

## **AGENDA ITEM 7**

### **APPENDIX 2**

**2014/0186/DET**

## **ADDITIONAL INFORMATION**

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## CAIRNGORMS NATIONAL PARK AUTHORITY

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

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DEVELOPMENT MANAGEMENT)

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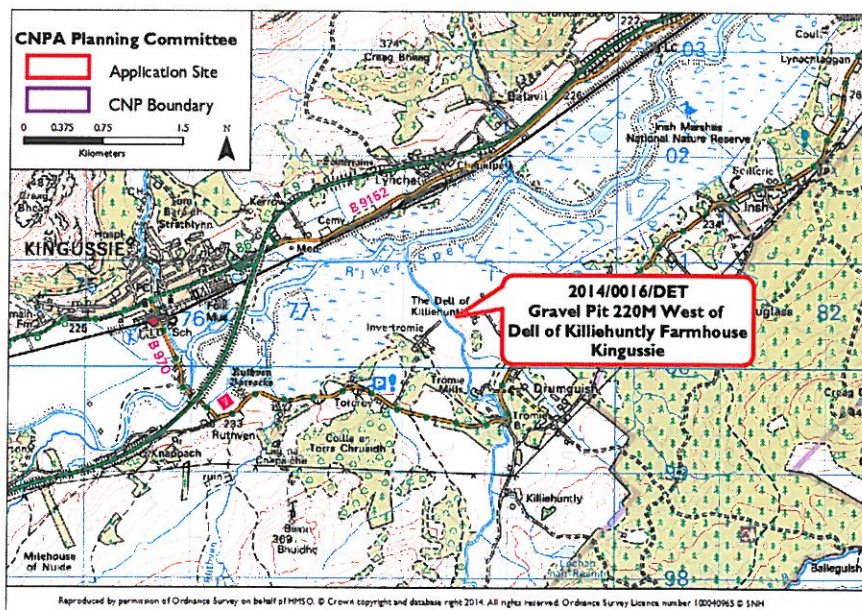
**DEVELOPMENT PROPOSED:** APPLICATION UNDER SECTION 42 TO VARY CONDITION 1 OF PLANNING PERMISSION 2013/0239/DET (13/02829/FUL) AT GRAVEL PIT 220M WEST OF DELL OF KILLIEHUNTLY FARMHOUSE, KINGUSSIE, PH21 INS

**REFERENCE:** 2014/0016/DET

**APPLICANT:** AMW ARBOREAL LTD

**DATE CALLED-IN:** 27 JANUARY 2014

**RECOMMENDATION:** APPROVAL SUBJECT TO CONDITIONS



Grid reference: 278509/E, 800526/N

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. It was subject to Application No 2013/0239/DET, which was granted planning permission on the 23 October 2013. Condition 1 of this planning permission states 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'. The Committee report relating to the original application is attached to this report as Appendix 1.

### Development Proposal

- 2 The current application seeks to extend the planning permission under Section 42 of the Town and Country Planning (Scotland) Act 1997, to vary Condition 1, which limits the time, attached to planning permission 2013/0239/DET. The applicant advises that the project has not commenced and the duration of the permission has not expired.
- 3 The reasons why relaxation is sought relate to the fact that as the project has progressed and developed, the applicant has decided to do a large percentage of the processing plant's pre-testing in factory conditions. This is based on the guidance of their engineers who had reservations regarding undertaking this work on site in the harshest part of winter.
- 4 As a result, the applicant is now proposing that they will not start to commission the plant at the Dell of Killiehuntly until the 28th February 2014, and that the development authorised by permission 2013/0239/DET shall be removed and the land restored to its former condition on or before 28th June 2014 (80 day working trial period).

## APPRAISAL

- 5 This application proposes a short-term extension to a short-term temporary use which has not started as anticipated 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.
- 6 The application requires to be determined in accordance with Development Plan policies unless there are material considerations which would indicate otherwise. In terms of the Development Plan, there is no change in the policies since planning permission was granted for Application 2013/0239/DET.
- 7 None of the consultees raised objections to the proposals in Application No 2013/0239/DET. As the development has not yet commenced, it has been

assumed that the comments from the consultees on the previous application would remain valid after such a short period of time.

### **Conclusion**

- 8 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.

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

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

- 9 The project will enable the grassland management to be improved to maximise the benefit for breeding waders.

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

- 10 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**

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

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

- 12 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 June 2014.

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

2. Prior to the commencement of works on site, a revised proposal to improve visibility at the junction with the B970 shall be submitted for the consideration and written approval of the Cairngorms National Park Authority as Planning Authority. This shall include:-

- Hard pruning of the roses and willows south of the access during the period when the facility is active.

- Review of the pines north of the access to ascertain the feasibility of a mixture of removal of some trees combined with crown-lifting of others.
- Compensation planting (and protecting) of an equivalent number of native broadleaves and scots pine, between the fence and the access road to Killiehuntly and out with the visibility splay.

The vegetation and tree works, once approved, shall be implemented prior to the commencement of works on site.

**Reason:** To improve the visibility at the junction, whilst minimising the impact of the proposal on the environment.

3. The exteriors of all the buildings and structures shall be painted/finished in a dark green colour throughout.

**Reason:** To minimise their visual impact on the immediate environment.

- 4 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.

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**Date 14 February 2014**

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**Appendix I Committee Report 2013/0279/DET**