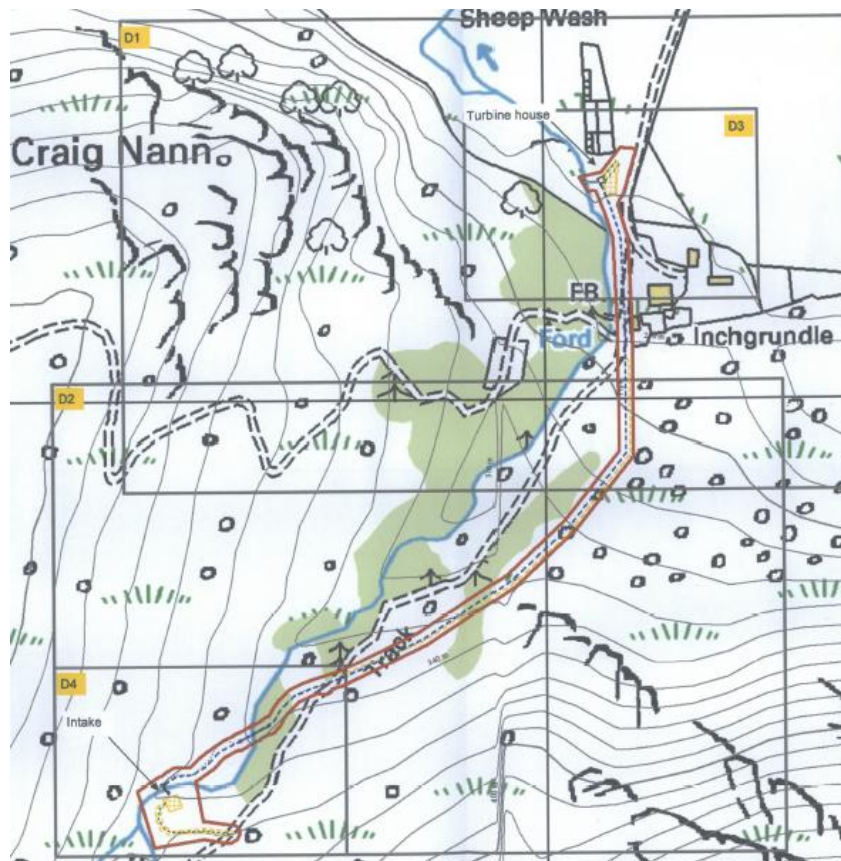
**DATE CALLED-IN: 14 July 2014**

**RECOMMENDATION: APPROVAL SUBJECT TO CONDITIONS**



## SITE DESCRIPTION AND PROPOSAL

1. This application seeks full planning permission for a run of river hydro-electric scheme on the Inchgrundle Burn above Inchgrundle in Glen Esk, in the south-eastern corner of the National Park. The scheme will require the excavation and construction of a new intake, a buried pipeline with a pipe bridge, and a turbine house with tailrace. The power output will be 57.5 kilowatts.



**Figure 2: Extent of Hydro Scheme** (Extract from Drawing No I2018D002-04 I of 7 Layout – for information only).

2. In terms of the Landscape Character Assessment, the site lies at the transition between Glen Esk and the Angus Glens uplands. The location is characterised by steep and rugged terrain, outcropping rock and crags, small shelter woodland of larch and pine around the farmstead, elsewhere heather-dominated ground cover and isolated stunted birch and rowan. The Landscape Toolkit sensitivity to small scale hydro is high.
3. The constraints that apply to the application site are Ancient Woodland Inventory, I in 200 Years Fluvial Flooding and Rights of Way.

### List of Drawings and Documents

4. The drawings and documents accompanying the application are listed in the following table:-



**CAIRNGORMS NATIONAL PARK AUTHORITY**  
**Planning Committee Agenda Item 8 19/12/14**

<b>Drawing Number</b>	<b>Title</b>	<b>Date on Plan</b>	<b>Date Received</b>
12018D002-04 1 of 7	Layout	19/06/14	16 July 2014
12018D002-04 2 of 7	Lower Layout	19/06/14	16 July 2014
12018D002-04 3 of 7	Upper Layout	19/06/14	16 July 2014
12018D002-04 4 of 7	Site Plan – Turbine House	19/06/14	16 July 2014
12018D002-04 5 of 7	Site Plan – Intake and Pipe Bridge	19/06/14	16 July 2014
12018D002-04 6 of 7	Phase I Habitat Overlay	19/06/14	16 July 2014
12018D002-04 7 of 7	NVC Overlay	19/06/14	16 July 2014
12018D001-05 1 of 11	Turbine House Context and Annotations	19/06/14	16 July 2014
12018D001-05 2 of 11	Turbine House Elevations	19/06/14	16 July 2014
12018D001-05 3 of 11	Turbine House Plan and Section	19/06/14	16 July 2014
12018D001-05 4 of 11	Intake Context	19/06/14	16 July 2014
12018D001-05 5 of 11	Intake Plan and Section	19/06/14	16 July 2014
12018D001-05 6 of 11	Intake Sections	19/06/14	16 July 2014
12018D001-05 7 of 11	Pre-Construction Land-Form	19/06/14	16 July 2014
12018D001-05 8 of 11	Post Construction Land-Form	19/06/14	16 July 2014
12018D001-05 9 of 11	Pipe Bridge Context and Section	19/06/14	16 July 2014
12018D001-05 10 of 11	Pipe Bridge Section	19/06/14	16 July 2014
12018D001-05 11 of 11	Pipe Bridge Photomontage	19/06/14	16 July 2014
12018D004-01	Pipeline Long-Section	05/11/2013	16 July 2014
	Proposed Woodland Creation	10/06/2014	16 July 2014
12018R003 Version 02	Inchgrundle Micro-Hydro – Draft Detailed Construction Method Statement	27/08/2014	06 October 2014
12018R001 Version 04	Inchgrundle Micro-Hydro – Design Report	27/08/2014	06 November 2014
12018R002 Version 03	Inchgrundle Micro-Hydro – Design Statement	27/08/2014	06 October 2014
	Phase I Habitat Survey and NVC	24 July 2013	16 July 2014

	Report, Inchgrundle, Invermark		
	Burn of Inchgrundle Hydropower Scheme: Otter Survey	June 2013	16 July 2014
	Burn of Inchgrundle Hydropower Scheme : Fish Habitat Assessment	June 2013	16 July 2014

**Table 1: List of Drawings and Documents**

**Development Proposal**

5. The access to the intake for construction is through the farm on the existing access and then it runs east of the core path for about 300 metres (on the same line as the pipeline), after which it continues on the line of the core path for about 150 metres then descends steeply to the intake along approximately 60 metres of new track. The construction corridor is 10 metres wide. Post-construction the surface and sides of the new section of access track will be soiled and re-vegetated whilst the profile will be retained to allow for occasional access by all-terrain vehicle.
  
6. The intake is just above the tree-line where it captures two large burns. The burn channel at the location of the intake is approximately 1 to 2 metres wide. Though low-set , the proposed concrete intake structure has a weir width of 5.1 metres and a whole visible structure (including intake chamber and sump) width of 9.1 metres. Stone facing has been specified on the sides and top of much of the structure. A timber handrail is proposed to provide safe access for maintenance.



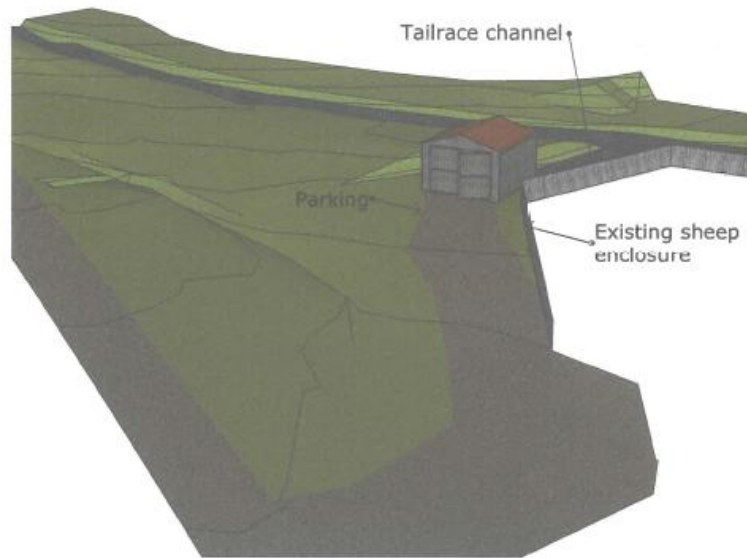
**Figure 3: Photomontage of Intake** (Extract from I2018D001-05 4 of 11 Intake Context – for information only)

7. The pipeline exits and tracks down on the west side of the burn for about 120 metres and then crosses the burn via a pipe bridge. The pipe is polyethylene with a 335 millimetre diameter and a total length of 620 metres. The upper part of the route alongside the burn is boulder and heather-covered, whilst the lower part, after the pipe bridge, goes between trees and across a rough grassy slope.
8. The pipe bridge was selected by the applicant as the most environmentally sensitive method of crossing the burn. The pipe will be slung between the girders of the bridge so that it appears to be a footbridge. To help the bridge blend with the environment, exposed steelwork will be painted a dull grey, the deck and the handrail will be constructed of timber and the central pier and small abutments will be faced with local stone.



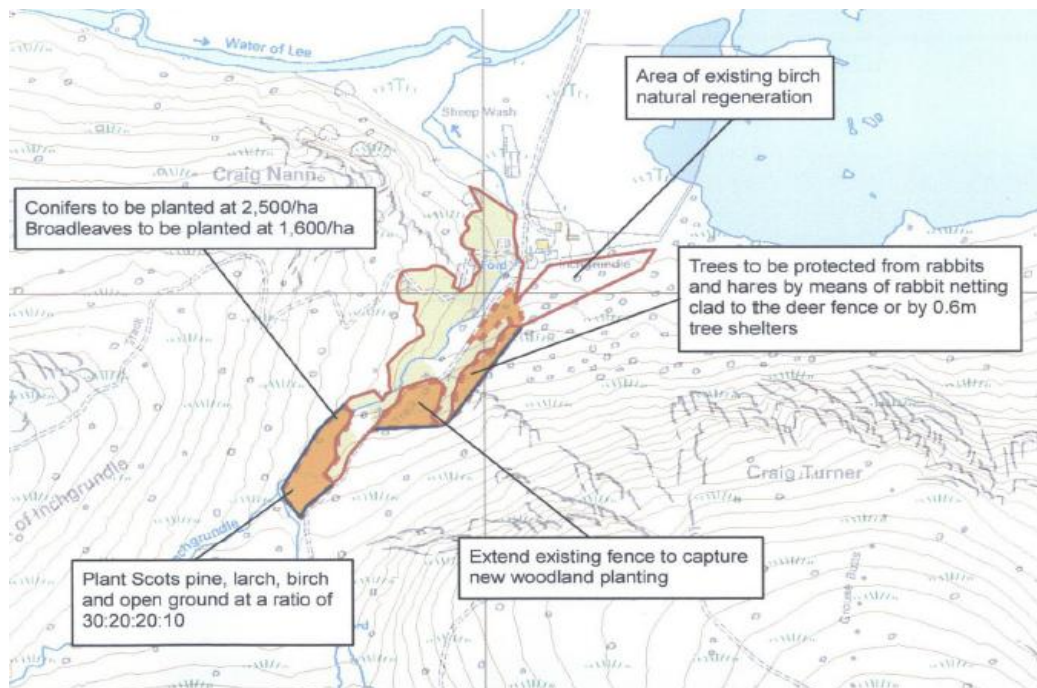
**Figure 4: Photomontage of Pipe Bridge** (Extract from Drawing No 12018D001-05 11 of 11 Pipe Bridge Photomontage – for information only).

9. The turbine house site is located below the existing farm buildings at Inchgrundle. The elevation of the turbine house is limited by the extent of the fish spawning habitat in the lower burn. The shed is located away from the farmstead to minimise the intrusion of the building on the listed farmstead. At the same time the adjacent sheep pens and nearby boathouse allow the turbine house to sit naturally in its surroundings. The turbine house will have larch cladding and corrugated steel roofing.



**Figure 5: Proposed Turbine House** (Extract from Drawing No 12018D001-05 1 of 11 Turbine House Context and Annotations – for information only).

10. Tree planting is proposed with the aim of establishing a new area of native woodland. No trees are to be felled as a direct requirement of the development however thinning of the existing larch is due to be carried out as per the Estate Forestry Development Plan (FDP). New planting on the west bank of the burn was already a part of the FDP. This will be continued up the east bank to screen the intake and intake access track. The tree planting will be protected from grazing animals by appropriate fencing.



**Figure 8: Tree Planting Proposal** (Extract from Proposed Woodland Creation – for information only)

11. The power cable will be underground and the connection to the grid will be via a pole-mounted transformer on the existing line.

### **Site History**

12. This site was the subject of a planning application that was called-in late last year for a similar development (Application No 2013/0281/DET). This was withdrawn by the applicant on the 15 January 2014 and the scheme was re-designed to seek to address various concerns that had been raised by the Cairngorms National Park Authority.

## **DEVELOPMENT PLAN CONTEXT**

### **National policy**

13. **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.
14. The SPP sits alongside four other Scottish Government planning policy documents:
  - 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;
  - **Creating Places**, the policy statement on architecture and place, containing the Scottish Government's policies and guidance on the importance of architecture and design;
  - **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
  - **Circulars**, which contain policy on the implementation of legislation or procedures.

### **Strategic Policies**

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

15. 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) A sustainable economy supporting thriving businesses and communities;
  - b) A special place for people and nature with natural and cultural heritage enhanced; and
  - c) People enjoying the park through outstanding visitor and learning experiences.
16. 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. In addition policy 1.3 seeks to increase renewable energy generation within the Park especially biomass and hydro that is compatible with conserving the special qualities of the National Park and maintaining the integrity of designated sites.

## Local Plan Policy

### Cairngorms National Park Local Plan (2010)

17. 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>
18. 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.
19. 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.
20. Policy 3: Other Important Natural and Earth Heritage Sites and Interests which requires that development that would adversely affect an ancient woodland site will only be permitted where the objectives and integrity of the area are not compromised or where any significant adverse effects are mitigated for.
21. 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.
22. Policy 12: Water Resources which seeks to promote good use of water resources and to ensure that criteria are met in relation to flooding.

23. Policy 6- Landscape which seeks to ensure that development complements and enhances the landscape
24. 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.

### **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 also the supplementary guidance on natural heritage.

### **Proposed Cairngorms National Park Local Development Plan**

26. The CNPA Planning Committee approved post-examination modifications to the Proposed Cairngorms National Park Local Development Plan (Proposed LDP) on 21 November 2014. The CNPA has published notice of its intention to adopt the Plan and expects to adopt in February 2015. The Proposed LDP (as modified) is a material consideration and carries significant weight in planning decisions though it does not replace the adopted Local Plan until it is formally adopted.
27. The Proposed LDP includes Policy 7 (Renewable Energy), Policy 4 (Natural Heritage), Policy 10 (Resources), Policy 5 (Landscape) and Policy 3 (Sustainable Design), which are similar in their intention to the policies in the adopted Local Development Plan described above.

### **CONSULTATIONS**

28. The **Scottish Environment Protection Agency (SEPA)** has no objection to this planning application provided the following planning condition is attached to the consent:-  
At least two months prior to the commencement of any works, a site specific Construction Method Statement must be submitted for the written approval of the planning authority (in conjunction with SEPA) (and other agencies such as SNH as appropriate) and all work shall be carried out in accordance with the approved plan.  
Reason: to control pollution of air, land and water.
29. The scheme has a CAR Licence CAR/L/1114061 issued in December 2013.
30. **Scottish Natural Heritage (SNH)** advise that the proposed woodland planting area is currently heather moorland which is relatively preferred habitat for foraging by golden eagle, the designated feature of the Cairngorm Massif Special Protection Area (SPA). However the areas proposed for woodland creation, with 20% open ground, are very small in relation to the size of the adjacent golden eagle ranges and are located just outside of the core areas of these ranges, where changes in land use are likely to have less effect on eagles. SNH concludes that the woodland planting proposals will not adversely affect the integrity of the Cairngorms Massif SPA.

31. **Scottish Water** was consulted on the 14 July 2014 and has not provided a response.
32. **Angus Council Environmental Health Service** advises that records held by the council indicate that several properties at Inchgrundle are served by a private water supply and this department is concerned that the proposal has the potential to impact on the supply. In order to ensure that the water supply is not affected by the proposal, Environmental Health advises that the water source and infrastructure for the houses served by a private water supply needs to be identified and assessed in order that steps can be put in place to safeguard the drinking water supply for the affected properties.
33. In relation to potential noise from the turbine house, Environmental Health notes from the submitted plans that this will be located approximately 100 metres from nearby residential properties and is concerned that noise could impact on residential amenity if not properly sited and designed. The submitted report states that statutory noise limits will be achievable through appropriate design, however no further details have been provided to demonstrate this.
34. In light of the above Environmental Health does not object to this application subject to the following conditions:
  1. Prior to the commencement of the development, the applicant shall submit a scheme to demonstrate that adequate steps have been put in place to safeguard the quality and quantity of any private water supply that might be affected by the development.
  2. Noise from any ventilation, extraction or refrigeration plant associated with the development shall not give rise to a noise level assessed with windows open within any dwelling or noise sensitive building in excess of that equivalent to NR curve 30 between 0700 and 2200 and NR curve 20 at all other times.
35. **Angus Council** – Natural and Built Environment, Flood Prevention, and Roads did not respond to the consultation requests.
36. **Kirriemuir West Community Council** and **Inveresk Community Council** were consulted and no responses have been received to date.
37. **Esk District Salmon Fishery Board and Trust** has not provided a response.
38. **The CNPA Outdoor Access Officer** notes that the development has the potential to impact on walkers and cyclists who are using the Right of Way (TA8) to gain access to the hills and over into Glen Clova. He advises that the Construction Method Statement (CMS) should include specific detail on the installation of advisor signs warning the public of the works and measures to direct the public around the site when it is on or close to the track. The CMS should include a section on the management of the public around the construction site and should include details of where and when signs will be installed warning the public of the works ahead.
39. **The CNPA Natural Heritage Officer** notes that there is woodland present along the Inchgrundle Burn that is listed on the Ancient Woodland Inventory. On

the western side of the burn the woodland is listed as category 2a which is interpreted as semi-natural woodland from maps of 1860 and continuously wooded to the present day. The eastern side of the burn is listed as 2a and as Semi-Natural Woodland. Presently this woodland comprises of planted larch and is therefore likely to be Plantation on Ancient Woodland (PAWS) woodland, rather than Ancient Woodland. The woodland is grazed by sheep and has a poor ground flora.

40. The Natural Heritage Officer observes that the proposal lies outwith but close to the Cairngorms Massif SPA within which golden eagle is a designated feature. This proposal is not considered to impact on golden eagle nesting or foraging habitat. SNH commented on the previous application (via email) for a micro-hydro scheme on the Branny burn and considered that this scheme was more than 3km from known golden eagle breeding sites and as such well outside the disturbance distance for this species.
41. The Natural Heritage Officer reviewed the accompanying surveys and concluded on the 7<sup>th</sup> August 2014 that further information was required to ensure that eels will not be adversely affected by the proposals. In addition, it was requested that reptile mitigation measures and daylight working hours are included in the Construction Method Statement. Conditions were required in relation to pre-construction checks for protected mammals and for birds (if the works commence in the breeding season) and a freshwater invertebrate survey for the Northern February Red Stonefly (*Brachyptera putata*). In summary, the Officer considered that the development would have an impact on ecology but has the potential to be addressed by appropriate mitigation measures.
42. In response to additional information that was received on the 8 September 2014, the Natural Heritage Officer noted that the issues referred to in the foregoing paragraph have been added to the Design Statement and the Construction Method Statement. Conditions are still required in relation to pre-construction checks and the freshwater invertebrate survey but the need for these has been acknowledged in the updated Design Report.
43. **CNPA Landscape Adviser** observes that the Landscape Toolkit sensitivity to small scale hydro in this location is high. In terms of visual character, there is a well-used rough stone-cobbled path/all terrain vehicle track and also a core path runs through the site area. The intake site is not visible from the lochside and glen and the majority of the pipeline is within the trees. The small turbine building will read as part of the farmstead cluster in the wider landscape. The special landscape qualities exhibited in this area are the relationship between the farmstead, landform, burn and trees, the juxtaposition of the path and woodland, close views of small burns and waterfalls and distant views of Loch Lee.
44. The Landscape Adviser concludes that this proposal is located in relatively close association with the farm and an area of mature woodland, the area is frequently accessed by the public and has a feeling of seclusion rather than wildness. During the initial construction period there will be significant disruption over a small area and adverse landscape and visual effects that will be directly experienced by the walking public. However, with high quality restoration and reinstatement of the works, and compensatory and enhancement tree planting in place, the longer term landscape



and visual impacts will be slight and the proposed hydro scheme will meet the landscape policy tests in Local Plan Policy 6 and National Park Partnership Plan Policy 2.3. She concludes that over time this proposal could complement and enhance the character of the landscape and contribute to the conservation of the special landscape qualities of this scenic location.

45. In the event of planning permission being granted, she suggests a number of conditions, all of which have been included after the recommendation.

## REPRESENTATIONS

46. The Woodland Trust objects to planning permission being granted for this application as it results in damage to ancient woodland. The Woodland Trust considers that ancient woodland cannot be mitigated for by creating new woodland. A copy of this representation is included as Appendix I to this report.
47. In Paragraph 39 above, the CNPA Natural Heritage Officer has addressed this point, highlighting that in her opinion the woodland is a lower category PAWS woodland because it is planted with Larch, has poor ground flora, and is grazed by sheep.
48. The applicants' agent has requested to be **heard** at Committee.

## APPRAISAL

49. 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 relevant Local Plan policies, such as landscape and biodiversity. Policy 7 of the proposed LDP similarly addresses renewable energy. The proposed development is therefore acceptable in principle, subject to the design, technical and environmental impacts being acceptable.
50. In terms of Local Plan Policy 12 (Water Resources), SEPA has no objection to this proposal and Angus Council has advised that any impact on private water supplies in the area may be addressed by condition. The scheme does not therefore raise issues in relation to the policy relating to water resources, which is similarly addressed in Policy 10 (Resources) in the proposed LDP.
51. The previous proposal benefits from a CAR licence from SEPA (20 December 2013), although this will need to be amended to take account of the latest scheme.
52. Angus Council has advised that any impact on private water supplies in the area may be addressed by a suspensive condition ensuring measures are in place to safeguard the quality and quantity of the private water supply in the vicinity.
53. In terms of Local Plan Policy 3, the proposal goes through in part an area designated as ancient woodland but does not involve any tree removal and is mitigated for overall with riparian planting. In addition, the Natural Heritage Officer has advised that the woodland is likely to be Plantation on Ancient Woodland (PAWS) woodland, rather than Ancient Woodland, as it comprises of planted larch, has a

poor ground flora and is grazed by sheep. The proposal does not therefore conflict with Policy 3 (Important Natural Heritage Sites).

54. With the exception of the Northern February Red Stonefly (*Brachyptera putata*), satisfactory information, including surveys and mitigation has been submitted to demonstrate that there will be no adverse impacts upon the environment in terms of habitats or species. This has been addressed by condition. The application is therefore considered to meet the requirements of Local Plan policies 4 (Protected Species) and 5 (Biodiversity). Similarly, it would meet Policy 4 (Natural Heritage) in the proposed LDP.
55. The Landscape Adviser observes that the intake site is not visible from the lochside and glen and the majority of the pipeline is within the trees. Initially, there will be significant disruption over a small area and adverse landscape and visual effects that will be directly experienced by the walking public. However, with high quality restoration and reinstatement of the works, and compensatory and enhancement tree planting in place, the longer term landscape and visual impacts will be slight. The Landscape Adviser concludes that over time this proposal could complement and enhance the character of the landscape and contribute to the conservation of the special landscape qualities of this scenic location. It is therefore considered that the proposed hydro scheme will meet the landscape policy tests in Local Plan Policy 6 and National Park Partnership Plan Policy 2.3.
56. The provision of riparian planting will be of benefit to biodiversity and will enhance the landscape. In these circumstances the application is considered to comply with Local Plan Policy 6 (Landscape) and would meet Policy 5 (Landscape) in the proposed LDP.
57. The turbine house has been designed to relate to the existing farm buildings at Invermark. This is considered to be appropriate under Policy 16 (Design Standards) of the Local Plan and similarly would accord with Policy 3 (Sustainable Design) in the proposed LDP.
58. In terms of the impact on the Core Path, the CNPA Outdoor Access Officer is content with the proposals provided the Construction Method Statement (CMS) includes measures to warn the public about the works and an alternative temporary route for the path whilst the works are underway. This has been addressed by condition.
59. In terms of technical issues, the development will have a negligible impact on the existing roads. Angus Council has recommended a condition about noise levels, as the turbine house is approximately 100 metres from residential properties.

### **Other Issues**

60. The question of restoration and reinstatement following the demise of a renewable energy scheme was discussed at the Planning Committee on the 29 August 2014, based on the following issues:-

- I. What will the impacts of the development be, over what time scale and have they been avoided, minimised and mitigated so that the proposal is acceptable in principle?
  - II. Is the application for a time period linked to operational need or is it for a technology that has a limited lifespan and where a temporary permission would give the planning authority reasonable control? If so, what is an appropriate and proportionate period for each case?
  - III. If so, what conditions and/or informative notes are needed to deliver the right development throughout its life and are any needed to ensure any impacts of it ceasing operation are minimised? Any conditions should have sound planning reasons and be enforceable in future. Officers will provide what they consider to be appropriate conditions with committee reports for planning application determinations. The use of appropriate conditions provides a clear basis for any future enforcement activity needed.
  - IV. Is there a need, given the nature of conditions and scale of potential impacts if they are not complied with, that a financial bond or guarantee will be required so that the CNPA can undertake them if the owner/operator fails to? This should be a last resort and should only be required where a development would have significant lasting effects that would be unacceptable. However, there may be cases where such a security would be prudent.
61. In the case of the current application:-
- a) It is for a hydro-electric scheme, which has typically been shown to endure over time rather than have a limited lifespan;
  - b) The proposed development is quite small and relatively inconspicuous; and
  - c) The proposed development has been designed to complement and enhance the character of the landscape and contribute to the conservation of the special landscape qualities of this scenic location over time.
- It is therefore considered that it would be inappropriate to seek a formal means of securing the removal of the scheme should it become redundant in the future.

## CONCLUSION

62. In conclusion, it is considered that the environmental impacts of this proposal can be satisfactorily mitigated and that the technical issues can be addressed. Overall the development is considered to comply with Local Plan policies and providing construction proceeds in accordance with the applicants' detailed submission and appropriate planning conditions the long terms impacts, both economic and environmental should be positive. It is therefore recommended that planning permission is granted subject to the conditions and informatives detailed below.
63. The Proposed LDP (as modified) addresses the same issues and policies, as noted above. There is no significant difference between the policy intention and tests in the adopted Local Plan and Proposed LDP so the proposal also complies with the policy tests of the Proposed LDP (as modified).

## IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

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

64. This proposal has the potential to conserve and enhance the natural and cultural heritage by provision of riparian planting, which will be of benefit to both biodiversity and landscape over time. The development is not considered to have any adverse impacts upon the natural and cultural heritage and thus is considered to comply with this aim.

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

65. The proposed development readily supports this aim by using a natural resource to generate energy, and returning the water used back to the environment.

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

66. The inclusion of a small explanatory panel will help visitors using the track to understand the role of the hydro scheme.

### **Promote Sustainable Economic and Social Development of the Area**

67. The proposed development will help support the social and economic development of the area by providing income to the local estate thus supporting its employees and future. 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 Installation of A Micro-Hydro Electric Turbine including Intake, Turbine House and Buried Pipeline – Re-Application – at Field 200 metres North West of Inchgrundle, Invermark, Glen Esk subject to the following planning conditions:**

- I No development shall commence until a scheme to demonstrate that the quality and quantity of any private water supply that might be affected by the development will be safeguarded has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority in conjunction with Angus Council's Environmental Health Officer.

**Reason:** In the interests of public health and residential amenity.



- 2 No development shall commence until a revised Construction Method Statement (CMS) has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority, in consultation with the Scottish Environmental Protection Agency (SEPA). The revisions shall include the following:-
- a) Construction corridor to be marked and taped prior to works beginning on site.
  - b) Arrangements for the transport/delivery of the pipe sections to the pipeline route .
  - c) Arrangements for the regular overseeing of the works by an Independent Ecological Clerk of Works (ECoW).
  - d) A section on the management of public access and safety around the construction site, including details of where and when signs will be installed warning the public of the works ahead.

**Reason:** To ensure that there is no adverse impact on the environment or public access along the Core Path.

- 3 No development shall commence until a freshwater invertebrate survey for Northern February Red Stonefly (*Brachyptera putata*) has been undertaken and submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. This survey requires to be undertaken in January-February. If the survey indicates that the Northern February Red Stonefly will be directly affected by the development, this will require mitigation, which should be detailed in the submission. In this case, the approval in writing will only be forthcoming if the mitigation measures are acceptable.

**Reason:** To ensure that the development does not have an adverse impact on this species.

- 4 No development shall commence until a construction detail of the pipe bridge, including the stone cladding, has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority.

**Reason:** To ensure that the stone cladding reflects the scale and style of the nearby estate buildings in the interests of visual amenity.

- 5 No development shall commence until a construction detail for the outfall channel has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority.

**Reason:** To ensure that the impact of the outfall channel is minimised, in the interests of visual amenity.

- 6 No development shall commence until samples of the proposed external materials for the turbine house and plans indicating the method of construction, have been approved in writing by the Cairngorms National Park Authority acting as Planning Authority.

**Reason:** To achieve a sensitive construction and high quality finish and ensure that the new building fits into its surroundings in the interests of visual amenity.

- 7 No development shall commence between April and July unless a Pre-Construction check for breeding birds has been undertaken and submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority.

**Reason:** To ensure that the development does not have an adverse impact on breeding birds.

- 8 No development shall commence until a Pre-Construction check for the resting sites of protected mammals (otter, red squirrel, pine marten and badger) has been undertaken and been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority.

**Reason:** To ensure that the development does not have an adverse impact on protected species.

- 9 No development shall commence until a temporary footpath diversion and associated signage has been provided. These shall remain in place throughout the works. Upon completion of the works, the temporary route and signage shall be removed and the ground reinstated to its original condition.

**Reason:** In the interests of public safety and to ensure that access along the footpath route is not impeded by the development.

- 10 No development shall commence until detailed planting and management proposals for the woodland areas have been submitted to and approved by the Cairngorms National Park Authority acting as Planning Authority. The approved proposals shall be implemented during the first growing season following the commencement of the generation of power and shall be maintained in good condition thereafter.

**Reason:** To mitigate for the impact of the development in the interests of visual amenity.

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

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

- 12 The Ecological Clerk of Works shall submit construction method statement (CMS) reports at agreed intervals and stages of the development to the Cairngorms National Park Authority acting as Planning Authority for written approval. In the event that any works are deemed not to be in accordance with the CMS, all works shall immediately cease on site until the matter is resolved and written approval is issued.

**Reason:** To oversee the works and ensure there is no adverse environmental impact in accordance with planning policies.

- 13 With effect from the date of this permission, no trees are to be cut down, uprooted, topped, lopped (including roots) or wilfully damaged in any way, without the prior written permission of Cairngorms National Park Authority acting as the planning authority.

**Reason:** To ensure the protection of retained trees during construction and thereafter.

- 14 Prior to any site excavation or groundworks, all retained trees are to be protected against construction damage using protective barriers located beyond the Root Protection Area (in accordance with BS5837:2012 Trees in Relation to Design, Demolition & Construction). Barriers are to remain in place throughout the construction period and must not be moved or removed without the prior written approval of the Planning Authority.

**Reason:** To ensure the protection of retained trees throughout the construction period.

- 15 All works on site shall stop at least one hour before sunset and not commence until at least an hour after sunrise.

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

- 16 Following the completion of the turbine house and prior to the commencement of generating power, the area around the turbine house shall be restored and reinstated to match the adjacent undisturbed ground.

**Reason:** To ensure that the impact of the development is minimised, in the interests of visual amenity.

- 17 The electricity connection from the powerhouse to the grid shall be underground.

**Reason:** To ensure the development complements and enhances the landscape character in the interests of visual amenity.

- 18 Following completion of the development, the Core Path where it passes through the site shall be reinstated and enhanced. All works to the path, including any drainage improvements and re-setting of the cobbles, shall be in character with the undisturbed sections.

**Reason:** To ensure that the development does not adversely affect the Core Path in the interests of the enjoyment of the route by the public.

- 19 Noise from any ventilation, extraction or refrigeration plant associated with the development shall not give rise to a noise level assessed with windows open within any dwelling or noise sensitive building in excess of that equivalent to NR curve 30 between 0700 and 2200 and NR curve 20 at all other times.

**Reason:** To ensure that local residents are not adversely affected by the development in the interests of safeguarding residential amenity.

**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 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.
2. 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 0700 hours to 1800 hours Mondays to Fridays, 0700 hours to 1300 in order to minimise disturbance to residents in the area.
3. It is recommend that the CMS is submitted at least 2 months prior to the commencement of any works on site; this is to allow the necessary agencies sufficient time to fully review the mitigation proposals to avoid any potential delays to the project moving forward.
4. The applicant should be aware that the proposal requires a CAR Licence under the Water Environment (Controlled Activities) (Scotland) Regulations 2005 (as amended) and that no development should commence until this is received.



5. It is suggested that a small explanatory information panel is provided on site, following construction, to help visitors using the Core Path to understand the role of the hydro scheme. The Cairngorms National Park Authority will advise further on this issue if requested to do so.

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**Date: 3 December 2014**

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.