

PLANNING AND ACCESS COMMITTEE

MEETING: NPAPC/11/2013

DATE: 16/12/2013

REPORT No.	NPAPC/11/2013/04
SUBMITTED BY:	Head of Planning
APPLICATION NUMBER:	2013/0120/DET
APPLICANT:	Hydroplan
LOCATION:	Donich Water, Inveronich Lochgoilhead
PROPOSAL:	Construction of a run of river hydro scheme (1350 kw)

NATIONAL PARK WARD:	Ward 1 (Argyll Forest peninsula)
COMMUNITY COUNCIL AREA:	Lochgoilhead Community Council
CASE OFFICER:	Name: Erin Goldie Tel: 01389 722137 E-mail: erin.goldie@lochlomond-trossachs.org

1 SUMMARY AND REASON FOR PRESENTATION

- 1.1 This is an application for a 1350kw run-of-river hydro scheme on Donich Water at Inveronich, near Lochgoilhead.
- 1.2 The level of public interest in this proposal is such that it is considered prudent the application be presented to the Committee Members.

2 RECOMMENDATION

That Members:

- 1. **APPROVE** the application subject to the conditions contained in Appendix 1.

Agenda Item 7 – Copy of previous report

3 BACKGROUND

Site Description:

- 3.1 The site is located north of Donich Water within the area of Inveronich, a small building group approximately 1 mile north east of Lochgoilhead. The site can be accessed from the B839 public road via Inveronich or from the same road via the forest road to the north of Inveronich. A location plan is contained within **Appendix 2** of the Report.
- 3.2 The site is characterised by a mountainous and forestry landscape. It is located on Forestry Commission land. The intake and approximately the first half of the pipeline are located within a commercial woodland area that has recently been felled by Forestry Commission Scotland. The area surrounding the lower section of the pipeline to the west is, in contrast, densely populated with commercial woodland trees and native woodland. A footpath, identified in the National Park Core Paths Plan, creates a clear corridor through the trees. It is through and adjacent to this footpath that the pipeline is proposed to be located. The footpath connects Inveronich from the south to the forest road to the north but has wider strategic connectivity with the Cowal Way which is located outwith the site area but can also be seen on the location plan.

Description of Proposal:

- 3.3 The proposal is to construct a 1350kw run-of-river hydro scheme on the Donich Water which runs in a south-westerly direction into the head of Loch Goil.

The proposal involves the construction of the following permanent elements which are illustrated in **Appendix 3** of the report :

- One intake weir structure spanning the width of the water course;
- A buried pipeline from the intake to the powerhouse (approx. 2km long and 800mm in diameter);
- A powerhouse (12m x 9m) located to the south of the watercourse at Inveronich;
- Buried outfall pipe and tailrace (approximately 60 metres from the powerhouse where the abstracted water is returned to Donich Water);
- 2 spurs of forest road. One leading to the intake and one leading to the centre of the pipeline; and
- Grid connection – a 500m of buried cable connecting to the nearby overhead line.

The applicant has indicated that the following **temporary construction works** are proposed to construct the hydro scheme.

- A site compound area located adjacent to the intake and to the powerhouse;
- A pipe laying down area adjacent to the intake and to the powerhouse; and
- A working corridor within which works will be confined while

Agenda Item 7 – **Copy of previous report**

constructing the pipeline route. This corridor is expected to extend to between 10 and 30 metres wide.

Environmental Impact Assessment (EIA):

- 3.4 The National Park undertook a screening opinion in accordance with the Town and Country Planning (Environmental Impact Assessment (Scotland) Regulations 2011) and determined that an Environmental Impact Assessment (EIA) is not required in this case.

Summary of Supporting Information:

- 3.5 A series of environmental assessments and surveys were submitted in support of the application that covered the following:

- Access and Traffic;
- Archaeology;
- Fish and Aquatic;
- Habitat;
- Bryophytes;
- Protected Mammals;
- Birds;
- Hydrology;
- Morphology;
- Landscape and Visual;
- Noise; and
- Draft Construction Method Statement.

Additional information submitted during the consideration of the application included:

- Revised Landscape and Visual Impact Report
- Revised Pedestrian Access Management Plan
- Fish Population Survey and Fish Habitats Plan
- Bat Survey
- Baseline Noise Level Survey
- Details of footpath reinstatement
- Forest Roads specification document

Planning History:

- 3.6 None.

Agenda Item 7 – Copy of previous report

4 CONSULTATIONS AND REPRESENTATIONS

Responses to Consultations:

4.1 SEPA – No objection.

Provided a peat survey is carried out prior to construction commencing on the forest road spurs to ascertain the likely amount of peat to be excavated. The peat survey should include measures proposed to minimise exposure of peat during construction/excavation works. If there is likely to be excess peat then the survey will be required to detail what management plans are in place to deal with it.

4.2 RSPB – No comments.

4.3 West of Scotland Archaeology Service – No objection.

5 archaeological sites, comprising 11 individual monuments, were recorded in a desk based and walkover survey. All are associated with agricultural or woodland management and none are scheduled monuments. It is recommended that a condition is imposed to ensure no development takes place until temporary protective fencing has been erected around the identified areas and no works shall take place within that area of fencing without the prior written agreement of the Planning Authority.

4.4 Scottish Wildlife Trust - No objection.

The local Argyll & Trossachs, Saving Scotland's Red Squirrels Project Officer visited the site on 12/08/2013 and confirmed that there appear to be active dreys at the location. Appropriate surveys should be carried out on site if there are any plans to remove trees which have a reasonable chance of supporting dreys. This includes conifer species, broadleaf and mixed woodland (including community woodlands and parklands). In areas with both red and grey squirrels, red squirrels are more likely to be found in areas of small-seeded species (including conifers). If the site surveys also identify red squirrel dreys appropriate mitigation should be carried out, this could include adapting the plans to avoid the need to fell trees with red squirrel dreys and implementing a buffer zone around each tree to minimise disturbance. It would also be preferable to see connectivity between dreys maintained within the woodland. The creation of new habitats, suitable for red squirrels, could also be considered. Any work carried out during the construction phase should avoid the breeding season (February to September).

4.5 Scottish Water - No objection.

Scottish Water is satisfied that due consideration and protection of the public water supply has been given. Scottish Water sent a letter to SEPA on 23 October 2013 to inform them that Scottish Water has no objections to the proposed development. Protection measures will be secured through a SEPA CAR Licence.

4.6 Environmental Health, Argyll and Bute Council – No objection.

First response

A survey to establish the existing typical background noise level, LAeq(90), should be undertaken and submitted. The survey should be measured over a representative period at the boundary of the nearest noise sensitive use to the development. The level of noise emanating from the site following commencement of the permitted use

Agenda Item 7 – Copy of previous report

should not exceed the established background noise level LAeq (90) at the survey location by more than 3 dB(A).

Second response following receipt of additional information

The updated noise report on background noise levels (provided by Vibrock dated 31st July 2013, reference R13.7820/1/AF) has been assessed, and in particular the noise levels obtained and detailed in Table 1. A safeguarding condition should be applied to the Donich Water Hydroscheme to ensure amenity and sleep is protected. The following condition is recommended:

Noise Pressure Level: All power generating equipment, and any associated fixed plant/equipment, shall be acoustically enclosed to attenuate noise and ensure that the undernoted noise limits are not exceeded:

1. The level of noise emanating from the site shall not exceed 3dBA above the agreed background level of 38dB LA90 between 0700 and 2300 hours daily, or 3dBA above the agreed background level of 36dB LA90 between 2300 and 0700 hours daily; and
2. The noise rating curve measured in accordance with BS 8233:1999, within any neighbouring residential property, shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 20 between 2300 and 0700 hours daily.

Prior to commissioning of the development hereby permitted, noise monitoring and assessment shall be undertaken to demonstrate compliance with the above noted noise pressure levels/ratings.

The World Health Organisation criteria for sleep recommends an indoor guideline value of 30dB LAeq for the preservation of sleep. This will be more than adequately met with the above condition.

4.7 Argyll and Bute Council Roads Department - No objection.

4.8 NP Natural Heritage Adviser – No objection.

Protected species

The otter survey has revealed that there is no evidence of this species. A further survey will not be required. However as a precaution, the contractors should be made aware that all pipes should be capped at the end of a working day and all trenches should have a ramp (see condition 1 in Appendix 1).

The pipeline will go through commercial forestry plantation. Norway spruce, sitka, larch etc are not particularly suitable for bats roosts. One tree was identified as having a possible bat roost and subsequently surveyed. No evidence of bats was found. All contractors should be made aware of what to do should evidence of bats be discovered during construction (see condition 1).

Other Protected Species

Red squirrels are protected by the Wildlife and Countryside Act 1981 and there are several locations where dreys are present. It is important that a condition is attached limiting tree felling to September – January unless it can be proven that there are no dreys in the trees to be removed.

Water quality

A silt management plan is necessary to ensure that sediments do not enter the

Agenda Item 7 – Copy of previous report

watercourses that run into the River Donich. This should include a contingency plan for wet weather (see condition 1).

Pipeline and construction corridor

'Micrositing' details are necessary from the location of the powerhouse through the section of pipeline where the conifer plantation is proposed to be felled.

Ancient Semi-Natural Woodland

The construction corridor avoids the native woodland to the south.

Fish

Migratory salmonid fish utilise the lower reaches of the watercourse. However with a total of 25 natural waterfalls and cascade obstacles recorded, one weir and 10 full barriers, fish are not travelling upstream so there is no issue with passage being prevented by the proposed weir.

4.9 NP Access Officer - No objection, but note the following:

First of two consultation responses -

- The Core Paths of the Donich Water catchment are a popular recreational resource used by local residents, visitors, and for outdoor education. The path and forest road network is primarily used for walking, mountain biking and for strategic links between longer distance routes entering the catchment e.g. The Cowal Way, the trans-Ardgarten track from Loch Long, and a section of the circular Ardgarten Peninsula mountain bike route.
- It is recommended developers implement warning/ advisory notices to temporarily divert the public from using the affected Core Paths during development. In the event of a scenario involving advisory Core Path signage and diversions, the NPA would expect the developer to implement these for the shortest possible duration.
- Core Path network has not been accurately illustrated by the developer. On p.115 of NPA 2010 Core Paths plan, a short link is illustrated between Inveronich and Tom a' Chluig areas. This would provide a direct route between Inveronich and the 'upper' Core Path/forest road when approached from the south, avoiding the main Core Path/ pipeline alignment. However, this alternative requires further assessment regarding the suitability of the link for public access, and measures at Inveronich to ensure the safe access through 2 short operational areas.
- As an alternative, the 'upper' track can be accessed from the B839 via a subsidiary path located c.300m north. This proposed diversion adds c.1km to the upper track approach and is also overgrown.
- The proposed closure of the short Core Path link near Eas Garbh (location of central forest road spur) will be problematic for walkers accessing the local path network from the Cowal Way and vice versa. Diversions in this area will result in an increase to journey length - therefore positioning/duration of potential diversions will require careful consideration to ensure minimal disruption.
- Subject to planning consent, the NPA has a clear expectation that all paths

Agenda Item 7 – Copy of previous report

physically disturbed by development, are restored to the appropriate standard for this location / level of public access.

- At this stage, the developers' comments provide insufficient detail of how adverse effects on the local recreational experience will be managed during construction. To inform further discussions, the NPA would anticipate a detailed access management plan and information on mitigation measures.
- In the event of a diversion scenario, this path linking the B839 to the 'upper' forestry track is the most practicable option.
- To offset the disruption caused by the potential closure of Core Paths in this location, it is suggested the developer considers improving sections of path away from the proposed pipeline alignment.

The applicant in response to this consultation agreed to form the route identified on the Core Paths Plan that provides a direct route between Inveronich and the upper core path/forest road. The applicant also agreed to improve the diversion route.

NP Access Officers second consultation response following receipt of additional information -

- The applicant has submitted a satisfactory detailed pedestrian access management plan which includes an appropriate signage diversion strategy. The applicant has agreed through the access clarification note that the footpath will be reinstated to an appropriately high standard to support recreational and maintenance access.
- It is recommended that the applicant remove the offer to form the short link between Inveronich and the upper Core Path/Forest Road identified on the Core Paths Plan. Having now made a detailed assessment of the site, from a practical/logistical perspective, building a path on this especially steep alignment would be costly, technically difficult, time consuming and would involve the removal of a significant number of trees. Instead, it is suggested the applicant focuses on surface improvements on the eroding bend (above Inveronich) as part of the reinstatement of the pipeline programme and a vegetation management for the proposed diversion to the north of the site.

5.0 **Representations Received:**

- 5.1 16 representations received at time of writing the report in the form of 11 letters of objection and 5 of support. In addition, a petition of support containing 23 Signatures has been received from the Community Trust.

Lochgoil Community Council objects to the application.

Inveronich Residents Association objects to the application.

- 5.2 The points of **objection** can be summarised as follows:

Agenda Item 7 – Copy of previous report

Red squirrels:

- I walk the Donich Circular Walk on a regular basis and see red squirrels regularly. There are possibly two dreys in the trees to the south east of the powerhouse and potentially a number on the path route. I believe there is a large red squirrel colony at Inveronich and surrounds. There is a legal obligation to check all potential drey sites. My findings put into question the validity of the Mammal Species Survey submitted by the applicant. I suggest a new survey by another experienced body is carried out.

Bats:

- 5.2
- There is a large bat colony at Inveronich of between 500-1000 which would be affected by construction.

Other species:

- Besides bats, there are also badgers, pine martin, otters, small mammals and deer in the Inveronich area which could be affected by the scheme.

Fish:

- The tailrace is downstream of impassible falls. The fish habitat report confirms that the stretch between these features is accessible to migratory species of fish. The NP Supplementary Planning Guidance advises that the tailrace should be preferably upstream of impassible falls for migratory fish to avoid impacts to spawning beds. The extraction of water will reduce the flow of water to this area making it less likely that migratory fish will be able to access spawning grounds beyond the tailrace. Migratory fish will be attracted to the tailrace when the flow from it is more attractive than the flow from the natural channel.

Landslides:

- There is a high risk of landslide along the footpath route. There has been known landslides and evidence of them in the area. The construction of the pipeline will increase the risk.

Powerhouse:

- The water treatment plant is sensitively located and well screened by the trees, whilst the powerhouse is proposed on raised land and will be domineering and visually intrusive.
- The timber clad frame in no way compensates for the inappropriate and dominant building.
- The National Park's Supplementary Design Guidance has been taken into account in the design and siting of the powerhouse.
- The design ignores the NP Supplementary Planning Guidance: Renewable Energy.
- There are two more suitable alternative locations for the powerhouse which have less of an impact on the environment and are viable. The developer accepts that these are viable options yet refuses to properly explore them.
- No efforts are being made to disguise the building.

Noise:

- There is concern surrounding the noise generated from the powerhouse and tailrace and the impact adversely on the amenity of residents and the red squirrels.
- The ambient sound level suggested by the applicant is flawed. Any noise from the river measured from the nearest residential property is minimal. This is not a good location to measure noise levels from the river.

Agenda Item 7 – Copy of previous report

- The report suggests a noise level 5db above ambient levels which is not acceptable.
- Low frequency sounds from turbines and machinery is problematic because it is not part of the natural sound environment. E.g. if a car is left running constantly outside your door - even at barely noticeable decibel levels, the effect is still disturbing.
- The noise report acknowledges there will be noise from the tailrace but it does not quantify or expand on.
- The doors and vents to the powerhouse will face towards the residential properties increasing the impact of the noise from the turbine.
- The methodology adopted for calculating the predictive sound levels is flawed. We have carried out our own background noise readings and considered the proposed attenuation. The predicted readings are all in excess of the World Health Organisation level for restorative sleep.

Core Footpath:

- The Donich Circular Walk is an established path and the most popular in Lochgoilhead. It is used by locals, the outdoor centre and visitors and has been in existence for the last 30 years. It would be a disaster if the path was destroyed.
- The idea that the construction corridor will be 18-28 metres along the footpath is vandalism. This risks the whole footpath being destroyed. The pipeline should have been further up the hill.
- The developer has stated that the reinstated footpath will be capable of accommodating quad bikes. There has been a concerted effort from residents and the Forestry Commission to protect the footpath from motor biked and pedal bikes in the past. This is an indication of how the nature of this recreational walk will be irrecoverably altered.

Access:

- The road into Inveronich is limited to use by residents, vehicles from the farm who own the agricultural building, water board service engineers, post van, delivery vehicles etc. The road has developed pot holes which make passage difficult. The submission makes no mention of the condition or suitability of this road or what the contractors intend to do after installation of the scheme.
- The plans suggest that the access to the powerhouse location is much wider than it is. All plans should be accurate whereas the current are misleading.
- The area of river where the tailrace will be located is popular for children doing river walks under the care of instructors from the activity/adventure centres. This will be disrupted during construction.
- The developer has provided an alternative access plan for Inveronich residents while construction is ongoing. This alternative is through a private access which is a driveway, not a throughway.

Amenity:

- Inveronich has two residential dwellings. This is not conveyed in the application submission. The residents deserve the same protections and rights as residents living in other parts of Lochgoilhead.

Public drinking water:

- Lochgoilhead village receives its drinking water from Donich Water. There is concern the water supply will be affected in terms of quantity and pollution during and after construction.
- Stocks of water from the Donich have been known to be low and needed to be replenished by 'off site' provisions. The proposed scheme will extract

Agenda Item 7 – Copy of previous report

water before the village water supply extraction meaning village supplies will be depleted.

Water flow rates:

- The 'Q percentile flow' rates may be inaccurate as one of the readings were taken during extreme weather conditions.
- The abstraction will have a serious effect on water flow which could affect the spectacular waterfalls. The compensation flow should be increased.

5.3 The points made in **support** of the application can be summarised as follows:

- The proposal falls in line with the government's targets for renewable energy.
- Visual scarring and impact on habitats from the development will be fully restored over time.
- We live in a remote, fragile and deprived area. Monies gained from this scheme will be of great benefit to the community and through time we could become a more viable and sustainable community.
- When applying for funding for large community projects, procuring match funding is always a concern. The income from this scheme will overcome these concerns.
- The schemes will bring employment to an area with high unemployment.

6 POLICY CONTEXT

National Park Aims:

6.1 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:

- (a) to conserve and enhance the natural and cultural heritage of the area;
- (b) to promote sustainable use of the natural resources of the area;
- (c) to promote understanding and enjoyment (including enjoyment in the form of recreation) of the special qualities of the area by the public; and
- (d) to promote sustainable economic and social development of the area's communities.

6.2 Section 9 of the Act then states that these aims should be achieved collectively. However, if in relation to any matter it appears to the National Park Authority that there is a conflict between the first aim, and the other National Park aims, greater weight must be given to the conservation and enhancement of the natural and cultural heritage of the area.

6.3 National Park Local Plan (Adopted, Dec 2011)

Relevant Policies:

- REN 2 – Hydro Renewable Energy Projects – provides assessment criteria for all sizes of hydro generation schemes in the National Park.
- ENV4 – Legally Protected Species

Agenda Item 7 – Copy of previous report

- ENV5 - Species and Habitats Identified in National Action Plans
- ENV6 – Enhancing Biodiversity in New Developments
- ENV10- Protecting the Water Environment
- L1 – Conserving and Enhancing the Diversity and Quality of the Park's Landscapes
- NP1 – Development in the National Park.
- D1 – Design Quality
- TRAN3 - Impact of New Development on the Road Network.

Policy REN2 states: *“Proposals for hydro energy generation will be supported where:*
(a) engineering works, the siting, design or scale of turbine house, other ancillary buildings or works, access requirements and other support infrastructure do not generate a significant adverse impact on landscape, natural or cultural heritage or the water environment individually or cumulatively, including any protected species and habitats under statute;

(b) they do not alter the river profile and the supply to the turbine would not result in an inadequate flow of water in any stream which would reduce its ecological value or visual attractiveness as a natural feature;

(c) they do not, by virtue of cumulative impact, create a significant adverse impact on landscape, natural or cultural heritage, and the water environment, including any protected species and habitats under statute;

(d) noise generation does not result in significant adverse impacts on residential amenity,

disturbance to protected species or disruption of tranquil enjoyment of parts of the Park;

(e) pipes to, and power lines from, the turbine house would be placed underground;

(f) sufficient landscaping measures are included to integrate the proposal into the landscape setting and reinstatement measures are proposed to restore the physical conditions of the site once the operation is redundant; and (g) they do not adversely affect established fishing, canoeing and kayaking access interests.”

Other Material Considerations:

6.4 Supplementary Planning Guidance (SPG) on Renewable Energy (2013)

6.5 National Park Partnership Plan (approved June 2012)

On 22nd June 2012, the National Park Partnership Plan was approved by Scottish Ministers. All planning decisions within the National Park require to be guided by the policies of the Plan, where they are considered to be material, in order to ensure that they are consistent with the Park's statutory aims. In this respect the following policies are relevant:

Relevant policies are:

RD Policy 4 – Climate Change

RD Policy 5 – Renewable Energy – gives priority to small-scale energy generation and transmission from renewable sources where:

- a) The Park's designated sites or other special qualities are protected,
- b) Projects contribute to the energy efficiency and self-sufficiency of the Park's communities and businesses, and
- c) Where revenue generated from electricity supplied to the grid will support

Agenda Item 7 – **Copy of previous report**

identified social, economic or environmental projects or initiatives.

6.6 Scottish Planning Policy, 2010

Scottish Planning Policy, 2010 states that the scope for major new hydro-electric schemes is likely to be limited but there may be an increasing number of proposals for small run-of-river projects. Development plans should 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.

6.7 Scottish Government Renewables Web-based Advice on Hydro Schemes (last updated 22 February 2011):

<http://www.scotland.gov.uk/Topics/Built-Environment/planning/National-Planning-Policy/themes/renewables/Hydroschemes>

Recommends that Planning Authorities require hydro scheme developers to appoint Ecological Clerks of Works to ensure that agreed mitigation is followed during construction.

7 **PLANNING ASSESSMENT**

7.1 The relevant considerations are as follows:

- Principle of development
- Landscape
- Red squirrels
- Other ecology considerations
- Public access
- Noise
- Traffic
- Archaeology
- Water Supply
- Representations

Each of these issues is considered separately below.

Principle of Development

7.2 Policy REN 2 of the Adopted Local Plan gives support to 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.

7.3 As explained below, the conditions in **Appendix 1** will ensure that the proposal can meet all the criteria of this policy. On this basis, the proposal is considered to meet Policy REN 2.

Landscape

Agenda Item 7 – Copy of previous report

- 7.4 A Landscape and Visual Impact Assessment was carried out as part of the assessment of this application and covers the landscape impact of the intake, the powerhouse, pipeline and the forest road spurs. The National Park Natural Heritage Officer considers the report to be comprehensive.
- 7.5 The site is located within an area of Inveronich that is characterised by forested upland glen. The majority of the site comprises commercial woodland however broadleaved woodland is present along the banks of the Donich Water to the south of the pipeline.
- 7.6 The principal locations from which the proposed development, in theory, will be visible are:
- Hills south of Donich Water such as The Steeple and Cnoc Coinnich as well as Beinn Bheula to the southwest, Beinn Donich and The Brack;
 - Core paths located near to the intake and upper section of the pipe line route; and
 - Inveronich and Lochgoilhead
- 7.7 Permanent visible components of the scheme include the intake and the powerhouse.

Intake

- 7.8 The intake would span the width of the Donich Water and include wing walls fixed to the river bank. The total width of the structure would be 14 metres. The wingwalls would extend to 2.5 metres in height and would include safety railings.
- 7.9 The intake would be a fairly unobtrusive structure in the landscape as the Donich Water (which the intake would span) is barely visible from the only public view point—the existing forest road located approximately 265 metres uphill. Mitigation measures to screen the wingwalls have been requested through Condition 1 (see Appendix 1).

Powerhouse

- 7.10 The powerhouse is proposed to be located on an undeveloped grassed area of ground within Inveronich which comprises a cluster of buildings, namely, the Scottish Water Treatment building, an agricultural shed, a deer larder and two residential properties (see Appendix 4). The site can be accessed directly from the road to Inveronich.
- 7.11 The total height of the powerhouse is 7.8 metres. Whilst this is undoubtedly a tall building, it has a reasonably small footprint at 129 square metres. The perception of its height would be reduced as the building is proposed to be cut into the sloping landform. The building would be similar in height to the nearby agricultural shed which stands at 7.2 metres. The Scottish Water building is 4.9 metres in height.
- 7.12 The National Park Natural Heritage Officer is satisfied that the powerhouse will have minimal impact in terms of landscape setting at this location. It can be accessed by the existing road and is located within the context of an established building group.

Agenda Item 7 – Copy of previous report

The timber clad walls and green tin roof reflect the forestry setting and the nearby Scottish Water building. The powerhouse proposals are therefore consistent with local plan policy L1- Conserving and Enhancing the Diversity and Quality of the Park's Landscapes and D1- Design Quality.

- 7.13 Issues regarding noise from the powerhouse are addressed separately in section 'noise' below (see paragraph 7.28).

Forest road spurs

- 7.14 Access to the intake will be via the existing upper forestry road. Two short spurs (each approximately 265 metres in length) of forest road will extend from the existing forest road to enable construction of the pipeline. These roads will be permanent, constructed to Forestry Commission specifications and will be retained for forestry purposes on completion of the scheme.

- 7.15 The commercial forestry character is established in this area and the spurs are small extensions to an existing and extensive forest road. The landscape impact is therefore not expected to be significant.

Trees

- 7.16 Approximately 160 commercial woodland trees are proposed to be felled directly above Inveronich on the steep hillside where the pipeline veers off the core footpath before the tight bend (see site layout plan - Appendix 3). To put this in context, a corridor a maximum of 20 metres wide will be created through the trees. The National Park Natural Heritage Officer has confirmed that the trees are not a suitable habitat for bats, a European protected species, so no survey is required. The trees however could support red squirrel dreys and this is addressed in paragraph 7.19 below.

- 7.17 The formation of a corridor through the trees will have a visual impact on the character of the area but the area surrounding the corridor is densely populated with trees so the impact is not expected to be significant. It should also be noted that the Forestry Commission can fell and restock this entire area independently from the hydro scheme.

- 7.18 The construction corridor is outwith the area of ancient and semi-ancient woodland to the south of the site and a condition has been imposed to ensure that these trees are unaffected by the development.

Red Squirrels

- 7.19 As explained in Section 4 above, the applicant surveyed the site area for red squirrels and identified two squirrels but no dreys. These findings were challenged by a number of local residents and the National Park Red Squirrel and Natural Heritage Officers who identified several red squirrel dreys in the area. This was confirmed by the Scottish Wildlife Trust who also found evidence of active squirrel dreys. As a consequence, the applicant instructed additional surveying work which is consistent with and acknowledges that there are several squirrel dreys in the area.

Agenda Item 7 – **Copy of previous report**

- 7.20 A condition has been attached that requires felling to take place between September – January (inclusive).

Other ecology considerations

- 7.21 The recommendations suggested by the Natural Heritage Planning Officer with regards to otters, bats and fish have been covered by conditions.

Public Access

- 7.22 Approximately half of the pipeline route follows the route of a footpath identified in the National Park Core Paths Plan. The affected section of footpath links Inveronich (to the south) with the forest road/core footpath to the north of the site. It should be noted that the footpath also has wider strategic connectivity with the Cowal Way.
- 7.23 According to the applicant's Pedestrian Access Management Plan, whilst the construction process is estimated to take 12-14 months, the footpath closure will be limited to a 3 month period.
- 7.24 Conditions have been recommended that will restrict the width of the construction corridor to a maximum of 10 metres along the affected section of footpath. 10 metres is considered to be the maximum width the construction corridor can be without adversely affecting the surrounding topography. The resulting footpath will be suitable for a quad bike so that the pipeline route can be accessed for maintenance.
- 7.25 Successful reinstatement of the footpath is essential so it can continue to be enjoyed by future generations. Conditions are recommended to ensure the excavation of the trench, the pipeline installation, backfilling and reinstatement is a continuous process for the best chance of effective restoration.
- 7.26 A signage diversion strategy is proposed to be put in place and the National Park Access Officer is satisfied with this. The 1km diversion is via a subsidiary path located 300m north of the site. An alternative shorter route was explored but discounted by the National Park Access Officer. Details relating to the alternative route can be read in section 'consultations and representations - response from NP Access Officer' above – see paragraph 4.9 above.
- 7.27 The planning gain achieved through this application relates principally to access. The Planning Officer has secured agreement from the developer to upgrade 'the bend' which is effectively a steep curve on the lower reaches of the footpath, above Inveronich, that will not be affected by the development but is currently in poor condition. The developer has agreed to a vegetation management plan for the upper track diversion route to the north. Finally, the road leading into Inveronich from the B839 public road is in a dilapidated condition and will be upgraded prior to works commencing and will be resurveyed post construction and any repairs carried out prior to contractors going off site. Conditions are recommended to secure these works.

Noise

Agenda Item 7 – Copy of previous report

- 7.28 The powerhouse and the tailrace have the potential to generate noise to a degree that would adversely affect the amenity of nearby properties. Argyll and Bute Environmental Health Department recommend a condition to ensure acceptable noise limits are not exceeded. The developer is required to demonstrate compliance with the terms of the condition prior to the hydro scheme being operational.
- 7.29 The residents of Inveronich are concerned that the noise generated from the powerhouse will exceed noise levels recommended by The World Health Organisation for restorative sleep. It should be noted that The World Health Organisation - criteria for sleep recommend an indoor guideline value of 30dB L_{Aeq} and assurances have been given by Argyll and Bute Environmental Health that the proposed condition will comfortably ensure this level is achieved.

Traffic

- 7.30 Construction of the proposed scheme will generate construction traffic as vehicles will be required to deliver machinery and materials (for example, sections of pipeline). Access to the intake will be via the existing upper forestry road. The road leading to Inveronich will also be used for construction of the powerhouse, tailrace and lower stretch of the pipeline. Argyll and Bute Roads Department has no objection to the proposals.

Archaeology

- 7.31 The Archaeology report identifies 5 archaeological sites, comprising 11 individual monuments. All are associated with agricultural or woodland management and none are scheduled monuments. In accordance with the recommendation of the West of Scotland Archaeology Service, a condition is included in Appendix 1 to ensure no development takes place until temporary protective fencing has been erected around the identified areas and no works shall take place within that area of fencing without the prior written agreement of the Planning Authority.

Representations

- 7.32 Many of the points raised in letters of representation have been addressed under the relevant headings in the assessment above, but for clarity the Planning Officer's response to the objections (as summarised in section 5.2) are as follows:

7.33 **Red squirrels**

A condition is recommended to protect squirrels. The condition is to the satisfaction of the National Park's Natural Heritage and Red Squirrel Officers and the wording has taken account of the consultation response from Scottish Wildlife Trust.

7.34 **Bats**

The pipeline will go through commercial forestry plantation. The National Park Natural Heritage Officer has confirmed that Norway spruce, sitka, larch etc are not particularly good for bats roosts. One tree was identified as a possible bat roost and subsequently surveyed. No evidence of bats was found.

7.35 **Other protected species**

The site was surveyed and no evidence of otter, water voles, pine marten, badger

Agenda Item 7 – **Copy of previous report**

or wildcat was found.

7.36 **Fish**

There is an impassable barrier to fish above the tailrace location. Fish will still be able to utilise the watercourse above the tailrace as it will not form a physical barrier. Fish passage will not be prevented. The tailrace will be designed to ensure that there is no scouring of the riverbed and the energy from the tailrace will dissipate within 4ms.

7.37 **Landslide**

The pipeline is proposed to be located at the north side of the footpath rather than the south side where the land starts to steeply descend which will lessen the risk of landslide. It is acknowledged that there is however still a risk of landslide in the area. The applicant will require to take account of this in the Construction Method Statement (see condition 1 - Appendix 1) and the site engineers made aware of this potential issue.

7.38 **Powerhouse**

The planning response to the objections to the powerhouse have been adequately addressed in section 7.10 – 7.12 above and are not repeated here.

7.39 **Noise**

The planning response to the objections relating to noise generated by the powerhouse have been adequately addressed in section 7.28 – 7.29 above and are not repeated here.

7.40 **Public Access**

The planning response to the objections relating to the footpath affected by the proposed development have been adequately addressed in section 7.22 – 7.27 above and are not repeated here.

7.41 **Amenity**

The Planning Officer has taken due consideration of the residential properties of Inveronich and their residents throughout the consideration of this application. If planning permission is granted and the proposals implemented, a degree of inconvenience can be expected during the construction of the powerhouse, tailrace and perhaps the lower reaches of the pipeline in terms of construction noise and additional traffic movement but the hours of operation will be controlled and the inconvenience will be temporary. Normal living conditions would be expected to resume after the contractors are off site and the hydro scheme is operational.

7.42 **Drinking water**

Scottish Water is satisfied that due consideration and protection of the public water supply has been given by the developer and that adequate protection measures will be secured through the SEPA CAR licence process.

7.43 **Water flow rates**

SEPA has no objection to this planning application. Water flow rates are managed by SEPA through the CAR Licence application process. It is worth noting that the

Agenda Item 7 – **Copy of previous report**

Planning Officer has been in discussions with SEPA about the concerns raised and they confirm that the abstraction of water will be controlled to ensure there is no significant adverse affect on the flow of water on the Donich and the spectacular waterfalls will be preserved.

8 CONCLUSION

8.1 Provided that the conditions recommended in Appendix 1 are applied, the proposal is considered to meet the relevant policy relating to hydro electricity developments (Policy REN2) of the Adopted Local Plan, December 2011.

8.2 The construction corridor through the trees will be limited to ensure there is no significant adverse affect on the existing site levels. The footpath will be reinstated and upgraded in accordance with the detailed Construction Method Statement and conditions attached in Appendix 1 below. The requirement for the applicant to engage a part time Ecological Clerk of Works will ensure that the ecological mitigation, also set out in the detailed Construction Method Statement, in relation to all aspects of the scheme, is followed during construction.

8.3 Subject to compliance with conditions relating to noise, it is considered that the proposal will have no significant adverse impacts on the amenity of the residents of Inveronich.

8.4 It is therefore recommended that Members:

- **APPROVE** the application subject to the conditions contained in Appendix 1.

Background <http://www.lochlomond-trossachs.org/planning/>

Documents: Click on view applications, accept the terms and conditions then enter the search criteria as “2013/0120/DET”.