Agenda Item 5

PLANNING AND ACCESS COMMITTEE
SUPPLEMENTARY REPORT

MEETING: NPAPC/05/2014 **DATE: 25 August 2014**

REPORT No.	**NPA/PC/05/2014/02**
SUBMITTED BY:	**Director of Operations**
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 application was referred to the Planning and Access Committee on 16 December 2013 because of the level of public interest in the proposal. Determination of the application was deferred to give the applicant the opportunity to provide additional information on the impact of the proposed development on the waterfall (known as 'Eas Garbh') when the Donich water is in medium flow.

2 RECOMMENDATION

2.1 **That Members:**

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

3 BACKGROUND

3.1 Additional information on the Donich Water 'medium flow' rates and the impact of the proposed development on the waterfall, requested by the Committee on 16 December 2013, has now been submitted. For the avoidance of doubt, this is a supplementary report prepared to address the additional information and should be read in conjunction with the original report dated 16 December 2013 that can be found in **appendix 2**. This report does not repeat or replace the details of the original report. It focuses on the issues that were the reason for deferral. Please note however : references to appendices through the text of the original report are superseded by the illustrations provided through the body of this report and appendix 1 (proposed conditions) as attached here.

Site Description:

3.2 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 below- **figure 1**.

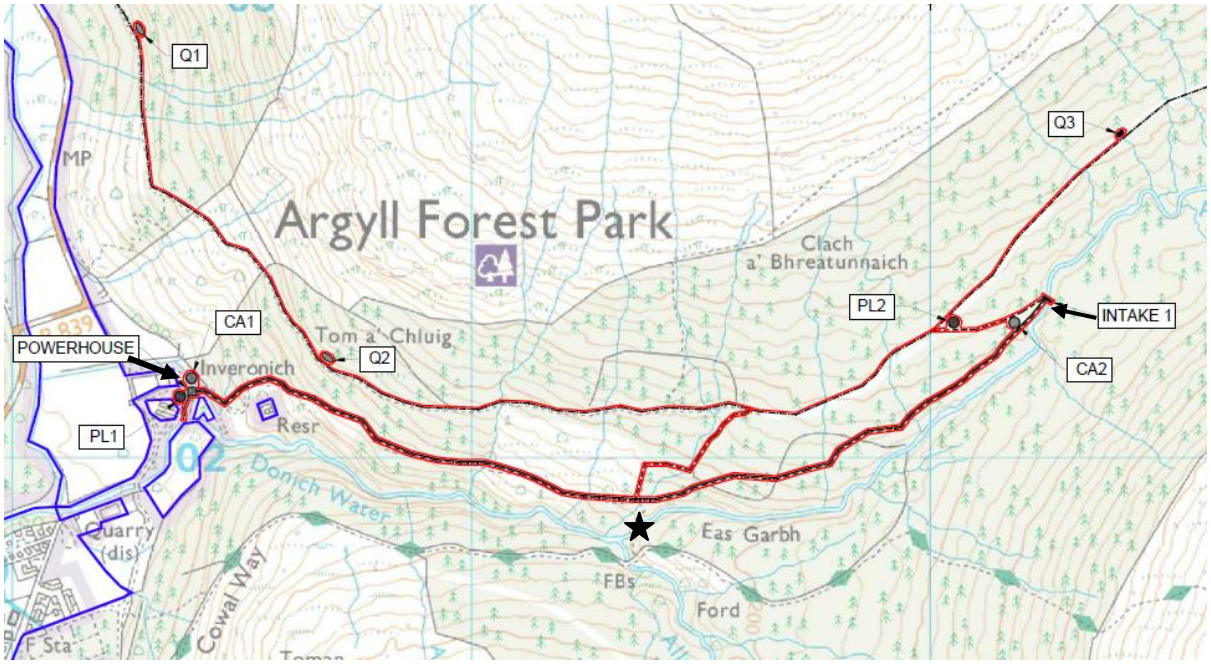

Fig 1: Location plan

★ =Approx location of waterfall

KEY:

- OWNERSHIP BOUNDARY
- PIPELINE
- TAILRACE
- EXISTING ACCESS
- NEW PERMANENT TRACK
- TEMPORARY CONSTRUCTION TRACK
- SITE BOUNDARY (AREA APPROX. 3.68Ha)
- POWERHOUSE
- INTAKE
- CONSTRUCTION AREA (CA)
- PIPE LAYDOWN AREA (PL)
- QUARRY (Q)

Further information on the site and the proposal can be found in section 3 of the previous report.

Interrelationship of access routes, the waterfall and proposed hydro scheme

3.3 **Figure 2** below illustrates the relationship/proximity of the local footpath network and the location of the waterfall and the hydro scheme. The waterfall can be best viewed from the footpath/bridge that crosses the Donich Water.

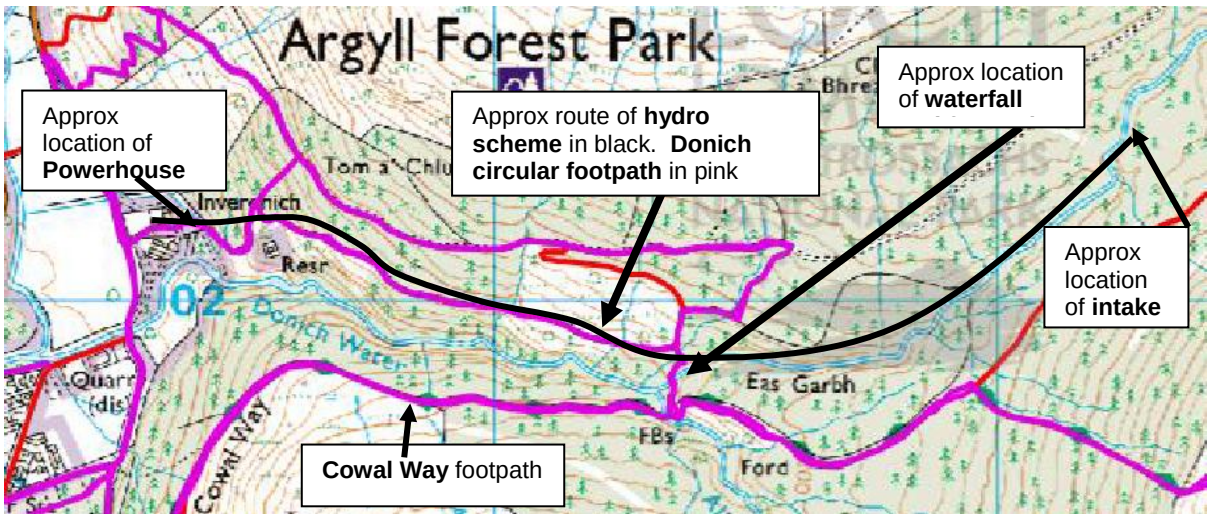

Fig 2: footpaths, waterfall and hydro scheme

3.4 The footpath that would be most affected by the laying of the hydro scheme pipeline is known as part of the Donich Circular Walk and is a popular local route. This is annotated on **figure 2** above. The Donich Circular Walk is featured on a number of websites including visitcowal.co.uk and at least two, published country walk guides. It is therefore accepted the route, including the waterfall is likely to be visited by tourists. The National Park does not however, hold any data on the popularity of the Donich Circular Walk.

3.5 There is no directional signage informing the public about the waterfall and it is not located on a main footpath (including the Cowal Way) so it could be missed by people not local to the area. Any maps that can be found typically refer to the waterfall only as 'Eas Garbh' which may not be clear to people unfamiliar with the Gaelic language that this is in fact a waterfall. Information on the waterfall is limited to the internet, walking guides and perhaps local information leaflets. If the Committee were minded to grant the application, the

applicant could be requested to install simple directional signage as planning gain, if considered desirable.

4. IMPACT OF PROPOSED HYDRO SCHEME ON THE CHARACTER OF THE WATERFALL

4.1 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.

4.2 The waterfall, known as 'Eas Garbh' is located approximately half way within the 2.5k stretch of water subject to the planning application (point of abstraction to the point of return). The primary purpose of this report is to assess the impact that the hydro scheme would have on the waterfall, particularly during medium flow as this is what was specifically requested by the Committee. Two images have been attached in **figures 3 and 4** below of the waterfall during low flow and high flow (both without the presence of a hydro scheme). This is to provide a perspective of the waterfall and its varying appearance.

Fig 3: Waterfall during low flow (Q70)

Fig 4: Waterfall during high flow(Q1)

4.3 If the hydro scheme was implemented, the Donich Water would be subject to lower flows between the point of abstraction and the point of return. The waterfall would therefore be subjected to depleted flows whilst the hydro scheme is in operation although a 'Hands -Off flow*' equivalent to Q90* or 40 litres per second would be passed through the intake at all times so that the river would never run dry. The hydro scheme would not operate unless the Hands Off flow can be exceeded.

**an amount of water that must remain in the water course at all times; this is known as the Hands off Flow (HOF). No abstraction can take place while the stream flow immediately upstream of the abstraction point is less than the HOF. SEPA has set the HOF at Q90 through the approved CAR (Controlled Activities Regulations) Licence.*

**Stream flows are usually measured in terms of percentiles (Q% values. A Q rate of Q90 for example represents the minimum flow that is in the watercourse for at least 90% of the year.)*

4.4 As the scheme would only abstract the design flow required for the turbine, there is built in protection of high flows as these would continue to spill over the intake weir and down the watercourse during periods of high rain fall.

4.5 Considering the above, the abstraction from the hydro scheme is not anticipated to impact significantly on the waterfall during high flows. It should be noted that the contribution of the waterfall feature at low flow is not significant. As noted in section 3.4 above, it is the impact on the medium flow that is the principle subject of this report and this is considered below.

Medium flows and the Waterfall Impact Assessment submitted by Hydroplan

4.6 Following the decision by the Committee to defer the application, the applicant has had the opportunity to compile further information on the flow rates of the Donich Water and give further consideration to the impact on the waterfall.

4.7 A time lapse camera was installed on a tree just below the waterfall. Its presence was confirmed by the planning case officer during a visit to the site. The camera was programmed to capture photographs of the waterfall on an hourly basis during daylight hours. The objective was to capture a range of flows over the waterfall so these could be used to analyse the impact that the proposed abstraction would have. A report entitled 'Waterfall Impact Assessment' was submitted by Hydroplan. This report has since been reviewed by the National Park's Water Environment Adviser who is experienced in assessing hydrological data.

4.8 The report was also informed by flow gaugings that were conducted with a flow tracker and a copy of the calibration certificate for the equipment has been provided by the developer along with examples of the output data.

4.9 **Figure 5** below is an image of the waterfall during medium flow (Q30- approximately the average flow of water for UK rivers. This is the condition that prevails over approximately 109 days of the year). Although water would be abstracted at the intake, additional water joins the Donich downstream (above the waterfall) from several tributaries. Therefore, the abstraction impact on the waterfall is lessened.

Figure 6 below is representative of the influenced flow (also Q30) but while the hydro scheme is operating. The differences are considered to be discernible but not significant. The information on natural and influenced flow at Q30 has also been translated onto a 'Flow Duration Curve' graph in **figure 7** below. This illustrates the natural and influenced flows at various magnitudes.

Fig 5: Natural waterfall during medium flow(Q30) ***Fig 6: Influenced flow (Q30)***

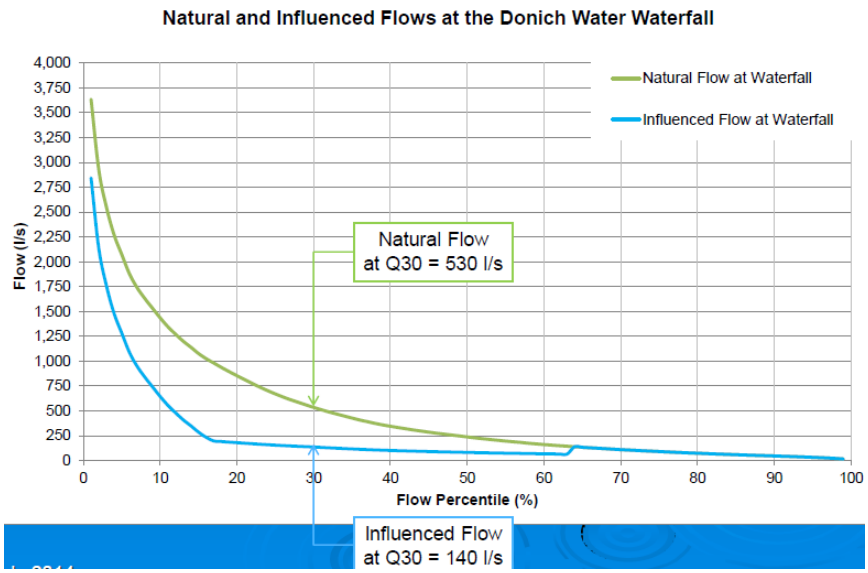

Fig 7: Flow duration curve

4.10 The natural medium flow is not considered to be of particularly high landscape value in comparison to the dramatic high flow as illustrated in figure 4, page 4.

4.11 It is worth noting that there is a natural narrowing of the river as it passes over the waterfall. This natural narrowing means that the reduced flows would have a far less noticeable/visual impact in comparison to a river of uniform width.

Other impacts on the volume of water:
Scottish Water abstraction point

4.12 It is worth noting that the Scottish Water abstraction point (for drinking water) is downstream of the proposed intake of the hydro scheme. The Hands Off Flow that SEPA has imposed for the hydro scheme through the Controlled Activities Regulations (CAR) Licence (see section 4.14 below) would ensure that there is always adequate water available for abstraction by Scottish Water. In addition to this, there is considerable flow accretion between the proposed hydro intake site and the Scottish Water abstraction point, with a number of tributaries joining the Donich Water.

4.13 Having assessed the information available, it is concluded that the proposed hydro scheme would have a discernible but not significant visible impact on the Donich Waterfall during medium flow.

SEPA CAR Licence

4.14 As referred to in section 4.12 above, SEPA has issued a CAR Licence for the proposed hydro abstraction. As part of this process, SEPA carried out a 'visual amenity impact assessment' of the proposal on the Donich Water and the conclusion was that the impact of the proposed abstraction on the waterfall would be of 'low significance.'

4.15 It should be noted that there was an element of confusion over the SEPA CAR Licence decision document as it appeared to be allowing the degradation of the classification of the

Donich Water from 'good' to 'moderate' (these classifications relate to water quality). Clarification from SEPA was therefore sought. This issue was also raised in a representation (see section 7 below).

4.16 It was clarified, that a small stretch of the Donich Water would be downgraded to 'moderate' for flow standards for a 2.5km stretch (the hydro intake to point of return), as it would be subject to reduced flows but this would not affect the overall classification of the Donich Water which remains 'good'

5. NOISE

5.1 An additional noise assessment has been prepared and submitted by the applicant. This was not specifically requested and is not overly relevant as the assessment was based on a smaller turbine than is proposed for the Donich Water scheme. Argyll and Bute Environmental Health has not commented on the additional noise report but advise that their recommended condition from their previous consultations (condition 13) would adequately protect the nearby residents from adverse noise levels from the powerhouse and tailrace. Noise monitoring would take place from the boundary of the nearest residential property prior to commissioning of the development to demonstrate compliance with the noise/pressure levels/ratings recommended by Environmental Health. The developer accepts the terms of the proposed condition.

5.2 Previous representations regarding noise can be found in appendix 2 (original report dated 16 December 2013), section 5. The response to these representations can be found in section 7.28 and 7.29. Furthermore, the proposed planning condition relating to noise can be found in condition 11, appendix 1 of this report.

6. SPECIES PROTECTION

6.1 In the intervening period since the previous consideration of this application, further representation (see section 7 below) has been submitted regarding the protection of mammals during the course of development. This issue was considered in the previous report dated 16 December 2013 (see appendix 2) but the Planning Authority position is summarised below for the avoidance of doubt. The National Park's Natural Heritage Officer has corroborated the clarification provided in section 6.2-6.6 of this report.

6.2 ***Otter***
Otters are protected by European legislation and it is essential that as a competent authority we are confident that there has been adequate survey carried out for this species. No evidence of holts or lying up areas has been recorded in the original survey carried out by Pete Reynolds dated December 2012. However it will be necessary to resurvey for this species. It is recommended that a resurvey is carried out prior to any development commencing and that this requirement is secured through a planning condition (see condition 11 in appendix 1).

6.3 ***Red squirrel*** The applicant's survey clarification note dated October 2013 confirmed that there was evidence of red squirrels within the development footprint and this is further supported by members of the community who regularly see red squirrel and have identified

dreys in the vicinity of the proposed powerhouse. This was further corroborated by the NP Natural heritage Officer and the Scottish Wildlife Trust.

There would be a need for a further red squirrel survey prior to development commencing. It is recommended that this is secured via a planning condition (see condtion 10). If any dreys are recorded or if there is doubt as to whether or not a drey is present in a tree then a species protection plan can be agreed and implemented to ensure compliance with legislation relative to this species.

6.4 ***Badgers***
No evidence of badgers was found as a result of the survey however a local resident has advised of sightings within the development footprint. The NP Natural Heritage Officer also noted evidence of a possible badger track on site. It is therefore recommended that a condition be imposed (see condition 12) requiring a badger resurvey prior to any works commencing on site.

6.5 ***Pine martens***
This species creates dens in old trees that have fallen over and also hollow trees, small rock outcrops etc. No dens were found on survey. Similarly to other species, there would be resurvey prior to any development commencing (see recommended condition 10).

6.6 ***Summary***
There will be a resurvey for all species prior to development commencing. A species protection plan is also recommended and a toolbox talk (see condition 1) for contractors would ensure that there is no doubt about the course of action required to take place should any of the above species be discovered. All recommendations in section 6 of this report comply with the relevant European and Wildlife legislation.

7. REPRESENTATIONS

7.1 A summary of all previous representations can be found in appendix 2, section 5 of the original report. The responses to these representation can be found in section 7.32 – 7.43.

7.2 5 further representations (2 from the same person) have been submitted. All are objecting to the proposed hydro scheme. The key points to all 5 representations are summarised in section 7.4 below.

7.3 Two of the 5 representations are substantial and refer to several technical aspects of the hydrology with regard to the waterfall. These are available for viewing in their entirety in the public file and the key points are captured and responded to in section 7.4 below. Notwithstanding this, it is considered that these technical issues would be better conveyed at the committee meeting where the developer will present his findings on the impact of the waterfall and there will be the opportunity for questions by the committee and any individuals who have requested to speak. The National Parks Water Environment Adviser will also be present at the committee meeting and available to comment on technical matters relating to Donich Water based on the information that has been made available.

7.4 The points of objection can be summarised as follows:

- This area has a variety of rich habitats. It is negatively short sighted to run any risk of negatively impacting on this environment – ostensibly in support of an 'eco friendly' energy policy.

  Comment: The objector offers an extensive list of species and includes video footage of pine marten and badger in the area of Inveronich. The National Park's Natural heritage officer advises that adequate protection of these species can be secured through the recommended conditions and the mitigation required through the Construction method Statement. See section 6 above.
- The Donich waterfall is a precious amenity in the local community and is visited by tourists to the area. It can be seen on maps, it is referred to in walking guides, websites and even a children's literature book. It is visited by children using the nearby outdoor centre. The time lapse camera photographs allude to the staggering beauty of the falls and the variation of water that makes them so special but can by no means convey the multi sensory experience of standing beside them.

  Comment: A response to this point is covered in section 3.3 above. It is accepted that the waterfall is popular for locals and visited by tourists. The Committee members will be visiting the site to see the waterfall on 25 August 2014 so that they can be fully appraised of the site location and waterfall.
- Far reaching, long term impact on plant and wildlife caused by a change in the natural flow of a river is yet untested and the Donich is not the place to experiment.

  Comment: The National Park's Natural Heritage Officer and SEPA were consulted on the application and the submission of new information. The mitigation measures proposed under the recommended conditions in appendix 1 and the SEPA CAR Licence are considered adequate to protect the water environment.
- **Noise impact:**
  - The noise report presents projected noise levels based on data from a 750kw turbine- almost half the power of a 1350kw turbine proposed for this scheme.
  - The addition of fibre wool to the eaves apertures is negligible.
  - The data has been manipulated. The *'worst case scenario of a 95dba turbine and generator noise'* in the previous report is changed to *'pessimistic scenario of 90dba turbine and generator noise.'* A clear case of changing the goalposts to achieve a less negative result.
  - There is no data presented at all about the extra mitigation measures
  - The requirements from Argyll and Bute Environmental health are quite clear. Noise from the hydro development should not exceed 39dba (night) and 41dba (day) at the boundaries of the residential properties. The report makes no mention of this.
  - There is no information on what mitigation measures will be implemented to reduce the noise of the tailrace to comply with Argyll and Bute's recommendations.
  - Data in the report is full of discrepancies and is unreliable

    Comment: The issue of noise has been adequately addressed in section 5.1 above.
- **Impact on waterfall:**
  - The procedures followed in the collection of the required data is questionable

    Comment: Sections 4.7 and 4.8 above confirm the methodology used to collect the data. This has been reviewed by the National Park's Water Environment Adviser and is considered to be acceptable.
  - There are a number of inaccuracies and contentious statements which seek to diminish the importance of the waterfall

Comment: The importance of the waterfall is addressed in section 3 above

- The SEPA table provides data on influenced flow at the Scottish Water intake. These figures also apply to the influenced flow at the Donich Falls. The table also details the abstraction allowed by the licence.

  Comment: It is unclear where the table, showing SEPA'S calculation of influenced flows for the proposed hydro scheme and Scottish Water abstractions came from. The table cannot be followed in the absence or context of the SEPA report it is part of. It does not form part of the planning application and cannot be identified from the CAR Licence documents.

- The objector offers an assessment based on the SEPA table of the high flow conditions, mid flow range and overall impact.

  Comment: There appears to be some confusion in the representations about how the flows at the hydro intake translate to the flows over the waterfall. As there are other smaller watercourses flowing into the river below the intake, the flows over the falls will be (slightly) larger than the compensation flows. See section 4 above for the assessment on the impact of the proposed development on the waterfall.

- Inveronich Residents Association contacted the NPA to recommend that the waterfall impact assessment be carried out independently from the developer. We were assured these matters would be raised with the developer. We have received no further clarification or communication from the NPA on this matter.

  Comment: The NPA raised this with the developer but it is ultimately the responsibility of the developer to carry out the assessment and for the NPA to assess the findings.

- No manual flow readings have been taken to verify the flow levels.

  Comment: See section 4.8 above.

- The flow duration curve (FDC) is at best an estimate- and not accurate measurements.

  Comment: The Flow Duration Curve (FDC) is an estimate and was assessed by SEPA in relation to the CAR application. This process will involve a check of the methodology against best practice and confirms that SEPA are satisfied that it is representative of the flows within the Donich.

- SEPA state in their CAR Licence that the status of the water will go from 'high to moderate.' This means something big is going to happen. The Donich Waterfalls will be gone forever. (In assessing what 'moderate' is, the objector refers to a Water Framework Directive Table from on a UK government website).

  Comment: See section 4 above for clarification around this matter. A WFD (Water Framework Directive) table is referred to, but this appears to be referenced in the wrong context. The 'A1, A2, B1...etc' river types do not refer to 'High/Good/Moderate/Poor/Bad' water quality status, they refer to classifications of river type based on parameters such as geology, gradient, contributions of groundwater etc as an indication of the sensitivity of the river type to abstractions.

7.5 The concerns around species and their protection have been addressed in section 6 above.

7.6 Concerns regarding the National Park's view on the popularity of the Donich circular walk are addressed in section 3.3 above (popularity of the Donich circular route).

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 impact on the Donich waterfall as a result of the proposed hydro scheme is not considered to be significant in terms of impact on landscape value and character.

The requirement for the applicant to engage a part time Ecological Clerk of Works will ensure that the ecological mitigation set out in conditions including the detailed Construction Method Statement, in relation to all aspects of the scheme, is followed during construction.

The condition relative to noise would adequately protect the amenity of nearby residents.

The previous recommendation to approve the application is therefore upheld.

8.3 It is therefore recommended that Members:

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

Background Documents:	**http://www.lochlomond-trossachs.org/planning/**	
	Click on view applications, accept the terms and conditions then enter the search criteria as "2013/0120/DET".	
List of Appendices:	**Appendix 1**	**Conditions and Informatives**
	Appendix 2	**Previous report to committee dated 16 December 2013**

APPENDIX 1: Conditions and Informatives

Conditions:

1. Detailed Construction Method Statement (CMS): Prior to commencement of construction of the development hereby approved, a detailed Construction Method Statement (CMS), which sets out how the construction phases of the development will be managed, shall be submitted to, and approved in writing by, the Local Planning Authority. In particular, the final CMS shall cover the following:

a) Detailed construction methods for all aspects of the scheme (temporary access tracks, site compounds, intakes, pipeline, tailrace, powerhouse, borrow pits);

b) Pollution prevention safeguards and sedimentation safeguards including a silt management plan;

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;

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

g) Detailed landscape mitigation and restoration techniques for the entire route with specific focus on the route of the pipeline/footpath section

h) Landscape mitigation measures proposed at the intake (this should include details of ground profiling to screen higher areas of the wing walls and the placing of boulders adjacent to the intake site);

i) Detailed habitat mitigation and restoration targets;

j) Treatment of peats and turves;

k) Core path restoration methods and detailing (to include the upgrading of ‘the bend’ above Inveronich);

l) Protected species mitigation for Otter (including the provision of temporary ramps in trenches and the capping of pipes at the end of a working day), Badger, Bats and Breeding Birds;

m) Details of toolbox talk for bats and otters to ensure all personnel are aware of what to do should evidence of bats be discovered during construction of the hydro scheme;

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

o) Details of the measures that will be taken to reduce the risk of landslide and to ensure all personnel are aware of the risk of landslide and a contingency plan should landslide occur

p) Hours of operation on site.

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

q) Details of the mitigation agreed and a copy of the approval from Scottish Water for the protection of the drinking water supply

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

2. Construction Time Period: The development shall be undertaken in one continuous phase, with no partial implementation. Unless otherwise agreed in writing by the Local Planning Authority, all construction activities shall be completed within a 24-month period

taken from the start date provided to the Local Planning Authority in accordance with the Notice of Initiation of Development (see Informative No. 2 of this decision notice) and having regard to any other limitations on work periods set out in condition 3 below).

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. Core Footpath Construction Time Period: Notwithstanding condition 2 above, the construction activities along and adjacent to the core footpath shall be completed within a 3 month period unless as may otherwise be agreed in writing by the Planning Authority.

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

4. Construction corridor on core footpath: The construction corridor along the core footpath shall be operated and constructed in accordance with and within the limits of the details of the approved track section drawings. For the avoidance of doubt, the temporary access track shall not exceed 3.5 metres in width.

REASON: In the interest of protecting the core footpath and surrounding topography.

5. Siting of Pipeline: Prior to the commencement of the development, a 'micro siting' plan, informed by a topographical survey shall be submitted to, and approved in writing by, the Planning Authority, that details the precise route of the pipeline after it veers off the core footpath and enters the commercial woodland above Inveronich. The plan shall illustrate the construction corridor at this location which, for the avoidance of doubt, shall not exceed 20 metres in width.

REASON: In the interest of protecting the core footpath and surrounding topography.

6. Footpath Diversion Route: Prior to the temporary closure of the core footpath affected by the development, a vegetation management plan for the subsidiary path located 300m north and identified for diverting walkers shall be submitted to, and approved in writing by, the Planning Authority. Thereafter the agreed strategy for managing vegetation along the diversion route shall be put into place prior to the closure of the core footpath affected by the development.

REASON: To ensure the necessary diversion route available to walkers is of a satisfactory standard for use.

7. Permanent Forest Road Spurs: Notwithstanding the reference to 3 forest road spurs in the Access and Traffic Report dated 28 May 2013, only 2 spurs of forest road as illustrated on the approved plans are hereby approved. Prior to the commencement of the development, a plan illustrating the two spurs of forest road and their turning circles shall be submitted to, and approved in writing by, the Planning Authority. Thereafter, the permanent forest road spurs shall be constructed in accordance with the details agreed under the terms of this condition and the approved Forestry Commission engineering specification document received 28 October 2013.

REASON: To ensure a standard of road that is consistent with the existing forest road in the interest of landscape and visual amenity and to ensure that construction vehicles can manoeuvre and exit the site in forward gear.

8. Temporary Access Tracks: Prior to the commencement of development a plan highlighting the proposed specification of all temporary access tracks shall be submitted to, and approved in writing by, the Planning Authority.

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

9. Treatment of Peat and Turves: The details to be provided under Condition 1(j) shall require the pipeline route to be exposed in short sections only (to be defined and agreed under condition 1(a).

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

10. Red Squirrels and pine marten: All trees to be felled shall be assessed for red squirrel dreys and evidence of pine marten pine prior to any tree works which shall take place between September - January inclusive. If any dreys or evidence of pine marten are identified then no tree works shall commence until advice is sought from the Local Planning Authority on best practice mitigation for the protection of these species and any necessary licences obtained.

REASON**:** In the interest of the protection of red squirrels as per Schedule 5 of the Wildlife and Countryside Act 1981 (as amended).

11. Otters: Prior to commencement of the development, a further survey of the site for otters shall be submitted for the approval in writing of the Planning Authority. If any evidence of otters is identified then works shall not commence until advice is sought from the Local Planning Authority on best practice mitigation for the protection of this species and any necessary licences obtained.

REASON: In the interest of the protection of otters as per the Conservation (Natiral Habitats) Regulations 1994 (as amended).

12. Badgers: Prior to commencement of the development, a further survey of the site for badgers shall be submitted for the approval in writing of the Planning Authority. If any evidence of otters is identified then works shall not commence until advice is sought from the Local Planning Authority on best practice mitigation for the protection of this species and any necessary licences obtained.

REASON: In the interest of the protection of badgers as per the Protection of Badgers Act 1992.

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

I. The level of noise emanating from the site shall not exceed 3dBA above the agreed background level of 38dB L_{A90} between 0700 and 2300 hours daily, or 3dBA above the agreed background level of 36dB L_{A90} between 2300 and 0700 hours daily; and
II. 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 and submitted to, and approved in writing by, the Planning Authority in consultation with Argyll and Bute Council Environmental Health. Thereafter, the above

noted noise levels/ratings shall be complied with in perpetuity, unless otherwise approved in writing by the Planning Authority.

REASON: In the interests of protecting residential amenity.

14. Powerhouse design: Notwithstanding drawing no. P626 40102 Rev 2, revised elevations of the powerhouse shall be submitted for the approval in writing of the Planning Authority that illustrate the access door and vents facing in the opposite direction of the residential properties of Inveronich. Thereafter, the powerhouse shall be constructed in accordance with the details approved under the terms of this condition and having regard to the provisions of Condition 13: Noise Attenuation

REASON: In the interests of protecting residential amenity.

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

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

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

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

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

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

18. Scope of works to be carried out by the Ecological Clerk of Works: Prior to appointing the ECoW in accordance with Condition 16 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;
- give advice on micro-siting project elements to avoid important habitats, including any areas of deep peat;

- give Ecological 'toolbox talks' on emergency procedures if protected species are identified within or close to the construction corridor;
- ensure compliance with all wildlife legislation;
- undertake pre-construction checks for protected species (mammals, fish and birds);
- oversee implementation of all ecological mitigation, as detailed in the approved CMS;
- monitor restoration of the site and ensure that the agreed habitat restoration targets are achieved; and
- have the authority, on and off-site, to halt operations or to alter construction methods if they observe, monitor or otherwise identify that these operations are having adverse impacts on the natural heritage.

The Scope of Works shall specify the stages of the process that the ECoW 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.

19. Access Road: Prior to the commencement of the development, the road leading to Inveronich from the B839 shall be upgraded where necessary. For the avoidance of doubt, the pot holes shall be filled and levelled and the road resurfaced in tarmac. This "pre-works standard" shall be documented and agreed in writing by the Planning Authority. Within 1 month of construction being completed, the road shall be surveyed for construction damage and any necessary repairs shall be carried out to restore it to the agreed "pre-works standard".

REASON: To ensure a satisfactory access for construction traffic and the residents of Inveronich thereafter.

20. Archaeology: No development shall take place until temporary fencing has been erected around the archaeological monuments identified in the Archaeology Report submitted 28 May 2013 and no works shall take place within the area inside that fencing without the prior agreement of the Planning Authority.

REASON: To protect the archaeological monuments from the development.

21. Peat Management Plan: Prior to the commencement of the development hereby permitted, a peat survey shall be carried out and a Peat Management Plan shall submitted to, and approved in writing by, the Planning Authority in consultation with SEPA. This shall ascertain the volume of peat to be excavated, as determined by peat depth probing. The peat management plan shall include measures proposed to minimise exposure of peat during construction/excavation works as appropriate. If excess peat is identified the management plan shall detail appropriate mitigation measures.

REASON: In order to comply with SEPA requirements.

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

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

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

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

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

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

Reason for Decision:
The proposed hydro scheme is considered to meet the relevant policy relating to hydro electricity developments (Policy REN2) of the National Park Local Plan, Adopted December 2011. Subject to compliance with the relevant conditions, it is considered that the proposal will have no long term significant adverse impacts on the landscape, ecology, protected species or public access interests. Subject to ongoing compliance with conditions relating to noise, it is considered that the proposal will have no significant adverse impacts on the amenity of nearby residents.

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.