

AGENDA ITEM 8

APPENDIX I

2015/0126/DET

PREVIOUS COMMITTEE REPORT

SITE DESCRIPTION AND PROPOSAL

1. The application site is a disused gravel pit lying within the Insh Marshes to the north-west of the B970 between The Dell of Killiehuntly Farm and the River Tromie. The floodplain is framed on both sides by wide terraces and sometimes complex and undulating slopes of well-drained glacial fluvial deposits. The farm of Killiehuntly sits on one of these terraces and the former gravel pit is a large scoop in the side of one of these deposit mounds. Distant views from the A9 are deflected by the landform and a bank of moraine serves to screen the gravel pit from views from the farm, whilst the riparian woodland screens views of the gravel pit from the B970.
2. This is a pilot scale research project funded by the Government's Department of Energy and Climate Change. It seeks to increase the availability of renewable, sustainable bioenergy whilst addressing the challenges of wetland management. The project will run from October 2013 until the end of February 2014. The project seeks to increase the availability of renewable energy using a wide range of natural materials (rushes, reeds, willow scrub and arisings) removed from the Insh Marshes National Nature Reserve as part of the RSPB's management plan 2010 -2015 for wetland management.



Fig 2 The Gravel Pit As Existing

Development Proposal

3. The application comprises the installation of a biomass processing plant totalling approximately 485 sq m comprising two shipping containers utilising anaerobic digestion technology with a link to export energy to local or national distribution networks; a shipping container housing the screw press and sedimentation tank; a drying unit; a char unit; a briquetting unit and a staff welfare unit.

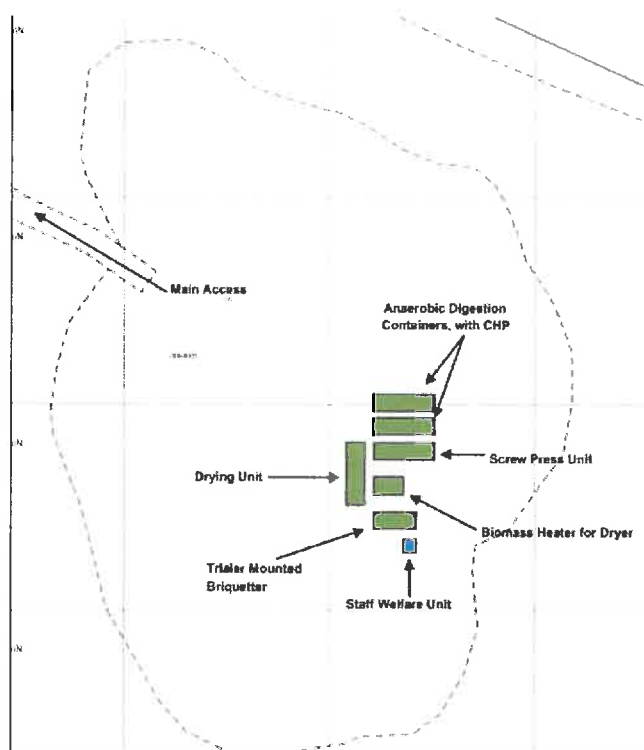


Fig 3 Proposed Site Layout

4. Infrastructure needed on site such as access tracks is already present on site for the current agricultural practices of the farm. Access to the biomass processing site will be via the existing permanent track from the Dell of Killiehuntly estate from the B970.
5. The system will process small tonnages of wetland biomass to produce electricity, heat, briquettes, digestate and benefit from support from the Government via the Feed in Tariff.
6. The proposed demonstration would take place from October 2013 and run through until February 2014. Normal agricultural practices will continue in the immediate surrounding area and the gravel pit will be returned to its original condition at the end of the project.

DEVELOPMENT PLAN CONTEXT

National Policy

7. **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.
8. **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.
9. 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.”
10. As a replacement for a variety of previous planning policy documents the new **Scottish Planning Policy** includes ‘subject policies’, of which some are applicable to the proposed development. Topics include rural development, renewable energy and landscape and natural heritage. The following paragraphs provide a brief summary of the general thrust of each of the subject policies.
11. 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.
12. 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.

13. 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.
14. **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 Policies

Cairngorms National Park Partnership Plan (2012 - 2017)

15. The Cairngorms National Park Partnership 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.
16. 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

² Para. 256.

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.

Local Plan Policy

Cairngorms National Park Local Plan (2010)

17. 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>
18. 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.
19. 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.
20. *Policy 6: Landscape* There will 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. Proposed development that does not complement and enhance the landscape character of the Park and the setting of the proposed development will be permitted only where any significant adverse effects on the landscape character of the Park are clearly outweighed by social or economic benefits of national importance and all adverse effects on the setting of the proposed development have been minimised and mitigated through appropriate siting, layout, scale, design and construction to the satisfaction of the planning authority.

21. *Policy 15: Renewable Energy Generation* Development for small scale renewable energy schemes which support the aims of the Cairngorms National Park and the National Park Plan strategic objective regarding energy production, will be favourably considered where they contribute positively to the minimisation of climate change, and where they complement the sustainability credentials of the development. Development will be sited to have no significant adverse visual or landscape impact or neighbouring properties or any unacceptable impact on the environment.

Supplementary Planning Guidance

22. In addition to the adoption of the Cairngorms National Park Local Plan (2010), a number of Supplementary Planning Guidance documents were also adopted, none of which are directly relevant to the current application.

CONSULTATIONS

23. **SEPA** is supportive of the proposal for a review of the trial period for this project and would wish to be part of this review in order to assess the environmental benefits and impacts of the proposals. This matter could be addressed by a condition attached to any grant of planning consent. SEPA has no objection to the proposed development on flood risk grounds. SEPA advises that Regulatory Advice should be provided to the applicant.
24. **SNH** advises that an appropriate assessment is not required as there will be no likely significant effect on the following designated sites:
River Spey Special Area of Conservation (SAC)
River Spey – Insh Marshes Site of Special Scientific Interest (SSSI)
River Spey – Insh Marshes Special Protection Area (SPA)
River Spey – Insh Marshes Ramsar
Insh Marshes SAC
25. SNH note that the pilot project will be undertaken through the winter period; however the location of the plant is not within or near to any area important for overwintering birds such as whooper swans and hen harriers which are qualifying interests of the River Spey – Insh Marshes SPA and Ramsar. The flat fields at Invertromie used by greylag geese during the winter are screened from the old quarry. Greylag geese are not a qualifying interest of either the River Spey – Insh Marshes SPA or Ramsar.
26. **Highland Council TEC Services Roads** sought the provision of appropriate visibility splays at the turning onto the B970. The Service has confirmed that the proposals to remove vegetation and trees which will improve visibility at this access are satisfactory and that there are no further comments regarding this application.

27. **Highland Council Environmental Health** comments that given the small scale of this application and provided the constraints detailed in the Odour Management Plan are observed, the service would not offer any objections to this application.
28. **CNPA Landscape Adviser** confirms that the proposed units will have no significant adverse landscape and visual impact. With regard to access onto the B970 and the creation of a visibility splay the officer recommends that;
- the roses and willows south of the access are hard pruned once a year during the period when the facility is active. These species will re-grow to their current stature over time.
 - the pines north of the access are checked to see whether removal of some trees combined with crown-lifting of others would be feasible rather than the complete removal of up to 15 trees.
 - the loss of any trees be compensated for by planting (and protecting) an equivalent number of native broadleaves and scots pine, between the fence and the access road to Killiehuntly and out with the visibility splay.
29. **CNPA Ecology Adviser** comments that this project will contribute to the more efficient management of grassland and wetland habitats in and around the Insh Marshes. Badenoch & Strathspey is the most important area on the UK mainland for breeding farmland waders and this application would help to maximize the conservation benefit for breeding waders. Consequently, the application contributes specifically to the Strathspey Wetlands and Wader Initiative, the Cairngorms Nature Action Plan, and the Cairngorms National Park Partnership Plan.

REPRESENTATIONS

30. A resident from Drumguish has made objections to the planning application on the grounds of fumes, inappropriate location for an industrial process, regular flooding, lack of information relating to similar projects, concern that the present application is a precursor for a much larger development, additional traffic on the B970 which is narrow and part of the National Cycle Network, difficulty for large vehicles in turning into the Dell of Killiehuntly from the North, and no indication that the RSPB have considered alternatives for the management of the Spey Meadow. This objection may be viewed in full at Appendix I.

APPRAISAL

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

32. The application requires to be determined in accordance with Development Plan policies unless there are material considerations which would indicate otherwise. In terms of the Development Plan, the policies are supportive of projects based on the generation of renewable energy, provided there is no detrimental impact on the environment or landscape. It has been demonstrated that the site is generally concealed from view and does not have any designations.
33. The siting of shipping containers and other temporary units and facilities would not normally accord with the high standards of design that have been adopted in the National Park. However, in this particular instance there are mitigating factors insofar as the structures will be generally concealed from view and will be removed after a short period of time, due to the temporary nature of the use. Nevertheless, it is recommended that a condition is attached to ensure that all the units are painted in a dark green colour, to further minimise their impact.
34. None of the consultees have raised objections to the proposals. Highland Council's TEC Services Roads have sought improved visibility splays for the access onto the B970, which the applicant has agreed to provide. However, the issue to be considered is the extent of tree removal that is being sought for a limited development, causing an impact on the natural environment. The agent has advised that during the four months of the project, the transport requirements are as follows:-
- Delivery of the containers and equipment and subsequent removal at the end of the project.
 - Delivery of biomass materials for use in the project by tractor and trailers. This will require three return vehicle movements from Lynchat, two return vehicle movements from Balavil, and one return vehicle movement each from Inshriach and Rothiemoon, giving a total of seven return vehicle movements throughout the period that the project is underway.
35. Whilst it is accepted that the sightlines at the junction are limited, this is an existing farm access that has been used by farm and other vehicles for many years. The issue is therefore whether the level of increased traffic as a result of the current application justifies the creation of standard visibility splays. TEC Services Roads have asked for vegetation removal, rather than relocating walls and fences, to help improve the situation. However, the concern from the point of view of the immediate environment is that some 15 trees are identified for removal. It is therefore recommended that a condition is attached seeking to review the extent of tree and vegetation clearance on site with the applicant with a view to securing a balance between improved sightlines and loss of trees, given the limited and short term impact of the proposed development on the roads system.
36. In terms of the representation received from a local resident, it may be noted that the Environmental Health Officer has no objections to the proposal.

Conclusion

37. It is therefore considered that the proposal would comply with the current Development Plan policies and that there are no material considerations which would indicate that planning permission should not be granted.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

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

Promote Sustainable Use of Natural Resources

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

Promote Understanding and Enjoyment of the Area

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

Promote Sustainable Economic and Social Development of the Area

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

RECOMMENDATION

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

1. The development authorised by this permission shall be removed and the land restored to its former condition on or before 31 March 2014.

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

2. Prior to the commencement of works on site, a revised proposal to improve visibility at the junction with the B970 shall be submitted for the consideration and written approval of the Cairngorms National Park Authority as Planning Authority. This shall include:-
- Hard pruning of the roses and willows south of the access during the period when the facility is active.
 - Review of the pines north of the access to ascertain the feasibility of a mixture of removal of some trees combined with crown-lifting of others.

- Compensation planting (and protecting) of an equivalent number of native broadleaves and scots pine, between the fence and the access road to Killiehuntly and out with the visibility splay.

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

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

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

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

- 4 The plant shall operate in accordance with the Odour Management Plan dated July 2013 that forms part of the application.

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

Advice notes:

- 1 SEPA requires an input into the review of the trial period for this project, in order to assess the environmental benefits and impacts of the proposals.
- 2 SEPA has also provided the following Regulatory Advice:-
- Abstraction from surface waters of less than 10m³/day falls to be regulated under General Binding Rule (GBR) No. 2.
 - Any engineering activities in the water course, discharges and abstractions in excess of GBR No. 2 will require authorisation under the Water Environment (Controlled Activities) (Scotland) Regulations 2011.
 - The applicant should ensure that abstraction rate is capable of supporting the rate of abstraction and will not significantly reduce flows downstream of the proposed abstraction point.

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Date 2 October 2013

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.

Appendix I Representations

Objections to Planning Application for

**Temporary use of land for a pilot scale research project to produce
briquettes from plant feedstock
at Dell of Killihuntly, Kingussie PH21 1NS
Highland Council planning reference 13/02829/FUL
Cairngorm National park Authority reference 2013/0239/DET**

- 1) The intended process involves combustion. The possibility of fumes cannot be excluded – indeed this is acknowledged in the documents accompanying the Application. The village of Drumguish is very close to the intended site. Drumguish is on elevated site and would be particularly affected in the event of a wind from a North westerly direction.
- 2) In any event, the proposed location in the Spey Meadow is inappropriate for such an industrial process. The Meadow is a marginal environment – subject to significant flooding on a regular basis.
- 3) The project is called a “research project” but it is apparent from the detailed figures and costings contained in the accompanying documents that the process is already well tried and tested. It is significant that no information has been produced in relation to similar projects.
- 4) The use of the words “temporary “ and “pilot scale” might suggest that the present Application is merely a small venture of to be operated for a short period. However, there are indications in the documentation that the present Application is a precursor for a much larger development.
- 5) The present Application anticipates material coming from Balavil, Lynchat, Inshriach and Rothiemoon (Nethy Bridge). These journeys would all involve additional traffic on the B970. That road is narrow and is part of the National Cycle Network. Additionally, any large vehicles would have difficulty in turning into the Dell of Killihuntly from the North.
- 6) There is no indication that the RSPB have considered alternatives for the management of the Spey Meadow. In the early 19th Century, floodbanks were formed on either side of the River Spey and a network of drainage canals and sluices were established to reduce the water table over the Spey Meadow – thus enabling the villagers of Insh to take a hay crop off the Meadow. In recent years, RSPB has insisted on keeping the water table high, and this has caused the increase of rushes and other vegetation which is unsuitable for animal feed.

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