



**PLANNING AND ACCESS COMMITTEE**

**MEETING: Monday 25<sup>th</sup> February 2019**

<b>SUBMITTED BY:</b>	<b>Director of Rural Development &amp; Planning</b>
<b>APPLICATION NUMBER:</b>	<b>2017/0119/DET</b>
<b>APPLICANT:</b>	<b>Mr Grant Jolly</b>
<b>LOCATION:</b>	<b>Benmore Farm</b>
<b>PROPOSAL:</b>	<b>Construction of a run of river hydropower scheme</b>

<b>NATIONAL PARK WARD:</b>	<b>Breadalbane and the Trossachs</b>
<b>COMMUNITY COUNCIL AREA:</b>	<b>Strathfillan Community Council</b>

<b>CASE OFFICER:</b>	Name: <b>Julie Gray</b> Tel: 01389 727753 E-mail: julie.gray@lochlomond-trossachs.org
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**1 SUMMARY AND REASON FOR PRESENTATION**

- 1.1 This is an application for the construction of a 200kw run of river hydropower scheme to the east of Benmore Farm in Glen Dochart.
- 1.2 In accordance with section 5 of the National Park Authority's Scheme of Delegation, this application must be determined by the Planning and Access Committee as there has been a significant level of valid objection to the proposal.

**2 RECOMMENDATION**

2.1

**That Members:**

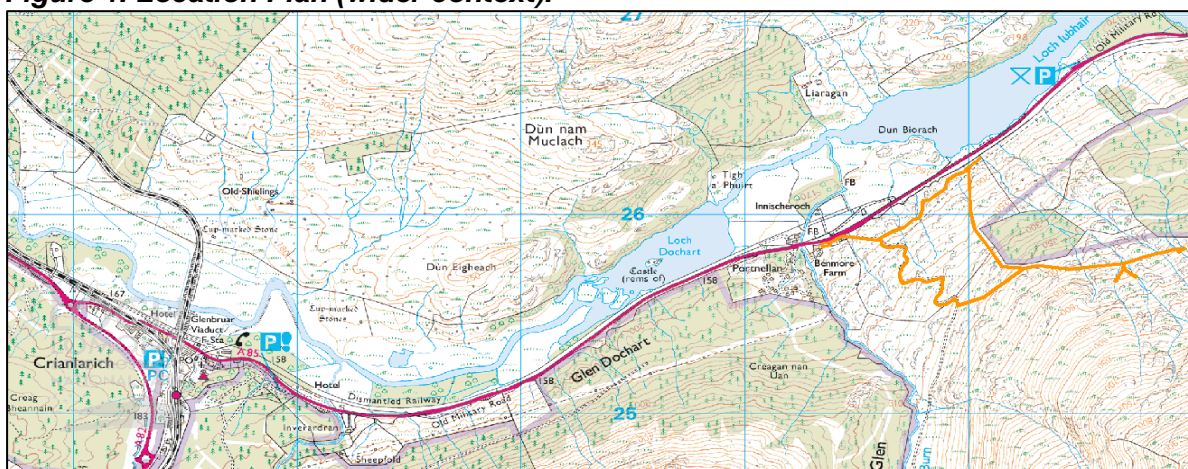
- 1. **APPROVE** the application subject to the conditions contained in Appendix 1 of the report.

### 3 BACKGROUND

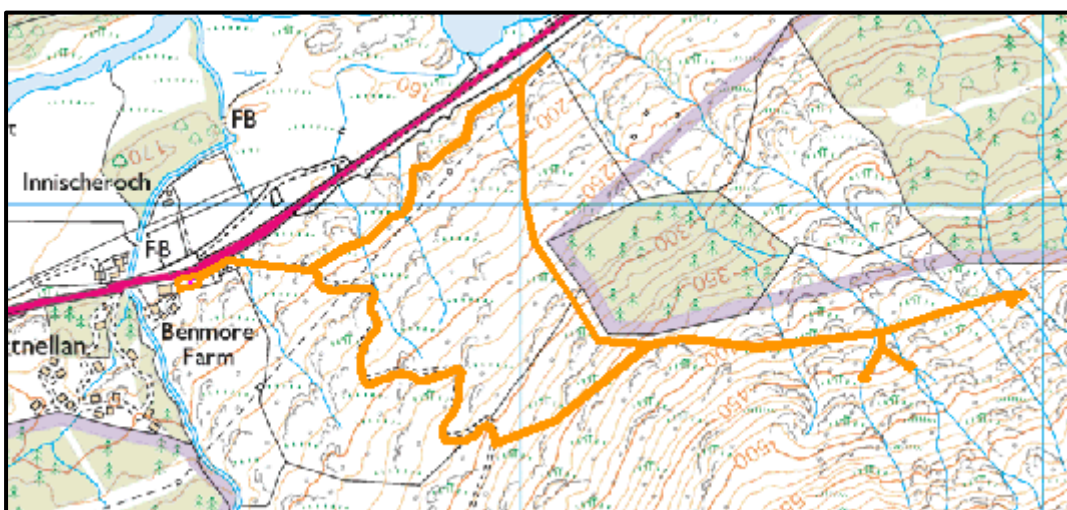
#### *Site Description:*

- 3.1 The site is located to the south side of the A85, on the northwest slope of Ben More, approximately 3.5km to the east of Crianlarich. The site is to the east of the Benmore Farm buildings and is accessed directly from the A85 via Benmore Farm. See **Figure 1**.
- 3.2 The site is characterised as open hillside with upland agricultural land use for sheep grazing. There is a forestry coupe to the east of the site and a vehicle access track to the west which leads upwards into Benmore Glen. The A85 bounds the site to the north and the summit of Ben More (1174m) is to the south.

**Figure 1. Location Plan (wider context).**



**Figure 2. Location Plan (close context). Also see Appendix 2.**



#### *Description of Proposal:*

- 3.3 The proposal is to construct a hydroelectric scheme (with an installed capacity of 200kw) on 2 un-named burns (comprising 4 tributaries) on the north west slope of Ben More. Water is proposed to be abstracted from 4 small tributaries and connect to a common

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pipeline. The water would then be returned to the watercourse close to the A85 into a different un-named burn but ultimately to Loch Lubhair. The scheme layout is provided in Appendix 2 of the report and illustrates the location of the 4 intakes, buried pipeline, powerhouse and tailrace.

### 3.4 The proposal involves the construction of the following **permanent** elements:

- 4no. intake structures spanning the width of 4 un-named tributaries and approximately 2.6m high.
- A powerhouse (6m x 5.5m, with a maximum height of 5.4m) located adjacent to the A85
- 2no. access tracks
  - One access track travelling from the existing access track to the intake location approximately 1km in length and 1.5m wide in its restored condition.
  - One access track travelling from the existing track to the powerhouse approximately 550m in length and 1.5m wide in its restored condition.
- A buried pipeline from the intake locations to the powerhouse (approximately 1.6km long and 355mm in diameter)
- Buried tailrace and outfall structure (approximately 70m from the powerhouse where the abstracted water is returned to the watercourse)

### 3.5 The applicant has indicated that the following **temporary** works are proposed to construct the hydro scheme:

- A working corridor within which works will be confined while constructing the pipeline route and tracks. This corridor is expected to be 8m wide.
- Construction tracks to powerhouse location and intake locations, 3m wide (to be reduced to 1.5m wide).
- A pipe laying down area adjacent to the intake track
- A pipe laying down area and materials storage area at Benmore Farm
- 4no. temporary access tracks from the proposed permanent track to the intakes and specific intake locations

### ***Environmental Impact Assessment (EIA):***

### 3.6 The National Park is identified as a 'Sensitive Area' within the Environmental Impact Assessment (Scotland) Regulations 2017.

In this instance the proposal falls under Schedule 2 of the regulations within the energy project category. The proposal was screened and in this instance it was considered that it is not likely that there would be significant environmental effects on the environment and therefore an EIA is not required. The screening opinion is available to view in Appendix 3 of this report.

### 3.7 **Habitat Regulations Appraisal**

The Habitats Regulations Appraisal and Appropriate Assessment is available to view in Appendix 4 of this report. It was concluded that there would be no adverse impact on the River Tay SAC if appropriate mitigation measures are put in place.

***Planning History:***

- 3.8 2013/0311/DET – Benmore Farm, Crianlarich - Construction of a hydro scheme- Approved -10 June 2014. This scheme is to the west of the site and is operational.

**4 CONSULTATIONS AND REPRESENTATIONS**

***Responses to Consultations:***

4.1 Scottish Environment Protection Agency (East Kilbride)

No objection provided that a planning **condition** requiring the implementation of mitigation measures to maintain the functionality of the wetlands and prevent the structures from becoming preferential conduits of water is attached to the consent. These measures should be detailed within an appropriate Construction Environmental Management Plan (CEMP) to be submitted for review, in consultation with SEPA, before works commence on site. An Ecological clerk of Works (EcoW) should also be employed to ensure that sensitive areas are marked out and avoided and that the mitigation measures identified have been put in place.

Designated Sites- It is noted that the proposed development falls within Benmore and Stob Binnien SSSI. The site is also in close vicinity of the River Tay SAC. During construction there will be a risk of pollution and appropriate mitigation must be implemented to avoid this.

4.2 Scottish Natural Heritage Stirling

**The River Tay Special Area of Conservation (SAC)**

The proposal lies close to the River Tay SAC designated for its Atlantic salmon, brook, river and sea lamprey, otter and clearwater lochs. It is the opinion of SNH that these will not be adversely affected by the proposal as long as good practice working methods are followed.

**Ben More – Stob Binnein Site of Special Scientific Interest (SSSI)**

The habitat survey and assessment (Elliot, 2016) confirms that the habitats under the footprint of the proposal are not part of the qualifying features of Ben More SSSI. As the designated features are upslope and at least 500m away from the proposal, it is highly unlikely there will be any impacts from construction site dust or run-off.

**Ground Water Dependant Terrestrial Ecosystems (GWDTE)**

M15, wet heath is a European Priority habitat. However, in this case, only two small areas will be affected and these are of poor quality due to current and historical grazing. SNH agree that the impact on this habitat will not be significant. This is particularly true given the intention to properly re-instate the areas using retained turves along pipeline routes.

**Protected species including European protected species (EPS)**

SNH note the findings of the mammal survey which concludes that impacts on protected mammals (otter and pine marten) will be negligible (Elliot, 2016). SNH concur with the recommended mitigation measures.

4.3 Strathfillan Community Council

No response

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### 4.4 RSPB (Glasgow)

RSPB have noted disappointment that no breeding bird surveys including black grouse lek surveys were carried out prior to the submission of the application and no mitigation has been identified to reduce impacts on breeding birds.

However, having considered the detail of the proposal, **RSPB Scotland does not object** to this planning application as they are satisfied that the following conditions of consent would minimise any impacts on black grouse and other breeding birds.

- All ground preparation works should ideally be carried out outwith the bird breeding season (between March and July inclusive). If this is not possible it is advised that the site, including a 250m buffer, is surveyed for breeding birds and checked for nests during this period. A black grouse lek survey shall be undertaken if work is planned for between mid-march to end of May.
- An appropriately qualified and experienced Ecological Clerk of Works (ECoW) shall be employed by the developer prior to commencement of development.

### 4.5 Scottish Water (Glasgow)

No response

### 4.6 West Of Scotland Archaeology Service (Glasgow)

No objection provided a condition is attached to any consent requiring the implementation of a written scheme of investigation. This is a project design document, which should set out the various phases of work that may be required to suitably address the impact of the proposal on archaeological material.

### 4.7 STC Environmental Health (Stirling)

No objection

### 4.8 Transport Scotland - Trunk Road Network (Glasgow)

No objection

### 4.9 STC Flood Prevention (Stirling)

No objection

### 4.10 STC Roads (Stirling)

No objection

### ***Representations Received:***

- 4.11 At the date of the preparation of this report, representations have been received from 5 individuals and 3 organisations, namely, Mountaineering Scotland, the North East Mountain Trust and the Scottish Wild Land Group.

On receipt of additional information from the applicant in December 2018, the 3 organisations and 1 individual wrote to maintain their objection to the proposal. An additional objection was also received from an individual.

A summary of the grounds of the objections and concern is noted below focusing on the key issues raised and grouped under subheadings as follows:

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### 4.12 Landscape impact

1. The construction track is across a steep hillside and will require major engineering works – this will be very challenging to restore. Details of how the track would be constructed and restored are required in a construction method statement before a decision can be made.
2. Adverse landscape impact of permanent tracks, intake structures and additional infrastructure – it will be visible from the summit of Ben More, from the NE and NW shoulders of the hill, along Glen Dochart and from the A82 (a busy tourist route).
3. The track will make a permanent scar across the northern slope of Ben More.
4. Resultant impact on visitor experience to Ben More and Stob Binnein.
5. Intakes should be clad in stone instead of concrete to reduce visual impact and be as small as possible.
6. The forestry coupe below the proposed track mentioned as possible screening is likely to be replaced with broadleaved native woodland; the existing screening of the scheme from the A85 will therefore be lost - over the life of the hydro scheme this would only ever be considered to afford temporary screening in any case
7. Construction of the track is against best practice guidelines of SNH document 'Constructed Tracks in the Scottish Uplands' June 2013.
8. The Landscape Appraisal underplays potential cumulative impacts with other hydro schemes in the area, specifically Allt Eassan and Auchesan, the Allt Coire Chaorach and existing Ben More Scheme. The schemes contribute to over-industrialisation of the Park and detract from its value as a tourist destination.
9. The Construction Environment Management Plan (CEMP) and Method Statement should have been submitted at the application stage. The CEMP should include details of turve management.
10. The construction track cannot be in any meaningful way restored to original condition due to a steep cross-slope batter on the route chosen across the hillside. It cannot be removed or even reinstated.
11. The long term impact of the track depends on the quality of restoration work and monitoring by the Planning Authority and operational considerations.
12. Representees are not convinced by the line of the proposed track using a natural shelf – this is narrow and the site is steep. The ground on this traverse of the north slopes of Ben More is quite sustained, it rises around 200 metres in about a kilometre, which gives a slope at 25 to 30 degrees at various points. This in itself makes acceptable restoration very difficult.
13. Concern has been noted regarding the prolonged safe operation of frequent helicopter lifts [as described although it is proposed to also use trucks, but the number of truck loads and helicopter lifts have not been quantified, to enable comparison] over such a steep slope and carrying large loads above a busy public road; the set down area on the mountain would need to be large and protected on the downhill side, again introducing an engineering solution to this iconic mountain.

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14. The NPA's Supplementary Planning Guidance for Renewable Energy, p16, states that 'smallscale' can be defined ... as a development which has a low impact on the landscape, natural or built heritage, rather than its generation capacity. With an extensive linear scar across the slopes this proposed development cannot be assessed to have a low residual impact.

### **Officer Response**

*The assessment of landscape impact and requirement for the retention of the track is set out in section 7 of this report.*

#### **4.13 Permanency of track and justification**

1. Retention of track does not comply with policy NEP1
2. Reasons for retention of track are not valid. The shepherd can walk to the intakes and walkers have no interest in a level track cutting across the hill which does not lead anywhere.
3. Equipment needed for 'pigging' could be transported by helicopter.

### **Officer Response**

*The National Park has several operational hydropower schemes within its boundary and it has been noted through the monitoring of these schemes that access to the intakes is required regularly for cleaning and maintenance at all times of the year and during all weather conditions. Due to the terrain at Ben More, there would be no safe access to the intakes if an access track was not provided. The proposal has been revised (in January 2019) to further reduce the width of the proposed permanent track to 1.5m (footpath width) to provide a safe access route to the intakes and reduce the potential adverse landscape impact. This narrower path would primarily be used for access on foot but could also be used for quad bike/atv (all-terrain vehicle) access on occasion.*

#### **4.14 Ecology**

1. There could be an impact on the Ben More and Stob Binnein SSSI due to altering the watercourse and formation of track
2. Risk of pollution of River Tay and impact on qualifying species of River Tay SAC, salmon and lamprey.
3. Close proximity to Ben More and Ben Ledi Wild Land Area and Breadalbane and Schiehallion WLA. The scheme will be visible from the Breadalbane and Schiehallion WLA and have an adverse visual impact on the WLAs.
4. Permanent track would impact on Groundwater Dependant Terrestrial Ecosystems (GWDTEs)
5. An Ecological Clerk of works should be appointed to ensure protection of any ground nesting birds and ensure no silting of the watercourse to protect qualifying species of the River Tay SAC.
6. No bird surveys are noted in the application. Mitigation strategies should be described and made available for inspection.
7. There should be arrangements to avoid pollution from plant and machinery to watercourses.

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8. 'Wild Land Area' is not a statutory designation but NPF3 recognises wild land as a "nationally important asset" and indicates that Scotland's landscapes merit strong protection. Scottish Planning Policy [SPP] goes on to describe how this should be achieved. This includes the identification of WLAs via the SNH map, and the need for development to "demonstrate that any significant effect on the qualities of these areas can be substantially overcome by siting design and other mitigation". We do not feel the developer has addressed these points in his proposals.

### **Officer Response**

The ecological aspects of the proposal are addressed in section 7 of this report. A summary of the consultation responses from SNH, SEPA and the RSPB can be found in section 4 of this report with regard to their specialist guidance on matters relating to the SSSI, SAC and birds. No significant concerns have been raised in terms of the proposals potential impact on the designated sites or birds.

#### **4.15 Access rights**

1. Lack of access management plan. The proposal will impact on walkers access to Ben More and Stob Binnein who access the hillside from Ben More Farm and other points on the A85. An access management plan is an essential requirement.
2. The access management plan should include how information will be communicated to walkers, the location and nature of signage including directions to alternative routes from different access points, staff briefing of access rights, removal of signs after completion of works.

### **Officer Response**

*Public Access on the hillside is assessed in section 7.31 of the report. An access management plan would be secured by planning condition to ensure that there is not a significant negative impact on the quality of recreational experience or impact on the stability or long term structure of the existing path.*

#### **4.16 Environmental screening**

1. Benmore Farm Hydro scheme (2013/0311/DET now in operation) was subject of an EIA. We do not agree that an EIA is not required for the current proposal. The proposed scheme consists of 4 intakes, a track across the northern slope of Ben More and is twice as far up Ben More compared to the existing approved scheme.
2. The statement in the EIA screening opinion that '...due to the major construction works already having been undertaken for the above noted schemes, the chance for significant cumulative environmental impact is low' does not make sense. There must be a limit to the number of hydropower schemes that Glen Dochart can accommodate.

### **Officer Response**

*In terms of the consideration that the previous Benmore Farm Hydro scheme was EIA development, every proposal is assessed based on its own merits and potential significant impact. The 2017 amendment to the EIA regulations allows authorities to take into consideration mitigation measures. These changes, together with experience gained of the EIA process within the National Park, has resulted in a refinement of the consideration of EIA Screening in recent times. Further to this, knowledge of the site gained through the assessment and monitoring of the neighbouring hydropower scheme (2013/0311/DET) allowed for a greater confidence in screening the current proposal in terms of potential*



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*significant effects.*

*The potential cumulative impact was considered at screening stage. The other schemes are now in operation and as such restoration work has been carried out and is being monitored. There is no inter-visibility between the schemes to cause concerns regarding cumulative landscape impact. The implementation of good working methods in terms of pollution prevention and sedimentation control would ensure that any potential impact on the SAC and SSSI is mitigated.*

### 4.17 Other

1. There is no public benefit from the scheme.
2. Increase tendency for landslips due to steep slope.
3. No source of aggregate material is provided.
4. The scheme could be constructed without building such a big road and destroying the landscape.
5. On a routine basis, small intakes only require checking and simple clearance of debris. These tasks do not require vehicular access where the intakes are easily accessible as in this case (around one kilometre from the existing vehicle track). A footpath would suffice with other means of access being found in the exceptional circumstance of more significant work being required.

#### **Officer Response**

1. *Scottish Planning Policy sets out that the planning system should support the transformational change to a low carbon economy to help meet national objectives and targets.*
2. *The maximum gradient of batters for the access track would be controlled through the Construction Environmental Management Plan and micro-siting of the track to reduce any potential landslip. The agent has also proposed a 'restore as you go' approach which will stabilise the track as it is constructed.*
3. *It is noted in the Access Track Report that the existing track at Ben More Glen was constructed with locally won material from the access track route. It is anticipated that it will be the same in this case with suitable material being available along the track route.*
4. *The access track is required to reach the intakes, however the specification (width) for the road has been reduced due to the proposed use of helicopters to deliver materials to the specific intake locations. Further to this, much of the penstock will be buried beneath the proposed track and there would be ground disturbance in any case should the scheme proceed.*
5. *The scheme has been revised to reduce the width of the track to 1.5m (footpath width).*

## 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;

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- (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.

### ***Local Development Plan:***

- 5.3 Local Development Plan (Adopted 2016)

OP1 – Overarching Policy 1: Strategic Principles

OP2 – Overarching Policy 2: Development Requirements

Renewable Energy Policy 1 – Renewable Energy within the National Park(Hydro Energy)

TP3 – Impact Assessment and Design Standards of New Development

NEP1 – National Park Landscapes, Seascape and Visual Impact

NEP2 – European Sites – Special Areas of Conservation and Special Protection Areas

NEP3 – Sites of Special Scientific Interest, National Nature Reserves and RAMSAR Sites

NEP4 –Legally Protected Species

NEP5 – Species and Habitats

NEP6 – Enhancing Biodiversity

NEP11 – Protecting the Water Environment

NEP13 – Flood Risk

HEP7 - Historic Environment Policy 7: Other Archaeological Resources

HEP8 - Historic Environment Policy 8: Sites with Unknown Archaeological Potential

Renewable Energy Policy 1 states: *“Proposals for Renewable Energy Developments within the National Park will be supported where the siting, design, access and scale of the proposal will not have a significant adverse impact either individually or cumulatively on: landscape or visual amenity, woodlands/ forestry, biodiversity, the water environment, cultural heritage, air quality, traffic and transport, recreation and access and residential amenity.”*

### *Hydro Energy*

*(a) Engineering works, the siting, design or scale of the powerhouse, headponds, weirs, penstocks and tailraces other ancillary buildings or works, access requirements and other support infrastructure do not generate significant adverse impact, and*

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

*(c) Pipes to, and power lines from, the powerhouse are placed underground, and*

*(d) Sufficient landscape measures are included to integrate the proposal into the landscape setting and reinstatement measures are taken to restore the physical conditions of the site when construction is complete.*

### ***Other Material Considerations:***

- 5.4 National Park Aims

The four statutory aims of the National Park are a material planning consideration. These are set out in Section 1 of the National Parks (Scotland) Act 2000. Policy NP1 of the National Park Local Plan outlines the Park's overarching policy position on new development with regard to the statutory aims.

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### 5.5 National Park Partnership Plan (2018-2023)

Outcome 1: Natural Capital Priority 1.2: Species

Outcome 3: Climate Change Priority 3.1: Climate Change

Outcome 11: Sustainable Growth Priority 11.1: Low Carbon Economy

### 5.6 National Planning Framework 3

'4.11 Although there is great scope to further develop our tourism sector, our environment is more than a recreational resource. We will also need construction materials and energy minerals to support our ambition for diversifying the energy mix, and past extraction sites will require restoration. Climate change means that sustainable management of the water environment is not just a national opportunity, but a global issue. Innovation and investment will be required to develop our reputation as a Hydro Nation.'

'Key Action Point 9. We will continue to take action to help generate the equivalent of 100% of Scotland's gross annual electricity consumption from **renewable sources** by 2020, with an interim target of 50% by 2015.'

### 5.7 Scottish Planning Policy

Scottish Planning Policy, 2014, states that Plans should set out a spatial strategy which promotes economic activity and diversification, including, where appropriate, sustainable development linked to tourism and leisure, forestry, farm and croft diversification and aquaculture, nature conservation, and **renewable energy developments**, while ensuring that the distinctive character of the area, the service function of small towns and natural and cultural heritage are protected and enhanced.

It also states in section 80, 'Where it is necessary to use good quality land for development, the layout and design should minimise the amount of such land that is required. Development on prime agricultural land, or land of lesser quality that is locally important should not be permitted except where it is essential:

...• for the generation of energy from a renewable source or the extraction of minerals where this accords with other policy objectives and there is secure provision for restoration to return the land to its former status...'

## 6 **SUMMARY OF SUPPORTING INFORMATION**

6.1 **Design Statement** – The applicant has provided a statement which provides a description of the project, socio-economic benefits, environmental considerations, brief construction method statement and description of the operation and maintenance of the scheme.

### 6.2 **Fish Population survey of Benmore Farm Hydro scheme. Argyll Fisheries Trust. October 2016**

The findings of the fish population survey indicate that Atlantic salmon and brown trout are able to access and utilise the relatively small patches of habitat downstream of the A85 road for spawning and juvenile recruitment. The habitat found at fish survey sites were generally favourable for salmonid fish with a mix of stream bed substrates. Upstream of the three survey sites there appear to be significant obstacles to fish migration, including the road culverts and increasing gradient of the stream channels. The results of the surveys suggest that there is a limited area of habitat available for recruitment by fish migrating upstream from Loch Lubhair.

### 6.3 **Fish Habitat Survey. Dr M Elliott. September 2016**

Suitable spawning habitats for salmonids and habitats conducive for juvenile fish were

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found in the lowest reach of each of the three un-named burns between Loch Lubhair and the culverts under the A85; and this was verified in the Fish Survey Report by the *Argyll Fisheries Trust* in October 2016. Upstream of the road culverts, habitats suitable for fish spawning and juveniles was not found within the stretches of the three un-named burns which would be within the influence of the proposed Benmore Farm East Hydro scheme. Providing the approved compensation flows are maintained, and good environmental practices followed during construction, the proposed hydro scheme should not deter fish from living where they currently occur.

### 6.4 **Landscape Appraisal. Craignish Design. February 2017 including associated photosets, Zones of Theoretical Vision Maps, Character Types and Areas, Constraints and Wildness map.**

The appraisal concluded that the proposed development is within an exposed hillside location and within an area valued for scenic quality and associated with undeveloped uplands. The proposed development may have substantial construction impacts, but once operational and with restoration established, impacts and effects should be low and localised. This is a hill already affected by forestry blocks, roads and pylons. The proposed development is small in scale and, with care in implementation and restoration, long term impacts should be low.

### 6.5 **Habitat Survey and Assessment. Dr M Elliott. Sept/Oct 2016**

The construction of this hydro scheme is not expected to affect the key features in the Ben More and Stob Binnein SSSI as none of these were seen within or down-slope of the surveyed area and if there is dust-drift it should be mitigated to prevent it settling upslope of the works. Nor are adverse effects expected on the River Dochart Meadows SSSI for which the lowest stretch of Burn 3, below the A85 forms the western boundary.

One GWDTE habitat, marshy grassland (Phase 1=B5 / NVC=M23), would definitely be directly impacted upon by the hydro construction. A tiny quantity of modified wet heath (D2 /M15) dominated by deer sedge beside Burn 3 may be affected, depending on the exact positioning of the intakes and pipeline. Both of these habitats are situated over thin peat/ peaty soils. Residual impacts on these habitats from construction are considered to be slight adverse as the loss or disruption should be small in comparison with the total local resources, the temporary effects should be short-term, and if the appropriate mitigation measures are implemented the disturbed ground should resemble other local parts of these habitats in the long term. The significances of the residual impacts are assessed as negligible/neutral and thus not significant under the EIA Regulations.

### 6.6 **Survey and Assessment for Protected Mammals. Dr M Elliott. October 2016**

No shelters of protected mammal species were found during this survey.

Otter is a qualifying feature for the River Tay SAC. The topography and small size of the burns, paucity of invertebrates and amphibians seen; lack of suitable juvenile fish habitats; all indicate that with more suitable habitats available at and around Loch Lubhair otter are less likely to roam in this proposed hydro development area. Therefore the potential impacts on the local otter population are considered likely, if any, to be miniscule.

A Pine Marten dropping was the only sign found signifying the presence of a legally-protected species passing through part of the proposed hydro development area. No shelters of pine marten, or other protected species, were found in or near the proposed scheme area during the survey.

A number of proposed mitigation measures are outlined as protected species roam and could be present on the site during construction or operation of the scheme.

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### 6.7 **Example Track Photographs.**

The applicant has provided photos of a project the agent for the application has previously worked on at Coignafearn using a 'restore as you go' approach in the formation of the track.

### 6.8 **Photomontages**

- Powerhouse
- Intakes
- Outfall
- Access Tracks

### 6.9 **Photographs taken from key viewpoints to demonstrate visibility of proposed scheme**

- From A85
- From holiday chalet site
- From existing track

6.10 **Access Track Report** – This report outlines the requirement for the tracks to be retained, the chosen route of the tracks and pipeline, design of the track and mitigation measures.

6.11 **Supporting statement outlining changes to the proposed construction track** – the statement outlines the changes proposed to the restoration of the access tracks in response to the representations received. Key points include the reduction in track width to 1.5m and the blending and re-profiling of the 'fill' side of the slope to more closely follow the original profiles.

6.12 **The Intake Structures** – Document outlining the construction method for the intakes and temporary access tracks from the proposed permanent track to the intake locations. Soil and turf handling management is also described.

## 7 **PLANNING ASSESSMENT**

7.1 The key issues for consideration are whether the principle and details of the proposal accord with the broad objectives and relevant policies of the local plan, notably the strategic overarching and natural environment policies including in relation to the likely impact on landscape character, visual amenity, ecology, public access and recreation, the water environment, noise and traffic.

### **Principle of Development**

7.2 Renewable Energy Policy 1 supports renewable energy proposals within the National Park where the siting, design, access and scale of the proposal will not have a significant adverse impact either individually or cumulatively on: landscape or visual amenity, woodlands/forestry, biodiversity, the water environment, cultural heritage, air quality, traffic and transport, recreation and access and residential amenity. As explained below, the conditions detailed in this report (see Appendix 1) will ensure that the proposal can meet all the criteria of this policy. On this basis, the proposal is considered to meet policy REP1.

7.3 The key considerations in this case are landscape and visual impact including impact on Wild Land Areas (WLA's); ecology including impact on SSSI and SAC and public access. Other issues which require to be addressed are traffic and noise.

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### 7.4 **Landscape and Visual Impact**

The landscape at the location of the proposed hydro power scheme is typical of the area, with steep sloping rough grazing ground on a glaciated hillside with bedrock exposed in places. The landscape is highly valued for recreational access.

7.5 The area is however developed to a degree, with commercial forestry on either side of the A85 trunk road; an overhead powerline running adjacent to the A85; managed upland grazing, the existing vehicle track into Benmore Glen; the existing farm buildings at Benmore Farm and adjacent holiday chalet development (Portnellan).

### Intakes

7.6 4 no. intakes are proposed, the closest to public view is over 700m from the existing track which is used to access Benmore Glen and over 850m from the A85. It is at an elevation of 460m AOD. Views of the intakes will therefore be distant. Due to the steep slope of the north face of Ben More, undulating land forms and specific locations of the intakes within relatively steep gorges, it is unlikely that the intake structures will be clearly visible or appear incongruous on the hillside. Photomontages of proposed intake structures 2, 3 and 4 are provided in **Figures 3,4 and 5**. Nevertheless, it is recommended that a condition is applied to agree the micro-siting of the intakes and final design including the wingwalls, rock armour, soil backfilling and any additional infrastructure required including final colours. See conditions 1 and 5.



**Figure 3: Photomontage of Proposed Intake Structure 2. Looking south from proposed access track.**



**Figure 4: Photomontage of Proposed Intake Structure 3. Looking south from proposed access track.**



**Figure 5: Photomontage of Proposed Intake Structure 4. Looking south from proposed access track.**

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- 7.7 It is proposed to transfer concrete and pre-cast concrete units to the intake sites by helicopter – this will reduce the specification required on the access tracks to reach the intakes for construction. A finalised Construction Environmental Management Plan should be submitted prior to commencement of works and this is addressed by proposed condition 3 in Appendix 1.

### Access Tracks

- 7.8 The Landscape Appraisal submitted in support of the application notes that there are two Landscape Character Areas which could be potentially directly affected by the proposal. These are the NW flank of Ben More and the lower hillside at Ben More.
- 7.9 During construction there will undoubtedly be a high adverse visual impact as a result of ground disturbance and presence of machinery and workmen on the hillside. However, this is relatively short term (a maximum of 2 years) in the context of how long the scheme would be operational (approximately 50years).
- 7.10 Each of the proposed permanent tracks is assessed in turn below.

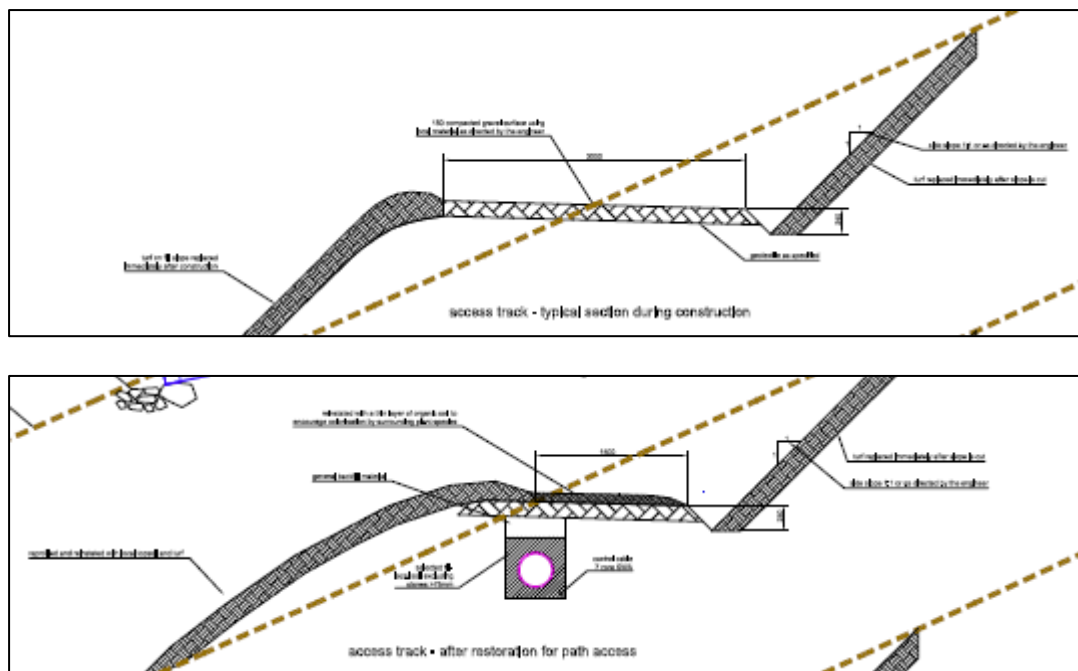
### *Intake Track*

The route of the intake track has been marked out on site and has been selected to follow the existing landform and natural features. It traverses the hillside at an elevation of approximately 350m rising to 460m AOD. It can be seen marked in orange on the scheme layout in Appendix 2. This approach minimises the visual impact. The proposed track would be a branch off the existing track into Benmore Glen reducing the overall length of track required significantly. During construction, the track would be 3m - up to a maximum of 5m - wide and, as noted previously, the visual and landscape impact would be high due to the openness of the hill, -particularly in the section between the existing track and small conifer plantation- from wider views from the A85 and possible views from the southern edge of the Breadalbane – Schiehallion WLA. There is recreational use of the hillside. The restoration of the track and penstock is therefore the key factor in the determination of this application.

### *Proposed restoration*

- 7.11 The proposal has been revised (January 2019) to reduce the proposed access tracks to the intakes and powerhouse to 1.5m wide (footpath width) - after construction works have been concluded. The track would be used to access the intake structures by foot but could also be used, if required, by a quad bike/all-terrain vehicle (ATV). The 'cut' side of the slope would be restored as the track is formed- using a 'restore as you go approach'. Photographs of other projects which the agents have been involved in using this method have been provided as supporting evidence – these are included in the application file and are titled 'Coignafern Track -= Example'. The photographs demonstrate how visual impact can also be reduced during the construction phase and offer quicker revegetation using this approach. The track would be cambered towards the up side slope to drain surface water run-off into a turf lined ditch. The 'fill' side of the track would be re-profiled to more closely match the original ground profile and the undulating landforms present. This is shown in **Figure 6**. The verge would also be slightly raised which will minimise visibility of the track from viewpoints below the level of the track. Further to this, a thin layer of organic soil would be spread on the track to encourage vegetation to colonise the track surface.





**Figure 6: Proposed section through track during and after construction.**

7.12 Key wider views to the NW flank of Ben More include views from the A85, the adjacent hillside and from the adjacent holiday chalet site. Photographs from these viewpoints have been provided in support of the application and have been annotated to describe the potential visibility or otherwise of the track. It is noted that from wider viewpoints, on completion of successful restoration of the track, that although the route of the track will be visible, the presence of other natural linear features above the proposed track, in addition to the existing track, would reduce its prominence in the landscape. Further to this, views from the adjacent hillside would be distant. The photograph in **Figure 8** demonstrates the visibility of the existing track from the adjacent hillside. The existing track zigs zags up the hillside, is wider and has steeper batters than the proposed track. It is however, not overly visible within the wider landscape context. With this baseline and with the specialist advice of the National Parks Natural Heritage Advisor, it is considered that wider views will not be significantly impacted upon by the presence of the proposed track to the intakes.

7.13 The localised visual impact of the proposed track to the intakes will be primarily evident to those persons using the hillside for recreational purposes. The impact during construction is further addressed at point 7.31 of this report. In terms of experience, the greatest impact will be during the construction phase. However, on completion of successful restoration works (in the long term 5-10years), the visual impact would be minimised with the reduction in track width, re-profiling of the down slope batter and soil over the track. Further to this, the presence of the existing track provides the baseline, as noted in point 7.12, for the feel and character of this particular part of the hillside. On ascending the hillside, views back towards the track would be largely screened by the steep topography of the hillside.

**Powerhouse Track**

7.14 The track to the powerhouse, similar to that of the intakes would be 3m wide during construction and reduced to 1.5m upon restoration. Restoration here is simpler as the topography is not as steep as at the other track location. In terms of visibility, from the A85, it is largely screened by the existing tree cover. This track is coloured green on the scheme layout in Appendix 2 and traverses the hillside low down, almost adjacent to the A85. The National Park Natural Heritage Advisor has recommended a landscaping condition is used to ensure that additional tree planting is carried out upon land under the control of the applicant to ensure adequate tree cover remains in the long term. See

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condition 9. From higher viewpoints, while the track will be visible, successful restoration as outlined in point 7.11 will reduce its visual impact. In this location on the lower hillside, it will also be read in conjunction with the A85 and overhead power cable and it is considered that it will not appear incongruous in the landscape.

### *Drainage*

- 7.15 Culverts are proposed along the tracks to maintain the natural drainage along the hillside and avoid the deterioration of the path due to surface water run-off. These are proposed to be retained on completion of restoration works which is considered to be acceptable subject to them being appropriately finished at either end so as not to appear visually obtrusive. It is recommended this is controlled by condition (see condition 14). It is also recommended that the construction method, restoration, pollution prevention measures, turf management and species protection are presented cohesively in a single report for clarity (see condition 3).

### Penstock Route

- 7.16 The penstock is proposed to run from the 4 separate intake locations above the small area of forestry plantation (east to west) and turn at almost 90degrees to run adjacent to the area of forestry (south to north) to meet the powerhouse adjacent to the A85. The section of penstock above the forestry area (approximately 800m) will be buried below the proposed access track. See Appendix 2.
- 7.17 The section of penstock running south to north (i.e. straight down the hillside) is visually the most sensitive; however this area will be fully restored post construction. Turve management will be important here for successful integration of the scheme into the surrounding landscape and ensure the landscape character of open glen side and open hills is maintained.
- 7.18 Importantly, to allow successful revegetation, no animals should graze this area in the first growing season after completion of works. This is recommended to be controlled by condition. See condition 3e.
- 7.19 There will be a temporary landscape and visual impact during construction of this aspect of the proposal. However, through appropriate turve management and restrictions on grazing, successful reinstatement of the penstock route will ensure there is no lasting adverse impact on the landscape character.

### Power House

- 7.20 The powerhouse would be located approximately 30m from the A85 and 700m from Benmore Farm (see Appendix 2), it is a modest structure as described in section 3.4. It would be largely screened from public view by the existing trees along the A85 however these are outwith the control of the applicant, a condition is therefore recommended for landscaping around the powerhouse to ensure it is fully integrated in the landscape should the existing tree cover be removed.
- 7.21 The powerhouse is proposed to have a metal profile roof and vertical timber cladding. This is appropriate for the area and final colours should be agreed by condition. See condition 5. From higher vantage points, for example Ben More or Breadalbane – Schiehallion Wild Land Areas, the powerhouse will read as part of the existing man made features along the A85 and will not appear incongruous in the landscape. A photomontage of the proposed powerhouse and access track is provided in **Figure 7**.



**Figure 7: Photomontage of Powerhouse as viewed from existing track looking north east.**

Outfall

- 7.22 The outfall is proposed to be located approximately 70m to the east of the powerhouse. It would be at the top of a set of concrete ‘steps’ which are part of an existing culvert under the A85. This existing feature impedes fish migrating upstream. There would be no visibility of the outfall from the A85. Nevertheless, it is recommended that a condition is applied for the micrositing and landscaping around the outfall to ensure satisfactory integration with the surrounding landform. See condition 5.

Cumulative Impact

- 7.23 There could be a cumulative visual impact if the tracks and pipeline are not mitigated adequately. There are 5 hydropower schemes operational within Glen Dochart. The nature of hydropower schemes is that during construction there is a high adverse visual impact due to the working corridor to install the buried pipeline and construct the intake structures and powerhouse. On completion of restoration works, post construction, it is normally only the intake structures, small powerhouse and a narrowed and revegetated access track which are potentially visible. As such, the long term visual impact is low. There is no inter-visibility between the existing schemes (of which the ground has been restored) and the proposed scheme. It is therefore considered that there will be no cumulative visual impact as a result of an additional hydropower scheme in Glen Dochart. Furthermore, the implementation of good working practices in relation to pollution prevention and silt management will ensure no cumulative impact on the River Tay SAC.

Wild Land Areas

- 7.24 The core Wild Land Areas of Ben More –Ben Ledi and Breadalbane-Schiehallion are both approximately 1.5kms from the development footprint. The proposal has been reviewed

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carefully with the input of the National Park Natural Heritage Advisor. From the Ben More –Ben Ledi WLA, it is considered that the proposed scheme would be read as part of the existing man made features (comprising the A85; Benmore Farm buildings; the existing track into Benmore Glen and overhead power lines) on this side of Glen Dochart. **Figure 8** provides a view of the proposed scheme from the Breadalbane – Schiehallion WLA. This demonstrates the low visibility of the existing track into Benmore Glen. The proposed track to the intakes will be narrower with re-profiling of the batters to match the existing landform. The visibility of the proposed track – with the correct restoration- should be less than the existing track and will not appear incongruous in the landscape. It is therefore considered that there will be not be a significant impact on the integrity of the Breadalbane – Schiehallion WLA.



**Figure 8: View of proposed scheme looking south from Breadalbane - Schiehallion Wild Land Area.** Blue circle= Existing track into Benmore Glen. Red lines= Proposed access tracks. Blue line = Buried pipeline. Arrows point towards the location of the intake structures.

### Landscape and Visual Impact Conclusion

- 7.25 During construction, there will be an adverse visual impact. However, on completion of the works and with the careful implementation of a number of mitigation measures, it is considered that any landscape and visual impact will be localised only and will not result in a wider or significant adverse landscape impact. Vital mitigation measures include careful turve management, exclusion of grazing animals, detailed landscaping plans for the areas around the powerhouse, tailrace, batters and final drainage for the tracks. The regrading of the downslope batter and reduction in the track width will be a key part of the development to ensure that there is not a significant adverse landscape impact. The reprofiling of the slope taking cognisance of the many rocky outcrops and areas of glacial moraine will be vital in this case. The agreement of the final design of the intakes is also important as well as the final finish of the powerhouse and any other ancillary buildings or infrastructure.

### Ecology

- 7.26 *Impact on River Tay Special Area of Conservation (SAC)*  
The Habitat Regulation Appraisal which has been carried out, in addition to advice from SNH and the National Parks Natural Heritage Advisor, confirms that the proposal will not adversely affect the integrity of the River Tay SAC if appropriate mitigation measures are put in place. The proposed mitigation measures will be controlled by condition and monitored on site by an Ecological Clerk of Works appointed by the applicant and further monitored by the National Park Planning Authority. See conditions 7 and 8.
- 7.27 *Impact on Ben More and Stob Binnein SSSI*  
The proposal lies partially within Ben More and Stob Binnein SSSI – on the northern edge. The findings of the Habitat Survey and Assessment submitted with the application, confirms that the habitats under the footprint of the proposal are not part of the qualifying features of the SSSI. This was also confirmed during a site visit with the National Parks

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Natural Heritage Advisor. Further to this, the designated features are approximately 500m upslope from the proposal and it is therefore highly unlikely that there will be any impacts from construction site dust or run-off.

### 7.28 *Ground Water Dependant Terrestrial Ecosystems (GWDTE)*

SNH agree with the findings of the Habitat Survey submitted with the application that impact on this habitat will not be significant as noted in point 4.2 of this report.

SEPA has requested a condition be attached to any consent requiring that where avoidance of GWDTEs is not possible, that mitigation measures are implemented to maintain the functionality of the wetlands and prevent the structures from becoming preferential conduits of water. See condition 3d.

### 7.29 *Protected Species*

No protected species were found at the site. Mitigation measures are outlined in the Protected Mammals Survey submitted with the application and these should be implemented. A condition is recommended in this regard. See condition 2.

### 7.30 *Fish*

The fish survey carried out shows that there are no fish fry/parr above the culvert for the A85. There are therefore no fish travelling up the water course beyond the tailrace.

### **Public Access**

- 7.31 The proposed development will utilise the first 900m of a track used to access two of the Parks major peaks Ben More (1174m) and Stob Binnein (1165m), it is also the main recreational route between Glen Dochart and Inverlochlarig to the south. The path is popular for recreation throughout the year, supporting hill walking, mountain biking and horse riding. The proposal has been reviewed by the National Parks Access Officer – it has been noted that it is important the proposed development does not have a significant negative effect on the long term structure and stability of the path surface, or on the quality of the recreational experience. To mitigate against potential damage and disturbance issues an Access Management Plan will be secured through a planning condition prior to commencement of works. See condition 12.

### **Traffic and Vehicle Access**

- 7.32 No concerns have been raised by Stirling Council as Roads Authority or Transport Scotland regarding the proposed use of the existing access to Benmore Farm to access the scheme from the A85.

## **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 hydroelectricity developments (Policy REP1) of the Adopted Local Development Plan.
- 8.2 The successful restoration of the permanent access tracks is the key factor to ensure that there is no residual landscape impact in the long term on completion of construction works. The mitigation measures put forward in the applicants supporting information are considered to be adequate to address concerns regarding the restoration of the tracks and ensure there is no significant landscape impact. These have been carefully reviewed in conjunction with the National Parks Natural Heritage Advisor. The representations raised have been fully considered in the assessment of the proposal and it has been concluded that there will be no significant impact on the natural heritage of the area. On balance, weighing the potential landscape and visual impact against the proposed restoration

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measures in the long term, the proposal is considered to meet the requirements of the National Park Aims by promoting the sustainable use of natural resources whilst conserving and enhancing the natural and cultural heritage of the area.

- 8.3 It is therefore recommended that Members:  
**APPROVE** the application subject to the conditions contained in Appendix 1.

### LIST OF PLANS

Title	Reference	Date Received
Location Plan	2200/1	10/04/17
Intake Details	2200/100	10/04/17
Intake Sections	2200/101	10/04/17
Intake Upstream Elevation	2200/102	10/04/17
Compensation Flow Details	2200/103	10/04/17
Powerhouse General Arrangement. Elevations.	2200/200	10/04/17
Powerhouse Floor Plan	2200/201	10/04/17
Powerhouse Sections	2200/202	10/04/17
Intake Plan	2200/5	10/04/17
Powerhouse Site Plan	2200/6	10/04/17
Scheme Plan	2200/2B	16/06/17
Track Plan with Track Section Locations	2200/10A	20/12/18
Track Section Plan	2200/9	20/12/18
Access Track Sections	2200/104B	29/01/19
Intake Track Sections	2200/106A	29/01/19
Intake Track Photos		29/01/19
Powerhouse Track Photos		29/01/19
Access Track Report		29/01/19
Intake Structures - Document		29/01/19
Protected Mammals Survey and Assessment		10/04/17
Outfall Site		20/12/18

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

**Documents:** Click on view applications, accept the terms and conditions then enter the search criteria as "2017/0119/DET".

**List of** Appendix 1 Conditions and Informatives

**Appendices:** Appendix 2 Scheme Layout

Appendix 3 Screening Opinion

Appendix 4 Habitat Regulations Appraisal and Appropriate Assessment.