

CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

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

DEVELOPMENT PROPOSED: Amendment to location of upper powerhouse (2011/0281/DET) at Pitmain Lodge, Kingussie

REFERENCE: 2014/0234/DET

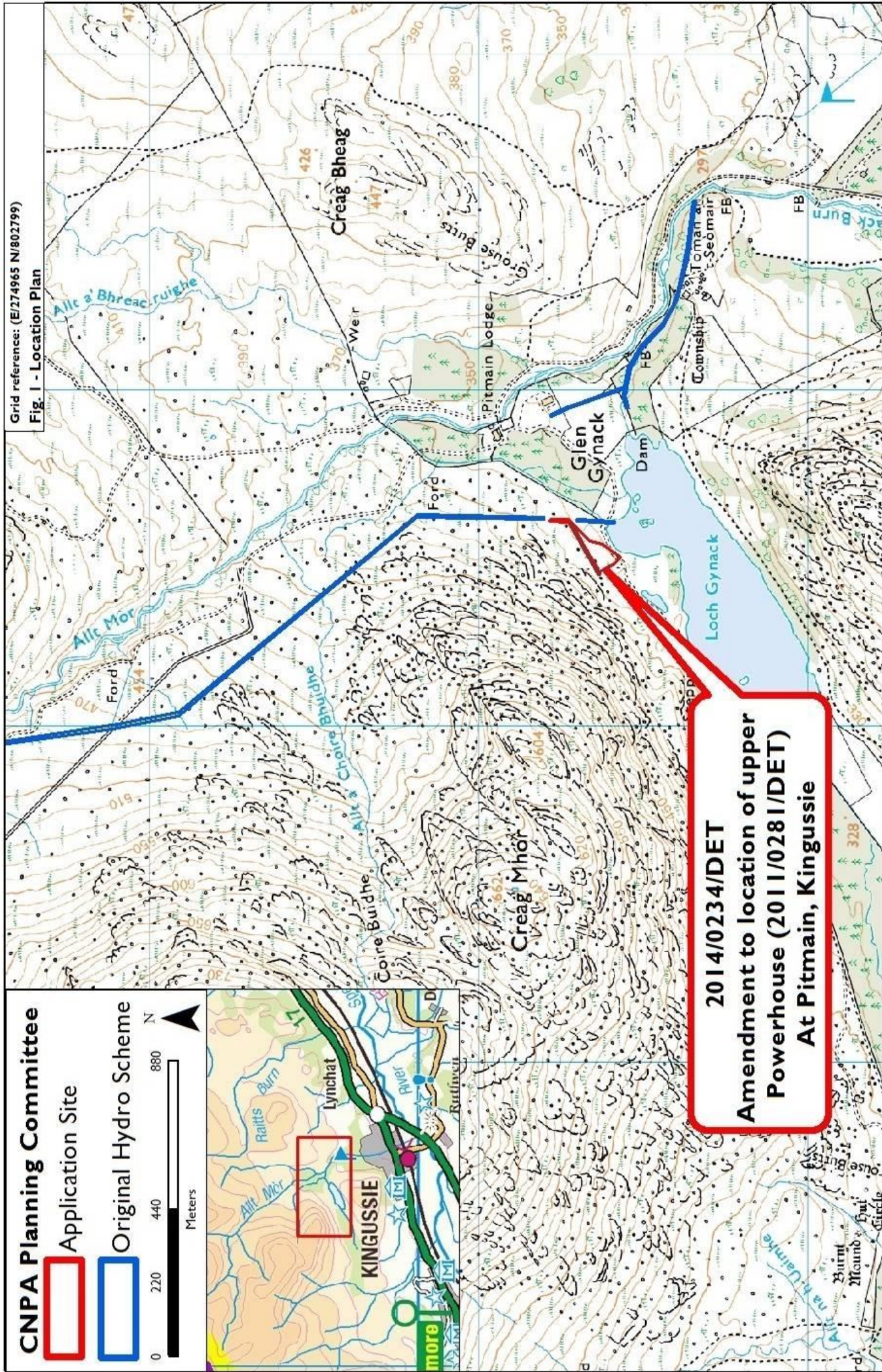
APPLICANT: Pitmain Estate

DATE CALLED-IN: 11 August 2014

RECOMMENDATION: APPROVAL SUBJECT TO CONDITIONS

Grid reference: (E)274965 N(802799)

Fig. 1 - Location Plan



SITE DESCRIPTION AND PROPOSAL

1. The plans and documents submitted by the applicant and under consideration for this application are identified in the table below.

Title	Drawing Number	Date on Plan	Date Received
Powerhouse Site Plan 1:1250 scale	854/111A	04.08.14	11.08.14
General Arrangement Plan 1:100 scale	854/112 D	12.07.14	11.08.14
Location Plan 1:12,500 scale	854/1A	04.06.14	11.08.14
Planning Statement by Adrian Laycock Ltd	Doc 854	07.10.14	07.10.14
Powerhouse Sections 1:100 scale	854/114/C	12.07.14	11.08.14

2. This application seeks full planning permission to amend the siting and design of a proposed power house related to a previously approved hydro scheme at Pitmain Estate to the north west of Kingussie. The proposal is to site the powerhouse around 30 metres south west of the original position and the building now be L shaped. It is proposed to undertake native planting to the east on land which will be used for temporary stock piling all as shown in **Figure 2** below

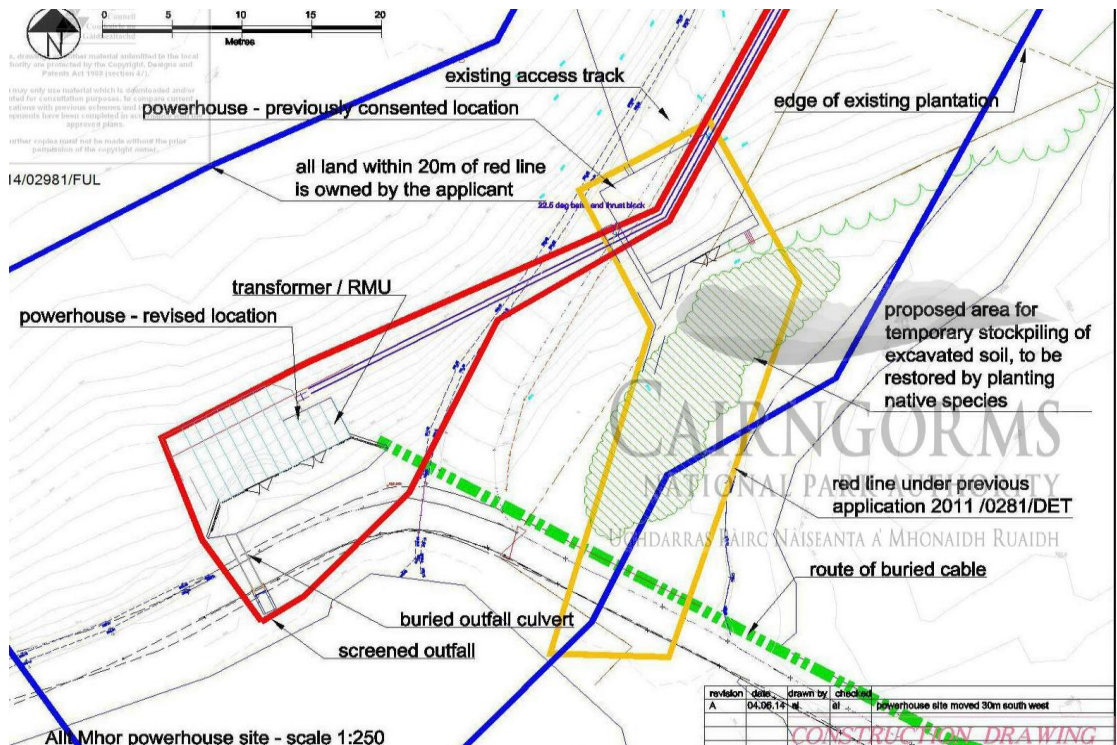


Figure 2 –Site Layout- For illustrative purposes only (extract from drawing no. 854/111A)

3. The reason for this proposed change is largely because a new track located around the west of Pitmain lodge and guest house runs through the originally proposed location of the powerhouse. When this was raised with the applicants' agents at the time of that retrospective application they advised that the powerhouse design would be amended to take account of this
4. However on assessing the changes needed the current agents determined that a new position for the powerhouse, as now proposed, would be more suitable and would avoid having to divert the access track as formed. The currently proposed changes were considered to represent "material" changes hence the requirement for this application.
5. The current position is located looking over Loch Gynack directly north of a track which leads westwards towards Newtonmore and forms part of an existing network of tracks and core paths within the Pitmain Estate. The new powerhouse position is located to the north of this track and will be formed by digging into the hillside with the roof of the powerhouse then finished in turf to tie the development into the contours here. The final appearance will then be of a stone fronted powerhouse set into the hillside which is a similar design to the original submission. This is shown in **Figure 3** below



Figure 3 –Visualisation- For illustrative purposes only (extract from Planning Statement Doc 854)

6. The new building will measure some 13.2 metres wide (frontage), 4.5 metres high and 7.7 metres deep with an L shaped floor plan incorporating the generating equipment and SSE connections in one building.

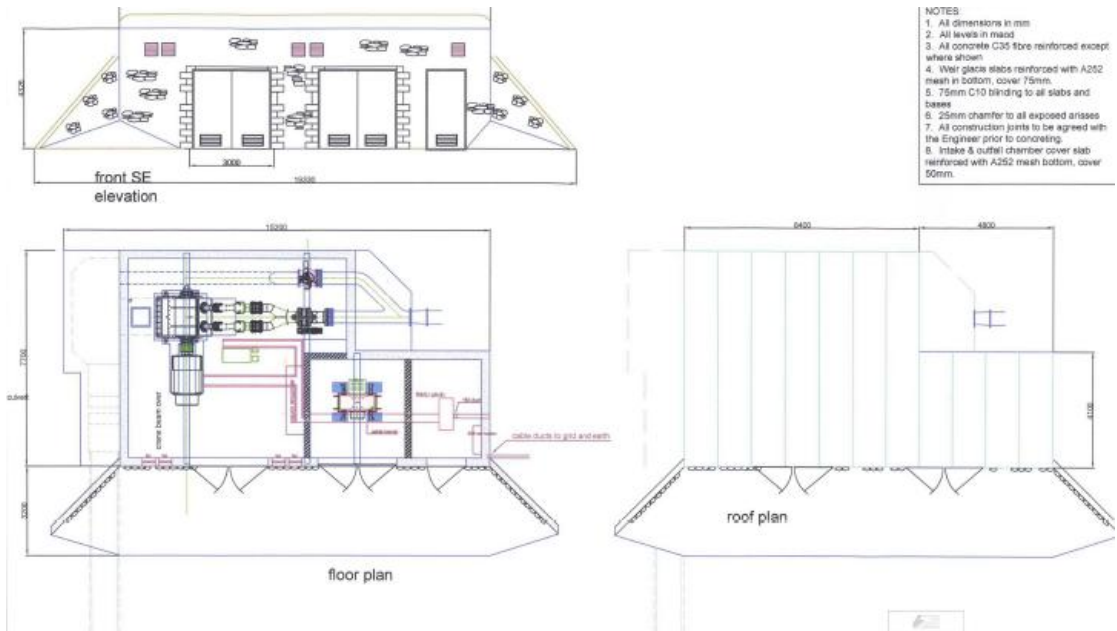


Figure 4 –Floor plan - For illustrative purposes only (extract from drawing no. 854/I 12 D)

7. In response to requests from this Service the applicant's agent has recently submitted a supporting planning statement which sets out how the construction will take place to minimise environmental impacts, provides information on planting and illustrations of the development.
8. At the time of the officer site visit it was noted that work had commenced on site excavations. The applicants agents have advised that this breach of planning control was due to a lapse in communication on site on a day when the contractor's agent had temporarily handed over to an assistant. They have confirmed that the operations have been halted.

Site History

9. There has been a fairly lengthy history of planning applications at Pitmain Estate as summarised below.
10. In 2012 the CNPA granted full planning permission for a hydro scheme on the Allt Mor burn with upper powerhouse beside Loch Gynack and a further powerhouse downstream. Two intakes were included in this scheme and the application was accompanied by an Environmental Impact Assessment. Work has started on this development following the fulfilment of numerous suspensive planning conditions (reference 2011/0281/DET).
11. A number of applications around Pitmain Lodge to the far north have been approved over recent years including full planning consent for the erection of new house and garage for the estate keeper (09/017/CP); new guest accommodation at Pitmain (11/03085/FUL); agricultural workshop/storage building (11/02328/AGR); and a new bridge over the Allt Mor watercourse together with short section of new track (2012/402/DET.) These developments have been implemented.

12. More recently a retrospective application for a new diversionary access track around the back (west) of woodland at Pitmain was approved earlier this year (2013/0318/DET). At last month's Planning Committee, an application for new tracks within the Pitmain Estate was approved (reference 2014/0219/DET). These tracks are some distance to the south west and west of the current application.

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 in accordance with 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 whilst allowing sufficient flexibility to reflect local circumstances.
14. The SPP sits alongside four other Scottish Government planning policy documents:
 - a) 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;
 - b) **Creating Places**, the policy statement on architecture and place, containing the Scottish Government's policies and guidance on the importance of architecture and design;
 - c) **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
 - d) **Circulars**, which contain policy on the implementation of legislation or procedures.
15. SPP specifically sets out that the planning system should support the transformational change to a low carbon economy and support the development of a diverse range of electricity generation from renewable energy technologies, and guide development to appropriate locations. Paragraph 169 sets out the issues to be considered when considering energy infrastructure development proposals.
16. Further advice on hydro development is contained in the Scottish Government on-line information note which set out issues to be considered and the key role of SEPA. (This advice is currently being updated to reflect the new SPP).

Strategic Policies

Cairngorms National Park Partnership Plan (2012-2017)

17. The Cairngorms National Park Partnership 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.
18. 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.
- 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. A series of work programmes to help deliver the outcomes is set out in the Plan.
19. 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)

20. 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>
21. The Local Plan contains a range of policies dealing with particular interests or types of development. These provide detailed guidance on the best places for development and the best ways to develop. The policies follow the three key themes of the Park Plan to provide a detailed policy framework for planning decisions:
- Chapter 3 - Conserving and Enhancing the Park;
 - Chapter 4 - Living and Working in the Park;
 - Chapter 5 - Enjoying and Understanding the Park.
22. Policies are not cross referenced and applicants are expected to ensure that proposals comply with all policies that are relevant. The site-specific proposals of the Local Plan are provided on a settlement by settlement basis

in Chapter 6. These proposals, when combined with other policies, are intended to meet the sustainable development needs of the Park for the Local Plan's lifetime. The following paragraphs list a range of policies that are appropriate to consider in the assessment of the current development proposal.

23. 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.
24. Policies 5: Biodiversity which presumes 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.
25. Policy 12: Water Resources – this policy seeks to promote good use of water resources and to ensure that criteria are met in relation to flooding.
26. Policy 6 – Landscape: sets out that there will be a presumption against any development that does not complement and enhance the landscape character of the Park. Exceptions will only be made where any significant adverse effects on the landscape are clearly outweighed by social or economic benefits of national importance and all adverse effects have been mitigated.
27. Policy 16: Design Standards for development: sets out the design standards to be met with new development and is supported by supplementary planning guidance in the form of a sustainable design guide.
28. Policy 34 – Outdoor Access: encourages development which improves opportunities for responsible outdoor access. Any development which would result in a loss of public access rights or loss of linear access (such as core paths, rights of way etc) will only be permitted where an appropriate or improved access solution can be secured.

Supplementary Planning Guidance

29. In addition to the adoption of the Cairngorms National Park Local Plan (2010) a number of Supplementary Planning Guidance documents were also adopted. In this case key documents are guidance on Natural Heritage which sets out how the natural heritage of the National Park will be taken into account when considering development proposals. The Sustainable Design Guide also sets out how to achieve sustainable development in the Park.

30. The Core Paths Plan is also of relevance in this case with core paths crossing the Pitmain Estate and forming a network of paths from Kingussie to Newtonmore and around Loch Gynack. Finally the CNPA Landscape Toolkit is also relevant.

Proposed Cairngorms National Park Local Development Plan (Proposed LDP)

31. The Department of Planning and Environmental Appeals (DPEA) carried out an Examination of the Proposed Cairngorms National Park Local Development Plan (Proposed LDP) over Spring and Summer 2014. The CNPA received the Report of the Examination on 8 September 2014. The Proposed LDP and the Reporters recommendations are now a material consideration in planning decisions. The emerging policies in the Proposed LDP have been checked and these raise no new issues that are not already considered in this report.

CONSULTATIONS

32. **CNPA Ecology Officer** notes that the siting of the powerhouse will require some excavation and disturbance to ground vegetation comprising of dry dwarf shrub heath. The officer notes that a construction method statement detailing how habitat will be reinstated following construction is required, along with information on proposed wider estate woodland planting in the area which may be incorporated in the area surrounding the powerhouse. It is concluded that the proposals would have a minor impact upon ecology which could be addressed by appropriate mitigation as noted.
33. **CNPA Landscape Officer** notes that that the site is located at the foot of Creag Mhor and relates closely to the access track network in this area whereby a building here will have an impact on the walking public. It is considered that a building in this general location of appropriate scale and design could fit with the prevailing landscape character. In this regard it is noted that the building is to be semi buried and it is important that information is provided regarding excavation, construction and reinstatement with sections and construction method statement required. Stone cladding finishes should be of scale, style and colour to reflect the colour and textures of features in the local landscape.
34. The Officer also notes that wider proposals for woodland regeneration on this side of Creag Mhor are under discussion and would offer an opportunity to backdrop and partially screen the powerhouse and enhance its setting. The applicant should provide suitable landscape plans for the area around the powerhouse, stock pile area and access track which should be consistent with the wider estate plans.

35. It is concluded that, subject to the above comments, and with careful attention to detail, the building could complement the local landscape character. *(Further landscape and construction information has recently been supplied as noted earlier in this report and is the subject of further consultation with relevant officers)*
36. **CNPA Outdoor Access Officer** has no adverse comments, providing during construction public access is not impeded.
37. **Scottish Environment Protection Agency (SEPA)** - has no objections subject to a condition being imposed requiring submission of a site specific environmental management plan. They further note that the applicant will be required to contact their Hydro permitting team to discuss any variation required to the existing CAR hydro consent. *(Further construction method information has recently been supplied as noted earlier in this report and is the subject of further consultation with relevant officers)*
38. **Scottish Natural Heritage** advise that the proposed site lies outwith any designated site, but is located some 990 metres upstream of the boundary with the River Spey SAC on the Gynack. They provided comments on the original hydro scheme here and this amendment does not change their previous advice. They conclude that it is unlikely that the proposed relocation of the powerhouse will directly or indirectly affect any of the qualifying interests of the River Spey SAC.
39. **Kingussie and Vicinity Community Council** has no objections.
40. **The Spey Fishery Board** also has no objections

REPRESENTATIONS

41. No representations have been received.

APPRAISAL

Principle

42. The principle of a wider hydro scheme at Pitmain has been established by the earlier planning consent, as detailed earlier in this report and is also in line with national and local planning policies to support renewable energy. This application seeks only to revise the location and design of one element of the approved scheme. The key planning policy is Policy 15 on Renewable Energy Generation which seeks to ensure that new development is sited and designed to have no significant adverse visual or landscape impact and to have no adverse impacts upon neighbours or the environment.
43. It is therefore the detail of this proposal which is under consideration raising the following key issues.

Design and Siting

44. As noted earlier the current site for the powerhouse is around 30metres to the south west of the original position. Excavations and groundworks would have been required with the original submission so there should be no additional impacts as a result of construction. This current proposal sits well in the landscape overlooking Loch Gynack being lower in the landscape than the original proposal, albeit more prominent from the Loch with landscaping proposed to the east.
45. In this regard the building has been designed to sit into the landscape and the slopes behind as illustrated in the visualisation and plans. Careful use of stone on the frontage to ensure a natural effect would assist along with careful restoration of ground forms around the site. These matters can be covered by appropriate planning conditions as set out in the Landscape Officer's response and should ensure compliance with Local Plan policy 6 on Landscape.

Environmental Issues

46. The development impacts on a small area of moorland and in the context of the wider consented hydro scheme with connecting pipelines and infrastructure has little environmental impact. Key agencies (SEPA and SNH) have no objections to the proposals and any minor impacts on the surrounding habitat can be mitigated by careful reinstatement and restoration. It is therefore considered to comply with Local Plan policies on environment and biodiversity.

Access and Public Impact

47. The site is remote from any residential properties so will have no impacts upon residential amenity. It will be clearly visible to walkers using tracks in the area and also to fishers in Loch Gynack. However the impact is, as noted earlier, not considered to be adverse in terms of fitting into the landscape. Indeed the development has some potential to be of interest to users in the area in relation to its connection with the wider hydro scheme and the locally generated electricity. Appropriate planning conditions may be imposed in the event of the application being supported to ensure that public use of tracks in the area is not impeded during construction.

Conclusion

48. The detail of this development is considered to comply with Local Plan policies and providing construction proceeds in accordance with appropriate planning conditions the overall impact should be positive in relation to both the development itself and its relationship to the overall scheme Approval is therefore recommended.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

49. This proposal has the potential to conserve and enhance the natural and cultural heritage through the careful siting and design together with additional 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

50. The proposed development, as part of a wider hydro scheme, readily supports this aim by using a local resource to generate renewable energy.

Promote Understanding and Enjoyment of the Area

51. The development has the potential to support this aim by highlighting to walkers and others using the Pitmain Estate its role in the production of locally generated electricity.

Promote Sustainable Economic and Social Development of the Area

52. The proposed development may 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 Amendment to location of upper powerhouse (2011/0281/DET) at Pitmain Lodge, Kingussie subject to the following planning conditions:

- I. No development shall commence until a detailed landscape scheme has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. This plan to provide full details of all proposed planting (species, location, planting distance) together with details of maintenance, fencing and monitoring. The approved scheme shall thereafter be implemented and maintained, in accordance with the approved details, in the first planting season following completion of the development hereby approved.

Reason: To ensure the development complements and enhances the landscape character of the National Park in accordance with Local Plan policies

2. No development shall commence until details of the arrangements (including signage) to ensure that the public can safely by-pass the construction work have been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. Development shall thereafter proceed in accordance with these approved details.

Reason: To ensure that public access is not impeded in accordance with Local Plan policies.

3. No development shall commence until a site-specific Construction Method Statement has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority in consultation with SEPA. This document to provide full details of construction methods, protection of water environment, and restoration and reinstatement of the site. The development shall thereafter be constructed, reinstated and restored in accordance with the approved construction method statement. All construction and excavation works shall be reinstated within 3 months of completion of the development unless otherwise agreed in writing with the Cairngorms National Park Authority acting as Planning Authority – this shall include the removal and reinstatement of laydown areas and construction compounds.

Reason: To ensure the development complements and enhances the landscape character of the National Park in accordance with Local Plan policies.

4. The development shall be constructed in accordance with the approved plans and sections.

Reason: To ensure the development complements and enhances the landscape character of the National Park in accordance with Local Plan policies.

5. No work shall commence on the construction of the powerhouse until details (including samples) of the proposed finishes have been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. The building shall thereafter be completed in accordance with the approved details. These details to reflect the requirement for the turf roof to blend in with the surrounding moorland and the stone finish to be of a scale, style and colour which reflects the colour and texture of features in the local landscape.

Reason: To ensure the development complements and enhances the landscape character of the National Park in accordance with Local Plan policies.

6. Unless otherwise agreed in writing with the Cairngorms National Park Authority acting as Planning Authority, there shall be no permanent lighting outside the building.

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

7. 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 National Park in accordance with Local Plan policies.

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. The developer should note that all terms and conditions of the original planning permission (reference 2011/0281/DET) apply in full to the overall scheme.
3. The developer should note the comments of the Scottish Environment Protection Agency (SEPA) regarding the requirements to obtain necessary licences/amendments from that Agency.

Officer Name: Katherine Donnachie

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Date: 10 October 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.