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*Delegated Report*

*Report of Handling*

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| **Application Number:** | 2014/0278/DET |
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| **Location:** | Ballimore Farm, Glenbuckie Road, Balquhidder, Stirling |
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| **Proposal:** | Construction of hydro scheme |
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| **Case Officer:** | Craig Jardine |
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| **Target Decision Date:** | 3 Apr 2015 |
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| **Decision Level:** | Delegated |

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|  | **Introduction:** |  |
|  | *Location and site description*  Ballimore Farm is located in Glen Buckie approx. 4 km south of Balquhidder. The farmhouse and associated farm buildings are situated at the end of the single track public road, alongside the Calair Burn.  Calair Burn flows through Ballimore farm and down into the River Balvag immediately downstream of Loch Voil in Balquhidder. Calair Burn and its tributaries form part of the River Teith Special Area of Conservation.  An established farm track runs from the west side of the public road up to the remains of a sheepfold. This track lies above the Calair Burn and generally runs parallel to it. The sheepfold lies at the confluence of Calair Burn and its tributaries - Allt Fathan Glinne to the north and Allt a’ Ghlinne Dhuibh to the south.  Ballimore farm is mostly open, grazed upland hills with very little tree cover.  Walkers access various hill summits and paths in the area through the farm. Key routes in the area include: the Balquhidder to Brig O’Turk core path link via Glen Finglas; access to Creag Mhor via its southern slopes near Ballimore Farm; and access onto Ben Vane (a Corbett) via its north east ridge (which is best accessed via the existing farm track).  *Planning Background*  Planning permission was approved in 2011 (ref: 2010/0323/DET) for a three intake hydro scheme which was not implemented and for which permission expired on 28th Oct 2014.  *Proposed development*  A planning application was submitted for an identical three intake scheme and this was confirmed as a valid application on 3rd December 2014.  During the application process the applicant (through their agent) confirmed in writing that they would no longer be constructing the southern intake, or the branch of pipeline to the southern intake, and that they were now only seeking permission for a two intake scheme. Updated National Vegetation Classification (NVC), Protected Species and Archaeological Surveys were carried out on the basis of the two intake scheme.  Therefore the proposal currently under consideration is to construct a twin intake, 499kW run-of-river hydro scheme on the Calair Burn and its tributaries.  The proposal involves the construction of the following permanent elements:   * Two intakes – the north intake on Allt Fathan Glinne (NN5028, 1753) and the middle intake on Allt a’ Ghlinne Dhuibh (NN5038,1622). These are proposed to be Coanda-style intakes. The south intake on Calair Burn (NN5146,1602) which was previously approved under application 2010/0323/DET, at the request of the applicant, has been deleted from this proposal; * A buried pipeline between the two intakes and the powerhouse; * A powerhouse (10.5m x 8m) – adjacent to the Ballimore farmhouse, alongside Calair Burn, in a similar position to an existing shed. The powerhouse is to be timber clad with metal profiled sheet roof; * Outfall to Calair Burn – buried beside the powerhouse; * Vents, air valves, and scour points, at various positions along the pipeline route; * A pipe-bridge utilising the existing bridge at the sheepfold. All other pipe crossings will be buried.   The applicant has indicated that the following temporary construction worksare proposed to construct the hydro scheme.   * Three site compound areas to store construction equipment and materials - the main site compound is to the west of the farmhouse, one at the sheepfold, and one in a field between the sheepfold and the south intake which will serve as a pipe lay-down area; * A temporary access track leading from an existing farm track (south of the sheepfold) to the south intake. This will be returned to its pre-construction condition following construction. * A working corridor (outlined in red) within which works will be confined while constructing the pipeline route. This corridor is generally up to 20m wide, extending to be wider in specific areas – as shown on the Site Layout Plan.   The two borrow pits shown indicatively on the Site Layout Plan have, at the request of the applicant, been deleted from this proposal.  The applicant submitted an Environmental Statement and made it clear that the statement was for the purposes of the EIA Regulations.In accordance with Regulation 5(2)(a) of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011, the application has been treated as an EIA application.  The necessary electricity connections are being addressed under Section 37 of the Electricity Act and permitted development rights for electricity undertakers with the provision of a sub-station, new overhead line connection and voltage regulators. | |
|  | **Relevant Planning History** | |
|  | 2015/0262/NST – Installation of double pole.  2013/0280/NOT – Erection of cattle shed. No objections on 12 January 2014.  2012/0036/NST: 11kV overhead line. No objections on 05 April 2012.  2011/0012/NST: Upgrades to overhead line networks. No objections on 1 April 2011.  2010/0323/DET: Hydro Power Scheme including 3 No. water intakes, pipe route, powerhouse and outfall. Approved on 28 Oct 2011. | |
|  | **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:*  REN2 – Hydro Renewable Energy Projects  ENV1 – Natura 2000 Sites (SACs and SPAs)  ENV4 – Legally Protected Species  ENV5 – Species and Habitats Identified in National Action Plans  ENV9 – Development Impacts on Trees and Woodlands  ENV10 – Protecting the Water Environment  ENV26 – Other Unscheduled Sites of Archaeological Importance  L1 – Conserving and Enhancing the Diversity and Quality of the Park’s Landscapes  D1 – Design Quality  SUSDEV1 – Sustainable Development  TRAN3 – Impact of New Development on the Road Network  TRAN7 – Encouraging Outdoor Access  Other Material Considerations  Supplementary Planning Guidance  Renewable Energy  National Park Partnership Plan (2012-2017)  Relevant Policies:  RD Policy 4 – Climate Change  RD Policy 5 – Renewable Energy  Scottish Planning Policy (2014)  Scottish Planning Policy states that Development Plans should support the development of a diverse range of electricity generation from renewable energy technologies and identify the issues which will be taken into account in decision-making on hydro-electric schemes such as impacts on the natural and cultural heritage, water environment, fisheries, aquatic habitats and amenity, and relevant environmental and transport issues. | |
|  | **Consultations** |  |
|  | Scottish Environmental Protection Agency  Following submission of further information with respect to GWDTEs, a Deep Peat Survey, a Peat Management Plan and clarity on borrow pits, SEPA now have confirmed they have  **no objection, subject to conditions** that ensure minimising the disturbance of peat, managing any reuse of peat, micro-siting to avoid sensitive GWDTE habitat, and mitigation measures are employed to prevent excavations and structures from becoming preferential conduits of water within wetland areas.  Scottish Natural Heritage  SNH have no further advice to offer on this re-application for the Ballimore hydro scheme because there are no changes to the scheme that was granted planning permission in 2011.  *Planning Officer Note:*  For the scheme approved in 2011 SNH had no objection to the scheme approved in 2011, subject to conditions being applied requiring that: an Ecological Clerk of Works (ECoW) be employed; a detailed Construction Method Statement is submitted and approved; all in-stream works are carried out between 1 June and 15 September to avoid sensitive salmon spawning periods; and that landscape management and restoration measures are employed.  The above measures are incorporated into the set of recommended conditions contained in this report with the exception of ‘timing of in stream works’. This has not been included at the specific request of SEPA, as this matter is addressed in the SEPA CAR Licence (CAR/L/1089991), and to avoid dual regulation and potential conflict of dates.  Transport Scotland  **No objection.** The proposed development represents an intensification of the use of this site however the percentage increase in traffic on the trunk road is such that the proposed development is likely to cause minimal environmental impact on the trunk road network.  Historic Scotland  **No objection.** No nationally important sites within the proposed site boundary or within the vicinity of the development and we therefore consider that the proposed development is not likely to have a significant adverse impact on assets within our statutory remit.  Scottish Water  **No response received.**  In response to the previous planning application ref: 2010/0323/DET, Scottish Water confirmed that they had no objection to the proposals.  RSPB  **No objection, subject to conditions** that an Ecological Clerk of Works be employed by the developer prior to commencement of development; that protection of nesting/breeding birds is ensured in relation to ground preparation and tree works; and that timing restrictions are put in place to avoid works within 500m of any black grouse leks during lekking periods.  River Forth Fisheries Trust *– comments submitted with accompanying report*  **Object** on the basis that the scheme will adversely impact on access for migratory fish within this nationally important SAC, and will dewater the wide, flat riverbed on the plateau, and thus would expose a disproportionately large area of spawning gravels habitat which could destroy eggs and alevins sheltering in the substrate. The significant section of dewatering (approx. 9km of river) combined with the sensitivity of the fish community provides evidence that the area is not a suitable site for a hydro scheme and planning permission should not be granted.  *Planning Officer note* - RFFT did not object to the 2010/0323/DET application, subject to imposition of a condition restricting periods for in-stream works.  West Of Scotland Archaeology Service  **No objection subject to condition** that a programme of fencing and avoidance is carried out to ensure that identified features are not accidentally damaged during construction activity (particularly in relation to the sheepfold recorded as site 7 in the Scotia Archaeology Ltd survey report).  Balquhidder Community Council  No response received.  Stirling Council - Environmental Health  **No objection.** Comments provided relate to measures to further reduce noise impact from the powerhouse, restrict hours of construction traffic movements to also avoid public holidays and ensure that the construction works and operation of the hydro-scheme do not impact on the quantity and/or quality of the private water supply serving Ballimore House.  Stirling Council - Roads  **No objection, subject to conditions** that the construction traffic movements stated in the Traffic Management Plan are employed; a swept path analysis of the construction delivery vehicles along the road be submitted, a road condition survey be undertaken and advance signage during works be installed. It is also noted that a Road Opening Permit will be required for any improvement works required to the public road network, as highlighted by the swept path analysis plan. | |
|  | **Summary of Representations** |  |
|  | No representations received. | |
|  | **Summary of Supporting Information** |  |
|  | An Environmental Statement (ES) was submitted with the planning application containing the following sections and reports:   * Environmental Statement (by Shawater Ltd., dated Sept 2010) * Landscape & Visual Impact Assessment and additional LVIA visualisations (by Nicholas Pearson Assoc., dated May 2011 & July 2011) * Fish Habitat Survey Report * Protected Species Survey Report (by Direct Ecology Ltd., dated Jan 2010) * Construction Method Statement (by Shawater Ltd., dated July 2011)   Additional supporting information submitted subsequent to the ES comprises of the following reports and documents:   * Plant Survey (by T. Loizou and V. J. Giavarini, dated Nov 2009) * Archaeological Survey Report (by Scotia Archaeology, dated March 2015) * Protected Species Re-Survey (by Horizon Ecology Ltd., dated May 2015) * Traffic Management Plan (by Campbell of Doune, dated April 2015) * NVC Survey Report (by Nick Hodgetts Botanical Services, dated May 2015 * Peat Depth Survey Report (by Duncan Campbell, dated June 2015) * Confirmation re: no south intake proposed (by Campbell of Doune, dated 28 May 2015) * Confirmation re: no proposed borrow pits (by Campbell of Doune, dated 30 June 2015) * Outline Peat Management Plan (by Duncan Campbell, dated Aug 2015) * Floating Track Construction Details (by Campbell of Doune, dated July 2015) * Section through pipeline excavation in area of deep peat (by Campbell of Doune, dated Aug 2015) | |
|  | **Planning Assessment** | |
|  | This application is a re-submission of a previously consented scheme which expired approximately 1 month prior to validation of this current application. Planning policy is largely unchanged between the previous and current planning applications. Although this provides some background to this case, the current application requires to be reassessed in light of current advice and consultation responses.  Taking into account the consultation responses received and policy issues raised, the key considerations in the assessment of this planning application are as follows:   * Principle of development * Landscape & Visual Amenity * Natural Heritage * Public Access * Road Access   Each of these issues is considered separately below:  ***Principle of development***  Policy REN2 of the Adopted Local Plan gives support to hydro energy generation proposals provided that 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, the conditions detailed in this report will ensure that the proposal can meet all the criteria of this policy. On this basis, the proposal is considered to meet Policy REN2.  ***Landscape & Visual Amenity***  The advice received from the NP Natural Heritage Officer, regarding the landscape and visual amenity matters is unchanged from the previous assessment made in 2011 whilst reiterating that the Landscape Character Types of the scheme, namely Farmed Upland Glen and Open Upland Glen, are open landscape areas which are sensitive to change resulting from development. Therefore the landscape impacts of the proposal require to be adequately addressed through careful design of the intakes and all associated permanent structures (including the powerhouse), and through careful construction management and restoration techniques which need to be set out in a detailed Construction Management Statement (CMS).  Close management of the construction process is necessary to ensure that contractors adhere to the agreed construction techniques and restoration practices. As with the previous 2011 decision, it is therefore considered necessary to require, through planning condition, that a Landscape Clerk of Works be appointed. This will ensure that the measures set out in the CMS to minimise landscape impacts are followed and to ensure there is minimal disruption to the Landscape Character and Landscape Special Qualities of the area.  With respect to the intake designs, a Coanda-style intake should be used. However, with the absence of final detailed drawings at the time of writing this report, condition no.24 requires the applicant to submit detailed drawings of the proposed intakes (including all associated structures such as wing-walls, plunge pools, railings etc.) prior to commencement of construction. This will ensure that the exact design and finish of each intake is appropriate for its siting in the landscape. Experience to-date is that the associated structures, such as wing-walls, railings etc., can have a significant landscape impact and therefore it is necessary to minimise those structures as much as possible.  The powerhouse is proposed to be located in a similar position to an existing shed, to the east of the farmhouse. The agent has indicated that this would be a simple rectangular building, timber clad with a tin roof to blend with the other farm buildings. This location and design approach is considered to be the most appropriate to minimise the landscape impact of the building. Condition no.25 will ensure that a detailed design of the powerhouse is submitted prior to works commencing.  In conclusion, subject to the abovementioned conditions being applied and met, the proposed development does not raise any significant issues with respect to landscape or visual impacts and therefore complies with the terms of Policy L1 of the National Park Local Plan.  ***Natural Heritage***  *River Teith Special Area of Conservation – Fish*  The proposed hydro scheme has implications for the River Teith Special Area of Conservation (SAC). This is covered by the requirements of the Habitats Regulations. The qualifying interests of this SAC are lamprey and salmon.  The Calair Burn contains large areas of good habitat for spawning salmon and trout. There is an area of wide gravel beds on the plateau area which is suitable for spawning fish and could be utilised by spring salmon (i.e. April migrating). However, approx. 2.5km downstream of Ballimore Farm is a man-made barrier and natural falls (within 10 metres of each other) which form a difficult barrier to fish passage. Electrofishing surveys on the Calair Burn have been carried out over the last two decades. Since the first survey in 1998, up to the most recent in 2011, no adult salmon have been found at either Ballimore Farm, or at the plateau area upstream of the farm. In the most recent 2011 and 2009 surveys only salmon fry/salmon parr were recorded at Ballimore Farm.  The River Forth Fisheries Trust has objected to the current planning application, as summarised in section 4 of this report.  The following is a consideration of the background to, and issues in relation to, the consideration of impacts on fish interests.  Under the Habitat Regulations, an Appropriate Assessment was carried out by the National Park Authority for the previous planning application (ref: 2010/0323/DET) due to the proposal having a likely significant effect on the qualifying interests of the SAC. The conclusion of this Appropriate Assessment was that although it was considered to have likely significant adverse effects on the SAC, mitigation measures applied through the planning permission, or the subsequent SEPA authorisation under the Water Environment (Controlled Activities)(Scotland) Regulations (CAR Licence), would ensure that it had no adverse effect on the integrity of the site.  At that time, SNH indicated that the above mitigation measures should be sufficient to conclude that there would be no adverse effect on site integrity.  Subsequent to planning application 2010/0323/DET being approved in October 2011 the applicant applied to SEPA for CAR authorisation. SNH disagreed with SEPA’s decision to grant a CAR licence for the 2011 consented scheme because of the impact on the flow rates, in the depleted reach, on the Atlantic salmon feature of the River Teith SAC. SNH retained their objection and SEPAs decision to grant a CAR Licence was referred to Scottish Ministers whom subsequently directed that the CAR licence be granted.  As part of their decision process on the CAR Licence, SEPA were also required to take account of the status of the Calair Burn within the Water Framework Directive. The proposal for water abstraction via the hydro scheme was expected to result in a deterioration of the status of the Calair Burn. For this reason, SEPA required to satisfy itself that it was justified in a derogation from its objective of preventing a deterioration of status. In combination with mitigation measures (through the CAR authorisation) to manage the ‘allowable take’ from river flows, and protect fish migration and river habitats, whilst considering the positive and negative economic, social and environmental impacts, SEPA concluded that the proposal’s adverse environmental impacts would be of very low significance. Furthermore, alternative options for delivering equivalent renewable energy benefits would not be environmentally significantly better options and the benefits of the proposal to sustainable development took priority in this instance. Therefore, SEPA considered that the criteria for derogation from the Water Framework Directive’s objective of preventing deterioration of status was satisfied and that the proposal’s adverse impact on the water environment was not a barrier to SEPA granting a CAR authorisation.  The outcome is that the scheme currently has authorisation under the Water Environment (Controlled Activities)(Scotland) Regulations (CAR). The CAR Licence (ref: CAR/L/1089991) contains conditions to safeguard fish interests. It does this through the control of the location of the impoundment and abstraction of water and where it is returned to the water environment; the rate at which water may be abstracted; the release of compensation (or hands off flows); fish passage; sedimentation management and the timing of works which are likely to impact on the water environment. The CAR Licence requires that a fish pass be installed on the west (middle intake) at NN5037 1622 to ensure that the scheme, when in operation, does not impede the passage of fish and allows them above intakes if appropriate. Plans to show the inclusion of this fish pass within the finalised intake detail drawings is recommended as a planning condition. In addition, the CAR Licence includes a biennial monitoring process which requires quantitative fish surveys to be carried out once the scheme is commissioned over a period of 12 years. If the reporting evidences that there has been a detrimental effect on fish, then SEPA have the ability to make an amendment to the CAR Licence.  The requirement for a detailed CMS, and the requirement for an Ecological Clerk of Works are all covered in the recommended planning conditions. The requirement for ‘hands-off flows’, ‘timing of instream works’ and a ‘sedimentation management plan’ is contained within the CAR licence. It is acceptable for the Planning Authority to rely on these CAR Licence mitigation measures to protect fish interests being applied by SEPA, to avoid dual regulation. However, inclusion of these approved mitigation measures within the CMS is recommended.  In summary, the identified effects on the SAC can be mitigated by the conditions attached to the planning application and to the CAR licence. Therefore, the concerns highlighted by the River Forth Fisheries Trust are considered to be adequately addressed and furthermore, the monitoring of conditions by SEPA provides an additional safeguard. An updated Appropriate Assessment has been carried out for the current planning application in relation to the SAC. The conclusions of which match those made in 2011, that adverse effect on the integrity of the SAC can be avoided through employment of abovementioned mitigation measures.  *Other Ecology*  The applicant has carried out surveys to determine the presence of protected species and habitats and identify where mitigation is necessary. These have been reviewed by the NP Natural Heritage Officer who has provided the following advice with respect to those species and habitats that would be affected by the development:  *Otter*  An updated survey for protected species was carried out on May 2015 and this recorded no evidence of otter activity. However, the NP Natural Heritage Officer advises that a planning condition be applied requiring that if work does not start before 1 May 2016 then further otter survey should take place prior to any pre-construction clearance work or development work. Evidence of the area surveyed should be submitted with any survey report.  *Badger*  The updated protected species recorded evidence of badger foraging but no setts were located within 30 metres of the development footprint. Therefore, there is no requirement for a licence from SNH. However, as a safeguard, it is recommended that a walkover survey prior to development should be carried out and the ECoW should include badger within their toolbox talks to contractors.  *Black Grouse*  The survey data did not reveal much evidence of black grouse. However, it should be noted that the survey was carried out late in the summer (June) so theoretically this could be a lek site, albeit that the NPA are not aware of this being a lekking site. As a precautionary measure it is recommended that, rather than carrying out an additional survey, works avoid lekking periods or a black grouse protection plan should be submitted and approved prior to development.  *Breeding Birds*  It is recommended that a condition is applied to ensure that construction work in all areas should avoid breeding season (1 April to end of July), unless additional walkover survey work determines there are no nesting birds in the area.  *GWDTE’s*  The submitted NVC Survey of the site shows approximate locations of GWDTE’s. A Peat Depth Survey was conducted. In light of this information, it is deemed necessary that further on-site micro-siting take place to ensure that impact on this habitat is avoided or, where not possible, is minimised. Furthermore, a turve management plan should be an integral part of the CMS and should include peat management plan and management of other habitats.  *Bryophytes*  It is recommended that no specific action is required for mosses or liverworts. However, dog violet habitat (NVC areas W9 & W11) should be addressed in the Turve Management Plan as butterflies are dependent on this habitat as a foodplant. Therefore, within these NVC areas, turve should be reinstated within three weeks to ensure that this species is not affected.  *Trees*  The applicant provided a survey of the trees with the 2010 application (shown on Existing Building Layout dwg. no. HP02800-MAP04 RevA D3). The only trees that might have been affected would have been trees 12, 13 & 14. However, previous correspondence from the applicant, and subsequent site visit by the planning officer, has confirmed that these trees have since fallen in storms. The remaining trees (trees 1 to 11) shown on the plan are located outwith the proposed pipeline route; however, they are within the working corridor. Therefore, it is recommended that these trees can and should be protected during construction and the CMS should specify how this is to be done. On the basis that the tree protection plan shall ensure that no tree would be adversely affected by the proposed development, no bat survey is necessary as part of the planning considerations.  ***Cultural Heritage***  The updated Archaeological Survey (by Scotia Archaeology, dated March 2015) details the results of an archaeological walk-over survey of the site of the current proposal. The survey concludes that the sites identified are located sufficiently far from the routes of the pipe trenches as to be under no threat from the proposed development. West of Scotland Archaeological Service, as this Authority’s advisers in such matters recommends that the proposal should not have a direct impact on previously recorded archaeological sites, or on features whose presence can be determined by surface inspection. The original 2009 archaeology report recommended that a programme of fencing/protection be applied to ensure that identified features be avoided/protected during construction works. WoSAS recommend that this previous recommendation is still necessary, particularly in relation to the sheepfold recorded at site 7 in the survey report. Therefore, it is recommended that a programme of protection is put in place through planning condition requirements.  **Public Access**  The NP Access Officer commented that there is a deposited core path to the south of Calair Burn and that there is also a claimed Right of Way starting at the bridge at the head of the glen and finishing at Brig o’ Turk and two other claimed rights of way in the vicinity heading to Strathyre and to Laggan. The officer also highlights that there is an established area for parking beside Ballimore Farm.  From a site visit in September 2015, it was confirmed that the farm track to the north of the Calair Burn (which is used as access for a number of routes, for example the shoulder of Creag Mhor) had two sets of locked gates forming a deer enclosure in the vicinity of grid references NN528 177. Discussions with the applicant regarding this were positive and it was agreed to further investigate options to ensure safe enclosure of the applicant’s deer whilst ensuring that public access is maintained in accordance with the Land Reform (Scotland) Act 2003. The NP Access Officer has agreed to deal with this matter separately under the Access remit of the National Park Authority.  The deposited core path to the south of the Calair Burn was found to be free of locked gates at the time of the September site visit.  Although there are no core paths in the immediate vicinity of the proposed development site, access rights do still apply under the Land Reform (Scotland) Act 2003, and walkers access surrounding peaks along the farm track. The submitted Environmental Statement does state that those using the tracks must be provided with safe passage.  It is understood that the public will only be affected during the construction phase, and not subsequently.  To manage this the NP Access Officer requests that a public access management plan is requested through planning condition.  The developer’s commitment, within the Revised CMS, to regularly maintain tracks to prevent the build-up of mud and formation of ruts and to restore existing permanent tracks in accordance with best practice guidelines is welcomed.  **Road Access**  Construction of the proposed scheme will generate some construction traffic as vehicles will be required to deliver machinery and materials to the site. Stirling Council, as Local Roads Authority, has advised that a series of conditions be applied in order to address their concerns regarding restrictive road geometry, safeguarding of road condition and advance warnings for other road users. Planning conditions are recommended to address these matters to ensure that the development can be considered as being acceptable and consistent with Policy TRAN3 of the National Park Local Plan. The Trunk Roads Authority has no objection to the proposed development.  **Conclusion**  The proposed hydro scheme is considered to meet the relevant policy relating to hydro-electric developments (Policy REN2) of the adopted National Park Local Plan. Subject to conditions, it is considered that the proposal will have no significant adverse impacts on the landscape, ecology, cultural heritage, road or public access interests and will therefore comply with National Park Local Plan policies L1, D1, ENV4, ENV5, ENV10, ENV26, TRAN3 and TRAN7. Conditions requiring the applicant to engage a Landscape Clerk of Works and Ecological Clerk of Works will ensure that the landscape and ecological mitigation set out in the detailed Construction Method Statement is followed during construction.  It has been ascertained, through the appropriate assessment, that the proposal will have no adverse effect on the integrity of the River Teith Special Area of Conservation (SAC) and that the recommended planning conditions and conditions applied through the SEPA CAR Licence will mitigate the potential effects identified and therefore the proposal complies with Policy ENV1 of the National Park Local Plan.  It is therefore recommended that the application be approved, subject to the undernoted set of conditions. | |

**Recommendation:**

Approve, subject to conditions.

**Conditions:**

1. **Permitted Scheme:** Notwithstanding what is shown on the approved drawings, specifically drawing no. HP02800 MAP 01 REV B, permission is excluded for the south intake or the southern branch of connected pipeline.As per email correspondence from Campbell of Doune dated 30th June 2015, the development hereby approved does not include permission for any borrow pits.

REASON: The application was revised to exclude the southern intake at the request of the applicant and supporting revised ecology and archaeological surveys excluded the southern intake. Therefore the application has been assessed on the basis of the north and middle intake only.

1. **Construction Time Period:** The development shall be undertaken in one continuous phase, with no partial implementation. Unless otherwise agreed in writing by the Planning Authority, all construction activities shall be completed within a 24-month period taken from the start date provided to the 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 planning conditions.

REASON: To ensure that the development is constructed within a limited time period in order to minimise the adverse visual impacts on the landscape.

3. **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 Planning Authority. In particular, the CMS shall cover the following:

a) Detailed construction methods for all aspects of the scheme (temporary access track, upgrade of existing tracks, site compounds, intakes, pipeline, powerhouse, tailrace, outfall). Particular attention shall be given to detailing mitigation measures for management of drainage within all construction elements potentially affecting groundwater flow, so as to prevent excavation or structures acting as a conduit for water flow within areas of Ground Water Dependent Terrestrial Ecosystems (GWDTEs) that cannot otherwise be avoided by the development;

b) Pollution prevention safeguards and sedimentation management and silt safeguards (including wet weather contingency proposals);

c) Storage and disposal of materials;

d) Construction site facilities including the location of construction site huts, vehicle equipment, materials storage and location of parking area(s) for construction workers;

e) Duration, timing and phasing of works and hours of operation on site;

f) The width and route of the working corridor that construction works will be confined to (shown on a plan);

g) Detailed landscape mitigation and restoration techniques including contingency plans should the vegetation fail to re-establish on the route of the pipeline or temporary access track;

h) Detailed habitat mitigation and restoration targets, specifically Turve Management Plan and Peat Management Plan;

i) Methods for working in or near deep peat;

j) Methods to protect all retained trees in the vicinity of the powerhouse (Trees 1 to 11);

k) Protected Species Mitigation for otter, (including the provision of temporary ramps in trenches/excavations over 0.5 metres deep and capping of pipes at the end of the working day), badger mitigation and black grouse and breeding bird mitigation measures;

l) Public access management proposals - to ensure public access is maintained and disruption minimised;

m) Traffic management proposals - to minimise any conflict between construction vehicles and other road users;

n) Methods to avoid/protect the unscheduled archaeological/historical sites identified in the Archaeology Survey Report by Scotia Archaeology dated March 2015 as addressed in condition no.14 below.

Unless otherwise agreed in writing by the 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 avoid any adverse effect on the integrity of the River Teith SAC, to minimise landscape impacts and to mitigate adverse impacts on ecology, archaeology, neighbours, and the public.

4. **Ecological Clerk of Works/ on-site Ecologist**: No works shall commence on the development hereby approved until an independent Ecological Clerk of Works (ECoW) or On-site Ecologist (with ornithological experience) 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.

5. **Scope of works to be carried out by the Ecological Clerk of Works/ on-site Ecologist**: Prior to appointing the ECoW in accordance with Condition no.4 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 shall:

* be present to oversee all in-stream construction works;
* be responsible for immediately notifying the National Park Authority of any on-site environmental incidents;
* give advice on micro-siting project elements to avoid or minimise impact on important and sensitive habitats, including any areas of deep peat (greater than 0.5 metres deep), GWDTE or bog pools;
* 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 and nesting birds;
* oversee implementation of all ecological mitigation, as detailed in the approved CMS;
* be responsible for implementing the Breeding Bird, Black Grouse and Tree Protection Plans agreed in accordance with condition nos. 9, 10 & 11 below;
* monitor restoration of the site and ensure that the agreed habitat restoration targets are achieved;
* 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 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 and ensure the agreed working methods and ecological mitigation, as set out in the Construction Method Statement, are followed during construction.

6. **Construction Corridor Widths and Micro-siting:** Prior to the commencement of development, a ‘micro-siting’ plan detailing the final widths and location of the construction corridor within the whole development site (to include areas where the construction corridor is within 10 metres of a watercourse) and specific mitigation proposals to minimise potential impact on Ground Water Dependent Terrestrial Ecosystems (GWDTE) shall be submitted to, and approved in writing by the Planning Authority in consultation with SEPA. All infrastructure shall be overlain on a National Vegetation Classification (NVC) map. For the avoidance of doubt the working/construction corridors shall not exceed those indicated in the approved plans. As a minimum, the working/construction corridors shall be:

* micro-sited to avoid areas of deep peat and where areas of deep peat cannot be avoided, impact should be minimised through the use of floating track construction and specific mitigation measures addressed in the finalised Peat Management Plan as may be approved under condition no.8;
* micro-sited to avoid sensitive habitats of Groundwater Dependent Terrestrial Ecosystems (GWDTE) and where sensitive areas of GWDTE cannot be avoided specific mitigation measures shall be employed to maintain the functionality of wetlands and prevent structures from becoming preferential conduits of water. For the avoidance of doubt, only floating track construction shall be utilised in areas of GWDTE habitat.

Unless otherwise agreed in writing by the Planning Authority, in consultation with SEPA, all works shall be carried out in accordance with the approved Micro-siting and mitigation measures.

REASON: To reduce the impacts on habitat and to minimise adverse visual impacts on the landscape.

7. **Turves/Habitat Management Plan:** Prior to the commencement of development a turve management plan for the whole site shall be submitted and approved by the Planning Authority. This shall include details of:

* The storage and management of the different habitat types (paying particular cognisance to dog violet habitat (habitat reference W9 and W11) and turves of different sizes and depths;
* Coding of habitats to ensure habitat turves are reinstated in the correct areas;
* The details to be provided shall require the pipeline route to be exposed in short sections (to be defined and agreed) and turves associated with the construction of the pipeline shall be stored for a maximum of two weeks at a time.

The details to be provided shall require the pipeline route, and where possible the access route to be exposed in short sections only (to be defined and agreed) and turves associated with the construction of the pipeline shall be stored for a maximum of two weeks before reinstatement.

REASON: The length of time between the soils and turves being lifted prior to being replaced should be as short as possible to allow for successful restoration and to ensure sensitive habitat is retained.

8. **Peat Management Plan:** Notwithstanding the approved Outline Peat Management Plan,prior to the commencement of the development hereby approved, a finalised Peat Management Plan (following input from the ECoW or as a result of altered peat reuse proposals on site) shall be submitted to, and approved in writing by, the Planning Authority in consultation with SEPA. The peat management plan shall include measures proposed to minimise disturbance and exposure of peat during construction/excavation works as appropriate. If excess peat is identified the management plan shall detail appropriate proposals for the reuse of the excavated peat in line with SEPA guidance and the management plan shall also outline contingency plans for the excavated peat, should proposals change as a result of on-site developments.

REASON: To minimise the potential impact on peat.

9. **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 be in accordance with BS 3998 2010 & BS5837 2012 to ensure that individual mature trees (Trees labelled 1 – 11 as shown on Drawing HP02800-MAP03, Rev A-D5, dated 26.09.11) are protected from damage throughout the construction period. The plan 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.

REASON: To protect established trees against damage during the course of the development. To ensure that no trees are felled that may have the potential to contain bats or bat roosts, without first carrying out proper investigation (Bats are a European Protected Species)

10. **Breeding Bird Protection Plan:** No ground preparation or construction works of the development hereby approved shall take place anywhere on the site between 1 April and 31 July unless a Breeding Bird Protection Plan has been submitted to, and approved in writing by, the Local Planning Authority. The plan shall set out measures to protect breeding birds from construction, including:

* How and when the Ecological Clerk of Works will check the construction corridor for signs of breeding bird activity,
* How site personnel will be briefed to alert them to wildlife legislation and signs of breeding birds, and
* The procedures to be followed in the event that a nest is found within the construction corridor.

All construction works carried out between 1 April and 31 July shall be implemented in accordance with the agreed Breeding Bird Protection Plan.

REASON: To avoid disturbing nesting birds during bird-breeding season and to ensure the proposed works do not contravene Nature Conservation laws relating to the protection of any wild bird nest while in use or being built.

11. **Black Grouse Protection Plan:** No ground preparation or construction works of the development hereby approved shall take place anywhere on the site between 1 April and 15 May unless a black grouse protection plan has been submitted to, and approved in writing by, the Local Planning Authority. The black grouse bird protection plan shall specify the following measures:

* that the on-site ecologist/ Ecological Clerk of Works should check the construction corridors for signs of black grouse lekking prior to construction activity along this corridor during the bird breeding season;
* that 'toolbox talks' are to be given to all site personnel to alert them to wildlife legislation and signs of breeding birds;
* procedures to be followed in the event of a nest being located within the construction corridor to ensure that there is no disturbance to the breeding birds.

All construction works carried out between 1 April and 15 May shall be implemented in accordance with the agreed Black Grouse Bird Protection Plan.

REASON: To avoid disturbing black grouse and avoid contravening the Wildlife and Countryside Act 1981 (as amended).

12. **Otter re-survey:** In the event thatwork on the development hereby approved does not commence before June 2016, prior to commencement of the development hereby approved, a further otter survey shall be carried of the construction corridor (including 200 metres either side). The results of the survey along with any recommended mitigation measures, shall be submitted to, and approved in writing by, the Planning Authority. Thereafter, all works shall be carried out in accordance with the agreed otter mitigation measures.

REASON: Initial surveys have identified that otters are in the area. The otter survey information submitted with the application will last for a maximum of 1 year and therefore needs to be updated if construction does not commence until after May 2016. Otters are a European Protected Species and developers must take reasonable steps to establish if any otter holts or couches are present. To ensure the proposed works are not carried out in a manner liable to contravene Nature Conservation laws relating to a protected species and to accord with the first statutory aim of the National Park to conserve and enhance the natural heritage of the area.

13. **Badger walkover survey:** Prior to commencement, a further badger walkover survey shall be carried out for the development hereby approved to establish presence of any badger setts or activity along the construction corridors. The results of the survey along with any recommended mitigation measures, shall be submitted to, and approved in writing by, the Planning Authority. Thereafter, all works shall be carried out in accordance with the agreed badger mitigation scheme.

REASON: Badgers are a protected species. Initial surveys have identified that badgers are in the area. A survey is required to confirm whether badgers are likely to be disturbed by the development. To ensure the construction works are not carried out in a manner liable to contravene Nature Conservation laws relating to a protected species and to accord with the first statutory aim of the National Park to conserve and enhance the natural heritage of the area.

14. **Archaeology:** No development shall take place on the site clearance or the development hereby approved until such time as details of proposed avoidance and/or fencing has been firstly submitted to, and approved in writing by, the Planning Authority to protect the archaeological/historical features identified as being within close vicinity of the construction working corridor, in particular site no. 7, as identified in the Archaeology Survey Report by Scotia Archaeology dated March 2015. The approved measures of avoidance and/or fencing shall be complied with during the duration of development and no works shall take place within the area inside any protective fencing without the prior agreement of the Planning Authority.

REASON: To safeguard the archaeological/historical value of the site.

15. **Temporary Access Tracks:** Prior to the commencement of development, a plan detailing the proposed specification of all temporary access tracks shall be submitted to, and approved in writing by, the Planning Authority. This shall include a site plan clearly identifying the location of each track. It shall also include details of track width, specification and construction methods and micro- siting of the tracks to protect the hydrology of the ground water dependent habitats. Thereafter the details as may be approved shall thereafter be complied with in completion of development.

REASON: To mitigate the landscape and visual impact of the access track into this sensitive area and to comply with local plan policy L1 ‘Conserving and Enhancing the Diversity and Quality of the Park’s Landscapes’.

16. **Temporary Access Track:** Prior to the commencement of any work to construct the temporary access track, a 20-30 metre section of typical temporary track shall be constructed for inspection by, and thereafter approved in writing by the Planning Authority. The remaining sections of temporary track shall thereafter be constructed in accordance with the approved section. Following completion of development the temporary track shall be removed and existing ground reinstated within a timescale to be agreed in writing by the Planning Authority.

REASON: To mitigate the landscape and visual impact of the access track into this sensitive area and to comply with local plan policy L1 ‘Conserving and Enhancing the Diversity and Quality of the Park’s Landscapes’.

17. **Road Condition Survey:** No development shall take place until a local road condition survey of the C33, Stroneslaney Road and Glenbuckie Road has been carried out and submitted to the Planning Auithority. Any defects within this section of road shall be agreed between the developer and the Roads Authority. A further inspection shall be undertaken upon completion of all site works to identify any deterioration in the road caused by site traffic during the works. Any defects identified outwith the initial survey shall be repaired / reinstated at the cost of the applicant.

REASON: To ensure that the road surface does not fall into disrepair as a result of the development and result in health and safety concerns for other users.

18. **Swept Path Analysis:** No development shall take place untila swept path analysis plan is submitted to the Planning Authority detailing movements of vehicles associated with the delivery of the hydropower scheme components along the C33, Stroneslaney Road and Glenbuckie Road. Any modifications required, as identified by the Swept Path Analysis, to allow the site to be accessed in a safe manner shall be agreed by the Planning Authority, in consultation with the Local Roads Authority. These agreed modifications shall be carried out prior to commencement of movement of vehicles associated with the delivery of the hydropower scheme components to the application site.

REASON: In the interests of road safety.

19. **Traffic Management Plan:** The construction traffic movements stated in the approved Traffic Management Plan (Campbell of Doune Ltd., dated 15/04/15, received 25 May 2015) shall be undertaken in full in the construction and completion of the development hereby approved, unless otherwise agreed in writing by the Planning Authority. Traffic Movements should be programmed to avoid Sundays and recognised Bank Holidays.

REASON: To ensure traffic management measures are applied in the interests of road safety.

20. **Road Signage:** No development shall take place until an annotated map or plan is submitted and approved by the Planning Authority, in consultation with the Local Roads Authority, highlighting the locations and type of signs that are to be erected prior to construction works commencing. Signs erected within the public road boundary shall be in accordance with The Traffic Signs Regulations and General Directions 2002 (amended 2011) document. The signs as may be approved shall thereafter be retained and complied with for the duration of traffic movements associated with the construction of the approved development.

REASON: To ensure traffic management measures are applied in the interests of road safety.

21. **Public Access Management Plan**: Prior to the commencement of development, a Public Access Management Plan shall be submitted to, and approved in writing by, the Planning Authority and thereafter complied with, unless otherwise agreed in writing by the Planning Authority. The Public Access Management Plan shall include the following, as a minimum:

* exact timings, impacts and mitigation for all site vehicle movements and works affecting the Core Path or other paths/tracks in the vicinity of the development – for instance, works directly affecting the aforementioned should be programmed to minimise disturbance during peak walking seasons/weekends/days;
* use of banksmen during peak times along the track leading the north intake, as the preferred mitigation measure;
* conduct of drivers when in contact with path users;
* in the event that a diversion is required at certain times - details of diversion signage, proposed locations of signage and period of display; and
* furthermore, site threshold signage should also inform the public and provide advice of other similar recreational experiences in the area – details of site threshold signage, proposed locations of signage and period of display.

REASON: To ensure reasonable and sufficient public access to the local area is maintained.

22. **Landscape Clerk of Works/ On-site Landscape Architect**: No development shall commence on site until a suitably qualified Landscape Clerk of Works (LCoW) or On-site Landscape Architect (LA) has been appointed to oversee the setting out, construction and restoration of all project elements likely to have a landscape impact.

REASON: To ensure that the landscape mitigation agreed in the detailed Construction Method Statement is followed during construction and to minimise landscape and visual intrusion from the development.

23. **Scope of works to be carried out by the Landscape Clerk of Works/On-site Landscape Architect**: Prior to work commencing on the development hereby approved the scope of works and responsibilities for the LCoW/LA, appointed in accordance with Condition no.22, shall be submitted to, and approved in writing by, the Planning Authority. As a minimum, the LCoW/LA shall oversee the following:

* the marking-out of the extent of the construction corridor, the extent of the site compound/pipe lay-down areas;
* micrositing of intake and detailed design of mitigation measures, such as placing of boulders;
* detailed routing of pipeline and location of infrastructure such as pipe bridges;
* location and design of temporary and permanent access tracks and their subsequent restoration;
* Restoration and reinstatement of all disturbed vegetation and landform and recommendations in relation to new planting.

Thereafter, all works shall be carried out in accordance with the agreed Scope of Works.

REASON: To ensure that the landscape mitigation agreed in the detailed Construction Method Statement is followed during construction and to minimise the landscape and visual intrusion from the development.

1. **Detailed intake designs:** Notwithstanding what is shown on drawing nos. DWC04 1-4 & DWC06 1-3 (all dated as received on 29/10/2014), prior to commencement of the development hereby approved, detailed drawings of each intake, including layout plans, elevations and cross-sections, shall be submitted to, and approved in writing by, the Planning Authority. These drawings shall detail all associated structures such as railings, wing walls, plunge pools, and placement of boulders, and indicate all materials and finishes. The west intake (at grid reference NN5037 1622) shall include a fish pass.

Thereafter, the intakes shall be constructed in accordance with the approved drawings.

REASON: To ensure that all aboveground structures blend in with the landscape setting and minimise visual intrusion.

1. **Powerhouse, outfall and pipebridge drawings**: Notwithstanding the approved drawings, prior to commencement of the development hereby approved, detailed drawings of the powerhouse, outfall and all pipebridges shall be submitted to, and approved in writing by, the Planning Authority. These drawings shall indicate materials and finishes proposed.

Thereafter, the powerhouse and outfall shall be constructed in accordance with the approved drawings.

REASON: To ensure that all aboveground structures blend in with the landscape setting and minimise visual intrusion.

1. **Details of valve sites and scour points:** Notwithstanding the approved drawings,prior to commencement of construction, details of the precise locations, design and finished appearance of all valve sites and scour points, including their markers, shall be submitted to, and approved in writing by, the Planning Authority.

All works shall thereafter be carried out in accordance with the approved details.

REASON: To ensure that all aboveground structures blend in with the landscape setting and minimise visual intrusion.

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 (consisting of the powerhouse, outfall pipe and intake), unless a sample or details of the final materials and colour to be used to construct all aspects of the above-ground structures, has been submitted to, and approved in writing by, the Planning Authority. Thereafter, all aboveground structures shall be constructed in accordance with the approved details.

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

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 Planning Authority. For the avoidance of doubt this shall include the restoration details for the existing, and temporary tracks. The plan shall detail proposals for the reinstatement and management of all areas of the scheme, including areas of grass seed/turf and recommendations regarding new tree planting. 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. **Private Water Supply** **- source**: The developer shall ensure that the source take-off point for the existing private water supply will not be affected during the construction or operation phase of the proposed scheme. Should further private water supply take-offs become apparent then the developer shall notify the Planning Authority. Any changes or modifications required to the supply infrastructure shall be agreed in writing by the Planning Authority, in consultation with Stirling Council Environmental Health, prior to the commencement of development. Thereafter, changes or modifications shall be carried out in accordance with the approved details.

REASON: To protect the private water supply of nearby residents.

1. **Turbine Noise Pressure Level:** All power generating equipment, and any associated fixed plant/equipment, shall be acoustically enclosed to attenuate sound to ensure that the sound pressure level at the nearest noise sensitive property shall be no greater that neutral above the ambient level, as defined in the Scottish Government’s Technical Advice Note (TAN): Assessment of Noise, Table 3.5. Noise attenuation measures may include use of heavy block construction in the powerhouse construction and the positioning of doors and louvres to face away from Ballimore Farmhouse.

REASON: To protect the occupants of nearby dwellings from excessive noise/disturbance associated with the implementation of this permission.

1. **Hours of Construction:** Construction works, in the vicinity of the proposed powerhouse site, which are audible outwith the site boundary shall be undertaken during normal working hours unless otherwise agreed in writing by the Planning Authority:
2. 08:00 to 18.00 hours Monday to Friday;
3. 09.00 to 13.00 hours on Saturdays;
4. No noisy works audible outwith the site boundary are permitted on Sundays or recognised Bank Holidays.

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

1. **Monitoring reports during construction:** The applicant shall submit a monitoring report to the 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 Planning Authority, the monitoring reports shall include an update on construction progress, photographs (including fixed point photograph at locations to be agreed in writing by the Planning Authority), and shall include separate update reports from both the LCoW and the ECoW.

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

1. **Decommissioning and Restoration:** Unless otherwise agreed in writing with the 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 Planning Authority. Reinstatement shall comprise the removal of all above- ground infrastructure, and restoration of the natural water regime to normal flows and restoration of the disturbed soils and vegetation to the habitat restoration targets as detailed in the Restoration Plan. All reinstatement works shall be carried out to the reasonable satisfaction of the Planning Authority.

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

**Reason for Decision**

The proposed hydro scheme is considered to meet the relevant policy relating to hydro-electric developments, namely Policy REN2 of the adopted National Park Local Plan. Subject to conditions, it is considered that the proposal will have no significant adverse impacts on the landscape, ecology, cultural heritage, road or public access interests and will therefore comply with National Park Local Plan policies L1, D1, ENV4, ENV5, ENV10, ENV26, TRAN3 and TRAN7. Conditions requiring the applicant to engage a Landscape Clerk of Works and Ecological Clerk of Works will ensure that the landscape and ecological mitigation set out in the detailed Construction Method Statement is followed during construction. It has been ascertained, through the appropriate assessment, that the proposal will have no adverse effect on the integrity of the River Teith Special Area of Conservation (SAC) and that the conditions will mitigate the potential effects identified and therefore the proposal complies with Policy ENV1 of the National Park Local Plan.

**List of Plans**

|  |  |  |  |
| --- | --- | --- | --- |
| **Title** | **Reference** | **Date on Plan\*** | **Date Received** |
| Site Plan  Existing Building Layout | HP02800 MAP 04 REV A-D3 |  | 29/10/14 |
| Site Plan  Proposed Site Layout | HP02800 MAP 01 REV B |  | 29/10/14 |
| Site Plan  Proposed Powerhouse Layout | HP02800 MAP 03 REV A-D5 |  | 29/10/14 |
| Plan  Proposed Powerhouse | DWC05-1/3 REV A |  | 29/10/14 |
| Plan  Proposed Powerhouse | DWC05-2/3 REV A |  | 29/10/14 |
| Plan  Proposed Powerhouse | DWC05-3/3 REV A |  | 29/10/14 |
| Plan  Middle Intake Drawing | DWC04-1/4 REV A |  | 29/10/14 |
| Plan  Middle Intake Drawing | DWC04-2/4 REV A |  | 29/10/14 |
| Plan  Middle Intake Drawing | DWC04-3/4 REV A |  | 29/10/14 |
| Plan  Middle Intake Drawing | DWC04-4/4 REV A |  | 29/10/14 |
| Plan  North Intake | DWC06-1/3 REV A |  | 29/10/14 |
| Plan  North Intake | DWC06-2/3 REV A |  | 29/10/14 |
| Plan  North Intake | DWC06-3/3 REV A |  | 29/10/14 |
| General  Traffic Management Plan | CAMPBELL OF DOUNE LTD 15/04/15 |  | 25/04/15 |
| General  Outline Peat Management Plan | DUNCAN CAMPBELL AUG 2015 |  | 13/08/15 |
| General  Archaeological Survey Report | SCOTIA ARCHAEOLOGY, MARCH 2015 |  | 19/03/15 |
| Sections  Floating Track Construction Details | PL-02 |  | 13/08/15 |
| Sections  Section through Pipeline Excavation in Deep Peat | PL-03 |  | 13/08/15 |
| General  Peat Depth Survey Report | DUNCAN CAMPBELL, JUNE 2015 |  | 27/07/15 |
| Plan  Peat Depth Survey Location Plan | PL-01 |  | 27/07/15 |

**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.

4 Surface Water - Disposal of surface water from the site should comply with General Binding Rules (GBRs) 10 and 11 of The Water Environment (Controlled Activities) (Scotland) Regulations 2005 (as amended). Details of the requirements of these GBRs can be found on SEPAs website or from SEPAs Balloch Office, Carrochan, Carrochan Road, Balloch G83 8EG, tel no: 01389 727 770.

5 Road Opening Permit - The applicant is advised that in terms of Sections 21 and 65 of the Roads (Scotland) Act 1984 he/she/they must obtain from the appropriate Council as Roads Authority consent to carry out any improvements to the public road network, as may be identified by the Swept Path Analysis, to alter, open or extend an existing road, prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.

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| Signed: Craig Jardine  **Development Management Planner** | Dated: 01 October 2015 |

Appendix 1 **Loch Lomond & the Trossachs National Park Authority:**

**Appropriate Assessment of the Implications of the proposed construction of a run-of-river hydro scheme at Ballimore Farm (ref: 2014/0278/DET), upstream of the River Teith Special Area of Conservation (SAC)**

**Date – 30 September 2015.**

|  |  |  |
| --- | --- | --- |
|  | ***Significance of Effects: Screening*** | |
| 1 | Brief description of the project | The proposal is for the construction of a run-of-river hydro scheme with an estimated generating capacity of 499kW. The scheme is located on the Calair Burn (and tributaries), near Balquhidder in Glen Buckie. The scheme consists of two separate intake weirs, pipeline route, powerhouse and outfall.  In detail the proposal includes the following:   * A northern intake weir on Allt Fathan Glinne (tributary of Calair Burn) at NN 5016 1764 * A western intake weir on Allt a’ Ghlinne Dhuibh at NN 5037 1622. * Approx 4.5km of buried pipeline. * A turbine house located to the southeast of Ballimore Farmhouse, adjacent to Calair Burn. * Outfall to Calair Burn – buried beside powerhouse.   The majority of the scheme footprint is located within the boundary of the River Teith SAC.  The proposal has the potential to have a significant effect on the qualifying interests of this protected area. |
| 2 | Brief description of the Natura 2000 sites | The qualifying interests of the Endrick Water SAC are:   * Atlantic Salmon (Salmo salar) * Brook Lamprey (Lampetra planeri) * River Lamprey (Lampetra fluviatilis) * Sea Lamprey (Petromyzon marinus) |
| 3 | Conservation objectives for the site | Conservation Objectives for the River Teith SAC are:  To avoid deterioration of the habitats of the qualifying species (listed below) or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained and the site makes an appropriate contribution to achieving favourable conservation status for each of the qualifying features; and  To ensure for the qualifying species that the following are maintained in the long term:   * Population of the species, including range of genetic types for salmon, as a viable component of the site * Distribution of the species within site * Distribution and extent of habitats supporting the species * Structure, function and supporting processes of habitats supporting the species * No significant disturbance of the species   The proposal is not directly connected with, or necessary to, the conservation management of the River Teith SAC. Therefore, further consideration and an assessment of likely significant effect is required. |
|  | ***Assessment Criteria*** |  |
| 4 | Describe the individual elements of the project likely to give rise to impacts on the Natura 2000 site. | The following individual elements of the project have the potential to give rise to impacts upon the Natura 2000 site:  Construction Phase  Intake construction and tailrace   * Risk of an adverse impact on water quality from in river works and sedimentation. * Risk of contamination from fuel and chemical spillages/leaks. * Changes to river channel. * Diversion of river flow during above work and other infrastructure within/around river.   Operational Phase  Impact from intake and tailrace   * Risk of sedimentation in the SAC as part of ongoing sedimentation management. * Risk of sediment starvation as a result of the intake weirs restricting downstream sediment supply. * Risk that the distribution, extent, structure and function of habitats supporting the species may be affected by reduced flows in the depleted reach. * Risk that adult salmon migration, spawning and juvenile freshwater growth may be affected by reduced flows in the depleted reach. |
| 5 | Describe any likely direct, indirect or secondary impacts of the project on the Natura 2000 site. | Potential impact on the salmon and lamprey habitat within the SAC due to:   * Disturbance. * Loss of habitat. * Changes in water quality. * Changes in flow affecting distribution of salmon and habitat availability (wetted width impacts). |
| 6 | Describe any likely changes to the site arising as a result of any impacts. | The elements of the development that are likely to have a significant effect on the SAC qualifying interests are:   * Intake hydro structures will result in a physical barrier to the movement of material and sediment downstream. * A scour valve in the intake structure may allow fine material to pass downstream but may not allow larger clasts of material to move downstream. * Tailrace could disturb spawning habitat. * Water flow altered. |
| 7 | Describe from above those elements of the project where the scale or magnitude of impacts is not known. | The scale and magnitude of impacts are known and have been assessed (see section 9) |
|  | ***Likely significant Impact.*** | |
| 8 | Elements of project likely to give rise to significant effects on the site. | The elements of the development that are likely to have a significant effect on the SAC qualifying interests are:   * Lack of suitable sediment management for the hydro scheme. * Alteration to water flow. |
| 9 | Describe what mitigation measures are to be introduced to avoid or reduce the adverse effects on the integrity of the site. | The following mitigation measures will ensure there is no adverse effect on the integrity of the site:  *Disturbance*  SEPA Condition will ensure all in-stream construction works are limited to 16 May – 30th September unless agreed in writing by SEPA. There will be no sediment management during periods when fish are likely to be spawning.  A detailed Construction Method Statement will be required by condition and approved by the planning authority.  An ecological clerk of works will be required to oversee the construction.  Rates of abstraction and “Hands-off‟ flows are set for each intake to control water levels. These rates/flows have been agreed by SEPA and are contained within the CAR licence.  Fish screens shall be designed into the intakes to prevent the passage of fish into the intake at all times.  Fish pass to be provided at the west intake to facilitate free passage of fish.  Return of abstracted water to be free of contaminations and shall be designed so as to not cause significant scouring of the bed or banks of the river.  A Fish Monitoring Plan for the affected waters shall be produced and carried out on a biennial basis for a period of 12 years following first abstraction.  Monitoring, recording and reporting of abstraction data  *Water Quality*  A detailed Construction Method Statement will be required by condition and approved by the planning authority in consultation with SNH.  All construction work will be undertaken in strict accordance with SEPA‟s Pollution Prevention Guidelines. |
|  | ***Conclusion*** |  |
| 10 |  | As a result of the proposal, the risk of impact on the qualifying interests of the Natura Site resulting from the operation of a hydro scheme could be significant for spawning habitat for the reasons outlined in section 8.  However, it is assessed that, **an adverse effect on the integrity of the site, as a result of the proposed development, could be avoided subject to the mitigation measures (as outlined in section 9) being employed.** |