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*Delegated Report*

*Report of Handling*

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| **Application Number:** | 2013/0178/DET |
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| **Location:** | Drumardoch Estate Ardchullarie Burn Callander |
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| **Proposal:** | Construction of a hydro scheme |
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| **Case Officer:** | Diana Worthy |
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| **Target Decision Date:** | 25 Dec 2013 |
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| **Decision Level:** | Delegated Decision |

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|  | **Introduction:** |  |
|  | This application is for the construction of a 100kW run-of-river hydro scheme on the Ardchullarie Burn, on the Drumardoch and Ardchullarie Estate near Callander.  The burn drains the southern slopes of the Ben Vorlich and Stuc a’Chroin massif and flows into Loch Lubnaig, between Callander and Strathyre. Loch Lubnaig forms part of the River Teith Special Area of Conservation (SAC).  The intake is located in woodland. The pipeline is proposed to be routed on the west (right) side of the burn through woodland (ancient and non-native plantation) and on sections of an existing forestry track, connecting to a powerhouse on lower ground, before returning water to the adjacent burn. The powerhouse is located approximately 35m to the east of an existing layby adjacent to the A84. Ardchullarie House, a Category B Listed Building, is located approximately 200m to the south east of the proposed powerhouse and outfall. | |
|  | **Relevant Planning History** | |
|  | PRE/2012/0120 -Enquiry/PAC completed - Proposed Scoping Opinion for hydro scheme | |
|  | **Policy Context** |  |
|  | National Park Aims  The four statutory aims of the National Park are a material planning consideration. These are set out in Section 1 of the National Parks (Scotland) Act 2000 and are:   1. to conserve and enhance the natural and cultural heritage of the area, 2. to promote sustainable use of the natural resources of the area, 3. to promote the understanding and enjoyment (including enjoyment in the form of recreation) of the special qualities of the area by the public and 4. to promote sustainable economic and social development of the area’s communities.   National Park Local Plan (adopted 2011)  Relevant Policies:   * Policy REN 2 Hydro Renewable Energy Projects * Policy ENV1 Natura 2000 Sites (SACs and SPAs) * Policy ENV4 Legally Protected Species * Policy ENV5 Species and Habitats Identified in National Action Plans * Policy ENV6 Enhancing Biodiversity in New Developments * Policy ENV10 Protecting the Water Environment * Policy L1 Conserving and Enhancing the Diversity and Quality of the Park’s Landscapes * Policy NP1 Development in the National Park * Policy D1 Design Quality * Policy TRAN3 Impact of New Development on the Road Network   Other Material Considerations   * National Park Supplementary Planning Guidance on Renewable Energy (adopted 2013) * Scottish Government Renewables web-based advice on hydro schemes (last updated July 2012): <http://www.scotland.gov.uk/Topics/Built-Environment/planning/National-Planning-Policy/themes/renewables/Hydroschemes> * Scottish Planning Policy, 2010   National Park Partnership Plan (2012-2017)  Relevant Policies:   * RD Policy 4 – Climate Change * RD Policy 5 – Renewable Energy * Con Policy 2 – Natural Heritage * Con Policy 3 – Landscapes * Con Policy 4 – Water * Con Policy 6 – Cultural Heritage | |
|  | **Consultations** |  |
|  | Scottish Water (Glasgow): No response received.  Scottish Environmental Protection Agency (East Kilbride): No objection.  West Of Scotland Archaeology Service (Glasgow): No objection.  *Letter dated 03.09.13:* Recommends a walkover survey of the area affected by construction is undertaken prior to determination of the application, alternatively requests a condition is attached to any permission granted requiring the implementation of a programme of archaeological works.  *Email dated 18.11.13*: Seeks clarification on the location of a group of boulders in relation to the development corridor and the location of the track in relation to the archaeological remains of the Ardchullarie township and head-dyke.  *Email dated 05.12.13*: Confirms that Scotia Archaeology contacted WoSAS on 22 November to address the issues raised in the previous consultation response (as above). Scotia Archaeology was confident that the stones recorded during the walkover survey were not related to the structure shown in the general area on the 1st edition map, and on this basis WoSAS are satisfied with the information provided and consider it unnecessary to require any conditions if the Planning Authority was minded to grant consent.  Scottish Natural Heritage (Stirling): No objection. Confirms that if the development is progressed as detailed in the Environmental Statement, then it is unlikely that there will be any significant impact on the qualifying species or conservation objectives of the River Teith SAC.  RSPB (Glasgow): No objection. Notes that no breeding bird surveys were undertaken as part of the EIA and therefore recommends conditions are attached to any permission granted requiring a breeding bird survey is undertaken and the employment of an Ecological Clerk of Works (ECoW) prior to the commencement of development.  Callander Community Council: No response received at the time of writing report.  STC Environmental Health (Stirling): No objection. Recommends conditions are attached to any permission granted regarding noise and hours of operation during construction.  STC Roads (Strategy): No comment – the site is accessed from the trunk road.  Transport Scotland: No objection. Recommends conditions are attached to any permission granted regarding site access from the A84 and the provision of wheel washing facilities.  STC Flooding: No objection.  NP Access Team: As identified in the Environmental Statement, the main visitor attraction in the Ardchullarie catchment is the core path from the A84 layby into Glen Ample. This path is also a vindicated public right of way. Access rights also apply within the wider area and, although limited, recreation does occur on the forest road. The proposed intake and powerhouse are in close proximity to the core path and it is important that these elements do not have a negative landscape impact which will lessen the experience of core path users. Recommends conditions to ensure:   * that any proposed forest road closure is kept to a minimum and that on completion of the development, the forest road is no worse than its current state. * a ‘public access management plan’ is provided prior to commencement of development, which outlines an accurate timeline for all works, impacts and mitigation. As part of this plan, a method statement (damage and reinstatement) should focus on where new works impact on the core path. Mitigation around the core path should include ‘banks men’ to ensure public access is not unreasonably affected and also clear site threshold signage.     NP Ecology: Proposes a number of conditions to mitigate the impact of the proposed scheme. In addition to a number of standard conditions relevant to run-of-river hydro schemes, recommends specific conditions appropriate to the application site to protect:   * the Ardchullarie Burn, fish and their habitat during the course of construction and on operation – a silt management plan is required which should include details of silt traps and a wet weather plan, and a contingency plan should unexpected sediment loads enter the watercourse as a result of construction. * broad leaved trees * otters * red squirrels * pine marten * badgers, * reptiles (although none were found during the survey, there are bracken areas/grassland which if cleared, the ‘toolbox’ talk should include details on reptiles to ensure that they are not disturbed); and * birds and their nesting sites.   NP Landscape: A few trees will be required to be removed to enable the development of the intake, however there is no loss of landscape character envisaged. There is a core path and forest paths near the intake. The pipeline follows the existing track and will require to be widened to a 10m wide working corridor which will be reinstated on completion. The powerhouse is tucked in next to a stand of trees, adjacent to a layby on the A84, the start of the core path and a cluster of houses. The powerhouse is proposed to be timber-clad with a grey steel roof panels, with a small electrical components kiosk. | |
|  | **Summary of Representations** |  |
|  | One representation received from a neighbour which states they have no objection to the principle of development, but has the following concerns:   * Commissioned their own ‘background noise survey’ and recommends that a survey to quantify the acoustic environment in the vicinity of Archullarie Lodge is carried out as a condition of consent; * Recommends appropriate noise mitigation is required including construction hours of working (7am to 7pm); * The layby adjacent to the A84 should not be used by construction traffic or the storage of construction materials; and * There should be minimal removal of trees between Ardchullarie Lodge and the powerhouse, and the scrub between the burn and drive way should be retained. | |
|  | **Summary of Supporting Information** |  |
|  | * Environmental Statement – prepared by MNV Consulting Ltd, received 25.07.2013 * Construction Method Statement – prepared by MNV Consulting Ltd, received 25.07.2013 * River Gauging: April 2012 to January 2013 – prepared by MNV Consulting Ltd, received 25.07.2013 * River Morphology – prepared by MNV Consulting Ltd, received 25.07.2013 * Ecology Report – prepared by Direct Ecology, received 25.07.2013 * Archaeology Desk Study and Walk-Over Survey (October 2013) – prepared by Scotia Archaeology, received 04.12.2013 * Supporting Statement on Access Tracks – prepared by MNV Consulting Ltd, received 04.12.2013 * Supporting Statement on Trees and Bats – prepared by MNV Consulting Ltd, received 21.11.2013 * Ardchullarie, Anie and Leny Hydropower Visibility and Landscape Impact Report – MNV Consulting Ltd, received 21.11.2013 * Supporting Statement on Otter Mitigation – prepared by MNV Consulting Ltd, received 15.12.2013. * Black Grouse Lekking Sites map – received 06.12.2013. * Email from Richard Johnson, MNV Constulting Ltd (dated 17.12.2013), confirming a 10m wide construction corridor. | |
|  | **Planning Assessment** | |
|  | This application is for the construction of a 100kW run-of-river hydro scheme on the Ardchullarie Burn, on the Drumardoch and Ardchullarie Estate near Callander.  The relevant planning considerations include principle of development; River Teith Special Area of Conservation; other ecology considerations; landscape; noise; archaeology; public access; traffic and cumulative impacts. Each of these issues is considered in turn below.  Principle of Development  The proposal involves the construction of the following **permanent elements** which are detailed in the supporting information provided:   * a Coanda-style intake; * a buried pipeline (nominal diameter 250mm) joining the intake to the powerhouse (approximately 585m long from intake to powerhouse); * a powerhouse (6.7m x 6.5m footprint, 4.9m high, clad with timber and a grey steel roof panels coated and insulated) and a small timber-clad ‘electrical components kiosk’ – approximately 25m to the north of the burn; * outfall pipe and tailrace; * a new track to the intake off the existing forest road (approximately 50m long); and * a new access point off the A84, and track/turning area adjacent to the powerhouse (approximately 90m long).   The applicant has indicated that the following **temporary construction works** are proposed to construct the hydro scheme:   * A temporary hard standing area including turning area, parking area, and area for storage and site offices, adjacent to the proposed powerhouse; * A temporary storage area with turning area will be created at the intake site; and * A 10m wide working corridor within which works will be confined while constructing the pipeline route.   Local Plan Policy REN2 supports hydro energy generation proposals provided they meet a list of criteria aimed to ensure there are no significant adverse impacts on the landscape or on the ecology of the river system, either individually or cumulatively.  As explained below, a number of conditions are recommended that will ensure that the proposal can meet all the criteria of this policy. On this basis, the principle of development for this run of river hydro scheme is considered to meet Policy REN2.  River Teith Special Area of Conservation  The Ardchullarie Burn flows into Loch Lubnaig, which forms part of the River Teith Special Area of Conservation (SAC). The proposed powerhouse and outfall is located approximately 20m from the SAC designation boundary. A SAC is a European (Natura) site and is covered by the requirements of the Habitats Regulations.  The qualifying interests of this SAC are lamprey (sea, brook and river) and Atlantic salmon. The Environmental Statement identifies that a weir has been constructed as part of the culvert under the A84 and acts as an impassable barrier to migrating salmon, preventing salmon and lamprey accessing the middle and upper reaches of the burn. It is therefore unlikely that migratory salmon will be present in the reach of the burn affected by the development.  Under the Habitat Regulations, the Park Authority is required to carry out an appropriate assessment where a proposal is likely to have a significant effect on a European site. A HRA Screening Opinion was undertaken and it is concluded that the proposal is unlikely to have a significant effect on the SAC (either alone or in combination with other plans or projects). Therefore, an appropriate assessment is not required, as confirmed by SNH’s response. The proposal is consistent with Local Plan Policy ENV1.  Other Ecology Considerations  The applicant has carried out ecological surveys (habitats including ground water terrestrial depending ecosystems, mammals (including otters, badgers, bats, red squirrels, pine martins) and fish to determine the presence of protected species and their habitats, and to identify mitigation as necessary. Although there are areas of the development corridor which offer suitable habitats for most protected mammal species, the only positive evidence found was of otter activity. Signs of badgers, red squirrels, pine martin and suitable roosting sites for bats were found.  A supporting statement on otter mitigation measures has been provided which details that the applicant will apply for a licence from SNH for any otter holts or lying up areas within 30m of the construction corridor, and these areas will be fenced to avoid disturbance.  The estate is involved in the Callander black grouse project and a map of lekking sites was provided, although a full breeding bird survey was not undertaken as part of the Environmental Statement. There are no lekking sites near the application site. RSPB does not object to the application and recommends conditions relating to the completion of a full bird breeding survey and the employment of an Ecological Clerk of Works (ECoW). However, the NPA’s Natural Heritage Planning Officer has clarified that a breeding bird survey is only required if tree removal is proposed during the bird breeding season.  All ecology information has been reviewed by the Park Authority’s Natural Heritage Planning Officer who recommends a number of conditions including:   * in-stream works only to take place June-September (inclusive) to prevent silt entering the stream and affecting water quality and fish habitat; * requirement for a silt management plan; * a tree protection plan to protect broad leaved trees, with specific attention given to trees which have been identified as having potential as a bat roost; * tree felling to take place October to January (inclusive) to protect red squirrels (unless it is possible to examine the tree including the crown and no drey is present); * construction timing avoids bird breeding season (1 March to 31 July inclusive); * a Construction Method Statement and Monitoring Reports to be prepared and agreed by the Planning Authority incorporating mitigation to address the treatment of peats and turves, tree protection and known species (particularly otters, red squirrels, badgers and the potential for nesting birds and bats) * An Ecological Clerk of Works is engaged to ensure the above mitigation measures in the Construction Method Statement are followed.   It is concluded that provided the above conditions are in place and adhered to, the proposal will avoid impacts on protected species and habitats and will therefore be consistent with local plan Policy REN2 and ENV4.  Landscape and Visual Amenity  The Environmental Statement notes that the Ardchullarie catchment is set in a ‘rugged, highland landscape’, with Loch Lubnaig forming a contrasting area of uniformity along the main glen. The proposed scheme is located in a mixture of ancient woodland and non-native plantation woodland.  A ‘Visibility and Landscape Impact Report’ was submitted which notes that the intake is located in a gorge and is surrounded by dense trees, making the site impossible to see from receptor points in the area. Several trees will be removed around the intake to enable its construction; however there is no loss of landscape character envisaged. The route for the pipeline largely follows existing tracks through dense trees, although some tree removal will be required where the pipeline diverts off the track down the hill through plantation trees to the powerhouse site. The powerhouse and outfall are located adjacent to the A84. The powerhouse is proposed to be clad with timber, and the tailrace will be finished with stone to match the existing headwall at the road culvert – these measures will ensure that these structures have minimal visual impact. The small ancillary ‘electrical components kiosk’ will be tucked in behind the powerhouse and will not be visible from the road. The applicant proposes to protect the mature deciduous trees along the road and plant additional trees to help filter views of this area from the road and adjacent properties.  From experience with hydro schemes implemented in the Park to date, it is the construction phase that has the greatest impact on the Park’s landscape. The installation of the pipeline would be the most visible component of the scheme during this phase. However, the pipe diameter of this scheme is relatively small (325mm) and in conjunction with the topography/visibility of the site, will ensure that this impact is small-scale and localised. Nonetheless, close management of the construction process will be necessary to ensure that contractors adhere to the agreed construction techniques and restoration practices, supported by the principles of local plan Policy L1.  Noise  The Environmental Statement details that given the proximity of the development to residential properties and paths, a noise survey was carried out in March 2012. The survey determined existing background noise levels close to these features and assessed whether the proposals would result in a significant increase in noise levels for key noise receptors (the house and cottages at Ardchullarie More to the east of the site; members of the public using the A84 layby and walkers using the core path).  This survey concluded that while it is anticipated that higher noise levels will occur during the construction phase (as expected), the predicted noise levels from the scheme are lower than measured minimum levels once operational. The survey concludes that the key noise receptors listed above should not notice operational noise from the scheme above normal background noise. Stirling Council Environmental Health has no objection to the proposal and recommends noise conditions (timing of construction works, noise outwith the site) as a precautionary measure. These conditions will address any noise concerns raised by the neighbour in their contributor response.  Archaeology  The archaeology report states that no structures or features of archaeological significance were encountered during the walk-over survey and there appears to be no threat to any of those identified in the desk study. In reviewing the survey report, WoSAS sought clarification regarding the development corridor in relation to archaeological remains of the Ardchullarie township and head-dyke. Once this detail was provided by the archaeology surveyor, WoSAS was satisfied with the survey information and no further information or conditions of consent are required.  Public Access  The main visitor attraction in the Ardchullarie catchment is the core path from the A84 layby into Glen Ample which is also a ‘vindicated’ public right of way. The Park Authority’s Access Officer recommends a condition requiring submission of a ‘public access management plan’ prior to commencement of development which outlines a timeline for all works, impacts and mitigation in relation to access. As part of this plan, a method statement (damage and reinstatement) should focus on where new works impact on the core path. Access rights also apply within the wider area and, although limited, recreation does occur on the forest road. The Park Authority’s Access Officer notes that closure of the forest road should be kept to a minimum, and on completion of the development it should be no worse than their current state (as required in Condition 1 regarding preparation of a Construction Method Statement).  Traffic  Access to the site for construction and delivery vehicles will be from the A84. A number of vehicle movements associated with the construction of the development could have a short term impact on the road network. As identified in the Environmental Statement, a condition is recommended requiring the completion of a ‘transport statement’ prior to commencement of development. Stirling Council Roads and Transport Scotland have no objection to the proposal. Transport Scotland recommends conditions regarding site access from the A84 and the provision of wheel washing facilities.  The Environmental Statement notes that the A84 layby adjacent to the powerhouse site will remain open to the public during construction. It is noted that this area is outwith the development site. A safety fence will be erected between the powerhouse site and the layby to prevent access by the public. This mitigation addresses the neighbour’s concern for the use of the layby during construction in their contributor response.  Cumulative Impact  The Environmental Statement has assessed the cumulative impact of the scheme and the study has found that any potential impacts on the landscape, ecology and socio-economics of the area are likely to be negligible, and should be localised and non-permanent. It is noted that this application has been submitted in conjunction with two other run of river hydro schemes on the Drumardoch and Ardchullarie Estate – Leny Burn (2013/0191/DET) and Anie Burn (2013/0185/DET), both of which have been approved planning permission. All three schemes in combination will have no significant long term cumulative impact. In particular, HRA Screening Opinions have been completed for the proposals and it is concluded they are unlikely to have a significant effect on the River Teith SAC individually or cumulatively.  Conclusion  This application is for the construction of a 100kW run-of-river hydro scheme on the Ardchullarie Burn, on the Drumardoch and Ardchullarie Estate, near Callander. Provided that the recommended planning conditions are adhered to and the development is implemented in accordance with an approved Construction Method Statement, the proposal is considered to be consistent with local plan Policy REN2 Hydro Renewable Energy Projects. The proposed scheme is consistent with local plan Policy ENV1 regarding development adjacent to the River Teith SAC and will be appropriately sited to ensure that it will have minimal landscape impact (Policy L1). | |

**Recommendation: Approve with Conditions**

1. **Detailed Construction Method Statement (CMS):** Prior to commencement of construction of the development hereby approved, a detailed Construction Method Statement (CMS), which sets out how the construction phases of the development will be managed, shall be submitted to, and approved in writing by, the Local Planning Authority. In particular, the final CMS shall cover the following:
2. Detailed construction methods for all aspects of the scheme (temporary access tracks, site compounds (including temporary hard standing), intakes, pipeline, tailrace, powerhouse, borrow pits);
3. Pollution prevention safeguards and sedimentation safeguards including a silt management plan which includes a contingency plan for adverse weather and detail on silt traps;
4. Storage and disposal of materials;
5. Construction site facilities including the location of construction site huts, vehicle equipment, materials storage and location of parking area(s) for construction workers;
6. Duration, timing and phasing of works;
7. The width of the working corridor that construction works will be confined to (shown on a plan);
8. Detailed landscape mitigation and restoration techniques for the entire route with specific focus on the route of the pipeline/temporary access tracks and hard standing/and use of existing forestry tracks;
9. Landscape mitigation measures proposed at the intake (this should include details of ground profiling to screen higher areas of the wing walls and the placing of boulders adjacent to the intake site);
10. Detailed habitat mitigation and restoration targets;
11. Treatment of peats and turves;
12. Protected species plan including mitigation for otter (including the provision of temporary ramps in trenches and the capping of pipes at the end of a working day), red squirrels, pine marten, badger, bats and breeding birds;
13. Details of toolbox talk for bats, otters and reptiles to ensure all personnel are aware of what to do should evidence of bats, otters or reptiles be discovered during construction of the hydro scheme;
14. Public access management plan which details the impacts and mitigation proposed regarding public recreational use of the core path and forest road network. The plan should ensure public access is maintained and disruption minimised, including a method statement (damage and reinstatement) focusing on where new works impact on the core path; mitigation which includes ‘banks men’ to ensure public access to the core path is not unreasonably affected; and the erection of site threshold signage;
15. Traffic management plan - to minimise any conflict between construction vehicles and other road users; and
16. Hours of operation on site.

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

REASON: To ensure the construction phase is carefully managed to minimise landscape impacts and to mitigate adverse impacts on ecology, archaeology, neighbours, and the public.

1. **Construction Time Period**: The development shall be undertaken in one continuous phase, with no partial implementation. Unless otherwise agreed in writing by the Local Planning Authority, all construction activities shall be completed within a 24-month period taken from the start date provided to the Local Planning Authority in accordance with the Notice of Initiation of Development (see Informative No. 2 of this decision notice) and having regard to any other limitations on work periods set out in Conditions 5, 7, 9, and 16 below).

REASON: To ensure that the development is constructed within a limited time period in order to minimise the impact of the closure of the footpath on the public.

1. **Treatment of Peat and Turves:** Prior to the commencement of development a turve management plan for where the pipeline is going through habitat other than conifer plantation, shall be submitted and approved by the Planning Authority. This shall include details of:

* The storage and management of the different habitat types and turves of different sizes and depths; and
* Coding of habitats to ensure habitat turves are reinstated in the correct areas.

The details to be provided under Condition 1(j) shall require the pipeline route to be exposed in short sections only (to be defined and agreed under condition 1(a)) and turves associated with the construction of the pipeline shall be stored for a maximum of two weeks (where the pipeline is going through habitat other than conifer plantation).

REASON: The length of time between the peat, soils and turves being lifted prior to being replaced should be as short as possible to allow for successful restoration.

1. **Temporary/Permanent Access Tracks and Temporary Hard Standing at Intake and Powerhouse/Outfall:** Prior to the commencement of development, plans detailing the proposed specification and widths of all temporary/permanent access tracks and temporary hard standing at the intake and powerhouse/outfall shall be submitted to, and approved in writing by the Local Planning Authority. This shall include site plans clearly identifying the location of temporary/permanent tracks and temporary hard standing during construction and on completion of the development. The location of existing mature trees adjacent the A84 and required to be protected from site traffic should be shown on the powerhouse/outfall plan. Thereafter, the tracks and temporary hard standing shall be constructed in accordance with the details approved under the terms of this condition. The relevant sections of temporary track and hard standing shall be restored in accordance with Condition 1(a) within 4 months of the date of commission of the scheme or 28 months of the date of commencement whichever is earlier, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To minimise the adverse visual impacts on the landscape.

1. **Timing of in-stream works**: In-stream works should only take place June to September (inclusive).

REASON: To protect the integrity of the Ardchullarie Burn which flows into Loch Lubnaig (forming part of the River Teith Special Area of Conservation, designated for Atlantic salmon and lamprey).

1. **Flushing of Sediment**: Flushing of sediment from the intake weir including coanda screens should be undertaken monthly with no silt flushed during the fish spawning season of October to May (inclusive). If there is a need for emergency works during this period, this should be approved in writing in advance by the Local Planning Authority.

REASON: To protect the integrity of the Ardchullarie Burn which flows into Loch Lubnaig (forming part of the River Teith Special Area of Conservation, designated for Atlantic salmon and lamprey).

1. **Red Squirrels:** All trees to be felled shall be assessed for red squirrel dreys prior to any tree works which shall take place between October to January (inclusive).  If any dreys are identified then no tree works shall commence until advice is sought from the Local Planning Authority on best practice mitigation for the protection of the drey and any necessary licences obtained.

REASON**:** In the interest of the protection of red squirrels as per [Schedule 5](http://www.snh.gov.uk/docs/B469680.pdf) of the [Wildlife and Countryside Act 1981 (as amended)](http://www.snh.gov.uk/protecting-scotlands-nature/protected-species/legal-framework/wca-1981).

1. **Tree Protection Plan:** Prior to the commencement of development a tree protection plan shall be submitted to, and approved in writing by the Planning Authority. The plan shall ensure that broad leaved trees and their roots, within and adjacent the construction corridor, are protected from damage throughout the construction period and shall include the construction of a non-moveable (temporary) fence within specific locations to be agreed by the Planning Authority, details of which shall be included within the plan. Specific attention should be given to trees which have been assessed for bat potential (particularly the tree identified in the Supporting Statement on Trees and Bats, dated 20.11.2013 and received 21.11.2013) and the mature trees located next to the proposed powerhouse access adjacent to the A84 (in accordance with Condition 4).

REASON: To protect established trees against damage during the course of the development.

1. **Breeding Birds:** No trees shall be removed during the main bird breeding season (March to July inclusive) unless a walk over survey for nesting birds is undertaken, details of the survey shall be submitted and approved by the planning authority prior to undertaking the clearance works.

REASON: To ensure an illegal action does not take place contravening the Wildlife and Countryside Act 1981 (as amended).

1. **Otter Mitigation Measures**: The development will be carried out strictly in accordance with the otter mitigation measures detailed in the supporting statement on Otter Mitigation (prepared by MNV Consulting Ltd, dated 12.12.2013 and received 15.12.2013) unless otherwise approved in writing by the Local Planning Authority. If the development hereby approved does not commence before April 2014, an otter re-survey including proposed mitigation measures will be submitted to, and agreed in writing by the Local Planning Authority prior to development commencing. The scope of the survey will include all water courses within the development footprint and a buffer of 250m either side of these water courses. Where it is determined by an ecological surveyor that the habitat is unsuitable (such as conifer plantation) only a 50m buffer will be required.

REASON: To safeguard protected species and nature conservation interests in accordance with adopted local plan Policy ENV4 and to accord with the first statutory aim of the National Park to conserve and enhance the natural heritage of the area.

1. **Details of Landscaping around Powerhouse:** Within 4 months of the date of commission of the scheme or 28 months of the date of commencement whichever is the sooner, landscaping around the powerhouse shall be undertaken in accordance with the details of a scheme/plan which shall first be approved in writing by the Planning Authority. The said scheme/plan (at a scale of 1:500 or greater) shall include:
2. The location of the permanent access track and turning circle
3. any new walls, fences, hedges, gates
4. planting plans and written specifications (including cultivation and other operations associated with plant and grass establishment), schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and
5. a programme of implementation.

REASON: The proposed powerhouse requires landscaping fully integrate the building with its surroundings and to screen views from the A84 and adjacent residential properties.

1. **Samples of Finishing Materials of intakes, powerhouse and all other above-ground structures**: No works shall commence on the construction of any of the permanent above-ground structures (including the powerhouse or intakes), unless a sample or details of the final materials and colour to be used has been submitted to, and approved in writing by, the Local Planning Authority. Thereafter, all above-ground structures shall be constructed in accordance with the approved details.

REASON: To ensure that all above-ground structures blend in with the landscape setting and to minimise visual intrusion.

1. **Trunk Road Access:** The proposed means of access to the trunk road shall be constructed to a layout and type and method of construction to be further approved by the Local Planning Authority, in consultation with Transport Scotland, before the development is commenced.

REASON: To minimise interference with the safety and free flow of the traffic on the trunk road.

1. **Wheel Washing Facilities:** Prior to the commencement of the development hereby permitted wheel washing facilities for construction traffic connected with the development shall be installed in accordance with details that have previously been submitted to, and approved in writing by, the Local Planning Authority. Once installed such facilities shall be used to prevent mud and other debris being deposited on the trunk road during the construction of the development.

REASON: To safeguard the amenities of the locality and to ensure that the proposed development does not prejudice the free flow of traffic or the conditions of general safety along the trunk road.

1. **Noise:** Upon completion of development, any noise produced by the operation of the development shall not be greater than ‘neutral’, as defined in the Scottish Government’s Technical Advice Note: Assessment of Noise (Table 3.5).

REASON: To ensure any noise generated from the development is at an acceptable level and can be monitored by Stirling Council Environmental Health.

1. **Timing of Construction Work**: Construction works which are audible outwith the site boundary shall be undertaken during normal working hours:
   1. 08.00 to 18.00 hours Monday to Friday,
   2. 09.00 to 13.00 hours on Saturdays
   3. No noisy works audible outwith the site boundary are permitted on Sundays or Bank Holidays.

REASON: To ensure the hours of operation associated with construction works do not impact on neighbouring properties or quiet enjoyment of the adjacent core path.

1. **Landscape Restoration Plan**: Prior to the substantial completion of the development hereby approved, a Landscape Restoration Plan shall be submitted to, and approved in writing by, the Local Planning Authority. The plan shall detail proposals for the reinstatement and management of all areas of the scheme, including the footpath and areas of grass seed/turf. All approved landscape restoration works shall be completed in the first planting season following the commissioning of development and any plants that, within a period of 5 years thereafter, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar sizes and species.

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

1. **Ecological Clerk of Works/ On-site Ecologist**: Unless as may otherwise be agreed in writing by the Planning Authority, no works shall commence on the development hereby approved until an independent Ecological Clerk of Works (ECoW) or On-site Ecologist has been appointed by the developer to oversee the implementation of the planning conditions and the Construction Method Statement during the detailed design, construction, and restoration phases of the development.

REASON: To ensure the agreed construction techniques and ecological mitigation is followed during construction.

1. **Scope of works to be carried out by the Ecological Clerk of Works/ On-site Ecologist**: Prior to appointing the ECoW or On-site Ecologist in accordance with Condition 18 above, a ‘scope of works’ for that person shall be submitted to, and approved in writing by, the Local Planning Authority. As a minimum, the ECoW/On-site Ecologist shall:

* be present to oversee all in-stream construction works;
* give advice on micro-siting project elements to avoid important habitats, including any areas of deep peat;
* give Ecological ‘toolbox talks’ on emergency procedures if protected species are identified within or close to the construction corridor;
* ensure compliance with all wildlife legislation;
* undertake pre-construction checks for protected species (mammals, fish and birds);
* oversee implementation of all ecological mitigation, as detailed in the approved CMS;
* monitor restoration of the site and ensure that the agreed habitat restoration targets are achieved; and
* have the authority, on and off-site, to halt operations or to alter construction methods if they observe, monitor or otherwise identify that these operations are having adverse impacts on the natural heritage.

The Scope of Works shall specify the stages of the process that the ECoW/On-site Ecologist will be present on site for, and how regularly they will otherwise inspect the site. Thereafter, all works shall be carried out in accordance with the agreed Scope of Works.

REASON: To define the role of the ECoW/On-site Ecologist and ensure the agreed working methods and ecological mitigation, as set out in the Construction Method Statement, are followed during construction.

1. **Decommissioning and Restoration**: Unless otherwise agreed in writing with the Local Planning Authority, in the event of the scheme not generating electricity for a continuous period of 12 months and with no realistic expectation of resumption in the foreseeable future, the site shall be reinstated within a period of 18 months following the expiry of such period of cessation or within such timescales as agreed in writing with the Local Planning Authority. Reinstatement shall comprise the removal of the above ground infrastructure, if considered necessary, and restoration of the natural water regime to normal flows, all to the written satisfaction of the Local Planning Authority.

REASON: To ensure that the decommissioning and restoration works are carried out in a manner satisfactory to the Planning Authority.

1. **Monitoring reports during construction**: The applicant shall submit a monitoring report to the Local Planning Authority setting out how the requirements of the CMS and all other conditions of the permission are being adhered to on the site, and any issues arising, at the following intervals during the construction phase:

* Every month for the first 6 months (taken from the start date given in the Notice of Initiation – see Informative No.1), and
* Every two months for the remaining period of construction,

Unless otherwise agreed in writing by the Local Planning Authority, the monitoring reports shall include an update on construction progress, photographs, and an update from the ECoW.

REASON: To ensure that all mitigation required by the above planning conditions is followed during construction.

**Planning Obligations**

N/A

**Reason for Decision**

Provided that the recommended planning conditions are adhered to and the development is implemented in accordance with an approved Construction Method Statement, the proposal is considered to be consistent with local plan Policy REN2 Hydro Renewable Energy Projects. The proposed scheme is consistent with local plan Policy ENV1 regarding development adjacent to the River Teith SAC and will be appropriately sited to ensure that it will have minimal landscape impact (Policy L1).

**List of Plans**

|  |  |  |
| --- | --- | --- |
| **Title** | **Reference** | **Date Received** |
| Location Plan |  | 25/07/13 |
| Site Plan  Ardchullarie Hydropower Development: General Layout |  | 25/07/13 |
| Plan  Topographic and Soil Survey Map |  | 25/07/13 |
| Plan  Ardchullarie Intake Detail | 1641.A REV A | 25/07/13 |
| Plan  Ardchullarie Powerhouse Elevations | 1641.B REV A | 25/07/13 |
| Plan  Ardchullarie Intake and Pipe Bridge - Site Layouts | 1641.C REV A | 25/07/13 |
| Plan  Ardchullarie Powerhouse Site Layout | 1641.D REV A | 25/07/13 |
| General  Otter Mitigation Measures - prepared by MNV Consulting Ltd, dated 12.12.2013 |  | 15/12/13 |
| General  Trees and Bats Supporting Statement - prepared by MNV Consulting Ltd, dated 20.11.2013 |  | 21/11/13 |

**Informatives**

1. **Duration of Permission:** In accordance with section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), this permission lapses on the expiration of 3 years beginning from the date of this permission, unless the development to which this permission relates is begun before that expiration.
2. **Notification of Initiation of Development:** Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. We recommend this is submitted 2 weeks prior to the start of work. A failure to submit the notice, included in the decision pack, would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
3. **Notification of Completion of Development:** As soon as practicable after the development is complete, the person who completes the development is required by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give written notice to the planning authority of the completion of the building works. As before, there is notice for you to complete for this purpose included in the decision pack. In larger, phased developments, a notice of completion is to be submitted as soon as practicable after each phase is finished by the person carrying out the development.

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| Signed:  Diana Worthy  **Development Management Planner** | Dated:  19 December 2013 |