

## CAIRNGORMS NATIONAL PARK AUTHORITY

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

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

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**DEVELOPMENT PROPOSED: APPLICATION UNDER SECTION 42  
TO VARY CONDITION 1 OF  
PLANNING PERMISSION  
2014/0016/DET AND 2013/0239/DET  
AT GRAVEL PIT 220M WEST OF  
DELL OF KILLIEHUNTLY  
FARMHOUSE, KINGUSSIE, PH21 1NS**

**REFERENCE: 2014/0186/DET**

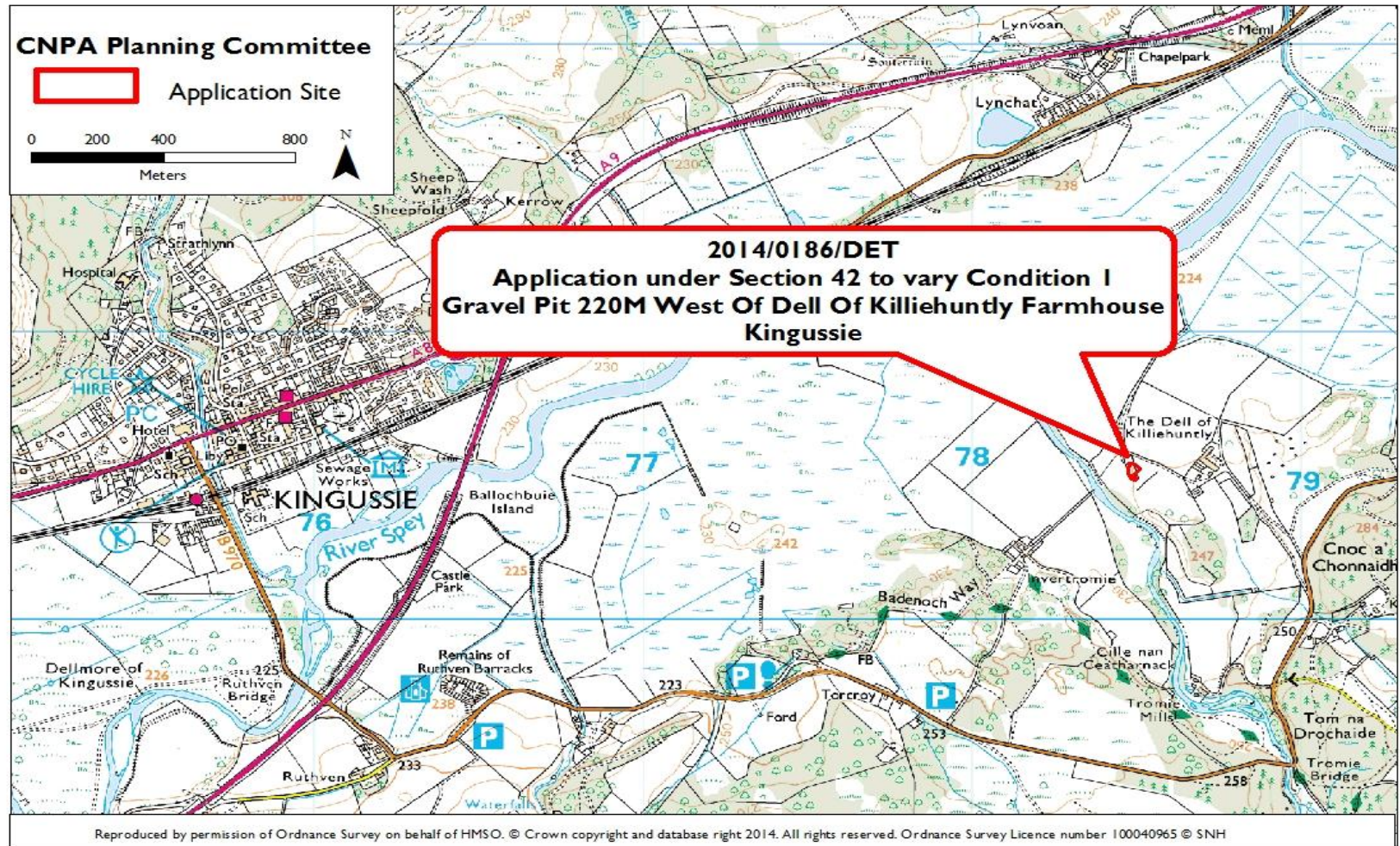
**APPLICANT: AMW ARBOREAL LTD**

**DATE CALLED-IN: 30 JUNE 2014**

**RECOMMENDATION: APPROVAL SUBJECT TO  
CONDITIONS**

Grid reference: E 278509, N 800526

Fig 1 Location Plan



## **SITE DESCRIPTION AND PROPOSAL**

- 1 The application site is a disused gravel pit lying within the Insh Marshes to the north-west of the B970 between The Dell of Killiehuntly Farm and the River Tromie.
- 2 Planning permission (Application No 2013/0239/DET) was granted on the 23 October 2013 for the temporary use of land for a pilot scale research project to produce briquettes from plant feedstock. Condition 1 of this planning permission stated that 'The development authorised by this permission shall be removed and the land restored to its former condition on or before 31 March 2014'. The reason for this was 'The buildings and works are of a temporary nature and are only acceptable as a temporary expedient'
- 3 On the 27 January 2014, planning permission was sought (Application No. 2014/0016/DET) to vary Condition 1 of the planning permission, as the project had not started on site as anticipated. This was granted at the Committee on the 7 March 2014, subject to a revised Condition 1 limiting the time period of the application until 30 June 2014. Since no work had commenced on site, all the previous conditions and informatives were added.

### **Development Proposal**

- 4 The current application seeks to extend the time period again. This is because this experimental project, having successfully completed Phases 1 and 2, has been invited to continue to Phase 3 under the Small Business Research Initiative (SBRI).
- 5 The applicant estimates that the timescale will need to be extended until the 30 April 2015, which will allow it to reach its conclusion and achieve its main deliverables of final trials and exploitation planning.

## **CONSULTATIONS**

- 6 SEPA were re-consulted and advise that they have already considered this project and as such the extension to the time period raises no additional concerns.
- 7 It has been assumed that given none of the other consultees raised concerns under the original application, the development has been implemented and now seeks a short-term extension of time to that originally approved, that it has not been necessary to carry out further re-consultation on this application.

## **APPRAISAL**

- 8 This application proposes a short-term extension to a short-term temporary use within a gravel pit to research the generation of energy from vegetation on the Insh Marshes, which would also assist in the management of the area.

- 9 The application is required to be determined in accordance with Development Plan policies unless there are material considerations which would indicate otherwise. Whilst Scottish Planning Policy has been revised there has been no change in strategic policy that merit refusal of this short-term temporary extension of time. In terms of the Development Plan, there is no change in the policies (Policy 6: Landscape or Policy 15: Renewable Energy Generation) since planning permission was granted for Application 2013/0239/DET and extended under application 2014/0014/DET. There have been no objections to the proposed time extension.

### **Conclusion**

- 10 It is therefore considered that the proposal would comply with the current Development Plan policies and that there are no material considerations which would indicate that planning permission should not be granted. The conditions suggested below are based on those attached to the original planning permission, adjusted to reflect the fact that the development has already been implemented.

## **IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK**

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

- 11 The project will enable the grassland management to be improved to maximise the benefit for breeding wader birds.

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

- 12 The project seeks to increase the availability of renewable, sustainable bioenergy whilst addressing the challenges of wetland management.

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

- 13 The project will not have a direct impact on this aim.

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

- 14 The generation of energy from renewable sources can help promote sustainable economic and social development of the area.

## **RECOMMENDATION**

**That Members of the Committee support a recommendation to grant planning permission subject to the following conditions:-**

- 1 The development authorised by this permission shall be removed and the land restored to its former condition on or before 30 April 2015.

**Reason** The buildings and works are of a temporary nature and are only acceptable as a temporary expedient.

- 2 The visibility at the junction with the B970 shall be maintained by the hard pruning of the roses and willows south of the access during the period when the facility is active.

**Reason:** To maintain the visibility at the junction in the interests of road safety.

- 3 The plant shall operate in accordance with the Odour Management Plan dated July 2013 that formed part of application 2013/0239/DET.

**Reason:** To ensure there is no adverse impact on residential amenity due to odours.

**Advice notes:**

- 1 SEPA requires an input into the review of the trial period for this project, in order to assess the environmental benefits and impacts of the proposals.
- 2 SEPA has also provided the following Regulatory Advice:-
- Abstraction from surface waters of less than 10m<sup>3</sup>/day falls to be regulated under General Binding Rule (GBR) No. 2.
  - Any engineering activities in the water course, discharges and abstractions in excess of GBR No. 2 will require authorisation under the Water Environment (Controlled Activities) (Scotland) Regulations 2011.
  - The applicant should ensure that abstraction rate is capable of supporting the rate of abstraction and will not significantly reduce flows downstream of the proposed abstraction point.

**Fiona Murphy**

[planning@cairngorms.co.uk](mailto:planning@cairngorms.co.uk)

**Date 12 August 2014**

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**Appendix 1 Committee Report 2013/0239/DET**

**Appendix 2 Committee Report 2014/0016/DET**