
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

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DEVELOPMENT PROPOSED: INSTALLATION OF HYDRO SCHEME, POWER HOUSE, ACCESS TRACKS AND BRIDGES AT BRUAR WATER, PITAGOWAN, BLAIR ATHOLL

REFERENCE: 2012-0055-DET

APPLICANT: BRUAR HYDRO LTD

DATE CALLED-IN: 16 MARCH 2012

RECOMMENDATION: APPROVAL SUBJECT TO CONDITIONS

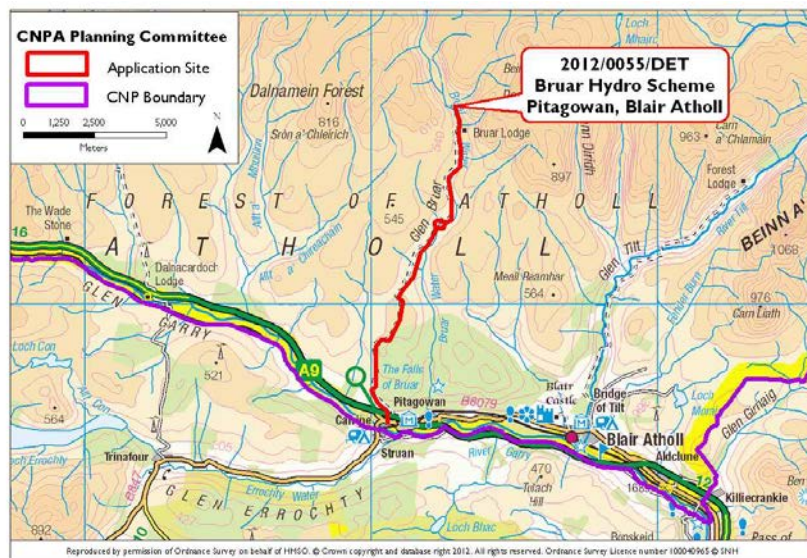


Fig. 1 - Location Plan

SITE DESCRIPTION AND PROPOSAL

- I. The site for this application is located on the Bruar Water to the north of Pitagowan on the B8079 where the Bruar Water flows through the Falls of Bruar into the River Garry (see fig 1). The site over which the proposal is sited is open moorland and involves the upgrade of an existing dam (constructed approx 1912) to the north of Bruar Lodge (see fig 6).



Fig.2-Access from A9



Fig. 3- View of cable route (track)



Fig. 4- Existing SSE Dam



Fig. 5- Site of power house



Figure. 6- Existing dam/weir (to be enlarged) and intake area.



Figure. 7- Area to be subject of increased inundation



Figure. 8- Pipeline route along track to right of river

2. A 1.5 MW hydro scheme is proposed that would extract water from the Bruar by means of an intake at an existing dam to be enlarged (see fig 6 and photomontage in appendix). A short river diversion would be constructed on a nearby burn to make it flow into the loch upstream of the dam rather than just downstream. There are a number of existing tracks in the area and the proposal utilises approximately 10km of existing tracks. A range of supporting information, drawings and photomontages have been re-produced in the appendix.

3. The water from the main intake at the dam would be transported via a buried pipeline to a powerhouse on the right (west) bank of the Bruar Water. This is located just to the north of an existing SSE dam (see figs 4 & 5) which extracts much of the water from Glen Bruar taking it 7 miles underground to Loch Erochty forming part of the Tummel hydro scheme. The turbine house building would measure 18 by 11 metres and finished in stone cladding with a steel roof that will be a profiled material to resemble a traditional tin roof. A transformer compound will be required adjacent to the turbine house and this again will be stone clad. A tailrace will return water from the turbine house to the Bruar Water. Some sections of new track are required, much of this is required in small sections for the intake access, powerhouse access with some additional track close to the A9 access. A number of construction compounds are also proposed. In summary, the scheme consists of:
 - Intake dam (existing dam enlarged) and river diversion;
 - High pressure buried pipeline (approx 4.5km);
 - Powerhouse;
 - Additional tracks and bridges;
 - Temporary tracks along pipeline where access not gained from existing tracks.
 - Grid connection and switchroom at Struan
4. The construction period is expected to last approximately 18-24 months, although much of the more significant civil works would be carried out in two summer seasons.
5. Access to the site will be direct from the A9 (see fig 2) during the 18-24 month construction resulting in an increase in traffic along the main access routes due to delivery of construction materials, plant, machinery and small vehicles transporting staff and visitors to and from the site. During the operational phase of the scheme traffic movements from the A9 access will be reduced to routine maintenance visits.
6. Grid connection will be via a buried line alongside the access track, then through fields at Calvine to an existing Scottish and Southern substation at Struan. This results in the need to cross the River Garry where overhead wooden poles would be used and the railway where the cable will go under an existing bridge.
7. The proposal has been screened against the Environmental Impact Assessment Regulations by Perth and Kinross Council and no formal EIA was required. However, a range of environmental information has been submitted in support of the proposal, this includes ecological, hydrological and archaeological surveys as well as traffic and noise studies.
8. A summary of the scheme is attached at the back of this report as well as some drawings, photomontage extracts and a clarification note in response to questions raised by CNPA Officers.

DEVELOPMENT PLAN CONTEXT

National Policy Guidance

9. **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:
- 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.
10. **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.
11. 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.”
12. 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.
13. *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.

¹ February 2010

14. *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.
15. *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.
16. **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 Development Plan

17. The Strategic Development Plan for the area is TAYplan 2012-2032.
18. TAYplan ensures consistency between Local Development Plans in fulfilling Scottish Planning Policy requirements to define areas of search for renewable energy infrastructure and it applies this to a wide range of energy infrastructure. The plan seeks to contribute to Scottish Government ambitions for mitigation and adaption to climate change.

² Para. 256.

19. Policy 6 of TAYplan considers that development proposals are to be justified on the basis of the following considerations:
- Specific land take requirements associated with the infrastructure technology and associated statutory safety exclusion zones;
 - Proximity of resources to customers and grid connections and distribution networks
 - Anticipated effects of construction and operation on air quality, emissions, noise, odour, surface and groundwater
 - Sensitivity of landscapes, the water environment, biodiversity, geo-diversity, habitats, tourism;
 - Impacts of associated new grid connections
 - Cumulative impacts of the scale and massing of multiple developments; and,
 - Impacts upon neighbouring authorities
20. **Cairngorms National Park Partnership Plan (2012-2017)**
The Cairngorms National Park Plan sets out the vision and overarching strategy for managing the Park and provides focus and priorities at a time of limited financial resources. The Plan also provides a strategic context for the Local Development Plan and shows how the four aims of the National Park can be achieved together. Three long term outcomes address the interaction of three characteristics of the National Park recognising that: the Park is an internationally important area for nature conservation; the CNP is a fragile rural economy, and; the CNP is an internationally known tourism destination.
21. The heading- 'Success in being a sustainable economy supporting thriving business and communities means that' the special qualities of the Park will have stimulated growth and diversification in the economy. Under this heading Policy 1.3 supports the development of a low carbon economy by increasing renewable energy generation especially biomass and hydro that is compatible with conserving and enhancing the special qualities of the Park. The heading 'Success in being a special place for people and nature with natural and cultural heritage enhanced means that' the distinct character of the Park's landscape and its diverse mix of mountains, straths, glens, forest and farmland will continue to be conserved and enhanced. The sense of wildness, particularly in the high mountain areas, will be enhanced and renowned as a particular special quality that continues to be enjoyed by many. The Park will also continue to have a rich and enhanced biodiversity which will be better connected and able to adapt to changing climate. The heading 'Success in people enjoying the Park through outstanding visitor and learning experiences means that: The CNP will be renowned in Scotland and internationally as a protected area as well as being a world class sustainable tourism destination, there will also continue to be an excellent and integrated network of routes to enjoy outdoor access.

Local Plan Policy

22. The CNP Local Plan does not apply in the Perth and Kinross Area of the National Park. The relevant Plan is the Perth and Kinross Highland Area Local Plan 2000. The strategy for the plan seeks to set the land use framework for promoting sustainable economic development and seeks to maintain and enhance the quality of Highland Perthshire's natural heritage and built environment. Key Policies are:
23. Policy 1 Sustainable Development considers that (a) the consumption of non-renewable resources should be at levels which do not restrict the options for future generations; (b) renewable resources should be used at rates that allow their natural replenishment; (c) the quality of the natural environment should be maintained or improved; (f) biodiversity is conserved.
24. Policy 2 Development Criteria considers that development should meet criteria including (amongst others) (a) site should have landscape framework capable of absorbing the development; (c) development should be compatible with surroundings;
25. Policy 3 Landscape considers that proposals should seek to conserve landscape features and sense of local identity, and strengthen and enhance landscape character. Policy 4 under landscape considers that details of landscape treatment should be submitted with developments.
26. Policy 5 Design considers that the council will require high standards of design for all development. Encouragement is given to the use of appropriate and high quality materials; innovative modern design; ensuring development fits its location.
27. Policy 11 Renewable Energy considers that the Council will encourage, in appropriate locations, renewable energy developments. Renewable Energy Developments, including ancillary transmission lines and access roads will be assessed against the following criteria: (a) the development will not have a significant detrimental effect on sites designated at national, regional or local level for nature conservation interest or archaeological interest; (b) the development will not result in unacceptable intrusion into the landscape character of the area; (c) the development will not result in an unacceptable loss of amenity to neighbouring occupiers by reason of noise emission, visual dominance, electromagnetic disturbance or reflected light. Developers will be required to enter into agreements regarding restoration after the useful life of the development.
28. Policy 13 Nature Conservation notes that development will only be permitted on a Special Area of Conservation where the appropriate assessment indicates that: (a) the development will not adversely affect the integrity of the site; (b) there are no alternative solutions; (c) there are imperative reasons of overriding public interest.

29. Policy 14 notes that the Council will not normally grant consent for any development which would have an adverse effect on sites supporting species mentioned in Schedules 1, 5 and 8 of the Wildlife and Countryside Act 1981 or the EU Habitat Directive or Annex I of the EU Community Wild Birds Directive.
30. Policy 15 considers that in the absence of an overriding proven public interest, the Council will not grant consent for, or support development which would damage the integrity, or conservation objectives of Sites of Special Scientific or National Nature Reserve.
31. Policy 16 considers that the Council will not normally grant consent for any development which would have an adverse effect on site of local nature of geological interest and will seek to protect the integrity of such sites identified.
32. Policy 17 considers that the Council will seek to protect and enhance habitats of local importance to nature conservation, including grasslands, peatlands and habitats which support rare or endangered species.
33. Policy 20 Cairngorms Partnership Area considers that the Council will co-operate with the Cairngorms Partnership in the environmental, economic and social development of the Cairngorms.
34. Policy 25 Archaeology considers that the council will safeguard the settings and archaeological landscapes associated with Scheduled Ancient Monuments.
35. Policy 26 considers that the council will seek to protect unscheduled sites of archaeological significance and their settings. There will be a strong presumption in favour of preservation in-situ, where this is not feasible, developers through planning conditions will be required to make provision for excavation and recording of threatened features prior to commencement of development.
36. Policy 27 considers that where it is likely that archaeological remains may exist an archaeological evaluation is to be carried out by the developer before the application is determined.

CONSULTATIONS

37. **Scottish Environmental Protection Agency (SEPA)** originally objected, raising concerns about the potential impacts of the development upon water dependent habitats around the area subject to increased inundation. SEPA were unsure whether the scheme would be capable of licensing under the Controlled Activities Regulations (CAR) and recommended that the application be deferred until the CAR application had been processed. However, the agents for the application have done much work with SEPA since the application was called-in providing additional information on habitat issues. SEPA has also confirmed that the scheme is potentially consentable

under CAR regulations. Consequently, SEPA have withdrawn their objection to the proposal.

38. **Scottish Natural Heritage (SNH)** has commented with regard to the Cairngorms Massif Special Protection Area for Golden Eagles. SNH are of the view that the scheme, with mitigation described in the Environmental Statement (ES) in place is not likely to have a significant effect on the SPA feature, namely golden eagles.
39. SNH also comment that the ES appears competent in identifying species present across the development site. The mitigations described in the ES if followed should ensure compliance with the Wildlife and Countryside Act 1981 (as amended) and avoid harmful and illegal impacts on protected species and habitats.
40. **Transport Scotland (Trunk Roads)** has no objection to the proposal.
41. **Perth and Kinross Heritage Trust** comment that the archaeological survey accompanying the application has identified a number of features that would be impacted by the proposed development including pre-improvement shieling huts dating from the 17th Century. It is recommended that a programme of archaeological works are carried out to prevent and mitigate against damage to archaeological sites. The Heritage Trust recommends a planning condition requiring a programme of archaeological works in accordance with a written scheme of investigation to be agreed with the Heritage Trust.
42. **Perth and Kinross Biodiversity Officer** notes that the information submitted identifies the presence of otters and water voles. No otter Holts or couches were found within the immediate vicinity of the proposal, so the proposed mitigation measures are satisfactory. However, a pre-construction walkover survey of the pipeline area around Bruar Lodge should be carried out by a qualified Ecologist.
43. **Perth and Kinross Environmental Health Manager** believes that the proposal can go ahead without any loss of amenity, but as a safeguard a planning condition is recommended that any noise should not exceed noise rating 35 between 07:00 and 23:00, or noise rating 20 between 23:00hrs and 07:00hrs.
44. **Perth and Kinross Transport** has no comments noting the A9 as a Trunk Road on which Transport Scotland will provide advice.
45. **Blair Atholl and Struan Community Council** are in favour of the proposed development and recommend approval as quickly as possible to enhance the viability and sustainability of the communities affected.
46. **CNPA Ecology Officer** comments that the chief ecological concern is increased inundation through increasing the height of the existing dam. A water level rise of 0.5 metre is anticipated in the loch which would inundate

fringing bird feeding and breeding habitat. The loch and adjacent wetland support high wading bird and waterfowl diversity as identified by the applicant's bird survey. However, it must be recognised that the loch is artificial so the high biodiversity value of the site is to a large extent man made. Given this it is likely that in time the habitat would adapt to the new hydrological conditions brought about by the proposal. Potential impacts could be avoided by the initial rise of the loch not being during the breeding bird season, this could be further mitigated by a gradual increase in the loch level over a number of growing seasons.

47. Because of the decrease in wetland habitats it is recommended that habitat compensation is sought. It is noted that there is scant riparian woodland in the area. The creation of new riparian woodland would fit well with the Landscape Officer's comments bringing both biodiversity and landscape benefits

48. **CNPA Landscape Officer** comments that the majority of components of this development could, given careful mitigation, meet Policy 3 Landscape of the Highland Perthshire Local Plan. However, some further information, clarification and possible amendment are required for the proposal to meet the first aim of the Park to conserve and enhance. The following is recommended prior to granting permission:

- Clarification and integrated design for works in vicinity of intake I;
- Statement on options for increase in water level at loch an;
- Presentation of design options for bridge;
- Statement on options for re-use of SSE spoil;
- Sitting and details of switch building.

49. The information above was received and considered by the Landscape Officer and subsequently conditions are recommended to cover the following issues:

- Plan for stream channel, spillway and re-routed track;
- Loch edge riparian planting;
- Construction method statement specific from chain age 0-800 and a section specific to construction lay down areas;
- Detailed archaeological survey around pipeline and turbine house;
- Construction details for section of track above A9;
- Details for post construction narrowing of access tracks;
- Identification of redundant track sections;
- Landscape Plan for turbine house;
- Details of stone facing for turbine house;
- Details of tail race construction;
- Landscape plan for switch station;
- Details of environmental clerk of works;
- Proposals for post maintenance period review of restoration reinstatement, including agreed triggers for remedial action and responsibilities for remedial action.

50. **CNPA Access Officer** considers that the proposal will have little impact on access during the construction phase and it is noted that steps are being taken to divert people around short stretches of works. The lower Bruar features in the UK rivers guidebook. However, the water is returned back into the river so would the hydro scheme would not have an effect on this lower section.

REPRESENTATIONS

51. The proposal has been advertised in the Perthshire Advertiser. No representations have been received.

APPRAISAL

52. 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, landscape and cultural heritage. This, in turn, is followed by a brief summary of technical considerations.

Principle

53. 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. The CNP Local Plan does not cover the Perth and Kinross area so the proposal must be considered against national policy, the very recent National Park Partnership Plan and existing local planning policy for the area. At the strategic level Tayplan provides support for renewables, in line with Scottish Planning Policy, subject to a range of criteria relating to environmental impact in particular. The CNP Partnership Plan provides specific support for increased renewable energy generation where compatible with conserving and enhancing the special qualities of the Park. While dated the Perth and Kinross Highland Area Local Plan 2000 does provide explicit policy with regard to renewable energy and recognises that there is a long history of hydro development in the area. There is no specific zoning for such development. However, Policy 11 Renewable Energy of the Highland Area Plan holds criteria for developments to meet as do the protective environmental policies contained within the plan. Consequently, the proposal is considered on its own merits against the protective environmental policies of the Highland Area Local 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

54. In terms of ecology the main concern relates to the increased dam height and the consequent increased area of inundation behind the wall (see fig 7). Despite this, the CNPA Ecologist recognises that the loch is a man made habitat and that it is likely that habitats could adapt to the new regime in time. In addition, habitat mitigation/compensation is recommended in the form of two planning conditions. The first one would request details of the timing of inundation and this will run in tandem with the condition of any CAR licence conditions set out by SEPA. The second condition relates to the provision of riparian planting. This allows the proposal to comply with protective environmental policies 14-17 of the Perth and Kinross Highland Area Plan and the specific request for compensation is justified under Policy 17 of the Plan which notes that the Council will seek to protect and enhance habitats of local nature conservation importance.
55. Scottish Natural Heritage note that the development is largely within the Cairngorms SPA for Golden Eagles. However, it is considered that the scheme would be unlikely to cause any disturbance to the species. Construction could potentially result in some disturbance. However the mitigation set out in the submitted statements relating to the timing of movements at the site would mean that construction would be unlikely to have a significant effect upon the Golden eagles as the SPA feature.

Landscape

56. The CNPA Landscape Officer has visited the site and provided detailed comments. A number of issues can be covered by planning condition and these have been recommended at the end of the report. While the scheme results in some significant landscape impact these can be addressed with appropriate mitigation.
57. Overall, there is no objection to the scheme but there were a number of sensitive areas where additional information has been sought before the application was brought forward for determination. This information has been provided and considered by the Landscape Officer. Unusually, the agent has provided a topographical survey of the entire site which is of great assistance in considering the proposals. Further information was sought with regard to the inundation of the loch and also with regard to the short diversion of the Beinn Losgairnach burn into the loch which would increase inundation. Revised drawings provided as part of a useful clarification note (see appendix) indicating that what was an exposed steel barrier will be screened with boulders either side arranged in a natural manner. The area just downstream from the intake lochan was of concern given the change in levels. The clarification note indicates that a bench would have to be cut into a terrace for the access track and pipeline. Due to the levels a retaining wall is proposed for the first 50 metres of the pipeline to stabilise the terrace. This would be concrete but would be faced with stone cladding. Further information has been provided relating to the access from the A9 and a detailed drawing for the switch room has also now been provided. This is located close to the existing SSE substation at Struan and will consist of a

stone clad building with metal roof. The building would be little over the size of a single garage.

58. In landscape terms the key policy in the Perthshire Highland Area Plan is Policy 3 which considers that proposals should seek to conserve landscape features and sense of local identity, proposals should also seek to strengthen and enhance landscape character. In this instance, the proposal has significant benefits in terms of renewable energy and while there would be impacts in landscape and visual terms the proposal should be capable of complying with this policy. The clarification note submitted by the applicants has been of assistance in achieving this. The conditions recommended at the end of the report will also help to ensure that the proposal complies with this policy. Providing good reinstatement and aftercare is carried out there is no reason why the development should not be able to provide a clean source of renewable energy without any long term impacts on the landscape. Indeed, with the right mitigation and reinstatement the landscape of the area could be strengthened in line with Policy 3 and the first aim of the Park.

Cultural Heritage

59. An assessment of the potential impacts of the proposal on the historic environment have been carried out including a desk based analysis, aerial photography survey and walkover survey. The survey identified several sites within the area a number being potentially impacted by the development. The key potential impact is upon a group of 17th Century shieling huts. The Perth and Kinross Heritage Trust were consulted upon the application and a planning condition is recommended for a programme of archaeological works, including the fencing off of vulnerable sites. This condition has been applied at the end of the report as per the request and will ensure that the proposal complies with Policy 26 of the Local Plan which refers to the protection of archaeological interests.

Technical Issues

60. The key technical issues relate to the water environment and transport access. Concerns relating directly to the water environment are covered by SEPA's CAR authorisation. There was initially a concern that the scheme may not have been consentable under CAR. However, SEPA has confirmed very recently that the proposal can now potentially be granted under the CAR regime.
61. With regard to access neither Transport Scotland or Perth and Kinross have any objection to the proposal with construction access being directly off the A9. There is a single dwelling close to the access which will experience some disturbance from passing vehicles during construction but this disturbance will be temporary.
62. Perth and Kinross Environmental Health have been consulted and recommend a planning condition to protect general amenity, this has been attached at the end of the report.

Conclusion

63. Overall the application is viewed positively in that it will make a good contribution towards renewable energy supporting the second aim of the Park to promote sustainable use of natural resources. Undoubtedly, there will be some impacts upon natural heritage but it should be recognised that there is a history of hydro development in the area and the existing lochan is itself a man made feature. In addition, these impacts would be largely associated with the construction of the scheme rather than its future operation. In time given the method statements, mitigation proposals and conditions proposed these impacts will be minimised and with the addition of riparian planting a level of enhancement of the natural heritage would occur. Consequently the proposal is considered to comply with the policy of the CNP National Park Partnership Plan where specific encouragement is given to hydro where it is compatible with the special qualities of the Park. Consequently, the application is recommended for approval subject to a range of detailed planning conditions.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

64. The proposal would not result in any long term impacts upon natural or cultural heritage that cannot be mitigated or compensated for. There will be some impacts from construction but with careful mitigation these should heal in time. Likewise there will be some impacts on cultural heritage but these are mitigated by condition and the work required will result in a greater level of knowledge of the cultural heritage of the area.

Promote Sustainable Use of Natural Resources

65. The proposal performs strongly against this aim by providing power in an environmentally friendly manner at a scale that is appropriate to the location which has a long association with hydropower.

Promote Understanding and Enjoyment of the Area

66. Hydro development is already established in the area and the addition of this scheme will add to that. As noted by the CNPA Access Officer the supporting information points out that notices and diversions will be in place during construction for recreational users.

Promote Sustainable Economic and Social Development of the Area

67. The proposal will make some contribution towards the economic and social development of the area directly through construction jobs in particular. The proposal is welcomed by the local Community Council.

RECOMMENDATION

68. That Members of the Committee support a recommendation to: **GRANT** Planning Permission for the installation of hydro scheme, power house, access tracks and bridges at Bruar Water, Pitagowan, Blair Atholl, subject to 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).

2. The development hereby approved, must be carried out in accordance with the approved plans and the measures and mitigation set out in the Environmental Statement, Construction Method Statement, Archaeology Survey, Ornithology Survey, Protected Mammals Survey, Access and Traffic Survey all received 21 March 2012 by the CNPA and the Bruar Clarification Note dated 12 May 2012 unless otherwise agreed or 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 the commencement of any development in connection with the area covered by drawing No 20101-4 a landscape plan for the area between the existing track, the redirected track and the loch (including the modified burn channel) shall be submitted to and approved by the CNPA acting as Planning Authority. Such plans shall include details based upon expert advice covering the enlarged water feature, removal of redundant section of road and proposals for woodland planting. Development shall be carried out as per the approved plan.

Reason: To avoid a purely engineered solution to reduce the landscape and visual impacts and make the most of a potential opportunity for enhancement and creation of an attractive feature.

4. Prior to the commencement of any development in the area set out below a specific construction method statement covering construction, restoration and reinstatement shall be submitted to and approved by the CNPA acting as

Planning Authority for the area including the intake and chainage 0-150. This statement shall include the following:

- Proposed typical landform to be agreed on site with CNPA prior to works on this specific section;
- Landscape plan showing details of tree planting and vegetation reinstatement including planting specifications and details for ongoing implementation, protection and management;
- Indication of areas for temporary storage of materials;
- Detailed drawings in elevation and section of the junction of the retaining wall with the intake weir. These details to demonstrate simplicity of form and finish and sensitive integration with the restored landform. The stone facing shall be consistent with other stone features in the locality and finished off with a stone coping;

Reason: To achieve a sensitive construction and high quality finish.

5. Prior to the commencement of any development in the area set out below a specific construction method statement covering construction, restoration and reinstatement shall be submitted to and approved by the CNPA acting as Planning Authority for the area of new track and pipeline to be created between the existing track and intake. This statement shall include the following:

- Options appraisal of options for this section including concrete thrust blocks and pipeline mounding;
- Proposed typical landform to be agreed on site with CNPA prior to works on this specific section;
- Details of vegetation reinstatement including details for ongoing protection and management;
- Indication of areas for temporary storage of materials.

Reason: To secure minimal impacts on landscape character of the setting of the development.

6. Prior to the commencement of any development in connection with the powerhouse area plan 10112-4-2 a specific construction method statement covering construction, restoration and reinstatement shall be submitted to and approved by the CNPA acting as Planning Authority for the area of chainage 4200 to 4500 (including powerhouse). This statement shall include the following:

- Proposed typical landform prior to works on this specific section;

- Details of vegetation reinstatement including details for ongoing protection and management;
- Indication of areas for temporary storage of materials.

Reason: To secure minimal impacts on the landscape character of the setting of the development.

7. Prior to the commencement of any development hereby approved details for the restoration of any redundant tracks including the short section of track above the A9 shall be submitted to and approved by the CNPA. Restoration shall be completed within 1 year of the hydro scheme first being brought into use unless otherwise agreed.

Reason: To prevent an unnecessary proliferation of tracks.

8. Prior to the commencement of any development in connection with the area covered by drawing 10112-5-2 details of the post construction narrowing of the new section of track above the A9 shall be submitted to and approved by the CNPA acting as Planning Authority. The track shall be narrowed in accordance with the agreed details within 1 year of the hydro scheme first being brought into use unless otherwise agreed.

Reason: To reduce long term landscape impacts when the construction width is no longer required.

9. The pipe bridge to access the powerhouse shall be constructed as per figure 1.6 of the Bruar Clarification Note received 12 May 2012.

Reason: To reduce the visibility of the above ground section of pipe.

10. The powerhouse illustrated on plan No P575 40303 Issue 3 and switch room illustrated on drawing No P575 50102 shall be clad with natural stone as per Fig 1 Tearnait Powerhouse of the Bruar Clarification Note received 12 May 2012.

Reason: To ensure an appropriate finish for the buildings.

11. Roof materials for both the turbine house and switchroom shall be submitted to and approved by the CNPA prior to work starting on those elements of the project. Construction shall proceed as per the approved samples.

Reason: To ensure an appropriate roofing material for the buildings.

12. Prior to the commencement of the development hereby approved a specific landscaping plan for the provision of riparian planting shall be submitted to and approved in writing by the CNPA. The plan shall include details of areas to be planted, numbers and species of trees and details for their protection

and maintenance. The landscaping to be completed in the first planting season following the completion of the development unless otherwise agreed.

Reason: To provide compensatory habitat in accordance with Policy 17 of the Perth and Kinross Highland Area Plan and in accordance with the first aim of the Park.

13. Prior to the commencement of the development hereby approved a specific landscaping plan for the powerhouse shall be submitted to and approved in writing by the CNPA. The plan shall include details of tailrace construction and materials with areas to be planted, numbers and species of trees and details for their protection and maintenance. The landscaping to be completed in the first planting season following the completion of the development unless otherwise agreed.

Reason: To ensure that the powerhouse is integrated with its setting.

14. Prior to the commencement of the development a hereby approved a specific landscaping plan for the switch room shall be submitted to and approved in writing by the CNPA. The plan shall include details of areas to be planted, numbers and species of trees and details for their protection and maintenance. The landscaping to be completed in the first planting season following the completion of the development unless otherwise agreed.

Reason: To ensure that the switch room is integrated with its setting

15. Prior to the commencement of any development in connection with the construction laydown areas specific restoration proposals for these areas shall be submitted to and approved by the CNPA. Restoration shall be carried out as per the agreed details within 1 year of the development being first brought into use unless otherwise agreed.

Reason: To ensure that laydown areas are properly reinstated.

16. Prior to the commencement of the development a statement (including timescales for implementation) shall be submitted to and approved by the CNPA setting out potential options for sources of additional track materials including re-use of SSE spoil located below the SSE hydro scheme intake. The statement shall consider options for enhancement of this area.

Reason: In the interests of using the areas resources in a sustainable manner.

17. Prior to any works starting in connection with the dam intake details of the proposed material for the dam (including stone cladding options) and timings of inundation of the area behind the dam shall be submitted to and agreed with the CNPA acting as Planning Authority in consultation with SEPA. Works shall be carried out as per the approved details.

Reason: In the interests of conserving the natural heritage of the lochan.

18. No development shall take place within the development site outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved the CNPA acting as Planning Authority in consultation with the Perth and Kinross Heritage Trust. Thereafter, the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the CNPA acting as Planning Authority in consultation with Perth and Kinross Heritage Trust.

Reason: In the interests of protecting and recording the cultural heritage.

19. All plant including any ventilation system associated with the operation of the commercial areas shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed noise rating 35 between 0700 and 2300 hours daily, or noise rating 20 between 2300 and 0700 hours daily, with any neighbouring residential premises, with all windows slightly open, when measured and/or calculated and plotted on a rating curve chart.

Reason: In the interests of preventing noise pollution.

20. 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.

21. 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 Statements is followed during construction and to minimise landscape and visual intrusion from the development.

22. 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. Pre-construction ecology walkover survey;
- c. Detailed routing of pipeline;
- d. Protection of archaeological features;

- e. Inundation of loch
- f. Restoration and width reduction of tracks and laydown areas;
- g. Checking route for potential disturbance to wildlife.

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.

23. The applicant shall submit an interim construction monitoring report (following 1st seasons work) and post-construction maintenance review (following 1st growing season) to the CNPA acting as Planning Authority setting out how the requirements of the CMS and all other conditions of the planning permission are being adhered to on the site, and any issues arising from and following the construction and commissioning phase. The monitoring report shall include an update on restoration and reinstatement progress, photographs, and an update from the Ecology/Landscape Clerk of Works. Remedial actions and responsibilities should also be set out and undertaken unless otherwise agreed in writing by the CNPA.

Reason: To ensure that all mitigation required by the planning conditions is followed during and after construction.

24. 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 within 6 months of the expiry of the above mentioned 24 month period in consultation with SEPA. All reinstatement works shall be carried out to the reasonable satisfaction of the CNPA acting as Planning Authority in consultation with SEPA.

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

25. 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 with information 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 about the construction works.

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 a 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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12 July 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.