

CAIRNGORMS NATIONAL PARK AUTHORITY

DEVELOPMENT PROPOSED:

2MW run of river hydroelectric scheme and associated infrastructure at River Muick, Glen Muick, Birkhall, Ballater, Aberdeenshire

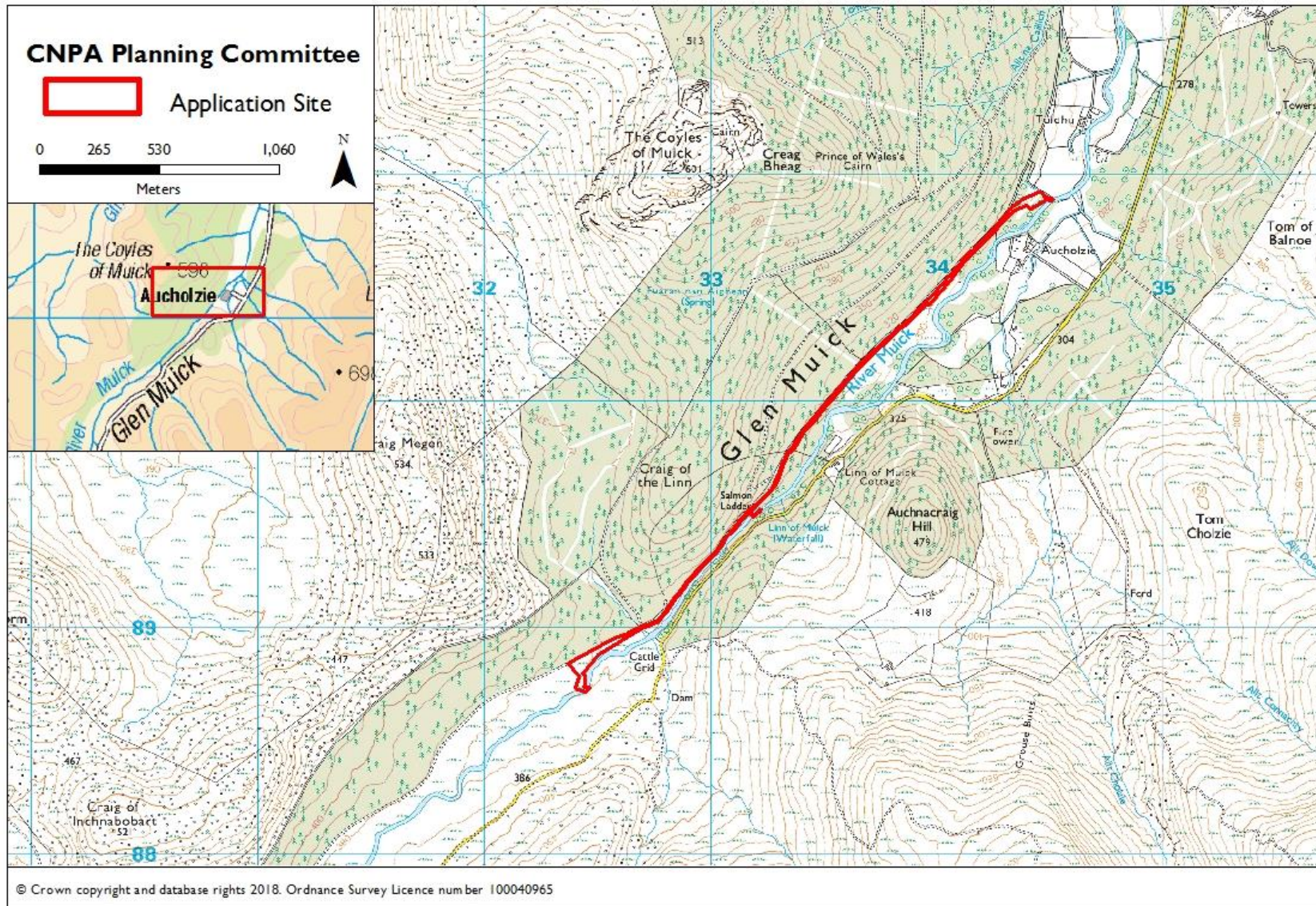
REFERENCE: 2018/0063/DET

APPLICANT: Balmoral Estates

DATE CALLED-IN: 19 February 2018

RECOMMENDATION: APPROVE SUBJECT TO CONDITIONS

CASE OFFICER: Emma Wilson, Planning Officer



SITE DESCRIPTION, PROPOSAL AND HISTORY

Site Description

1. The proposed site lies within the Birkhall Estate approximately 7km south-west of Ballater. The site is located on the west bank of the River Muick and runs for a distance of approximately 3km.
2. The proposed overall area for the development is 4.68 hectares and comprises wet heath / grassland to the south of the site, natural and plantation forestry to the middle and grazing grassland to the north of the site.
3. Access to the site is via the existing road/track from the B976 at Ardmearnach. This road provides access to several domestic and agricultural buildings prior to the application site.
4. There are no residential properties within the site boundary, however, there are properties located on the opposite (east) side of the river, between 200 and 300 metres from the proposed infrastructure.
5. The site lies within the River Dee Special Area of Conservation (SAC) designated for its qualifying features of Atlantic Salmon, freshwater pearl mussel and otter. Part of the site supports woodland identified on the Ancient Woodland Inventory (AWI). It also lies within close proximity to the 'Deeside and Lochnagar National Scenic Area' and the 'Mount Keen Wild Land Area' however, the potential impact of this proposal on these landscape designations is thought to be minimal.

Proposal

6. The drawings and documents associated with this application are listed below and are available on the Cairngorms National Park Authority website unless noted otherwise:

<http://www.eplanningcnpa.co.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=P41EUUSI0CA00>

| Title | Drawing Number | Date on Plan* | Date Received |
|--|-------------------------------|---------------|---------------|
| Location Plan | MUI/GEL/000 | | 19/02/2018 |
| Site Layout | MUI/GEL/001 | | 19/02/2018 |
| Pipeline Route | MUI/GEL/100 | | 19/02/2018 |
| Powerhouse Section | MUI/GEL/302 | | 19/02/2018 |
| Powerhouse Elevation | MUI/GEL/303 | | 19/02/2018 |
| Visualisation of Proposed Intake Additional Information | 117017-D-VIS-1.3 REV 1.0.0 | | 19/02/2018 |

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|---|-------------------------------|--|------------|
| Visualisation of Proposed Powerhouse Additional Information | I17017-D-VIS-2.3 REV 1.0.0 | | 19/02/2018 |
| Overall Site Plan Planning Boundary | MUI/GEL/1000 | | 19/02/2018 |
| Pipeline Alignment and Longitudinal Section Sheet 1 of 5 | MUI/GEL/101 | | 19/02/2018 |
| Pipeline Alignment and Longitudinal Section Sheet 2 of 5 | MUI/GEL/102 | | 19/02/2018 |
| Pipeline Alignment and Longitudinal Section Sheet 3 of 5 | MUI/GEL/103 | | 19/02/2018 |
| Pipeline Alignment and Longitudinal Section Sheet 4 of 5 | MUI/GEL/104 | | 19/02/2018 |
| Pipeline Alignment and Longitudinal Section Sheet 5 of 5 | MUI/GEL/105 | | 19/02/2018 |
| Pipeline Cross Sections Sheet 1 | MUI/GEL/108 | | 19/02/2018 |
| Pipeline and Road Details Sheet 1 | MUI/GEL/110 | | 19/02/2018 |
| Intake Area Plan | MUI/GEL/200 | | 19/02/2018 |
| Intake Site Layout | MUI/GEL/201 | | 19/02/2018 |
| Intake General Arrangement Plan and Sections | MUI/GEL/202 | | 19/02/2018 |
| Intake General Arrangement Plan and Sections | MUI/GEL/203 | | 19/02/2018 |
| Intake Downstream Elevation | MUI/GEL/204 | | 19/02/2018 |
| Inundation Plan | MUI/GEL/250 | | 19/02/2018 |
| Powerhouse Area Plan | MUI/GEL/300 | | 19/02/2018 |
| Powerhouse Site Layout | MUI/GEL/301 | | 19/02/2018 |
| Metering Kiosk General Arrangement | MUI/GEL/400 | | 19/02/2018 |
| Overall Habitat Site Layout | MUI/GEL/500 | | 19/02/2018 |
| Habitat Site Layout Sheet 1 of 5 | MUI/GEL/501 | | 19/02/2018 |
| Habitat Site Layout Sheet 2 of 5 | MUI/GEL/502 | | 19/02/2018 |
| Habitat Site Layout Sheet 3 of 5 | MUI/GEL/503 | | 19/02/2018 |
| Habitat Site Layout Sheet 4 of 5 | MUI/GEL/504 | | 19/02/2018 |
| Habitat Site Layout Sheet 5 of 5 | MUI/GEL/505 | | 19/02/2018 |
| NESBREC Report | | | 19/02/2018 |
| Sketch of Proposed Intake | I17017-D-VIS-1A REV 0.1.0 | | 19/02/2018 |
| Visualisation of Proposed Intake | I17017-D-VIS-2B REV 0.1.0 | | |
| Visualisation of Proposed Powerhouse | I17017-D-VIS-2B REV 0.1.0 | | 19/02/2018 |

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| Sketch of Proposed Powerhouse | I17017-D-VIS2.1 REV 0.1.0 | | 19/02/2018 |
| Environmental Statement – Non-Technical Summary | | | 19/02/2018 |
| Environmental Statement - Scoping Opinion May 2013 | Appendix 2A | | 19/02/2018 |
| Environmental Statement - Scoping Opinion August 2013 | Appendix 2B | | 19/02/2018 |
| Environmental Statement - Scoping Opinion June 2017 | Appendix 2C | | 19/02/2018 |
| Environmental Statement – Fish Pass Advice for Proposed New Intake Weir | Appendix 3A | | 19/02/2018 |
| Environmental Statement – Tree Felling Survey | Appendix 3C | | 19/02/2018 |
| Environmental Statement – Tail Race Fisheries Technical Note | Appendix 3D | | 19/02/2018 |
| Environmental Statement – Linn Of Muick Falls Photo Gauging Record | Appendix 5A | | 19/02/2018 |
| Environmental Statement – Policy and Guidance | Appendix 6A | | 19/02/2018 |
| Environmental Statement – NVC GWDTE Survey Report and Impact Assessment | Appendix 6D | | 19/02/2018 |
| Environmental Statement – NVC AWI Survey Report and Impact Assessment | Appendix 6E | | 19/02/2018 |
| Environmental Statement – Drey Survey Report and Red Squirrel Species Protection Plan | Appendix 6F | | 19/02/2018 |
| Environmental Statement – Preliminary Bat Roost Assessment | Appendix 6G | | 19/02/2018 |
| Environmental Statement – Breeding Bird Survey | Appendix 6H | | 19/02/2018 |
| Environmental Statement – Black Grouse Leks and Raptor Nest Sites | Appendix 6I | | 19/02/2018 |
| Environmental Statement – Otter Species Protection Plans | Appendix 6J | | 19/02/2018 |

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| Environmental Statement – Water Vole Species Protection Plan | Appendix 6K | | 19/02/2018 |
| Environmental Statement – Wood Ant Species Protection Plan | Appendix 6L | | 19/02/2018 |
| Environmental Statement – Policy and Guidance | Appendix 7A | | 19/02/2018 |
| Environmental Statement – Freshwater Pearl Mussel Survey Report | Appendix 7B | | 19/02/2018 |
| Environmental Statement – Fisheries Assessment | Appendix 7C | | 19/02/2018 |
| Environmental Statement – Linn of Muick Fish Pass Assessment | Appendix 7D | | 19/02/2018 |
| Environmental Statement – Aquatic Invertebrate Survey and Impact Assessment | Appendix 7E | | 19/02/2018 |
| Environmental Statement – Landscape and Visual Impact Assessment | Appendix 8A | | 19/02/2018 |
| Environmental Statement – Main Text | VOLUME I | | 19/02/2018 |
| Noise Survey and Analysis | | | 16/03/18 |
| Draft Sediment Management Plan | | | 07/05/18 |
| Peat Management Plan | | | 07/05/18 |
| Pipeline Wall Crossing | | | 07/05/18 |
| Reptile Protection Plan | | | 07/05/18 |
| Tailrace Pipeline Wall Crossing | | | 07/05/18 |
| Tree Planting Plan | | | 07/05/18 |
| Construction Method Statement | Version 6 | | 07/05/18 |
| Water Vole Species Protection Plan - Supplement | | | 16/05/18 |

*Where no specific day of month has been provided on the plan, the system defaults to the 1st of the month.

7. This application seeks permission for the installation of a ‘run-of-river’ hydro-electric scheme capable of generating up to 2 megawatts (MW). The scheme will comprise the following components:
 - a) An intake structure, measuring 1.7 metres high (from the river bed) and 24 metres wide, for diverting water from the River Muick into a pipeline (penstock). This will be constructed from reinforced concrete and will incorporate standard features (a Coanda screen, header tank, fish pass, etc);

- b) A buried pipeline that would transport water from the intake structure to the powerhouse. This will be glass reinforced plastic and will be 50% / 50% split between 1400mm and 1500mm in diameter;
 - c) A powerhouse accommodating turbines, generators and other associated equipment. The powerhouse will measure 17m x 9m and 6m high and will be partially buried within the hillside with the front, exposed elevation clad in timber. The transformer serving the facility will be located on the roof and will be surrounded by 2.5 m high timber fencing;
 - d) A screened tailrace comprising part buried pipe (60m) and part open channel that returns water from the power house into the River Muick;
 - e) Short sections of new unmetalled access track to link the exiting track to the intake (2.3m wide) and powerhouse (4m wide) are proposed;
 - f) Reference is made to the connection from the powerhouse to the local electricity distribution network via a buried cable, however, this does not form part of the current application and will be subject to a separate application should consent be granted for the proposed hydro scheme.
8. During the consideration of the application, additional and revised information was sought by CNPA officers and consultees to allow for a more informed assessment of the proposal. The following information was submitted in May 2018:
- a) Revised and new drawings
 - b) Revised Construction Method Statement
 - c) New Reptile Protection Plan
 - d) Revised Phase I survey report
 - e) New Tree Planting Plan
 - f) Revised Landscape Visualisations
 - g) Revised Peat Management Plan
 - h) New Sediment Management Plan for Intake
 - i) New photos of walls to be crossed by Main Penstock Pipeline and Tailrace Outfall Pipe
 - j) New Statement regarding Bat Roost Assessment
9. Plans and visualisations of the proposals are included within **Appendix I**.

History

- 10. ENQ/2013/0892 - Screening Opinion provided by Aberdeenshire Council confirming that Environmental Statement was required for this development.
- 11. ENQ/2013/0892. - Environmental Impact Assessment Scoping opinion issued by Aberdeenshire Council.
- 12. ENQ/2017/0808 – updated Scoping opinion issued by Aberdeenshire Council.
- 13. There is no other development history associated with this site.

DEVELOPMENT PLAN CONTEXT

Policies

| | | |
|--------------------------|---|----------|
| National Policy | Scottish Planning Policy 2014 | |
| Strategic Policy | Cairngorms National Park Partnership Plan 2017 - 2022 | |
| Local Plan Policy | Cairngorms National Park Local Development Plan (2015) Those policies relevant to the assessment of this application are marked with a cross | |
| POLICY 1 | NEW HOUSING DEVELOPMENT | |
| POLICY 2 | SUPPORTING ECONOMIC GROWTH | X |
| POLICY 3 | SUSTAINABLE DESIGN | X |
| POLICY 4 | NATURAL HERITAGE | X |
| POLICY 5 | LANDSCAPE | X |
| POLICY 6 | THE SITING AND DESIGN OF DIGITAL COMMUNICATIONS EQUIPMENT | |
| POLICY 7 | RENEWABLE ENERGY | X |
| POLICY 8 | SPORT AND RECREATION | |
| POLICY 9 | CULTURAL HERITAGE | X |
| POLICY 10 | RESOURCES | X |
| POLICY 11 | DEVELOPER CONTRIBUTIONS | |

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

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

Planning Guidance

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

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

CONSULTATIONS

16. A summary of the main issues raised by consultees now follows:
17. **Forestry Commission Scotland** state that there shall be no significant loss of woodland area through the proposed routing of the penstock and therefore there is no requirement for compensatory planting under the Scottish Governments Policy on Control of Woodland Removal.
18. **Historic Environment Scotland** state that the proposals do not raise historic environment issues of national significance with regards to qualifying historic environment interests. HES therefore do not wish to raise an objection to the proposal.
19. **SNH** advise that the proposal could affect the River Dee SAC designated for its freshwater pearl mussels, Atlantic salmon and otter. A Habitats Regulation Appraisal (HRA) is required. They consider that the proposal will have a negative effect on salmon population and as such CNPA are required to consider the effects of the proposed scheme on salmon migration, spawning and production. SEPA should be consulted on this. Providing best practice standard conditions are adhered to pollution is unlikely to have result in a significant effect on the interests of the River Dee SAC. No FWPM were found in the affected reach.
20. **SEPA** initially requested that the determination of this application be deferred until such time as the applicants have applied to SEPA for authorisation under the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) - (CAR Licence). They also objected to the proposal due to a lack of information and the potential impacts on groundwater dependent terrestrial ecosystems (GwDTE) and peat. Following the submission of additional information, they withdrew their objection subject to a condition requiring a detailed Construction Method Statement to be agreed by the Planning Authority in consultation with relevant parties and implemented in full.
21. **Aberdeenshire Council Environmental Health Team** objected on the grounds of noise and a lack of sufficient information with regards to current background noise nor any site specific predictions. Additional information was submitted which demonstrates that there should be no adverse impact on any adjacent residential property in terms of noise and as such the objection has been removed.
22. **Aberdeenshire Council Flood Risk and Coast Protection** requested further information prior to completing their review of the application. Specifically they sought information pertaining to the effect the proposed development would have on the extent of a 0.5% annual exceedance flood plain. Additionally as the opposite bank is not under the control of the applicant it is considered that the proposal may lead to an increased flood risk to this ground. The additional information was submitted by the applicants and they are now satisfied that there will be no flood risk.

23. **Aberdeenshire Council Infrastructure Services Roads Development** raise no objection and state that the proposed access to the development is acceptable and there is no requirement for a traffic assessment.
24. **CNPA Ecology** advisor states that further information is required prior to a full Ecological Impact Assessment of the scheme being made. Clarification on the full extent of habitat loss along the construction corridor is sought as is specific information with regard to river macroinvertebrate communities and clarification on the proposed mitigation for water vole and the post-construction monitoring schedule for the water-vole. Further mitigation measures are also required which include compensation for loss of woodland and additional survey work on trees not originally identified in the proposed tree removal plan. A Species Protection Plan is required and a Construction Method Statement to include detail of any river works and habitat restoration. Following additional information being submitted, they are now satisfied that matters have been addressed, although they recommend that further advice should be sought from BugLife to aid species identification and appropriate analysis. It is also recommended that Breeding Birds should be incorporated in the Species Protection Plan and that no Sea Eagles will be disturbed. A condition to this effect is recommended. The impact on the River Dee Special Area of Conservation (SAC) has been fully assessed in the Habitats Regulations Appraisal attached in **Appendix 2**. The HRA concludes that there will be no adverse impact on the integrity of the River Dee SAC or any other designated site.
25. **CNPA Landscape** advisor initially sought additional information to enable a thorough assessment of the proposals. A site meeting was undertaken and all the outstanding points clarified. On receipt of the additional information they expressed concern relating to the deliverability of the scheme based on the details provided to ensure the effects both upon the landscape character and visual landscape character are only temporary and that post construction the operation of the hydro scheme would be negligible upon the special unique landscape qualities of Glen Muick. They remain concerned about the potential loss of trees and those that are 'at risk' due to the construction of the scheme. They are also concerned about the construction phase and management of materials. Should these matters not be addressed prior to determination then these matters should be tightly conditioned to ensure a high quality scheme is delivered that minimises any adverse impacts to the landscape character of Glen Muick. Any conditions must be sufficiently robust for monitoring purposes.
26. **Dee District Salmon Fisheries Board** initially sought a holding objection until various matters were addressed. These centred on the flow from the 'Allt an t Sneachda' tributary, the abstraction window not being fully identified or improperly derived, a lack of geomorphological assessment and insufficient evidence being provided with regards to the potential impacts of the development on lamprey and eel populations. The applicants have now responded to these matters and the Dee DSFB has withdrawn their request for a holding objection.

REPRESENTATIONS

27. There have been 3 public representations with regards to this proposed development. These are attached in **Appendix 3**.
28. 'Buglife Scotland' originally objected to the proposal due to a lack of evidence being provided to allow a suitable assessment on the aquatic invertebrate communities in the River Muick. They state that the majority of invertebrates have been identified to familial groups only and no further sub-species have been identified. Further queries are raised as to the validity of the results as there have been an insufficient number of surveys conducted to identify invertebrates at various different times/seasons of the year. Buglife Scotland further question the methodology used to obtain the results stating that the Lotic-invertebrate Index for Flow Evaluation (LIFE) would be a more suitable methodology. Further survey work has been undertaken and Buglife are satisfied with this, however, they do wish for post work monitoring to be carried out.
29. RSPB Scotland has submitted general comments regarding the application. They note that there were no Black Grouse leks present and state that the Black Grouse leks are mobile and should one be discovered within 500m of the proposed routing of the pipe line a 750m buffer-zone should be applied restricting construction activities until after 09:00 am in April and May. They also suggest that a suitably qualified licensed observer be employed to carry out a raptor survey should the construction take place during the breeding season. RSPB Scotland shall continue to monitor the area for white tailed eagles and would request that they be supplied with any information pertaining to any raptor activity from the suitably qualified ecologist.
30. A local resident initially objected to the proposals on the grounds of lack of details. However the applicant has addressed these issues and the objection has been withdrawn.

APPRAISAL

Principle

31. Scottish Planning Policy encourages Planning Authorities to support the development of a diverse range of renewable energy technologies and guide development to appropriate locations. Policy 7: Renewable Energy of the Cairngorms National Park Local Development Plan 2015 supports proposals for renewable energy generation providing they conserve and enhance the special qualities of the National Park. For hydropower proposals there should be no detrimental impact on water environments and their recreational use. Policy 2: Supporting Economic Growth favours development that will enhance the range and quality of economic facilities and support the vitality and viability of the local economy and broader economy of the Park. The principle of the hydro scheme is acceptable, subject to compliance with other local plan policies on natural heritage and landscape.

Environmental Issues

32. Policy 4: Natural Heritage of the Cairngorms National Park Local Development Plan 2015 seeks to restrict development that would have an adverse impact on protected species and where this cannot be avoided that appropriate mitigation measures are provided.
33. Policy 10: Resources of the Cairngorms National Park Local Development Plan 2015 states that all new development should protect and not prejudice the current or potential ecological status of a water body and should avoid unacceptable detrimental impacts on the water environment. Development should demonstrate any impacts (including cumulative) can be adequately mitigated.
34. The River Dee Special Area of Conservation (SAC) supports populations of freshwater pearl mussel (FWPM) and salmon and as such the proposals have the potential to have an adverse impact on the qualifying features of the SAC. Survey work has identified that there are no FWPM within this stretch of the river. However, populations further downstream could be at risk from the release of silt and sediment through the construction of the intake and outflow structures and pollution from the construction of concrete.
35. A Pollution Protection Plan has been produced and specifies construction methods for the intake which will prevent pollution harming FWPM populations. It is also proposed to install an 'Alaskan A' fish pass which will aid upstream fish passage during the operation of the scheme. Concern raised by the Dee Salmon Fishery Board regarding conflict between construction processes and salmon migration times have now been addressed also.
36. This SAC supports otters and it has been identified that they use this stretch of river, possibly for feeding only. There is the potential for harm from construction activities (including pollution) and from the operation of the hydro scheme. A Species Protection Plan identifies measures to protect otters during both the construction phase and for when the scheme is operational.
37. The Species Protection Plan also addresses the impact of the proposals on water voles. Surveys of the site recorded the presence of water vole burrows and latrines. The Plan outlines a translocation and future monitoring strategy. The Ecology Advisor welcomes the inclusion of the water vole community within a wider Species Recovery Programme.
38. The applicants have confirmed that it is their intention to fell the minimum number of trees and have identified between 60 and 70 that will likely be removed. Trees that are at risk will be retained and given the opportunity to survive the construction work. A tree planting scheme has been submitted and natural regeneration will be encouraged post construction to compensate for the loss of squirrel and bat habitats.

39. The CMS mentions breeding birds, however no clearance works should be undertaken during the breeding season. A condition can be imposed to ensure this is adhered to.
40. The proposals will have a significant environmental impact, however, measures will be undertaken that will ensure these impacts are appropriately mitigated against or compensated for and in the longer term these impacts will have a minor to negligible effect in compliance with Policy 4: Natural Heritage and Policy 10: Resources of the Cairngorms National Park Local Development Plan 2015.

Landscape Issues

41. Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2015 presumes against development that does not conserve and enhance the landscape character and special qualities of the Park. Where development does not complement and enhance landscape character, development will only be permitted where adverse effects have been minimised and mitigated through appropriate siting, layout, scale, design and construction.
42. Policy 9: Cultural Heritage seeks to protect or conserve and enhance cultural features and their setting and take reasonable measures to avoid, minimise and mitigate any adverse effects.
43. The key landscape impacts of the proposed hydro scheme relate to its scale, the construction phase and the extent, nature and purpose of the associated facilities required to support both the construction and operation of the scheme. The applicants have submitted a comprehensive understanding of the landscape character of the area likely to be affected by the proposed scheme. The site lies within two Landscape Character Areas of Lower Glen Muick and Upper Glen Muick, and they conclude that the development will cause moderate to major adverse effects during the construction phase of the scheme and that in the long term, once completed (approximately 10 years), the effect of the scheme will be neutral. In terms of the visual effects of the scheme, they draw the same conclusions with recognition given to the possibility of minor adverse effects post construction from views along footpaths, tracks and walking routes within the Glen.
44. The key issue is that the submitted information satisfactorily demonstrates that the proposed development will complement and enhance the landscape as required by policy.
45. Whilst these conclusions are not wholly inaccurate, there is concern regarding the deliverability of the scheme based on the details submitted. These should ensure that the effects on both the landscape character and visual landscape character are only temporary and that post construction the operation of this hydroelectric scheme would be negligible upon the special unique landscape qualities of Glen Muick. Key outstanding concerns remain regarding the potential loss of trees and those that are 'at risk' due to construction works and

the impact this may have on the landscape. Other outstanding issues relate to further clarification on the construction phase and the management of materials and the potential impact of this.

46. It is good practice to obtain all detailed landscape information prior to the determination of a planning application, however, in this instance this has not been possible given the timescales of this project. As such it is recommended that appropriate conditions are attached to any consent granted to ensure this information is forthcoming and is subsequently tightly monitored and that a high quality scheme is delivered which minimises any significant adverse impacts to the landscape.
47. The proposed Intake and the Powerhouse introduce very prominent man-made features into the landscape. It is essential that their impact is kept to a minimum and appropriately mitigated. A condition is recommended to ensure the visual impact of these elements, in terms of design, scale and finishes is minimised and respectful of their context.
48. In the short term the impact of the proposed hydro scheme will have a significant impact on the visual and landscape character of Glen Muick, however post construction and restoration, and subject to tight monitoring and enforcement of robust conditions, there should be minimum impact in accordance with Policy 5: Landscape and Policy 9: Cultural Heritage of the Cairngorms National Park Local Development Plan 2015.

Sustainable Design

49. Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan 2015 seeks to protect the amenity enjoyed by neighbours including minimisation of disturbance caused by access to the development.
50. The application site is not located within close proximity to any residential properties, however, Environmental Services raised concern regarding the potential for noise emission from the proposed scheme. Additional information was sought and they are now satisfied that this issue will be fully addressed and that there will be no impact on the closest residential properties in compliance with local plan policy.
51. Policy 3 also requires appropriate means of access to and egress from a site. The site is accessed by an appropriate junction from the public road at Mill of Sterin and then via the minor road network to the South Deeside road. Existing track will be utilised and small sections of new track will be constructed to access both the intake and the powerhouse. The proposals do not introduce any road safety issues and comply with policy in this respect.
52. The proposals therefore comply with Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan 2015.

CONCLUSION

53. The proposal will deliver a small scale run of river hydro scheme, which will introduce significant environmental and landscape impacts. The extent of the proposed works is such that provided these are undertaken in full accordance with the submitted details and recommended conditions, these impacts will be appropriately mitigated against and in the long term kept to a minimum and will not adversely affect the landscape character and special qualities of the National Park in compliance with Local Plan policy.

RECOMMENDATION

That Members of the Committee support a recommendation to grant planning permission for the 2MW run of river hydroelectric scheme and associated infrastructure at River Muick Glen Muick Birkhall Ballater Aberdeenshire subject to the following conditions:

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

Ecology Conditions

- 1. No development shall commence on site until a post-construction macroinvertebrate monitoring strategy to assess impacts of the hydro-scheme on community composition and recovery is submitted to and approved by the CNPA acting as Planning Authority.**

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

Reason: To ensure the development does not have a detrimental impact on the macroinvertebrate community in accordance with Policy 4: Natural Heritage of the Cairngorms National Park Local Development Plan 2015.

- 2. No clearance works shall be undertaken during the breeding bird season.**

Reason: To ensure the development does not have a detrimental impact on breeding birds in accordance with Policy 4: Natural Heritage of the Cairngorms National Park Local Development Plan 2015.

Landscape Conditions

- 3. No work shall commence on site until the following information is submitted to and approved in writing by the CNPA acting as Planning Authority:**

- a) Long and cross sections of the pipeline route showing existing ground levels;**

- b) **1:50 scale construction details at agreed cross section points;**
- c) **Specific information detailing the proposed cut and fill to create the compound areas adjacent to the Intake and the Powerhouse;**
- d) **Details of the areas of 'rip rap' at the Intake. This must include the construction method and the final finishing;**
- e) **Detail of the extent of the new access track adjacent to the Intake;**
- f) **Details of the restoration of the stone walls affected by the works.**

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

Reason: To ensure a full assessment of the ecological and landscape impacts of the proposed development in accordance with Policy 4: Natural Heritage and Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2015.

- 4. Notwithstanding the details contained within the approved Construction Method Statement, no work shall commence on site until this is revised and includes the following information, which shall be submitted to and approved in writing by the CNPA acting as Planning Authority:**
- a) **The restoration methodology shall include details for the compound areas and pipeline route and any temporary access track or permanent track which will be narrowed post construction;**
 - b) **Details of soil separation methodology (lifting and storage of top soil and sub soil) which should be in accordance with BS 3882:2015 – Specification for Topsoil.**
 - c) **A detailed timetable indicating commencement and completion of all elements detailed in the approved plans and supporting documents.**

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

Reason: To ensure that construction methods will not have an adverse impact on the landscape setting or ecological quality of the development site or the River Dee SAC in accordance with Policy 4: Natural Heritage and Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2015.

- 5. No work shall commence on site until a Construction Soil Management Plan detailing the following, is submitted to and approved in writing by the CNPA acting as Planning Authority;**
- a) **Identification of areas to be stripped and volumes of topsoil, subsoil and rock;**

- b) **Methods for turf stripping, soil removal, stockpiling, and storage;**
- c) **Location of stockpiles;**
- d) **Proposals for replacing excavated materials including restoring landforms, de-compacting and reinstating vegetation cover and removal of imported material;**
- e) **A programme of review of the re-turfed / disturbed surfaces.**

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

Reason: To ensure that construction methods will not have an adverse impact on the landscape setting or ecological quality of the development site or the River Dee SAC in accordance with Policy 4: Natural Heritage and Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2015.

6. **No work shall commence on site until a tree removal plan is submitted indicating areas of trees within woodland, individual trees out with woodland and all individual trees at risk, including those identified with the Tree Felling Survey. This plan should then form the basis of a Tree Protection Plan which shall be in accordance with BS 5837:2012 and submitted to and approved by the CNPA acting as Planning Authority.**

Reason: To ensure a proper assessment of the potential tree loss and the resultant ecological and landscape impacts in accordance with Policy 4: Natural Heritage and Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2015.

7. **No work shall commence on site until an Environmental Clerk of Works is appointed and a schedule of reporting has been submitted to and approved in writing by the CNPA acting as Planning Authority. This will include, but shall not be limited to, details on the scope, frequency and method of reporting. Thereafter the development shall be monitored and managed by the Environmental Clerk of Works in accordance with the approved schedule of reporting.**

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

8. **Notwithstanding what is shown on the approved drawings and supporting information, no work shall commence on site until further details of the design and external finish of both the Intake and the Powerhouse are submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority.**

Reason: To ensure these elements of the scheme are sympathetic and complement their setting in accordance with Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan 2015.

Informatives

1. The development hereby approved must commence within 3 years of the date of this decision notice. If development has not commenced within this period then this permission will lapse.
2. The person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. Attached to this decision notice is a Notice of Initiation of Development for completion and submission. Submission of this information assists the Cairngorms National Park Authority Monitoring and Enforcement Officer in monitoring active work within the area to ensure compliance with the approved details and to identify and correct any potential problems, as they arise, rather than later when it may be more difficult and more costly to rectify. Failure to give notice would constitute a breach of planning control which may result in enforcement action being taken.
3. Following completion of the development, a notification of the completion shall, as soon as practicable, be given to the Planning Authority. Attached to this decision notice is a Notice of Completion of Development for completion and submission. Submission of this form will assist the Cairngorms National Park Authority Monitoring and Enforcement Officer in making a final inspection and checking compliance with the approved drawings and conditions. If the development hereby approved is to be carried out in phases, then a notice of completion should be submitted at the completion of each phase.

CAIRNGORMS NATIONAL PARK AUTHORITY
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