
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

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DEVELOPMENT MANAGEMENT)**

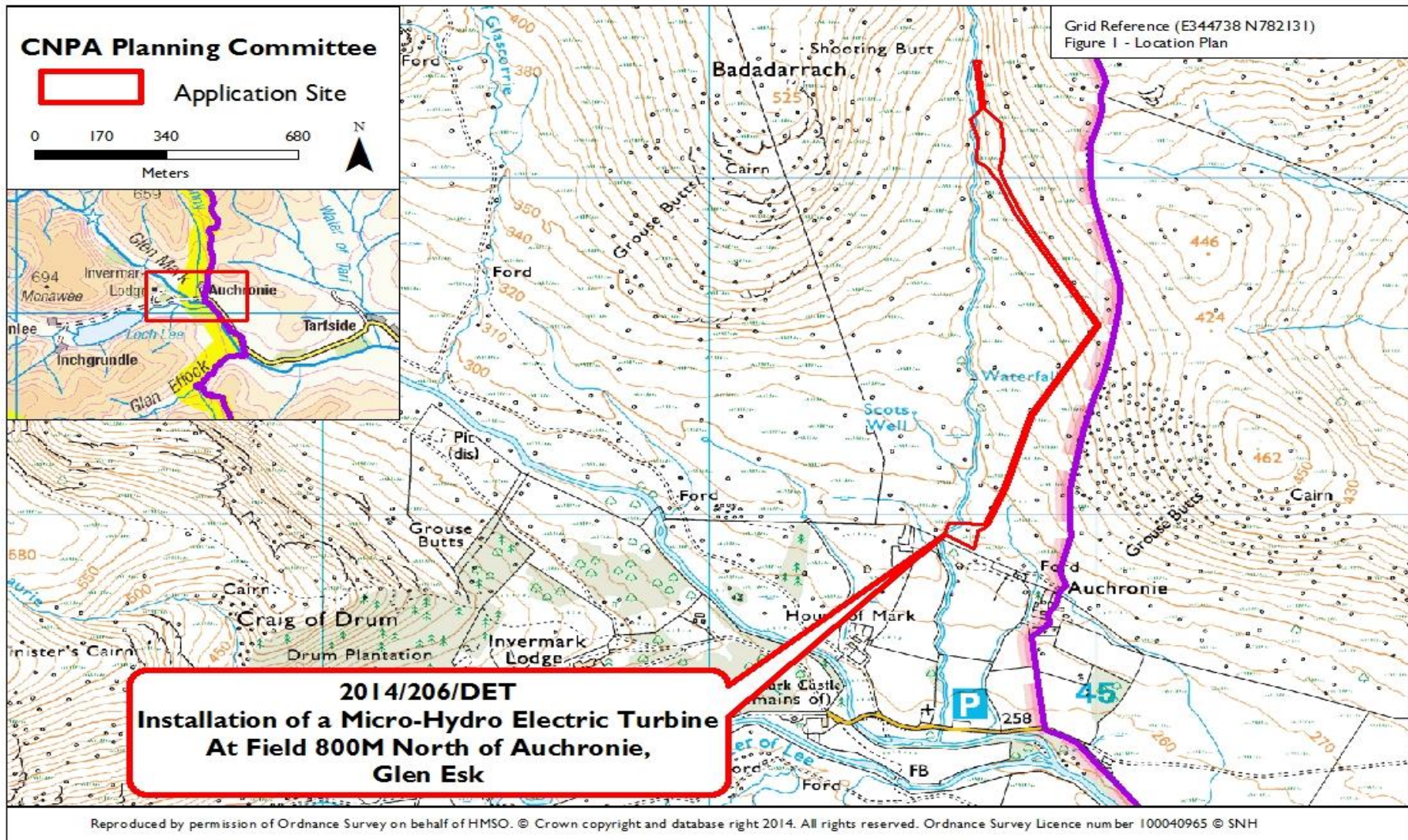
DEVELOPMENT PROPOSED: Installation of A Micro-Hydro Electric Turbine including Intake, Turbine House and Buried Pipeline – Re-Application – at Field 800 Metres North of Auchronie, Glen Esk

REFERENCE: 2014/0206/DET

APPLICANT: Richard Cooke, Dalhousie Estates

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 Burn of Branny at Auchronie in Glen Mark, just within the boundary of the south-eastern corner of the National Park. The scheme will require the excavation and construction of a new intake, a buried pipeline and turbine house with tailrace. The power output will be 100 kilowatts.

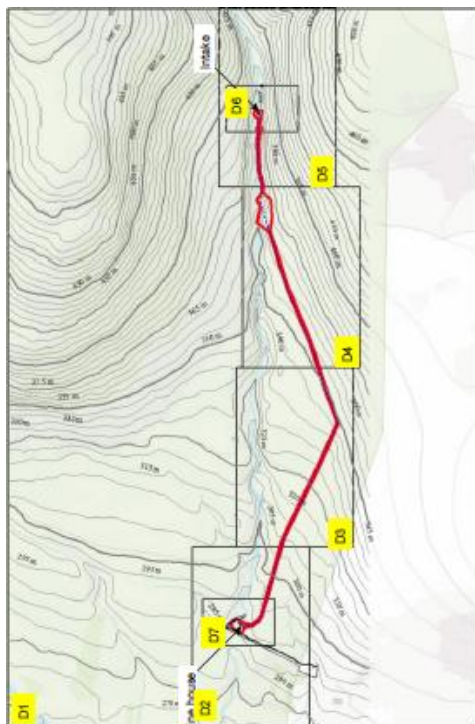


Figure 2: Extent of Hydro-Electric Scheme (Extract from Drawing No 12016D002-09 1 of 11 Location Plan – for information only)

2. All parts of the proposed scheme lie within the Landscape character area 'Glen Esk'. In the area of the intake the landscape is characterised by rolling convex-sloped heather moorland and steeply incised burns with pronounced overlapping river terraces. There are substantial clumps of riparian woodland on the lower reaches of the Branny.

List of Drawings and Documents

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

Drawing Number	Title	Date on Plan	Date Received
12016D002-09 1 of 11	Location Plan	27/08/14	08 September 2014
12016D002-09 2 of 11	Detail 1 – Site Plan	27/08/14	08 September 2014
12016D002-09 3 of 11	Detail 2 – Site Plan on Turbine House Access	27/08/14	08 September 2014
12016D002-09 4 of 11	Detail 3 – Site Plan at Lower Pipeline	27/08/14	08 September 2014
12016D002-09 5 of 11	Detail 4 – Site Plan on Upper Pipeline	27/08/14	08 September 2014
12016D002-09 6 of 11	Detail 5 – Site Plan on Intake	27/08/14	08 September 2014
12016D002-09 7 of 11	Detail 6 – Detailed Turbine House Plan	27/08/14	08 September 2014
12016D002-09 8 of 11	Detail 7 – Detailed Intake Plan	27/08/14	08 September 2014
12016D002-09 9 of 11	Phase I Habitat Overlay	27/08/14	08 September 2014
12016D002-09 10 of 11	NVC Overlay	27/08/14	08 September 2014
12016D002-09 11 of 11	Forestry Planting Overlay	27/08/14	08 September 2014
12016D001-05 1 of 8	Turbine house context and annotations	28/08/2014	08 September 2014
12016D001-05 2 of 8	Elevations of turbine house	28/08/2014	08 September 2014
12016D001-05 3 of 8	Plan and sections of turbine house	28/08/2014	08 September 2014
12016D001-05 4 of 8	Plan and sections of turbine house	28/08/2014	08 September 2014
12016D001-05 5 of 8	Contours of landscape alteration around turbine house	28/08/2014	08 September 2014
12016D001-05 6 of 8	Context of intake and annotated overview	28/08/2014	08 September 2014
12016D001-05 7 of 8	Plan and section of intake structure	28/08/2014	08 September 2014
12016D001-05 8 of 8	Elevation and section of intake structure	28/08/2014	08 September 2014
12016D004-04 1 of 3	Intake access landscaping	29/10/2014	06 November 2014
12016D004-04 2 of 3	Plan and sections of intake access	29/10/2014	06 November 2014

I2016D004-04 3 of 3	Plan and sections	29/10/2014	06 November 2014
I2016D008-04 1 of 3	Intake access 100 – 190 m - landscaping	29/10/2014	06 November 2014
I2016D008-04 2 of 3	Section C:C	29/10/2014	06 November 2014
I2016D008-04 3 of 3	Dry heath pipe route cross section	29/10/2014	06 November 2014
I2016D005-02 1 of 1	Pipeline long-section	13/06/2013	08 September 2014
	Proposed Woodland Creation	19/06/2014	08 September 2014
I2016R003 Version 04	Branny Micro-Hydro – Draft Detailed Construction Method Statement	27/08/2014	06 November 2014
I2015R002 Version 04	Branny Hydro – Design Report	06/10/2014	06 November 2014
I2016R004 Version 03	Branny Hydro – Design Statement	27/08/2014	06 November 2014
	Phase I Habitat Survey and NVC Report	28 May 2014	14 July 2014
	Burn of Branny hydropower scheme : otter survey*	June 2013	14 July 2014
	Burn of Branny hydropower scheme : fish habitat assessment	June 2013	14 July 2014

(*classified as sensitive due to protected species and not available to view)

Table I: List of Drawings and Supporting Documents.

Development Proposal

4. The overall length of the pipeline is approximately 1500 metres long. The turbine house site is located above the existing farm buildings at Auchronie and the House of Mark, with the intake some 1400 metres higher up the Branny Burn. The 3.5 metre wide construction access follows the route of the pipeline. This access will be narrowed post construction to provide a permanent all-terrain vehicle access for maintenance (two metres wide). The track will be soiled to encourage vegetation establishment.

5. The intake is set on a narrow bedrock feature which allows for a low-profile finished structure. The exposed structure will be in the region of 7.5m wide including wing-walls, with the intake weir itself being approximately 3.5m wide. The first 8m of pipe will be protected by stone wall built from natural stone. The intake weir is configured between natural rock outcrops. It consists of an intake chamber, coanda screen, concrete weir and wing walls extending into firm ground. The sump chamber is integral to intake structure. Some rock breaking is proposed to prepare the site. The proposed rough concrete finish to poured concrete structures will assist in the dulling of the structure.



Figure 3: Photomontage of Intake (Extract from 12016D001-05 6 of 8 Context of Intake and Annotated Overview – for information only).

6. The penstock has a 450 millimetres notional diameter and is 1550 metres long, routed along the east side of the burn. Pipe sections will be delivered to the site by tractor and trailer and then dragged out by tracked excavator. Generally, the pipeline will be accommodated within the existing contours and terrain, with the exception of a 35 metre stretch 140 metres from the intake, where modification to the finished hill profile will be necessary due to the steep sides of the burn gulley, as indicated below in Figure 4.

1 Context Photo



3 During construction

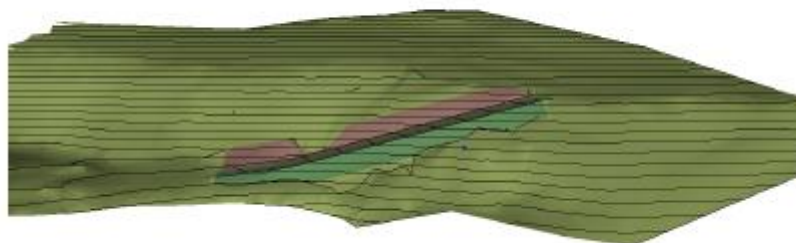


Figure 4: Section of pipeline referred to in Paragraph 7 (Extract from Drawing No 12016D004-04 1 of 3 Intake Access Landscaping – for information only).

7. Access to the turbine house will require the upgrading of an existing track and extension of around 25 metres. The turbine house will have stone cladding and a slate roof. The location of the turbine house was limited by the extent of the fish spawning habitat in the lower burn. The connection to the grid will be via a pole-mounted transformer on the existing line.



Figure 5: Photomontage of Turbine House (Extract from Drawing No 12016D001-05 1 of 8 Turbine House Context and Annotations – for information only)

8. Whilst there are scattered trees and patches of woodland along the burn, no trees are proposed to be removed in connection with the proposal. Riparian planting is proposed in the form of two new areas of riparian woodland, around the intake and the powerhouse, to be protected by electric fences.

Site History

9. This site was the subject of a planning application that was called-in late last year for a similar development (Application No 2013/0253/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

10. **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.

11. 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)

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) 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.
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. 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)

14. The Cairngorms National Park Local Plan was formally adopted on 29th 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. The following paragraphs list a range of policies that are appropriate to consider in the assessment of the current development proposal.
16. *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.
17. *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.
18. *Policy 12: Water Resources* which seeks to promote good use of water resources and to ensure that criteria are met in relation to flooding.
19. *Policy 6- Landscape* which seeks to ensure that development complements and enhances the landscape
20. *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.
21. The only constraint that applies to the application site is the 1 in 200 Years Fluvial Flooding.

Supplementary Planning Guidance

22. 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

23. 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.

24. 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

25. The **Scottish Environment Protection Agency (SEPA)** initially objected to this planning application due to a lack of information on Groundwater Dependent Terrestrial Ecosystems (GWDTE) and potential impacts on these and request that the information detailed in their response is provided for their approval. However, by letter dated 8 December, SEPA has withdrawn the objection, 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 (CMS) must be submitted for the written approval of the planning authority [in consultation 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.
26. **SEPA** also requests that the CMS is site specific and addresses various site specific details, which have been included in the proposed conditions following the recommendation on this report.
27. **Scottish Water** was consulted on the 14 July 2014 and has not provided a response.
28. **Angus Council Environmental Health Service** advises that records held by the council indicate that several properties at Auchronie are served by a private water supply and 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, the officer 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.
29. In relation to potential noise from the turbine house, the officer notes from the submitted plans that this will be located a sufficient distance from any residential property (approximately 400 metres). In light of the above Environmental Health does not object to this application subject to the following condition:
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.
30. **Angus Council – Natural and Built Environment, Flood Prevention, and Roads** did not respond to the consultation requests.
31. **Kirriemuir West Community Council and Inveresk Community Council** were consulted and no response has been received to date.
32. **Esk District Salmon Fishery Board and Trust** has not provided a response.

33. **Aberdeenshire Archaeology** suggest the application of the following condition due to the potential for previously unrecorded archaeology to survive in this area:-
Watching-brief Condition (PAN 2/2011, SPP, SHEP)
The developer shall secure the implementation of an archaeological watching brief, to be carried out by an archaeological organisation acceptable to the Aberdeenshire Council Archaeology Service on behalf of the planning authority, during any groundbreaking and development work. The retained archaeological organisation shall be afforded access at all reasonable times and allowed to record and recover items of interest and finds. Terms of Reference for the watching brief will be supplied by the Aberdeenshire Council Archaeology Service.
The name of the archaeological organisation retained by the developer shall be given to the planning authority and to the Aberdeenshire Council Archaeology Service in writing not less than 14 days before development commences.
Reason: to record items of archaeological interest.
34. **The CNPA Natural Heritage Officer** observes that the proposal lies outwith but close to the Cairngorms Massif SPA in 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.
35. The Natural Heritage Officer concluded on the 7th August 2014 that further information in relation to the impact of the construction on otters and fish spawning was required before the application could be determined. Additional requirements for details in relation to reptile habitats, impact of works on otters and mitigation measures for SEPA were required to be added to the Construction Method Statement (CMS). Conditions were required in relation to pre-construction checks for otters and for birds (if the works commence in the breeding season) and a freshwater invertebrate survey for the Northern February Stonefly. 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.
36. In response to additional information that was received on the 6 November, the Natural Heritage Officer noted that the information concerning otters had been added to the CMS and that the issue of sediment transport in relation to fish migration had been included in the Design Statement. The CMS had also been amended to include the other issues referred to in the foregoing paragraph. The 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 Design Report.
37. The **CNPA Landscape Adviser** advises that the Landscape Toolkit sensitivity to small scale hydro is medium. In terms of visual character, the views from Glen Esk are foreshortened with no views into the river corridor itself. Views into the Branny can be achieved from the estate track which extends for many miles towards Hill of Gairney. Special landscape qualities most relevant to this area are the extensive moorland and a sense of wildness. Most of the proposed scheme is

located in medium wildness. The intake is just inside/on the boundary of a Wild Land Area.

38. The **Landscape Adviser** concludes that the landscape and visual impact arising from the location, scale and design of the intake and turbine house are broadly appropriate to the landscape character of the area. After ten years the landscape and visual impacts of all components could be substantially mitigated. Over the majority of the length of the pipeline/access corridor the landscape and visual impacts could likewise be reduced to a similar level over three to five years. However, there is a critical steep section where, though the adviser is content that in the long term the impacts of construction works will be significantly mitigated by the proposed woodland planting, in the short to medium term there is a risk of significant landscape impact.
39. She concludes that the development would have significant short term impact on landscape character and sense of wildness, over time these impacts can be addressed by careful design and appropriate mitigation measures. In the event of planning permission being granted, she suggests a number of conditions, all of which have been included after the recommendation.

REPRESENTATIONS

40. No representations have been received. The applicants' agent has requested to be **heard** at Committee.

APPRAISAL

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, 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.
42. In terms of Local Plan Policy 12 (Water Resources), SEPA has objected to this planning application due to a lack of information on Groundwater Dependent Terrestrial Ecosystems (GWDTE) and potential impacts on these and request that the information detailed in their response is provided for their approval. This has been included as a suspensive condition. In addition, Angus Council has advised that any impact on private water supplies in the area may be addressed by condition. The issue of water resources is similarly addressed in Policy 10 (Resources) in the proposed LDP.
43. The previous proposal benefits from a CAR licence from SEPA (19 November 2013), although this will need to be amended to take account of the latest scheme.

44. 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.
45. The built elements of the development are discretely located, with the intake not readily open to view. Over the majority of the length of the pipeline/access corridor, the landscape and visual impacts could be substantially mitigated within three to five years. Whilst there is a risk of significant landscape impact in the short to medium term of the critical steep section of the pipeline/access corridor, in the longer term the proposed woodland planting will mitigate for the impacts of the construction works.
46. The impact on the environment has been addressed through the provision of a Construction Method Statement. Further information is required in relation to a number of the details within that statement but generally it is considered to demonstrate that the proposed development can be delivered in such a way that it will not have a significant and long-lasting impact on the landscape and environment.
47. 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.
48. The turbine house has been designed to relate to the existing farm buildings at Auchronie. 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.
49. In terms of technical issues, the development will have a negligible impact on the existing roads and Angus Council has advised that there is no noise issue.

Other Issues

50. 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.

51. 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

52. 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.
53. The Proposed LDP (as modified) addresses these issues/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

54. 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

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

Promote Understanding and Enjoyment of the Area

56. The proposal does not directly relate to this aim as it is not located directly adjacent to walking areas, but it does not detract from this aim.

Promote Sustainable Economic and Social Development of the Area

57. 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 800 Metres North of Auchronie, Glen Esk subject to the following planning conditions:

- 1 No development shall commence until a scheme demonstrating that the quality and quantity of any private water supply that might be affected by the development will be safeguarded for all time 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 Service

Reason: To ensure that the development does not have an adverse impact on private water supplies.

- 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) Identification of the source of materials and location for any surplus excavated materials;
 - b) Construction corridor to be marked and taped prior to works beginning on site;
 - c) Detailed guidance to the contractor regarding on-site excavations, storage and replacement of soils, rock and vegetation;
 - d) Arrangements for the regular overseeing of the works by an Independent Ecological Clerk of Works (ECoW);
 - e) Where the penstock or tracks pass through areas of groundwater fed M15 and MG10 and where the groundwater continuity should be maintained:-
 - i. The time between excavating and backfilling of individual sections of pipeline is minimised. SEPA advise backfilling within three days to minimise drying and disturbance.
 - ii. With regard to the excavation of turf and arisings, these should be stock-piled on impervious sheeting, away from any watercourses and not on any wetlands, before being backfilled into the trench and not allowed to dry out.

- iii. Turfs should be cut in a random fashion to prevent the surface, on reinstatement, becoming preferential pathways for water.
- iv. Reinstatement should replace the soils in the original layering.
- v. Movement of vehicles across sensitive areas should be kept to a minimum.
- vi. Impermeable barriers and/or clay plugs should be installed to prevent the trench or track acting as a preferential conduit of groundwater within areas identified as GWDTE.
- vii. Any areas identified as wetlands should not be used to treat contaminated water.

Reason: To ensure that there is no adverse environmental impact of the proposed development.

- 3 No development shall commence until samples of the proposed external materials for the turbine house and details of the method of construction have been submitted to and 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.

- 4 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.

- 5 No development shall commence until a Pre-Construction check for otter 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 this protected species.

- 6 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.

- 7 No development shall commence until detailed planting and management proposals for both 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 the impact of the turbine house and intake and enhance their settings, in the interests of visual amenity.

- 8 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 and to accord with planning policies.

- 9 An Ecological Clerk of Works shall be appointed and shall submit 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 ensure that there is no adverse environmental impact and to accord with planning policies.

- 10 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.

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

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

- 12 The developer shall secure the implementation of an archaeological watching brief, to be carried out by an archaeological organisation acceptable to the Aberdeenshire Council Archaeology Service on behalf of the Cairngorms National Park Authority acting as Planning Authority, during any groundbreaking and development work. The retained archaeological organisation shall be afforded access at all reasonable times and allowed to record and recover items of interest and finds. Terms of Reference for the watching brief will be supplied by the Aberdeenshire Council Archaeology Service. The name of the archaeological organization retained by the developer shall be given to the Cairngorms National Park Authority acting as Planning Authority and to the Aberdeenshire Council Archaeology Service in writing not less than 14 days before development commences.

Reason: To record items of archaeological interest.

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.

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Date: 5 December 2014

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