

APPENDIX 1: Conditions and Informatives

Conditions:

- 1. Landscape Clerk of Works:** Prior to the commencement of construction works within the development site, an appropriately qualified landscape architect shall be appointed as a Landscape Clerk of Works by the developer to oversee the implementation of the development and the landscape proposals. Confirmation of appointment, qualifications, contact name and details shall be submitted to the planning authority prior to commencement of development. Within 2 weeks following the appointment, a detailed planned work programme shall be submitted to and approved in writing by the planning authority. The programme shall include a commitment to close working with contractors and the Planning Authority in the construction of the access tracks and micro-siting of the intakes and outfall to ensure the best landscape fit and/or setting.

REASON: To ensure detailed micro-siting and landscaping of the site is achieved to a high standard to ensure the development integrates as successfully as possible with its surroundings.

- 2. Species Protection:** The development shall be carried out strictly in accordance with the mitigation measures outlined in section 6 of the Survey and Assessment for Protected Mammals dated October 2016, hereby approved unless otherwise agreed in writing by the Planning Authority.

REASON: 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.

- 3. Construction Environmental Management Plan:** Prior to commencement of the development hereby approved, a Construction Environmental Management Plan (CEMP) shall be submitted to, and approved in writing by, the Planning Authority. The CEMP shall detail the following:

- a) Detailed construction methods for all aspects of the scheme (temporary and permanent access tracks, site compounds, intakes, pipeline, tailrace, powerhouse, removal of coffer dam structures on completion);
- b) Silt Management Plan;
- c) Turve Management Plan;
- d) Retention of existing hydrology;
- e) Restriction of grazing animals during revegetation of track and penstock routes;
- f) Method of working and mitigation measures to control pollution control, dust and vibration/ measures to control the emission of dust and dirt during construction;
- g) Method of controlling surface water during construction;
- h) Details of all ecological, tree and landscape mitigation measures that must be complied with by site operatives;
- i) Contact details of the Landscape and Ecological Clerk of Works;
- j) Construction timetable including duration, timing and phasing of works, including key intervention points for the Ecological Clerk of Works (ECoW) and the content of ECoW toolbox talks;
- k) Construction hours;
- l) Construction site facilities including the location of construction site huts, vehicle equipment, materials storage and location of parking area(s) for construction workers;

- m) The width of the working corridor that construction works will be confined to (shown on a plan); and
- n) Public Access Management Plan (see condition 12).

Thereafter all works shall be carried out in accordance with the agreed Construction Environmental Management Plan..

REASON: To ensure the construction phase is carefully managed to minimise landscape impacts and to mitigate adverse impacts on habitats, (including protection of the River Tay SAC), and the public.

- 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 the conditions.

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

- 5. Design details for intakes, powerhouse, outfall and all other above-ground structures:** No works shall commence on the construction of any of the permanent above-ground structures (including the powerhouse, intakes or outfall), unless a sample or details of the final materials, design and colour to be used to construct all aspects of the above-ground structures, including the following specified details, has been submitted to, and approved in writing by, the Local Planning Authority. A joint site visit shall be carried out with the Planning Authority to agree the final locations of the intakes.

- a) The intake design;
- b) Wingwalls will be minimal in size to reduce visual impact;
- c) Rock armour;
- d) Soil backfilling; and
- e) Any additional infrastructure

Thereafter, all above-ground structures shall be constructed in accordance with the approved drawings.

REASON: To ensure that all aboveground structures blend in with the landscape setting, minimise visual intrusion, and minimise impact on fish and otters.

- 6. Restoration of Route of Pipeline and Temporary Access Route:** Prior to commencement of development, detailed drawings of linear sections of the pipeline route and temporary access routes to the intakes, 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, outcrops (noting important landscape features) and be annotated describing the details of the proposed non-standard engineering works and working corridor, and proposed reinstatement works for the pipeline route including replacement of rocks and vegetation turfs. Unless otherwise agreed in writing with the Planning Authority, the pipeline and the access route shall be implemented as approved. Within three months of development being substantially completed, the pipeline route and temporary access track shall be reinstated with vegetation as proposed on the approved drawings.

REASON: To reduce the visual impact of the pipe route and temporary access tracks by ensuring vegetation (where possible), slope and rocks are reinstated along the pipeline route to a condition similar to that that was disrupted by the construction.

- 7. 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 Environmental Management Plan 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, and to avoid an adverse effect on the integrity of the River Tay Special Area of Conservation.

- 8. Scope of works to be carried out by the Ecological Clerk of Works:** Prior to appointing the ECoW in accordance with Condition 7 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:

- a) be present to oversee all in-stream construction works;
- b) give advice on micro-siting project elements to avoid important habitats;
- c) 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;
- d) ensure compliance with all wildlife legislation;
- e) undertake pre-construction checks for protected species (mammals, fish and birds);
- f) oversee implementation of all ecological mitigation, as detailed in the approved CEMP;
- g) monitor restoration of the site and ensure that the agreed habitat restoration targets are achieved;
- h) 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; and
- i) 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 Environmental Management Plan, are followed during construction.

- 9. 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, specifically including reprofiling of the glacial moraine and batters of the access tracks, additional tree planting at the powerhouse and tailrace/outfall site. 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.

10. Hours of Operation and Noise: Construction works which are audible outwith the site boundary shall be undertaken during normal working hours:

- 08.00 to 18.00 hours Monday to Friday,
- 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 ensure the hours of operation associated with construction works do not impact on neighbouring properties or quiet enjoyment of the Benmore glen area.

11. Monitoring Reports During Construction: The applicant shall submit a monitoring report to the Local Planning Authority setting out how the requirements of the CEMP 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:

- a) Every month for the first 6 months (taken from the start date given in the Notice of Initiation – see Informative No.1); and
- b) 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.

12. Public Access Management Plan: Prior to the commencement of works, a detailed public access management plan shall be submitted to and approved in writing by the Planning Authority. The Plan shall include measures for:

- a) Visitor focussed signage, forewarning and explaining the development to visitors;
- b) Use of banksmen to facilitate the unhindered passage of visitors (on the access track) during the construction phase;
- c) Briefings for contracted drivers / plant operatives and an agreed operational procedure to ensure the safe and unhindered passage of recreational visitors on the access track during construction. Practically, this will require drivers to stop and allow recreational visitors to pass safely;
- d) Use of short term diversions / alternative route options where necessary; and
- e) Monitoring access track structure and surface conditions during construction, and a commitment from the developer to repairing any damage and restore the access track to pre-construction conditions.

Thereafter, the measures as may be agreed in the Plan shall be implemented through the period of construction.

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

13. Breeding Birds: All ground preparation works shall be carried out outwith the bird breeding season (between March and July inclusive). If this is not possible, a survey for breeding birds and nests shall be carried out at the site including a 25m buffer area. A black grouse lek survey shall be undertaken if construction work is to be carried out between mid March to end of May.

REASON: To ensure no disturbance occurs to breeding birds in the interest of protecting the biodiversity value of the site and to prevent an offence under the Wildlife and Countryside Act 1981 as amended by the Nature Conservation (Scotland) Act 2004 from occurring as all birds, their nests and eggs are protected. The survey results will inform the need for avoidance zones to prevent disturbance during construction period to lekking black grouse.

14. Detailed plans: Prior to the commencement of development hereby permitted, the following plans shall be submitted to, and approved in writing by the planning authority:

- a) a block plan showing the detailed layout of infrastructure at the intakes. This plan at a scale of no less than 1:500 shall show the access road and any turning areas in the vicinity of the intake;
- b) final site layout drawings, at a scale no less than 1:1250, showing the location of all known elements of the scheme including all access routes site compounds, laydown areas and working corridors (including passing places), and;
- c) The final finish and location of culverts along the track after the reduction in width of the tracks.

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.

15. Archaeology: 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 ensure that any items of archaeological interest that might be damaged or disturbed by the development are recorded and recovered as necessary for the benefit of the nation.

16. 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.

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.