

Planning Development Management Committee

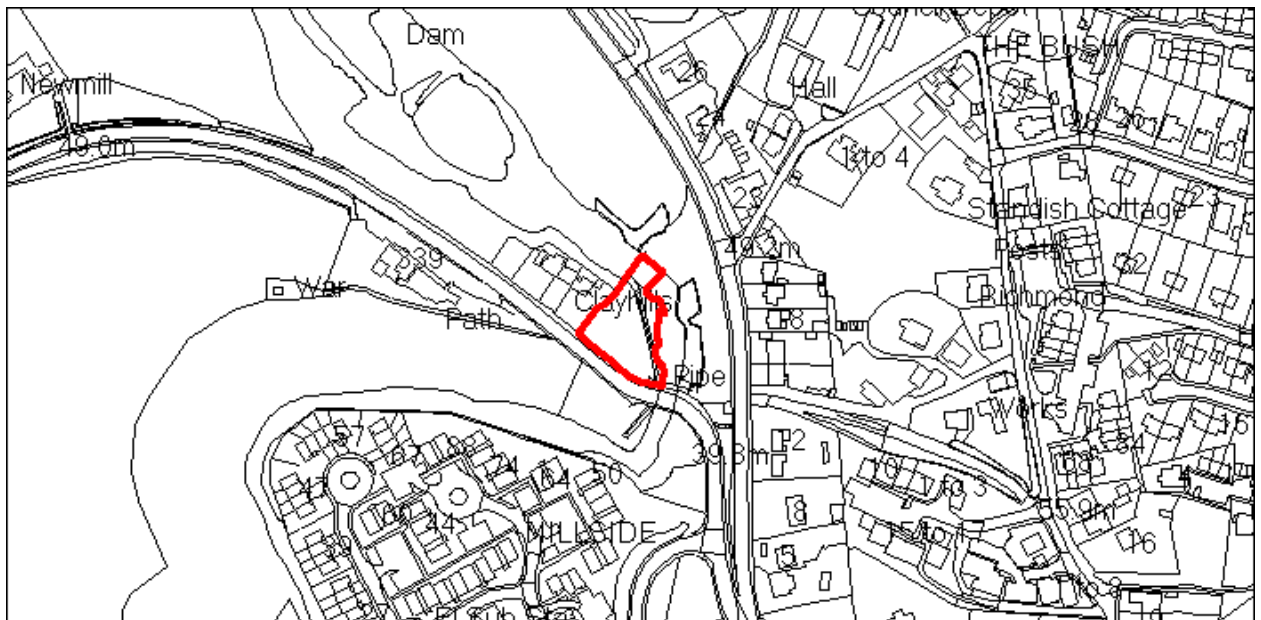
CULTER BURN, NORTH DEESIDE ROAD,
PETERCULTER

CONSTRUCTION OF PROPOSED HYDRO-
ELECTRIC POWER GENERATION SCHEME,
FISH PASS AND ACCESS ROAD.

For: Gordon Investment Corporation Limited

Application Type : Detailed Planning Permission
Application Ref. : P121787
Application Date: 08/01/2013
Officer: Tommy Hart
Ward : Lower Deeside (M Boulton/A Malone/M
Malik)

Advert : Can't notify neighbour(s)
Advertised on: 16/01/2013
Committee Date: 16/01/2013
Community Council : Comments



RECOMMENDATION: Approve subject to conditions

DESCRIPTION

The application site is situated on the Culter Burn, to the immediate north of the bridge on the A93 North Deeside Road at the eastern extremity of Peterculter, and forms part of the OP134 Opportunity Site as identified in the Aberdeen Local Development Plan. The site covers an area of around 0.4 acres in size and is centred around an historic 5m high dam with a weir that was constructed for the former Culter Paper Mill, which lies within the River Dee Special Area of Conservation (SAC). The dam structure, weir, sluice gate & channel, and mill lade which runs from the dam towards the former paper mill site to the south are still present on site and are in a derelict state.

The site is down a steeply incised gorge of the Culter Burn, is heavily vegetated with naturally established mature and semi-mature trees, shrubs and tall weeds, grasses and wildflowers. It has a wild and unkempt appearance. The nearest features of note are the Rob Roy statue which stands on an elevated position on the opposite bank of the gorge and the A93 road bridge which crosses over the burn.

RELEVANT HISTORY

There is no history relevant to this application site.

PROPOSAL

Detailed planning permission is sought for the construction of a hydro-electric scheme which will comprise the following key components:

- A hydro-electric 'Archimedes Screw' powered turbine situated within a 54m² power house building of Aberdeen granite and slate roof construction;
- A fish pass attached to the existing weir face;
- A new vehicular site access track leading off the A93 North Deeside Road;
- New intake and tail race (outflow) channels on Culter Burn; and
- Areas of new planting of native trees and shrubs.

The power house compound, turbine and fish pass

The power house would be finished externally with Aberdeen Granite, would have a slate pitched roof and timber doors, and be approximately 4m high x 4.5m wide x 3.5m long. It would sit at the top of the existing dam on the western bank of the river. To the immediate north of the power house would be an inlet which would be around 3m x 4m in size and would have a mesh cover.

The Archimedes screw would be contained within a c. 14m long steel box channel with a mesh cover which exists the power house on the south elevation following the dam. Some bank alterations are proposed to accommodate the nose of the screw which would protrude approximately 3.5m past the southern end of the dam and the outlet.

The 'Alaskan A Denil' fish pass would abut the Archimedes Screw outflow structure and would be attached to the existing weir face alongside and immediately adjacent to the hydro channel on the inner side of the burn. The fish pass would be around 14m long and around 580mm in width and would start around 1.8m to the immediate north of the top of the dam and finish in line with the Archimedes Screw outlet.

Vehicular Access

A new access track is proposed leading off the A93, around 5m to the immediate south east of the boundary wall of Clayhills Cottages. The access track would be supported on a rock fill embankment structure constructed of gabion baskets. As part of the new access, a locked gate would be placed across the new entrance to the site off the footpath that runs parallel to the A93.

Landscaping

The trees on site are covered by Tree Preservation Order TPO 80. In the construction phase, it is proposed to remove 17 trees and to install tree protection measures such as geogrid across the root zone and tree protection fences to protect the surviving trees from damage.

It is proposed to replace the lost trees with a variety of native shrubs and trees as detailed within the tree survey report. The remainder of the area that has been cleared of vegetation will be allowed to naturally re-establish around the new planting to return the site to a natural appearance.

Supporting Documents

All drawings and the supporting documents listed below relating to this application can be viewed on the Council's website at - <http://planning.aberdeencity.gov.uk/PlanningDetail.asp?121787>

On accepting the disclaimer enter the application reference quoted on the first page of this report.

Environmental Statement;

Flood Risk Assessment;

Fish Pass Design;

Extended Phase 1 and Protected Species Survey;

Fish Monitoring report;

The River Dee Trust Culter Restoration Feasibility Study;

Culter Dam Fish Pass Options;

Archimedes Screw Turbine – assessment of three leading edge profiles;

Transport Statement;

Design and Access Statement.

REASON FOR REFERRAL TO COMMITTEE

The application has been referred to the the Planning Development Management Committee because the application been subject to an Environmental Impact Assessment. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Projects Team – no objections (copy of final comments appended to the end of the report).

Environmental Health – request the incusion of a condition to restrict working hours on-site

Enterprise, Planning & Infrastructure (Flooding) - no comments received

Education, Culture & Sport (Archaeology) – requests a condition to require the submission of a programme of archaeological works to be agreed prior to commencement of works on site.

Scottish Environment Protection Agency – no objections on flood risk grounds. There is still some outstanding information in relation to Fish Ecology but this can be controlled through the ‘CAR’ Licence.

Scottish Natural Heritage – no objection so long as conditions are attached in relation to the requirement for detailed design and fitting of the screens has been approved by SNH and SEPA; and the submission and approval of an environmental management plan. The outstanding information can be dealt with through the ‘CAR’ Licence.

Historic Scotland – no objections

Community Council – Culter Community Council do not object to the application but raised some concerns relating to;

1. Lack of information on how the generated power will reach the National Grid;
2. Access to the site;
3. Loss of trees;
4. Lack of information relating to security of the building;
5. The location of the ‘temporary’ fish pass;
6. Lack of information relating to timing of silt removal;
7. Lack of information relating to noise levels during operation of the turbine;
8. Storage of construction materials and equipment;
9. Inconsistencies in relation to habitat survey and drawing 901 Rev 2;
10. Issues relating to soil storage on site not being available;
11. Timing of works taking account of species ‘calanders’.

Dee District Salmon Fishery Board – no objections to the application on the basis that the more detailed information required can be dealt with through the ‘CAR’ License.

Police Scotland - no observations

Transport Scotland – no observations

REPRESENTATIONS

One letter of objection has been received. The objections raised relate to noise levels associated with the proposal.

PLANNING POLICY

National Policy and Guidance

Scottish Planning Policy (SPP) is the statement of Government policy on land use planning and includes the Government’s core principles for the operation of the planning system and concise subject planning policies. The subject planning policies relating climate change to landscape and natural heritage are relevant material considerations.

Aberdeen City and Shire Structure Plan

The Structure Plan objective relating to sustainable development and climate change is applicable.

Aberdeen Local Development Plan

Policy LR1: Land Release Policy Part A

Housing and employment development on sites allocated in Phase 1 will be approved in principle. Development on an allocated site or in close proximity to an allocation that jeopardises the full provision of the allocation will be refused.

Policy D1: Architecture and Placemaking

In order to ensure high standards of design, new development must be designed with due consideration for its context and make a positive contribution to its setting.

Policy D6: Landscape

Development should avoid significant adverse impacts upon existing landscape elements which contribute to local amenity.

Policy NE5: Trees and Woodland

There is a presumption against all activities and development that will result in the loss of established trees that contribute significantly to nature conservation, landscape character or local amenity.

Policy NE6: Flooding and Drainage

Development will not be permitted if it would increase the risk of flooding, reduce the functional flood plain or would itself be at risk from flooding.

Policy NE8: Natural Heritage

Any development that has an adverse effect on a protected species or an area designated because of its natural heritage value will only be permitted where it satisfies the relevant criteria within SPP.

Policy R7: Low and Zero Carbon Buildings

All new buildings, in meeting building regulations energy requirements, must install low and zero carbon generating technology to reduce the predicted carbon dioxide emissions by at least 15% below 2007 building standards. This percentage requirement will be increased as specified in supplementary guidance.

Policy R8: Renewable and Low Carbon Energy Developments

the development of renewable and low carbon energy schemes is supported and applications will be supported in principle subject to the criteria set in the policy.

Supplementary Guidance

The supplementary guidance Low and Zero Carbon Buildings, and Trees and Woodlands are relevant material considerations.

Other relevant considerations

The application site forms part of Opportunity Site OP134 which is capable of accommodating 19 homes, a hydro electric scheme, fish pass, football pitch, changing facilities, car park and new pathway.

EVALUATION

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) require that where, in making any determination under the planning acts, regard is to be had to the provisions of the development plan and that determination shall be made in accordance with the plan, so far as material to the application, unless material considerations indicate otherwise.

An Environmental Statement (ES) was required as the development falls within Schedule 2 of the Environmental Impact Assessment (Scotland) Regulations 2011. An ES has to identify the likely environmental effects of a project through the study and analysis of individual issues, predicting and assessing the projected impacts and proposing measures to mitigate the effects. Before determining the application the Council must take into consideration the information contained in the ES, including any further information, any comments made by the consultation bodies and any representations from members of the public about environmental issues. The ES is submitted in support of the planning application but it is not part of the application itself. However, provided it serves a planning purpose, any information from the environmental impact assessment process may be material and considered alongside the provisions of the development plan. Where alternative approaches to development have been considered, the applicant is required to include in the ES an outline of the main alternatives and the main reasons for his choice. The Regulations do not expressly require an applicant to study alternative proposals and/or locations and thus the planning application must be considered in terms of the merits of the proposal and not on the merits of potential alternatives, although the existence of other feasible alternatives can be a material consideration.

Adequacy of the Environmental Statement

Before considering the merits of the proposed development it is appropriate to comment on the ES submitted in support of the application. There is no statutory provision as to the form of an ES but it must contain the information specified in Part II and such relevant information in Part I of Schedule 4 of the Environmental Impact Assessment (Scotland) Regulations 2011 as is reasonably required to assess the effects of the project and which the developer can reasonably be required to compile. Whilst every ES should provide a full factual description of the development, the emphasis of Schedule 4 is on the '**main**' or '**significant**' environmental effects to which the development is likely to give rise. An ES must comply with the requirements of the Regulations, but it is important that it is prepared on a realistic basis and without unnecessary elaboration. It is for the Council to satisfy itself on the adequacy of the ES. If it is deemed to be inadequate, then the application can be determined only by refusal. In order to establish the adequacy of the ES it has been assessed using the review package Lee N, Colley R, Bonde J and Simpson J (1999) "Reviewing the Quality of Environmental Statements and Environmental Appraisals". This involves a detailed and systematic appraisal of the content of the ES and is a widely recognised methodology. The appraisal concluded that the main environmental effects of the development have been considered sufficiently and that despite some omissions, overall the ES can be considered to be satisfactory, thus meeting the requirements of the Regulations.

Table summarising EIA findings

Topic	Impact
Socio-Economic	Some jobs will be created during the construction and decommissioning phases. There may be some impact on local 'amenity' by virtue of noise/dust/traffic issues during these phases although not during operation.
Landscape and Visual Impact	In terms of visual impact, the development would not be highly visible given its location. The loss of existing landscaping will be dealt with through replacement planting which will help to minimise the visual impact of the proposal.
Lighting Impact Assessment	It is considered that the lighting afforded to the proposal would have negligible impact on the surrounding area.
Transport and Access	No significant issues have been raised in relation to transport and access. A traffic management plan and environmental management plan would ensure that appropriate measures are enforced.
Drainage	The impact of surface water run-off is considered to be negligible. Nonetheless, mitigation measures will be required to be put in place.
Ecology	Overall it is considered that the development will have a positive impact on biodiversity in particular the enhancement of the Culter Burn for otter, freshwater pearl mussel and migratory fish. The adverse impacts of the proposal are considered to be of only minor significance post mitigation and the positive effects are considered to significantly outweigh the negative aspects of the proposal.
Land Quality	During the construction phase, there is likely to be a high risk of significant pollution incidents which will need to be mitigated against. In terms of the operational phase, it is considered that the development will have a minor overall impact subject to mitigation being implemented.
Archaeology	Notwithstanding that the development would cut through the existing lade, this has been recorded through

	consultation with ACC Archaeologists. The loss of part of the lad and sluice gate structures are regarded as minor negative impacts of the development.
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Principle of Development

The principle of development has already been accepted with the site being included in the Opportunity Site OP134 allocation in the Aberdeen Local Development Plan. That being said, the application does not conflict with ALDP Policy LR1. However, the acceptance of the principle alone is not sufficient to determine this application.

Design, Scale and Form of Development

In terms of built form of development, the proposals consist of a power house, a fish pass and Archimedes Screw ‘housing channel’.

As suggested above, the power house has quite a small footprint and is single – storey in height and in that respect it is considered that the size and scale of that part of the development is acceptable. Further, when taking account of the proposed materials, it is considered that the overall design of the building would fit in well within its context adjacent to the dam and is acceptable in terms of ALDP Policy D1.

Visual Impact of the Development

Views of the application site are limited by virtue of its location within the deep gorge which is heavily landscaped. The proposed development includes removing a number of trees in order to provide for the access road and the new power house. Whilst the immediate area of the site would obviously undergo significant change as a result of the proposals, the change brought about to the surrounding landscape would be no more than slight as the development would generally be seen in the same context as the river gorge and would partially replace elements of the unsightly components of the mill lade.

The main areas which will provide views into the site are from the A93 North Deeside Road bridge; Malcolm Road to the east of the Burn; and from Clayhills Cottages which lie to the west of the site. In terms of views from the bridge, currently drivers cannot view the application site and this will remain the same and so there is no visual impact in that respect. Pedestrians, on the otherhand, are able to experience views of the gorge and the dam although these views are somewhat detracted by the derelict mill lade structure. The main impact that will occur is the loss of trees, which will open up the views to the dam and the new power house. The improved view towards the dam are considered a visual gain due to the removal of the unsightly derelict structures. In time the new tree planting will help to limit the impact of the new buildings adjacent to the Burn.

Malcolm Road lies to the east of the application site on an elevated position. There is also an area of mature woodland between these houses and the application site. It is considered that there is unlikely to be any visual impact here.

From Clayhills Cottages, the current north view of the derelict sluice and mill lade

would be replaced with the roof of the power house and the new 'hydro channels'. As there are no trees to be removed within the direct line of sight between the houses and the power house/dam, it is considered that any visual impact would be minimal. Further, it is considered that the removal of derelict elements of the existing structure and introduction of additional tree planting would be a visual gain.

It is considered that the proposal is acceptable in relation to ALDP Policy D6 and the objectives of SPP in relation to landscaping by virtue of the lack of public view of the site and also the proposed replacement planting.

Ecology

The proposed development would result in the loss of a small area of habitat from the south western bank of the Culter Burn immediately downstream of the dam. However, this will allow a new Archimedes Screw turbine hydropower plant to be developed within this area, which will also create a fish pass on the inside face of the hydro channel on the existing Culter Dam weir which will remain in-situ. An access road will also be built between the housing of the new hydro power unit and the adjacent A93 road for construction and maintenance. The loss of trees for the access road is unavoidable and is necessary for the development to go ahead. In order to limit the impact replacement planting is proposed. Given the existing light pollution from the road and surrounding houses, it is not considered that the presence of one security light will have a significant impact on local wildlife. The potential wider impact would include otter, freshwater pearl mussel and salmonid fish.

Fish (Atlantic Salmon)

Currently, the dam restricts the movement of fish up-stream. The migratory fish are one of the species that afford the River Dee its SAC status and the presence of a fish pass on the dam would enhance the possibility of extending the SAC into the Culter Burn catchment with enhanced habitat for the other SAC designate species of otter and freshwater pearl mussel.

The River Dee Trust feasibility options report has highlighted the importance of placing a fish pass on the Culter Dam to allow for successful upstream migration of salmonids. The fish pass is designed to allow fish with a minimum body length of 250mm to ascend the pass in low flow conditions whilst fish of over 300mm able to ascend in most flow conditions. The easement of the Culter Dam for migratory fish would allow access to habitat that would currently produce an estimated 493 returning adult salmon each year (River Dee Trust, 2009), in addition to enhancing the productivity of migratory sea trout to areas that are currently inaccessible to them.

The Alaskan A Denil fish pass design will allow migratory salmonid fish, currently unable to move up the Culter Burn catchment beyond the existing dam, to increase their habitat range and re-establish the natural populations upstream. This is first and most important element of the River Dee Trust's strategy to remove five recognised obstacles and re-establish the natural habitat of the Culter Burn catchment and is a primary environmental benefit of the development.

The applicant has also committed to provide an automated fish counter within the fish pass to allow monitoring of its effectiveness.

Freshwater Pearl Mussels

The impact of the proposed development is likely to be both positive and negative. The negative impacts relate to the potential of in-stream works causing silt release or other forms of pollution which could impact on downstream populations within the SAC. The benefits of the proposals are the incorporation of a fish pass, potentially allowing the colonisation of the upstream reaches of the Culter Burn by the species, an area which has been inaccessible to migratory salmonids which support the larval stage of the animal for two centuries.

Freshwater pearl mussel are considered to be of high sensitivity given the status of the local population as being of regional conservation significance. Pearl mussels are a long lived, pollution intolerant species which have low recruitment rates and as such have only a limited ability to absorb change.

The magnitude of the potential effects is considered to be high in that the post development character of the Culter Burn, considered to be within the zone of influence of the proposals, will be substantially altered as a functional habitat. The proposals will allow access to an additional 73km of watercourse to salmonid fish which carry freshwater pearl mussel glochidia and therefore could allow the colonisation of the habitats in the upper reaches. This is considered to be a positive impact of the proposals.

Overall, there is considered to be an effect of major positive significance as a result of the proposals on the local population of freshwater pearl mussels, which are linked to the River Dee SAC where freshwater pearl mussels are a primary reason for designation.

Otters

The proposed development would have a minor negative impact on otters. During the construction phase, there is the potential of harm, loss of 'lying-up areas' and disturbance to foraging areas. However, in the long-term, the inclusion of the fish pass is likely to increase the habitat quality upstream for otters due to the increased foraging opportunities. Otters are listed on the River Dee SAC designation and the increase in habitat quality is likely to lead to an improvement in the SAC population as the Culter Burn lies within the same system as the River Dee and otter populations are likely to be interlinked.

An Extended Phase 1 Survey was undertaken in mid June 2010 during which habitats present within the survey area and adjacent land were recorded and the potential of the site to support protected species was assessed. This identified a requirement for further detailed species-specific surveys for freshwater pearl mussel, otter, badger, bats and red squirrel, which was undertaken during the 2012 survey season.

Culter Burn Local Nature Conservation Site (LNCS)

The magnitude of effects on this area is considered to be minor as there will be limited temporary effects on the habitats, but the long term benefits of the scheme to the reach of the Culter Burn within this LNCS. Overall the significance

of effects is considered to be moderate/minor adverse but during construction only. The temporary loss of the habitats to the development is not considered to have an adverse impact on the LNCS. There will not be any reduction in the area of the Culter Burn which will be dammed by the weir and therefore there are not considered to be any significant impacts on these habitats or the wildlife that resides within them. The proposals will help to ensure the longevity of these habitats through the maintenance of the dam in the long term.

River Dee SAC

The sensitivity of the effects of the proposals on the SAC is considered to be high as the site is of national conservation value. The short term effects of the development process are likely to result in some limited silt release and risks low level pollution. The long term effects however are considered to be highly beneficial to the SAC, and its qualifying features, as it will open up a large area to Atlantic Salmon and Freshwater Pearl Mussel, as well as increasing the foraging quality of this area for Otters. Overall, the short term effects of the proposals are considered to be of moderate adverse significance, whilst the significance of the long term effects are concluded to be major and beneficial.

In conclusion, it is considered that the development is acceptable with regards to the provisions of ALDP Policy NE8 and the objectives of SPP in relation to natural heritage.

Carbon reductions

In terms of carbon reduction, although no information has been submitted with regards to the building, it should be noted that the hydro electric turbine will generate 430MWh per annum of renewable electrical energy, saving 233 tonnes of carbon emissions per annum, the electrical energy generated being integrated into the national grid. The proposal is considered to comply with ALDP Policy R8 and be in line with the requirements of the Structure Plan objectives relating to climate change. No information has been submitted with regards the carbon reductions of the power house. Notwithstanding that this issue is dealt with at Building Warrant stage, a planning condition is recommended requiring details to be submitted demonstrating compliance with Planning Policy.

Impact on trees

A tree survey was submitted in support of the scheme. It identified that seventeen out of twenty eight trees surveyed would need to be removed for the development or access track. These trees are predominantly 'C' category cherry, sycamore and scots pine trees although there are a few category 'B' trees which also are proposed for felling – cherry, hawthorn and scots pine. The heights of the trees proposed to be removed vary in height between three and sixteen metres. In order to mitigate the loss of the trees, a suitable condition is proposed in relation to a landscaping scheme for the development site which would provide conformity with ALDP Policy NE5 and associated supplementary guidance.

Traffic Impacts, Access Arrangements and Car Parking

The site currently has no access so it is proposed to create an access from the A93 to enable delivery of materials during the construction phase and allow for infrequent maintenance access during the operational phase of the development.

Roads officials have no adverse comments with respect to the principle of the access but have pointed out that the line taken to measure the splay is not correct although this does not change their stance. The correct visibility splay information would have to be dealt with through the Roads Constuction Consent (RCC) and therefore an informative has been attached to draw the developers attention to the need to update the plans at that time.

During the construction phase of the development, there would be additional traffic on the A93 and nearby Malcolm Road and Roads Officials consider that there is likely to be minimal impact on the capacity of the local network in respect to the additional HGV's. The developer has agreed to the implementation of at Traffic Management Plan, which would include mitigation measures, and this should help to keep delays on the local network to a minimum.

In relation to the operational phase of the development, given that there would only be the requirement for occasional maintenance visits the impact on the local road network is considered to be negligible.

There would be adequate car parking on-site during the operational phase of the development.

In summary, it is unlikely that the development would have any significant impact on the the local road network, the access arrangements and car parking on-site are considered to be acceptable.

Drainage

Surface water run-off from the roof of the pump house does not require a formal rainwater collection system and will discharge naturally into the surrounding area which will ultimately fall to the Culter Burn. Proposed surface water run-off from the access road would be collected by carrier drainage ditches/swales that will be planted up with appropriate vegetation to provide natural cleansing of surface water run-off. The drainage ditches/swales will discharge either directly into the Culter Burn or naturally infiltrate into the granular strata of the floodplain through soakaway systems adjacent the Culter Burn to be determined at detailed design stage. There is considered to be no conflict with ALDP Policy NE6.

Impact on Residential Amenity

The nearest residential properties are Clayhill Cottages which are on an elevated position (road level) above and some 15m to the west of the application site. It is considered that the development would have limited impact on the existing residential amenity afforded to these properties. There would be little traffic into the site, being manned remotely predominantly, and the only illumination is for the entrance door which the lighting impact assessment shows would be positioned and designed in such a way as to ensure that only the immediate entrance area of the power house would be lit so as not to cause any nuisance to the residential properties. With regards to noise, no assessment was submitted nor formally requested. Notwithstanding, a planning condition could be attached to ensure adequate mitigation is put in place to safeguard the residential amenity of the nearby residential properties.

Relevant planning matters raised by the Community Council

1. *Lack of information on how the generated power will reach the National Grid* – this does not form part of the planning application and therefore does not need to be considered;
2. *Access to the site* – this issue has been dealt with above in the ‘traffic’ section;
3. *Loss of trees* – this issue has been dealt with in the ‘impact on trees’ section above;
4. *Lack of information relating to security of the building* – the issue of security is not a material planning consideration;
5. *The location of the ‘temporary’ fish pass* – the plans have been updated after consultation with SEPA and SNH to remove the temporary fish pass;
6. *Lack of information relating to timing of silt removal* – this information was not required as part of the Environmental Statement and will form part of the documentation of the CAR License which will be made to SEPA;
7. *Lack of information relating to noise levels during operation of the turbine* – this information was not required as part of the Environmental Statement and the Environmental Health team did not request any information in that regard.
8. *Storage of construction materials and equipment* – this information will be included within the Construction Management Plan and CAR License information;
9. *Inconsistencies in relation to habitat survey and drawing 901 Rev 2* – these have been duly updated;
10. *Issues relating to soil storage on site not being available* – the text has been amended; all soil will be removed from site rather than stored on-site;
11. *Timing of works taking account of species ‘calanders’* – this was raised by SEPA and SNH and the timing have to be agreed with them prior to any development taking place on site.

Relevant planning matters raised in written representations

1. *Noise* – this issue has been dealt with in the relevant section above.

RECOMMENDATION

Approve subject to conditions

REASONS FOR RECOMMENDATION

The proposal has been accepted in principle within the Aberdeen Local Development Plan through its inclusion in the OP134 Opportunity Site allocation.

Although the proposal would include the removal of a number of trees which form part of TPO 80, this is considered necessary in order to permit development and would be mitigated against with the introduction of replacement planting in conformity with Aberdeen Local Development Plan Policy NE5 (Trees and Woodlands) and the Supplementary Guidance *Trees and Woodlands*.

The building and associated works are considered to be small-scale and would have limited impact on the surrounding landscaped area, in line with the requirements Scottish Planning Policy SPP and the Aberdeen Local Development Plan Policy D6 (Landscape).

In relation to ecology, although it is recognised that there would likely be some small-scale impact in the short term of the River Dee Special Area of Conservation (SAC), Local Nature Conservation Site (LNCS) and protected species such as Otter and Freshwater Pearl Mussel, the long-term benefits of the proposal would allow up-stream migration of fish which currently cannot pass the dam. The proposal also allows for an additional 73km of watercourse which provides the opportunity for colonisation of Freshwater Pearl habitats further upstream. Lastly, the proposals provide the opportunity for Otters to forage further upstream. It is considered that the development is acceptable with regards to the provisions of ALDP Policy NE8 (Natural Heritage) and the objectives of SPP in relation to natural heritage.

Bringing this development on stream would also help with the Government's aspirations in relation to renewable energy given that excess electricity would be fed back into the National Grid, which goes some way to meeting the requirements of SPP and Structure Plan objectives relating to climate change and renewable energy.

CONDITIONS

it is recommended that approval is granted subject to the following conditions:-

1. that prior to any work commencing on site, details of a traffic management plan shall be submitted for the further written approval of the Planning Authority. The plan shall include, but will not be restricted to, details of a 'banksman' and restricting the times of access to the site and after approval the plan shall be implemented in full once work commences on site - in the interests of road safety
2. that no development pursuant to the planning permission hereby approved shall be carried out unless there has been submitted to and approved in writing for the purpose by the planning authority a further detailed scheme of landscaping for the site, which scheme shall include indications of all existing trees and landscaped areas on the land, and details of any to be retained, together with measures for their protection in the course of development, and the proposed areas of tree/shrub planting including details of numbers, densities, locations, species, sizes and stage of maturity at planting - in the interests of the amenity of the area.
3. that all planting, seeding and turfing comprised in the approved scheme of landscaping shall be carried out in the first planting season following the completion of the development and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a size and species similar to those originally required to be planted, or in accordance with such other scheme as may be submitted to and approved in writing

for the purpose by the planning authority - in the interests of the amenity of the area.

4. that no development shall take place unless a plan showing those trees to be removed and those to be retained and a scheme for the protection of all trees to be retained on the site during construction works has been submitted to, and approved in writing by, the Planning Authority and any such scheme as may have been approved has been implemented - in order to ensure adequate protection for the trees on site during the construction of the development.
5. that no part of the development hereby approved shall come into use unless a plan and report illustrating appropriate management proposals for the care and maintenance of all trees to be retained and any new areas of planting (to include timing of works and inspections) has been submitted to and approved in writing by the Planning Authority. The proposals shall be carried out in complete accordance with such plan and report as may be so approved, unless the planning authority has given prior written approval for a variation - in order to preserve the character and visual amenity of the area.
6. that any tree work which appears to become necessary during the implementation of the development shall not be undertaken without the prior written consent of the Planning Authority; any damage caused to trees growing on the site shall be remedied in accordance with British Standard 3998: 2010 "Recommendations for Tree Work" before the building hereby approved is first occupied - in order to preserve the character and visual amenity of the area.
7. that no materials, supplies, plant, machinery, spoil, changes in ground levels or construction activities shall be permitted within the protected areas specified in the aforementioned scheme of tree protection without the written consent of the Planning Authority and no fire shall be lit in a position where the flames could extend to within 5 metres of foliage, branches or trunks - in order to ensure adequate protection for the trees on site during the construction of the development.
8. that no development shall take place within the application site until the applicant has secured the implementation of a programme of archaeological work which shall include post-excavation and publication work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority - in the interests of protecting items of historical importance as may exist within the application site.
9. that no development shall take place on site (including site preparation) unless the detailed design and fitting of the screen for the proposed hydro scheme have been submitted to, and approved in writing by the Planning Authority in consultation with SNH and SEPA and thereafter the scheme shall be implemented in full accordance with the approved plans - in order to prevent harm to salmon and otter of the River Dee Special Area of Conservation

10. that prior to the commencement of the development, a full site specific construction environmental management plan shall be submitted for the written approval of the planning authority and all construction work shall be carried out in accordance with the approved plan. The method statement must address the temporary measures proposed to deal with surface water run-off during construction and prior to the operation of the final SUDS. Such statement shall be implemented in full for the duration of works on the site and no construction work shall take place prior to the written approval of the said plan - in order to control pollution of air, land and water during the course of construction of the development.
11. that the building hereby approved shall not be occupied unless a scheme detailing compliance with the Council's 'Low and Zero Carbon Buildings' supplementary guidance has been submitted to and approved in writing by the planning authority, and any recommended measures specified within that scheme for the reduction of carbon emissions have been implemented in full - to ensure that this development complies with requirements for reductions in carbon emissions specified in the City Council's relevant published Supplementary Guidance document, 'Low and Zero Carbon Buildings'.
12. that no development shall take place unless the mitigation measures as identified in the Environmental Statement have been implemented in their entirety - in the interests of safeguarding the fauna and habitats on-site.
13. that no development pursuant to this planning permission shall take place nor shall the development come into use unless there has been submitted to and approved in writing for the purpose by the Planning Authority an assessment of the noise levels likely within the building, unless the planning authority has given prior written approval for a variation. The assessment shall be prepared by a suitably qualified independent noise consultant and shall recommend any measures necessary to ensure a satisfactory noise attenuation for the building. The property shall not come into use unless the said measures have been implemented in full - in the interests of residential amenity.

INFORMATIVES

1. that, except as the Planning Authority may otherwise agree in writing, no construction or demolition work shall take place:
 - (a) outwith the hours of 7.00 am to 7.00 pm Mondays to Fridays;
 - (b) outwith the hours of 9.00 am to 4.00 pm Saturdays; or
 - (c) at any time on Sundays,except (on all days) for works inaudible outwith the application site boundary. [For the avoidance of doubt, this would generally allow internal finishing work, but not the use of machinery] - in the interests of residential amenity.

Dr Margaret Bochel

Head of Planning and Sustainable Development.