
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

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

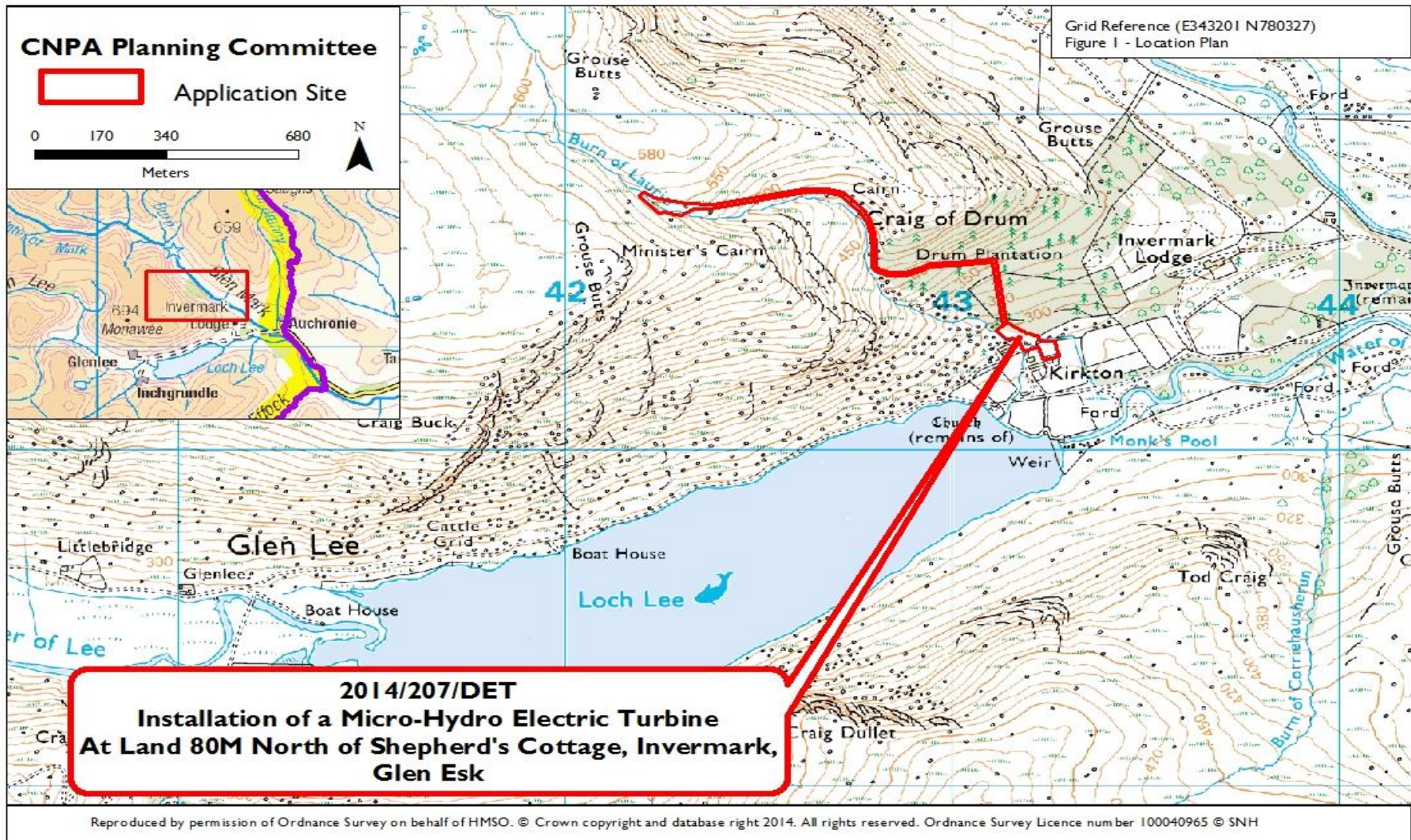
DEVELOPMENT PROPOSED: Installation of A Micro-Hydro Electric Turbine including Intake, Turbine House and Buried Pipeline – Re-Application – at Land 80 metres North of Shepherd’s Cottage, Glen Esk

REFERENCE: 2014/0207/DET

APPLICANT: Richard Cook, Dalhousie Estate

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 Laurie above Shepherd’s Cottage 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, and a turbine house with tailrace. The power output will be 84.1 kilowatts.

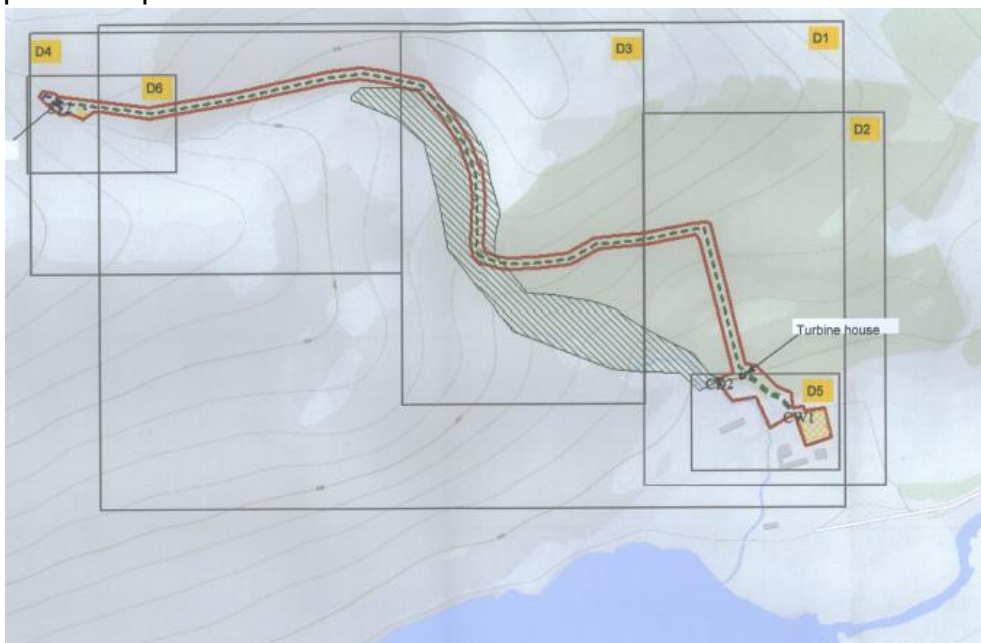


Figure 2: Extent of Hydro Scheme (Extract from Drawing No I2019D002-06 1 of 9 Location Plan – for information only).

2. In terms of the Landscape Character Assessment, the site lies in Glen Esk. The location is characterised by steep and rugged terrain, outcropping rock and crags and mature shelter conifer woodland. The upper slopes have heather-dominated ground cover, the lower slopes grass with isolated stunted birch and rowan. The lower half of the pipeline route is through a mature pine plantation and dense spruce plantation. The Landscape Toolkit sensitivity to small scale hydro is medium.
3. Much of the site, but not the intake, is open to views from Kirkton and the lochside. Loch Lee is a popular area for walking and is a destination in its own right.

List of Drawings and Documents

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

Drawing Number	Title	Date on Plan	Date Received
I2019D002-06 1 of 9	Location Plan	19/06/2014	17 July 2014
I2019D002-	D1 – Site Plan	19/06/2014	17 July 2014

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12019D002-06 3 of 9	D2 – Pipe and Track Route	19/06/2014	17 July 2014
12019D002-06 4 of 9	D3 – Pipe and Track Route	19/06/2014	17 July 2014
12019D002-06 5 of 9	D4 – Pipe and Track Route	19/06/2014	17 July 2014
12019D002-06 6 of 9	D5 – Turbine house site plan	19/06/2014	17 July 2014
12019D002-06 7 of 9	D6 – Intake location	19/06/2014	17 July 2014
12019D002-06 8 of 9	Phase I Habitat Overlay	19/06/2014	17 July 2014
12019D002-06 9 of 9	NVC Overlay	19/06/2014	17 July 2014
12019D004-02 1 of 8	Track sections map	19/06/2014	17 July 2014
12019D004-02 2 of 8	Track section 1	19/06/2014	17 July 2014
12019D004-02 3 of 8	Track section 2	19/06/2014	17 July 2014
12019D004-02 4 of 8	Track section 3	19/06/2014	17 July 2014
12019D004-02 5 of 8	Track section 4	19/06/2014	17 July 2014
12019D004-02 6 of 8	Track section 5	19/06/2014	17 July 2014
12019D004-02 7 of 8	Track section 6	19/06/2014	17 July 2014
12019D004-02 8 of 8	Slope stability	19/06/2014	17 July 2014
12019D001-01 1 of 6	Turbine house context and annotations - Laurie	15/04/2013	4 Dec 2014
12019D001-01 2 of 6	Turbine house context and annotations - Laurie	15/04/2013	4 Dec 2014
12019D001-01 3 of 6	Turbine house elevations - Laurie	15/04/2013	4 Dec 2014
12019D001-01 4 of 6	Turbine house plan and section - Laurie	15/04/2013	4 Dec 2014
12019D001-01 5 of 6	Intake context - Laurie	15/04/2013	4 Dec 2014
12019D001-01 6 of 6	Intake elevations - Laurie	15/04/2013	4 Dec 2014
12019D007-01 1 of 2	Pipeline and quad track long-section	05/11/2013	17 July 2014
12019D007-01 2 of 2	Pipeline and quad track long-section	05/11/2013	17 July 2014
	Proposed Woodland Creation	10/06/2014	17 July 2014
12019R003	Laurie Micro-Hydro – Detailed	06/10/2014	06 November

Version 04	Construction Method Statement Draft		2014
I2019R001 Version 05	Laurie Micro-Hydro – Design Report	27/08/2014	06 November 2014
I2019R002 Version 04	Laurie Micro-Hydro – Design Statement	31/10/2014	06 November 2014
	Phase I Habitat Survey and NVC Report, Laurie, Invermark	19 July 2013	17 July 2014
	Burn of Laurie Hydropower Scheme: Otter Survey	June 2013	16 July 2014
	Burn of Laurie Hydropower Scheme : Fish Habitat Assessment	June 2013	17 July 2014

Table 1: List of Drawings and Documents

Development Proposal

5. The burn channel at the location of the intake is approximately 1 metre wide between bedrock on the east side and rocky alluvial material on the west. The proposed concrete structure is 3.6 metres wide including the coanda screen, intake chamber and compensation plate. The proposed arrangement will require excavation (some in rock) and the creation of a small impoundment pool. The access to the intake for construction and for on-going maintenance follows the line of the pipeline.



Figure 3: Photomontage of Intake (Extract from I2019D001-01 5 of 6 Intake Context – Laurie - for information only)

6. The overall length of the pipeline is approximately 1200 metres long. Vehicular construction access has been routed up the pipeline. The pipeline exits and tracks down on the east side of the burn. The pipe is divided into two parts, an upper polyethylene pipe of 250 millimetres diameter (low flow high head scheme) and a

lower steel pipe of 180 millimetres. The upper part is approximately 780 metres and the lower steel section approximately 420 metres.

7. It is proposed that access for construction and ongoing maintenance follows the route of the pipeline. This is shown on the drawings as averaging 1 in 3. In places the access needs to be benched across a side slope of 1 in 1.3. The construction corridor is shown as 15 metres wide. Construction within the woodland will require the felling of trees.

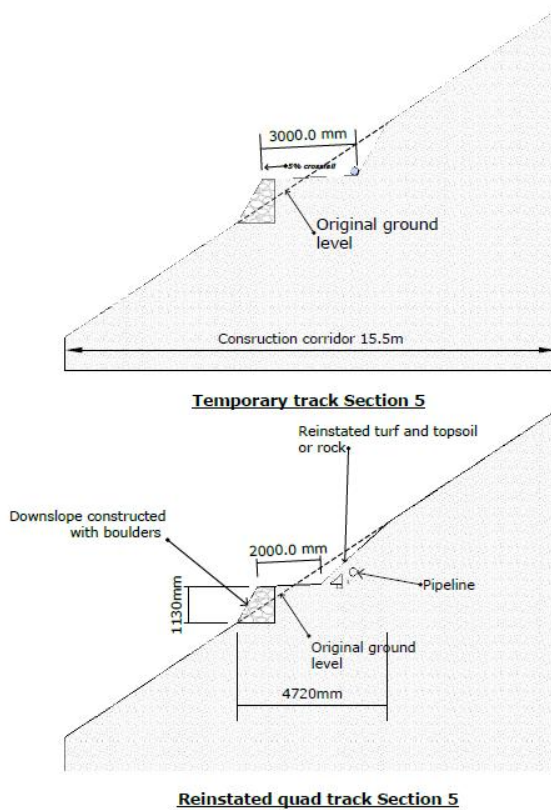


Photo approximately at section ,Not To Scale

Figure 4: Example of Track Section (Extract from Drawing No 12019D004-02 6 of 8 Track Section 5 – for information only).

8. The turbine house will sit on the slope above the east bothy amongst recently planted trees and be partially screened from below by a line of mature pines. The building will be finished in a similar style to the existing building cluster, with stone faced walls and a slate roof. The outfall is piped to the burn with a stone-faced outfall structure. The grid connection will be via a buried cable.



Figure 5: Proposed Turbine House (Extract from Drawing No 12019D001-01 1 of 6 Turbine House Context and Annotations – Laurie - for information only).

9. Proposals for riparian woodland along the upper part of the pipeline route and down the western side of the Drum plantation will provide screening for some aspects of the proposal, soften the edge of the plantation and add habitat diversity. The proposals are included in the estate Forestry Development Plan as is the long term retention of the Drum plantation.

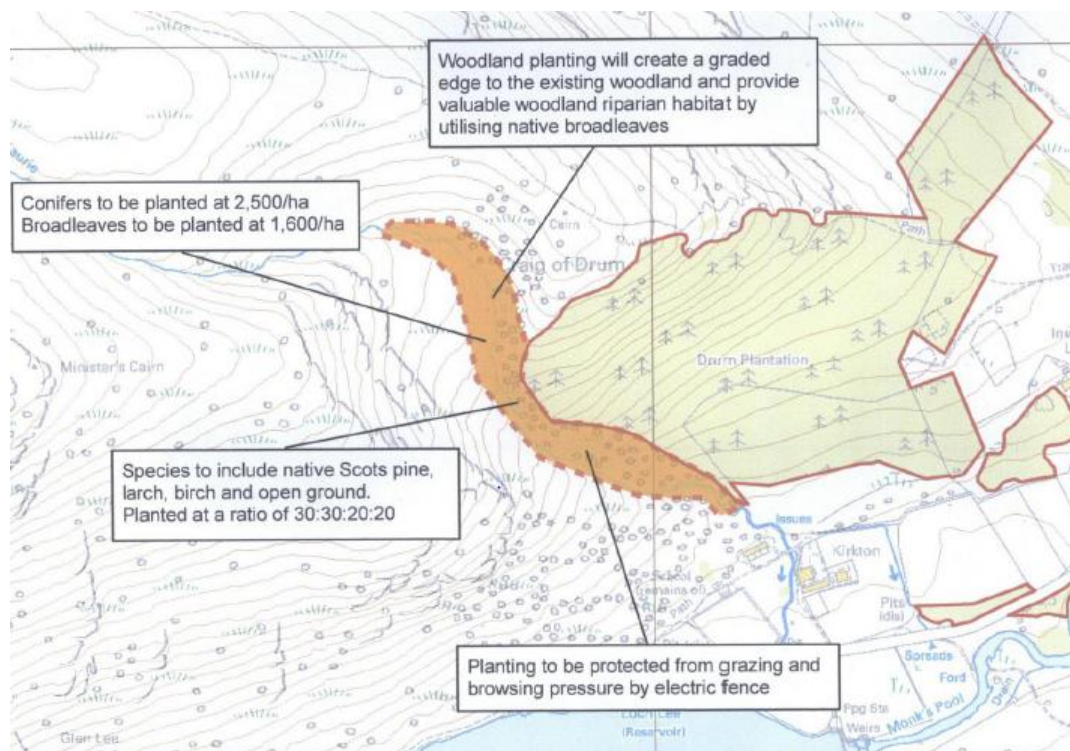


Figure 6: Tree Planting Proposal (Extract from Proposed Woodland Creation – for information only)

Site History

10. 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

11. **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.
12. 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)

13. 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.
14. 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)

15. 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>
16. 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.
17. *Policy 15: Renewable Energy Generation* which supports small scale renewable energy schemes which support the aims of the National Park and the Park Plan's strategic objective regarding energy production, and where they contribute positively to the minimisation of climate change and complement the sustainability credentials of the development. Developments, including ancillary works, to be sited and designed to have no significant adverse visual or landscape impact and to have no adverse impacts upon neighbours or the environment.
18. *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.
19. *Policy 12: Water Resources* which seeks to promote good use of water resources and to ensure that criteria are met in relation to flooding.
20. *Policy 6- Landscape* which seeks to ensure that development complements and enhances the landscape

21. *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

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)** objected to this planning application on the 21 July 2014 due to potential impacts on Groundwater Dependent Terrestrial Ecosystems (GWDTE) and requests that the information detailed in their response is provided for their approval.
26. Notwithstanding the above, SEPA requests that the following planning conditions are be attached to any planning permission:-
1. No culverts are to be constructed without the agreement of the Planning Authority in consultation with SEPA in order to protect the water environment
 2. Details to be provided of the track construction for the agreement of the Planning Authority in consultation with SEPA prior to the commencement of the development
 3. At least two (2) 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.
27. 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.

28. On the 9 December 2014, SEPA advised that the objection to the application was being removed following the receipt of further information by email dated 4 December. SEPA continues to request that various planning conditions are attached.
29. The scheme has a CAR Licence CAR/L/1114060 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 Invermark 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 65 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 Roads** – no objection as the proposed development lies outwith the medium probability flood envelope.
36. **Angus Council** – Natural and Built Environment and Flood Prevention did not respond to the consultation requests.

37. **Kirriemuir West Community Council and Inveresk Community Council** were consulted and no responses have been received to date.
38. **Esk District Salmon Fishery Board and Trust** has not provided a response.
39. **The CNPA Natural Heritage Officer** observes that the proposal lies within the Cairngorms Massif Special Protection Area (SPA) of which the 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.
40. The Natural Heritage Officer reviewed the accompanying surveys and concluded on the 6th August 2014 that no further information was required to determine the application. She identified additional requirements in relation to errors and inconsistencies in the Design Report and Design Statement, reptile mitigation measures and daylight working hours to be included in the Construction Method Statement, and mitigation measures provided by SEPA with regard to habitats dependent on GWDTE. Conditions were required in relation to pre-construction checks for protected mammals 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.
41. In her response to the revised Design Statement and Design Report on the 24 November 2014, the Natural Heritage Officer noted that whilst the Design Report refers to a requirement for tree felling to facilitate the pipeline installation, the Design Statement still makes no reference to tree removal. She notes that the CMS has been revised to include mitigation measures for reptiles and daylight working.
42. **CNPA Landscape Adviser** observes that the Landscape Toolkit sensitivity to small scale hydro in this location is medium. In terms of visual character, much of the site but not the intake is open to views from Kirkton and the lochside. The relationship between the estate buildings, walled pony paddocks, landform and burn and trees and the loch demonstrates 'landscapes both cultural and natural' but poor fit of conifer planting has a negative effect on the special landscape qualities.
43. The Landscape Adviser concludes that this proposal could be accommodated in this part of the National Park without significant adverse landscape and visual impacts beyond the short to medium term (2 to 10 years) and thereby meet the landscape policy tests in LP Policy 6 and NPPP Policy 2.3. In part the landscape and visual impacts in the area will be ameliorated and compensated for by the inclusion of new riparian woodland. Over the short to medium terms the proposal will have an adverse effect on the sense of wildness in the upper parts of the scheme. In the long term once the woodland is established and any fencing removed, any adverse effects will be negligible.

44. The Landscape Adviser observes that in practice the reduction of landscape and visual impact to this level is entirely dependent on the detail of the design and a high degree of care in the construction and restoration process, and on the retention of the woodland within the long term forestry plan. The current application has provided the majority of the information necessary for this to happen but there remain some outstanding aspects for which information is required.

REPRESENTATIONS

45. No representations have been received in connection with this application.
46. The applicants' agent has requested to be **heard** at Committee.

APPRAISAL

47. 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.
48. 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.
49. 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.
50. 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 CNPA Natural Heritage Officer is concerned that the Design Statement fails to refer to tree felling, although it has been referred to in the Design Report. Again, this may be addressed by a suspensive condition. The provision of riparian planting will be of benefit to biodiversity. 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.
51. The CNPA Landscape Adviser observes that much of the site but not the intake is open to views from Kirkton and the lochside. The Landscape Adviser concludes that this proposal could be accommodated in this part of the National Park without significant adverse landscape and visual impacts beyond the short to medium term. In part the landscape and visual impacts in the area will be ameliorated and compensated

for by the inclusion of new riparian woodland. 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.

52. 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.
53. 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

54. 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.
55. 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

56. 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.
57. 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

58. 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

59. The proposed development readily supports this aim by using a natural resource to generate energy, and returning the water used back to the environment to the satisfaction of the Scottish Environment Protection Agency.

Promote Understanding and Enjoyment of the Area

60. The proposed development will not have a direct impact on this aim.

Promote Sustainable Economic and Social Development of the Area

61. 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 Land 80 metres North of Shepherd’s Cottage, Glen Esk subject to the following planning conditions:

- 1 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) Further details of the sequence of operations for construction, restoration and reinstatement measures along track/pipeline route, including the stabilisation of soils during construction and restoration.
 - b) Source of materials and location for any surplus excavated materials.
 - c) Construction corridor to be marked and taped prior to works beginning on site.
 - d) Arrangements for the regular overseeing of the works by an Independent Ecological Clerk of Works (ECoW).
 - e) Mitigation to protect groundwater flows;
 - f) Sensitive areas are marked by an experienced ecologist to exclude contractors and vehicles to prevent these habitats being damaged;
 - g) The gradient of the construction area is, in places, quite steep and steep slopes are more susceptible to sediment run-off and details should be provided of silt traps where proposed;
 - h) Any areas identified as wetlands should not be used to treat contaminated water or for the storage of excavated material and should be properly maintained;
 - i) Excavated soils should not be stored on sensitive habitats, should be replaced in the shortest possible time to prevent drying and reinstated to mimic the original layering, with groundwater flows maintained where applicable;
 - j) SEPA should also be contacted in the event of a pollution incident (This is mentioned on page 7 but not at beginning of document) as well as Scottish Water and the correct details including out of hours provided;
 - k) Track-general mitigation: additional wording may be required depending on whether the area of M6 is avoided or not i.e. through areas of sensitive GWDTE measures should be detailed where groundwater flows are to be maintained;

- l) Pipe-laying through sensitive areas of wetland - the excavation and back-filling of the trench and re-instating vegetation should be carried out in a maximum of 3 days;
- m) Details should be provided of planting using appropriate ploughing techniques to stop run off from ploughed furrows (one method is to lift the plough out of the ground for at least a metre then back into the ground again to continuing ploughing);
- n) Details should be provided of buffer strips to the banks of the stream and how these will be maintained;
- o) Details should be provided of steps to be taken to throttle back drainage culverts to stop erosion to bed and banks of the streams.

Reason: To ensure that there is no adverse on the environment.

- 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 details of all tree removals along the pipeline have been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. The details shall include amendments to the Design Statement.

Reason: To ensure that this aspect of the development is given full consideration in the interests of the environment and 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, including 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 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.

- 8 No development shall commence until detailed management proposals for the existing forest in the vicinity of the pipeline, to include felling, extraction and replanting, have been submitted to and approved by the Cairngorms National Park Authority acting as Planning Authority. The management of the forest shall thereafter be carried out in accordance with the approved scheme.

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

- 9 No development shall commence until detailed planting and management proposals for the new 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.

- 10 No development shall commence until details of the track construction have been submitted and approved in writing by the Cairngorms National Park Authority acting as Planning Authority, in conjunction with the Scottish Environmental Protection Agency (SEPA). Details are required of any materials required for track construction and their source and the management of run-off on steep slopes.

Reason: To ensure that the slope is suitably reinforced in an appropriate manner that does not adversely affect the environment.

- 11 No development shall commence until landscape details for the access road and the turbine house surroundings have been submitted and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. The approved details shall be implemented prior to the commencement of generating power.

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

- 12 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.

- 13 The Ecological Clerk of Works 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 oversee the works and ensure there is no adverse environmental impact in accordance with planning policies.

- 14 No culverts shall be constructed without the prior written agreement of the Cairngorms National Park Authority acting as Planning Authority in conjunction with the Scottish Environmental Protection Agency (SEPA).

Reason: In order to protect the water environment.

- 15 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 the Cairngorms National Park Authority acting as Planning Authority.

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

- 16 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.

- 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 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. In respect of Condition 1, SEPA has requested that further information is provided to demonstrate that areas of M6 habitat have been avoided as far as possible. If these areas of wetland cannot be avoided (as far down slope as possible) then a hydrological risk assessment should be provided and it should be demonstrated that additional mitigation to protect the groundwater flows will be incorporated in the construction of the pipeline and access route. SEPA has also requested that it is demonstrated whether the area of MG9 grassland is groundwater dependent and, if this is the case, it is avoided or if this area cannot be avoided then additional mitigation to protect groundwater flows should be provided as above.

Officer Name: Fiona Murphy
planning@cairngorms.co.uk
Date: 8 December 2014

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