
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

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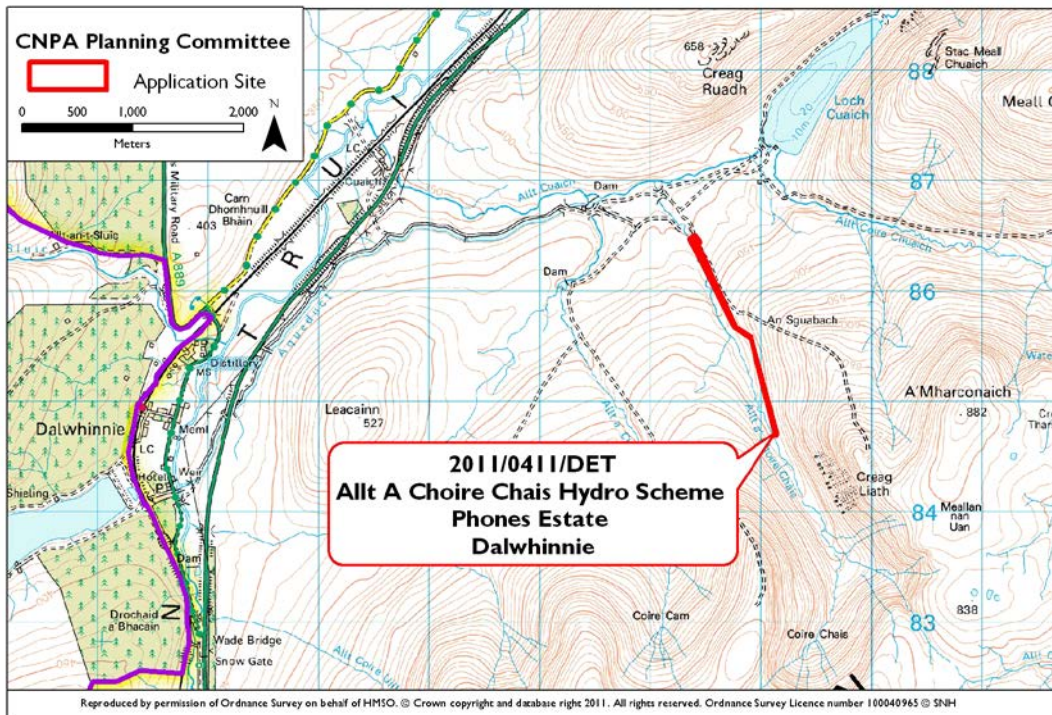
DEVELOPMENT PROPOSED: SMALL SCALE RUN OF RIVER HYDRO SCHEME, ALLT A CHOIRE CHAIS, PHONES ESTATE, DALWHINNIE

REFERENCE: 2011/0411/DET

APPLICANT: PHONES ESTATE

DATE CALLED-IN: 23 DECEMBER 2011

RECOMMENDATION: APPROVAL SUBJECT TO PLANNING CONDITIONS AND CONTRIBUTIONS



Grid reference : 268753 785723

Fig. 1 – Location Plan

SITE DESCRIPTION AND PROPOSAL

1. The site for this 99kw run of river hydro scheme is at the Allt a Choire Chais located approximately 6 kilometres to the east of Dalwhinnie (see fig. 1) above. The burn is one of a number which flow down from the Carn na Caim plateau in a north westerly direction towards the Allt Cuaich. The power house for this proposal is immediately upstream of an existing intake that captures the majority of the flow from the Allt a Choire Chais.
2. As can be noted from figure 1 there are a number of tracks in the area for sporting purposes but also to access Loch Cuaich. Tracks access the area directly from the A9 and by Cuaich Lodge.
3. The aforementioned, existing intake feeds an aqueduct, which in turn feeds the 2.5 MW Cuaich Power Station which discharges into Loch Ericht, the largest reservoir in a large, strategic scheme, where the 2.2 MW Ericht Station is fed from Loch Garry in the mountains above. From Loch Ericht, the water passes down through the 45 MW Rannoch Station, on the northern shore of Loch Rannoch.



Fig. 2 – Turbine House location (existing intake in background right)



Fig. 3 First part of pipeline to be buried alongside existing track



Fig. 4 - Continuation of buried pipeline (green) and approx location of intake (blue)



4. The scheme itself consists of 3 elements, the first being a concrete intake weir to be built across the burn. The second is a 450mm diameter buried pipeline from the weir to the powerhouse. The pipeline will be 1.6 km long and buried for its entire length, approximately half the length will be buried alongside an existing track (figs 3 & 8). The power house itself will be a small pitched roof building measuring 7.2 metres in length with a height of 5.4 metres finished in block work and render (white) with a profiled metal corrugated steel roof. This houses the turbine and generator with an outfall channel discharging water back into the burn at low velocity. Grid connection is proposed as an

overhead line to the existing Cuaich powerhouse located approximately 1km to the west.

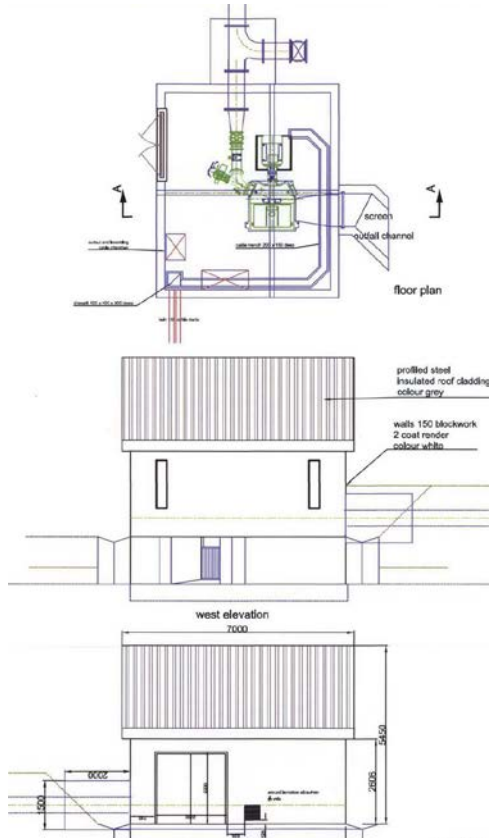


Fig. 6 - Turbine house

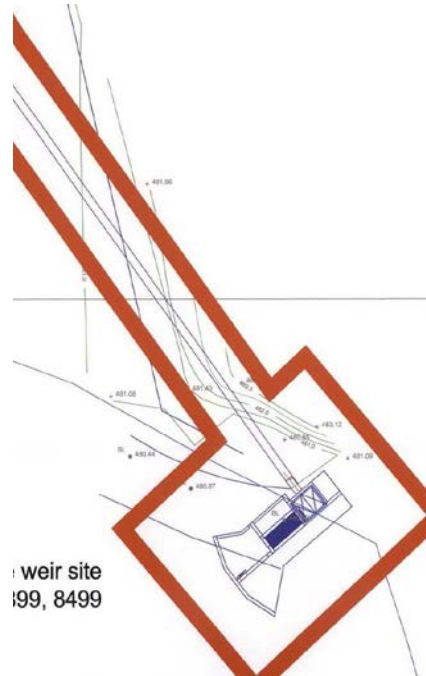


Fig. 7 Intake weir plan



Fig. 8 - Route of pipeline looking back to Powerhouse and laydown area.

5. The application is below the threshold that would require a formal Environmental Impact Assessment. However, a report has been submitted containing a wide range of environmental information. The report includes information on fish and aquatic interests, habitat survey, protected mammals survey, archaeology study and an assessment of the hydrology including catchment run-off were all carried out.
6. The key findings of the environmental information are that the Allt a Choire Chas is used by otters. In terms of archaeology there are two monuments comprising of a bothy and two house remains. However, both sites are in excess of 800 metres away from the site.
7. The report also includes an estimate of the socio-economic impact of the proposal, it is estimated that 10-15 people will be employed during the construction of the hydro scheme. Local facilities are expected to benefit.
8. The conclusions of the report note that although there are some local environmental impacts associated with the proposed scheme, the mitigation measures will reduce these to a level of low significance. An extract of the environmental information is attached as appendix I at the back of this report.
9. The environmental report contains a Construction Method Statement. Access to the site will be via existing estate tracks and the track to the existing Cuaich powerhouse from the A9. A short gravel access track will be constructed from the estate tracks to the powerhouse site. The construction compound for the project will be sited next to the powerhouse itself. There will need to be a temporary construction track up the hill to the intake alongside the pipeline for the section not at the side of the existing track. On completion of the scheme this would be reduced to an ATV/4WD track. Any concrete required for the intake will be brought in by helicopter, as will the majority of the pipes. The main construction period is 3 months and this would take place between May and June.
10. The method statement also includes information on restoration of open ground, construction compound area and access tracks and pipeline.

POLICY CONTEXT

National Policy Guidance

11. **Scottish Planning Policy¹ (SPP)** is the statement of the Scottish Government's policy on nationally important land use planning matters. It supersedes a variety of previous Scottish Planning Policy documents and National Planning Policy Guidance. Core Principles which the Scottish Government believe should underpin the modernised planning system are outlined at the outset of **SPP** and include:

¹ February 2010

- The constraints and requirements that planning imposes should be necessary and proportionate;
 - The system shouldallow issues of contention and controversy to be identified and tackled quickly and smoothly; and
 - There should be a clear focus on quality of outcomes, with due attention given to the sustainable use of land, good design and the protection and enhancement of the built and natural environment.
12. **SPP** emphasises the key part that development management plays in the planning system, highlighting that it should “operate in support of the Government’s central purpose of increasing sustainable economic growth.” Para. 33 focuses on the topic of Sustainable Economic Growth and advises that increasing sustainable economic growth is the overarching purpose of the Scottish Government. It is advised that “the planning system should proactively support development that would contribute to sustainable economic growth and to high quality sustainable places.” Planning authorities are encouraged to take a positive approach to development, recognising and responding to economic and financial conditions in considering proposals that would contribute to economic growth.
13. Under the general heading of Sustainable Development, it is stated that the fundamental principle is that development integrates economic, social and environmental objectives, and that the “aim is to achieve the right development in the right place.”
14. As a replacement for a variety of previous planning policy documents the new **Scottish Planning Policy** includes ‘subject policies’, of which many are applicable to the proposed development. Topics include rural development, and landscape and natural heritage. The following paragraphs provide a brief summary of the general thrust of each of the subject policies.
15. *Rural development*: Para. 92 of **Scottish Planning Policy** states in relation to rural development that the “aim should be to enable development in all rural areas which supports prosperous and sustainable communities whilst protecting and enhancing environmental quality.” All new development is required to respond to the specific local character of the location, fit in the landscape and seek to achieve high design and environmental standards.
16. *Landscape and natural heritage*: The **Scottish Planning Policy** document recognises the value and importance of Scotland’s landscape and natural heritage. It is accepted that landscape is constantly changing and the aim is to facilitate positive change whilst maintaining and enhancing distinctive character. As different landscapes have different capacities to accommodate new development, the siting and design of development should be informed by landscape character. There is also an acknowledgement that the protection of the landscape and natural heritage may sometimes impose constraints on development, but the potential for conflict can be minimised and the potential for enhancement maximised through careful siting and design.

17. Renewable Energy: The document sets out the Scottish Government's commitment to increase the amount of electricity generated from renewable resources as a vital part of the response to climate change. Paragraph 183 considers that there is potential for communities and small businesses in urban and rural areas to invest in ownership of renewable energy projects or to develop their own projects for local benefit. Planning Authorities should support communities and small businesses in developing such initiatives in an environmentally acceptable manner.
18. **Scottish Planning Policy** concludes with a section entitled 'Outcomes' in which it is stated that the "planning system should be outcome focused, supporting the creation of high quality, accessible and sustainable places through new development, regeneration and the protection and enhancement of natural heritage and historic environmental assets." Planning authorities are required to be clear about the standard of development that is required. Quality of place not only refers to buildings, but also how the buildings work together as well as the relationships between buildings and spaces. Design is highlighted as an important consideration and planning permission may be refused solely on design grounds.² Finally it is stated that the planning system should be "judged by the extent to which it maintains and creates places where people want to live, work and spend time."

Strategic Policy

Cairngorms National Park Plan (2007)

19. The Cairngorms National Park Plan sets out the vision for the park for the next 25 years. The plan sets out the strategic aims that provide the long term framework for managing the National Park and working towards the 25 year vision. Under the heading of 'conserving and enhancing the special qualities' strategic objectives for landscape, built and historic environment include maintaining and enhancing the distinctive landscapes across the Park, ensuring that development complements and enhances the landscape character of the Park, and ensuring that new development in settlements and surrounding areas and the management of public spaces complements and enhances the character, pattern and local identity of the built and historic environment.
20. Under the heading of 'Conserving and Enhancing' Strategic Objectives seek to ensure that all management and development in the Park should seek to make the most sustainable use of natural resources, including energy and water. Under 'Energy' objectives seek to contribute to national targets for greater renewable energy production. Strategic objective b) under 'Energy' seeks to help communities, businesses and households to obtain the information, expertise and support they need to reduce energy consumption and increase renewable generation. Strategic Objectives for water seek to maintain or where necessary enhance the existing high water quality and to encourage more sustainable patterns of water use.

² Para. 256.

Structure Plan Policy

Highland Council Structure Plan (2001)

21. **Highland Council Structure Plan** is founded on the principles of sustainable development, which are expressed as –
 - Supporting the viability of communities;
 - Developing a prosperous and vibrant local economy; and
 - Safeguarding and enhancing the natural and built environment.A variety of detailed policies emanate from the principles.
22. The following provides a brief summary of the policies applicable to a development of this nature. **Policy NI – Nature Conservation** advises that new developments should seek to minimise their impact on the nature conservation resource and enhance it wherever possible. The Plan refers to the socio-economic benefits of the nature conservation resource and advises that it should be optimised by a high level and standard of interpretation and understanding wherever possible.
23. The Structure Plan also includes a section on biodiversity, defining it as “natural richness and diversity of nature – the range of habitats and species and the uniqueness of each and every organism.” Biodiversity is not the same as natural heritage, but is one of the key functional components. As a key part of the natural heritage of an area it is important to protect, and where possible enhance biodiversity and to monitor any change.
24. Section 2.4 of the Plan concentrates on the subject of landscape, stating that “no other attribute of Highland arguably defines more the intrinsic character and nature of the area than its landscape.” Similar to national policy guidance, there is recognition that landscape is not a static feature and that the protection and enhancement of landscape and scenery must be positively addressed.
25. **Policy L4 Landscape Character** states that “the Council would have regard to the desirability of maintaining and enhancing present landscape character in the consideration of development proposals.”
26. **Policy G2 (Design for Sustainability)** states that developments would be assessed on the extent to which they, amongst other things make use of brownfield sites, existing buildings and recycled materials; are accessible by public transport, cycling and walking as well as car; are compatible with service provision; demonstrate sensitive siting and high quality design in keeping with local character and historic and natural environments; and contribute to the economic and social development of the community.
27. **Policy G4 Community Benefit and Commitment** considers that the Council would expect developments to benefit the local community and contribute to the well-being of the Highlands, whilst recognising wider national interests.

28. **Policy E1 Distributed Renewable Energy Developments** considers that the Council supports the utilisation of the region's distributed renewable energy resource, including hydro, wind, wave and tidal stream power.
29. **E4 Hydro Energy Developments** considers that the Council would support hydro energy developments which accord with strategic policies G2 and G4, provided that there is also satisfactory provision for discharge and monitoring of compensation flow.

Local Plan Policy

Cairngorms National Park Local Plan (2010)

30. 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>
31. 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.
32. 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.
33. Policy 1 Natura 2000 Sites: development likely to have a significant effect on a Natura 2000 site would be subject to an appropriate assessment in accordance with the Conservation (Natural Habitats, &c.) Regulations 1994. Where an assessment is unable to ascertain that a development would not adversely affect the integrity of the site, the development would only be permitted where: a) there are no alternative solutions; and b) there are imperative reasons of overriding public interest, including those of a social or economic nature. Where the site has been designated for a European priority habitat or species, development would only be permitted where the reasons of overriding public interest relate to human health, public safety, beneficial consequences of primary importance for the environment or other reasons subject to the opinion of the European Commission (via Scottish Ministers).
34. Policy 2- National Natural Heritage Designations: development that would adversely affect the Cairngorms National Park, a Site of Special Scientific Interest, National Nature Reserve or National Scenic Area would only be

permitted where it has been demonstrated that: a) the objectives of designation and overall integrity of the designated area would not be compromised; or b) any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social or economic benefits of national importance and mitigated by the provision of features of commensurate or greater importance to those that are lost.

35. Policy 4 Protected Species: development which would have an adverse effect on any European Protected Species would not be permitted unless there are imperative reasons of overriding interest, including public health or public safety; there is no satisfactory alternative solution; and the development would not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range. The policy is intended to ensure that the effects of development proposals on protected species are fully considered by the planning authority. Developers would be required to undertake any necessary surveys for species at their own cost and to the satisfaction of Scottish Natural Heritage and the planning authority.
36. Policy 5 – Biodiversity: development that would have an adverse effect on habitats and species identified in the Cairngorms Biodiversity Action Plan, UK Biodiversity Action Plan, or by Scottish Ministers through the Scottish Biodiversity List, would only be permitted where
 - (a) The developer can demonstrate that the need and justification for the development outweighs the local, national and international contribution of the area of habitat or population of species; and
 - (b) Significant harm or disturbance to the ecological functions, continuity and integrity of the habitats or species populations is avoided, or minimised where harm is unavoidable, and appropriate compensatory and / or management measures are provided and new habitats of commensurate or greater nature conservation value are created as appropriate to the site.
37. Policy 6 – Landscape: there would be a presumption against any development that does not complement and enhance the landscape character of the Park, and in particular the setting of the proposed development. Exceptions would only be made where any significant adverse effects on the landscape are clearly outweighed by social or economic benefits of national importance and all of the adverse effects on the setting of the proposed development have been minimised and mitigated through appropriate siting, layout, scale, design and construction.
38. Policy 8 – Archaeology: requires that impacts on any archaeological resources be considered, including the need for submission of survey reports where considered necessary.
39. Policy 12- Water Resources (Part A Use of Resources): there would be a presumption against development which does not meet all of the following criteria: 1) minimises the use of treated and abstracted water; 2) does not result in the deterioration of the current or potential ecological status or

prejudice the ability to restore water bodies to good ecological status; 3) treat surface water and foul water discharge separately and in accordance with SUDS Manual Ciria C697; 4) have no significant adverse impact on existing or private water supplies or wastewater treatment services. Part B of the policy relates to flooding and a presumption against development that does not meet criteria including being free from significant flood risk and not increasing the risk of flooding elsewhere.

40. *Policy 15- Renewable Energy Generation:* developments for small scale renewable energy schemes which support the aims of the National Park and the National Park Plan Strategic Objective regarding energy production, would be favourably considered where they contribute positively to the minimisation of climate change, and where they complement the sustainability credentials of development. Development, including any ancillary works. Would be sited and designed to have no significant adverse visual or landscape impact, including any cumulative impact, caused as a result of energy generation, transmission or distribution measures, and would not have any adverse impact on the amenity of neighbouring properties or any unacceptable impact on the environment
41. *Policy 16- Design Standards for New Development:* design of all development would seek where appropriate to: a) minimise effect on climate change; b) reflect and reinforce the traditional pattern and character of the surrounding area and reinforce the local vernacular and distinctiveness, whilst encouraging innovation in design and materials; c) use material and landscaping that would complement the setting of the development; d) demonstrate sustainable use of resources; e) enable storage and segregation of recyclable materials; f) reduce need to travel; g) protect neighbouring amenity; h) accord with Sustainable Design Guide. All proposals to be accompanied by a design statement.

Supplementary Planning Guidance

42. **Water Resources SPG** sets out in more detail how the water resources of the Park would be taken into account in decision making. The context to the policy and other legislation and guidance in the form of the CAR Regulations is set out. Links are provided with the River Basin/Catchment Management Plans. In particular the guidance emphasises the need for construction method statements.
43. **Wildness SPG** requires development to respond sensitively to existing areas of wildness and ensure it is protected and enhanced throughout the National Park.
44. *The Sustainable Design Guide* requires development in the National Park to be well designed, sustainable and wedded to its location in this special place. It requires the design of all development to minimise the effect of the development on climate change; reflect and reinforce the local vernacular and local distinctiveness, whilst encouraging innovation in design and use of materials; and demonstrate sustainable use of resources.

CONSULTATIONS

45. **Scottish Natural Heritage (SNH)** considered the proposal and asked that the applicant provide additional information with regard to otters and potential mitigation if otters are found to be present near to the time of construction. The applicant provided further information and SNH raise no objection to the proposal. SNH point out that surveying closer to the time of when works are expected to commence will establish if otters are present and provide up-to date information to inform any mitigation that might be required, or indeed a licence application to disturb the species should this be required.
46. **Scottish Environmental Protection Agency (SEPA)** has commented that they are supportive of renewable energy projects, provided they can be achieved with acceptable environmental impact. The CAR licence application has been withdrawn because it does not meet with current guidance. However, SEPA are of the view that the scheme is consentable provided further information is provided with regard to fish surveys. SEPA requests that a number of planning conditions are attached to any consent. If these are not attached SEPA's response should be considered as an objection.
47. The **CNPA Ecologist** has no objection to the application but recommends planning conditions that no works are undertaken during the bird breeding season unless otherwise agreed; that a vegetation survey of the track route is undertaken; and that all restoration works are carried out as per the environmental and construction method statements.
48. The **CNPA Landscape Officer** has considered the application and also assessed it against the Landscape Toolkit and comments that the majority of the components of this development, could, given careful mitigation, be accommodated without significant long term landscape and visual impact. Some further information is required and it is recommended that the scheme is amended to incorporate an underground grid connection (as opposed to overhead line) from the powerhouse to the existing Cuaich powerhouse and that the transformer is accommodated within the building. In addition planning conditions are recommended to seek detailed drawings to show how the intake sits in the channel; confirmation that no borrow materials are required and if they are, their source; site specific proposals for restoration and reinstatement; proposals for riparian planting in the vicinity of the intake; construction details for permanent ATV access; confirmation of colour change for turbine house; method statement specifically covering restoration and reinstatement of the construction material storage area.
49. **CNPA Access Officer** comments that the obstruction to access rights is likely to be low due to other routes being available nearby. The developer has also stated in the reports supporting the application that diversions and notices will be in place during construction.
50. The **Planning Gain Service** has calculated a local sustainability contribution from the development to provide for sustainability, energy efficiency and environmental improvement projects in the area.

51. The **Fishery Board** has been consulted but no response has been received
52. **Dalwhinnie Community Council** has been consulted but no response has been received.

REPRESENTATIONS

53. The proposal has been advertised in the Strathspey and Badenoch Herald. No representations have been received.

APPRAISAL

54. Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. This section of the report considers the principle of what is being proposed then assesses the more detailed potential environmental impacts of the proposal in terms of ecology and landscape. This, in turn, is followed by a brief summary of technical considerations with particular regard given to SEPA's comments.

Principle

55. This application proposes a run of river hydro scheme. The proposal would result in renewable energy being provided direct to the grid and would contribute to Scottish Government targets for renewable energy. Policy 15 Renewable Energy Generation of the CNP Local Plan encourages small scale renewable schemes providing they are designed to have no significant environmental impacts. It is considered that this hydropower scheme sits comfortably within the parameters of 'small-scale' that the policy explicitly supports in the National Park. Further support from Scottish Planning Policy 2010 stresses the Scottish Government's commitment to renewables and Policy E4 Hydro Energy Developments of the Highland Council Structure Plan 2001 also adds its voice to the supportive principle for hydro energy developments. Given that there is no specific zoning for such developments each application is considered on its own merits against the protective environmental policies of the CNP Local Plan and the suite of Supplementary Planning Guidance that supports the plan. Such schemes have to be carefully considered in terms of their potential impacts on ecology, landscape, the water resource itself as well as general design standards applicable to all development.

Ecology

56. In this case, the site is located outwith any designated area. However, SNH has advised with regard to otters as European Protected Species and note that an otter survey has identified otter interest in the area. Further work had been requested in the form of mitigation to prevent disturbance to otters and a species protection plan for the duration of the construction phases of the development. This has been provided, has been assessed by SNH and found to be acceptable, provided further survey work is to be carried out nearer the time of construction to inform the detail of any mitigation. Given the work

carried out and the response of SNH, the proposal complies with Policy 4 Protected Species of the CNP Local Plan.

57. The CNPA Ecologist has advised with regard to non- European ecology interests at the site and notes that a range of surveys have been carried out. A number of conditions are recommended, and in particular a vegetation survey of the pipeline route and a breeding bird protection plan if any works are to be carried out during the breeding season. These issues can be dealt with by planning condition, though should any species of conservation interest be found, the pipeline route may have to be micro sited around any interest. Providing the relevant planning conditions are attached the application generally complies with protective environmental policies 3, 4 & 5 of the CNP Local Plan.

Landscape and Visual Impact

58. Landscape and visual impacts are key issues with regard to the proposal. In this instance the scheme would be sited in an area that has been subject to a number of human interventions including a nearby intake and construction of an aqueduct as well as a number of service and estate tracks. The elements of the proposal in themselves, in the long term, should have a very limited impact upon the area. However, the shorter term impacts from the construction of the scheme are more significant and need to be covered by certain conditions as recommended by the CNPA Landscape Officer. Crucially, it is important that the grid connection from the proposed turbine house to Cuaich power house is undergrounded because introducing new overhead lines into this open relatively uncluttered area would fail to comply with Policy 6 Landscape of the CNP Local Plan. The applicant has confirmed that from a planning viewpoint they would be happy to underground the cables. However, at this point in time the grid connection cost is high and they are still in negotiation with Scottish and Southern Energy (SSE). Given the commitment to undergrounding the recommendation is for approval but this recommendation is subject to confirmation from the applicant that they will underground the connecting line. If the applicant cannot give this commitment then the application would be brought back before the planning committee.
59. The applicant has also confirmed that a transformer external to the power house would be required. With regard to the transformer, this should ideally be located within the turbine house. However, SSE require separate, unfettered access to their grid infrastructure. To deal with this a planning condition is proposed at the end of the report to stipulate that a small lean-to element should be added to the turbine house to accommodate the transformer. i.e. no decision notice would be issued until this confirmation is received.
60. A number of other landscape issues are dealt with by planning condition. During the site visit a small shieling and group of trees were noted adjacent to the burn, the applicant has confirmed that these features would be unaffected and planning conditions will ensure that this is the case.

Technical Issues

61. In terms of technical issues an existing access is in place and much of the heavier materials will be brought into the site by helicopter, the bulk of the construction would take place in just three months. There are no residencies nearby so there would be no disturbance to any residential amenity.
62. A CAR licence application was made to SEPA but has been withdrawn pending further information. However, SEPA appear confident that the scheme will be consentable, considering that a hydro scheme can be accommodated here without any unacceptable impact upon the water resource. Consequently, there is considered to be no conflict between granting planning permission at this stage prior to a successful CAR application. SEPA have requested a range of planning conditions with particular regard to construction methods, environmental management, waste management and de-commissioning. These have all been attached at the end of the report. Without these conditions SEPA confirms that their response should be considered as an objection.
63. The recommendation is subject to a planning gain contribution towards local sustainability projects.

Conclusion

64. Overall there are considered to be no environmental issues that would indicate against granting permission for the scheme under Policy 15 Renewable Energy Generation of the CNP Local Plan. The proposal contributes towards Scottish Government targets on renewable energy without any unacceptable environmental impacts.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

65. While there would be short term landscape and visual impacts, with good restoration and reinstatement to be covered by planning conditions these impacts will be temporary. There are no unacceptable ecological impacts from the scheme and planning conditions for riparian planting in the vicinity of the intake will provide a positive future landscape benefit.

Promote Sustainable Use of Natural Resources

66. The proposal performs strongly against this aim by providing power in an environmentally friendly manner at a scale that is appropriate to the location.

Promote Understanding and Enjoyment of the Area

67. Hydro development is already established in the area and the addition of this small scale scheme will add to that. Part of the route is used by walkers. However, as noted by the CNPA Access Officer the supporting information points out that notices and diversions will be in place during construction.

Promote Sustainable Economic and Social Development of the Area

68. The proposal will make some contribution towards the economic and social development of the area directly through construction jobs in particular. In

addition planning gain is required to provide a local sustainability funds for environmental projects.

RECOMMENDATION

69. That Members of the Planning Committee support a recommendation to **GRANT Planning Permission for a small scale run of river hydro scheme, Allt Choire Chais, Phones Estate, Dalwhinnie, subject to:**

A. Confirmation that grid connection will be undergrounded and transformer located in a sensitive manner;

B. Receipt of planning gain contribution; and

C. The following planning conditions:

1. The development to which this permission relates must be begun within three years from the date of this permission.

Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended).

Construction Methods

2. The development hereby approved, must be carried out in accordance with the approved plans and the measures and mitigation set out in the Supporting Information document and additional other information from RSK received 1 March 2012 unless otherwise provided for by planning conditions.

Reason: To ensure that the site is developed in an appropriate manner that protects the environment at and around the site.

3. Prior to commencement of construction of the development hereby approved, a detailed Construction Method Statement (CMS) and Environmental Management Plan (EMP), which set out how the construction phases of the development will be managed, shall be submitted to at least 2 months prior to commencement of works, and approved in writing by the CNPA acting as Planning Authority in consultation with SEPA and SNH. In particular, the CMS shall cover the following:

- a. Detailed construction methods for all aspects of the scheme (temporary access tracks, upgrade of existing tracks, site compound, intakes, pipeline, powerhouse(inc accommodation of transformer), tailrace, outfall and diversion channels – including working depths, soil storage measures and restoration methods and profiles);
- b. Pollution prevention and site waste minimisation measures;
- c. Location, nature and restorative enhancement proposals for pipe lay-down/construction/store areas and other temporary works;

- d. Construction site facilities including the location of construction site compounds, huts, vehicle equipment, and materials storage;
- e. Duration, timing and phasing of works;
- f. The width of the working corridor that construction works will be confined to (shown on a plan detailing access, all operations, soil and vegetation types (including profiles) and restoration and reinstatement proposals);
- g. Detailed landscape mitigation and restoration techniques;
- h. Detailed habitat mitigation and restoration targets;
- i. Drainage proposals including methods for working in or near deep peat; and
- j. Otter mitigation

Unless otherwise agreed in writing by the CNPA acting as Planning Authority, all works shall be carried out in accordance with the approved Construction Method Statement.

Reason: To ensure the construction phase is carefully managed to avoid any adverse effect on the integrity of watercourses, to minimise landscape impacts and to mitigate impacts on ecology and access.

4. Prior to the commencement of any works, a site waste management plan shall be submitted for the written approval of the CNPA acting as planning authority in consultation with SEPA and all works shall be carried out in accordance with the approved plan.

Reason: To ensure that waste on the site is managed in a sustainable manner.

5. No development shall commence on site until a suitably qualified Ecology/Landscape Clerk of Works or On-site Appropriate Qualified Environmental Specialist has been appointed to oversee the setting out, construction and restoration of all project elements likely to have a landscape or ecological impact. The CNPA shall be notified of the appointment and details made available.

Reason: To ensure that the landscape mitigation agreed in the detailed Construction Method Statement is followed during construction and to minimise landscape and visual intrusion from the development.

6. Prior to appointing the Ecology/Landscape Clerk of Works or On-site Specialist, the scope of works and responsibilities for that person shall be submitted to, and approved in writing by the CNPA acting as Planning Authority. As a minimum, they shall oversee the following:
 - a. The marking-out of the extent of the construction corridor, the extent of the site compound/pipe lay-down areas;
 - b. Micro-siting of intakes and detailed design of mitigation measures, such as placing of boulders;
 - c. Detailed routing of pipeline;
 - d. Location and design of temporary tracks and their subsequent restoration (to quad bike track width);

- e. Removal to storage area, maintenance of stored materials, restoration and reinstatement of all disturbed vegetation and landform;

Thereafter, all works shall be carried out in accordance with the agreed Scope of Works.

Reason: To ensure that the landscape mitigation agreed in the detailed Construction Method Statement is followed during construction and to minimise the landscape and visual intrusion from the development.

- 7. Prior to commencement of the development hereby approved, detailed micro-siting drawings including layout plans (plan views), elevations and cross-sections of each intake and powerhouse (inc sensitive accommodation for the transformer), any valve or scour points, headwalls and culvert and tailrace (and any temporary elements) shall be submitted to, and approved in writing by the CNPA acting as Planning Authority. These drawings shall detail all measures to ensure the intakes show a good fit with existing landforms, restoration proposals and any associated structures such as railings, wing walls, plunge pools, and boulders, and indicate all materials and finishes (and avoidance of springs or other features). Thereafter, the development shall be constructed in accordance with the approved drawings.

Reason: To ensure that all structures blend in with the landscape setting and to minimise visual intrusion.

- 8. No works shall commence on the construction of any of the permanent structures unless samples or details of the final materials and colour to be used to construct all aspects of the structures, has been submitted to, and approved in writing by the CNPA acting as Planning Authority. Thereafter, all structures shall be constructed in accordance with the approved details. The powerhouse shall be finished in a subdued grey colour rather than white as indicated by the approved elevation drawing.

Reason: To ensure that all structures blend in with the landscape setting and to minimise visual intrusion.

- 9. Prior to the commencement of development hereby approved the development shall be landscaped and maintained in accordance with a Landscape Restoration Plan which shall be submitted to and approved by the CNPA acting as Planning Authority. The plan shall detail proposals for the management of disruption, restoration and reinstatement and management of all areas of the scheme, including areas of grass seed/turf. The plan shall include proposals for riparian planting at the location of the intake and shall ensure:-
 - a. Completion of the scheme during the planting season next following the completion of the development, or such other date as may be agreed in writing with the Planning Authority;
 - b. The maintenance of the landscaped areas in perpetuity in accordance with the detailed maintenance schedule/table. Any trees or shrubs removed, or

which in the opinion of the CNPA acting as Planning Authority, are dying, being severely damaged or becoming seriously diseased within three years of planting, shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.

Reason: To minimise the landscape and visual impact of the scheme by ensuring that the ground is restored as quickly as possible post-construction.

Ecology

10. No construction works shall take place anywhere on the site between 1 April and 31 July unless a Breeding Bird Protection Plan has been submitted to, and approved in writing by the CNPA acting as Planning Authority. The plan shall set out measures to protect breeding birds from construction, including:
 - a. How and when the Landscape/Ecological Clerk of Works will check the construction corridor for signs of breeding bird activity,
 - b. How site personnel will be briefed to alert them to wildlife legislation and signs of breeding birds, and
 - c. The procedures to be followed in the event that a nest is found within the construction corridor.

All construction works carried out between 1 April and 31 July shall be implemented in accordance with the agreed Breeding Bird Protection Plan.

Reason: To avoid disturbing nesting birds during bird-breeding season and to ensure the proposed works do not contravene Nature Conservation laws relating to the protection of any wild bird nest while in use or being built.

11. Prior to the commencement of any development, a repeat survey of the site shall be undertaken to monitor and establish the presence and location of otter and a copy of the report shall be submitted to and approved by the CNPA acting as Planning Authority in consultation with SNH, including measures for protection within and around the proposed site.

Reason: In the interests of minimising disturbance to natural heritage interests in the area.

12. Prior to the commencement of any development a vegetation survey of the pipeline route shall be submitted to and approved by the CNPA. Construction shall be carried out in accordance with any recommendations for micro-siting the pipeline away from any species identified as being of conservation value.

Reason: To ensure that any species of conservation importance are identified and protected.

Decommissioning

13. Unless otherwise agreed in writing with the CNPA acting as Planning Authority, in the event of the scheme no longer generating electricity for a

continuous period of 24 months and with no realistic expectation of resumption in the foreseeable future, the site shall be reinstated within a period of 18 months following the expiry of such period of cessation or within such timescales as agreed in writing with the CNPA. Reinstatement shall comprise the removal of all infrastructure, and restoration of the natural water regime to normal flows and restoration of the disturbed soils and vegetation to the habitat restoration targets as detailed in a Restoration Plan to be submitted to and agreed with the CNPA in consultation with SEPA acting as planning authority. All reinstatement works shall be carried out to the reasonable satisfaction of the CNPA acting as Planning Authority.

Reason: To ensure that the decommissioning and restoration works are carried out in a manner satisfactory.

Interpretation

14. Prior to the commencement of development hereby approved, interpretation and information is to be put in place on site during the works to provide the public about the scope and nature of the works and what measures are in place to protect access and the environment.

Reason: To inform the public on the construction works.

15. No borrow pits shall be permitted within the application boundary under this permission. Any additional borrow pits shall be subject of a separate application.

Reason: To protect people and the water environment.

ADVICE NOTES

Protected Species

1. The applicant is advised that it is a criminal offence under the Conservation (Natural Habitats Etc.) Regulations 1994 to deliberately or recklessly capture, injure or kill a European protected species of wild animal (including birds) or to deliberately or recklessly (i) harass an animal or group of animals; (ii) disturb an animal while it's occupying a structure or place used for shelter or protection; (iii) disturb an animal while it's rearing or caring for its young; (iv) obstruct access to a breeding site or resting place; (v) disturb an animal in a manner that is likely to significantly affect the local distribution or abundance of the species to which it belongs; (vi) disturb an animal in an manner that is likely to impair its ability to survive, breed or reproduce, or rear or otherwise care for their young; (vii) disturb an animal while it is migrating or hibernating.
2. Where it is proposed to carry out works which would affect European Protected Species or their shelter/breeding places, whether or not they are present in these refuges, a licence is required from the Scottish Government (Scottish Natural Heritage). Should otter be seen on the site during works work should stop immediately and SNH should be contacted immediately.

Controlled Activities Registration

3. The applicant's attention is drawn to the above application for a CAR Licence. Notwithstanding grant of the planning permission, the CAR Licence must be granted before the development may proceed. Both the conditions of planning permission and the terms of the CAR licence must be met in full. You are referred to SEPA Guidelines on working in and around watercourses (sepa.org.uk)

4. The applicant is encouraged to investigate measures and mitigation to address or minimise the ongoing active landslips and instability within the local area such as those included in any forthcoming catchment restoration plan that may come forward.

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21 March 2012

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.