

Perth and Kinross Council  
Development Management Committee – 15 April 2015  
Report of Handling by Development Quality Manager

**Modification of permission 13/01698/FLL (hydroelectric scheme and associated works) for amended powerhouse location at River Braan Hydro Scheme, Trochry**

Ref. No: 15/00026/FLL  
Ward No: N5 Strathtay

**Summary**

This report recommends refusal of the application as the development is considered to be contrary to the relevant provisions of the Development Plan and there are no material considerations apparent which justify setting aside the Development Plan.

**BACKGROUND AND DESCRIPTION**

- 1 Planning consent is sought for the modification of an approved hydro generation scheme located on the River Braan around Rumbling Bridge between Trochry and Dunkeld. The consented run of river scheme was approved at the Development Management Committee of 16 April 2014 following an initial deferral in March 2014 (13/01698/FLL). As this proposal relates to a modification, only the elements which are proposed to be modified are to be assessed within this report. This most recent submission indicates that a detailed ground investigation has been carried out which has identified varying ground conditions within the site which have resulted in difficulties in developing the approved scheme. This modified scheme therefore relocates a number of key structures further downstream from their consented location and closer to the Rumbling Bridge Falls.
- 2 The modifications to the scheme can be summarised as follows:
  - The intake weir and associated structures are to be relocated approximately 150m downstream from the consented location around a bend in the river.
  - The length of intake screens will be reduced from 35m to 19m.
  - The powerhouse is to be relocated from a site adjacent to the public road to a site on the north side of the River Braan, close to the revised weir location.
  - The design of the powerhouse is to be amended with a two building consented building being replaced by a single building located over the powerhouse shaft. The building is proposed to be 18mx12m and 7m in height to ridge.
  - The relocated powerhouse will reduce impact on the floodplain and a revised Flood Risk Assessment has been carried out to take account of this and results in a reduced need for compensatory storage.
  - The tailrace outfall has had some minor modifications.

- An access road from the U159 Lagganallachie road to the north which is consented as a temporary track is now proposed to be permanent to allow access to the powerhouse. To allow for construction of the powerhouse on the north side of the river it is proposed to build a temporary bridge over the River Braan at a similar location to the consented powerhouse. This will involve the felling of trees and the intention is to reinstate the land to its original form following construction.

## **ENVIRONMENTAL IMPACT ASSESSMENT (EIA)**

- 3 EEC Directive (No 2003/35/EC) requires the Competent Authority (and in this case Perth and Kinross Council) giving a planning consent for particular project to make the decision in the knowledge of any likely significant effects on the environment. The Directive therefore sets out a procedure that must be followed for certain types of project before they can be given 'development consent'.
- 4 This procedure, known as Environmental Impact Assessment (EIA), is a means of drawing together, in a systematic way, an assessment of a project's likely significant environmental effects. This helps to ensure that the importance of the predicted effects, and the scope for reducing any adverse effects, are properly understood by the public and the relevant competent authority before it makes its decision.
- 5 A screening exercise in accordance with the EIA (Scotland) Regulations 2011 (as amended) was undertaken by the Planning Authority and in this case an Environmental Statement was required due to the projects size, nature and its relationship with 'sensitive areas'. In this particular case the ES has been prepared to take account of the proposed modifications to the scheme.

## **NATIONAL POLICY AND GUIDANCE**

- 6 The Scottish Government expresses its planning policies through the National Planning Framework 3, the Scottish Planning Policy (SPP) and Planning Advice Notes (PAN).

### **Scottish Planning Policy 2010**

- 7 This SPP is a statement of Scottish Government policy on land use planning and contains:
  - the Scottish Government's view of the purpose of planning,
  - the core principles for the operation of the system and the objectives for key parts of the system,
  - statutory guidance on sustainable development and planning under Section 3E of the Planning etc. (Scotland) Act 2006,
  - concise subject planning policies, including the implications for development planning and development management, and
  - the Scottish Government's expectations of the intended outcomes of the planning system.

- 8 The most relevant paragraphs of the above are as follows:
- Paragraphs 45 – 51: Economic Development
  - Paragraphs 92 – 97: Rural Development
  - Paragraphs 110 - 124 the Historic Environment
  - Paragraph 123: Archaeology
  - Paragraphs 125 – 148: Landscape & Natural Heritage
  - Paragraphs 134 – 136: International Designations (SPA's & SAC's)
  - Paragraphs 142 – 145: Protected Species
  - Paragraphs 146 – 148: Trees & Woodland
  - Paragraphs 165 – 181: Transport
  - Paragraphs 182 – 195: Renewable Energy
  - Paragraphs 196 – 211: Flooding and Drainage
- 9 The following Scottish Government Planning Advice Notes (PAN) are also of interest:
- PAN 1/2011 Planning and Noise
  - PAN 2/2011 Planning and Archaeology
  - PAN 40 Development Management
  - PAN 45 Renewable Energy
  - PAN 51 Planning, Environmental Protection and Regulation
  - PAN 58 Environmental Impact Assessment
  - PAN 60 Planning for Natural Heritage
  - PAN 61 Planning and Sustainable Urban Drainage Systems
  - PAN 69 Planning & Building Standards Advice on Flooding
  - PAN 79 Water and Drainage

## **DEVELOPMENT PLAN**

- 10 The Development Plan for the area consists of the Approved Tayplan 2012 and the Adopted Local Development Plan 2014.

### **Tayplan: Strategic Development Plan 2012-2032**

- 11 The vision set out in the TAYplan states that:

*“By 2032 the TAYplan region will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice, where more people choose to live, work and visit and where businesses choose to invest and create jobs.”*

- 12 Under the Tayplan the principal relevant policies are:-

### **Policy 3: Managing Tayplan's Assets**

- 13 Understanding and respecting the regional distinctiveness and scenic value of the TAYplan area through: ensuring development likely to have a significant effect on a designated or proposed Natura 2000 sites (either alone or in

combination with other sites or projects), will be subject to an appropriate assessment. Appropriate mitigation requires to be identified where necessary to ensure there will be no adverse effect on the integrity of Natura 2000 sites in accordance with Scottish Planning Policy; and safeguarding habitats, sensitive green spaces, forestry, wetlands, floodplains (in-line with the water framework directive), carbon sinks, species and wildlife corridors, geodiversity, landscapes, parks, townscapes, archaeology, historic buildings and monuments and allow development where it does not adversely impact upon or preferably enhances these assets.

### **Policy 6: Energy and Waste/Resource Management Infrastructure**

- 14 This policy relates to delivering a low/zero carbon future for the city region to contribute to meeting Scottish Government energy targets and indicates that, in determining proposals for energy development, consideration should be given to the effect on off-site properties, the sensitivity of landscapes and cumulative impacts.

### **Perth and Kinross Local Development Plan 2014**

- 15 The Local Development Plan was adopted by Perth and Kinross Council on 3 February 2014. It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 16 The principal policies are, in summary:

#### **Policy PM1A - Placemaking**

- 17 Development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place. All development should be planned and designed with reference to climate change mitigation and adaptation.

#### **Policy PM1B - Placemaking**

- 18 All proposals should meet all eight of the placemaking criteria.

#### **Policy NE1A - International Nature Conservation Sites**

- 19 Development which could have a significant effect on a site designated or proposed as a Special Area of Conservation, Special Protection Area or Ramsar site will only be permitted where an Appropriate Assessment shows that the integrity of the site will not be adversely affected, there are no alternative solutions and there are imperative reasons of overriding public interest.

#### **Policy NE2B - Forestry, Woodland and Trees**

- 20 Where there are existing trees on a development site, any application should be accompanied by a tree survey. There is a presumption in favour of

protecting woodland resources. In exceptional circumstances where the loss of individual trees or woodland cover is unavoidable, mitigation measures will be required.

### **Policy NE3 – Biodiversity**

- 21 All wildlife and wildlife habitats, whether formally designated or not should be protected and enhanced in accordance with the criteria set out. Planning permission will not be granted for development likely to have an adverse effect on protected species.

### **Policy TA1B - Transport Standards and Accessibility Requirements**

- 22 Development proposals that involve significant travel generation should be well served by all modes of transport (in particular walking, cycling and public transport), provide safe access and appropriate car parking. Supplementary Guidance will set out when a travel plan and transport assessment is required.

### **Policy HE1B - Scheduled Monuments and Non Designated A**

- 23 Areas or sites of known archaeological interest and their settings will be protected and there will be a strong presumption in favour of preservation in situ. If not possible provision will be required for survey, excavation, recording and analysis.

### **Policy HE2 - Listed Buildings**

- 24 There is a presumption in favour of the retention and sympathetic restoration, correct maintenance and sensitive management of listed buildings to enable them to remain in active use. The layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting should be appropriate to the building's character, appearance and setting.

### **Policy ER6 - Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Areas Landscapes**

- 25 Development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross and they meet the tests set out in the 7 criteria.

### **Policy EP2 - New Development and Flooding**

- 26 There is a general presumption against proposals for built development or land raising on a functional flood plain and in areas where there is a significant probability of flooding from any source, or where the proposal would increase the probability of flooding elsewhere. Built development should avoid areas at significant risk from landslip, coastal erosion and storm surges. Development should comply with the criteria set out in the policy.

### **Policy EP8 - Noise Pollution**

- 27 There is a presumption against the siting of proposals which will generate high levels of noise in the locality of noise sensitive uses, and the location of noise sensitive uses near to sources of noise generation.

### **Policy CF2 - Public Access**

- 28 Developments will not be allowed if they have an adverse impact on any core path, disused railway line, asserted right of way or other well used route, unless impacts are addressed and suitable alternative provision is made.

## **OTHER POLICIES**

### **Tayside Landscape Character Assessment (TLCA)**

- 29 The Tayside Landscape Character Assessment (TLCA) is published by Scottish Natural Heritage. The Structure Plan, the Kinross Area Local Plan and the Local Development Plan makes it clear that the TLCA will be a 'material consideration' when considering any proposal in Perth & Kinross. The TLCA suggests that the overall aim of any management strategy should reflect the sensitivities of the landscape.

### **Scottish Natural Heritage's Guidance on Hydroelectric Schemes and the Natural Heritage Version 1 – December 2010**

- 30 Provides guidance on the natural heritage impacts associated with hydro developments. It focuses on design issues and ways to mitigate environmental effects.

### **Scottish Environment Protection Agency Guidance for developers of run-of-river hydropower schemes**

- 31 Provides guidance on the acceptability of proposed hydro developments with regards to the water environment.
- 32 **Draft Supplementary Guidance - Local Landscape Character Assessment**  
Perth and Kinross Council 2014

## **SITE HISTORY**

- 33 In 2005 a planning application with supporting Environmental Statement was submitted to the Scottish Government's Energy Consents Unit for a 3.4MW run-of river hydropower scheme over a broadly similar but larger application site to that currently proposed. At the same time a licence application under the Water Environment (Controlled Activities) (Scotland) Regulations was submitted to SEPA. The licence was refused and an appeal was upheld by the Scottish Ministers. The grounds for refusal were after a series of balancing tests for sustainable development under the Water Framework Directive (WFD), the impacts on the water environment and impacts on recreational

interests (principally canoeing) did not outweigh the benefits of the proposed activities to human health, to the maintenance of human safety or to sustainable development under Article 4 of the WFD.

- 34 12/01439/SCOP Erection of a hydro-electric generating station and associated infrastructure 20 September 2012
- 35 13/01698/FLL Installation of a run-of-river hydroelectric scheme and associated works 25 April 2014 Application Permitted

## CONSULTATIONS

### External

- 36 **Scottish Natural Heritage** – no response
- 37 **Scottish Water** – no response
- 38 **R S P B** – no response
- 39 **Forestry Commission Scotland** – no response
- 40 **Tay Salmon Fisheries Board** – no response
- 41 **Scottish Canoe Association** – no response
- 42 **Dunkeld And Birnam Community Council** – objection on grounds of noise, visual amenity, landscape impact, impact on environment
- 43 **Transport Scotland** – no objection
- 44 **Scottish Environment Protection Agency** - Comments provided in relation to flood risk and condition recommend regarding compensatory storage. Condition requesting detailed Construction Environmental Management Plan also requested. Further comments also provided in relation to ecology, groundwater and CAR Licensing

### Internal

- 45 **Bio-diversity** – no response
- 46 **Environmental Health** – no objection subject to conditions
- 47 **Community Greenspace** – concerns regarding use of Rumbling Bridge car park for storage. Public Access Management Plan requested by condition.
- 48 **Strategy and Policy** – no response
- 49 **Transport Planning** – no response

50 **Perth And Kinross Area Archaeologist** – no objection

## REPRESENTATIONS

51 A total of six letters of representation have been received from individual houses or organisations all of which object to the proposed modification. These six letters include one from Dunkeld and Birnam Community Council.

52 The letters raise the following relevant issues:

- Loss of visual amenity
- Noise Pollution/residential amenity
- Out of character with area
- Scale and Design
- Impact on tourism and recreational use of the area
- Ecology and water environment
- Need for a bond

53 The above issues are addressed within the Appraisal section of this report below.

## ADDITIONAL STATEMENTS

54

Environment Statement	Submitted
Screening Opinion	EIA Previously required under earlier application
Environmental Impact Assessment	Submitted
Appropriate Assessment	Not Required
Design Statement or Design and Access Statement	Not Required
Report on Impact or Potential Impact eg Flood Risk Assessment	Submitted

## APPRAISAL

### Policy Appraisal

55 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The determining issues in this case are whether: - the proposal complies with Development Plan policy; or if there are any other material considerations which justify a departure from policy. The most relevant policies of TAYplan 2012 and the Local Development Plan 2014 (LDP) are outlined in the policy section above.

56 The most relevant policies are Policy 6 of TAYplan and Policy ER1: Renewable and Low Carbon Energy Generation of the LDP. These policies relate to the

aim of delivering a low/zero carbon future for the city region to contribute to meeting Scottish Government energy targets and indicates that, in determining proposals for energy development, consideration should be given to the effect on off-site properties, the sensitivity of landscapes and cumulative impacts. Policy ER6 is also considered to be key in this case. It relates to managing future landscape change and amongst other criteria seeks to safeguard views and viewpoints from development that would detract from their visual integrity, identity and scenic quality, and safeguard the tranquil qualities of an areas landscapes.

### **Landscape and Visual Impact**

- 57 It should be noted that given that this site has an existing consent the baseline position for assessment of the above represents the consented scheme.

### **Weir/Intake**

- 58 The consented weir location, 150m upstream from the proposed modified position, results in it being located around a bend in the river and as such its visual and landscape impact was accepted as it is screened from the top of the falls by intervening topography and tree cover. I consider the relocation of the weir 150m downstream from the approved location to be one of the key aspects of my assessment of this revised submission, particularly in relation to the new location's landscape and visual impact and the impact which it will have on recreational and tourism use of the area. The existing consent sees the weir located further upstream which results in limited views of the weir from the top of the falls and this relatively well used recreational location. From a site visit it is clear to me that this revised weir location will have a detrimental impact on the visual amenity of this area at the top of the falls. It is also evident from the letters of representation received on both this application and the previous application that the site does have high recreational value and the location at the top of the falls is popular with swimmers and those having picnics. I am not persuaded by the justifications provided within the ES in regard to the revised location. In my view the revised weir location will have a detrimental impact on the visual, recreational amenity and tranquil qualities of this particular area and as such the proposal as submitted is considered contrary to the Local Development Plan (LDP), specifically Policy PM1A, ER1, specifically section A in relation to the impact which the proposed weir structure will have on the visual integrity and tranquil qualities of the area around the top of the falls and to ER6 in relation to section A which requires development not to erode the visual and scenic qualities of the landscape and B which seeks to safeguard views and viewpoints from development that would detract from their visual integrity, identity or scenic quality.
- 59 This view is further enhanced by the contents of the Tayside Landscape Character Assessment (TLCA) which identifies the key landscape characteristics of this area to include rapids, gorges and waterfalls with important views being associated with the river corridor. The new weir location is considered to have a detrimental impact on views along the river corridor

from the top of the falls as such the modified scheme is considered contrary to the TLCA. This document is identified within policy ER6 of the LDP.

### **Powerhouse**

- 60 The landscape of the River Braan valley is characterised by houses and buildings being located very close to the public road and the consented powerhouse scheme follows this character by being positioned close to the road. The revised scheme moves the powerhouse to the opposite side of the River Braan in a clearing which is relatively well contained by existing tree cover, even during my site visit in early February when the trees were not in leaf. The revised powerhouse building is also potentially visible from the top of the falls (referred to above) and Rumbling Bridge Cottage, however the intervening tree cover is likely to screen the powerhouse to some degree from these viewpoints. The building is proposed to be finished in larch cladding with additional tree planting proposed. Overall I am prepared to accept the revised powerhouse location as I do not consider it to have any more significant an impact than the consented scheme and it is also likely that its visual impact will be experienced by less people given its location remote from the public road.

### **Temporary Bridge**

- 61 The temporary bridge over the River Braan will result in the felling of a 10m strip of trees on both the south and north sides of the river. It is evident in views from the public road that mature trees along the riverside play an important part in the visual amenity and landscape character of the area in this location and defines the river. The removal of a group of trees on either side of the river will break up this linear pattern of trees along the riverside to the detriment of the visual and landscape character of the area. It is noted that re-planting is proposed but this is likely to take some time to mature and therefore the impact is likely to be longer term. Again the Tayside Landscape Character Assessment identifies the importance of the river corridor in this landscape type and the felling of trees along the corridor is considered to be of detriment to the character of the landscape at this location. As such I consider the proposed temporary bridge to be contrary to Policy PM1B, criteria (B) which seeks to ensure development respects the wider landscape character of the area, to Policy ER1 (a) relating to landscape character and to Policy ER6 (a) which seeks to ensure development does not erode the quality of the areas landscape.

### **Tailrace**

- 62 Some minor alterations to the tailrace element of the scheme are proposed to take account of advice from SEPA but these are not considered to be any significant additional impact to that of the consented scheme. It is evident that there will be some impact during construction but this will be similar to that consented in the original scheme.

## **Access Track**

- 63 The temporary access track from the U159 is now proposed to be permanent to provide maintenance access to the powerhouse. This track extends over existing farmland and crushed rock from the excavation at the powerhouse is proposed to be used to form the track. This is a considerable length of track but I am satisfied that it will not have any significant landscape or visual impact.

## **SEPA/Car License**

- 64 A high level Construction Environmental Management Plan (CEMP) has been included within the ES but is not site specific and as such SEPA, similar to the previous consent have recommended that a detailed CEMP be sought by condition. SEPA have also made comment in relation to private water supplies and provided comments regarding other relevant regulations which should be identified to the agent through a series of informatives if any consent is granted. These conditions should be attached should any consent be granted for this modification.
- 65 SEPA have stated that the applicant has been in contact with them regarding a modification to the CAR License but that no application has been received to date.

## **Ecology**

- 66 SEPA have identified areas of groundwater dependent woodland habitat and other groundwater dependent habitat within the vicinity of the proposed works and have recommended that mitigation including buffer zones and discussions with an Ecological Clerk of Works is undertaken. Both of these aspects should be covered by condition should any consent be granted.
- 67 SNH have no comments to make on the modified scheme and indicate that their response on the original scheme still stands. Chapter 6, Ecology of the ES has been updated to reflect the modified scheme. The submission has identified and surveyed protected species likely to be present across the development site and makes reasoned mitigation proposals to reduce the risk of any damaging impacts. This includes the need for contemporary surveys to inform disturbance mitigation efforts and to avoid direct harm to protected species. The mitigation proposals described in the submission, if followed, are likely to ensure compliance with the Wildlife and Countryside Act 1981 (as amended) and avoid harmful and illegal impacts on protected species and habitats.
- 68 Scottish Natural Heritage advises that the responsibility to ensure compliance with the Wildlife and Countryside Act remains with the developer. If new surveys discover signs of protected species in close proximity to the proposed works then a licence from SNH may be required. SNH are satisfied that the mitigation measures contained within the Environmental Statement are sufficient to address the relevant policy considerations.

- 69 Should consent be granted similar conditions regarding protected species and ecology as the approved scheme should be applied to ensure appropriate mitigation.

### **River Tay Special Area of Conservation (SAC)**

- 70 The River Braan, to the Rumbling Falls, is part of the River Tay SAC, which is designated for its important populations of Atlantic salmon, otter, brook, sea and river lamprey and clearwater lochs. The intake for the proposed scheme will be located approximately 250m upstream of the SAC boundary and the tailrace located within the boundary of the SAC, below Rumbling Bridge. This stretch of river is inaccessible to salmon and lampreys.
- 71 SNH, therefore, consider that this scheme will not impact on the protected features in the long-term.
- 72 There may be impacts resulting from the construction phase however the application, as submitted, is accompanied by the Outline Construction Environmental Management Plan. If this supporting information is approved as part of the planning consent, SNH have indicated that it is unlikely that the proposal will have a significant effect on any qualifying interests of the SAC. An appropriate assessment is not required and the proposed impact on the SAC is considered negligible.

### **Private Water Supplies**

- 73 The modified scheme is not considered to result in any additional impact on private water supplies and the mitigation outlined in the original scheme remains appropriate.

### **Flooding**

- 74 SEPA have offered no objection in relation to flooding and have accepted the findings of the submitted Flood Risk Assessment (FRA). They have recommended a condition to ensure the compensatory storage outlined is provided.

### **Listed Buildings and Archaeology**

- 75 The modified scheme is not considered to result in any greater impact on the above elements.

### **Residential Amenity**

- 76 The planning system has an important role to play in preventing and limiting noise pollution. Although the planning system cannot tackle existing noise problems directly, it has the task of guiding development to the most suitable locations and regulating the layout and design of new development. The noise implications of development can be a material consideration in determining applications for planning permission.

- 77 The closest residential property is Rumbling Bridge Cottage which is approximately 120 metres from the proposed powerhouse, which is 70m closer than the consented scheme. Due to the nature of the application site, any low frequency noise created by power generating equipment may propagate over a large distance if this is not adequately controlled.
- 78 Similar to the previous application the impact of noise could be controlled through suitably worded conditions should consent be granted.

### **Public Access**

- 79 I consider the mitigation measures identified in the previous scheme regarding the provision of a Public Access Plan to be appropriate in this revised scheme but remain concerned regarding the impact which the new weir position will have on an individuals recreational enjoyment of the area at the top of the falls.

### **Economic Impacts**

- 80 The economic and carbon reduction impacts of the proposal remain similar to the approved scheme but these are not considered sufficient to outweigh the negative impact referred to above in relation to landscape character and visual amenity.

### **Bond**

- 81 The approved scheme includes a condition requiring a bond to be agreed which will ensure that should construction cease the site could be re-instated with limited impact on environment and visual amenity. The same condition should be applied here if consent is granted.

### **Developer Contributions**

- 82 The Developer Contributions Guidance is not applicable to this application and therefore no contributions are required in this instance.

## **LEGAL AGREEMENTS**

- 83 None required

## **DIRECTION BY SCOTTISH MINISTERS**

- 84 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008, regulations 30 – 32 there have been no directions by the Scottish Government in respect of an Environmental Impact Assessment screening opinion, call in or notification relating to this application.

## **CONCLUSION AND REASONS FOR RECOMMENDATION**

- 85 In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise.

In this respect, the proposal is considered to be contrary to the adopted Local Development Plan 2014. I have taken account of material considerations and find none that would justify a departure from the Development Plan. On that basis the application is recommended for refusal.

## **RECOMMENDATION**

### **A Refuse the Application for the following reasons:**

- 1 The modified location of the weir structure is contrary to Local Development Plan Policy PM1A and ER1 specifically section A in relation to the impact which the proposed weir structure will have on the visual integrity and tranquil qualities of the area around the top of the Rumbling Bridge Falls and to ER6 in relation to section A which requires development not to erode the visual and scenic qualities of the landscape and B which seeks to safeguard views and viewpoints from development that would detract from their visual integrity, identity or scenic quality.
- 2 The loss of trees along the river corridor to accommodate the temporary bridge would be of detrimental to the visual amenity and landscape character of the area and as such the proposal is contrary to Policy PM1B, criteria (B) which seeks to ensure development respects the wider landscape character of the area, to Policy ER1 (A) relating to landscape character and to Policy ER6 (A) which seeks to ensure development does not erode the quality of the areas landscape.
- 3 The position of the weir and the loss of trees associated with the temporary bridge over the River Braan is detrimental to the landscape character of the area and as such the proposal is contrary to the Tayside Landscape Character Assessment which is referred to in Policy ER6 of the Local Development Plan 2014. This states that the landscape in this area is characterised by rapids, gorges and water falls and that important views exist along the river corridor. The river corridor and landscape character associated with it will be eroded to an unacceptable level with this modified scheme.

### **B JUSTIFICATION**

The proposal is not in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan

### **C PROCEDURAL NOTES**

None

### **D INFORMATIVES**

None

Background Papers: 6 letters of representation  
Contact Officer: John Williamson – Ext 75360  
Date: 30 March 2015

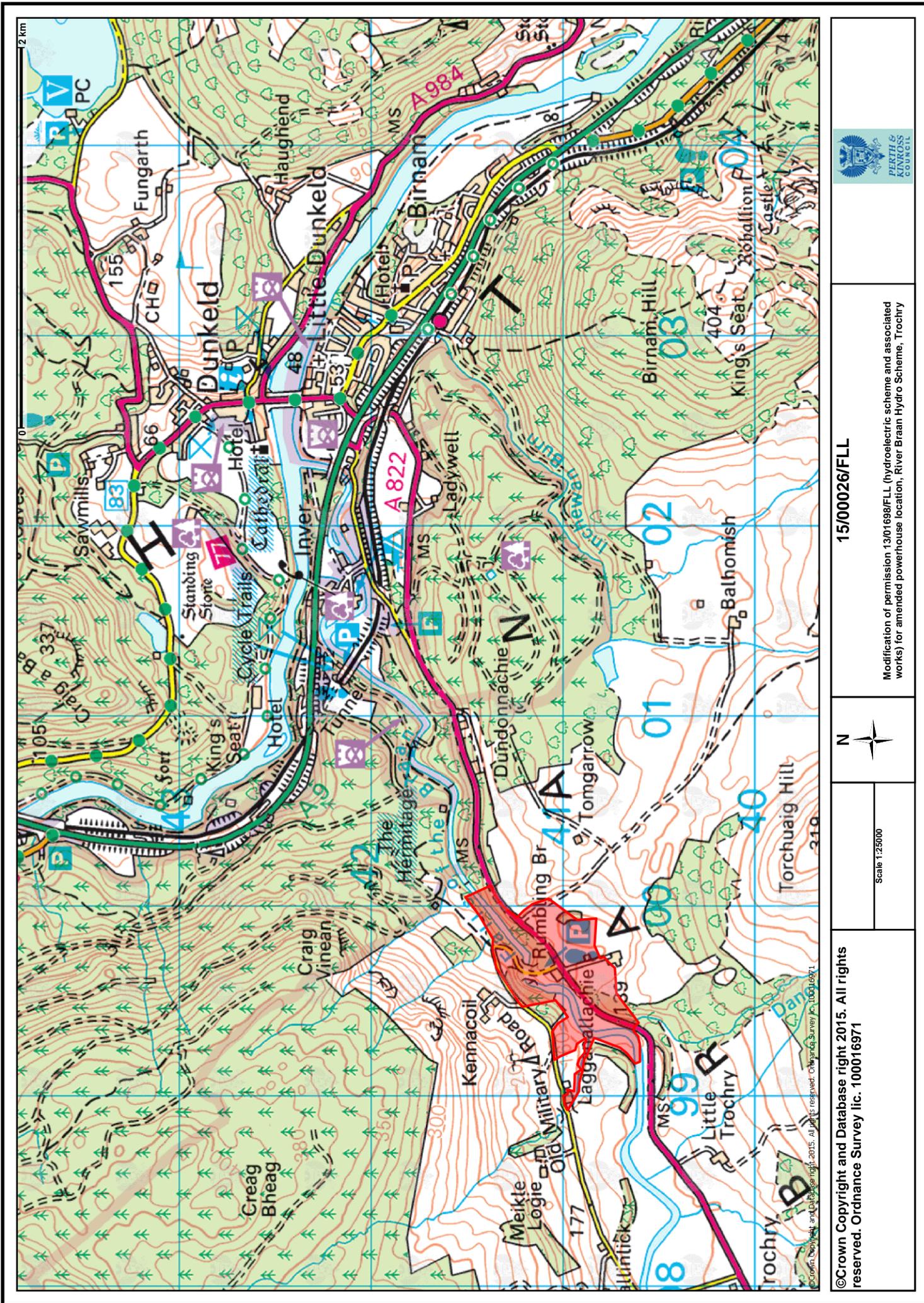
**NICK BRIAN**  
**DEVELOPMENT QUALITY MANAGER**

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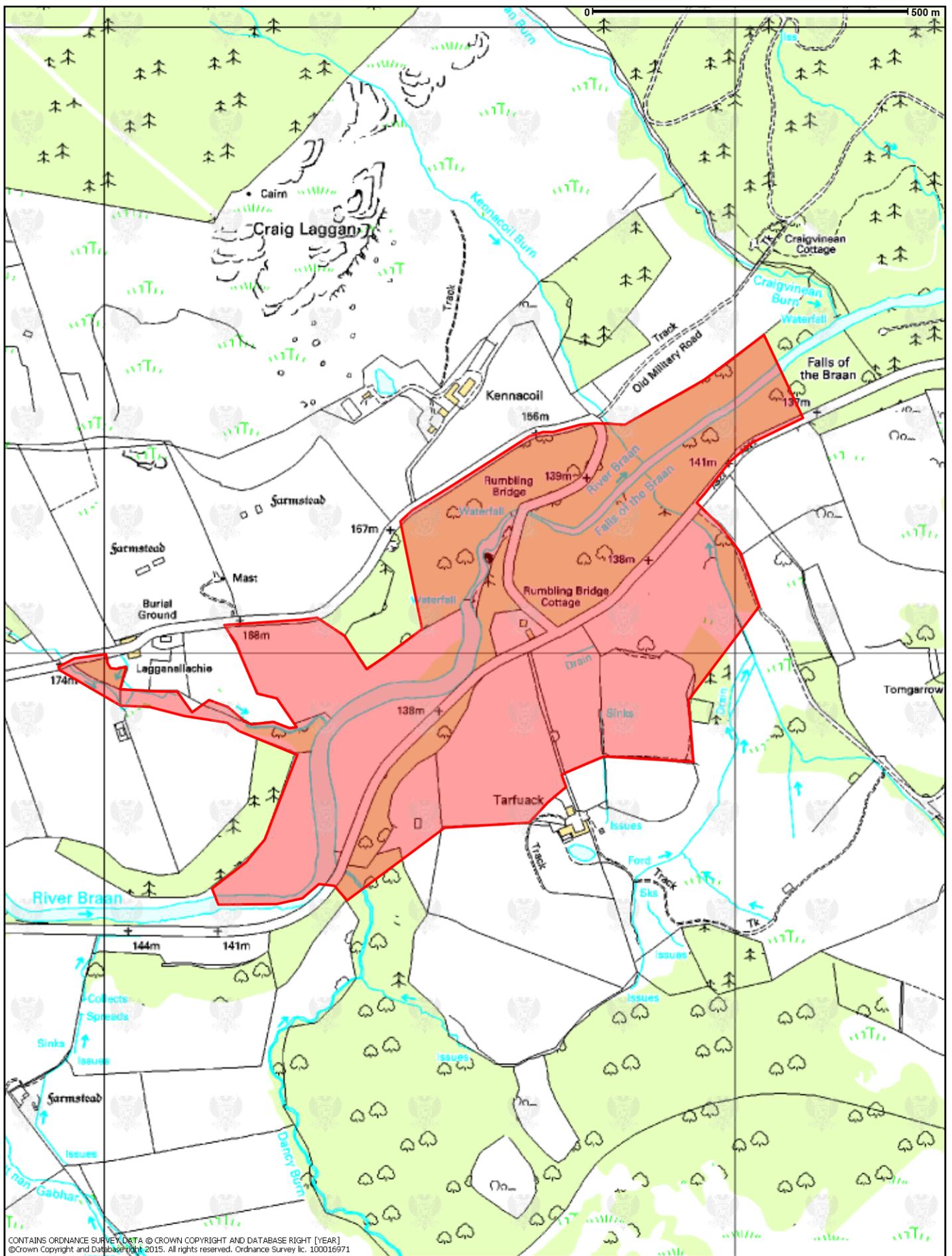
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