



PLANNING AND ACCESS COMMITTEE

MEETING: NPA/PC/08/2014/03

DATE: 15 December 2014

REPORT No.	NPA/PC/08/2014/03
SUBMITTED BY:	Head of Planning
APPLICATION NUMBER:	2013/0267/DET
APPLICANT:	Mr Fergus Wood
LOCATION:	Ledard Farm, Aberfoyle, Stirling
PROPOSAL:	Construction of a hydro scheme and permanent access track

NATIONAL PARK WARD:	Ward 2 (northern (central) area)
COMMUNITY COUNCIL AREA:	Strathard Community Council
CASE OFFICER:	Name: Catherine Stewart Tel: 01389 727731 E-mail: catherine.stewart@lochlomond-trossachs.org

1 SUMMARY AND REASON FOR PRESENTATION

- 1.1 This is an application for a 100kW run-of-river hydro scheme on the Ledard Burn at Ledard Farm, near Kinlochard.
- 1.2 The application is being presented to the Committee because the applicant, Mr Fergus Wood (of Ledard Farm), is a member of the Planning Authority, and section 5.13 of the scheme of delegation requires all such applications to be the subject of a report for consideration by the Planning and Access Committee.

2 RECOMMENDATION

2.1

That Members:

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

3 BACKGROUND

Site Description:

- 3.1 Ledard Farm is located approximately 6.5km to the west of Aberfoyle and about 0.5km to the east of Kinlochard. Ledard Burn travels south from the slopes of Creag a'Bhelaich, Beinn Chochan and Beinn Chreac and flows into Loch Ard (see Appendix 2 – Site Location Plan). The farm buildings are located about 0.5km from the outfall of the burn into the Loch.
- 3.2 The site itself (see Appendix 3 – Site Layout Plan) lies to the north of the farm buildings, with the proposed powerhouse location close to the C-listed “Old Barn”. The pipeline route is proposed through a section of ancient acidic oak woodland, along with areas of improved grassland, bracken and wet heath/acid grassland mosaic. Access to the site is proposed along an existing forestry track from Kinlochard with a short section through a fire break in conifer plantation woodland. The access is proposed to cross a Core Footpath located near a former dam on the burn, part of a former hydro scheme from the 1920s which served Ledard Farmhouse and a neighbouring property until the National Grid reached the area in the 1950s.
- 3.3 The borrow pit is to be located in the open lower region of the east side of the valley containing the burn. On the slope above the borrow pit and penstock route recent tree planting has taken place in an area enclosed from grazing deer, where bracken has grown.

Description of Proposal:

- 3.4 The proposal is for the installation of a 100kW hydroelectric scheme on the Ledard Burn.

The proposal involves the construction of the following **permanent** elements which are shown in the Site Layout Plan contained in Appendix 3:

- main weir and intake (measuring 8.2 metres wide and 1.7 metres high, see Appendix 4),
 - a bridge over the burn at the intake,
 - a penstock (approximately 430m long with a diameter of 400mm) transporting flow from the intake to the powerhouse,
 - a powerhouse (measuring 4.94m wide, by 6.5m long; height 2.275m to eaves and 5.245m to ridgeline) with stone facing walls and tile sheeting in slate blue for the roof (see Appendix 5),
 - tailrace with outfall, and
 - new permanent access track and turning circle from existing forest track on the west side of the burn.
- 3.5 The proposal includes further consequential development namely:
- temporary access track for construction,
 - a temporary causeway through the burn at the intake,
 - 5 metre deep cut through the burn embankment (needed for the penstock on the east bank of the burn near the dam and the borrow pit),
 - a borrow pit,

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- a laydown area and material storage area, and
- transmission of power, separately addressed via a S37 notification.

Environmental Impact Assessment (EIA):

3.6 For the purposes of the Environmental Impact Assessment (Scotland) Regulations 2011 the National Park is identified as a 'Sensitive Area'. As a 'Competent Body' the National Park Authority has a statutory duty to consider whether proposals for development should be subject to the EIA process.

The proposal falls under Schedule 2 of the EIA regulations. A screening opinion was adopted and in this particular instance it has been determined that **an EIA is required**.

- 3.7 The main reason for this was concerns about the impact of the development on:
- The quality of the watercourse via pollution/sedimentation during construction;
 - European Protected Species (Bats and Otters) in the area;
 - Impact on the nearby recreational route (designated core path)
 - Impact on cultural aspects (location of 'Helens Pool' referred to by Sir Walter Scott downstream of the intake) and
 - Potential landscape impacts (by the intake, along the pipeline route, working corridor and new access road).

Planning History:

3.8 PSC/2013/0013 Scoping opinion

4 CONSULTATIONS AND REPRESENTATIONS

Responses to Consultations:

4.1 Historic Scotland
No objections. No significant effects on the site or setting of any heritage assets within their remit.

4.2 Scottish Environmental Protection Agency (SEPA)
Initial response: 15.10.2014
Objection on the grounds of potential consentability under the Water Environment (Controlled Activities) (Scotland) Regulations 2011 ("CAR licence") with respect to the hydropower scheme and also with respect to the installation of a temporary causeway. Also object unless the additional information/modification requirements can be accommodated, in respect of either the relocation and/or additional micro-siting of the associated infrastructure to minimise the impact on any areas of GroundWater Dependent Terrestrial Ecosystems (GWDTE).
SNH should be consulted regarding the relocation of the rare moss species *Bartramia halleriana*.
Fish: the applicant should assume that brown trout are resident and therefore mitigation, as detailed in SEPA's Run of River guidance, should be included in the scheme design.
Sediment in the water: The draft Construction Method Statement (CMS) suggests the likelihood of silt being stirred up, but then goes on to assume that this would be no worse than when the watercourse is in spate. It would not be acceptable to allow this impact and appropriate measures should be adopted in order to minimise the impact of construction work.

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Reinstatement: It is recommended that the time between excavating and backfilling of individual sections of pipeline or cable laying is minimised. SEPA advise backfilling within three days to minimise drying and disturbance. With regard to the excavation of turf and arisings, these should be stock-piled on impervious sheeting, away from any watercourses and not on any wetlands, before being backfilled into the trench to prevent drying out. Turfs should be cut in a random fashion to prevent the surface, on reinstatement, becoming preferential pathways for water. Reinstatement should replace the soils in the original layering.

Trees: The proposed construction route for the development is mainly routed over forested land and bracken and the operator should adhere to SEPA guidance entitled "Management of Forestry waste". Where tree felling is required, good practice should be employed, with the replanting of native species of local provenance to replace lost habitat. Local biodiversity should be enhanced by working towards Local Biodiversity Action Plan targets. Where possible, mature trees within the riparian zone should be retained.

4.3 SEPA Further response: 27.11.2014:

Further to the receipt of further information from the applicant/agent SEPA remove their objections, subject to conditions being attached to the consent. These involve micro-siting the pipeline to avoid GroundWater Dependant Terrestrial Ecosystems (GWDTEs), ensuring the new road minimises impact on GWDTEs and that the temporary watercourse crossing is removed within 12 months of construction of the hydro scheme.

Applications for authorisation under Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR) have been submitted and are potentially capable of being consented.

4.4 Scottish Water (Glasgow)

No response received.

4.5 Scottish Natural Heritage Stirling

No objections. The proposed development is outwith, and not connected to, any designated sites. SNH do not consider that there are likely to be any significant effects on the natural heritage as a result of this proposal.

The draft Construction Method Statement (including the ecology addendum), Ecology Report chapter 5 and Protected Species Survey Report chapter 6 set out mitigation measures suitable for the protection of the natural heritage. It is for the planning authority to determine whether conditions are necessary to secure this mitigation.

4.6 Strathard Community Council

No response received.

4.7 STC Roads (Strategy)

No objection to the proposal submitted but conditions requiring submission of a traffic management plan and road condition survey should be included as part of any consent granted.

4.8 West Of Scotland Archaeology Service (Glasgow)

WOSAS note that the area affected by the proposal has never been subject to detailed archaeological survey, meaning that there would appear to be some potential for previously unrecorded archaeological features to be present at various points along its route. A programme of work should take place to identify any such material that may be present,

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and to develop appropriate measures to mitigate the effects of construction of the hydro scheme upon it. This should be secured through the attachment of a condition to any consent that the Park Authority may be minded to issue.

4.9 RSPB (Glasgow)

The Environmental Statement does not adequately assess the ornithological impacts of this project as recommended in the Loch Lomond & The Trossachs National Park scoping opinion. However, further to breeding bird surveys being carried out RSPB Scotland does not object to this application.

4.10 Transport Scotland

No objections.

Representations Received:

4.11 At the date of the preparation of this report no representations had been received.

5 POLICY CONTEXT

National Park Aims:

5.1 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.

5.2 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.

Development Plan:

5.3 National Park Local Plan (Adopted 2011): Relevant Policies:

- NP1 – Development in the National Park
- REN 2 – Hydro Renewable Energy Projects
- ENV4 – Legally Protected Species
- ENV5 - Species and Habitats Identified in National Action Plans
- ENV6 – Enhancing Biodiversity in New Developments
- ENV8 - Ancient, Long-established and semi-natural Woodlands
- ENV9 - Development Impacts on Trees and Woodlands
- ENV10 - Protecting the Water Environment
- ENV21 - Listed Buildings
- ENV23 - The Wider Built Environment and Cultural Heritage of the Park

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- ENV26 - Other Unscheduled sites of Archaeological importance
- ENV27 - Sites with Unknown Archaeological potential
- 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
- TRAN7 – Encouraging Outdoor Access

Full details of the policies can be viewed at:

<http://www.lochlomond-trossachs.org/planning/adopted-local-plan-2010-2015/menu-id-904.html>

Other Material Considerations:

National Park Partnership Plan (2012-2017)

- 5.4 All planning decisions within the National Park require to be guided by the policies of the Partnership 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:
- Con Policy 2: Natural Heritage
Con Policy 3: Landscapes
Con Policy 4: Water
Con Policy 6: Cultural Heritage
RD Policy 4: Climate Change
RD Policy 5: Renewable Energy
- 5.5
- National Park Supplementary Planning Guidance (SPG) on Renewable Energy (2013)
 - Scottish Government Renewables web-based advice on hydro schemes (last updated Dec 2013): <http://www.scotland.gov.uk/Topics/Built-Environment/planning/National-Planning-Policy/themes/renewables/Hydroschemes>

6 SUMMARY OF SUPPORTING INFORMATION

- 6.1 An Environmental Statement (12.09.2014) was submitted by the applicant. This includes sections on access, visual impact, watercourse, wildlife considerations and construction methodology. A number of appendices were submitted including a landscape report, water flow data, ecology reports and tree felling report.
- 6.2 An email from the agent dated 14.10.2014 responding on queries raised through consultation responses. Following SEPA’s objection further information was submitted regarding Ground Water Dependent Terrestrial Ecosystems (GWDTEs) (06.11.2014). Also an updated Construction Method Statement (version 5) (12.11.2014) was submitted taking on board feedback from the NP Trees and Woodland Officer.

7 PLANNING ASSESSMENT

- 7.1 Section 25 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006, requires that: *“Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination is, unless material considerations indicate otherwise, to be made in accordance with that plan”.*

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The key planning issues for this proposed run-of-river hydro scheme are:

- The principle of development
- Ecology, including impact on trees
- Landscape & Design
- Archaeology, Built & Cultural Heritage
- Noise
- Public Access and Recreation
- Traffic

Each of these will be considered in turn below.

Principle of Development

- 7.2 Local Plan Policy REN2 supports hydro energy generation proposals provided they meet a list of criteria aimed to ensure there are no significant adverse impacts on the landscape or on the ecology of the river system, either individually or cumulatively. As explained below, the conditions in Appendix 1 will ensure that the proposal can meet all the criteria of this policy. On this basis, the principle of development for this run of river hydro scheme is considered to meet Policy REN2.
- 7.3 The proposal also is consistent with local plan policy NP1 which supports development proposals which contribute towards the collective achievement of the National Park's four statutory aims. The proposed hydro scheme will promote the sustainable use of the natural resources of the area, and is not in conflict with the first National Park aim to conserve and enhance the natural and cultural heritage of the area, so the Sandford Principle does not apply.

Ecology

Fish

- 7.4 The Environmental Statement (ES) states that most of the affected reach of the burn is inaccessible to migratory fish and the proposal will have no effect on populations. However there are suitable gravel spawning areas on the lower reaches of the burn below the outfall location for Salmon/Trout. The impact to this species will largely be down to pollution/siltation during construction. Authorisation under the Water Environment (Controlled Activities) (Scotland) Regulations 2011 ("CAR licence") will be required. This is authorised by SEPA and will ensure adequate controls are in place to limit entry of sediment to the watercourse. Construction activity should be scheduled outside of the spawning season and when redds are unoccupied. Also a Sediment Management Plan should be produced and implemented. Conditions will be required to ensure this.

Protected Species

- 7.5 The survey information showed signs that the site is used by badgers, otters, red squirrels, bats and pine marten. Trees with bat potential which would be felled near the intake have been identified. All survey information should be up to date (less than a year old) prior to commencement. It is recommended that pre-commencement surveys are carried out at least 10 weeks before construction starts. This is to allow for sufficient time for the applicant to apply to SNH for any 'Protected Species Licences' to be obtained if required, where protected species may be disturbed by the development.

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Birds

- 7.6 RSPB's response highlighted that the bird survey information was gathered in the month of November and that this was inadequate to identify protected bird species breeding in the area. A pre-commencement survey conducted during the bird breeding season and at the appropriate time of day is required along with scheduling construction work out with the bird breeding season. The NP ecologist also had particular concerns about birds with traditional breeding sites like "Annex 1 species" or black grouse. The woodland edge/upland heath/acid grassland mosaic to the east of the burn is suitable habitat for black grouse and there are dispersing populations of black grouse nearby. If the pre-commencement bird survey identified a black grouse traditional lek site along the construction corridor, it should be protected from disturbance and this may mean micro-siting the pipeline to avoid it. Further surveys and appropriate mitigation measures should be required by condition.

Trees

- 7.7 The Ledard burn is bordered by Ancient Semi Natural Woodland (ASNW). There will be a loss of around 40 native mature trees within this woodland as a consequence of the proposed hydro development. Compensatory planting is therefore required in order to mitigate the impact, along with bird/bat boxes as stated in the ES. The NP Ecologist has advised that felled trees (either as a consequence of clearance along the corridor or inundation above the intake along the gorge sides) should be retained on site as standing/lying deadwood.
- 7.8 The NP Trees and Woodland Officer notes that there are likely to be further impacts on the ASNW in addition to the loss of trees noted above, which have not been addressed in the ES. This includes excavation within the root protection zone of retained trees and the loss of established natural regeneration. Following feedback the developer amended the Construction Method Statement (CMS) to include details of how the excavations would be carried out in line with BS 5837(2012).
- 7.9 Outwith the ASNW, the penstock and borrowpit construction corridor goes through a small area of planted and naturally regenerating trees between 30 cm and 2 m in height which would be lost as a result of the development. Tree loss (within and outwith the ASNW) could be mitigated by the establishment of an equivalent area of native woodland elsewhere on the farm. The NP Trees and Woodland officer has discussed this with the owner agreed this in principle. One possible location would be on one of the bracken dominated areas to the east of the shooting range. The NP ecologist has advised there is also potential to translocate some of the young saplings which have been recently planted along the construction corridor.
- 7.10 The response from the Trees and Woodland adviser states that the trees to be felled need to be uniquely identified (tagged) on site. Also that trees which are to be limbed or are close to the construction corridor should be tagged and the ECoW should supervise the setting out of exclusion areas and the felling and limbing of trees which have bat potential. These issues also require to be covered by condition.

Bryophytes

- 7.11 A bryophyte survey was carried out as requested at the scoping stage of the EIA. This found a nationally scarce cushion moss in the gorge situated above the intake. The NP ecologist has advised that this should be re-located within the burn. Again this should be addressed by a condition on any planning permission.

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Ground Water Dependent Terrestrial Ecosystems – GWDTE – Flushes and Upland Heath

- 7.12 As well as concerns about the potential consentability of the scheme under CAR licensing, SEPA initially objection to the application on the grounds of lack of information about impacts on Ground Water Dependent Terrestrial Ecosystems (GWDTEs). Further information was submitted by the agent (see section 6.2). SEPA require conditions to be imposed on the consent for micro-siting the pipeline and borrow pit to avoid GWDTEs. There is also a flush above the footpath/track crossing point which should be retained. Any changes to the boardwalks along this track should maintain this flush. The developer has agreed to upgrade these boardwalks with a non-slip finish on supports which maintain the natural flow of ground water beneath.

Ecology - summary

- 7.13 The ecological impacts of the scheme are assessed in the ES to be 'low level', provided all recommended mitigation and compensation measures are adhered to. The ES states that an ecological Clerk of Works will be appointed to monitor the construction phases, and this will be required by condition. Provided that an ECoW is appointed and additional mitigation and compensation measures are implemented the scheme is considered to be consistent with local plan policies ENV4, ENV5, ENV10, ENV8 and ENV9.

Landscape & Design

- 7.14 The visual impacts of this scheme have been reduced through pre-application discussions resulting in important revisions. A previous proposal included a new access track to the east of the burn in open grassland, to access the intake, which would have had significant visual impact. The scheme as now proposed is much less intrusive with an access route to the intake via an existing forestry track through neighbouring plantation forestry, and an extension through an existing firebreak in the trees. The proposals will involve tree loss around the intake, both to the west and east of the burn, however restoration proposals should include some compensatory planting (see section 7.9) and there will also be natural regeneration.
- 7.15 The construction of the scheme will involve creating a temporary causeway through the burn to enable access from the existing forest road up to the borrow pit. Materials from the borrow pit will then be used to form the extension to the access track between the forest road and the intake. A 5 metre deep cut is proposed through the embankment to the side of the proposed intake, both for the pipeline and to access the borrow pit. The temporary river crossing is to be in place for the duration of the intake and penstock construction works (approximately 11 months). Thereafter the crossing is to be removed and the watercourse bed and banks to be reinstated.
- 7.16 The National Park Landscape Adviser has noted that the Environmental Statement and associated Landscape Report have underestimated the potential landscape and visual impacts of the scheme – particularly at the existing weir close to the proposed intake location, but also along the proposed pipeline route and borrow pit area. Consequently several conditions are proposed in order to secure mitigation of these impacts, including submission of fully detailed Construction Method Statements and appointment of an Ecological Clerk of Works (ECoW) with Landscape Clerk of Works (LCoW) experience to advise on micro-siting, design and landscaping.

Powerhouse Design

- 7.17 The proposed powerhouse is a simple structure of modest proportions and is to be clad in hand-cut locally sourced natural stone, with a sheet roofing material to be slate blue in

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colour. The design is unusual in that the building is not orientated in the normal manner as the gables are located across the wider elevation, however it is understood that this is required to enable the turbine machinery to be hoisted in and out of the main door. The building is to be located adjacent to the existing farm building complex and as a result will be associated with an existing building group. Access to the building is by way of an existing track beside the existing stone byre. Conditions are required to ensure the colour and details of materials, particularly the roofing material, fit with the traditional character of the area.

Archaeology, Built & Cultural Heritage

Listed Building setting

- 7.18 As stated above the powerhouse is to be located adjacent to existing buildings at Ledard Farm, including the Category C listed building, the 'Old Barn'. Provided that traditional materials are used (as indicated) for the powerhouse there will be no adverse impact on the setting of this listed building.

Archaeology

- 7.19 In their comprehensive response WOSAS note that the area has considerable historic and prehistoric interest and as a result potential for archaeological finds. No archaeological information was submitted in the Environmental Statement. Prior to commencing works on site a programme of archaeological works are required in accordance with a written scheme of investigation. This should be required by condition.

Cultural Heritage

- 7.20 It is noted in the screening and scoping opinions, which have been prepared by National Park officers, that the impact of the proposed development on cultural heritage interests should be assessed. In particular any impact of the scheme on 'Helen's Pool' (as referred to by Sir Walter Scott), which lies downstream of the intake. The proposed pipeline route is located to the east of this site and, once operational, the restored route will have no impacts on the enjoyment of the pool area. The CAR licence will ensure an adequate level of compensatory flow is kept within the depleted burn. Any issues of noise disturbance are covered in the section below.

Noise

- 7.21 In their scoping response Stirling Council as Environmental Health Authority responded that noise would not be a significant issue based on the location of the powerhouse, however they advise that a condition should be applied restricting the level of noise emissions from the building.

Access and Recreation

- 7.22 The ES states that the Ben Venue Core footpath lies within the applicant's ownership. It follows the western boundary of the farm travelling North-South near the west bank of the Ledard Burn. The proposed new access road to the intake, through the plantation forestry fire break, would cross this core path on approach to the intake. The ES states that suitable warning notices and protective (health and safety) works will be provided at appropriate locations during construction. The consultation response from LLTNPA Access Officer states that further details are required for the signage and measures proposed, ideally to be secured within a Public Access Management Plan, and this will be required by condition.
- 7.23 The core path surface will inevitably be damaged during construction and post construction remedial works should therefore ensure that the core path is left in the same or better state as it was prior to works. Further details around reinstatement method statements and

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timelines are required by condition.

- 7.24 It is acknowledged that the development should bring benefits to public access through an improved loop option (utilising the fire break through the forestry) and improved path surfacing along the existing boardwalks.

Traffic

- 7.25 The main traffic impacts will be during the construction phase with the existing access to Ledard Farm and the existing forestry track being used for delivery of materials. The ES estimates there will be around 80-90 HGV movements over a 6 month period. The consultation response from Stirling Council roads states that submission of a traffic management plan and road condition survey (of the adopted road B829, from its junction with the A821 in Aberfoyle to the site access) should be included as part of any consent granted.

8 CONCLUSION

- 8.1 The proposed 100kW run-of-river hydro scheme is considered to comply with local plan Policy REN2 Hydro Renewable Energy Projects, provided that the conditions recommended in Appendix 1 are applied.
- 8.2 In terms of ecological impacts the key issues to be addressed include the management of sediment to ensure it does not enter the burn, the requirement for further bird surveys prior to works commencing and the micro-siting of the pipeline and borrow-pit to avoid Groundwater Dependent Terrestrial Ecosystems. The appointment of an Ecological Clerk of Works will ensure that ecological mitigation set out in the Construction Method Statements and Environment Statement is followed during the construction phase and that best practice methods are used in restoration techniques and compensatory planting.
- 8.3 The impacts of the proposed scheme on the landscape have been underestimated in the ES, particularly in the area close to the intake where trees are to be removed and a deep cut is required in the ravine embankment. Therefore several conditions have been imposed in order to secure mitigation, including the submission of detailed Construction Method Statements and the appointment of an Ecological Clerk of Works with landscape experience to advise on micro-siting. The powerhouse is to be constructed with traditional materials in keeping with the neighbouring farm buildings and will not adversely affect the setting of the C-listed barn.
- 8.4 The scheme includes improvements to the Ben Venue Core Path which crosses the site, and compensatory planting for trees to be removed. The pipeline route is to be fully restored and access to the intake will be via an additional spur to an existing forestry track to the west of the burn. Subject to conditions, it is considered that the proposal will have no significant adverse impacts on the landscape, ecology, protected species or public access interests.

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

Documents: Click on view applications, accept the terms and conditions then enter the search criteria as "2013/0267/DET".

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Appendix 2	Site location plan
Appendix 3	Site Layout Plan
Appendix 4	Intake weir and bridge

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Appendix 5 Powerhouse design

APPENDIX 1: Conditions and Informatives

Conditions:

Construction

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 and permanent access tracks, site compounds, temporary causeway, deep rock cut, intakes, pipeline, tailrace, powerhouse, borrow pit) cross referenced to drawings, best practice and ECoW Intervention points;
 - b) Pollution prevention safeguards and sedimentation safeguards;
 - c) Storage and disposal of materials, on a temporary and/or permanent basis, including turf, soils, rock and deadwood;
 - 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, including key intervention points for the Ecological Clerk of Works (ECoW) and the content of ECoW toolbox talks;
 - f) The width of the working corridor that construction works will be confined to (shown on a plan);
 - g) Mitigation measures as set out in the Environmental Statement: Appendix 12C. "Ecology Report" - Chapter 5, Appendix 12E. "Protected Species Report" Chapter 6 and Appendix 12H. "Eco Addendum";
 - h) Restoration techniques;
 - i) Detailed habitat mitigation and restoration targets;
 - j) Treatment of peats and turves, including SEPA's advice in their letter dated 15.10.2014 section 8.3;
 - k) Hours of operation on site (see Condition 14);
 - l) Contact details of the Ecological Clerk of Works;
 - m) Sediment management plan covering the whole site: this shall include a contingency plan for wet weather to ensure that extra sediment does not enter the watercourse;

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

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

2. **Powerhouse - Agreement of Materials and Specifications:** Prior to the erection of the powerhouse, a detailed specification of the undernoted proposed external finishing materials to be utilised on the building, including samples as indicated, shall be submitted to, and agreed in writing by, the Local Planning Authority. Thereafter the specification and materials as may be approved in accordance with this condition

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shall thereafter be undertaken and used respectively in the completion of the powerhouse.

- a) The colour and sample of proposed roofing material;
- b) The natural stone to be used on the walls (sample required);
- c) Colour and manufacturers details of the powerhouse doors;
- d) The colour/treatment/finishes of all exposed timberwork; and
- e) The details of the material and colour of rainwater goods, barge boards and fascias.

REASON: To ensure that the external appearance of the Powerhouse complements the rural character of the area and the setting of the nearby C-listed building.

3. **Powerhouse area plan:** Prior to the commencement of development hereby permitted, the following plan shall be submitted to, and approved in writing by the planning authority:

- a block plan showing the detailed layout of infrastructure and landscaping at the powerhouse. This plan at a scale of no less than 1:1250 shall show the access path to the powerhouse from the farm;

Unless otherwise agreed in writing by the Planning Authority, the development shall be constructed in accordance with the approved plans.

REASON: To minimise the adverse landscape and visual impact of the proposed development and for the avoidance of doubt as insufficient plans have been submitted showing the required level of detail.

4. **Construction Time Period:** The development shall be undertaken in one continuous phase, with no partial implementation. Unless otherwise agreed in writing by the Local Planning Authority, all construction activities shall be completed within a 24-month period taken from the start date provided to the Local Planning Authority in accordance with the Notice of Initiation of Development (see Informative No. 2 of this decision notice) and having regard to any other limitations on work periods set out in conditions 5, 9, 10 and 14.

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

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

REASON: To protect the integrity of the Ledard Burn and its tributaries as a potential spawning and hatching habitat for salmon and trout species.

Ecology

6. **GroundWater Dependent Terrestrial Ecosystems (GWDTEs):** Prior to the commencement of the development hereby permitted, a plan and specification showing the location of the borrowpit, pipeline and other infrastructure (at a scale of 1:1250 or greater) shall be submitted to, and approved in writing by, the Planning Authority in consultation with SEPA. This shall include the borrowpit and pipeline microsituated to avoid the GroundWater Dependent Terrestrial Ecosystems (GWDTEs) in accordance with SEPA's letter dated 27.11.2014 and measures to minimise the potential impact on GWDTEs identified at the site (for example preventing structures

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from becoming preferential conduits of water). Thereafter, the development shall be constructed in accordance with the approved drawing, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To maintain the functionality of the ecologically important wetlands.

- 7. Road Construction and GroundWater Dependent Terrestrial Ecosystems (GWDTEs):** Prior to the commencement of the development hereby permitted, a plan and specification of the road construction method shall be submitted to and approved in writing by, the Planning Authority in consultation with SEPA. The plan and specification shall include specific mitigation and micro-siting proposals to be adopted in order to minimise the potential impact on any GWDTEs at the site. Thereafter, the development shall be constructed in accordance with the approved plan and specification, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To maintain the functionality of the ecologically important wetlands.

- 8. Relocation of rare moss –** Prior to the commencement of the development hereby approved, a scheme detailing how the rare moss, species *Bartramia halleriana*, found in the gorge near the location of the proposed intake, shall be relocated within the burn. These details shall be submitted to and approved in writing by the Planning Authority. Thereafter the moss shall be relocated in accordance with the agreed scheme.

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

- 9. Breeding Bird Protection:** No trees shall be removed and no construction works shall take place anywhere on the site between March and July (inclusive) unless a breeding bird survey and protection plan has been first submitted to, and approved in writing by, the Local Planning Authority. The breeding 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 breeding bird activity 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 March and 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.

- 10. Black Grouse lek survey:** No trees shall be removed and no construction works shall take place anywhere on the site between March and mid-May (inclusive) unless a black grouse survey (covering a radius of 500m from the site boundary) and protection plan has been first submitted to, and approved in writing by, the Local Planning Authority. The black grouse bird protection plan shall specify the following measures:

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- 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 March and mid-May shall be implemented in accordance with the agreed Black Grouse Bird Protection Plan.

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

- 11. Protected Species Re-survey:** If the development hereby approved does not commence within a year of the Notice of Initiation of Development (see Informative No. 2 of this decision notice), the development site must be re-surveyed for protected species including badgers, otters, red squirrels, bats and pinemartin, and the re-survey report including proposed mitigation measures will be submitted to, and agreed in writing by the Local Planning Authority prior to development commencing. The scope of the survey will include all water courses within the development footprint and a buffer of 250m either side of these water courses.

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

ECoW

- 12. 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 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.

- 13. Scope of works to be carried out by the Ecological Clerk of Works:** Prior to appointing the ECoW in accordance with Condition 12 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;
 - give advice on micro-siting all elements of the scheme and all reinstatement and restoration techniques: storage of materials, bunds, compounds, micro-siting, tree works, earthworks and landscaping (including rock blasting and earthworks to temporary access track in deep cut in ravine, access track around the core path, weir and footbridge, pipe bridge tie in to river bank, river bank stabilisation works and re-use / placement of rocks) to ensure adequate landscape mitigation to the local glen area;

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- give Ecological ‘toolbox talks’ to all contractors prior to commencement of work on site outlining 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;
- supervise all reinstatement and restoration techniques and compensatory planting (see conditions 16, 18 and 22);
- supervise the setting out of exclusion areas and the felling and limbing of trees with bat potential (see conditions 21 and 23);
- 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.

Noise

- 14. Hours of Construction:** Unless otherwise agreed in writing by the Planning Authority no construction shall take place outwith these hours:
- 08.00 to 18.00 hours Monday to Friday, and
 - 09.00 to 13.00 hours on Saturdays.
 - No noisy works audible outwith the site boundary are permitted on Sundays or Bank Holidays.

REASON: To protect the occupants of nearby dwellings from excessive noise and disturbance associated with construction works.

- 15. Turbine Noise level restriction:** Prior to the first use of the Powerhouse hereby approved, it shall be enclosed with sound-insulating material which will minimise transmission of structure borne sound, in accordance with details that have been submitted to, and approved in writing by, the Planning Authority. The Significance of Effects shall be not greater than Neutral, as defined in the Scottish Government's Technical Advice Note: Assessment of Noise, Table 3.5. The aforementioned measures shall thereafter be retained as approved and shall not be removed or altered without the prior written approval of the Planning Authority.

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

Restoration

- 16. Restoration of intake area, borrowpit and permanent access track:** Prior to commencement of development, detailed drawings of the intake area, borrowpit and permanent access track, at a scale of 1:1250 scale or greater, shall be submitted to, and approved in writing by, the planning authority. The drawings shall illustrate the existing slope, vegetation (trees), outcrops (noting important landscape features) and be annotated describing the details of the proposed engineering works and working corridor, and proposed reinstatement works including replacement of rocks, vegetation turfs and specifications of planting mix to be used if unsuccessful. Unless otherwise agreed in writing with the Planning Authority, the restoration works shall be implemented as approved within twelve months of the commissioning of the hydro power scheme.

REASON: To reduce the visual impact of the intake area, borrowpit and permanent access track by ensuring vegetation, slope and rocks are reinstated to a condition similar to that that was disrupted by the construction.

- 17. Removal of temporary crossing:** Within 12 months of the operation of the hydro-electric scheme hereby permitted the temporary watercourse crossing shall be removed and the site restored in accordance with condition 16.

REASON: To minimise the adverse landscape and visual impact of the proposed development.

- 18. 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 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.

- 19. 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 all above-ground infrastructure, and restoration of the natural water regime to normal flows and restoration of the disturbed soils. All reinstatement works shall be carried out to the reasonable satisfaction of the Local Planning Authority.

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

Monitoring

20. 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.

Trees

21. Protection of Trees with Bat Roost potential: Any trees with bat roost potential within the working corridor shall be protected during the course of the development by the erection of fencing in accordance with British Standard BS 5837(2012) 'Trees in Relation to Construction', or by such other means of protection as shall be agreed in advance in writing with the Planning Authority. No storage of building materials or piling of soil shall take place within the protected areas established pursuant to this condition.

REASON: To protect trees with bat roost potential against accidental damage during the course of the development in order to safeguard protected species and nature conservation interests and to accord with the first statutory aim of the National Park to conserve and enhance the natural heritage of the area.

22. Native Woodland Compensatory planting scheme: Within 3 months of the operation of the hydro development hereby approved, a scheme detailing the size, siting (shown on a plan) and species of replacement native trees shall be submitted to, and agreed in writing by, the Planning Authority. The replacement trees shall then be planted on site in accordance with the approved details, in the first available planting season. Any tree that within a period of five years after planting, dies or, in the opinion of the Planning Authority, becomes seriously damaged or defective shall be replaced with another of the same species and size as originally approved in a timetable to be agreed in writing with the Planning Authority.

REASON: In the interests of visual amenity and to accord with adopted local plan Policy ENV9 Development Impacts on Trees and Woodlands.

23. Tree protection measures: Prior to the commencement of development hereby permitted, a Tree Protection Plan shall be submitted to, and approved in writing by the Planning Authority. The plan shall ensure that all trees to be removed are tagged on site, that areas of ancient semi-natural woodland which are retained are adequately protected from damage throughout the construction period and shall include the construction of a non-moveable (temporary) fence within specific locations to be agreed by the Planning Authority, details of which shall be included within the plan.

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

Traffic and Access

24. Traffic Management Plan: Prior to the commencement of the development hereby permitted, a Traffic Management Plan (TMP) for traffic associated with the construction of the hydro scheme, along the B829 between the site access and Aberfoyle, shall be submitted for the consideration of the Planning Authority in consultation with the local Roads Authority. The written approval of the Planning Authority for the TMP must be received prior to the commencement of development on site. Thereafter the approved TMP shall be complied with at all times, unless otherwise agreed in writing with the Planning Authority. The TMP should cover:

- Time restrictions on vehicle movements;
- Traffic Management signs throughout the construction period, including any proposed speed restrictions;
- Restrictions on the size of construction traffic (where possible);
- Details of how larger construction traffic is to negotiate various pinch points; and
- Liaison with the local Community Council to discuss periods of peak activity.

REASON: To ensure that traffic associated with the development does not adversely impact on the safety and free flow of traffic on the B829.

25. Road Condition Survey: Prior to commencement of the development hereby permitted, a road survey of the adopted road B829, from its junction with the A821 to the site access, shall be carried out. Any defects within this section of road shall be agreed between the applicant and the Roads Authority. A further inspection shall be undertaken upon completion of the 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.

26. Public Access Management Plan: Prior to the commencement of the development hereby permitted, a Public Access Management Plan shall be submitted to, and approved in writing by, the Planning Authority. Thereafter the approved Public Access Management Plan shall be complied with at all times, unless otherwise agreed in writing with the Planning Authority. It shall include the following:

- measures to be employed in order to ensure existing access conditions along the Ben Venue Core Path and through the neighbouring forest road network are, where reasonably possible, maintained (including, for example, use of banks-men during crossing activities);
- details of warning signage content and locations;
- details of durations of impacts on the access routes; and
- a driver Code of Practice detailing the means of prioritising walkers.

REASON: To ensure access is, where reasonably possible, maintained and that public access rights are also upheld in order to secure the third aim of the National Park which is to promote understanding and enjoyment (including enjoyment in the

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form of recreation) of the special qualities of the area by the public.

- 27. Restoration of Ben Venue Core Path:** Prior to the commencement of development hereby permitted, a plan showing the route of the Ben Venue Core Path where it will cross the access track to the intake (at a scale of 1:500 or greater) shall be submitted to, and approved in writing by, the Planning Authority. This shall include details of the path specification, proposed design and method of reinstatement; and a full specification of the gate at the new access track through the forest fire break. Thereafter the path shall be re-instated in accordance with the approved plan within 12 months of the commissioning of the development hereby approved.

REASON: To ensure reasonable and sufficient access to the local area is maintained and to ensure that access to the neighbouring forest is enhanced for walkers in accordance with local plan policy TRAN7.

- 28. Specification of Ben Venue Core Path improvements:** Within twelve months of the operation of the hydro scheme hereby approved the Ben Venue Core Path shall be improved in accordance with a written specification which shall be submitted to and improved in writing by the planning authority. This shall include use of a non-slip surface on the boardwalks to the north of the site.

REASON: To ensure that the Ben Venue Core Path is enhanced with a suitable specification to accord with local plan policy TRAN7.

Archaeology

- 29. Archaeological Investigation:** No development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service.

REASON: To safeguard the archaeological value of the site.

List of Plans

Title	Reference	Date Received
Plan Location plan	LOC1 REV B	29/11/13
Plan Track near dam	AT02C	12/09/14
Plan Details of Weir & Intake Chamber & Access	GL01	12/09/14

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Footbridge		
Plan Access Track	GL02A	12/09/14
Plan Pen stock plan 1	GL03B	12/09/14
Plan Pen stock plan 2	GL04C	12/09/14
Plan Pen stock plan 3	GL05	12/09/14
Plan Thrust blocks 1	GL06	12/09/14
Plan Thrust blocks 2	GL07	12/09/14
Plan Ledard Turbine House	P1 REV --	12/09/14
Plan General Site Plan	P2 REV D	12/09/14
Plan Existing Sections through site	47068249/GX02 REV A	22/10/14
Plan Longsection 1-1 through proposed penstock	47068249/GX01 REV B	22/10/14
Plan	47068249/SK06	13/11/14

Reason for decision

The proposed 100kW run-of-river hydro scheme is considered to comply with local plan Policy REN2 Hydro Renewable Energy Projects, provided that the conditions recommended in Appendix 1 are applied. The scheme includes improvements to the Ben Venue Core Path which crosses the site, and compensatory planting for trees to be removed. The powerhouse is to be constructed with traditional materials in keeping with the neighbouring farm buildings and will not adversely affect the setting of the C-listed barn. The pipeline route is to be fully restored and access to the intake will be via an additional spur to an existing forestry track to the west of the burn. The appointment of an Ecological Clerk of Works will ensure that ecological mitigation set out in the Construction Method Statements and Environment Statement is followed during the construction phase and that best practice methods are used in restoration techniques and compensatory planting. Subject to conditions, it is considered that the proposal will have no significant adverse impacts on the landscape, ecology, protected species or public access interests.

Informatives

1 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.

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2 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.

3 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.

4 Access improvements – in order to improve public access in the environs of the scheme the following measures are advised:

- Removal of barbed wire fencing around proposed hydro site adjacent to core path.
 - Improved gate arrangement 30 yards before hydro site.
 - Reconfiguration of tight path corridor steeply uphill prior to site to allow a more gentle ascent and minimise erosion.
 - Reconfiguration of deer fence kissing gate arrangement north of site.
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